

August 11, 2008

Cause No. 2008-24181

Re: Request for Expedited Subpoena of Yahoo, Inc.

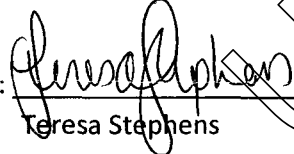
Defendant, Teresa Stephens, in the above case is requesting from the Court a subpoena to preserve evidence of email account of [redacted]. On Monday, August 4 someone illegally and deliberately entered my Yahoo Email Account and deleted all emails/chat conversations regarding this case. Yahoo initially told me they were able to retrieve my old mailbox; Yahoo then changed to a subpoena would be required to retrieve all lost evidence [Exhibit A]. Defendant feels that these emails are extremely important to the Discovery in this case. Plaintiff's Attorneys have already requested a forensic examination of the computer that was tampered with in a Bank of America safe deposit box [Exhibit B] and a request for production is on its way. Defendant will be unable to comply with any requests for discovery unless a subpoena is issued.

Defendant, Teresa Stephens, prays the court will issue a subpoena to the following to maintain all evidence related to this case is not permanently destroyed:

Yahoo Custodian of Records
701 First Avenue
Sunnyvale, CA 94089-1019

Respectfully Submitted,

TERESA STEPHENS

By: 
Teresa Stephens
Pro Se

Unofficial Copy

1904m
p8
FILED
TERESA CHANG
DISTRICT CLERK
2008 AUG 13 AM 10:41
BY: [redacted]

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2008, a true and correct copy of the foregoing instrument was served via electronic transmission and by U.S. First Class Mail upon the following counsel of record:

Neil C. McCabe
M. Michael Meyer
The Quinn Law Firm
440 Louisiana Street, Suite 2300
Houston, Texas 77002
Via EMAIL: neilm@oqlaw.com
mm0102@sbcglobal.net

William W. Ogden
1900 Pennzoil South Tower
711 Louisiana
Houston, Texas 77002
Telephone: 713-844-3000
Via EMAIL: bogden@ogwbl.com
tgregor@OGWBL.COM

Harry P. Susman
Richard W. Hess
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Via EMAIL: hsusman@susmangodfrey.com
rhes@susmangodfrey.com

L. Lin Wood
One Atlantic Center, 14th Floor
1201 W. Peachtree St NW
Atlanta, GA 30309
Via EMAIL: LWood@pogolaw.com



Tereza Stephens

>> about our Yahoo! Mail product updates, new releases and bug fixes.
 >> - <http://ymailupdates.com/blog/>
 >> Regards,
 >> Serena
 >> Yahoo! Customer Care
 >> Get easy access to all of your favorites.
 >> Make Yahoo! your home page:
 >> http://us.rd.yahoo.com/evt=38861/*http://promo.yahoo.com/homepage/
 >> For assistance with all Yahoo! services please visit:
 >>
 >> <http://help.yahoo.com/>

>> Original Message Follows:

>> -----

>> Mail-Id:

>>

>

w1.help.re1.yahoo.com-/us/yahoo/mail/classic/help_s.html-1217956700-84

>> 28

>> Name: Teresa

>> Yahoo! ID:

>> Email Address:

>> Issue Type: Other

>> How often this occurs: Once

>> Country: Yahoo! US - English

>> Simple Explanation: Someone deleted ALL my folders, emails etc in my
 >> account. I have been subpoenaed for all my computer information and
 > it

>> somehow disappeared since yesterday. This is NOT GOOD. Is there
 > anyway

>> to restore my yahoo account starting 2 days ago? PLEASE HELP

>> Specific Details:

>> Operating System: windows xp

>> Type of Browser: internet explorer

>> Browser Version:

>> "Information Passed In":

>> -----

>> "from_url" : <http://help.yahoo.com/us/yahoo/mail/classic/contactus/index.html>

>> -----

>> While Viewing: <http://help.yahoo.com/us/yahoo/mail/classic/contactus/index.html>

>> Form Name: http://help.yahoo.com/us/yahoo/mail/classic/help_s.html

>> Yahoo ID: } : Yahoo id from cookie

>>

>

"https://amt.yahoo.com/amt/dosearch?.token=oJGho9_IG.bsreYefeEORvtzrk3ro

>> PypI3.Y6nKLlzz6NYZD"

>> Other ID:

>> Browser: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1; .NET CLR

>> 1.1.4322)

>> REMOTE_ADDR: 63.164.145.85

>> REMOTE_HOST: 63.164.145.85

>> Date Originated: Tuesday August 5, 2008 - 10:18:20

>> -----

>

Unofficial Copy

Defendant
Teresa Stephens
1st Rqst.

Exhibit A #1

> Polly
 > Yahoo! Customer Care - Account Security
 > <http://security.yahoo.com>
 > New and Improved Yahoo! Mail - better than ever!
 > Original Message Follows:
 > -----

>>> REDFRMCON Case ID: 73415545
 > thank you sooooo much. Someone illegally went into my mail on monday
 > nite...please restore from monday at 3pm as all my mail was ewvidence
 > that has been subpoenaed thank u
 > Yahoo! Mail wrote:

Defendant
 Teresa Stephens
 2ND Rqst.

Yahoo #1
 Reply

>> Hello Teresa,
 >> Thank you for writing to Yahoo! Mail.
 >> We understand that you have deleted lost all of your emails from your
 >> mail account. We apologize for the inconvenience caused.
 >> We have received your request to restore your mailbox. It is
 important
 >> that you respond as soon as possible. We have a narrow timeframe in
 >> which we can replace your mailbox with an earlier backup.
 >> We need to inform you that if we take this action, you will lose any
 > and
 >> all messages in your mailbox that you have received after the restore
 >> date. This restore will affect your whole mailbox, so all your
 > folders
 >> will be affected. For example, if you request a restore from the
 1st,
 >> you will lose your received mail form the 2nd, as your mailbox will
 > look
 >> exactly like it did on the 1st. Any changes to your mailbox,
 including
 >> email received, moved to folders or deleted, after the restore point
 >> will be lost.
 >> If you still wish us to restore your mailbox, simply reply to this
 > email
 >> with the following:
 >> 1. Confirmation that you want us to restore your mailbox. Please
 note,
 >> we are unable to restore individual folders, at this time, only your
 >> entire mailbox.
 >> 2. A recommended date and time you would like use to restore from.
 >> (please include your time zone)
 >> 3. Which account you want restored.
 >> Please let us know, and we can try and restore how your mailbox
 looked
 >> on that date.
 >> It is important that you do this immediately. We may be able to
 > perform
 >> this service for you if we receive your reply within 24 hours from the
 >> time the mail was deleted or purged from your mailbox.
 >> Be sure to check the Official Yahoo! Mail Blog for more information

Unofficial Copy

Exhibit A #2



Re: Other (KMM131338914V31407L0KM)

Thursday, August 7, 2008 12:50 PM

From: "Yahoo! Account Services" <account-security@cc.yahoo-inc.com>
To: "Teresa"

Hello,

Thank you for contacting Yahoo! Customer Care.

We apologize for any inconvenience this has caused, however any information that has been deleted from your account cannot be retrieved.

For additional information on ways to protect your information online, please visit the Yahoo! Security Center at:

<http://security.yahoo.com>

Thank you again for contacting Yahoo! Customer Care.

Regards,

Ray

Yahoo! Customer Care - Account Security

<http://security.yahoo.com>

New and Improved Yahoo! Mail - better than ever!

Original Message Follows:

This mke no sense. You said you could retrieve my deleted emails and now u say you cant????

Defendant
Teresa Stephens
3rd Part.

Yahoo! Account Services wrote:

- > Hello,
- > Thank you for contacting Yahoo! Customer Care.
- > The information you have requested is not available through Customer
- > Care.
- >
- > Log information and access data may require a subpoena or other
- > appropriate legal processes prior to disclosure. All such requests
- > shall be made in writing and directed to:
- >
- > Yahoo! Custodian of Records
- > 701 First Avenue
- > Sunnyvale, CA 94089-1019
- > Thank you again for contacting Yahoo! Customer Care.
- > Regards,

Yahoo Reply #3

Yahoo #2 Reply

Unofficial Copy

Exhibit A #3



Re: Arthur v. Stern forensic expert

Friday, August 8, 2008 12:10 PM

From: "Neil McCabe" <neilm@oqlaw.com>

To: butterfly

Cc: "Mike Meyer" .

Ms. Stephens,

Thank you for your prompt response. I am going to send you initial disclosures that you requested in your answer, plus a request for production, hopefully today. Will you accept service by email?

Neil McCabe

Neil McCabe

Teresa wrote:

> Hi,
 >
 > At this time someone has deleted all my emails for the past decade.
 > Suddenly, Yahoo is unable to retrieve them after they told me they
 > would reset my mailbox account with no problem. I am about to file a
 > motion with the Judge to subpoena my emails ASAP to assure no evidence
 > is destroyed permanently.
 >
 > At this time, I will have to oppose a forensic motion until the Judge
 > rules on Jurisdiction for out-of-state Defendants. I am still
 > attempting to retain a lawyer so any agreements now, without legal
 > counsel, would be premature. I will send you a copy of my request to
 > the Judge for Yahoo subpoena later today if completed or first thing
 > on Monday, via email.
 >
 >
 > Thank you.
 > *Teresa Stephens*
 > **
 > **
 > Be kind, for everyone you meet is fighting a hard battle.
 > Plato <<http://www.inspirationalquotes4u.com/platoquotes/index.html>>

> --- On *Fri, 8/8/08, Neil McCabe /<neilm@oqlaw.com>/* wrote:

> From: Neil McCabe <neilm@oqlaw.com>
 > Subject: Arthur v. Stern forensic expert
 > To: "Teresa" <butterfl
 > Cc: "Mike Meyer" .
 > Date: Friday, August 8, 2008, 11:29 AM

> Re: Arthur v. Stern, et al, 190th District Court, Harris County, Texas

Exhibit B #1

>
> Ms. Stephens,
>
> I intend to file a motion requesting that the court appoint a computer
> forensic expert under TRCP Rule 171 for the purposes described in the
> attached draft motion and order. Please let me know as soon as possible
> whether or not you are opposed to the motion. I intend to file the
> motion on Monday August 11, 2008.
>
> Neil McCabe
> Counsel for Virgie Arthur
>
>
>

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Exhibit B #2

Original Copy



Carol Williams
1900th Merrill Filing

201 Evidence
12th Floor

Harsha, TX 77702

770221901 0022

