

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) QUILL INK BOOKS LIMITED, a  
foreign corporation,

Plaintiff,

v.

Case No.: CIV-18-920-G

(1) ABCD GRAPHICS AND DESIGN,  
INC., D/B/A BLUSHING BOOKS, *et al.*,

Defendants.

**NOTICE OF AMENDED SUBPOENA**

PLEASE TAKE NOTICE that Plaintiff, Quill Ink Books Limited, is issuing an amended deposition and document production subpoena to Rachelle Soto a/k/a Addison Cain. The Subpoena is attached to this Notice as Exhibit 1.

s/ Gideon A. Lincecum

Gideon A. Lincecum, OBA No. 19674

Dylan D. Erwin, OBA No. 31987

HOLLADAY & CHILTON, PLLC

204 North Robinson, Suite 1550

Oklahoma City, OK 73102

Telephone: (405) 236-2343

Facsimile: (405) 236-2349

Email: [glincecum@holladaychilton.com](mailto:glincecum@holladaychilton.com)

[derwin@holladaychilton.com](mailto:derwin@holladaychilton.com)

**ATTORNEYS FOR PLAINTIFF  
QUILL INK BOOKS LIMITED**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

**Rebecca L Briggs**

[beckybriggslaw@gmail.com](mailto:beckybriggslaw@gmail.com)

**Shawn M Dellegar**

[shawn.dellegar@crowedunlevy.com](mailto:shawn.dellegar@crowedunlevy.com),[carol.welch@crowedunlevy.com](mailto:carol.welch@crowedunlevy.com),[ECFT@crowedunlevy.com](mailto:ECFT@crowedunlevy.com),[tammy.shaddox@crowedunlevy.com](mailto:tammy.shaddox@crowedunlevy.com)

**Deric J McClellan**

[deric.mcclellan@crowedunlevy.com](mailto:deric.mcclellan@crowedunlevy.com),[pat.george@crowedunlevy.com](mailto:pat.george@crowedunlevy.com),[ecft@crowedunlevy.com](mailto:ecft@crowedunlevy.com)

**Gideon A Lincecum**

[glincecum@holladaychilton.com](mailto:glincecum@holladaychilton.com),[cburgess@holladaychilton.com](mailto:cburgess@holladaychilton.com),[ECF\\_Service@holladaychilton.com](mailto:ECF_Service@holladaychilton.com)

**Dylan D Erwin**

[derwin@holladaychilton.com](mailto:derwin@holladaychilton.com),[lspencer@holladaychilton.com](mailto:lspencer@holladaychilton.com),[ecf\\_service@holladaychilton.com](mailto:ecf_service@holladaychilton.com)

s/ Gideon A. Lincecum

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Western District of Oklahoma

QUILL INK BOOKS LIMITED )

*Plaintiff* )

v. )

ABCD GRAPHICS AND DESIGN, INC., d/b/a )

BLUSHING BOOKS PUBLISHING, et al., )

*Defendant* )

Civil Action No. CIV-18-920-G

**SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION  
(AMENDED BY AGREEMENT)**

To: RACHELLE SOTO a/k/a ADDISON CAIN

*(Name of person to whom this subpoena is directed)*

**Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Kaufcan & Canoles, P.C. Two James Center, 1021 East Cary Street, Suite 1400, Richmond, VA 23219	Date and Time: 03/28/2019 10:00 am
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The deposition will be recorded by this method: Video and Stenographically

**Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT 1 ATTACHED HERETO. (BY AGREEMENT, ALL RESPONSIVE DOCUMENTS TO BE PROVIDED TO PLAINTIFF'S COUNSEL ON OR BEFORE MARCH 25, 2019.)

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/11/2019

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*



*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* QUILL INK BOOKS LIMITED, who issues or requests this subpoena, are:

Gideon A. Lincecum, OBA No. 19674, Dylan D. Erwin, OBA No. 31987, Holladay & Chilton, PLLC, 204 N. Robinson, Suite 1550, Oklahoma City, OK 73102, glincecum@holladaychilton.com, derwin@holladaychilton.com, (405) 236-2343.

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/13) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. CIV-18-920-G

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

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

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A)** within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i)** is a party or a party's officer; or
  - (ii)** is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A)** production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B)** inspection of premises at the premises to be inspected.

**(d) 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 for the district where compliance is required 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 a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents 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 an 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 the district where compliance is required 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 for the district where compliance is required must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (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 for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

**(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.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(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.

**(e) 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 material 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 the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **EXHIBIT 1**

### **DEFINITIONS**

As used herein, the following terms shall have the meanings set forth below unless otherwise specifically indicated.

A. “You” and “Your” refer to Rachelle Soto a/k/a Addison Cain and your agents, representatives, and attorneys.

B. “Document” or “documents” has the meaning set forth in Rule 34, FED. R. CIV. P., and includes any written, typed, handwritten, recorded or graphic material, however produced or reproduced, whether draft or final, which is within your possession, custody or control. This definition includes, without limitation, letters, emails, text messages, instant messages, diaries, journals, handwritten notes, audio recordings, memorandums, online ads and web pages, and any data or other material contained on servers, computer disk, computer hard drive, computer databases, back-up tapes, or tapes including deleted information from the databases, and other electronically stored or recorded information. “Document” or “documents” is not intended to include any communication, which is subject to the attorney client privilege or constitutes attorney work product.

C. The term “person” includes any natural person, firm, association, partnership, joint venture, corporation, or any other form of legal entity or affiliation.

D. “Communication” or “communications” means any method of transmission of information between two or more persons or entities, including, but not limited to, (a) any written letter, memorandum, correspondence, electronic e-mail, electronic memorandum, instant message, text message, telefax, coded message, or other document; (b) any telephone call between two or more persons, whether or not the call was by chance or prearranged, formal or informal, or by voice-mail; and (c) any conversation or meeting between two or more persons, whether or not that contact was by chance or prearranged, formal or informal. “Communication” or “communications” is not intended to extend to any privileged communication, which is subject to the attorney client privilege or constitutes attorney work product.

### **INSTRUCTIONS**

You must produce the documents described below as they are kept in the ordinary course of business or organize and label them to correspond to the categories listed below.

Each responsive document to these requests for production is to be produced in its original form (or copy where original is not available), together with any copies thereof bearing notations, memoranda or other written information not contained on the original, and each responsive document is to be produced in its original file, jacket, folder, cover or other container, if available.

If you withhold any documents or things that are responsive to the following categories under a claim of privilege, you must (1) expressly make the claim; and (2) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged, will enable the Plaintiff and its attorneys to assess the claim.

*All documents that are relevant to any party's claim or defense should be produced, notwithstanding any objection to or limitation of scope, duration, or proportionality. Any objection to scope, duration, or proportionality should identify the objectionable scope, duration, or proportionality sufficiently for the Court to determine whether the documents requested are in excess of that which is reasonably considered relevant to any party's claim or defense and should further identify how the request is in excess of what the answering party believes would be appropriate under the discovery rules.*

### **REQUESTS FOR PRODUCTION**

1. Produce any and all documents showing any person and/or entities with authorization to act on your behalf with respect to your publications: *Born to be Bound, Born to be Broken, and Reborn* (collectively "Alpha's Claim Series").

2. Produce any and all communications between you and ABCD Graphics and Design, Inc., d/b/a Blushing Books Publishing or its agents, representatives, and attorneys (collectively "Blushing Books") that in any way relates or refers to Zoey



Ellis and/or the following publications: *Crave to Conquer*, *Crave to Capture*, and *Crave to Claim* (collectively “Myth of Omega Series”).

3. Produce a copy of any agreement with Blushing Books regarding the Alpha’s Claim Series.

4. Produce a copy of any copyright filing(s) or other registrations for the Alpha’s Claim Series.

5. Produce a copy of any social media post made by you or anyone on your behalf that in any way relates or refers to Zoey Ellis and/or the Myth of Omega Series.

6. Produce a copy of any material you and your publisher claim has been infringed through the publication of the Myth of Omega Series.

7. Produce a copy of all drafts of any material you and your publisher claim has been infringed through the publication of the Myth of Omega Series.

8. Produce a copy of all materials and/or sources you collected and/or relied upon in composing the Alpha’s Claim Series and which informs the basis of its storyline. This request includes all research regarding tropes and references to any other publications that you used for the Alpha’s Claim Series.

9. Produce a copy of any and all communications between you and your publisher that relates in any way to the Digital Millennium Copyright Act

(“DMCA”) notices submitted by you or on your behalf and involve the Myth of Omega Series.

10. Produce a copy of any and all DMCA notices that you authorized to be sent on behalf of any publication written by you, including, but not limited to, the Myth of Omega Series, *within the last five (5) years*.

11. [WITHDRAWN AS WITHIN THE SCOPE OF REQUEST NO. 22].

12. Produce a copy of any communication you have received from any source that relates in any way to your allegation that the Alpha’s Claim Series was infringed *by another writer in the last five (5) years*.

13. Produce a copy of any communication you have authored that relates in any way to your allegation that the Alpha’s Claim Series was infringed.

14. Produce a copy of any communication of which you were a party that relates in any way to Zoey Ellis and/or the Myth of Omega Series.

15. Produce a copy of any communication you have authored that relates in any way to the lawsuit filed in the United States District Court of the Western District of Oklahoma styled *Quill Ink Book Limited v. ABCD Graphics and Design, Inc., d/b/a Blushing Books Publishing*, Case No. CIV-18-920-G.

16. Produce a copy of any statement you have authored that relates in any way to the lawsuit filed in the United States District Court of the Western District of

Oklahoma styled *Quill Ink Book Limited v. ABCD Graphics and Design, Inc., d/b/a Blushing Books Publishing*, Case No. CIV-18-920-G.

17. Produce a copy of any communication you have received that relates in any way to the lawsuit filed in the United States District Court of the Western District of Oklahoma styled *Quill Ink Book Limited v. ABCD Graphics and Design, Inc., d/b/a Blushing Books Publishing*, Case No. CIV-18-920-G.

18. Produce a copy of any statement you have received that relates in any way to the lawsuit filed in the United States District Court of the Western District of Oklahoma styled *Quill Ink Book Limited v. ABCD Graphics and Design, Inc., d/b/a Blushing Books Publishing*, Case No. CIV-18-920-G.

19. Produce a copy of any social media site, including a download of all data, where you have communicated about or referenced in any way Zoey Ellis and/or the Myth of Omega Series. *The scope of the documents and data requested is limited to areas of the social media site or components, add-ons, or associated apps (i.e., communications, messaging, or similar applications) in which any reference or discussion of Zoey Ellis and/or the Myth of Omega Series has occurred. In the event the information sought cannot be extracted from the social media site, including related apps and data, the entire site and data should be produced in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.*

20. Produce a copy of any Facebook account, including the Facebook download for the data, where you have communicated about or referenced in any way Zoey Ellis and/or the Myth of Omega Series. (Facebook provides specific instructions for “Accessing & Downloading Your Information” at [https://www.facebook.com/help/1701730696756992?helpref=hc\\_global\\_nav](https://www.facebook.com/help/1701730696756992?helpref=hc_global_nav). This download process may take several days and should be initiated promptly in order to produce on the date indicated above.). ***The scope of the documents and data requested is limited to areas of the Facebook account or components, add-ons, or associated apps (i.e., communications, messaging, or similar applications) in which any reference or discussion of Zoey Ellis and/or the Myth of Omega Series has occurred. In the event the information sought cannot be extracted from the Facebook account, including related apps and data, the entire site and data should be produced in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.***

21. Produce a copy of any private or personal messenger communication(s) where you have communicated about or referenced in any way Zoey Ellis and/or the Myth of Omega Series.

22. Produce a copy of any complaint, demand, or other notice asserted by you against anyone ***in the last five (5) years*** where you assert plagiarism, ***including, but not limited to, the Myth of Omega Series.***

23. Produce a copy of any complaint, demand, or other notice asserted against you regarding a claim of plagiarism within the last (5) years.

24. Produce a copy of any report regarding any investigation into the DMCA notice filed by you or on your behalf against Zoey Ellis and/or the Myth of Omega Series.

25. Produce a copy of any post, whether in a public or private forum, where you have made allegations and/or comments regarding plagiarism *regarding one of your writings or publications within the last (5) years.*

26. Produce a copy of any post, whether in a public or private forum, where you have made allegations and/or comments referring or relating to Zoey Ellis and/or the Myth of Omega Series.

27. If you have posted to a public or private forum that in any way references, refers, or relates to plagiarism *regarding one of your writings or publications within the last (5) years*, produce any and all documents showing the participants of those groups *for any forum you host or manage.*

28. If you have posted to a public or private forum that in any way references, refers, or relates to Zoey Ellis and/or the Myth of Omega Series, produce any and all documents showing the participants of those groups *for any forum you host or manage.*

29. If you have posted to a public or private forum that in any way references, refers, or relates to Zoey Ellis and/or the Myth of Omega Series, produce any and all documents showing any response or comments to your post(s).

30. Produce any and all communications where you have referenced or referred to Zoey Ellis and/or the Myth of Omega Series.

31. Produce all documents that support your statement that “[t]he frivolous lawsuit brought against me in Oklahoma by an individual seeking to deflect criticism from the plagiarism of my work has been rightfully dismissed.”