

## BRENT COON & ASSOCIATES

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12201 Big Bend Suite 200. • St. Louis, MO 63122 • 314.822.0732 • 314.822.0943 Facsimile

June 21, 2010

McDonald's Corporation  
c/o Registered Agent  
Prentice Hall Corporation  
33 North LaSalle Street  
Chicago, IL 60602

**RE: *Piechur v. Redbox Automated Retail, LLC, Case No. 09-L-562, St. Clair County, IL  
Sent via Certified Mail, Return Receipt Requested No. 7009 2250 0001 9429 0819***

Dear Sir or Madam:

Enclosed please find a subpoena including attachment A, a notice of discovery deposition and a business records affidavit. At your earliest convenience, please contact me to discuss these matters.

I request that you produce all responsive documents in PDF format. If you cannot produce documents in such a format, then I request that you produce documents in printed form unless we otherwise agree in writing to a different electronic format beforehand. Prior to copying any documents, please contact me because I may want to inspect them first.

After you compile all responsive documents, please produce them with an executed, notarized business records affidavit. For your convenience, I have enclosed a form affidavit. ***If I receive the documents and executed affidavit no less than three days prior to the scheduled deposition referenced in the enclosed notice of discovery deposition, then the deposition will be cancelled pursuant to Illinois Supreme Court Rule 204(a)(4).*** The cancellation of this deposition, however, does not mean that I will not depose you on a different date.

If you refuse to produce any documents responsive to the enclosed subpoena, then please be aware that such documents are an important and irreplaceable source of evidence in this class action. Accordingly, please take every necessary step to preserve all responsive documents until the court resolves any disputes.

Very Truly Yours,

Jeffrey A. J. Millar

cc: Eric Brandfonbrener  
Robert Sprague

Encls. (1) Notice of discovery deposition  
(2) Subpoena including Attachment A  
(3) Sample business records affidavit  
(4) Cashiers Check #0000408

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Beaumont, TX • Austin, TX • Houston, TX • Baton Rouge, LA

Boston, MA • Cleveland, OH • Jackson, MS • Nashville, TN •

Philadelphia, PA • San Francisco, CA • St. Louis, MO

IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

LAURIE PIECHUR, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

REDBOX AUTOMATED RETAIL, LLC.,

Defendant.

Case No. 09 L 562

**NOTICE OF DISCOVERY DEPOSITION**

TO: All Counsel of Record

PLEASE TAKE NOTICE THAT Plaintiff shall take the following discovery  
deposition:

Deponent: McDonald's Corporation, Custodian of Records  
Date: July 9, 2010  
Time: 11:00 a.m.  
Location: One McDonald's Plaza  
Oak Brook, IL 60523

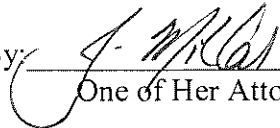
This deposition shall occur before a Notary Public on oral interrogatories pursuant to applicable statutes and rules, at which time and place you may be present and participate if you so desire. *No deposition will be taken if deponent serves true and complete copies of the subpoenaed documents or tangible things along with an executed business records affidavit on the requesting party at least three (3) days prior to the scheduled deposition.*

cc: Pohlman Reporting (Court Reporters)

**DATED:** June 21, 2010

Respectfully submitted,

**LAURIE PIECHUR,**  
**Class Plaintiff,**

By:   
One of Her Attorneys

Thomas G. Maag #6272640  
**Wendler Law, P.C.**  
900 Hillboro, Suite 10  
Edwardsville, IL 62025  
Telephone: (618) 692-0011  
Facsimile: (618) 692-0022

Jeffrey A. J. Millar #6271673  
**Brent Coon & Associates, P.C.**  
12201 Big Bend Blvd, Suite 200  
St. Louis, MO 63122  
Telephone : (314) 822-0732  
Facsimile : (314) 822-0943

Thomas Q. Keefe, Jr. #3123418  
**Thomas Q. Keefe, Jr., P.C.**  
6 Executive Woods Court  
Belleville, IL 62226  
Telephone: (618) 236-2221  
Facsimile: (618) 236-2194

Peter J. Maag #6286765  
**Maag Law Firm, LLC**  
P.O. Box 224  
Breese, IL 62230  
Telephone: (618) 541-2934

**Attorneys for Plaintiff and Proposed Classes**

**IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

LAURIE PIECHUR, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

REDBOX AUTOMATED RETAIL, LLC.,

Defendant.

Case No. 09 L 562

**Certificate of Service**

The undersigned certifies that, on June 21, 2010, a true and correct copy of the foregoing was served by depositing it in the U.S. Mail, postage pre-paid, upon the following:

Robert Sprague  
**SPRAGUE & URBAN**  
26 East Washington Street  
Belleville, IL 62220  
PHONE: (618) 233-8383  
FAX: (618) 233-5374

Eric D. Brandfonbrener  
Jonathan R. Buck  
**PERKINS COIE LLP**  
131 S. Dearborn Street, Suite 1700  
Chicago, IL 60603-5559  
PHONE: (312) 324-8602  
FAX: (312) 324-9602

**ATTORNEYS FOR DEFENDANT**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

  
\_\_\_\_\_

IN THE CIRCUIT COURT OF THE TWENTIETH  
JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, IL

Laurie Piechur )

Vs. )

Redbox Automated Retail, LLC )

No. 09-L-562

**SUBPOENA FOR DEPOSITION**

To: McDONALD'S CORPORATION, Custodian of Records

You are commanded to appear to give your deposition before a notary public ~~in person~~  
~~XXXXXXXX~~ at 1 McDonald's Plaza, Oak Brook Illinois, on July 9, 2010  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ 20 ~~XXXXXXXX~~, at 11:00 A.M.

YOU ARE COMMANDED ALSO to bring the following:  
Please see documents listed in Attachment A

in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR COMTEMPT OF THIS COURT.

WITNESS, \_\_\_\_\_ 20,  
Brendan F. Kelly  
BRENDAN F. KELLY, Circuit Clerk  
By: [Signature]  
Deputy

On June 21, 2010 I served the subpoena by depositing it in the U.S. Mail, postage pre-paid addressed to McDonald's Corporation, c/o Prentice Hall Corporation, Registered Agent, 33 North LaSalle Street, Chicago, IL 60602, restricted delivery, certified mail no. 7009 2250 0001 9429 0819, return receipt requested, with a check for a \$20.00 witness fee pursuant to 705 ILCs 35/4.3. No mileage fee was paid because the notice of deposition is set for defendant's corporate headquarters at One McDonald's Plaza, Oak Brook, IL 60523.

Signed and sworn to before me

[Signature]  
(Notary Public)



CHRISTINA POWERS  
My Commission Expires  
January 24, 2011  
St. Louis County  
Commission #07999705

Attorney Jeffrey A. J. Millar [Signature]  
Address 12201 Big Bend Road, Suite 200

City, State, Zip St. Louis, MO 63122

Telephone (314) 822-0732

## ATTACHMENT "A"

### DEFINITIONS

In addition to their usual and customary meanings, the following terms, including any derivations thereof, shall be defined as follows and apply to your responses:

1. The terms "you" and "your" means McDonald's Corporation and its predecessors, successors, subsidiaries (including McDonald's Ventures, LLC), units, divisions, affiliates, joint ventures, parents, officers, directors, agents, employees and/or independent contractors (including without limitation, its attorneys, accountants, bankers, advisors, public relations firms, advertising firms, and marketing firms), and all persons acting or purporting to act for or on behalf of it.

2. The term "Defendant" means the named defendant(s) in this action, Redbox Automated Retail, LLC and shall also include all parents, subsidiaries, affiliates (including but not limited to indirect corporate affiliates), officers, directors, employees, agents, counsel and representatives thereof.

3. The term "Plaintiff" means Laurie Piechur.

4. The term "entity" means any proprietorship, partnership, firm, corporation, association, governmental agency or other organization.

5. The relevant time period for the existence of responsive documents is any time from January 1, 2002 to the present, unless otherwise indicated.

6. The term "document" shall be interpreted in the broadest possible sense and means any document, object to tangible thing subject to discovery under Rule 214 including, without limitation, all written recorded, printed, typed, transcribed, filmed, digitized, or graphic matter and all other tangible things and media upon which any handwriting, typing, printing,

drawing, representation, electrostatic or other copy, sound and video recording, visual reproduction or communication is recorded, reproduced or represented, including but not limited to, books, records, correspondence, reports, memorandum, electronic mail (i.e., “e-mail”), contracts, tables, graphs, charts, diagrams, calendars, appointment books, reports, studies, analyses, drafts, files, telephone logs and, messages, checks, microfilms, electronic data compilations, drafts, tapes, diskettes, notes, minutes or transcripts of proceedings. Documents shall include originals and all non-identical copies (whether different from the original because of notes made in or attached to such copy or otherwise) all other data compilations from which information can be obtained, and any preliminary versions, drafts or revisions of any of the foregoing.

7. The term “communication” or “communicate” means any sharing of information with another person in person ,on the telephone or in written form in a discussion, conversation letter facsimile, note, electronic message (i.e., “E-mail”) or any other vocal, hand or type written form.

8. The term “refer” or “relate” means to make a statement about, discuss, describe, show, reflect, concern, identify, constitute, consist of, or pertain to, in whole or in part, the subject.

9. The term “testimony” or “testify” means to testify in a deposition or in court, or to provide an affidavit, declaration or any other form of sworn statements.

10. Except as specifically provided herein, words imparting the singular shall include the plural and vice versa.

11. Notwithstanding the foregoing, to the extent you contend any word or phrase is not defined or otherwise vague and/or ambiguous, Plaintiff will accept a dictionary definition of that word or phrase as indicative of its meaning.

### **REQUESTS**

1. Please produce all documents that refer or relate to your corporate structure as it previously related to the marketing, promotion, production and distribution of Redbox brand DVD vending kiosks during the time you had an ownership stake in Defendant.
2. Please produce all documents that refer or relate to the relationship between you and Defendant.
3. Please produce all documents that refer or relate to the beginning and end of your ownership interest in the Redbox brand DVD vending kiosk.
4. Please produce all documents that refer or relate to the idea to implement a self-automated kiosk that offers customers DVD rentals for only \$1 a night.
5. Please produce all documents that refer or relate to how \$1 a night was chosen as the amount of a Redbox DVD rental.
6. Please produce all documents referring or relating to any Terms of Conditions, Terms of Use or similar terms (including drafts) for use of Redbox DVD vending kiosks since the beginning of their implementation in any of your restaurants, including any drafts or changes thereto during the relevant time period.
7. Please produce all documents that refer or relate to any complaints, grievances or inquiries from customers regarding allegations that any additional rental period fees for Redbox DVD rentals were actually "late fees."
8. To the extent not responsive to the above, please produce all documents that refer or relate to any complaints, whether internally to McDonald's, or externally to such groups as the Better Business Bureau or the Federal Trade Commission that the Redbox DVD vending kiosk additional rental fees were in actually "late fees."
9. Please produce all documents that refer or relate to whether and if so, you record, track, document or otherwise memorialize by any nature whatsoever complaints, grievances or inquiries from consumers regarding allegations that any additional rental period fees from Redbox DVD rentals were actually "late fees."
10. Please produce all documents referring or relating to your ability to determine, during the time you had an ownership stake in Defendant, by date, time and minute when a DVD is returned to a Redbox brand DVD vending kiosk.

11. Please produce all documents referring or relating to how and why 25 days was determined as the threshold time limit after which a customer who has not returned a DVD would be charged the Maximum Charge, during the time which you had an ownership interest in Defendant.

12. Please produce all documents referring or relating to any analysis performed of the return policy, late return policy, extended viewing fees policy, additional rental fees policy, no late fees policy, \$1 a day late fees policy or \$1 a day re-rental fee policy for Blockbuster, Hollywood Video, Netflix or any other DVD rental company during the time within which you had an ownership interest in Defendant.

13. Please produce all documents referring or relating to the amount of Maximum Charges (e.g. \$25) collected from Redbox brand DVD vending kiosk since January 1, 2002.

14. Please produce all documents referring or relating to the total amount of used DVD sales from a Redbox brand DVD vending kiosk since January 1, 2002.

15. Please produce all documents referring or relating to your ability to identify all persons in the United States who from January 1, 2002 rented a DVD disc from a Redbox kiosk, returned the disc within 24 hours after the initial rental date and incurred a \$1 fee.

16. Please produce all documents referring or relating to your ability to identify all persons in the United States who from January 1, 2002 rented a DVD disc from a Redbox kiosk and were charged the "Maximum Charge" for the disc.

17. Please produce all documents referring or relating to any reports, analysis or studies regarding the amount of consumers that you predicted would pay a Maximum Charge from a DVD rental from a Redbox brand DVD vending kiosk during which time you had an ownership interest in Defendant.

18. Please produce all documents referring or relating to any training or policy manuals providing to employees regarding your billing practices or procedures of Redbox DVD rentals during which time you had an ownership interest in Defendant.

19. Please produce all documents referring or relating to any description of rental charges as "late charges" regarding the Redbox DVD vending kiosk.

20. Please produce all studies, analysis, white papers or PowerPoint presentations of any other DVD rental company's late fee policy.

21. Please produce all documents referring or relating to rental fees, rental rates or rental charges or extra day rates as "late fees."

22. Please produce all documents referring or relating to any conversations, meetings, minutes, correspondence between You and Redbox regarding rental fee policies.

23. Please produce all agreement(s) between You and Redbox regarding the use and implementation of Redbox DVD vending kiosks at any of your Restaurant locations.

24. All documents that refer or relate to any arbitration or litigation (individual, class, or purported class) including any demands for arbitration (including class, individual or purported class) against you claiming additional rental fees from Redbox DVD vending kiosks are in reality “late fees” or “unlawful penalties.”

**IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

LAURIE PIECHUR, individually and on behalf  
of all others similarly situated,

Plaintiff,

Case No. 09 L 562

v.

REDBOX AUTOMATED RETAIL, LLC.,

Defendant.

**Affidavit of Compliance Pursuant to Rule 204(a)(2)**


1. I, Jeffrey A. J. Millar am over the age of 21 years and a resident of the State of Missouri. I am one of the attorneys for the plaintiff in the above captioned case.

2. I have personal knowledge of the facts set forth in this Affidavit.

3. I certify that on June 21, 2010, a true and correct copy of the foregoing was served by depositing it in the U.S. Mail, postage pre-paid, addressed to McDonalds Corporation, , Prentice Hall Corporation, Registered Agent, 33 North LaSalle Street, Chicago, IL. 60602, restricted delivery, certified mail no. 7009 2250 0001 9429 0819, return receipt requested, with a check for a \$20.00 witness fee pursuant to 705 ILCS 35/4.3. No mileage fee was paid because the notice of deposition is set for defendant's corporate headquarters at One McDonalds Plaza, Ok Brook, IL. 60523.

  
Jeffrey A. J. Millar

In witness whereof I have hereunto subscribed my name and affixed my official seal this 21<sup>st</sup> day of June, 2010.

  
Notary Public

My Commission Expires: 1/24/11



CHRISTINA POWERS  
My Commission Expires  
January 24, 2011  
St. Louis County  
Commission #07999705

**IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

LAURIE PIECHUR, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

REDBOX AUTOMATED RETAIL, LLC.,

Defendant.

Case No. 09 L 562

**Certificate of Service**

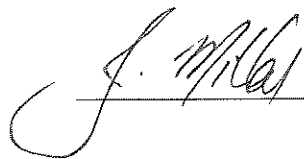
The undersigned certifies that, on June 21, 2010, a true and correct copy of the foregoing was served by depositing it in the U.S. Mail, postage pre-paid, upon the following:

Robert Sprague  
**SPRAGUE & URBAN**  
26 East Washington Street  
Belleville, IL 62220  
PHONE: (618) 233-8383  
FAX: (618) 233-5374

Eric D. Brandfonbrener  
Jonathan R. Buck  
**PERKINS COIE LLP**  
131 S. Dearborn Street, Suite 1700  
Chicago, IL 60603-5559  
PHONE: (312) 324-8602  
FAX: (312) 324-9602

**ATTORNEYS FOR DEFENDANT**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

  
\_\_\_\_\_

**BUSINESS RECORDS AFFIDAVIT**

Before me, the undersigned authority, personally appeared \_\_\_\_\_, who being duly sworn, deposed as follow:

1. My name is \_\_\_\_\_, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein:

2. I am the custodian of records of \_\_\_\_\_.

3. Attached hereto are \_\_\_\_\_ pages of records from the files of \_\_\_\_\_. These \_\_\_\_\_ pages of records are kept by \_\_\_\_\_ in the regular course of business and it was the regular course of business of \_\_\_\_\_ for an employee or representative of \_\_\_\_\_ with knowledge of the act, event, condition, opinion, or diagnoses recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, even, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Position

**AFFIDAVIT**

In witness whereof I have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

My Commission Expires:

EASY CHECK/CASH GIVE/TAKE      06/21/10 11:01AM      11867      69 6904 CAF BR:0069

920220036-00 MILLAR/JEFFREY AJ      CHECKS RELEASE      EFF DATE: 06/21/10      408

CASH RECVD:      .00 TOTL RECVD:      .00 CASH RETURNED:      .00  
 DOC. TYPE: CA      CHECK RETURNED:      20.00 TO: MCDONALD'S CORPORATION

SFX    BEG BAL    TRAN    AMOUNT    SHARE/PRINC INT/PYMT FEE/LTCG    APR/ES    NEW BAL  
 78    61.55    SHW    20.00    20.00    .00    41.55

Car loan rates as low as 3.79% APR. Loan subject to credit approval. See a representative for details or call 636.728.3330, 800.905.7585 or visit [www.firstcommunity.com](http://www.firstcommunity.com).

Member Copy

THIS CHECK IS VOID WITHOUT A BLUE AND RED INK BACKGROUND PRINTED ON PAPER WHICH CONTAINS AN WATER MARK

**First Community**  
credit union  
 15715 MANCHESTER RD  
 ELLISVILLE, MO 63011

**CASHIER'S CHECK**

Check Number    0000408

06/21/10

\$20.00

PAY    TWENTY AND 00/100 DOLLARS

TO THE    MCDONALD'S CORPORATION  
 ORDER    RE: JEFFREY A. J. MILLAR  
 OF

AUTHORIZED SIGNATURE



SIGNATURE AREA HAS A DISAPPEARING BORDER - CHECK BORDER CONTAINS MICROPRINTING

⑈0000408⑈    ⑆2810818??⑆    09?700 004⑈