

BEFORE THE INDIANA STATE BOARD OF NURSING

IN THE MATTER OF) CAUSE NO. 2015 NB 308
)
KRISTIE L. SMITH, R.N.)
License Number 28145595A,)
Respondent.)

FILED
APR 27 2016
Indiana Professional
Licensing Agency

**RESPONDENT KRISTIE L. SMITH, R.N.'S
MOTION FOR ISSUANCE OF SUBPOENAS**

Pursuant to Ind. Code § 4-21.5-3-22(a)(1) and Indiana Rule of Trial Procedure 45(A), Respondent, by and through undersigned counsel, hereby requests that the Indiana State Board of Nursing (“Board”) issue subpoenas to Brenda Lea Raetz, R.N., Cynthia Marie Kerstiens, LPN and Officer Troy Fuhs requiring that they appear to testify at the hearing in this matter scheduled for June 21, 2016 at 10:30 a.m. In support of her motion, Respondent states as follows:

1. Ms. Raetz, Ms. Kerstiens and Officer Fuhs are witnesses in this matter and have pertinent information to the facts in this matter. In order to present a proper defense in this matter, Respondent requires that these individuals testify at the upcoming hearing.

2. The requested subpoenas are attached to this Motion and require the signature of the administrative law judge.

3. The undersigned attempted to contact Counsel for Petitioner regarding the request for the subpoenas.

4. Pursuant to Ind. Code § 4-21.5-3-22(a)(1), the administrative law judge in this matter may issue subpoenas in accordance with the rules of civil procedure.

5. Counsel for Respondent can serve the subpoenas by U.S. mail, postage prepaid, in accordance with Ind. Code § 4-21.5-3-22(b), Ind. Code § 4-21.5-3-1, and the Indiana Rules of Trial Procedure.

WHEREFORE, Respondent requests that the Indiana State Board of Nursing sign the attached subpoenas to Cynthia Marie Kerstiens, LPN, Brenda Lea Raetz, R.N., and Officer Troy Fuhs requiring that they testify at the hearing scheduled for June 21, 2016 at 10:30 a.m. and return them to counsel for Respondent for service.

Respectfully submitted,



Todd A. Dixon (Atty. No. 30587-49)
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 236-1313
Facsimile: (317) 231-7433
Email: tdixon@btlaw.com


*Attorney for Respondent
Kristie L. Smith, R.N.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via U.S. first class mail on the 27th day of April, 2016, addressed to:

Patricia Gibson
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, IN 46204

Victor Ippoliti
Ippoliti Law Office
530 Main Street
Ferdinand, IN 47532



Todd A. Dixon

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SUBPOENA

**TO: Cynthia Kerstiens
3 Heather Court
Jasper, IN 47546**

Pursuant to Ind. Code § 4-21.5-3-22(a) and Indiana Rule of Trial Procedure 45(B), you are hereby commanded to appear to testify at the hearing in the above-referenced matter which will be held at the Indiana Government Center South, Conference Room W064, 302 West Washington Street, Indianapolis, Indiana 46204 on June 21, 2016 at 10:30 a.m.

IT IS ORDERED, this 27th day of April, 2016.

Natalie Hall, R.N., Pres


The Indiana State Board of Nursing

By: *Michael A. Minglin, J.D.*

(The following manner of service of subpoena is hereby designated.)

XX U.S. Express Mail

_____ Service at place of employment, to-wit:

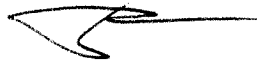
_____ Service on individual via private process server -- (personal or copy) at above address

Attorney for Respondent, Kristie L. Smith, R.N.:
Todd A. Dixon (#30587-49)
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 236-1313
Facsimile: (317) 231-7433
Email: tdixon@btlaw.com

Certificate of Mailing

I hereby certify that on the ____ day of ____, 2016, I mailed a copy of this Subpoena
by U.S. Express Mail, requesting a return receipt, to the following:

Cynthia Kerstiens
3 Heather Court
Jasper, IN 47546



Todd A. Dixon
Attorney for Respondent

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License Number 28145595A,)
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SUBPOENA

TO: **Brenda Lea Raetz**
21075 State Road 145
Bristow, IN 47515

and

Brenda Lea Raetz
c/o Victor Ippoliti
Ippoliti Law Office
530 Main Street
Ferdinand, IN 47532

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Indianapolis, Indiana 46204

Telephone: (317) 236-1313

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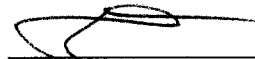
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Brenda Lea Raetz
21075 State Road 145
Bristow, IN 47515

Brenda Lea Raetz
c/o Victor Ippoliti
Ippoliti Law Office
530 Main Street
Ferdinand, IN 47532



Todd A. Dixon
Attorney for Respondent

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SUBPOENA

TO: **Officer Troy Fuhs**
c/o Valerie Mitchell
Daviess County Sheriff's Department
101 NE 4th Street
Washington, IN 47501

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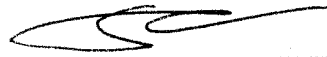
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c/o Valerie Mitchell
Daviess County Sheriff's Department
101 NE 4th Street
Washington, IN 47501



Todd A. Dixon
Attorney for Respondent