

FERENCE & ASSOCIATES LLC

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May 22, 2026

Via Electronic Mail

WhaleCo Inc. d/b/a Temu

c/o Zachary J. Watkins, Esq. (zwatkins@rjglaw.com), Thomas J. Campenni, Esq. (tcampenni@rjglaw.com), and Marko R. Zoretic, Esq. (marko.zoretic@knobbe.com)
cc: legal@temu.com

Re: Thiago Mellado v. The Schedule A Defendants, Case No. 2:26-cv-00420-WSS (W.D. Pa.)

Service of Rule 45 Subpoenas; Request to Meet and Confer

Dear Counsel:

Enclosed for service on WhaleCo Inc. d/b/a Temu (“Temu”), please find:

- (1) a Subpoena to Produce Documents, Information, or Objects, incorporating by reference Plaintiff’s First Set of Requests for the Production of Documents to Non-Party WhaleCo Inc. d/b/a Temu;
- (2) a Subpoena to Testify at a Deposition, incorporating by reference Plaintiff’s Rule 30(b)(6) Notice of Deposition of Non-Party WhaleCo Inc. d/b/a Temu; and
- (3) Copies of both the Requests and the Notice for Temu’s reference. The subpoenas are issued under Federal Rules of Civil Procedure 26, 30(b)(6), 34, and 45, and pursuant to paragraphs I.A.9 and III.B of the Temporary Restraining Order entered March 31, 2026 (ECF No. 17), which expressly contemplate expedited document production from Temu and authorize Plaintiff to serve subpoenas on Third Party Service Providers concerning the Defendants identified on Schedule A

Consistent with Rule 45’s obligation to avoid undue burden, Plaintiff is willing to meet and confer in good faith on the form, format, and timing of production, on a reasonable date for the Rule 30(b)(6) deposition, and on any narrowing or sequencing that Temu wishes to propose without abandoning the substantive scope authorized by the TRO. Plaintiff requests that Temu identify counsel’s availability for a Rule 45 meet-and-confer call within seven (7) days of receipt of this letter, and that Temu serve any objections under Rule 45(d)(2)(B) by the earlier of (a) fourteen (14) days from the date of service or (b) the date set for production. Plaintiff is prepared to discuss reasonable extensions where good cause exists. In connection with the deposition subpoena, Plaintiff will tender the witness fee and mileage required by 28

U.S.C. § 1821 upon counsel's request, and is willing to take the Rule 30(b)(6) deposition by remote video or at a mutually convenient location to address any Rule 45(c)(1) place-of-compliance concern.

Plaintiff reserves all rights, including the right to seek expanded discovery from Temu to the extent the Court determines Temu has — by appearing and seeking affirmative relief through ECF Nos. 24, 25, and 27 — submitted itself to the Court's adjudicative authority for purposes of the issues injected by Temu's motion. Nothing in this letter or in the enclosed subpoenas waives or limits that position.

Please direct all communications regarding these subpoenas to the undersigned and to co-counsel Keith A. Vogt, Esq. (attorney@vogtip.com). Thank you for your prompt attention.

Very truly yours,

Dated: May 22, 2026

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

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Attorneys for Plaintiff

Enclosures:

1. Subpoena to Produce Documents
2. Subpoena to Testify at Deposition
3. Plaintiff's First Set of Requests for Production to Non-Party Whaleco Inc. d/b/a Temu
4. Plaintiff's Rule 30(b)(6) Notice of Deposition of Non-Party Whaleco Inc. d/b/a Temu
5. The Complaint (ECF No. 1)
6. The Court's Temporary Restraining Order (ECF No. 17).