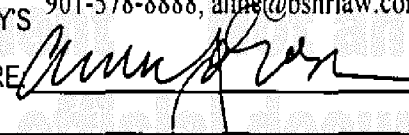
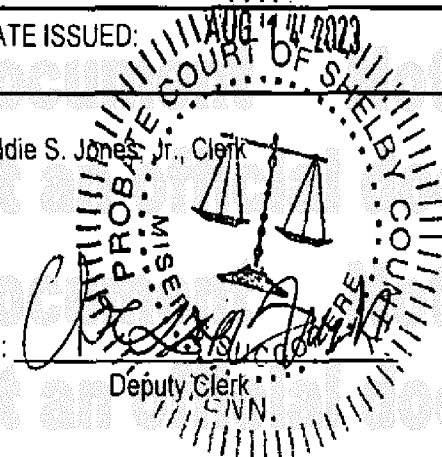
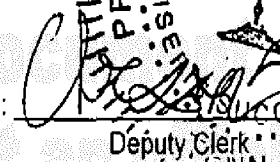


STATE OF TENNESSEE SHELBY COUNTY PROBATE COURT		SUBPOENA <u>X</u> SUBPOENA DUCES TECUM TO TESTIFY TO TAKE DEPOSITION		DOCKET NUMBER C-010333
PLAINTIFF: In re: Michael Jerome Williams, Jr. a/k/a Michael Jerome Oher		DEFENDANT:		
TO: (Name, Address and Telephone Number of Witness) Debra Branan 2584 Hwy 51 South Hernando, MS 38632		Method of Service: Shelby County Sheriff Out of County Sheriff <u>X</u> Private Process Server		
You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in punishment by fine and/or imprisonment as provided by law				
TIME TO APPEAR Time to Produce: 12:00 p.m.		DATE TO APPEAR Date to Produce: September 15, 2023		ITEMS TO BRING: See attached Exhibit A. Additional List Attached
PLACE TO APPEAR: Probate Court, Division _____ 140 Adams Avenue Room 124 Memphis, Tennessee 38103 OR Produce files to Anne Johnson, 530 Oak Court Drive, Suite 100, Memphis, TN 38117-3722, anne@bshrlaw.com				
This subpoena is being issued on behalf of ____ Plaintiff _____ Defendant <u>X</u> Ward Attorney: (Name, Address & Telephone Number) Anne Johnson (BPR #03719) Butler, Sevier, Hinsley & Reid, PLLC 530 Oak Court Dr., Ste. 100, Memphis, TN 38117-3722 901-578-8888, anne@bshrlaw.com ATTORNEYS SIGNATURE 		DATE ISSUED: <u>AUG 14 2023</u>  Eddie S. Jones, Jr., Clerk By:  Deputy Clerk CIVN.		
Private Process Server's Name and Address and Phone No.				
RETURN OF SERVICE				
Check one: Note: A Private Process Server's or an Attorney's return must be sworn to below:				
1. _____ I certify that on _____ I served a copy of this subpoena on the witness stated above by _____				
2. _____ I certify that on _____ I failed to serve a copy of this subpoena on the witness because _____				
Sworn to and Subscribed before me on this _____ day of _____, 20_____		Notes or Signature or recipient:		
Notary Public/ Deputy Court Clerk My Commission Expires: _____		Signature of Sheriff, Attorney or Attorney's Agent		

Submit three: Original, Witness Copy, File Copy

EXHIBIT A

DEFINITIONS

1. The term "COMMUNICATION" whether stated in the singular or plural, means any exchange of information by any means of transmission, sending or receipt of information of any kind by or through any means including, but not limited to speech, writings, documents, language (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio or video signals, telecommunication, telephone, teletype, facsimile, telegram, microfilm, microfiche, photographic film of all types or other media of any kind.

2. The term "CAUSE" means *In Re: Michael Jerome Williams, Jr. a/k/a Michael Jerome Oher*, Cause Number: C-010333, in the Probate Court of Shelby County, Tennessee.

3. The terms "CONCERN" or "CONCERNING," and all derivatives thereof, mean about, addressing, alluding to, analyzing, commenting upon, comprising, in connection with, considering, constituting, containing, defining, describing, determining, disclosing, discussing, embodying, evaluating, evidencing, examining, explaining, in respect of, memorializing, mentioning, noting, pertaining to, recording, referring to, relating to, reflecting, regarding, relevant to, respecting, responding to, setting forth, showing, stating, studying, summarizing, supporting, or touching upon, either directly or indirectly, in whole or in part, and should be given the broadest possible scope consistent with the Tennessee Rules of Civil Procedure.

4. The term "DOCUMENTS" is intended to have the broadest meaning permitted, and includes, without limitation all written, typed, electronically recorded or other graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, non-identical copies, preliminary versions or revisions of documents, whether or not completed and drafts and both sides thereof, in any medium whatsoever, including: letters, correspondence, electronic mail, papers, memoranda, contracts, agreements, books, journals,

ledgers, statements, reports, studies, bills, billings, invoices, financial statements, financial analyses, worksheets, jottings, projections, notes, abstracts, advertisements, drawings, audits, charges, balance sheets, income statements, checks, diagrams, blueprints, diaries, calendars, logs, recordings, instructions, lists, minutes of meetings, orders, resolutions, telegrams, wires, cables, telexes, faxes, messages, resumes, summaries, tabulations, tallies, statistical analyses, tape recordings, videotapes, and all other writing or tangible things on which any information is recorded or reproduced, and any and all amendments or supplements to all the foregoing, whether prepared by a party or any other PERSON.

5. The term “CO-CONSERVATORS” refers to Sean and Leigh Anne Tuohy.

6. The term “MAKING IT HAPPEN FOUNDATION” refers to Leigh Anne Tuohy’s 501(c)(3) corporation the Making it Happen Foundation.

7. The term “PERSON” includes any natural individual, firm, association, organization, partnership, limited partnership, sole partnership, trust, corporation, or legal or government entity, association, or body.

8. The term “*THE BLIND SIDE*” refers to the Twentieth Century Fox movie *The Blind Side* based on the life of Michael Oher and the TUOHY FAMILY.

9. The term “TUOHY FAMILY” refers to Sean Tuohy, Leigh Anne Tuohy, Collins Tuohy Smith, and Sean Tuohy, Jr.

10. The terms “YOU” or “YOUR” refer to the PERSON to whom this request is directed, as well as its predecessors, successors, parents, subsidiaries (former and current).

11. “RELATING TO” or “RELATES TO” means constituting, evidencing, representing, supporting, and/or concerning.

GENERAL INSTRUCTIONS

1. All DOCUMENTS shall be produced in the order they are kept in the ordinary course of business, and shall be produced in their original folders, binders, covers or containers, or facsimile thereof.

2. These requests RELATE TO all DOCUMENTS which are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR predecessors, successors, parents, subsidiaries, divisions or affiliates, or YOUR respective officers, directors, agents, attorneys, accountants, employees, partners, or other PERSONS occupying similar positions or performing similar functions. A DOCUMENT is deemed to be in YOUR possession, custody, or control if it is in YOUR physical custody, or if it is in the physical custody of any other PERSON and YOU (a) own such DOCUMENT in whole or in part, (b) have a right, by contract, statute, or otherwise, to use, inspect, examine, or copy such DOCUMENT on any terms, (c) have an understanding, express or implied, that YOU may use, inspect, examine, or copy such DOCUMENT on any terms, or (d) have, as a practical matter, been able to use, inspect, examine, or copy such DOCUMENT when YOU sought to do so.

3. YOU shall produce the original of each DOCUMENT described below or, if the original is not in YOUR custody, then a copy thereof, and in any event, all non-identical copies which differ from the original or from the other copies produced for any reason, including, but not limited to, the making of notes thereon.

4. Format of Production:

- (1) All DOCUMENTS, including all electronically stored materials and information ("ESI"), will be produced in electronic format, with standard load files suitable for loading into a litigation support database. The load files will define DOCUMENT breaks, attachments, and other information identified herein.
- (2) YOU shall use a CD, DVD, hard drive, or share third-party FTP site for its ESI production, and will cooperate in good faith to use the highest-capacity available media to minimize associated overhead. YOU shall label the

physical media with the production date, media volume name, and DOCUMENT number range.

5. If production of DOCUMENTS is withheld on the ground of privilege, as to each such withheld DOCUMENT, YOU shall state the following information:

- (a) Which privilege is claimed;
- (b) A precise statement of the facts upon which said claim of privilege is based;
- (c) The following information describing each purportedly privileged DOCUMENT:
 - (i) Its nature, e.g., agreement, letter, memorandum, tape, etc.;
 - (ii) The date it was prepared;
 - (iii) The date it bears;
 - (iv) The date it was sent;
 - (v) The date it was received;
 - (vi) The number of pages in and the nature and title of the DOCUMENTS, and a description of the general subject matter of the DOCUMENT or COMMUNICATION;
 - (vii) Any identifying index or reference number for the DOCUMENT or the file in which the DOCUMENT is found, as well as the name of any such file;
 - (viii) The identity of each and every attachment or enclosure for the DOCUMENT;
 - (ix) The name, employer, position, and address of each author, preparer (other than stenographic or clerical personnel), sender, addressee and recipient of the DOCUMENT and the name, employer, position, and address of each participant in or witness to the COMMUNICATION;
 - (x) The full name, employer, position, and address of each PERSON now in possession of the original or a copy of the DOCUMENT;
 - (xi) The DOCUMENT request to which the information in the DOCUMENT is responsive; and
 - (xii) A statement as to whom each identified PERSON represented or purported to represent at all relevant times.
- (d) A precise description of the place where each copy of that DOCUMENT is kept, including the title or description of the file in which said DOCUMENT may be found and the location of such file.

6. Whenever a DOCUMENT is not produced in full or is produced in redacted form,

YOU shall so indicate on the DOCUMENT and state with particularity the reason or reasons it is not being produced in full and describe to the best of YOUR knowledge, information, and belief, and with as much particularity as possible, those portions of the DOCUMENT which are not being produced.

7. If a DOCUMENT responsive to these requests was at any time in YOUR possession, custody, or control but is no longer available for production, as to each such DOCUMENT YOU shall state the following information:

- (a) The DOCUMENT'S file or code number;
- (b) The nature and type of the DOCUMENT;
- (c) A description of the DOCUMENT'S contents;
- (d) The form of the DOCUMENT and its mode of storage, e.g., paper, cards, tapes, film, electronic, facsimile, computer storage devices, videotape, or other medium;
- (e) The number of pages of the DOCUMENT;
- (f) The names and addresses of the DOCUMENT'S authors and the name and address of the company by which the authors were employed;
- (g) The dates the DOCUMENT was in YOUR custody, possession, and control and the PERSONS who had such custody, possession, or control of the DOCUMENT, along with their position;
- (h) Whether the DOCUMENT is missing, damaged, destroyed, transferred, or otherwise disposed of, the date that action occurred or was discovered, the PERSONS who took that action, and the PERSONS who ordered, directed, advised or approved that action;
- (i) The DOCUMENT'S current location and the name and address of its current custodian, if any; and
- (j) All PERSONS having knowledge of the information contained in the DOCUMENT.

8. With respect to any category of DOCUMENTS, if the production of which YOU contend is in some way “burdensome” or “oppressive,” please state the specific reasons for that objection.

REQUEST FOR PRODUCTION OF DOCUMENTS AND COMMUNICATIONS

1. All DOCUMENTS and COMMUNICATIONS CONCERNING Michael Oher.
2. All DOCUMENTS and COMMUNICATIONS, including but not limited to contracts, agreements, and notices CONCERNING *THE BLIND SIDE*.
3. All DOCUMENTS and COMMUNICATIONS, including but not limited to, records of monies received by the MAKING IT HAPPEN FOUNDATION CONCERNING or RELATING TO Michael Oher, appearances by the TUOHY FAMILY, *THE BLIND SIDE*, Twentieth Century Fox, Alcorn Entertainment, books written by the TUOHY FAMILY, including but not limited to, *In a Heartbeat: Sharing the Power of Cheerful Giving* by Leigh Anne Tuohy and Sean Tuohy and *Turn Around: Reach Out, Give Back, and Get Moving* by Leigh Anne Tuohy.
4. All DOCUMENTS CONCERNING payments made to YOU from the MAKING IT HAPPEN FOUNDATION.