

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

DOCKET NO: 2020-03606

DIVISION "J"

RAMELLI JANITORIAL SERVICE, INC.

VERSUS

IV WASTE, LLC

FILED: _____

DEPUTY CLERK

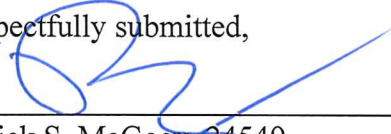
NOTICE OF RECORDS ONLY DEPOSITION

PLEASE TAKE NOTICE that on **November 29, 2021 at 10:00 a.m.** at the offices of Schonekas, Evans, McGoey & McEachin, L.L.C., 909 Poydras Street, Suite 1600, New Orleans, Louisiana 70112 the undersigned counsel for plaintiff, Ramelli Janitorial Service, Inc., will take the **RECORDS DEPOSITION ONLY** of **CARIMI CONSTRUCTION & DEVELOPMENT, LLC**, before a Notary Public or any other qualified officer or reporter, at which time you are hereby invited to attend.

Furthermore, in accordance with Louisiana Rules of Civil Procedure, plaintiff gives notice that a subpoena *duces tecum* has been issued to **CARIMI CONSTRUCTION & DEVELOPMENT, LLC** for production of the items listed in Exhibit "A" attached hereto.

THIS DEPOSITION IS FOR THE PRODUCTION OF RECORDS ONLY. IF THE AFOREMENTIONED RECORDS ARE TIMELY RECEIVED AT THE LAW OFFICES OF SCHONEKAS, EVANS, MCGOEY & MCEACHIN, LLC, 909 POYDRAS STREET, SUITE 1600, NEW ORLEANS, LOUISIANA 70112, PERSONAL APPEARANCE IS NOT NECESSARY.

Respectfully submitted,



Patrick S. McGoey, 24549
Andrea V. Timpa, 29455
McClain Schonekas, 36007
SCHONEKAS, EVANS, MCGOEY &
MCEACHIN, L.L.C.
909 Poydras Street, Suite 1600
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patrick@semmlaw.com
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Exhibit

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CDC, No. 20-3606

exhibitsticker.com


and

Michael Thomas, 27108
Michael A. Thomas, Attorney at Law, LLC
112 Holly Drive
Metairie, LA 70005
Telephone: (504)-460-5742
Facsimile: (504)-833-0487
mike@michaelthomasllc.com

Attorneys for Ramelli Janitorial Service, Inc.

CERTIFICATE OF SERVICE

I do hereby certify that on the 1st day of November, 2021, I delivered the forgoing document to the opposing counsel via ___ U.S. Mail, email and/or ___ facsimile transmission.



Patrick S. McGoey

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA**

SUBPOENA

No. **2020-3606**

DIVISION " **J** "

Docket No. _____

Ramelli Janitorial Service, Inc.
VS.
IV Waste, LLC

TO: Carimi Construction & Development, LLC through its registered agent, David Carimi
530 S. Norman C. Francis Pkwy, Suite 101, New Orleans 70119
CLERK, CIVIL DISTRICT COURT - Please issue a subpoena to the above party as directed below.

SUBPOENA REQUEST

[] **YOU ARE COMMANDED** to appear in the Civil District Court, Parish of Orleans in Division "_____", 421 Loyola Ave., New Orleans, LA 70112, on the ____ day of _____, 20__ at _____ o'clock ____m., to testify the truth according to your knowledge, in a controversy pending herein between the parties above named; and hereof you are not to fail under the penalty of the law. By order of the Court.

DEPOSITION SUBPOENA REQUEST

[] **YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

| | |
|---------------------|---------------|
| PLACE OF DEPOSITION | DATE AND TIME |
|---------------------|---------------|

REQUEST FOR WRIT OF SUBPOENA DUCES TECUM

[] **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects for the trial, deposition, or hearing (state type) _____ at the place, date and time specified below (list documents or objects) pursuant to the provisions of Article 1354 et. seq. of the LA Code of Civil Procedure.

NOTICE: ARTICLE 1354 APPEARS IN FULL ON BACK OF SERVICE COPY

See attached Exhibit "A" for list of documents requested

| | |
|--|--|
| PLACE Offices of Schonekas, Evans, McGoey & McEachin LLC 909 Poydras St., Ste. 1600, New Orleans, LA 70112 | DATE AND TIME November 29, 2021, 10:00 AM |
|--|--|


**CHELSEY RICHARD NAPOLEON, CLERK
CIVIL DISTRICT COURT**

Issued at the request of, and,
Fees and cost guaranteed by undersigned

ATTORNEY

ATTORNEYS
NAME & BAR NUMBER

ADDRESS
&
TELEPHONE NUMBER



Attorney's signature
Patrick McGoey, 24549

Schonekas, Evans, McGoey & McEachin LLC

909 Poydras St., Ste. 1600, New Orleans LA 70112

504-680-6050

File original and two copies with Clerk
fourth copy for Attorney's File

CIVIL DISTRICT COURT
FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

DOCKET NO: 2020-03606

DIVISION "J"

RAMELLI JANITORIAL SERVICE, INC.

VERSUS

IV WASTE, LLC

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DEPUTY CLERK

**EXHIBIT "A" TO SUBPOENA DUCES TECUM
DIRECTED TO CARIMI CONSTRUCTION & DEVELOPMENT, LLC**

I. DEFINITIONS

1. The terms "you," "your," or "Carimi" shall mean Carimi Construction & Development, LLC, its divisions, corporate parents or subsidiaries, any entity under its management, custody or control, and any agents, representatives, employees, attorneys, consultants, or any person acting or purporting to act on its behalf for any purpose or reason whatsoever.

2. The term "person" shall mean natural persons, corporations, partnerships, joint ventures, associations, joint stock companies, trusts, unincorporated organizations, governments or political subdivisions thereof and governmental agencies.

3. The term "document" shall be broadly construed and shall mean the original and any written, printed, typed, record, or graphic materials of any kind, character, now or formerly in the actual or constructive possession, custody, or control of the claimant, including without limitation, electronic or hardcopy notes, drafts, letters, emails, correspondence, memoranda, messages, records, minutes, calendar or maps, contracts, agreements, photographs, statements, pamphlets, notices, studies, summaries, reports, faxes, worksheets, invoices, ledgers, financial statements, check registers, checks, e-mail messages, audio or video recordings, or any data in an electronic or computerized format, and all documents and information necessary to complete understanding or interpretation of the foregoing.

4. The terms "relate to" or "relating to," including any variations thereof, shall be construed broadly and shall mean to involve, to bear upon, to concern, to reflect, to support, to refer to, to contain a discussion, description, notation, identification, or statement about, a reference to, or in any way a mention of, in whole or in part.

5. The terms "and" or "or," as used herein, are terms of inclusion and not of exclusion, and they should be construed either disjunctively or conjunctively as necessary, to bring within the scope of this demand any documents or information that otherwise might be construed to be outside of its scope.

6. The term "communication" shall mean any contact, transmission, or exchange of information between two or more persons, orally, electronically, or in hardcopy (including, but not limited to, emails, text messages, letters, voicemails, recordings, memoranda, minutes or notes of meeting or conversations, etc.).

7. The singular form of any noun or pronoun shall be construed to include within its meaning the plural form of the noun or pronoun so used, and vice versa. The masculine form of a noun or pronoun shall be considered to include within its meaning the feminine and neutral genders.



8. The term "TV Waste" shall mean IV Waste, LLC, together with its divisions, corporate parents or subsidiaries, any entity under its management, custody or control, and any agents, representatives, employees, attorneys, consultants, or any person acting or purporting to act on its behalf for any purpose or reason whatsoever.

9. The term "NBN Services" shall mean NBN Services, LLC, together with its divisions, corporate parents or subsidiaries, any entity under its management, custody or control, and any agents, representatives, employees, attorneys, consultants, or any person acting or purporting to act on its behalf for any purpose or reason whatsoever.

10. The terms "Kenner Drop-Off Site," "Kenner Drop Site," "Kenner Drop Station," "Kenner Hopper Yard," "Kenner Staging Yard," "Kenner Truck Yard," and "Kenner Waste Site," shall mean the area located at or around 24th Street and Connecticut Avenue (including but not limited to the following municipal addresses: 1803 23rd Street, Kenner, Louisiana; 1805 24th Street, Kenner, Louisiana)

11. The term "City of Kenner" shall include all of its municipal employees as well as any elected or appointed officials and administrators including but not limited to Mayor Ben Zahn, City Attorney Edward Rapier, Chief Administrative Officer Deborah C. Foshee, Chad Pitfield, and all members of the Kenner City Council.

II. INSTRUCTIONS FOR PRODUCING DOCUMENTS

1. Please produce any materials responsive to the requests below at the offices of undersigned counsel within the return date indicated on the subpoena.

2. If any portion of any document is responsive to any request, please produce the entire document. Documents produced pursuant to this request should be produced in the order in which they appear in your files and shall not be shuffled or otherwise rearranged. Documents that in the original condition are stapled, clipped, or otherwise fastened together shall be produced in such form.

3. For each document or portion thereof withheld under a claim of privilege or other doctrine, submit a sworn and certified statement from a person(s) with competent knowledge of the relevant facts, identifying the document by author, addressee, nature (*i.e.*, letter, memorandum, etc.), date, number of pages, and subject matter; specifying the nature and the claim of privilege in the paragraph(s) of this request to which a document is responsive; stating the facts giving rise to the claimed privilege; and identifying each person to whom the document or its contents, or any part thereof, has been disclosed.

4. If you have created or maintain any electronic or hardcopy file for the purpose of retaining documents related to the subject matter of this litigation, provide the file in its entirety.

5. For any emails or other electronic files produced, please produce such materials either as they are kept in the usual course of business (*i.e.*, in their native format) or in a reasonably-usable format that preserves the metadata associated with the electronic files (*e.g.*, images with a load file). If you elect to provide images electronic documents instead of native files, provide a corresponding OCR text file for each document, and a load files that preserves the following metadata fields associated with each document:

- | | | |
|------------|------------|---------------------|
| • To | • Attachmt | • Owner (Custodian) |
| • From | • Parentid | • Folder path |
| • CC | • Atchids | • Date created |
| • BCC | • Doctitle | • Date modified |
| • Subject | • Doctype | • Date accessed |
| • Docdate | • Fileext | • Author/User |
| • Datesent | • Filename | • MD5 hash |
| • Timesent | | |

6. If providing emails that are part of an exchange consisting of two or more emails (i.e., an email chain), provide all emails that comprise the exchange, not merely the last email sent.

7. Search all electronic devices, folders, archives, servers, drives, and discs in your possession, custody or control upon which it is reasonably anticipated that responsive materials may be found, and please search using broad keywords designed to capture any and all materials responsive to these requests.

8. If you have any questions regarding the scope, meaning or intent of this request for documents, please promptly contact counsel in writing.

III. DOCUMENTS TO BE PRODUCED

- 1). Any and all emails or text messages regarding the construction of the Kenner Drop-Off Site.
- 2). Any and all communications with Sydney Torres, Julie Tufaro, and/or any other agent/employee of IV Waste regarding the Kenner Drop-Off Site.
- 3). Any and all communications with the City of Kenner, including but not limited to city officials Mayor Ben Zahn, Deborah Foshee, and/or Chad Pitfield, regarding the Kenner Drop-Off Site.
- 3). Any and all communications with Joseph "Nicky" Nicolosi, Jr. and/or any other agent of NBN Services, LLC regarding the Kenner Drop-Off Site.
- 4). Any and all invoices issued by Carimi for construction of the Kenner Drop-Off Site.
- 5). Any and all payments made by Carimi to Mr. Nicolosi or NBN Services.
- 6). Any and all contracts with, invoices from, and/or payments made to any design professional, engineering firm, or consultant for work on the Kenner Drop-Off Site.
- 7). Any and all emails from anyone at Carimi to any contractors, design professionals, subcontractors, or consultants concerning the construction of the Kenner Drop-Off Site.
- 8). Any and all permits, plans, and specifications, obtained for the construction of the Kenner Drop-Off Site.