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13 *Attorneys for Plaintiff*  
*Worldwide Flight Services, Inc.*

14  
15 IN THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA  
16 IN AND FOR CLARK COUNTY

17  
18 Worldwide Flight Services, Inc.,

19 Plaintiff,

20 v.

21 Jeff Kleindl, an individual, Choice Logistics, a  
Corporation,

22 Defendants.

Case No. A-22-848288-C

Dept No. 4

**SUBPOENA – CIVIL**

REGULAR  DUCES TECUM  
(RECORDS MAY BE MAILED IN LIEU  
OF APPEARANCE)

23  
24 For the issuance of an Arizona Subpoena under Ariz. R. Civ. P. 45.1  
**THE STATE OF NEVADA SENDS GREETINGS TO:**

25  
26 **Kyle Newhard**  
4463 E. Megan Street  
27 **Gilbert, AZ 85295**  
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4. Relevant portions of Nevada Rules of Civil Procedure 45 are attached hereto as **Exhibit C** and contain information regarding your obligations under this subpoena, as well as certain protections afforded a party obligated under a Subpoena.

DATED this 29<sup>th</sup> day of August, 2022.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Jennifer K. Hostetler

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*Attorneys for Plaintiff*

*Worldwide Flight Services, Inc.*

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**AFFIDAVIT OF SERVICE**

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF CLARK        )

\_\_\_\_\_, being duly sworn says: That at all times herein  
affiant was over 18 years of age, not a party to nor interested in the proceeding in which this  
affidavit is made. That affiant received the Subpoena on the \_\_\_\_ day of \_\_\_\_\_,  
2022 and served the same on the \_\_\_\_ day of \_\_\_\_\_, 2022 by delivering a copy to  
the witness at \_\_\_\_\_.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is  
true and correct.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Signature of person making service

**EXHIBIT A**  
**DEFINITIONS**

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3           1.       The term “**Kleindl**” as used herein means Defendant Jeff Kleindl, as well as all other  
4 persons or entities who at any time act, purport to act or have acted or purported to act on behalf of  
5 and/or under the direction or control of Kleindl.

6           2.       The term “**You**” “**Your**” “**Kyle**” or “**Newhard**” as used herein means Kyle  
7 Newhard, as well as all other persons or entities who at any time act purport to act or have acted or  
8 purported to act on behalf of and/or under the direction or control of Kyle Newhard.

9           3.       The term “**Plaintiff**” or “**WFS**” as used herein means Plaintiff Worldwide Flight  
10 Services, Inc., including its principals, officers, directors, employees, agents, representatives,  
11 assigns, and affiliates and divisions.

12           4.       The terms “**relate to,**” “**related to,**” and “**relating to,**” or any variant thereof,  
13 include but are not limited to, the following meanings: referring to, supporting, located in,  
14 considered in connection with, bearing, bearing on, evidencing, indicating, reporting on, recording,  
15 alluding to, responding to, concerning, opposing, favoring, connected with, commenting on, in  
16 respect of, about, regarding, discussing, showing, describing, reflecting, analyzing, constituting and  
17 being.

18           5.       The term “**all**” includes and encompasses the term “**any.**” The term “**any**” includes  
19 and encompasses the term “**all.**”

20           6.       The terms “**and**” and “**or**” shall be construed conjunctively or disjunctively as  
21 necessary to make the request inclusive rather than exclusive.

22           7.       As used herein, the terms “you” and “your” means, jointly and severally, the entity  
23 or person to whom this subpoena duces tecum is addressed; its past or present owners, officers,  
24 directors, agents, attorneys, accountants, partners (general and/or limited), and employees; any  
25 merged, consolidated or acquired entity; any predecessor or successor, parent, subsidiary, division  
26 or affiliate, any person acting on your behalf; or any person within a “controlled group of  
27 corporations” of which you are a member.  
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1           c.       The name, the present or last known home and business address and the  
2 telephone numbers thereto, the title (or position), and the occupation of each of those individuals  
3 who prepared, produced or reproduced, or who are recipients of said document;

4           d.       A description of the records(s), including the subject and purpose of said  
5 document sufficient to identify it without revealing the information for which the privilege is  
6 claimed; and

7           e.       Each and every fact or basis upon which you claim any such privilege.  
8 Notwithstanding the assertion of an objection, any purportedly privileged document containing  
9 non-privileged matter must be disclosed, with the purportedly privileged portion excised.

10          3.       All records(s) shall be produced in the order they are kept in the ordinary course of  
11 business, and shall be produced in their original folders, binders, covers or containers. If, for any  
12 reason, the container cannot be produced, produce copies of all labels or other identifying marks.

13          4.       If a record was prepared in several copies, or if additional copies were thereafter  
14 made, and if any such copies were not identical or are no longer identical by reason of subsequent  
15 notation or modification of any kind whatsoever including, but not limited to, notations on the front  
16 or back of the document, all such non-identical copies must be produced.

17          5.       In producing records(s), you are requested to produce the original of each requested  
18 together with all non-identical copies and drafts of that document. If the original of any photograph  
19 cannot be located, a copy shall be provided in lieu thereof, and shall be legible and in the same  
20 manner as the original.

21          6.       Records(s) shall be produced in such fashion as to identify the department, branch  
22 or office in whose possession they were located and, where applicable, the natural person in whose  
23 possession they were found and the business address of each documents custodian(s).

24               Documents attached to each other shall not be separated.

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**ITEMS TO PRODUCE**

1. All emails sent to or received from Jeff Kleindl (or someone on his behalf) from May 15, 2021, through December 31, 2021.
2. All text messages sent to or received from Jeff Kleindl from May 15, 2021, through December 31, 2021.
3. Documents sufficient to show all email addresses you have used either personally or in a work-related capacity from May 15, 2021, to the present.
4. Documents sufficient to show all phone numbers you have used either personally or in a work-related capacity from May 15, 2021, to the present.
5. All documents you obtained from the WFS on or after May 17, 2021, including but not limited to documents maintained in the WFS TREENO database.
6. All documents related to WFS provided to you by Jeff Kleindl or someone on his behalf on or after May 17, 2021.
7. All documents, including electronic data, reflecting that you accessed the WFS TREENO database in June 2021 and downloaded documents from that database.
8. Documents, including electronic data, sufficient to show the current location of all documents you obtained from the WFS TREENO database in June 2021.
9. All documents, including electronic data, used by you in any way in connection with accessing the WFS TREENO database in June 2021, including information regarding username, password, and other credentials used to access the database.
10. All documents reflecting permission provided by WFS to you to access the WFS TREENO database in June 2021.

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**EXHIBIT B**

**DECLARATION OF KYLE NEWHARD**

I, Kyle Newhard, certify and declare as follows:

1. I am over the age of 18 and am competent and willing to testify regarding the matters asserted herein, which are based on my own personal knowledge, unless stated upon information and belief, as to which statements I am informed and believe to be true.

2. That I was served with a subpoena in connection with the case entitled , *Worldwide Flight Services, Inc. v. Kleindl, et al.*, Case No. 2A-22-848288-C, calling for the production of certain records.

That I have examined and thoroughly searched all original documents and records as requested in the Subpoena Duces Tecum and have made a true and exact copy of all documents, records, or other tangible things that falls within the request of the Subpoena Duces Tecum, except that all privileged, protected, and irrelevant materials have been withheld or redacted and that the reproduction of them attached hereto is true and complete.

**OR**

That I have performed a thorough search and revealed no records, documents, or other items as described in the request and/or Subpoena. And it is understood that this Declaration is limited to the information supplied to the undersigned in the attached Subpoena.

I have read this declaration in its entirety and I declare under penalty of perjury that the foregoing is true and correct and based upon my personal knowledge.

DATE: \_\_\_\_\_

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KYLE NEWHARD

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**EXHIBIT C**

**NEVADA RULES OF CIVIL PROCEDURE**

**Rule 45**

**(c) Protection of Persons Subject to Subpoena.**

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an appropriate sanction — which may include lost earnings and reasonable attorney fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.**

(i) A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of copying the documents or information, or photographing the tangible items.

**(B) Objections.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made:

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued the subpoena;

(ii) on notice to the parties, the objecting person, and the person commanded to produce or permit inspection, the party serving the subpoena may move the court that issued the subpoena for an order compelling production or inspection; and

(iii) if the court enters an order compelling production or inspection, the order must protect the person commanded to produce or permit inspection from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court that issued a subpoena must quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

1 (ii) requires a person to travel to a place more than 100 miles from the place  
2 where that person resides, is employed, or regularly transacts business in person, unless the person  
is commanded to attend trial within Nevada;

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

4 (iv) subjects a person to an undue burden.

5 (B) **When Permitted.** On timely motion, the court that issued a subpoena may quash  
or modify the subpoena if it requires disclosing:

6 (i) a trade secret or other confidential research, development, or commercial  
information; or

7 (ii) an unretained expert's opinion or information that does not describe  
specific occurrences in dispute and results from the expert's study that was not requested by a party.

8 (C) **Specifying Conditions as an Alternative.** In the circumstances described in  
9 Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance  
or production under specified conditions if the party serving the subpoena:

10 (i) shows a substantial need for the testimony or material that cannot be  
otherwise met without undue hardship; and

11 (ii) ensures that the subpoenaed person will be reasonably compensated.

12 (d) **Duties in Responding to a Subpoena.**

13 (1) **Producing Documents or Electronically Stored Information.** These procedures  
apply to producing documents or electronically stored information:

14 (A) **Documents.** A person responding to a subpoena to produce documents must  
produce them as they are kept in the ordinary course of business or must organize and label them  
to correspond to the categories in the demand.

15 (B) **Form for Producing Electronically Stored Information Not Specified.** If a  
16 subpoena does not specify a form for producing electronically stored information, the person  
responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably  
usable form or forms.

17 (C) **Electronically Stored Information Produced in Only One Form.** The person  
responding need not produce the same electronically stored information in more than one form.

18 (D) **Inaccessible Electronically Stored Information.** The person responding need  
19 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  
20 for a protective order, the person responding must show that the information is not reasonably  
accessible because of undue burden or cost. If that showing is made, the court may nonetheless  
21 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.

22 (2) **Claiming Privilege or Protection.**

23 (A) **Information Withheld.** A person withholding subpoenaed information under a  
claim that it is privileged or subject to protection as trial-preparation material must:

24 (i) expressly make the claim; and

25 (ii) describe the nature of the withheld documents, communications, or  
tangible things in a manner that, without revealing information itself privileged or protected, will  
26 enable the parties to assess the claim.

27 (B) **Information Produced.** If information produced in response to a subpoena 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  
28 being notified, a party must promptly return, sequester, or destroy the specified information and

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any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt; Costs.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court that issued the subpoena. In connection with a motion for a protective order brought under Rule 26(c), a motion to compel brought under Rule 45(c)(2)(B), or a motion to quash or modify the subpoena brought under Rule 45(c)(3), the court may consider the provisions of Rule 37(a)(5) in awarding the prevailing person reasonable expenses incurred in making or opposing the motion.