

4. The closure, downsizing, or privatization of state schools in Texas, including but not limited to the positions of Communications Workers of America; Communications Workers of America, Local 6182; and Texas State Employees Union, Local 6186 on the issues.

5. Efforts, actions, programs, policies, or lobbying by Texas State Employees Union, Local 6186 and/or Communications Workers of America in opposing to the closure, downsizing, or privatization of state schools.

6. Communications with any person or entity concerning closure, downsizing, or privatization of state schools; Advocacy Incorporated's withdrawal of recognition of Communications Workers of America, Local 6182; or the allegations forming the basis of the Complaint in this matter (see, **Exhibit 1**).

7. The following November 7-8, 1996 events referenced on the Texas State Employees Union, Local 6186 website: "TSEU delegation meets in Washington DC with federal officials, members of Congress, and top leaders of CWA and other national unions on Texas privatization issues. CWA President Morton Bahr commits to back TSEU's fight with the full strength of CWA." Please refer to the pages from the Texas State Employees Union, Local 6186 website, attached hereto as **Exhibit 2**.

8. The following December 21, 1996 meeting referenced on the Texas State Employees Union, Local 6186 website: "CWA President Morton Bahr, AFSCME President Gerald McEntee, and AFL-CIO President John Sweeney meet with Clinton Administration officials on privatization in Texas." Please refer to the pages from the Texas State Employees Union, Local 6186 website, attached hereto as **Exhibit 2**.

9. All political contributions made by Texas State Employees Union, Local 6186 and/or Communications Workers of America in support of opposition to closure, downsizing, or privatization of state schools or that relates to any other initiatives, programs, services, or activities by Advocacy. This topic specifically includes, but is not limited to, political contributions by Communications Workers of America – Committee on Political Education.

10. All documents produced in response to the requests set out in **Exhibit A**, attached hereto, including but not limited to the authenticity of the documents.

Further, Texas State Employees Union is requested to produce at said deposition the documents listed in **Exhibit A**, attached hereto.

Respectfully submitted,

WINSTEAD PC

By:  _____

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**ATTORNEYS FOR DEFENDANT
ADVOCACY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was forwarded via facsimile on the follow counsel of record on the 20th day of November, 2007.

David Van Os
Ricardo Alberto Garcia
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 _____

Jarrett R. Andrews

EXHIBIT A

1. "Document" or "Documents" refers to all written, electronic and graphic material of any kind, including, but not limited to, drafts, originals and nonconforming copies which contain deletions, insertions, handwritten notes or comments, however produced or reproduced, and shall include, among other things, all correspondence, records, memoranda, notes, telegrams, summaries, telephone logs and records, facsimiles, communications, calendars, agenda of meetings, records of conversations, schedules, reports, studies, appraisals, analyses, lists, surveys, budgets, financial statements, financial projections, financial calculations, financial audits, contracts, agreements, proposed agreements, confidentiality agreements, periodicals, charts, graphs, interviews, speeches, books, treatises, articles, transcripts, depositions, press releases, brochures, affidavits, communications with government bodies, invoices, notes and records of meetings, interoffice communications, results of investigations, working papers, newspaper or magazine articles, records of payments, receipts, electronic mail, computer programs and printouts, maps, listings, subpoenas, items similar to any of the foregoing and their writings of every kind and description, whether or not actually used, in your possession, custody or control; and other recordings, film, tape and other data compilations from which information could be obtained.
2. "Communication" or "communications" includes, without limitation, every manner or means of statement, utterance, notation, disclaimer, transfer or exchange of information of any nature whatsoever, by or to whomever, whether oral or written or whether face-to-face, by telephone, mail, e-mail, personal delivery, facsimile or otherwise, including but not limited to, correspondence, e-mail, facsimile, conversations, dialogue, discussions, interviews, consultations, agreements, and other understandings.
3. "Regarding," "relating to," "relate" or "referring to" means consisting of, referring to, reflecting, regarding or being legally, logically, or factually connected with the request. "Relating to" or "regarding" a subject or item should be understood to include possible or contemplated actions as to such subject or item.
4. This Subpoena Duces Tecum seeks all documents available to you or in your possession, custody or control from any source wherever situated.
5. "CWA" shall refer to Communications Workers of America, as well as each person or entity who, with respect to the subject matter of the Request, was or is acting on its behalf, including any representatives, consultants, experts, investigators, agents, or attorneys.
6. "Local 6182" shall refer to Communications Workers of America, Local 6182, as well as each person or entity who, with respect to the subject matter of the Request, was or is acting on its behalf, including any representatives, consultants, experts, investigators, agents, or attorneys.
7. "TSEU" shall refer to Texas State Employees Union, Local 6186, as well as each person or entity who, with respect to the subject matter of the Request, was or is acting on its behalf, including any representatives, consultants, experts, investigators, agents, or attorneys.
8. "Cardenas" shall refer to Elva Cardenas and each person or entity who, with respect to the subject matter of the Request, was or is acting on her behalf, including any representatives, consultants, experts, investigators, agents, or attorneys.
9. "Advocacy" shall refer to Advocacy Incorporated and all persons or entities acting on its behalf, including any representatives, consultants, experts, investigators, agents, or attorneys.

10. "Lawsuit" is defined as Civil Action No. SA-07-CA-0662OG; Communications Workers of America, Local 6182 & Elva Cardenas v. Advocacy, Incorporated; In the United States District Court for the Western District of Texas, San Antonio Division.

11. "Complaint" means Plaintiffs' Complaint in the Lawsuit, (a copy of which is attached hereto as **Exhibit 1**) and all supplements or amendments thereto.

12. The following rules of construction apply to this subpoena duces tecum:

a. The words "and" and "or" are to be construed conjunctively or disjunctively as may be necessary to bring within these requests any documents that might be construed to be outside their scope;

b. The words "all" and "each" shall be construed as all and each; and

c. The use of the singular shall be deemed to include the plural, the masculine gender, the feminine and neuter, and vice versa.

13. Any word not specifically defined herein shall be deemed to have the meaning commonly understood and no definition listing or example shall be deemed to be exclusive.

14. This Subpoena Duces Tecum specifically contemplates the production of electronic or magnetic data. All electronic or magnetic data should be produced in its native format. With regard to requested electronic or magnetic data available on hard drives, exact copies (also referred to as image copies or evidentiary copies) of relevant hard drives on desktop, laptop, notebook, palm top or personal digital assistant computers should be produced. With regard to requested electronic or magnetic data available on disks, exact copies (sometimes referred to as "diskcopies") of the diskettes should be produced.

DOCUMENTS TO BE PRODUCED

1. All documents that relate to any allegations made by Local 6182 and Cardenas in the Complaint.

2. All documents sent and/or received by TSEU from any administrative board, including the National Labor Relations Board concerning Advocacy.

3. All electronic records, tapes or any other type of recording of conversations between you and any current or former employee, manager, or Board member of Advocacy.

4. Any and all written notes or transcriptions of conversations with any current or former employee, manager, or Board member of Advocacy regarding the claims asserted in the Complaint, or the closure, downsizing, or privatization of state schools.

5. All documents concerning the legal existence, charter, by-laws, and/or registration of TSEU.

6. All documents relating to TSEU's membership or charter with CWA.

7. All documents relating to Advocacy's withdrawal of recognition of Local 6182.

8. All documents relating to closure, downsizing, or privatization of state schools, Advocacy's withdrawal of recognition of Local 6182, or the allegations forming the basis of the Complaint (see, **Exhibit 1**).
9. All documents relating to the following November 7-8, 1996 events referenced on the TSEU website: "TSEU delegation meets in Washington DC with federal officials, members of Congress, and top leaders of CWA and other national unions on Texas privatization issues. CWA President Morton Bahr commits to back TSEU's fight with the full strength of CWA." Please refer to the pages from the TSEU website attached hereto as **Exhibit 2**.
10. All documents pertaining the following December 21, 1996 meeting referenced on the TSEU website: "CWA President Morton Bahr, AFSCME President Gerald McEntee, and AFL-CIO President John Sweeney meet with Clinton Administration officials on privatization in Texas." Please refer to the pages from the TSEU website attached hereto as **Exhibit 2**.
11. All documents relating to or evidencing efforts, actions, programs, policies, or lobbying by TSEU and/or CWA in opposition to the closure, downsizing, or privatization of state schools.
12. All communications between CWA and TSEU regarding the closure of state schools.
13. All communications between TSEU and any entity (other than CWA) regarding the closure, downsizing, or privatization of state schools.
14. All documents relating to any political contributions, including but not limited to contribution lists, for TSEU or CWA from 2002 to present.

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