

11- 036

BON
AC/DES



Tonya G
Woods/MD/APHIS/USDA

10/20/2010 09:23 AM

To FOIA Officer/MD/APHIS/USDA@USDA

cc

bcc

Subject Fw: Subpoena for Records

Tonya G. Woods, Director
U.S. Department of Agriculture
Animal & Plant Health Inspection Service
Legislative and Public Affairs - FOIA & Privacy Acts Office
Telephone: (301) 734-8296
Fax: (301) 734-5941

----- Forwarded by Tonya G Woods/MD/APHIS/USDA on 10/20/2010 09:17 AM -----

From: Roxanne Folk/MD/APHIS/USDA
To: Tonya G Woods/MD/APHIS/USDA@USDA
Cc: Sarah L Conant/MD/APHIS/USDA@USDA, Ruth A McDermott/MD/APHIS/USDA@USDA
Date: 10/20/2010 08:39 AM
Subject: Subpoena for Records

Hi,

It is my understanding that subpoenas for records from APHIS are to go through FOIA, to your attention.

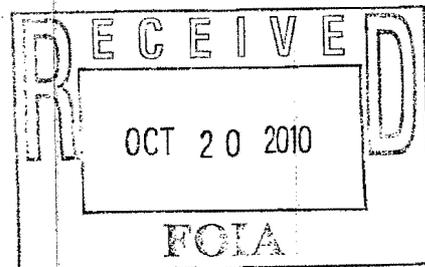
Attached is a subpoena for records. In addition to the records request, Mrs. Jan Baltrush, Animal Care Inspector, Animal Care, Connecticut, is to provide a deposition on October 26, 2010.

Please contact me directly if you have any concerns or require any additional information.



janbaltrush
subpoena
for
deposition
and
records.pdf

NOV 18



Roxanne

Roxanne Folk
Enforcement Specialist
Animal Health and Welfare Review and Enforcement Section
Investigative and Enforcement Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road
Unit 85 (Room 6B-02.7)
Riverdale, Maryland 20737
(301) 734-5578
(301) 734-4328 (facsimile)
roxanne.folk@aphis.usda.gov

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OFFICE OF THE CLAIMS COMMISSIONER

FILE NO. 22046

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

Claimant

V.
STATE OF CONNECTICUT,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Respondent

September 30, 2010

SUBPOENA DUCES TECUM

To: Jan Baltrush
586 Gronoke Road
Waterbury, CT 06708

BY THE AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby
commanded to appear before Computer Reporting Service, LLC, court reporters, or
before some other officer authorized by law to administer oaths, at the office of offices
of Willinger, Willinger & Bucci, P.C., 855 Main Street, 5th Floor, Bridgeport, Connecticut,
for the taking of your deposition by the plaintiff, Michael J. Nash, Conservator of the
Estate of Charla Nash, in the above entitled action on Tuesday, October 26, 2010 at
10:00 a.m., and on continuing days thereafter, if necessary, and within 60 days hereof.


A TRUE COPY
JOSEPH J. DIAGUSTINO
INDIFFERENT PERSON

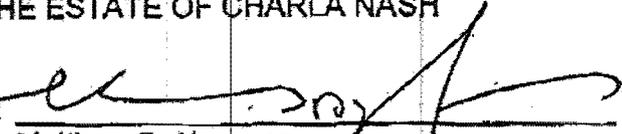
And you are further commanded to bring and have with you at said time and place the documents listed in Schedule A attached hereto.

HEREOF FAIL NOT, UNDER PENALTY OF THE LAW.

Dated at Bridgeport, Connecticut this 30th day of September 2010.

To any proper officer or indifferent person to serve and return.

THE CLAIMANT,
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By: 

Matthew D. Newman
Willinger, Willinger & Bucci, P.C.
855 Main Street, Bridgeport, CT 06604
Tel. 203-366-3939 Fax 203-337-4588
Juris No. 023585

NOTE: The above date and time are subject to change. Please call Matthew D. Newman, Esq. at (203) 366-3939 to confirm same. This subpoena is valid for a period of sixty (60) days.

SCHEDULE A**DEFINITIONS AND INSTRUCTIONS**

1. As used herein, the term "document" includes, without limiting the generality of its meaning, all originals (or copies where originals are unavailable), and non-identical copies including partial and preliminary drafts or versions of all written, recorded, or graphic matter, however produced or reproduced, or correspondence, telegrams, or sound recordings of any type of conversation, meeting, or conference, minutes of meetings, memoranda, interoffice communications, bid documents, bid preparation materials, subcontractors or potential subcontractors bids, studies, analyses, reports, summaries, and results of investigations and tests, reviews, contract, change orders, proposals, agreements, working papers, binders, insurance policies, bonds, tax returns, permits, permit applications, statistical records, ledgers, books of account, vouchers, bank checks, bank statements, invoices, receipts, computer data, stenographers' notebooks, daily or weekly logs, payroll data, work assignment data, schedules, budgets, cash flow analyses, manuals, directives, bulletins, desk calendars, appointment books, diaries, maps, graphs, charts, photographs, drawings or other graphic representations, plans, specifications, shop drawings, calculations, logs, investigator's reports, or papers similar to any of the foregoing, however labeled.

OFFICE OF THE CLAIMS COMMISSIONER

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Claimant

V.

STATE OF CONNECTICUT,
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PROTECTION

Respondent

September 30, 2010

NOTICE OF DEPOSITION

The Plaintiff in the above-entitled action, pursuant to Section 13-26 et seq. of the Connecticut Rules of Practice and Section 52-148a et seq. of the Connecticut General Statutes, hereby gives notice that the Plaintiff will take the deposition of JAN BALTRUSH on Tuesday, October 26, 2010 at 10:00 a.m. at the law office of Willinger, Willinger & Bucci, P.C., 855 Main Street, Bridgeport, Connecticut, before Computer Reporting Service or other competent authority.

Please take further notice that pursuant to Section 13-28 of the Connecticut Rules of Practice, the said Jan Baltrush is requested to bring all documents listed on Schedule A attached to the accompanying subpoena.

A TRUE COPY ATTEST

~~JOSEPH J. MACOSTA~~
INDIFFERENT PERSON

WILLINGER, WILLINGER & BUCCI, P.C. • ATTORNEYS AT LAW
855 MAIN STREET • BRIDGEPORT, CONN. 06604 • (203) 360-3939 • JURIS NO. 23585

2. "Concerning" or any variant thereof includes referring to, supporting, located in, considered in connection with, bearing, bearing on, evidencing, indicating, reporting on, recorded, alluding to, responding to, relating to, opposing, favoring, connected with, commenting on, in respect of, about, concerning, discussing, showing, describing, reflecting, analyzing, constituting and being.

3. "Communication" means any contact between two or more persons and shall include, without limitation, written contact by means such as electronic mail, letters, memoranda, telegrams, teletypes or telexes, or by any document, and any oral contact such as face-to-face meetings and telephone conversations.

4. As used herein, the term "Chimpanzee" shall refer to the primate owned by Sandra Herold of 241 Rockrimmon Road, Stamford, CT, on February 16, 2009.

5. As used herein, the term "Date of Incident" shall mean February 16, 2009.

6. As used herein, "DEP" shall mean and refer to State of Connecticut, Department of Environmental Protection and each of its employees, agents, staff, representatives, successors, and assigns.

7. As used herein, "Permit" shall mean that permit which is or could be issued pursuant to Connecticut General Statutes §26-55.

DOCUMENT REQUEST

Pursuant to Connecticut law you are required to bring with you to the deposition all documents in your possession custody and/or control, as follows:

1. Any documents concerning an incident in February 2009 when the Chimpanzee attacked and injured Charla Nash at the home of Sandra Herold in Stamford, Connecticut.
2. Any other documents concerning the Chimpanzee. The foregoing request includes, but is not limited to, any and all emails, letters, notes, reports, evaluation summaries, interview transcripts, Environmental Conservation Police reports, investigatory reviews and findings, staff and/or consultant memoranda, affidavits, any and all Permit processing documents, and any and all electronically stored data, inclusive but not limited to, emails from or to the DEP (or any of its agents or employees) or with any third party.
3. Any documents concerning DEP investigations of animals other than the Chimpanzee.
4. Any documents concerning any and all meetings (formal or informal), conferences, legislative inquiries and/or hearings relating to any proposed changes and/or amendments to C.G.S. § 26-40a and/or C.G.S. § 26-55. The foregoing request

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State of Connecticut and/or the United States Government (including but not limited to
the United States Department of Agriculture) concerning the Chimpanzee.

- c. Linda Howard;
- d. Susan Perry and/or
- e. April Truitt.

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includes, but is not limited to, any and all emails, letters, notes, reports, evaluation summaries, interview transcripts, Environmental Conservation Police reports, investigatory reviews and findings, staff and/or consultant memoranda, affidavits, any and all Permit processing documents, and any and all electronically stored data,

inclusive but not limited to, emails generated by the DEP or any of its agents or received by the DEP or any of its agents, either intra DEP or with any third party.

5. Any documents concerning or commenting on the dangerous propensities of the Chimpanzee or other chimpanzees.

6. Any documents concerning an incident in October 2003 when the Chimpanzee became loose in downtown Stamford, Connecticut.

7. Any documents concerning communications between you and any departments, branches, agencies or commissions of the City of Stamford, State of Connecticut and/or the United States Government (including but not limited to the United States Department of Agriculture) concerning the Chimpanzee.

8. Any documents concerning communications between the DEP and any and all other departments, branches, agencies or commissions of the City of Stamford, State of Connecticut and/or the United States Government (including but not limited to

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Please take further notice that pursuant to Section 13-28 of the Connecticut Rules of Practice, the said Jan Baltrush is requested to bring all documents listed on Schedule A attached to the accompanying subpoena.

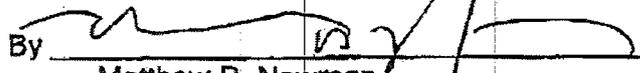
~~TRUE COPY ATTEST
MICHAEL J. NASH
INDIFFERENT PERSON~~

WILLINGER, WILLINGER & BUCCI, P.C. • ATTORNEYS AT LAW • BRIDGEPORT, CONN. 06604 • (203) 366-3869 • JURIS NO. 2368E
855 MAIN STREET

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THE PLAINTIFF
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By



Matthew D. Newman
Willinger, Willinger & Bucci, P.C.
855 Main Street, Bridgeport, CT 06604
Tel: (203) 366-3939 Fax: (203) 337-4588
Juris No. 23585

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