

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

S103, Inc.

Plaintiff(s):

AFFIDAVIT OF SERVICE

vs.

Case Number: 07-CV-3266

John Does 1-31 and Doe Companies 1-5,

Defendant(s):

For:

Mudd Law Offices
3114 W. Irving Park Road
Chicago, IL 60618

STATE OF IDAHO)
)
) :ss
COUNTY OF ADA)

Received by TRI-COUNTY PROCESS SERVING on July 26, 2007 to be served on **CUSTODIAN OF RECORDS, BODYBUILDING.COM, LLC.**

I, Kasey L. Vink, who being duly sworn, depose and say that on Friday, July 27, 2007, at 3:23 PM, I:

SERVED the within named **Custodian of Records, Bodybuilding.com, LLC** by delivering a true copy of the **Subpoena** to Josh Brouse, General Operations Manager, on behalf of Custodian of Records, Bodybuilding.com, LLC. Said service was effected at **305 Steelhead Way, Boise, ID 83704.**

I hereby acknowledge that I am a Process Server in the county in which service was effected. I am over the age of Eighteen years and not a party to the action.

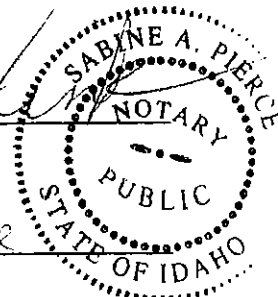
Our Reference Number: 56968

Subscribed and sworn before me today
Friday, July 27, 2007



TRI-COUNTY PROCESS SERVING
P.O. Box 1224
Boise, ID, 83701
(208) 344-4132

Kasey Vink
Sabine A. Pierce
Notary Public for the State of Idaho
Residing at Nampa, Idaho
My Commission Expires on October 2, 2012



July 27, 2007

TRI-COUNTY PROCESS SERVING

P.O. Box 1224
Boise, ID, 83701
(208) 344-4132 Business
(208) 338-1530 Fax

Invoice #56968

Attn: Charles Lee Mudd, Jr.

MUDD LAW OFFICES
3114 W. IRVING PARK ROAD
CHICAGO IL 60618
773-588-5410 Business
773-588-5440 Fax

Reference Job #56968 when remitting.

S103, Inc. vs John Does 1-10
Case Number: 07-CV-3266
Documents: Subpoena

Service Upon: Bodybuilding.com, LLC

Personal Service to Josh Brouse, General Operations Manager, on July 27, 2007 at 3:23 PM,
at: Bodybuilding.com, LLC, 305 Steelhead Way, Boise, ID 83704
by Kasey L. Vink

Service Fee \$50.00

Total: \$50.00

Job Notations: Thank you for payment of \$50.00 with check #3225

DUE ON RECEIPT: \$0.00

Thank You for Choosing
TRI-COUNTY PROCESS SERVING!

AO88 (Rev. 12/06) Subpoena in a Civil Case

**Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

SI03, Inc.

SUBPOENA IN A CIVIL CASE

V.

JOHN DOES 1-31 and DOE COMPANIES 1-5

Case Number:¹ 07-cv-3266

TO: Custodian of Records,
Bodybuilding.com, LLC,
305 Steelhead Way
Boise, Idaho 83704

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

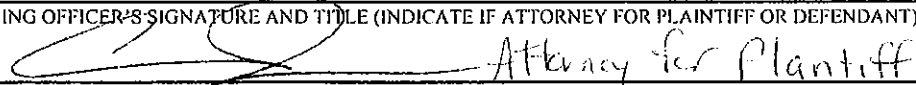
See Exhibit A (production of documents responsive to the subpoena may be made via electronic mail to cmudd@muddlawoffices.com or via electronic storage media in the form of CD-ROM, DVD-ROM or similar media).

PLACE Mudd Law Offices, 3114 West Irving Park Road, Suite 1W, Chicago, Illinois 60618	DATE AND TIME
--	---------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE 7/25/07
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Charles Lee Mudd, Jr., Mudd Law Offices, 3114 West Irving Park Road, Suite 1W, Chicago, Illinois 60618
773.588.5410

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE _____ SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(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. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if 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, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena 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 to quash, the person from whom discovery is sought must show that the information sought 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) (A) 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.

(B) 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 party must promptly return, sequester, or destroy the specified information and any copies it has and 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 a determination of the claim. 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.

(e) CONTEMPT. Failure of 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. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

EXHIBIT A
Hostway Corporation

INSTRUCTIONS

1. The phrases "relate to" and "relating to" shall be construed to include referred to, summarize, reflect, retain, mention, show, discuss, describe, underlie, or comment upon.
2. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each." "Any" shall be construed to include the word "all," and "all" shall be construed to include the word "any."
3. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of the specification all responses that might otherwise be construed to be outside its scope.
4. A plural noun shall be construed as a singular noun and a singular noun shall be construed as a plural noun, whenever necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope.
5. If you are unable to produce any file or document called for by this request, identify the file or document and state specifically the reason or reasons why you were unable to produce such file or document.
6. If any file demanded herein or any document formally contained therein (as hereinafter described) is no longer in your possession, custody or control, identify the file or document and the reason it is no longer in your possession, custody or control.
7. Each paragraph herein shall be construed independently and not be referenced to any other paragraph for the purpose of limitation.
8. For any electronic mail produced, the complete header shall be produced.

9. The failure of this subpoena to properly define a term as used by Bodybuilding.com, LLC shall not excuse compliance if the intended scope of information identified by the term is capable of reasonable determination.

10. Documents may be produced in CD-ROM or DVD-ROM format, provided that copies of documents produced in such a format be produced in PDF (Portable Document Files) and TIFF (Tagged Image File Format) formats.

11. Electronic documents are to be produced in all of the following formats:

- A. PDF
- B. TIFF
- C. Native file format, including all metafiles and metatags.

DEFINITIONS

1. "Bodybuilding.com" means "Bodybuilding.com, LLC" or "Bodybuilding.com" as well as any agent, officer, director, employee, subsidiary or representative of Bodybuilding.com including any parent or related entity or any other domain name through which Bodybuilding.com has or does offer services. The failure of this subpoena to identify the proper name of the intended company or entity shall not excuse compliance if the intended company and/or entity is capable of reasonable determination.

2. "Account" shall have the meaning used by Bodybuilding.com with respect to this term on its website and shall include the collection of information provided by the individual(s) using the account to Bodybuilding.com.

3. "AIM Screen Name" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

4. "Document" means any written, recorded or graphic matter however produced or reproduced including, but not limited to, correspondence, letters, memoranda, telegrams, receipts, union paperwork, memoranda, minutes of any meetings, reports, notes, schedules, tabulations, productions, checks, statements, returns, receipts, purchase orders, work papers, financial calculations and representations, accounting and diary entries, invoices, inventory sheets, ledgers, journals, itineraries, passports, visas, trial balances, telegrams, mailgrams, contracts, bills, agreements, offers, notations of any sort of conversation, analyses, video tapes, audio recordings, calendars, tape recordings, bulletins, printed matter, galley sheets, computer disks, computer diskettes, computer tapes, computer printouts, teletypes, telecopies, photographs, deeds, mortgages, manuscripts, electronic mail (Email or email), telephone logs, telephone records and all other writings and records, whether or not claimed to be privileged, in your possession, custody or control, or in the possession, custody or control of your present or former counsel, agents, representatives, brokers, assigns, successors and employees and all persons acting on their behalf. "Document" includes the original and all drafts, as well as all copies which differ in any respect from the original. "Document" also includes any electronic

documents stored on any of the computers, servers, and data storage devices owned or under the control of either and/or both of the Plaintiffs including, but not limited to, word processing documents, Adobe PDF documents, email, Groupwise files, electronic memoranda, ascii files, html, source code, and electronic copies of any other form of document specified above.

5. "Email address" means an electronic mail address provided to bodybuilding.com.

6. "Header" means the informational text at the beginning of an email message that is created first by the client mail program sending the email message and subsequently modified by all the mail servers en route to the final destination for the email message. The header information may include, but not be limited to, from/to addresses, subject, cc, bcc, content type, time stamp and identification data.

7. "ICQ Number" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

8. "Identify" means to provide the complete name, address, telephone number of a person or to provide the complete description, title, date, location and form of a document or other tangible evidence.

9. "Internet Protocol address" means the unique identifying number provided to a computer connecting to the Internet by an internet service provider in the form 000.000.000.000, where each "000" would be a number with a value between 0 and 255.

10. "IP Address" means Internet Protocol address.

11. "MSN Messenger Handle" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

12. "Personally identifiable information" means personal information submitted to Bodybuilding.com through its membership application or other interactive means that can be used to identify the individual and/or relates to the individual.

15. "Support" means to provide a basis for, to tend to support, and/or to be believed to support.

16. "Username" refers to the pseudonym or real name or email address used by an individual to identify himself or herself when registering and thereafter using (eg to login) an account at bodybuilding.com.

17. "Yahoo! Messenger Handle" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

18. All requests apply to dates on or after January 1, 2000, unless otherwise noted and unless otherwise applicable to the requests for information articulated below.

REQUESTS

1. Any and all documents demonstrating and/or listing the dates and times (each time entry should indicate the respective time zone where available) from which a computer and/or computer connection accessed the account with the following usernames:

- a. "Aeternitatis,"
- b. "Androgenic,"
- c. "Bloute,"
- d. "BuckeyeMuscle,"
- e. "canadaboy,"
- f. "Coulaid,"
- g. "cxm,"
- h. "deserusan,"
- i. "dito,"
- j. "dwm230000,"
- k. "ElMariachi,"
- l. "EMISGOD,"
- m. "Ephedra,"
- n. "Flagg3,"
- o. "getbustered,"
- p. "INGENIUM,"
- q. "jkeithc82,"
- r. "Kohen_Gadol,"
- s. "Nathan I,"

- t. "NATHAN518,"
- u. "OneBetter,"
- v. "RobW,"
- w. "Seth25,"
- x. "Sixpack,"
- y. "Truth Speaker,"
- z. "TheUnlikelyToad,"
- aa. "uhockey."

2. Any account and/or username using a pseudonym (as opposed to an account or username using an individual's legal name) associated with any employee or anyone who is employed at the physical address associated with any of BodyBuilding.com, LLC, Athletes.com, and/or Higher Power Nutrition.

3. Any and all documents demonstrating and/or listing the Internet Protocol ("IP") addresses associated with the account and/or usernames listed above in Requests 1 and 2, particularly (but not exclusively) the IP addresses for the computer(s) and/or computer connections from which said account and/or username was accessed.

4. Any email address(es), ICQ Number(s), Yahoo! Messenger Handle(s), MSN Messenger Handle(s), or AIM Screen Name(s) associated with each of the accounts and/or usernames listed above in Requests 1 and 2 including, but not limited to, those provided when the individual(s) registered the account and/or usernames with bodybuilding.com.

5. Any additional information related to or tending to identify the individuals using the accounts and/or usernames listed above in Requests 1 and 2 including, but not limited to, any personal, real, or legal names used by the individuals.

6. Any additional identifying information of any computer(s) and/or computer connections accessing the accounts and/or usernames listed above in Requests 1 and 2.

7. If you omit any information or documents, identify the documents and/or information omitted and the bases for such omission.

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

SI03, Inc.

Plaintiff(s):

AFFIDAVIT OF SERVICE

vs.

Case Number: 07-cv-3266

John Doe

Defendant(s):

For:
Mudd Law Offices
3114 W. Irving Park Road
Chicago, IL 60618

STATE OF IDAHO)
)
) :ss
COUNTY OF ADA)

Received by TRI-COUNTY PROCESS SERVING on August 10, 2007 to be served on **BODYBUILDING.COM, LLC**.

I, Kasey L. Vink, who being duly sworn, depose and say that on Friday, August 10, 2007, at 12:56 PM, I:

SERVED the within named **Bodybuilding.com, LLC** by delivering a true copy of the **Subpoena** to Karen Suddarth,, Human Resources Administrator, a person authorized to accept service on behalf of Bodybuilding.com, LLC. Said service was effected at **305 Steelhead Way, Boise, ID 83704**.

I also tendered and paid the sum of **\$40.00**, (Witness Fee Tendered), at the time and place of service.

I hereby acknowledge that I am a Process Server in the county in which service was effected. I am over the age of Eighteen years and not a party to the action.

Our Reference Number: 57327

Subscribed and sworn before me today
Wednesday, August 29, 2007



TRI-COUNTY PROCESS SERVING
P.O. Box 1224
Boise, ID, 83701
(208) 344-4132

Kasey Vink
Sabine Pierce
Notary Public for the State of Idaho
Residing at Nampa, Idaho
My Commission Expires on October 2, 2012

A circular notary seal for Sabine A. Pierce, Notary Public for the State of Idaho. The seal contains the text "SABINE A. PIERCE", "NOTARY PUBLIC", and "STATE OF IDAHO" around the perimeter.

SAO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

SI03, Inc.

SUBPOENA IN A CIVIL CASE

V.

JOHN DOES 1-31 and DOE COMPANIES 1-5

Case Number:¹ 07-cv-3266

TO: Custodian of Records
Bodybuilding.com, LLC
305 Steelhead Way
Boise, Idaho 83704

United States District Court
Northern District of Illinois

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

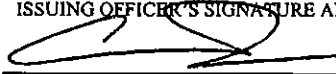
See Exhibit A (production of documents responsive to the subpoena may be made via electronic mail to cmudd@muddlawoffices.com or via electronic storage media in the form of CD-ROM, DVD-ROM or similar media).

PLACE Mudd Law Offices, 3114 West Irving Park Road, Suite 1W, Chicago, Illinois 60618	DATE AND TIME 8/29/2007 5:00 pm
--	------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE 8/9/07
---	----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Charles Lee Mudd, Jr., Mudd Law Offices, 3114 West Irving Park Road, Suite 1W, Chicago, Illinois 60618
773.588.5410

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

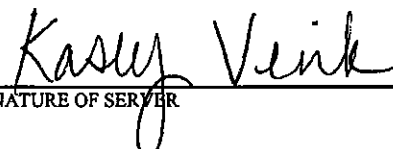
AOR88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE	8/10/07	PLACE	305 Steelhead Way, Boise, ID
SERVED	Karen Suddarth		Personal
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
	Marey Vink		Process Server
SERVED BY (PRINT NAME)		TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	8/10/07	
	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(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. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if 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, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena 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 to quash, the person from whom discovery is sought must show that the information sought 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) (A) 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.

(B) 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 party must promptly return, sequester, or destroy the specified information and any copies it has and 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 a determination of the claim. 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.

(e) CONTEMPT. Failure of 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. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

EXHIBIT A
Hostway Corporation

INSTRUCTIONS

1. The phrases "relate to" and "relating to" shall be construed to include referred to, summarize, reflect, retain, mention, show, discuss, describe, underlie, or comment upon.

2. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each." "Any" shall be construed to include the word "all," and "all" shall be construed to include the word "any."

3. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of the specification all responses that might otherwise be construed to be outside its scope.

4. A plural noun shall be construed as a singular noun and a singular noun shall be construed as a plural noun, whenever necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope.

5. If you are unable to produce any file or document called for by this request, identify the file or document and state specifically the reason or reasons why you were unable to produce such file or document.

6. If any file demanded herein or any document formally contained therein (as hereinafter described) is no longer in your possession, custody or control, identify the file or document and the reason it is no longer in your possession, custody or control.

7. Each paragraph herein shall be construed independently and not be referenced to any other paragraph for the purpose of limitation.

8. For any electronic mail produced, the complete header shall be produced.

9. The failure of this subpoena to properly define a term as used by Bodybuilding.com, LLC shall not excuse compliance if the intended scope of information identified by the term is capable of reasonable determination.

10. Documents may be produced in CD-ROM or DVD-ROM format, provided that copies of documents produced in such a format be produced in PDF (Portable Document Files) and TIFF (Tagged Image File Format) formats.

11. Electronic documents are to be produced in all of the following formats:

- A. PDF
- B. TIFF
- C. Native file format, including all metafiles and metatags.

12. Contact our offices to discuss reimbursement of reasonable costs incurred in producing documents responsive to this subpoena in excess of the \$40.00 payment by check that has been attached hereto.

DEFINITIONS

1. "Bodybuilding.com" means "Bodybuilding.com, LLC" or "Bodybuilding.com" as well as any agent, officer, director, employee, subsidiary or representative of Bodybuilding.com including any parent or related entity or any other domain name through which Bodybuilding.com has or does offer services. The failure of this subpoena to identify the proper name of the intended company or entity shall not excuse compliance if the intended company and/or entity is capable of reasonable determination.

2. "Account" shall have the meaning used by Bodybuilding.com with respect to this term on its website and shall include the collection of information provided by the individual(s) using the account to Bodybuilding.com.

3. "AIM Screen Name" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

4. "Document" means any written, recorded or graphic matter however produced or reproduced including, but not limited to, correspondence, letters, memoranda, telegrams, receipts, union paperwork, memoranda, minutes of any meetings, reports, notes, schedules, tabulations, productions, checks, statements, returns, receipts, purchase orders, work papers, financial calculations and representations, accounting and diary entries, invoices, inventory sheets, ledgers, journals, itineraries, passports, visas, trial balances, telegrams, mailgrams, contracts, bills, agreements, offers, notations of any sort of conversation, analyses, video tapes, audio recordings, calendars, tape recordings, bulletins, printed matter, galley sheets, computer disks, computer diskettes, computer tapes, computer printouts, teletypes, telecopies, photographs, deeds, mortgages, manuscripts, electronic mail (Email or email), telephone logs, telephone records and all other writings and records, whether or not claimed to be privileged, in your possession, custody or control, or in the possession, custody or control of your present or former counsel, agents, representatives, brokers, assigns, successors and employees and all persons acting on their behalf. "Document" includes the original and all drafts, as well as all copies which differ in any respect from the original. "Document" also includes any electronic

documents stored on any of the computers, servers, and data storage devices owned or under the control of either and/or both of the Plaintiffs including, but not limited to, word processing documents, Adobe PDF documents, email, Groupwise files, electronic memoranda, ascii files, html, source code, and electronic copies of any other form of document specified above.

5. "Email address" means an electronic mail address provided to bodybuilding.com.

6. "Header" means the informational text at the beginning of an email message that is created first by the client mail program sending the email message and subsequently modified by all the mail servers en route to the final destination for the email message. The header information may include, but not be limited to, from/to addresses, subject, cc, bcc, content type, time stamp and identification data.

7. "ICQ Number" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

8. "Identify" means to provide the complete name, address, telephone number of a person or to provide the complete description, title, date, location and form of a document or other tangible evidence.

9. "Internet Protocol address" means the unique identifying number provided to a computer connecting to the Internet by an internet service provider in the form 000.000.000.000, where each "000" would be a number with a value between 0 and 255.

10. "IP Address" means Internet Protocol address.

11. "MSN Messenger Handle" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

12. "Personally identifiable information" means personal information submitted to Bodybuilding.com through its membership application or other interactive means that can be used to identify the individual and/or relates to the individual.

15. "Support" means to provide a basis for, to tend to support, and/or to be believed to support.

16. "Username" refers to the pseudonym or real name or email address used by an individual to identify himself or herself when registering and thereafter using (eg to login) an account at bodybuilding.com.

17. "Yahoo! Messenger Handle" shall have the meaning used by Bodybuilding.com with respect to this term on its website and through its registration process for new accounts.

18. All requests apply to dates on or after January 1, 2000, unless otherwise noted and unless otherwise applicable to the requests for information articulated below.

REQUESTS

1. Any and all documents demonstrating and/or listing the dates and times (each time entry should indicate the respective time zone where available) from which a computer and/or computer connection accessed the account with the following usernames:

- a. "Aeternitatis,"
- b. "Androgenic,"
- c. "Aoba,"
- d. "Bloute,"
- e. "Bobo,"
- f. "BuckeyeMuscle,"
- g. "canadaBBOY,"
- h. "chimpilico,"
- i. "Coulaid,"
- j. "cxm,"
- k. "dermotti,"
- l. "deserusan,"
- m. "dito,"
- n. "dwm230000,"
- o. "ElMariachi,"
- p. "EMISGOD,"
- q. "Ephedra,"
- r. "Flagg3,"
- s. "getbustered,"

- t. "INGENIUM,"
- u. "jkeithc82,"
- v. "Kohen_Gadol,"
- w. "Marcus,"
- x. "NATHAN518,"
- y. "Patrick Arnold,"
- z. "RobW,"
- aa. "Seth25,"
- bb. "Sixpack,"
- cc. "Truth Speaker,"
- dd. "uhockey."

2. Any account and/or username using a pseudonym (as opposed to an account or username using an individual's legal name) associated with any employee or anyone who is employed at the physical address associated with any of BodyBuilding.com, LLC, Athletes.com, and/or Higher Power Nutrition.

3. Any and all documents demonstrating and/or listing the Internet Protocol ("IP") addresses associated with the account and/or usernames listed above in Requests 1 and 2, particularly (but not exclusively) the IP addresses for the computer(s) and/or computer connections from which said account and/or username was accessed.

4. Any email address(es), ICQ Number(s), Yahoo! Messenger Handle(s), MSN Messenger Handle(s), or AIM Screen Name(s) associated with each of the accounts and/or usernames listed above in Requests 1 and 2 including, but not limited to, those provided when the individual(s) registered the account and/or usernames with bodybuilding.com.

5. Any additional information related to or tending to identify the individuals using the accounts and/or usernames listed above in Requests 1 and 2 including, but not limited to, any personal, real, or legal names used by the individuals.

6. Any additional identifying information of any computer(s) and/or computer connections accessing the accounts and/or usernames listed above in Requests 1 and 2.

7. If you omit any information or documents, identify the documents and/or information omitted and the bases for such omission.

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0
Eastern Division**

SI03, Inc.

Plaintiff,

v.

Case No.: 1:07-cv-03266

Honorable Ruben Castillo

John Does, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, June 13, 2007:

MINUTE entry before Judge Ruben Castillo :After careful review, this complaint is dismissed without prejudice to the filing of an amended complaint which properly identifies the named defendants. Plaintiff is granted permission to proceed with expedited discovery to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district. Mailed notice(rao,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

August 11, 2007

TRI-COUNTY PROCESS SERVING

P.O. Box 1224
Boise, ID, 83701
(208) 344-4132 Business
(208) 338-1530 Fax

Invoice #57327

Attn: Charles Lee Mudd Jr.
MUDD LAW OFFICES
3114 W. IRVING PARK ROAD
CHICAGO IL 60618
773-588-5410 Business
773-588-5440 Fax

Reference Job #57327 when remitting.

SI03, Inc. vs John Doe
Case Number: 07-cv-3266
Documents: Subpoena

Service Upon: Bodybuilding.com, LLC

Personal Service to Karen Suddarth, Human Resources Administrator, on August 10, 2007 at 12:56 PM,
at: Bodybuilding.com, LLC, 305 Steelhead Way, Boise, ID 83704
by Kasey L. Vink

Service Fee \$50.00
Rush \$25.00

Total: \$75.00

Job Notations: Thank for payment of \$75.00 with check # 3283

DUE ON RECEIPT: \$0.00

Thank You for Choosing
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