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7 Pro Se Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SANTA CLARA**
10 **UNLIMITED JURISDICTION**

11 MARK CHRISTOPHER TRACY, an individual;
12 Plaintiff,

13 v.

14 COHNE KINGHORN PC, a Utah Professional
15 Corporation; SIMPLIFI COMPANY, a Utah
16 Corporation; JEREMY RAND COOK, an
17 ERIC HAWKES, an individual;
18 JENNIFER HAWKES, an individual; MICHAEL
19 SCOTT HUGHES, an individual; DAVID
20 BRADFORD, an individual; KEM CROSBY
21 GARDNER, an individual; WALTER J.
PLUMB III, an individual; DAVID BENNION, an
individual; R. STEVE CREAMER, an individual
PAUL BROWN, an individual; GARY BOWEN,
an individual,

22 Defendants.

Case No.: 23CV423435

Honorable Evette D. Pennypacker
[Dept. 6]

**NOTICE OF TAKING OF DEPOSITION
OF GARY BOWEN AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Date: February 13, 2024

Time: 09:00 am MST

Place: 350 E. 400 S. Rm. 2A
Salt Lake City, Utah 84111

Action Filed: September 21, 2023

Trial Date: TBD

23 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

24 PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure §2025.210 –
25 2025.280, Plaintiff will take the deposition of Defendant Gary Bowen on February 13, 2024, at 09:00
26 am MST located at 350 S. 400 S., Rm. 2A, Salt Lake City, Utah 84111, in the above-entitled matter. If
27 the deposition is not completed on the date set out above, the taking of the deposition will continue from
28 day to day, excluding weekends and legal holidays, thereafter until completed.

1 This deposition will be taken upon oral examination before any notary public or other officer duly
2 commissioned by the State of California to administer oaths by stenographic method. Plaintiff reserves
3 the right to record the deposition testimony by videotape for use at trial, pursuant to California Code of
4 Civil Procedure section 2025.220(a)(6). If the services of an interpreter are needed, please notify the
5 undersigned immediately.

6 NOTICE IS FURTHER GIVEN that, pursuant to California Code of Civil Procedure Sections
7 2025.220(a)(4) and 2025.280(a) and (c), DEFENDANT is required to produce the documents, records
8 and other materials described below, which are in his possession, or under the custody or control of any
9 of his agents, representatives, and/or attorneys on or before the date and time set forth for his deposition.
10 The documents to be produced by DEFENDANT are as follows:

11 **DEFINITIONS**

12 A. "PERSON(S)" includes any natural person, firm, association, organization, partnership,
13 business, trust, corporation, governmental or public entity or any other form of legal entity.

14 B. "DOCUMENT" or "DOCUMENTS" shall mean all documents, electronically stored
15 information, and tangible things, including without limitation all writings (as defined in Section 250 of
16 the California Evidence Code) and all other means of recording information, whether written,
17 transcribed, taped, filmed, microfilmed, or in any other way produced, reproduced, or recorded, and
18 including but not limited to: originals, drafts, computer-sorted and computer-retrievable information,
19 copies and duplicates that are marked with any notation or annotation or otherwise differ in any way
20 from the original, correspondence, memoranda, reports, notes, minutes, contracts, agreements, books,
21 records, checks, vouchers, invoices, purchase orders, ledgers, diaries, logs, calendars, computer
22 printouts, computer disks, card files, lists of persons attending meetings or conferences, sketches,
23 diagrams, calculations, evaluations, analyses, directions, work papers, press clippings, sworn or unsworn
24 statements, requisitions, manuals or guidelines, audit work papers, financial analyses, tables of
25 organizations, charts, graphs, indices, advertisements and promotional materials, audited and unaudited
26 financial statements, trade letters, trade publications, newspapers and newsletters, photographs, emails,
27 electronic or mechanical records, facsimiles, telegrams and telecopies, and audiotapes. Each draft,
28 annotated, or otherwise non-identical copy is a separate DOCUMENT within the meaning of this term.

1 DOCUMENTS shall also include any removable sticky notes, flags, or other attachments affixed to any
2 of the foregoing, as well as the files, folder tabs, and labels appended to or containing any documents.
3 DOCUMENTS expressly include all ELECTRONIC RECORDS.

4 C. "COMMUNICATION(S)" means any oral, written or electronic transmission of
5 information, including but not limited to meetings, discussions, conversations, telephone calls,
6 telegrams, memoranda, letters, teletypes, telexes, conferences, messages, notes or seminars.

7 D. "RELATING TO," "RELATED TO" or "RELATE(S) TO" means constituting,
8 containing, concerning, embodying, reflecting, identifying, stating, mentioning, discussing, describing,
9 evidencing, or in any other way being relevant to that given subject matter.

10 E. "PLAINTIFF" shall mean PLAINTIFF Mark Christopher Tracy.

11 F. "DEFENDANT," "YOU" and "YOUR" shall mean Defendant Gary Bowen.

12 G. "SUBJECT INCIDENT" means and refers to the incident as described in Plaintiff's
13 Complaint upon which this suit is founded.

14 H. "DEFENDANTS" shall mean all Defendants to the present action.

15 **REQUEST FOR PRODUCTION**

16 **REQUEST FOR PRODUCTION NO. 1:**

17 All DOCUMENTS and COMMUNICATIONS concerning or RELATED TO federal False
18 Claims Act litigation and water-right change applications identified in the SUBJECT INCIDENT sent
19 from or received by DEFENDANT including but not limited to the email addresses
20 "garybowenauthor@gmail.com" and "agarybowen@msn.com."

21 **REQUEST FOR PRODUCTION NO. 2:**

22 A copy of YOUR cell phone records, including times and dates of text messages sent to or
23 received from news media outlets including but not limited to correspondent Emma Penrod of High
24 County News and Salt Lake Tribune journalist Brian Maffly.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 All DOCUMENTS and COMMUNICATIONS sent to or received from Defendants by YOU as
27 RELATED TO news media outlets including but not limited to writer Emma Penrod of High County
28 News and Salt Lake Tribune journalist Brian Maffly.

1 **REQUEST FOR PRODUCTION NO. 4:**

2 All DOCUMENTS and COMMUNICATIONS related to culinary drinking water service and
3 contamination thereof sent to or received from managers, consultants, and/or independent contractors
4 of Emigration Improvement District (aka Emigration Canyon Improvement District)(hereafter "EID")
5 by YOU.

6 **REQUEST FOR PRODUCTION NO. 5:**

7 All DOCUMENTS and COMMUNICATIONS received from or transmitted to Defendants by
8 YOU including EID general manager Fred Smolka of Management Enterprises Inc.

9 **REQUEST FOR PRODUCTION NO. 6:**

10 All DOCUMENTS and COMMUNICATIONS related to payment of monies to or from accounts
11 drawn to or from Defendants including EID by YOU.

12 **REQUEST FOR PRODUCTION NO. 7:**

13 All DOCUMENTS and COMMUNICATIONS related to the demand for payment to or from
14 Defendants including EID.

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17 DATED: January 17, 2024

By: _____
Mark Christopher Tracy
Pro Se Plaintiff

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