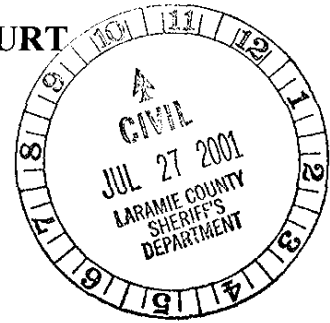


**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**



RICHARD D. COLLARD and)
MOUNTAIN STATES CONSULTING,)
LLC, a Wyoming Limited Liability Co.)

Plaintiffs,)

vs.)

RONALD KAILEY, TRIBAL)
SOFTWARE, INC., a Wyoming)
Corporation; and John Does 1 through 3,)

Defendants.)

Case No. 01-CV-008B

FILED
DISTRICT OF WYOMING
CHEYENNE
2001 Aug 13 AM 9:57
CLERK
U.S. DISTRICT COURT

DEPOSITION SUBPOENA DUCES TECUM OF MIKE BASOM

TO: Mike Basom
2101 O'Neil Ave, Room 308
Cheyenne WY 82001
(307) 637-6380

YOU ARE HEREBY COMMANDED to appear for the taking of your deposition pursuant to the Federal Rules of Civil Procedure before a certified shorthand reporter on the date of August 3, 2001, at 9:30 o'clock a.m. at the law offices of Dray, Thomson & Dyekman, P.C., 204 E. 22nd Street, Cheyenne, WY 82001, which will continue from day-to-day until completed.

AUG 08 2001

You are further hereby commanded to bring to the deposition all documents designated in Exhibit "A" hereto that are in your possession, custody or control.

Pursuant to Rule 45(a)(1)(D), Federal Rules of Civil Procedure, you are hereby advised as follows:

(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 and copying of designated 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 subdivision (d)(2) of this rule, a person commanded to produce and permit inspection and copying 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 inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy 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. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying 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, in the case of a deposition or production prior to hearing or trial, a person to travel outside that person's county of residence or employment or a county where that person regularly transacts business in person; or

- (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 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 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 specific conditions.
- (d) Duties in responding to subpoena.
 - (1) 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.
 - (2) When information or material 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.
- (e) Contempt.-- Failure by 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. Adequate causes for failure to obey include lack of personal service upon the person subpoenaed, and when a subpoena purports to require a person to attend a deposition or produce prior to hearing or trial at a place not within the limits provided by clause (ii) of subdivision (c)(3)(a).

DATED the 26 day of July, 2001.

Issued By:

A handwritten signature in black ink, appearing to read "Joseph F. Moore, Jr.", written over a horizontal line.

Joseph F. Moore, Jr.

Glenn W. Myers

R. Scott Garland

MOORE & MYERS

P. O. Box 8498

Jackson, Wyoming 83002

(307) 733-8668

(307) 733-3220 FAX

Attorney(s) for Plaintiffs

EXHIBIT "A"

1. All documents memorializing or relating to any communication by Plaintiff, Richard D. Collard, or any employee or agent of Richard D. Collard made to you regarding or concerning Defendant, Ronald E. Kailey, Jr., or Tribal Software, Inc.

PROOF OF SERVICE

DATE 07/30/01 (1054) PLACE 2101 O'NEIL CHEYENNE WY.

SERVED MIKE BASOM PERSONALLY AND IN PERSON AT HIS USUAL PLACE OF EMPLOYMENT
SERVED ON (PRINT NAME) MANNER OF SERVICE

DJ HUDSON DEPUTY SHERIFF
SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under the 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 07/30/01 [Signature]
DATE SIGNATURE OF SERVER

1910 PIONEER CHEYENNE WY.
ADDRESS OF SERVER