

COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP **BOB BURNS** DOUG LITTLE TOM FORESE



PATRICIA L. BARFIELD Director Corporations Division

JÖÖI JERICH

Executive Director

### ARIZONA CORPORATION COMMISSION

Date 05/12/2015

FITZMAURICE HAND INSTITUTE, PLLC 19820 N 7TH ST #115 PHOENIX, AZ 85024

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona TE, PLLC:

Encios Corpo	ration Commission on <b>05/12/2015</b> as ager	nt for FITZMAURICE HAND INSTITUTE, PLLC:
Case	caption: MATTHEW F. PEREZ et.al V.	AMERICAN NATIONAL MEDICAL MANAGEMENT,
LLC e Case	t.al, number: CV2014-006300 et.al Court: COUN	TY OF MARICOPA SUPERIOR COURT
	Summons	
	Complaint	
	Subpoena	
$\boxtimes$	Subpoena Duces Tecum	
	Default Judgment	
	Judgment	
	Writ of Garnishment	
	Motion For Summary Judgment	
	Motion for	
	Other	
Since	rely,	

Custodian of Records

Initials TA

File number P-1808602-8

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COMMISSIONERS
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TOM FORESE



JODI JERICH Executive Director

PATRICIA L. BARFIELD Director Corporations Division

### CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **05/11/2015**, **TRISH ALONZO**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **FITZMAURICE HAND INSTITUTE. PLLC**.

or FITZMAURICE HAND INSTITUTE,	PLLC.	
mber: CV2014-006300 et.al		OURT
Summons Complaint Subpoena Subpoena Duces Tecum Motion For Summary Judgment Motion for Other  712/2015, the undersigned perso ted States Mail, postage prepaid, ss address, as follows: AURICE HAND INSTITUTE, OLLC 17 <sup>TH</sup> ST #115 IX, AZ 85024	n place	Default Judgment Judgment Writ of Garnishment  d a copy of the above listed documents in ed to the entity at its last known place of
	OR	
dersigned was unable to mail the	above l	isted documents to
	rnoratio	on or limited liability company in the State of
ture:		at the foregoing is true and correct. : 05/12/2015
	nber: CV2014-006300 et.al COUNT OF MARICOPA SUIT  Summons Complaint Subpoena Subpoena Duces Tecum Motion For Summary Judgment Motion for Other  12/2015, the undersigned personal substances of the substances of	COUNT OF MARICOPA SUPERIOR  Gummons  Complaint  Gubpoena  Gubpoena  Gubpoena  Motion For Summary Judgment  Motion for  Other  12/2015, the undersigned person place ted States Mail, postage prepaid, address address, as follows:  AURICE HAND INSTITUTE, OLLC  17 <sup>TH</sup> ST #115  IX, AZ 85024   OR  dersigned was unable to mail the above if the that entity is not a registered corporation, and the Arizona Corporation Commissions.  The property of perjury the same in the composition of the comp



Lisa Doubleday - (602) 776-3083 - Idoubleday@soarizonalaw.com Woodrow & Associates, PLC - Of Counsel

April 28, 2015

Fitzmaurice Hand Institute, PLLC
Custodian of Records
Statutory Agent:
James P. O'Sullivan, Esq.
Tiffany & Bosco, PA
2525 East Camelback Road, 3<sup>rd</sup> Floor
Phoenix, AZ 85016

Re: American National Medical Management, LLC v. Matthew & Ashley Perez

Dear Custodian of Records:

Attached is a Subpoena Duces Tecum requiring you or to appear and produce certain documents as set forth in the Subpoena. THE PURPOSE OF THIS SUBPOENA IS TO OBTAIN YOUR RECORDS ONLY AND NOT TO OBTAIN YOUR ORAL TESTIMONY. YOU DO NOT NEED TO APPEAR IF THE RECORDS ARE PROVIDED BY THE DATE SHOWN.

We are willing to avoid inconveniencing you by allowing you to mail the requested records to us. In order to avoid the necessity of appearing at the place, date and time set forth in the Subpoena, we need the following:

- 1. Please make legible copies of each and every document as set forth in the Subpoena Duces Tecum.
- 2. The enclosed Affidavit must be signed and notarized and returned together with the records.
- The records must be mailed, together with the executed Affidavit, so they arrive in our office prior to the time set for the deposition.

For purposes of determining the cost of copying, we refer you to A.R.S. §12-351. It provides that reasonable costs means ten cents for each page of standard reproduction, plus clerking costs incurred in locating and making the documents available billed at the rate of \$10.00 per hour.

If you choose to mail us the records, please use the check for the witness and mileage fee attached to the Subpoena as an offset against charges for copying the records.

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April 28, 2015 Page 2 of 2

Please telephone my office to advise if you will appear in response to the Subpoena or whether you will be mailing the requested records. Thank you.

Very truly yours,

Lisa Doubleday

Lisa Doubleday Paralegal Enclosures

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# AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA )
) ss. County of Maricopa )
I, Custodian of Records for
I,, Custodian of Records for, declare:
1. I am the duly authorized custodian of the records for and have authority to certify such records.
2. I was served with a request for records, calling for certain business records and billing statements.
3. The accompanying documents are true and accurate copies of documents requested. No document, record or other data compilation has been omitted or edited.
4. These records were compiled and/or prepared by the personnel of and other persons acting under the control of said personnel, in the ordinary course of business.
I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.
By
Signature Its
SUBSCRIBED AND SWORN TO before me this day of March, 2015, by the aforesigned person.
Notary Public
My Commission Expires:

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2	Michelle H. Swann – 019819 Charles D. Onofry – 012837 Dee R. Giles – 025010 D. Trey Lynn – 028054	
4	SCHNEIDER & ONOFRY, P.C. 3101 North Central Avenue, Suite 600 Phoenix, Arizona 85012-2658	
5	Telephone: (602) 200-1287 E-mail: minute-entries@soarizonalaw.com mswann@soarizonalaw.com	1
6	Attorneys for American National Medical	
7 8	Management, LLC, Maldonado Medical, LLC and Odyssey Biomedical, LLC	29
	IN THE SUPERIOR COURT O	F THE STATE OF ARIZONA
10		UNTY OF MARICOPA
11		No. CV2014-006300 No. CV2014-003224
12	MATTHEW F. PEREZ,  Plaintiff,	SURPOENA DUCES TECUM
13	v.	(Records Only, No Appearance)
14	AMERICAN NATIONAL MEDICAL	a vv 11. Daham
15	MANAGEMENT, LLC, an Arizona limited liability company; and	(Assigned to the Honorable Robert Oberbillig)
16	MALDONADO MEDICAL, LLC, an Arizona limited liability company,	
18	Defendants.	
19	ALFRED C. DUFFY,	
20	Plaintiff,	·
21	V.	
22	ODYSSEY BIOMEDICAL, LLC, an Arizona limited liability company;	
23	AMERICAN NATIONAL MEDICAL MANAGEMENT, LLC, an Arizona	
24	limited liability company; and MALDONADO MEDICAL, LLC, an Arizona limited liability company,	
25	Defendants.	
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AMERICAN NATIONAL MEDICAL 1 MANAGEMENT, LLC; MALDONADO MEDICAL, LLC, and ODYSSEY 2 BIOMEDICAL, LLC, 3 Counterclaimants. 4 5 MATTHEW F. PEREZ; ALLIANCEMED, LLC, an Arizona limited liability company; 6 ASHLEY PEREZ; ALFRED CHRISTIAN DUFFY; and SHANA DUFFY. 7 Counterclaim Defendants. 8 9 Fitzmaurice Hand Institute, PLLC THE STATE OF ARIZONA TO: 10 Custodian of Records Statutory Agent: 11 James P. O'Sullivan, Esq. Tiffany & Bosco, PA 12 2525 East Camelback Road, 3rd Floor 13 Phoenix, AZ 85016 14 YOU ARE COMMANDED to appear and/or produce at the time and place specified below: 15 BEFORE WHOM APPEARANCE TO BE MADE: Court Reporter 16 May 11, 2015 DATE AND TIME OF APPEARANCE: 17 **SCHNEIDER & ONOFRY** 18 PLACE OF APPEARANCE: 3101 North Central Avenue, Suite 600 19 Phoenix, AZ OR YOU ARE COMMANDED to produce and permit inspection and copying of these 20 21 books, papers, documents, or tangible things relating to the above-referenced case: 22 Please see Exhibit "A" attached hereto. 23 1. Your Duties In Responding To This Subpoena 24 25 Attendance at a Trial. If this subpoena commands you to appear at a trial, you must appear

at the place, date and time designated in the subpoena unless you file a timely motion with

the court and the court quashes or modifies the subpoena. See Rule 45(b)(5) and Rule - 2 -1294530

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45(e)(2) of the Arizona Rules of Civil Procedure. See also "Your Right To Object To This Subpoena" section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. See Rule 45(b)(3)(A) of the Arizona Rules of Civil Procedure.

Attendance at a Hearing or Deposition. If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either: (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than: (a) the county in which you reside or you transact business in person; or (b) the county in which you were served with the subpoena or within forty (40) miles from this place of service; or (c) such other convenient place fixed by a court order. See Rule 45(b)(3)(B) and Rule 45(e)(2)(A)(ii) of the Arizona Rules of Civil Procedure. See also "Your Right To Object To This Subpoena" section below.

Production of Documentary Evidence of Inspection of Premises. If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure. See also "Your Right To Object To This Subpoena" section below. Similarly, if this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. See Rule 45(c)(5) of the Arizona Rules of Civil Procedure. See also "Your Right To Object To This Subpoena" section below.

You should note that a command to produce certain designated materials, or to permit inspection of premises, may be combined with a command to appear at trial, hearing or deposition. See Rule 45(b)(2) of the Arizona Rules of Civil Procedure. You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial, or deposition. See Rule 45(c)(3) of the Arizona Rules of Civil Procedures.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. See Rule 45(c)(4) of the Arizona Rules of Civil procedure.

# Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The superior court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule 45(e)(1) of the Arizona Rules of Civil Procedure.

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition. If you wish to object to a subpoena commanding your appearance at a hearing, trial or

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deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. See Rules 45(b)(5) and 45(e)(2) of the Arizona Rules of Civil Procedure. The motion must be filed in the superior court of the county in which the case is pending or in the superior court of the county from which the subpoena was issued. See Rule 45(e(2)(A) and (B) of the Arizona Rules of Civil Procedure. The motion must be filed before the time specified for compliance or within 14 days after the subpoena was served, whichever is earlier. See Rule 45(e)(2)(D) of the Arizona Rules of Civil Procedure. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena. See Rule 45(e)(2)(E) of the Arizona Rules of Civil Procedure.

The court must quash or modify a subpoena:

- (1) if the subpoena does not provide a reasonable time for compliance;
- unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than: (a) the county in which you reside or transact business in person; (b) the county in which you were served with a subpoena, or within forth(40) miles from the place of service; or (c) such other convenient place fixed by a court order; or
- (3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) if the subpoena subjects you to undue burden.

See Rule 45(e)(2)(B) of the Arizona Rules of Civil Procedure.

The court may quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any part to give on matters that are specific to the dispute;
- if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
- (4) if the court determines that justice requires the subpoena to be quashed or modified.

See Rule 45(e)(2)(B) of the Arizona Rules of Civil Procedure.

In the last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if:
(1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. See Rule 45(e)(2)(C) of the Arizona Rules of Civil Procedure.

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Procedure for Objecting to Subpoena for Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to: (1) producing, inspecting, copying, testing or sampling any or all of the materials designated in the subpoena; (2) inspecting the premises; or (3) producing electronically stored information in the form or forms requested. You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within fourteen (14) days after the subpoena is served, whichever is earlier. See Rule 45(c)(5)(A)(ii) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(c)(5)(C) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 45(c)(6)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(6)(B) of the Arizona Rules of Civil Procedure.

Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena. See Rule 45(e)(2) of the Arizona Rules of Civil Procedure. The procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."

If the subpoena also commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. See Rule 45(c)(5)(A)(iii) of the Arizona Rules of Civil Procedure. If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." See Rules 45(b)(5) and 45(c)(5)(iii) of the Arizona Rules of Civil Procedure.

# **ADA Notification**

Requests for reasonable accommodations for persons with disabilities must be made to the court by parties at least three (3) working days in advance of a scheduled court proceeding.

You have been subpoenaed by: Defendant, whose attorneys' names, address, and telephone number is:

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2 Dee R. Giles D. Trey Lynn 3 SCHNEIDER & ONOFRY, P.C. 3101 North Central Avenue, Suite 600 4 Phoenix, AZ 85012 Telephone: (602) 200-1287 5 YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS 6 SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A CONTEMPT 7 OF THIS COURT, AND A CIVIL ARREST WARRANT MAY BE ISSUED. A CIVIL 8 ARREST IS AN ORDER DIRECTING ANY POLICE OFFICER IN ARIZONA TO 9 ARREST YOU AND BRING YOU BEFORE THIS COURT FOR FUTURE 10 11 PROCEEDINGS. SIGNED AND SEALED this date: 12 APR 2 8 2015 13 NECESTAL K. JEANES, CLERK ONCHOLAR 14 LEDITY CLERK By 15 Clerk of the Court 16 COPY of the foregoing /mailed this 28th day of April, 2015, to: 17 18 D. Lewis Clark Jr., Esq. Laura Lawless Robertson, Esq. 19 Squire Patton Boggs (US) LLP 20 1 E. Washington St., Suite 2700 Phoenix, AZ 85004 21 Attorneys for Plaintiff/Counterdefendant Matthew F. Perez and Ashley Perez; 22 Plaintiff/Counterdefendant Alfred Christian Duffy 23 and Shana Duffy, and Third-Party Defendant AllianceMed, LLC 24

Michelle Swann

<u>Lisa Doubleday</u>

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#### EXHIBIT A

#### Instructions

- A. If you assert a claim of privilege as an objection to the production of all or any part of any document requested in this request, identify the document and describe the nature of the privilege you assert.
- B. This is a documents subpoena only. No personal appearance is required if the requested documents are sent to counsel for American National Medical Management, LLC on or before the return date in the subpoena.

#### **Definitions**

- A. "You" means Fitzmaurice Hand Institute, PLLC and/or any current or former principals, employees, representatives, independent contracts, or agents of Fitzmaurice Hand Institute, PLLC, from November 1, 2013 to the present.
- B. "AllianceMed" means AllianceMed, LLC, and any of its current or former founders, employees, independent contractors, or agents of AllianceMed, LLC, including Alfred Christopher Duffy, Matthew Perez, Christopher Tingley, Michael Burrola, James Pao, and Andrew Clougherty.
- C. "ANMM" means American National Medical Management, LLC, and any of its current or former employees or agents, including Alfred Christopher Duffy, Matthew Perez, Christopher Tingley, Michael Burrola, and James Pao.
- D. "Correspondence" means any and all letters, emails, email attachments, faxes, text message, social media postings, notes of telephone conversations, voicemails, and any other communication with the identified parties, including electronically stored information ("ESI").
- E. "Document" and/or "Documents" refer to all original writings, electronically stored information, and records of every type in your possession, control or custody, including, but not limited to, memoranda, correspondence, emails, faxes, diaries, appointment books, telephone messages, calendars, notebooks, reports (including drafts and preliminary, intermediate and final reports), studies, comparisons, tabulations, charts, books, magazines, pamphlets, photographs, slides, films, motion pictures, videotapes, maps, bulletins, notes, log sheets, ledgers, journals, bank checks, money orders, letters of credit, purchase orders, invoices, transcripts, microfilm, computer data files, inputs, outputs, printouts, and all other computer generated materials, tapes, mechanical or electronic sound recordings, vouchers, receipts, financial statements and reports, accounting statements, bank statements, agreements, contracts, acknowledgements, schedules, price lists, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind and telephone and telegraphic communications, mechanical or otherwise. "Documents" also refers to copies of documents, if the originals are not in your possession, custody or control; every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy; and all attachments to any documents.

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#### Requests

- 1. All Correspondence and Documents between You and AllianceMed from November 1, 2013 to the present.
- 2. All Correspondence and Documents between You and ANMM from July 1, 2013 to the present.
- 3. All contracts or agreements, including drafts of potential contracts and agreements, between You and AllianceMed.
- 4. All contracts or agreements, including drafts of potential contracts and agreements, between You and ANMM.
- 5. All correspondence between you and Dr. Stephen Barrett and/or Susan Doherty relating to contracts or potential healthcare claims billing services from July 1, 2013 to the present.
- 6. All insurance claims billing submissions (including appeals) prepared for you by AllianceMed from January 1, 2014 to the present.
- 7. All Documents evidence or relating to meetings, including training meetings, between You and AllianceMed from January 1, 2014 to the present.
- 8. Invoices issued to You by AllianceMed, and evidence of any payments made by You to AllianceMed, from January 1, 2014 to the present.

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DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

# STATEMENT FOR SERVICE OF PROCESS

<b>ENTITY NAME</b> - give the exact name	e of the corporation or LLC as currently shown in Alcic. records
Fitzmanice Hand	Institute, PLLC
A.C.C. FILE NUMBER:  Find the A.C.C. file number on the upper corner of	908662 - 8 of filed documents OR on our website at: http://www.azcc.gov/Divisions/Corporations
the autodean and haliaf the above-name	er the penalty of perjury that, upon information, ed entity has either failed to appoint a statutory agent or the statutory agent address on record with the Arizona
Signature	Zachay Mueller 5/8/
	Mail: Arizona Corporation Commission - Records Section 1300 W. Washington St., Phoenix, Arizona 85007

All fees are nonrefundable.

1300 W. Washington St., Phoenix, Arizona 85007

Fax: 602-542-3414

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.

All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.

If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

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# Corporate Maintenance

05/11/2015 State of Arizona File Number: P-1808602-8 Corp. Name: FITZMAURICE HAND INSTITU	Public Access System
Domestic Address 19820 N 7TH ST #115	Second Address
PHOENIX, AZ 85024  Agent: JAMES P O'SULLIVAN ESQ Status: APPOINTED 12/07/2012 Mailing Address: TIFFANY & BOSCO PA 2525 E CAMELBACK RD 7TH FLOOR	Domicile: ARIZONA County: MARICOPA Corporation Type: PROFESSIONAL L.L. Life Period: PERPETUAL Incorporation Date: 12/07/2012 Approval Date: 12/14/2012
PHOENIX, AZ 85016 Agent Last Updated: 05/04/2015	Last A/R Received: / Date A/R Entered: Next Report Due:

Richard ACRES

Business Type:

#### CORPORATIONS DIVISION RECORDS SECTION 1300 West Washington

Phoenix, Arizona 85007-2929

User Id: LALONZO

Invoice No.: 4764679

Check Batch:

Invoice Date: 05/11/2015 Date Received: 05/11/2015

Customer No.:

ATTN:

(CASH CUSTOMER)

Quantity Description			Amount
1 SERVICE OF PROCESS P-1808602-8 FITZMAURICE HA	ND INSTITUTE,	PLLC	\$25.00
CHECK	Tota 7588	al Documents: \$	25.00 \$25.00
PAYMENT	<del></del>	Balance Due: \$	0.00