

SMALL CLAIMS CASE NO. 2-04-SC-001384

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):

Kirsch, Steven T.
13930 La Paloma Rd
Los Altos Hills, CA 94022-2628

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):

Heysek, Tom
50 California Street Suite 1500
San Francisco, CA 94111

Telephone No.: 650-279-1008

Telephone No.: (661) 338-9685

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: KIM TORTE

Telephone No.:

SEP 20 2004



**SMALL CLAIMS SUBPOENA
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS
AND THINGS AT TRIAL OR HEARING AND DECLARATION**

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):
SunTrust Banks, Inc., c/o Richard MacDonald, MC FLorida-Orlando-6201, 7474 Chancellor Drive,
Orlando, FL 32809

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this case at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 4b below or you make an agreement with the person named in Item 2 below.

a. Date: September 20, 2004 Time: 1pm Dept.: 86 Div.: Room:
b. Address: 270 Grant Avenue, Palo Alto, CA 94306

2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party: Steven T. Kirsch b. Telephone number: 650-279-1008

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

PRODUCTION OF DOCUMENTS AND THINGS

(Complete item 4 only if you want the witness to produce documents and things at the trial or hearing.)

4. YOU ARE (item a or b must be checked):

a. Ordered to appear in person and to produce the records described in the declaration on page two. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

b. Not required to appear in person if you produce (i) the records described in the declaration on page two and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

(SEAL)



Date issued: 8-20-04

Clerk, by  Deputy

(See reverse for declaration in support of subpoena)

PLAINTIFF/PETITIONER: Kirsch, Steven T.

CASE NUMBER:

2-04-SC-001384

DEFENDANT/RESPONDENT: Heysek, Tom

DECLARATION IN SUPPORT OF
SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENT AND THINGS AT TRIAL OR HEARING
(Code Civil Procedure sections 1985, 1987.5)

1. I, the undersigned, declare I am the plaintiff defendant judgment creditor
 other (specify): _____ in the above entitled action.
2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified on the *Small Claims Subpoena* on the first page of this form.
- a. For trial or hearing (specify the exact documents or other things to be produced by the witness):
Provide all information directly to the Plaintiff via FAX at (408) 716-2493 or email at stk@propel.com.
Account monthly statements for months of May, June, and July for Account: 0041001143506 which belongs to Bush Ross Gardner Warren and Rudy, 220 S. Franklin Street, Tampa, FL 33602.
- Continued on Attachment 2a.
- b. After trial to enforce a judgment (specify the exact documents or other things to be produced by the party who is the judgment debtor or other witness possessing records relating to the judgment debtor):
- (1) Payroll receipts, stubs, and other records concerning employment of the party. Receipts, invoices, documents, and other papers or records concerning any and all accounts receivable of the party.
 - (2) Bank account statements, canceled checks, and check registers from any and all bank accounts in which the party has an interest.
 - (3) Savings account passbooks and statements, savings and loan account passbooks and statements, and credit union share account passbooks and statements of the party.
 - (4) Stock certificates, bonds, money market certificates, and any other records, documents, or papers concerning all investments of the party.
 - (5) California registration certificates and ownership certificates for all vehicles registered to the party.
 - (6) Deeds to any and all real property owned or being purchased by the party.
 - (7) Other (specify): _____

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:
These documents are required to identify the entities who control Worldwide Picks LTD aka
Winningstockpicks.net aka USPennyStocks.com.

Continued on Attachment 3.

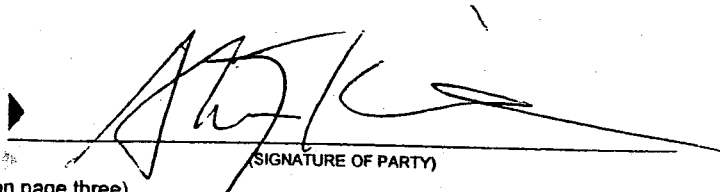
4. These documents are material to the issues involved in this case for the following reasons:
The entities who control Worldwide Picks LTD are liable for sending the faxes. This information is required in order to help identify who they are. I already know that payments were made to vendors doing work for USPennyStocks.com from these accounts.

Continued on Attachment 4.

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

Date: August 20, 2004

Steven T. Kirsch
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY)

(See proof of service on page three)

SMALL CLAIMS SUBPOENA
AND DECLARATION

IN THE SUPERIOR COURT PALO ALTO COURTHOUSE
STATE OF CALIFORNIA

AFFIDAVIT OF SERVICE

KIRSCH STEVEN T.
Plaintiff,

Civil No.: 2-04-SC-001384

VS.

HEYSEK, TOM
Defendants,

I, Craig Robinson, a credible person over the age of eighteen, being first duly sworn, on his oath says that he executed a copy of the within small claims subpoena, upon SunTrust Banks, Inc. an corporation at 6201 Chancellor Drive, Orlando, Florida, by mailing a copy of the small claims subpoena upon Richard McDonald on 12 day of September 2004.



Signature

Taken, subscribed and sworn to before me, this the 14 day of September 2004.
Given under my hand and seal.

