

SUBPOENA
SUMMIT COUNTY COMMON PLEAS COURT
CIV. RULE 45

Christopher Longo

PLAINTIFF

CV-2022-05-1754
CASE NO. _____

VS.
The AEM Services, et al.

DEFENDANT

FOREIGN CASE NO. _____
(if applicable) **SUBPOENA IN CIVIL CASE**

M. Logan O'Connor
ATTORNEY/PRO SE: _____

2344 Canal Road, Suite 401
ADDRESS: _____

(216) 771-5056
PHONE: _____

Fifth Third Bank
TO: _____ (NAME)

121 S Main St.

 (ADDRESS)

100214
SUPREME CT. NO. _____

Akron, OH 44308

(CITY, STATE, ZIP)

YOU ARE HEREBY COMMANDED TO
ATTEND AND GIVE TESTIMONY AT A (TRIAL)(HEARING)(DEPOSITION) ON THE
8/05 **12:00 pm** **Whitmer & Ehrman LLC**
DATE _____, TIME _____ PLACE: _____

PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION, OR TANGIBLE THINGS AT TRIAL, HEARING OR DESPOSITION.

PRODUCE AND PERMIT INSPECTION AND COPYING OF ANY DESIGNATED DOCUMENTS OR ELECTRONICALLY STORED INFORMATION THAT ARE IN YOUR POSSESSION, CUSTODY, OR CONTROL.

PRODUCE AND PERMIT INSPECTION AND COPYING, TESTING, OR SAMPLING OF ANY TANGIBLE THING THAT ARE IN YOUR POSSESSION, CUSTODY, OR CONTROL.

PERMIT ENTRY UPON DESIGNATED LAND OR OTHER PROPERTY THAT IS IN THE POSSESSION OR CONTROL OF YOU FOR THE PURPOSES DESCRIBED IN CIV. R. 34(A)(3).

Bank Statements and Records

DESCRIPTION OF ITEMS TO BE PRODUCED: _____

HEREOF FAIL NOT UNDER PENALTY OF THE LAW

WITNESS MY SIGNATURE AND SEAL OF SAID COURT, THIS

SANDRA KURT
CLERK OF COURTS

22 DAY OF July, 2022
M Logan O'Connor
Clerk, Attorney, Notary

Deputy Clerk

RETURN OF SERVICE

Received this Subpoena on the 22ND day of JULY, 2022 at 2 P.M. and on the 25TH day of JULY, 2022 at

1:35 P.M., I served the same upon FIFTH THIRD BANK by delivering to JESSICA CORBETT

Personally or Residential a true copy of this subpoena.

Mileage: _____ miles @ _____ TOTAL \$ _____

[Signature]
Sheriff/Attorney-Process Server-Notary

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 – Fails to allow reasonable time to comply; requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; 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 the expert that was not made at request of any party; 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.

DUTIES IN RESPONDING TO SUBPOENAS:

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 or electronically stored information 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. If a request does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the information responding is ordinarily maintained if that form is reasonable useable, or in any form that is reasonably useable. Unless ordered by the court or agreed to by the person subpoenaed, a person responding to a subpoena need not produce the same electronically stored information in more than one form.
3. A person need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for a protective order, the person from whom electronically stored information is sought must show that the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the court may nonetheless order production of electronically stored information if the requesting party shows good cause. The court shall consider the factors in Civ. R. 26(B)(4) when determining if good cause exists. In ordering production of electronically stored information, the court may specify the format, extent, timing, allocation of expenses and other conditions for discovery of the electronically stored information.
4. When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, 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.
5. If information is produced in response to a subpoena that 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 receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for determination of the claim of privilege or of protection as trial-preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

SANCTIONS:

1. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed 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 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.

EXHIBIT A

Subpoena to Fifth Third Bank

Christopher Longo v. The AEM Services, LLC

Summit County Court of Common Pleas

Case No. CV-2022-05-1754

Instructions

1. Unless otherwise stated, this subpoena pertains to the period July 1, 2020, through the present (the **"Time Period"**).

2. For the purposes of this Exhibit A, the following terms shall have the meanings indicated below:
 - a. **"Person" or "Persons"** shall mean any individual, partnership, firm, association, corporation, group, governmental entity, organization, or other entity of any nature or kind whatsoever.
 - b. **"Communication"** includes without limitation any written or oral communication (whether face to face, by telephone cable, any electronic media, or otherwise) in all means of transmitting information.
 - c. **"AEM"** shall mean The AEM Services, LLC, as well as their representatives, members, managers, employees, officers, directors, agents (including its attorneys and accountants), successors and assigns, and any Person acting or purporting to act on AEM's behalf.
 - d. **"AEM-Related Entity"** shall mean The AEM Services *dba* AEM Funding, AEM Investments, LLC, AEM Wholesale, LLC, AEM Capital Fund, LTD, AEM Productions, and Landmark Property Development *aka* Landmark Real Estate Endeavors [sic] as well as their representatives, members, managers, employees, officers, directors, agents (including its attorneys and accountants), successors and assigns, and any Person acting or purporting to act on the AEM-Related Entity's behalf.
 - e. **"Mark Dente"** shall mean Mark Dente.
 - f. **"Anthony Dente"** shall mean Anthony Dente.

- g. **“Sharon Dente”** shall mean Sharon Dente.
- h. **“Dentes”** shall mean Mark, Anthony, and Sharon Dente collectively.
- i. **“The Trust”** shall mean The Mark and Sharon Dente Living Trust.
- j. **“Lender”** shall mean Fifth Third Bank.
- k. **“Document”** includes all written, printed, typed, recorded, transcribed, punched, taped or graphic matter of every type and description, whether in hard copy or on computer tape or database, however and by whomever prepared, produced, reproduced, disseminated or made, in actual or constructive possession, custody or control of the party, including but not limited to all writings, letters, minutes, bulletins, correspondence, telegrams, telexes, memoranda, notes, instructions, literature, work assignments, notebooks, diaries, calendars, records, agreements, contracts, notations or telephone or personal conversations or conferences, messages, interoffice or intra office communications, microfilm, circulars, pamphlets, studies, notices, summaries, reports, books, checks, credit card vouchers, statements of account, receipts, invoices, graphs, photographs, drafts, data, sheets, data compilations, computer data sheets, computer data compilations, work sheets, statistics, speeches or other writings, tape recordings, phonograph records, data compilations from which information can be obtained or can be translated through detection devices into reasonable useable form, Internet communications, or any other tangible thing which records information in any way. The term **“Documents”** shall include the original and any copies which differ in any manner whatsoever from the original (whether different from the original because of notes made in such copy or otherwise), and any drafts thereof.

Records and Documents to Be Produced

1. Any and all documents and communications, including bank statements, in your possession, custody, or control relating to AEM or any other AEM-Related Entity.
2. Any and all bank statements with any account Mark Dente has signature authority over.
3. Any and all bank statements related to any account in Mark Dente’s name.

4. Any documents evidencing any loan made by the Lender to any of the Dentes individually.
5. Any documents evidencing any loan made by the Lender to AEM or to any AEM-related Entity.
6. Any document reviewed by the Lender while making any loan as described in (4) and (5) of the Records and Documents to be Produced.
7. Any document representing any security interest or lien held by the Lender in any property- including bank accounts- owned by the Dentes.
8. Any document representing any security interest or lien held by the Lender in any property- including bank accounts- owned by AEM or any AEM-Related Entity.
9. Any document requested by, or sent to, the Ohio Attorney General's Office regarding the Dentes.
10. Any document requested by, or sent to, the Ohio Attorney General's Office regarding AEM or any AEM-Related Entity.
11. Any and all bank statements related to any account Sharon Dente has signature authority over.
12. Any and all bank statements related to any account in Sharon Dente's name.
13. Any and all bank statements related to any account Anthony Dente has signature authority over.
14. Any and all bank statements related to any account in Anthony Dente's name.
15. Any and all documents and communications, including bank statements, in your possession, custody, or control relating to The Trust.
16. Any and all bank statements for any account relating to or referencing The Trust.