

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Jonathan Hurwitz (2130631)</b> <b>Paul, Weiss, Rifkind, Wharton &amp; Garrison LLP</b> <b>1285 Avenue of the Americas, New York, NY 10019-6064</b> TELEPHONE NO.: (212) 313-3254 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Metropolitan African Methodist Episcopal Church</b>	FOR COURT USE ONLY  E-FILED 11/2/2021 8:28 AM Superior Court of California County of Fresno By: I. Herrera, Deputy
Court for county in which discovery is to be conducted: <b>Superior Court of Fresno</b> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno</b> STREET ADDRESS: <b>1100 Van Ness Avenue</b> MAILING ADDRESS: <b>1100 Van Ness Avenue</b> CITY AND ZIP CODE: <b>Fresno, CA 93724</b> BRANCH NAME:	
Court in which action is pending: <b>Superior Court of the District of Columbia</b> Name of Court: <b>Superior Court of the District of Columbia, Civil Actions</b> STREET ADDRESS: <b>500 Indiana Ave., N.W. Room 5000</b> MAILING ADDRESS: <b>500 Indiana Ave., N.W. Room 5000</b> CITY, STATE, AND ZIP CODE: <b>Washington, D.C., 20001</b> COUNTRY: <b>USA</b>	
PLAINTIFF/PETITIONER: <b>Metropolitan African Methodist Episcopal Church</b>  DEFENDANT/RESPONDENT: <b>Proud Boys International, L.L.C., et al.</b>	CALIFORNIA CASE NUMBER (if any assigned by court)  <b>21CECG03244</b>
<p style="text-align: center;"><b>APPLICATION FOR DISCOVERY SUBPOENA IN ACTION PENDING OUTSIDE CALIFORNIA</b></p>	CASE NUMBER (of action pending outside California): <b>2021 CA 000004 B</b>

1. Applicant (name): **Jonathan Hurwitz**

is (check one):

Plaintiff  Petitioner  Defendant  Respondent  Other (specify):  
in the above action.

2. Applicant requests that this court issue a subpoena for discovery under Code of Civil Procedure sections 2029.100 – 2029.900 to (name and address of deponent or person in control of property):

**Hendrick Block**  
**Fresno, CA**

3. Attached is (check one):  the original  a true and correct copy of the document from the court in which the action is pending that requires the person in 2 to (check all that apply):

- a.  attend and give testimony at a deposition;  
 b.  produce and permit inspection and copying of designated materials, information, or tangible things in the possession, custody, or control of the deponent;  
 c.  permit the inspection of premises under the control of the deponent.

4. Applicant submits with this application a proposed subpoena that includes terms identical to those in the document from the out-of-state court. (Code of Civil Procedure section 2029.300(d).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **11/01/2021**

**Jonathan Hurwitz**

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

**Note:** This application must be accompanied by the fee specified in Government Code section 70626. A discovery subpoena must be personally served on the deponent in compliance with California law, including Code of Civil Procedure section 1985.

SUBPOENA

Superior Court of the District of Columbia
CIVIL DIVISION

Check One:

Civil Actions Branch
500 Indiana Ave., N.W.
Room 5000
Washington, D.C. 20001
Telephone: (202) 879-1133

Landlord & Tenant Branch
510 4th Street, N.W.
Room 110
Washington, D.C. 20001
Telephone: (202) 879-4879

Small Claims & Conciliation Branch
510 4th Street, N.W.
Room 120
Washington, D.C. 20001
Telephone: (202) 879-1120

METROPOLITAN AFRICAN METHODIST EPISCOPAL CHURCH
Plaintiff

SUBPOENA FOR A CIVIL CASE

v.

PROUD BOYS INTERNATIONAL, L.L.C., et al.
Defendant

CASE NUMBER: 2021 CA 000004 B

To: Hendrick Block

Check box if medical records are being requested

YOU ARE COMMANDED to appear in this Court at the place, date, and time specified below to testify in the above case.

Table with 3 columns: COURTROOM AND ADDRESS, DATE, TIME

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.

Table with 3 columns: PLACE OF DEPOSITION, DATE, TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition must designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which each person will testify. Super. Ct. Civ. R. 30(b)(6).

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Table with 3 columns: DOCUMENTS OR OBJECTS, PLACE OF PRODUCTION, DATE, TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date, and time specified below.

Table with 3 columns: PREMISES, DATE, TIME

Table with 2 columns: ISSUING PERSON'S SIGNATURE AND TITLE, DATE; ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER

Authorization as required by D.C. Code §14-307 and Brown v. U.S., 567 A.2d 426 (D.C. 1989), is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege related to such records.

JUDGE

(See Super. Ct. Civ. R. 45 (c) and (d) on the reverse side)
WHITE - FOR RETURN OF SERVICE YELLOW - FOR SERVICE

Case Number: \_\_\_\_\_

Court Date: \_\_\_\_\_

**PROOF OF SERVICE**

Served	Date	Time	Place
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Served on (Print Name)	Title
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**MANNER OF SERVICE** (attach the return receipt if service was made by registered or certified mail) I served the subpoena by delivering a copy to the named person as follows:

\_\_\_\_\_

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled case and that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

**Super. Ct. Civ. R. 45(c) and (d):**

**(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA; ENFORCEMENT.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney’s fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents, electronically stored information, or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 25 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place to the place of trial;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 25 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

## **SCHEDULE A – Hedrick Block**

### **DEFINITIONS**

As used in these document requests (“Requests”), the following terms are to be interpreted in accordance with the following definitions. Any perceived ambiguity in any Request should be resolved in a manner that renders the Request more rather than less inclusive.

1. “Attack” means the events on or about December 12, 2020 in which individuals entered Metropolitan AME’s property and damaged or destroyed its Black Lives Matter sign, as further described in paragraphs 79, 80, 81, 82, and 84 of the Complaint.

2. “Metropolitan AME” or “Plaintiff” means Plaintiff Metropolitan African Methodist Episcopal Church, including its congregants and any Related Person acting or purporting to act on its behalf.

3. “You” or “Your” means Hedrick Block, the individual to whom these questions are directed, as well as any Related Person acting or purporting to act on his behalf.

4. “PBI” means Proud Boys International, L.L.C., including any Related Person.

5. “The Proud Boys” means the fraternal order known as the Proud Boys, including any Related Person.

6. “Bylaws” means the Constitution and Bylaws of Proud Boys International L.L.C., dated November 24, 2018 or any predecessor document.

7. "The Elders Chapter" means the Proud Boys Elders Chapter as defined in Article II of the Bylaws or the corresponding section of any predecessor or successor document.

8. "Complaint" means the Complaint filed in this case, attached as Exhibit A to this Subpoena.

9. The terms "all," "any," and "each" shall be construed as encompassing any and all, as necessary to bring within the scope of the Requests all Documents and Communications that might otherwise be construed to be outside of their scope.

10. "Communication(s)" shall mean any manner or means of disclosure, transfer, exchange or conveyance of information, including, but not limited to, any conversation, discussion, letter, memorandum, facsimile transmission, text message, note, meeting, electronic mail, social media post or direct message, or other transfer of information, whether oral or written or by any other means, and includes any document that abstracts, digests, transcribes or records any communication.

11. "Document(s)" is intended to have the broadest permissible meaning under applicable law and shall include any and all written, recorded, or graphic matter or material of any kind, type, nature, or description (whether in tangible, hard copy, printed, or electronic form), including electronic mail, Bloomberg messages, instant messages, social media posts or messages using any social media platform (including Twitter, Parler, Telegram, and YouTube), text messages using any app or platform (including WhatsApp or Signal), photographs, films, video recordings, audio recordings, correspondence, memoranda, tapes, stenographic, or handwritten notes, forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, letters,

telegrams, photographs, minutes, contracts, agreements, calendars, appointment books, computer files, computer printouts, data compilations of any kind, teletypes, telexes, facsimiles, invoices, order forms, checks, drafts, statements, credit memos, reports, position reports, summaries, surveys, indices, books, ledgers, notebooks, schedules, transparencies, recordings, catalogs, advertisements, promotional materials, CDs, computer disks or diskettes, brochures, pamphlets, or any written or recorded materials of any other kind, however stored, recorded, produced, or reproduced, and also including drafts or copies of any of the foregoing that contain any notes, comments, or markings of any kind not found on the original documents or that are otherwise not identical to the original documents.

12. "Including" means including but not limited to.

13. "Relating to" means containing, constituting, considering, comprising, concerning, discussing, disclosing, regarding, describing, reflecting, referencing, showing, studying, commenting, or reporting on, mentioning, analyzing, or referring, alluding, or pertaining to, in whole or in part, directly or indirectly.

14. "Control" with respect to a Document means when a person has any ownership, possession, or custody of a document, or the legal right or practical ability to secure the Document or a copy thereof.

15. "Person" or "Persons" means natural persons, proprietorships, corporations, partnerships, trusts, joint ventures, groups, associations, organizations, chapters, and all other entities, whether or not legal entities.

16. "Related Persons" means any members, chapters, affiliates, predecessors- or successors-in-interest, parents, subsidiaries, agents, assigns, directors, officers,

employees, representatives, advisors, attorneys, consultants, and any other Persons purporting to act for or on a Person's behalf.

17. "And" and "or" shall each mean and/or.

18. All references herein to any person or entity shall include any Related Persons.

### **INSTRUCTIONS**

1. You should produce all responsive Documents in Your possession, custody, or Control.

2. No part of a Request shall be left unanswered merely because an objection is made to another part of the Request. If there are no Documents responsive to a particular Request herein, You shall state so in writing. If any Request herein cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

3. All Documents produced in response to these Requests shall be provided in their entirety, including all attachments and all enclosures referred to in the documents, whether or not they contain information not requested. All interim as well as final versions of the document shall be produced, and all versions or copies that are not identical to the original or other produced copy of the document, whether due to handwritten notations, revisions, or otherwise, shall be produced. If any document is not produced in full, produce it to the extent possible, and identify each page or portion of the document withheld.

4. If no Documents exist that are responsive to a particular Request, You shall so state in writing.

5. If any Document requested herein has been lost, discarded, or destroyed, You must furnish a log with the following information for each document lost, discarded, or destroyed: (i) the type of Document (*e.g.* email, letter, memorandum, etc.); (ii) the date of the Document; (iii) the title of the Document; (iv) the author(s) of the Document; (v) the intended and actual recipients of the Document; (vi) the general subject matter of the Document; and (vii) the circumstances of the destruction of the Document.

6. If a Document is withheld under a claim of privilege or on any other basis, You shall furnish a log with the following information for each Document withheld: (i) the nature of the privilege; (ii) the type of Document (*e.g.*, letter or memorandum); (iii) the general subject matter of the Document; (iv) the date of the Document; (v) the author of the Document, the addressee(s) of the Document, and any other recipients, and, where not apparent, the relationship of the author, addressee(s), and recipients to each other.

7. Any requested Document that You object to producing, but that nevertheless contains non-objectionable responsive information, must be produced with any portion as to which the objection is asserted redacted and such portion marked "Redacted." For any Document produced with redactions made under any objection or claim of attorney-client privilege or attorney work product or other immunity, You shall make the objection or claim expressly.

8. If, after producing all responsive documents, You obtain or become aware of any additional Documents responsive to these Requests, the additional documents shall be produced forthwith.

9. Plaintiff reserves the right to seek supplementary responses and to make supplementary Requests.



10. Unless otherwise indicated, each Request for Production requests information for the period between September 1, 2016 to the date of production.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

#### **REQUEST NO. 1:**

All Documents relating to the Attack on Metropolitan AME Church on or about December 12, 2020.

#### **REQUEST NO. 2:**

All Documents relating to or identifying any persons involved in the Attack on Metropolitan AME Church on or about December 12, 2020.

#### **REQUEST NO. 3:**

All Documents relating to any gathering or protest by Proud Boys or Proud Boys members or supporters in Washington, D.C. on or about December 12, 2020.

#### **REQUEST NO. 4:**

All Documents relating to any planning or organization of any gathering or protest by Proud Boys or Proud Boys members or supporters in Washington, D.C. on or about December 12, 2020.

#### **REQUEST NO. 5:**

All Documents relating to any meetings or communications relating to any gathering or protest by Proud Boys in Washington, D.C. on December 12, 2020, including, but not limited to, Elders Chapter meetings, local or regional chapter meetings, and/or meetings of any other groups that operate within or are related to the Proud Boys.

**REQUEST NO. 6:**

All Documents relating to the Black Lives Matter movement and its supporters and/or any other racial justice movements and their supporters.

**REQUEST NO. 7:**

All Documents relating to any gathering or protest by Proud Boys in Washington D.C. prior to December 12, 2020, including but not limited to any such gathering or protest on or about November 14, 2020.

**REQUEST NO. 8:**

All Documents relating to attendance at, travel to, planning for, fundraising or financing for, or paying expenses for any gathering or protest by Proud Boys in Washington D.C. on or before December 12, 2020.

**REQUEST NO. 9:**

All Documents relating to the organizational structure of the Proud Boys, PBI, the Proud Boys Elders Chapter, any and all local or regional chapters of the Proud Boys, and any other groups, formal or informal, that operate within or are related to the Proud Boys, including, but not limited to, certificates of formation, operating agreements, bylaws, articles of incorporation, organizational charts, membership rosters and/or membership criteria.

**REQUEST NO. 10:**

All Documents relating to any entities affiliated with PBI, including, but not limited to, corporations, limited liability companies, unincorporated associations, nonprofit organizations, and/or partnerships that PBI controls, that control PBI, that are under common control, share common officers or directors, or that in any other way are affiliated with PBI.

**REQUEST NO. 11:**

All Documents relating to any contracts between PBI or Proud Boys and any third party that (1) provides or has provided goods or services (including financing or financial services) to PBI or Proud Boys, or (2) receives or has received goods or services from PBI or Proud Boys.

**REQUEST NO. 12:**

All Documents relating to Your membership in the Proud Boys, including, but not limited to, contracts with the Proud Boys, records of membership dues, membership certificates, group photos, commendations, awards, disciplinary records, and membership rosters.

**REQUEST NO. 13:**

All Documents relating to the financial condition and funding of the Proud Boys. Without limiting the foregoing, this Request should be construed to call for all Documents relating to membership dues, income from all sources, expenses, fundraising (including by means of live-streaming, podcasts and online stores), financial statements, statements of cash flows, bank statements, lists of assets and liabilities, real property owned or controlled by the Proud Boys or any affiliated entity, and the acquisition, ownership, control, or dispossession of any cryptocurrency.

**REQUEST NO. 14:**

All Documents relating to this case.

**REQUEST NO. 15:**

All Documents relating to any legal action or proceeding against You, the Proud Boys, any of its members, PBI, and/or any affiliated entity involving property torts, conspiracy, use of force, threats, defamation, intentional or negligent infliction of

emotional distress, violation of any statute that prohibits discrimination on the basis of race, violation of any statute that provides civil relief for a bias-motivated crime, or the Black Lives Matter movement.

**REQUEST NO. 16:**

All Documents produced or provided by You or obtained from You (whether by subpoena, seizure, or otherwise) by any law enforcement agency relating to the Proud Boys or activities involving Proud Boys in Washington, D.C. during the weeks of November 14, 2020, December 12, 2020, and January 6, 2021.