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JODI JERICH
Executive Director

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



PATRICIA L. BARFIELD
Director
Corporations Division

ARIZONA CORPORATION COMMISSION

Date 02/17/2016

NORTHSTAR BIOKINETICS, INC.
5191 E HAWTHORNE DR
FLAGSTAFF, AZ 86004

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 02/16/2016 as agent for **NORTHSTAR BIOKINETICS, INC.**:

Case caption: **FEANNE FOOR v. OUTBACK STEAKHOUSE OF FLORIDA, LLC et.al,**
Case number: **CV14-02715-PHX -DLR** Court: **UNITED STATE DISTRICT COURT**

- ☐ Summons
- ☐ Complaint
- ☐ Subpoena
- ☒ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☐ Other

Sincerely,

Lynda B. Griffin
Custodian of Records

Initials **WB**
File number **0511096-8**

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



ARIZONA CORPORATION COMMISSION

JODI JERICH
Executive Director
PATRICIA L. BARFIELD
Director
Corporations Division

CERTIFICATE OF MAILING

The undersigned person certifies the following facts:

On **02/16/2016**, **WALTER BRICENO**, 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 **NORTHSTAR BIOKINETICS, INC..**

Case caption: **FEANNE FOOR v. OUTBACK STEAKHOUSE OF FLORIDA, LLC et.al,**
Case number: **CV14-02715-PHX -DLR**
Court: **UNITED STATE DISTRICT COURT**

- | | |
|--|--|
| <input type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input checked="" type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input type="checkbox"/> Other | |

On **02/17/2016**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

NORTHSTAR BIOKINETICS, INC.
5191 E HAWTHORNE DR
FLAGSTAFF, AZ 86004

OR

The undersigned was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Printed name: **WALTER BRICENO** Date: **02/17/2016**

Signature: _____

UNITED STATES DISTRICT COURT

for the

District of Arizona

Jeanne Foor

Plaintiff

v.

Outback Steakhouse of Florida, LLC, dba Bloomin'
Brands/Outback Steakhouse, a Florida LLC, etal

Defendant

Civil Action No. CV14-02715-PHX-DLR

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Custodian of Records, Northstar Biokinetics, Inc.

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ENTIRE CONTENTS OF YOUR FILE, INCLUDING ELECTRONIC DATA: FOOR v. OUTBACK

Place: PHILLIPS LAW GROUP, PC, 3101 North Central
Avenue, Suite 1500, Phoenix, AZ 85012
(602)258-8900

Date and Time:

03/03/2016 12:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

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: 02/10/2016

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) JEANNE FOOR, who issues or requests this subpoena, are:

Lisa Lewallen, Esq., 3101 N. Central Avenue, Ste. 1500, Phoenix, AZ 85012 LisaL@phillipslaw.com (602) 258-8900

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, 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).

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.

LAW OFFICE OF
GRIFFIN & GIVENS

P.O. Box 110
Tempe, Arizona 85280-0110
Telephone (480)829-7500
Facsimile (480)829-7555
lawoffices@griffinandgivens.com

February 10, 2016

Custodian of Records
Northstar Biokinetics, Inc.
5191 E Hawthorne Drive
Flagstaff, AZ 86004

Re: Foor v. Outback etal.
Subpoena Duces Tecum

Custodian:

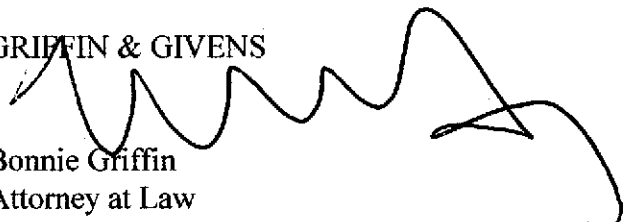
Attached is a Subpoena to Produce Documents. Also enclosed is an Amended Notice of Deposition. It is not our intent to take testimony at this time, but instead want to procure the designated records. If the records are produced by the deadline on the subpoena, no appearance is necessary.

Also enclosed is an Affidavit of Custodian of Records. Please complete before a Notary and return with the subpoenaed documents.

Thank you.

Sincerely,

GRIFFIN & GIVENS


Bonnie Griffin
Attorney at Law

cc: Robert C. Ashley, Lewis Brisbois Bisgaard & Smith, LLP
Robert J. Bruno, Sanders & Parks, P.C.

AFFIDAVIT

STATE OF ARIZONA

County of Coconino

)
) ss.:
)

I am the authorized Custodian of Records and have authority to certify that to the best of my knowledge, all records produced pursuant to subpoena were prepared or compiled by the personnel of the Office of Northstar Biokinetics, Inc., in the ordinary course of business.

The records produced are true, and correct, and legible, copies of the all of the records requested pursuant to subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____

Subscribed and sworn to before me by _____ this ____ day of _____, 201____.

Notary Public

My Commission Expires: _____

—

1. 2. 3.

4. 5.

6. 7.

1 Lisa Lewallen (#013592)
2 **PHILLIPS LAW GROUP, P.C.**
3 3101 N. Central Avenue, Suite 1500
4 Phoenix, Arizona 85012
5 Telephone: (602) 258-8900
6 Facsimile: (602) 279-9155
7 E-Mail: minute_entries@phillipslaw.com
8 E-Mail: lisal@phillipslaw.com

9 Bonnie Griffin (#016935)
10 **Griffin & Givens**
11 P.O. Box 110
12 Tempe, AZ 85280-0110
13 Tel: (480) 829-7500
14 Fax: (480) 829-7555
15 lawoffices@griffinandgivens.com

16 Attorneys for Plaintiff

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 Jeanne Foor, a single woman;

20 Plaintiff,

21 vs.

22 Outback Steakhouse of Florida, L.L.C., dba
23 Bloomin' Brands/Outback Steakhouse, a
24 Florida limited liability company; Village
25 Crossroads 1665, L.L.C. a Delaware limited
26 liability company; John Does 1-5; Jane Does 1-
27 5; ABC-XYZ corporations; and ABC-XYZ
28 partnerships; and ABC-XYZ limited liability
companies;

Defendants.

Case No.: 2:14-cv-02715-PHX-DLR

**THIRD AMENDED NOTICE
OF DEPOSITION
CUSTODIAN OF
RECORDS NORTHSTAR
BIOKINETICS**

**(NO APPEARANCE REQUIRED
RECORDS ONLY)**

29 You are hereby notified that, pursuant to Rules 26 and 30 of Federal Rules of Civil
30 Procedure, the deposition will be taken upon oral examination of the person whose name

is stated below, at the time and place indicated, before an officer authorized by law to administer oaths.

PERSON TO BE EXAMINED: Custodian of Records
Northstar Biokinetics, Inc.
5191 E Hawthorne Drive
Flagstaff, AZ 86004

DATE AND TIME OF DEPOSITION: March 3, 2016, at 12:00 pm

PLACE OF DEPOSITION: PHILLIPS LAW GROUP, P.C.
3101 N. Central Avenue, Suite 1500
Phoenix, AZ 85012

DATED this 10th day of February, 2016.

PHILLIPS LAW GROUP, P.C.

By: /s/Lisa Lewallen
Lisa Lewallen, Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2016, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Sean Healy, Esq.
Robert Ashley, Esq.
Lewis Brisbois Bisgaard & Smith LLP
2929 North Central Avenue, Suite 1700
Phoenix, AZ 85012
Sean.Healy@lewisbrisbois.com
Robert.Ashley@lewisbrisbois.com
Attorney for Defendant

By: /s/ Bonnie Griffin

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: WBRICENO
Invoice No.: 4984166

Check Batch:
Invoice Date: 02/16/2016
Date Received: 02/16/2016
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS -0511096-8 NORTHSTAR BIODYNAMICS, INC.	\$25.00
Total Documents: \$		25.00
	CHECK 0064	\$25.00
	PAYMENT	
Balance Due: \$		0.00

Corporate Inquiry

02/16/2016

State of Arizona Public Access System

2:20 PM

File Number: -0511096-8

Corp. Name: NORTHSTAR BIOKINETICS, INC.

Domestic Address
5191 E HAWTHORNE DR

FLAGSTAFF, AZ 86004

Second Address

Agent: KERRY KNAPP
Status: APPOINTED 08/28/2014
Mailing Address:
5191 E HAWTHORNE DR

FLAGSTAFF, AZ 86004

Agent Last Updated: 09/17/2014

Business Type: GENERAL CONSULTING

Domicile: ARIZONA
County: COCONINO
Corporation Type: PROFIT
Life Period: PERPETUAL
Incorporation Date: 06/08/1984
Approval Date: 06/13/1984
Last A/R Received: 12 / 2014
Date A/R Entered: 12/05/2014
Next Report Due: 12/08/2015

INVALID KEY FUNCTION. (A058)

EFRAIN SOTELO

IAS#: 50597
Atty #: Foor/Outback

Court: US DISTRICT COURT - AZ
County: .
State: ARIZONA
Case #: CV-14-02715-PHX-DLR

Amended
NON SERVICE
AFFIDAVIT

Plaintiff/Petitioner: JEANNE FOOR
vs
Defendant/Respondent: OUTBACK STEAKHOUSE OF FLORIDA, LLC DBA BLOOMIN'
BRAND/OUTBACK STEAKHOUSE, A FLORIDA LLC, ET AL.

Client: Griffin & Givens, Bonnie Griffin

Documents: Subpoena to Testify at a Deposition in a Civil Action (set for 1/13/2016 at 11:00 a.m.); First Amended
Notice of Deposition (set for 1/13/2016 at 11:00 a.m.);

Date Received: 12/15/2015

Attempted Upon: Custodian of Records for Northstar Biokinetics, Inc, by serving the statutory agent, Kerry Knapp

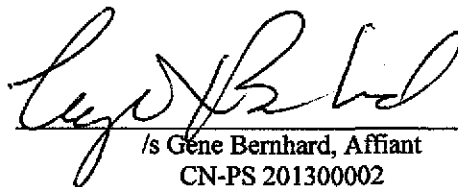
I attempted service at: 5191 E Hawthorne Dr, Flagstaff, AZ 86004.

On 12/29/2015 at 3:07 p.m., there was no answer at the door.

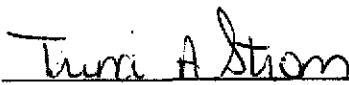
On 12/29/2015 at 5:39 p.m., there was no answer at the door.

On 12/30/2015 at 8:29 a.m., there was no answer at the door.

On 12/30/2015 at 3:09 p.m., there was no answer at the door.


/s Gene Bernhard, Affiant
CN-PS 201300002

SUBSCRIBED AND SWORN to me this 12th day of Feb, 2016.


Notary Public:
My Commission Expires: 5/31/2017

