

FILED  
COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY, OHIO

2021 AUG 20 AM 11:57

IN THE COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY, OHIO  
\*\*\*\*\* CIVIL CASE SUBPOENA \*\*\*\*\*

KATIE E. CONIGLIO  
Plaintiff,

CASE NO. 2021 TM 04 0113

JUDGE THOMAKOS

vs.

MAGISTRATE ZAJKOWSKI

VINCENT M. CONIGLIO III  
Defendant.

TO: FIRST FEDERAL COMMUNITY BANK  
ATTN: ANGIE DELONG  
321 N. WOOSTER AVE.  
DOVER, OH 44622

YOU ARE HEREBY COMMANDED TO:

\_\_\_\_\_ ATTEND AND GIVE TESTIMONY AT A HEARING ON THE DATE, TIME AND AT THE PLACE SPECIFIED BELOW.

\_\_\_\_\_ ATTEND AND PRODUCE THE DOCUMENTS AND TANGIBLE THINGS AT THE HEARING ON THE DATE, TIME AND AT THE PLACE SPECIFIED BELOW.

X  PRODUCE AND PERMIT INSPECTION AND COPYING, ON THE DATE AND AT THE TIME AND PLACE SPECIFIED BELOW, OF ANY DESIGNATED DOCUMENTS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.

\_\_\_\_\_ PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING OR SAMPLING, ON THE DATE AND TIME AND PLACE SPECIFIED BELOW OF ANY TANGIBLE THINGS THAT ARE IN YOUR POSSESSION, CUSTODY OR CONTROL.

DAY: FRIDAY                      DATE: SEPTEMBER 3, 2021                      TIME: 2:00 P.M.

PLACE: Office of Attorney Susan Pucci, 4429 Fulton Drive, N. W., Suite 100, Canton, Ohio 44718-2867

X  DESCRIPTION OF ITEMS TO BE PRODUCED: **\*\*See Attached\*\***

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THE STATE OF OHIO  
TUSCARAWAS COUNTY

*Pamela Morley*

TO THE CLERK OF TUSCARAWAS \_\_\_\_\_ COUNTY, OHIO GREETINGS:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE ABOVE NAMED PERSON.

WITNESS MY HAND AND SEAL OF SAID COURTS THIS 20<sup>th</sup> DAY OF August, 2021.

JEANNE M. STEPHEN, CLERK OF COURT OF COMMON PLEAS

REQUESTING PARTY INFORMATION: X \_\_\_\_\_

SUSAN PUCCI, ATTORNEY FOR DEFENDANT, 4429 FULTON DRIVE NW, SUITE #100, CANTON, OHIO 44718 / TELEPHONE # (330) 497-1300 / FAX # (330) 497-8790 / EMAIL susan@spuccilaw.com

NOTE: READ ALL INFORMATION ON THE REVERSE SIDE OF THIS SUBPOENA

**CIVIL RULE 45 (C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.
- (2) (a) A person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.  
 (b) Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule may, within fourteen days after service of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.
- (3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:
  - (a) Fails to allow reasonable time to comply;
  - (b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
  - (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ. R. 26(B)(4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
  - (d) Subjects a person to undue burden.
- (4) Before filing a motion pursuant to division (C) (3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (C) (3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.
- (5) If a motion is made under division (C) (3)(c) or (C) (3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

**CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA**

- (1) A person responding to a subpoena to produce documents shall, at the person's option, produce them as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials under Civ. R. 26(B)(3) or (4), the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CIVIL RULE 45 (E) SANCTIONS**

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. A subpoenaed person or that person's attorney who frivolously resists discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery. The court from which a subpoena was issued may impose upon a party or attorney in breach of the duty imposed by division (C) (1) of this rule an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fees.

\*\*\*\*\*RETURN OF SERVICE\*\*\*\*\*

I RECEIVED THIS SUBPOENA ON \_\_\_\_\_ AND SERVED THE PARTY NAMED ON THE REVERSE HEREOF BY \_\_\_\_\_ ON \_\_\_\_\_.

I WAS UNABLE TO COMPLETE SERVICE FOR THE FOLLOWING REASON: \_\_\_\_\_

**Sheriff's Fees**

Service \_\_\_\_\_  
Mileage \_\_\_\_\_  
Copy \_\_\_\_\_  
Total \_\_\_\_\_

\_\_\_\_\_  
(Signature of Serving Party)  
Circle One: Deputy Sheriff      Attorney  
                  Process Server      Deputy Clerk  
                  Other \_\_\_\_\_

IN RE: KATIE E. CONIGLIO                      SSN: XXX-XX-6714                      DOB: 04/29/1985  
VINCENT M. CONIGLIO III                      SSN: XXX-XX-6153                      DOB: 04/28/1960

For the above-referenced please provide the following information:

1. A copy of the Bank policy for removal of a name from a joint account.
2. The documentation regarding the Signature Release for checking account ending 902 and dated January 30, 2018 [see attached]:
  - a. At which branch the Signature Release was completed;
  - b. The name of the bank official who authorized the removal of Vincent Coniglio from the account.
3. The documentation regarding the Signature Release for checking account ending 902 and dated February 1, 2021 [see attached]:
  - a. At which branch was the Signature Release completed;
  - b. The name of the bank official who authorized the removal of Katie Coniglio and Shaelyn Zimmerly [as beneficiary] from the account.

**\*\*\*\*IN LIEU OF APPEARANCE, THE REQUESTED INFORMATION MAY BE MAILED, FAXED, OR EMAILED TO ATTORNEY SUSAN PUCCI, 4429 FULTON DRIVE NW, SUITE 100, CANTON, OHIO 44718, FAX NO. (330) 497-8790, EMAIL AT susan@spuccilaw.com, IF RECEIVED NOT LESS THAN THREE (3) DAYS PRIOR TO THE DATE INDICATED.**

**IF THERE IS ANY COST ASSOCIATED WITH YOUR COMPLIANCE TO THIS SUBPOENA, PLEASE CONTACT THIS OFFICE (330-497-1300) PRIOR TO RESPONDING TO THIS REQUEST**

HSA# XXXXX252 / Cust. Sav. #XXXXXX880

# First Federal Community Bank

## SIGNATURE RELEASE

With reference to Account Number XXXXXX902 Checking

The undersigned Accountholder(s), whose signature or signatures appear below, hereby authorize the release of his/her name from the above numbered account, revoking all ability to endorse any paper payable for payment from the above numbered account and from making withdrawals from said account.

This 30 day of January, 2018

Signature(s)	<u>Per Katie's req</u>	Printed Name
(1)	<u>Removed name from acct.</u>	<u>Vincent Coniglio</u>

(2)	<u>Will not sign.</u>	_____
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First Federal Community Bank  
SIGNATURE RELEASE

With reference to Account Number [REDACTED] 902

The undersigned Accountholder(s), whose signature or signatures appear below, hereby authorize the release of his/her name from the above numbered account, revoking all ability to endorse any paper payable for payment from the above numbered account and from making withdrawals from said account.

This 1<sup>st</sup> day of February, 2021.

Signature(s) Katie Consiglio Printed Name Katie Consiglio  
(1)

(2) Shaelyn Zimmerly as benefic.