

STATE OF WISCONSIN

CIRCUIT COURT

SAWYER COUNTY

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JAMES HAUSMAN,

Plaintiff,

Case No. Case No. 03-CV-167

v.

SAWYER COUNTY,

Defendant.

Case Code: 30201 and 30301  
(Property Damage and Money  
Judgment)

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**SUBPOENA DUCES TECUM**

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STATE OF WISCONSIN    )  
                                  ) ss.  
SAWYER COUNTY         )

TO: Mr. Frank M. Dallam  
Wisconsin Department of Natural Resources  
810 W Maple Street  
Spooner, WI 54801

Pursuant to Wis. Stat. § 804.05, you are hereby commanded to appear in person to give evidence in the above-captioned action on December 19, 2003, at 4:30 p.m., at the conference room at the Country Inn By Carlson, 1021 West Park Avenue, Chippewa Falls, Wisconsin. The deposition shall be taken before a notary public, or before some other officer authorized by law to administer oaths. The depositions shall be subject to continuance or adjournment from time to time or place to place until completed.

You are further commanded to bring with you and produce any and all documents in your possession, custody or control (including, but not limited to, all notes, memoranda, agenda, minutes, appointments, phone message records, emails, correspondence) as requested on the Attachment A.

Documents which are subject to a legitimate claim of privilege need not be produced, but should be identified in sufficient detail to evaluate the claim of privilege.

Failure to appear may result in punishment for contempt which may include monetary penalties, imprisonment and other sanctions.

Dated this 26th day of November, 2003.

Respectfully submitted,

**MICHAEL BEST & FRIEDRICH LLP**

By:  \_\_\_\_\_

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(608) 257-3501

Attorneys for Plaintiff, James Hausman

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## **DALLAM ATTACHMENT A DOCUMENTS REQUESTED**

Please produce the following documents. Please note that the term “documents” includes all tangible things including without limitation all notes, memos, correspondence, e-mail (whether in electronic form or otherwise), agenda minutes, phone logs, etc.

1. All documents referring or relating to the order issued on September 29, 1941 by the Public Service Commission of Wisconsin.

2. All documents (including all draft minutes, minutes, notes, agenda and final agenda) referring or relating to any meeting of the Sawyer County Land & Water Conservation Committee that involved or concerned in any way Round Lake, Little Round Lake, Osprey Lake and/or the Tiger Cat flowage.

3. All documents (including all draft minutes, final minutes, notes, draft agenda and final agenda) referring or relating to any meeting of the Sawyer County Board that involved or concerned in any way Round Lake, Little Round Lake, Osprey Lake and/or the Tiger Cat flowage.

4. All documents referring or relating to Mr. James Hausman.

5. All documents referring or relating to Mr. Dan Carthel and/or Carthel Engineering and its work relating to Round Lake, Little Round Lake and Osprey Lake including, but not limited to, all reports prepared by Carthel Engineering and all drafts of reports prepared by Carthel Engineering.

6. All documents referring or relating to communications to the public about the Carthel Engineering Report.

7. All documents referring or relating to Hanson Engineering and its work

relating to Round Lake, Little Round Lake and Osprey Lake.

8. All documents referring or relating to Barr Engineering and its work relating to Round Lake, Little Round Lake and Osprey Lake.

9. All documents referring or relating to the water or water levels and any discussions, communications of the water or water levels for Round Lake, Little Round Lake, Osprey Lake, and/or the Tiger Cat flowage.

10. All documents referring or relating to any water shed studies relating to Round Lake.

11. All documents referring or relating to the hundred year flood plain for Round Lake including, but not limited, all documents referring or relating to studies, discussions, proposals to the hundred year flood plain.

12. All documents referring or relating to Highway NN and/or the culverts under Highway NN.

13. All documents referring or relating to the replacement of the bridge on County Road NN in 1968 with culverts.

14. All documents referring or relating to the dam at Carlson Road including, without limitation documents relating to the construction and maintenance of the dam.

15. All documents referring or relating to the construction and maintenance of the North Drainage Channel between Little Round Lake to Squaw (a/k/a Osprey) Lake.

16. All documents referring or relating to the construction and maintenance of the head spillway and control dam at the Tiger Cat flowage.

17. All documents referring or relating to Mr. Hausman's notice of claim to Sawyer County dated May 9, 2003.

18. All documents referring or relating to erosion damage to the shoreline of Round Lake.

19. All calendars, appointment and similar type documents from January 1, 2000 to the present that in any way reflect discussions, meetings or communications about the Round Lake water levels and/or Mr. Hausman or between you and any member of the Sawyer County Land & Water Conservation Committee or the Sawyer County Board.