

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3 FRONT SIGHT MANAGEMENT LLC, a  
4 Nevada Limited Liability Company,

5 Petitioner,

6 vs.

7 THE EIGHTH JUDICIAL DISTRICT  
8 COURT OF THE STATE OF NEVADA,  
9 IN AND FOR THE COUNTY OF CLARK;  
10 and THE HONORABLE TIMOTHY C.  
11 WILLIAMS, DISTRICT COURT JUDGE,

12 Respondents,

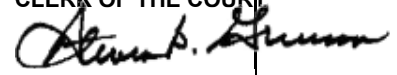
13 and

14 LAS VEGAS DEVELOPMENT FUND  
15 LLC, a Nevada Limited Liability Company;  
16 EB5 IMPACT CAPITAL REGIONAL  
17 CENTER LLC, a Nevada Limited Liability  
18 Company; EB5 IMPACT ADVISORS  
19 LLC, a Nevada Limited Liability Company;  
20 ROBERT W. DZIUBLA, individually and  
21 as President and CEO of LAS VEGAS  
22 DEVELOPMENT FUND LLC and EB5  
23 IMPACT ADVISORS LLC; JON  
24 FLEMING, individually and as an agent of  
25 LAS VEGAS DEVELOPMENT FUND  
26 LLC and EB5 IMPACT ADVISORS LLC;  
27 LINDA STANWOOD, individually and as  
28 Senior Vice President of LAS VEGAS  
DEVELOPMENT FUND LLC and EB5  
IMPACT ADVISORS LLC,

Real Parties in Interest.

No.: \_\_\_\_\_ Electronically Filed  
Dec 18 2019 10:43 a.m.  
Elizabeth A. Brown  
Dist. Ct. Case No: A-18-781084-B  
Clerk of Supreme Court





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**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,  
  
Plaintiff,

CASE NO.: A-18-781084-B  
DEPT NO.: 16

vs.

**PLAINTIFF’S MOTION FOR  
SANCTIONS**

LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; et al.,  
  
Defendants.

**HEARING REQUESTED**

AND ALL RELATED COUNTERCLAIMS.

COMES NOW Plaintiff FRONT SIGHT MANAGEMENT, LLC (“Plaintiff” or “Front Sight”), by and through its attorneys, John P. Aldrich, Esq., Catherine Hernandez, Esq., and Matthew B. Beckstead, Esq., of the Aldrich Law Firm, Ltd., and hereby moves the Court for an order of sanctions against Defendant EB5 Impact Advisors LLC and its officers and members (collectively “EB5IA”) for Defendant EB5IA’s violation of the Court’s Order to produce a full accounting and failure to produce a full accounting pursuant to this Court’s Order, and for Defendants’ EB5IA and Dziubla’s intentional spoliation of key evidence in this case.

1 Defendants EB5IA and Dziubla intentionally discarded receipts, invoices, and other  
2 records normally retained in the ordinary course of business for accounting purposes. That  
3 evidence is relevant to this litigation, but in an intentional act to destroy evidence, Defendant  
4 Robert Dziubla, the CEO of Defendant EB5IA and a California-licensed attorney, threw out  
5 what Plaintiff believes to be hundreds if not thousands of pages of documents that are relevant to  
6 this matter. Therefore, the Court should strike EB5IA's Answer or, in the alternative, give an  
7 adverse inference instruction that the records EB5IA should have retained and produced would  
8 support Front Sight's claims of fraud, misrepresentation, concealment, conversion, breach of  
9 contract, and civil conspiracy. In addition, the Court should sanction EB5IA in an amount equal  
10 to the amount of money Defendant EB5IA took from Plaintiff that Defendant EB5IA cannot  
11 prove was used properly to market the Front Sight project.

12 Plaintiff's Motion for Sanctions is made and based on the attached memorandum of  
13 points and authorities and supporting documentation, the papers and pleadings on file in this  
14 action, and any oral argument this Court may allow.

15 DATED this 17<sup>th</sup> day of September, 2019.

16 **ALDRICH LAW FIRM, LTD.**

17 /s/ John P. Aldrich

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24 *Attorneys for Plaintiff/Counterdefendants*

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I.**

3 STATEMENT OF FACTS

4 The Court is well aware of the facts and the various claims and counterclaims asserted in  
5 this case. Consequently, Plaintiff will not set forth those allegations in detail here.

6 On November 26, 2018, the Court ordered EB5IA to “provide Plaintiff with an  
7 accounting of all funds it has received from Front Sight. Said accounting must include all money  
8 received from Plaintiff by EB5 Impact Advisors LLC, how all funds were spent, identification of  
9 who received any portion of the funds, and any and all documentation to support payments made  
10 or funds spent.” (See Notice of Entry of Order on Plaintiff’s Petition for Appointment of  
11 Receiver and for an Accounting filed on November 27, 2018 attached hereto as **Exhibit 1.**)

12 On January 4, 2019, Plaintiff filed its Second Amended Complaint setting forth causes of  
13 action for: (1) Fraud/Intentional Misrepresentation/Concealment; (2) Breach of Fiduciary Duty;  
14 (3) Conversion; (4) Civil Conspiracy; (5) Breach of Contract; (6) Contractual Breach of Implied  
15 Covenant of Good Faith and Fair Dealing; (7) Tortious Breach of Implied Covenant of Good  
16 Faith and Fair Dealing; (8) Intentional Interference with Prospective Economic Advantage; (9)  
17 Unjust Enrichment; (10) Negligent Misrepresentation; (11) Negligence; and (12) Alter Ego.

18 On January 18, 2019, after Defendant EB5IA failed to comply with the Court’s Order,  
19 Plaintiff filed a Motion to Compel and for Sanctions. On April 10, 2019, the Court again ordered  
20 EB5IA to “provide Plaintiff with an accounting of all funds it has received from Front Sight.  
21 Said accounting must include all money received from Plaintiff by EB5 Impact Advisors LLC,  
22 how all funds were spent, identification of who received any portion of the funds, and any and all  
23 documentation to support payments made or funds spent.” (See Notice of Entry of Order on  
24

1 Plaintiff's Motion to Compel and for Sanctions filed on April 10, 2019 attached hereto as  
2 **Exhibit 2.**)

3 In an alleged attempt to comply with this Court's Order, EB5IA produced an "Updated  
4 Declaration of Robert W. Dziubla Re – Accounting" dated April 3, 2019, and certain documents  
5 attached as Exhibits A-D. (*See Evid. Hrg. Exhibit 46.*) The exhibits include: (A) an alleged  
6 copy of the Budget and Timeline that was attached to the engagement letter dated February 14,  
7 2013; (B) an alleged copy of EB5IA's QuickBooks transaction ledger showing over \$300,000.00  
8 in payments received from Front Sight for the period February 2013 through March 2018; (C) an  
9 alleged copy of EB5IA's QuickBooks transaction ledger showing expenses in excess of  
10 payments received from Front Sight from February 2013 through August 2018; and (D) an  
11 alleged copy of EB5IA's QuickBooks transaction ledger showing contributions from EB5  
12 Impact Capital Regional Center LLC from 2013 through 2017.

13 On June 3, 2019, the Court commenced an evidentiary hearing related to Plaintiff's  
14 Motion for Preliminary Injunction. Regarding EB5IA's financial records, Dziubla testified:

15 **Q. And did you keep records such as receipts and invoices related to the**  
16 **expenditures of EB-5IA?**

17 A. We had credit card statements, and we kept them for a while. And then **we**  
18 **tossed them** a few years -- you know, later on after time had passed simply  
19 because time had passed and we had bank statements, credit card statements,  
20 checks, and, you know, our QuickBooks ledger.

21 Q. So you're telling me that you tossed the underlying records?

22 A. Many times we didn't even have the records. We had the bank statements. We  
23 had debit cards. We didn't have credit cards. So generally speaking, we put it  
24 through the debit card and it showed up on the bank statement.

25 **Q. And so you didn't keep the receipt related to the expenses that would show**  
26 **up on the bank statement?**

27 A. **No.**

28 Q. Did you ever keep any receipts for the expenses that would show up on the  
29 bank statements?

30 A. Some of them, yes. If they came -- if we were paying with checks, we would  
31 often keep the invoices.

32 **Q. Did you file taxes for EB-5IA every year?**

1 A. I'm not sure if -- **I think we did, but I'm not sure if my accountants rolled it up into the upstream entities or not.** I'd have to look.

2 Q. **And you didn't have to provide receipts and invoices to your accountant so you could do taxes?**

3 A. **We gave them what we had and gave them the bank statements and the credit cards statements.**

4 Q. Have you disposed of any receipts, invoices, or underlying documentation for expenses from EB-5IA since it was dissolved?

5 A. No.

6 Q. You're aware that in this litigation plaintiff brought a motion to compel an accounting, correct?

7 A. Yes.

8 Q. And that motion was granted, correct?

9 A. Yes.

10 Q. And you, through your counsel, have provided documents to plaintiff, correct?

11 A. Yes.

12 Q. **Have you provided every document that you have that relates to that order compelling the accounting?**

13 A. **Yes.**

14 (See June 3, 2019 Evid. Hrg. Tr., p. 48, l. 12 – p. 50, l. 6.) (Emphasis added).

15 Moreover, Nye County recently filed criminal charges against Defendants Dziubla and Fleming in connection with the misrepresentations made by Defendants to Front Sight.

## 16 II.

### 17 LEGAL ARGUMENT

#### 18 A. **SANCTIONS AGAINST EB5IA ARE APPROPRIATE FOR ITS SPOILIATION OF EVIDENCE BY DISPOSING OF DOCUMENTS HIGHLY RELEVANT TO MATERIAL ISSUES IN THIS CASE**

19 Sanctions are within the power of the district court and will not be reversed absent an abuse of discretion. *GNLV Corp. v. Serv. Control Corp.*, 111 Nev. 866, 869, 900 P.2d 323, 325 (1995). An adverse inference is appropriate when evidence is lost or destroyed through negligence. *Bass-Davis v. Davis*, 122 Nev. 442, 448-49, 134 P.3d 103, 106-07 (2006).

22 The Court ordered EB5IA produce an accounting of: (1) all money received from Front Sight; (2) how all funds were spent; and (3) identification of who received any portion of the

1 funds. The Court also ordered EB5IA produce “any and all documentation to support payments  
2 made or funds spent.”

3 Dziubla testified that he approved EB5IA’s expenditures and he produced every  
4 document he had related to this Court’s order compelling EB5IA produce a full accounting.  
5 Dziubla testified he would often keep invoices if he paid by check, but did not keep receipts  
6 related to expenses that would show up on EB5IA’s bank statements. Front Sight’s counsel  
7 asked Dziubla: “did you keep records such as receipts and invoices related to the expenditures of  
8 EB-5IA?” Dziubla answered: “We had credit card statements, and we kept them for a while.  
9 And then we **tossed them** a few years -- you know, later on after time had passed simply because  
10 time had passed and we had bank statements, credit card statements, checks, and, you know, our  
11 QuickBooks ledger.” (*See* June 3, 2019 Evid. Hrg. Tr., p. 47, l. 25 – p. 50, l. 6.) (Emphasis  
12 added).

13 When asked if he had discarded any records related to EB5IC, Dziubla responded: “I  
14 don’t think so, but I can’t say definitively.” Similarly, when asked whether he had discarded any  
15 receipts or invoices related to LVDF’s expenditures, Dziubla answered: “Not that I remember.”  
16 *Id.* at p. 50, ls. 23-25; p. 51, l. 1; p. 56, ls. 4-7. Dziubla does not think, or cannot remember  
17 whether, he discarded receipts and invoices related to EB5IC’s expenses or LVDF’s expenses.  
18 Although the Court has not yet ordered Dziubla to produce a full accounting for EB5IC or  
19 LVDF, the Court ordered a full accounting from EB5IA. However, Dziubla admittedly and  
20 conveniently “tossed” relevant documentation related to Defendant EB5IA.

21 Front Sight’s causes of action include fraud, misrepresentation, concealment, conversion,  
22 breach of contract, and civil conspiracy. EB5IA’s production of the ordered documentation is  
23 crucial to Front Sight’s prosecution of these claims. However, EB5IA asserts it cannot comply  
24 because it did not retain the documents necessary to “support payments made or funds spent.”



1           Dziubla testified at the evidentiary hearing that from approximately the end of 2017 until  
2 he dissolved Defendant EB5IA without notice to Front Sight, he did not market Front Sight’s  
3 project. (See June 3, 2019 Evid. Hrg. Tr., p. 27, l. 10 – p. 28, l. 8; p. 32, ls. 4-15.) However,  
4 pursuant to the Supplemental Declaration of Dr. Ignatius Piazza in Support of Plaintiff’s  
5 Renewed Motion for an Accounting Related to Defendant Las Vegas Development Fund LLC  
6 and for Release of Funds filed on November 13, 2018, the redacted wire and bank transfers show  
7 that Front Sight paid Dziubla \$140,000.00 in “marketing payments” intended for Defendant  
8 EB5IA to use in marketing Front Sight’s project during 2018. (See Supplemental Declaration of  
9 Dr. Ignatius Piazza attached as **Exhibit 3.**)

10           It is normal business practice to retain receipts, invoices and statements to track and  
11 memorialize expenditures for accounting and tax purposes. However, Dziubla, an attorney who  
12 knows better than to destroy evidence, “tossed” records highly relevant to material issues in this  
13 case. Therefore, sanctions against EB5IA are appropriate because it has not and cannot comply  
14 with this Court’s order because it failed to retain documentation kept in the ordinary course of  
15 business.

16 **B.     IN NEVADA, SANCTIONS ARE APPROPRIATE WHEN A PARTY LOSES OR**  
17 **DESTROYS EVIDENCE.**

18           In *Bass-Davis*, 122 Nev. 442, 134 P.3d 103 (2006), the plaintiff slipped and fell in the  
19 defendant’s convenience store. The plaintiff requested a copy of the video tape to no avail.  
20 During discovery, the plaintiff learned the defendant sent the tape to the company’s main office  
21 which had forwarded it to its insurer, where it was lost. The district court denied the plaintiff’s  
22 request for an adverse inference against the defendant. The jury returned a verdict in the  
23 defendant’s favor. *Id.*  
24

1           The Nevada Supreme Court found the district court abused its discretion by either  
2 refusing to grant the plaintiff's request for an adverse inference that the lost video tape would  
3 have been unfavorable to the defendant or to impose other appropriate sanctions for the lost  
4 evidence. Based on its finding of abuse, the Court reversed the judgment and remanded for a  
5 new trial consistent with its findings. *Id.*

6           In *Fire Ins. Exchange v. Zenith Radio Corp.*, 103 Nev. 648, 747 P.2d 911 (1987), the  
7 plaintiff hired an expert to investigate the cause of the fire that destroyed its insured's home. The  
8 expert opined faulty wiring in a television manufactured by the defendant caused the fire. After  
9 the investigation, the plaintiff removed and disposed of the debris, including the television.

10           Over two years later, the plaintiff sued the television manufacturer. The television  
11 manufacturer requested production of the television, but plaintiff did not produce it. The district  
12 court ordered the plaintiff produce the television, however, the plaintiff did not (and could not)  
13 comply with the order. *Id.*

14           Subsequently, the defendant television manufacturer moved for sanctions under NRCPC  
15 37 or, in the alternative, the exclusion of the plaintiff's expert's testimony and summary  
16 judgment. The district court ordered exclusion of the plaintiff's expert's testimony. Because the  
17 plaintiff admitted it could not support a prima facie case against the defendant without its  
18 expert's testimony, the district court granted summary judgment in the defendant's favor. *Id.*

19           On appeal, the Nevada Supreme Court affirmed the district court's decision because the  
20 district court did not abuse its discretion in excluding the plaintiff's expert's testimony. The  
21 Court stated: "It would be unreasonable to allow litigants, by destroying physical evidence prior  
22 to a request for production, to sidestep the district court's power to enforce the rules of  
23 discovery." *Id.*

1 **C. EB5IA INTENTIONALLY DISCARDED CRITICAL DOCUMENTS KEPT IN**  
2 **THE ORDINARY COURSE OF BUSINESS FOR ACCOUNTING AND RECORD**  
3 **KEEPING PURPOSES.**

4 Here, Dziubla, as CEO of Defendant EB5IA, admitted that he and EB5IA had “tossed”  
5 receipts, credit card statements and other such financial and accounting records. (See June 3,  
6 2019 Evid. Hrg. Tr., p. 48, ls. 12-19.) Dziubla admitted EB5IA did not retain receipts for  
7 expenditures paid by a debit card that would show up on a bank statement but would keep  
8 invoices paid by check. *Id.* at p. 48, l. 22 – p. 49, l. 8.

9 Like *Fire Ins. Exchange*, where the court excluded a party’s expert’s testimony based on  
10 evidence the party controlled and destroyed, EB5IA cannot defend this case on summary  
11 QuickBooks ledgers when it failed to retain and produce the documents the QuickBooks ledgers  
12 are based. Consequently, the Court should strike EB5IA’s Answer.

12 **D. EB5IA’S INTENTIONAL SPOILIATION OF CRITICAL DOCUMENTS HIGHLY**  
13 **RELEVANT TO MATERIAL ISSUES IN THIS CASE WARRANTS STRIKING**  
14 **EB5IA’S ANSWER**

15 *Young v. Johnny Ribiero*, 106 Nev. 88, 93, 787 P.2d 777, 780 (1990), sets forth eight  
16 factors to consider in determining whether a sanction such as striking a party’s answer is  
17 appropriate. Under the factors outlined in *Young*, it is appropriate to strike EB5IA’s Answer.

17 **1. The Willfulness of the Offending Party**

18 This factor strongly supports striking EB5IA’s Answer and Counterclaim because EB5IA  
19 intentionally “tossed” documents normally kept in the ordinary course of business. Moreover,  
20 Dziubla is an attorney who knows it is unlawful to intentionally destroy evidence, and Dziubla  
21 knew the documents he “tossed” were highly relevant. The only reason a person knowing the  
22 law, like Dziubla, would intentionally discard documents such as receipts, invoices and  
23 statements is to hide his unlawful conduct.  
24

1           **2.     The Extent to Which the Non-Offending Party Would be Prejudiced by a**  
2           **Lesser Sanction**

3           Dziubla intentionally discarded EB5IA’s records that should have been kept in the  
4 ordinary course of business. Although it remains to be seen if Dziubla was telling the truth, he  
5 stated he did not know if he discarded similar EB5IC or LVDF documents. (*See* June 3, 2019  
6 Evid. Hrg. Tr., p. 50, l. 19 – p. 52, l. 9; p. 56, ls. 4-7.) The discarded documents were the only  
7 known copies of documents that could justify EB5IA’s expenditure of Front Sight’s funds and  
8 are crucial to the prosecution of Front Sight’s claims. Because the Court found these records  
9 relevant to show how EB5IA spent Front Sight’s money, it ordered their production.

10           “[F]ailure to comply with court orders mandating discovery ‘is sufficient prejudice.’”  
11 *Foster v. Dingwall*, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010) (citing *In re*  
12 *Phenylpropanolamine (PPA) Products*, 460 F.3d 1217, 1236 (9th Cir. 2006)). Therefore, the  
13 Court must find Front Sight suffered prejudice because EB5IA failed to comply with this Court’s  
14 order to, among other things, produce “any and all documentation to support payments made or  
15 funds spent.” Any lesser sanction would reward Dziubla’s conduct while hurting Front Sight’s  
16 ability to prove its case. Therefore, EB5IA’s Answer should be stricken as a sanction for its  
17 wrongful conduct.

18           **3.     The Severity of Striking the Party’s Answer Relative to the Severity of the**  
19           **Discovery Abuse**

20           EB5IA’s summary QuickBooks ledgers give some indication of Dziubla’s deceitful  
21 practices; the “tossed” documents would have been a watershed of evidence against EB5IA’s  
22 business practices and that it spent Front Sight’s money for purposes other than intended.  
23 Dziubla is a lawyer. It makes sense that Dziubla “tossed” the subject documents because he  
24 knew they were highly damaging to himself and Defendant EB5IA. Striking EB5IA’s Answer

1 and Counterclaim would be a slap on the hand compared to the civil and criminal consequences  
2 if the subject documents had come to light.

3 **4. Whether the Evidence Has Been Irreparably Lost**

4 Dziubla testified he “tossed” the documents this Court ordered to be produced; they are  
5 gone forever. Thus, this factor strongly supports striking Defendant EB5IA’s Answer.

6 **5. The Feasibility and Fairness of Alternative Less Severe Sanctions**

7 Dziubla’s intentional destruction of crucial documents highly relevant to material issues  
8 in this case puts Front Sight at a severe disadvantage. The subject documents were concrete  
9 evidence of EB5IA’s and Dziubla’s fraud and misconduct. Less severe sanctions would not be  
10 feasible in facilitating justice and would be unfair to Front Sight. This factor weighs heavily in  
11 favor of striking Defendant EB5IA’s Answer.

12 **6. The Policy Favoring Adjudication on the Merits**

13 Front Sight wants the opportunity to prove its case on the merits, however, that is not  
14 possible. Front Sight cannot have a fair trial because Dziubla, thinking ahead, “tossed”  
15 documents crucial to Front Sight’s case. Striking EB5IA’s Answer and Counterclaim would not  
16 be an abuse of discretion.

17 **7. Whether Sanctions Unfairly Operate to Penalize a Party for Misconduct of  
18 the Party’s Attorney**

19 This is not a factor. Defendant Dziubla, not his attorney, “tossed” the documents.

20 **8. The Need to Deter the Parties and Future Litigants from Similar Abuses**

21 Dziubla is an attorney (he even paid his bar dues using Front Sight’s money), and he  
22 knew better than to intentionally destroy evidence. But Dziubla intentionally destroyed crucial  
23 evidence that would have proven many of Front Sight’s claims. If the Court does not sanction  
24 EB5IA’s conduct in this matter, EB5IA will get away with its fraudulent and unlawful conduct

1 and will be encouraged to continue such conduct with other innocent parties in the future.  
2 Therefore, the Court should strike EB5IA's Answer.

3 **E. EB5IA SHOULD ALSO RECEIVE MONETARY SANCTIONS**

4 The Nevada Supreme Court has found monetary sanctions appropriate in addition to  
5 striking an answer and counterclaim for discovery abuse. *See Bahena v. Goodyear Tire &*  
6 *Rubber Co.*, 126 Nev. 243, 235 P.3d 592 (2010); *see generally Havas v. Bank of Nevada*, 96  
7 Nev. 567, 613 P.2d 706 (1980). In the present case, Front Sight's counsel requests attorney's  
8 fees and costs for having to bring this Motion, as well as the other motions related to compelling  
9 an accounting from Defendant EB5IA. For EB5IA's intentional and malicious conduct, Front  
10 Sight further requests a monetary sanction in an amount equal to the amount of money  
11 Defendant EB5IA took from Plaintiff that Defendant EB5IA cannot prove was used properly to  
12 market the Front Sight project.

13 **F. EB5IA'S ACCOUNTING IS VAGUE, HIGHLY SUSPECT AND DOES NOT**  
14 **DEMONSTRATE THE EXPENSES ARE RELATED TO MARKETING FRONT**  
15 **SIGHT'S PROJECT; IT IS REASONABLE TO INFER THAT RECEIPTS,**  
16 **INVOICES AND OTHER RELATED DOCUMENTS EB5IA DISCARDED**  
17 **WOULD DEMONSTRATE A SIGNIFICANT PORTION OF EB5IA'S EXPENSES**  
18 **ARE NOT SUBSTANTIALLY RELATED TO FRONT SIGHT**

19 EB5IA received funds from Front Sight well in excess of \$300,000.00. (*See Evid. Hrg.*  
20 Exhibit 6).

21 EB5IA showed legal expenses of over \$100,000.00 from February 2013 through  
22 February 2017, an amount that grossly exceeded the original legal budget. (*See Evid. Hrg.*  
23 Exhibit 46, at p. 9; Evid. Hrg. Exhibit 6, at p. 7.) The majority of the legal expenses relate to  
24 EB5IC and LVDF, companies Dziubla also owns and controls. (*See Evid. Hrg. Exhibit 46, at pp.*  
18-135.)

1 On February 26, 2013, EB5IA used Front Sight's money to retain the California law firm  
2 of Baker & McKenzie. *Id.* at p. 9. EB5IA did not produce documentation showing what  
3 services Baker & McKenzie provided for the money Front Sight paid.

4 On September 14, 2013, Defendant EB5IA paid Baker & McKenzie additional money  
5 apparently to represent it in connection with the formation of the Regional Center. *Id.* at pp.  
6 143-150.

7 On April 1, 2014, it appears Defendant EB5IA reimbursed Dentons for EB5IC's USCIS  
8 regional center filing fee. *Id.* at p. 9.

9 The accounting shows several entries for funds paid to the Nevada Secretary of State and  
10 to Incorporating Services, Ltd. over a 4-year period. It appears EB5IA paid these fees on behalf  
11 of EB5IC and LVDF. *Id.*

12 On January 2, 2015, Defendant EB5IA paid money to the Las Vegas Justice Court on  
13 Dziubla's behalf for Citation #X01053227. *Id.* at 14.

14 EB5IA showed travel expenses from December 2013 through January 2018 in amounts  
15 far exceeding the original travel budget. EB5IA reimbursed tens of thousands of dollars in travel  
16 expenses without any documentary support or explanation, except most of it went to Dziubla and  
17 Defendant Fleming. (*See Evid. Hrg. Exhibit 46, at pp. 10, 14.*) Many of the meal expenses are  
18 local and look like personal expenses, not legitimate business expenses that relate to marketing  
19 Front Sight's project in China.

20 The accounting further hints that Dziubla operated EB5IA, EB5IC and Kenworth Capital  
21 interchangeably. Dziubla testified that he and Defendant Fleming contributed only a few  
22 thousand dollars to create the Regional Center, Defendant EB5IC. (*See June 3, 2019 Evid. Hrg.*  
23 *Tr., p. 39, ls. 4-10.*) Dziubla later testified that Defendant EB5IC (also controlled by Defendant  
24 Dziubla and which had also received a large influx of money from Front Sight) contributed

1 capital to EB5IA “because it was starving of capital.” (See June 3, 2019 Evid. Hrg. Tr., p. 43, ls.  
2 13-16.) Dziubla claimed EB5IC infused money into EB5IA. Over the same period, EB5IA paid  
3 substantial sums of money to: (1) Kenworth Capital (owned by Dziubla); (2) Legacy Realty  
4 (owned by Fleming); and (3) Dziubla himself. It seems EB5IA repaid EB5IC’s capital infusion  
5 to others besides EB5IC.

6 Defendant EB5IA’s accounting is vague, questionable, suspicious, and grossly  
7 incomplete; even on its surface it does not demonstrate EB5IA’s expenses related to Front  
8 Sight’s project. Dziubla admitted he discarded receipts, invoices, and other records retained by  
9 businesses in the normal course for accounting purposes. Therefore, the Court should conclude  
10 that the records EB5IA should have retained, and produced, would support Front Sight’s claims  
11 of fraud, misrepresentation, concealment, conversion, breach of contract, and civil conspiracy.

12 **G. IF THE COURT DOES NOT STRIKE DEFENDANT EB5IA’S ANSWER, IT**  
13 **SHOULD GIVE A NEGATIVE INFERENCE INSTRUCTION**

14 In the alternative, under *Bass-Davis v. Davis, supra*, the Court is empowered to enter an  
15 adverse inference instruction against Defendant EB5IA. When dismissal is not granted, an  
16 adverse inference should be set forth to the finder of fact as a result of the loss or destruction of  
17 pertinent evidence in a lawsuit. *Bass-Davis v. Davis*, 122 Nev. 442, 134 P.3d 103 (2006).  
18 Generally, in cases based on negligently lost or destroyed evidence, an adverse inference  
19 instruction is tied to a showing that the party controlling the evidence had notice that it was  
20 relevant at the time when the evidence was lost or destroyed. In other words, when presented  
21 with a spoliation allegation, the threshold question should be whether the alleged spoliator was  
22 under any obligation to preserve the missing or destroyed evidence. In this case, it is undisputed  
23 that Defendant EB5IA, through Dziubla, has destroyed this critical evidence. Defendants EB5IA  
24



1 and Dziubla, an attorney, should not be permitted to benefit from their intentional and nefarious  
2 conduct.

3 The duty to preserve springs from a variety of sources, including ethical obligations,  
4 statutes, regulations, and common law. Courts, including the Supreme Court of Nevada, that  
5 adhere to a common-law duty to preserve evidence have held that a party is required to preserve  
6 documents, tangible items, and information relevant to litigation that are reasonably calculated to  
7 lead to the discovery of admissible evidence.

8 In the present case, if the Court will not strike the Answer and Counterclaim, the Court  
9 should enter an adverse inference against Defendant EB5IA. The inference should include an  
10 instruction to the jury that had the records, receipts, invoices, travel information, etc., been  
11 maintained, those records would have shown Defendants' misuse of funds and would have  
12 supported Front Sight's claims of fraud, misrepresentation, concealment, conversion, breach of  
13 contract, and civil conspiracy.

14 **III.**

15 **CONCLUSION**

16 Based on the foregoing, Defendant EB5IA's Answer should be stricken and Defendant  
17 EB5IA should be sanctioned monetarily for intentional and unlawful destruction and spoliation  
18 of evidence. Alternatively, Front Sight is entitled to a negative inference instruction that the  
19 records EB5IA should have retained and produced in this matter would demonstrate EB5IA used  
20 funds received from Front Sight in bad faith, fraudulently, and unlawfully.

21 ///

22 ///

23 ///



1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 17<sup>th</sup> day of September, 2019, I caused the foregoing  
3 **PLAINTIFF'S MOTION FOR SANCTIONS** to be electronically filed and served with the  
4 Clerk of the Court using Wiznet which will send notification of such filing to the email addresses  
5 denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on  
6 the Electronic Mail Notice List, to the following parties:

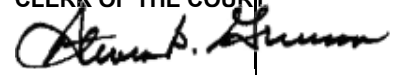
7 Anthony T. Case, Esq.  
8 Kathryn Holbert, Esq.  
9 FARMER CASE & FEDOR  
10 2190 E. Pebble Rd., Suite #205  
11 Las Vegas, NV 89123  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND  
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,  
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
JON FLEMING and LINDA STANWOOD*

12 C. Keith Greer, Esq.  
13 16855 West Bernardo Drive, Suite 255  
14 San Diego, CA 92127  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND  
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,  
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
JON FLEMING and LINDA STANWOOD*

15  
16  
17  
18 /s/ T. Bixenmann  
19 An employee of ALDRICH LAW FIRM, LTD.  
20  
21  
22  
23  
24

# **EXHIBIT 1**

# **EXHIBIT 1**



1 **NEO**  
John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
3 Nevada Bar No. 8410  
**ALDRICH LAW FIRM, LTD.**  
4 7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
5 Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
6 *Attorneys for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

10 Plaintiff,

11 vs.

12 LAS VEGAS DEVELOPMENT FUND LLC, a  
13 Nevada Limited Liability Company; EB5  
IMPACT CAPITAL REGIONAL CENTER  
14 LLC, a Nevada Limited Liability Company;  
EB5 IMPACT ADVISORS LLC, a Nevada  
15 Limited Liability Company; ROBERT W.  
DZIUBLA, individually and as President and  
16 CEO of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
17 LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
18 FUND LLC and EB5 IMPACT ADVISORS  
LLC; LINDA STANWOOD, individually and  
19 as Senior Vice President of LAS VEGAS  
DEVELOPMENT FUND LLC and EB5  
20 IMPACT ADVISORS LLC; CHICAGO TITLE  
COMPANY, a California corporation; DOES 1-  
21 10, inclusive; and ROE CORPORATIONS 1-  
10, inclusive,

22 Defendants.  
23  
24

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**NOTICE OF ENTRY OF ORDER**  
**ON PLAINTIFF'S PETITION FOR**  
**APPOINTMENT OF RECEIVER**  
**AND FOR AN ACCOUNTING**

1 **NOTICE OF ENTRY OF ORDER ON PLAINTIFF'S PETITION FOR APPOINTMENT**  
2 **OF RECEIVER AND FOR AN ACCOUNTING**

3 PLEASE TAKE NOTICE that an Order Granting Plaintiff's Petition for Appointment of  
4 Receiver and for an Accounting was entered by the Court in the above-captioned action on the  
5 26<sup>th</sup> day of November, 2018, a true and correct copy of which is attached hereto.

6 DATED this 27<sup>TH</sup> day of November, 2018.

7 **ALDRICH LAW FIRM, LTD.**

8 /s/ John P. Aldrich  
9 John P. Aldrich, Esq.  
10 Nevada Bar No. 6877  
11 Catherine Hernandez, Esq.  
12 Nevada Bar No. 8410  
13 7866 West Sahara Avenue  
14 Las Vegas, NV 89117  
15 Tel (702) 853-5490  
16 Fax (702) 226-1975  
17 *Attorneys for Plaintiff*  
18  
19  
20  
21  
22  
23  
24

1 **CERTIFICATE OF SERVICE**

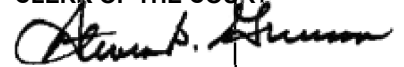
2 I HEREBY CERTIFY that on the 27<sup>th</sup> day of November, 2018, I caused the foregoing  
3 **NOTICE OF ENTRY OF ORDER ON PLAINTIFF'S PETITION FOR APPOINTMENT**  
4 **OF RECEIVER AND FOR AN ACCOUNTING** to be electronically filed and served with the  
5 Clerk of the Court using Wiznet which will send notification of such filing to the email addresses  
6 denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on  
7 the Electronic Mail Notice List, to the following parties:

8 Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
9 FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
10 Las Vegas, NV 89123  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND*  
11 *LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,*  
*EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,*  
12 *JON FLEMING and LINDA STANWOOD*

13 C. Keith Greer, Esq.  
17150 Via del Campo, Suite 100  
14 San Diego, CA 92127  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND*  
15 *LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,*  
*EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,*  
16 *JON FLEMING and LINDA STANWOOD*

17 Marni Rubin Watkins, Esq.  
FIDELITY NATIONAL LAW GROUP  
18 1701 Village Center Circle, Suite 110  
Las Vegas, Nevada 89134  
19 *Attorney for Defendant CHICAGO TITLE COMPANY*

20  
21 /s/ T. Bixenmann  
22 An employee of ALDRICH LAW FIRM, LTD.  
23  
24



1 **ORDER**

2 John P. Aldrich, Esq.  
3 Nevada Bar No. 6877  
4 Catherine Hernandez, Esq.  
5 Nevada Bar No. 8410

6 **ALDRICH LAW FIRM, LTD.**

7 7866 West Sahara Avenue  
8 Las Vegas, NV 89117  
9 Telephone: (702) 853-5490  
10 Facsimile: (702) 227-1975  
11 *Attorneys for Plaintiff*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FRONT SIGHT MANAGEMENT LLC, a  
15 Nevada Limited Liability Company,

16 Plaintiff,

17 vs.

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
19 Nevada Limited Liability Company; EB5  
20 IMPACT CAPITAL REGIONAL CENTER  
21 LLC, a Nevada Limited Liability Company;  
22 EB5 IMPACT ADVISORS LLC, a Nevada  
23 Limited Liability Company; ROBERT W.  
24 DZIUBLA, individually and as President and  
CEO of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; LINDA STANWOOD, individually and  
as Senior Vice President of LAS VEGAS  
DEVELOPMENT FUND LLC and EB5  
IMPACT ADVISORS LLC; CHICAGO TITLE  
COMPANY, a California corporation; DOES 1-  
10, inclusive; and ROE CORPORATIONS 1-  
10, inclusive,

Defendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**ORDER ON PLAINTIFF'S PETITION  
FOR APPOINTMENT OF RECEIVER  
AND FOR AN ACCOUNTING**

NOV 20 2018





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Respectfully submitted by:

**ALDRICH LAW FIRM, LTD.**




John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975

*Attorneys for Plaintiff FRONT SIGHT  
MANAGEMENT LLC*

Approved as to form and content:

**FARMER CASE & FEDOR**

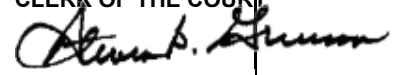


Anthony T. Case, Esq.  
Nevada Bar No. 6589  
Kathryn Holbert, Esq.  
Nevada Bar No. 10084  
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Las Vegas, NV 89123  
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*Attorneys for Defendants LAS VEGAS  
DEVELOPMENT FUND LLC, EB5 IMPACT  
CAPITAL REGIONAL CENTER LLC, EB5  
IMPACT ADVISORS LLC, ROBERT W.  
DZIUBLA, JON FLEMING and LINDA  
STANWOOD*

# **EXHIBIT 2**

# **EXHIBIT 2**



1 **NEO**  
John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
3 Nevada Bar No. 8410  
**ALDRICH LAW FIRM, LTD.**  
4 7866 West Sahara Avenue  
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5 Telephone: (702) 853-5490  
Facsimile: (702) 227-1975  
6 *Attorneys for Plaintiff*

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

10 Plaintiff,

11 vs.

12 LAS VEGAS DEVELOPMENT FUND LLC, a  
13 Nevada Limited Liability Company; EB5  
IMPACT CAPITAL REGIONAL CENTER  
14 LLC, a Nevada Limited Liability Company;  
EB5 IMPACT ADVISORS LLC, a Nevada  
15 Limited Liability Company; ROBERT W.  
DZIUBLA, individually and as President and  
16 CEO of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
17 LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
18 FUND LLC and EB5 IMPACT ADVISORS  
LLC; LINDA STANWOOD, individually and  
19 as Senior Vice President of LAS VEGAS  
DEVELOPMENT FUND LLC and EB5  
20 IMPACT ADVISORS LLC; DOES 1-  
10, inclusive; and ROE CORPORATIONS 1-  
21 10, inclusive,

22 Defendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**NOTICE OF ENTRY OF ORDER**

1 **NOTICE OF ENTRY OF ORDER**

2 PLEASE TAKE NOTICE that an Order Granting In Part and Denying in Part Plaintiff's  
3 Motion to Compel and for Sanctions was entered by the Court in the above-captioned action on  
4 the 9<sup>th</sup> day of April, 2019, a true and correct copy of which is attached hereto.

5 DATED this 10<sup>th</sup> day of April, 2019.

6 **ALDRICH LAW FIRM, LTD.**

7 /s/ John P. Aldrich  
8 John P. Aldrich, Esq.  
9 Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
10 Nevada Bar No. 8410  
7866 West Sahara Avenue  
11 Las Vegas, NV 89117  
Tel (702) 853-5490  
12 Fax (702) 226-1975  
*Attorneys for Plaintiff*

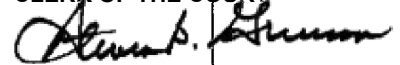
1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 10<sup>th</sup> day of April, 2019, I caused the foregoing  
3 **NOTICE OF ENTRY OF ORDER** to be electronically filed and served with the Clerk of the  
4 Court using Wiznet which will send notification of such filing to the email addresses denoted on  
5 the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the  
6 Electronic Mail Notice List, to the following parties:

7 Anthony T. Case, Esq.  
Kathryn Holbert, Esq.  
8 FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
9 Las Vegas, NV 89123  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND*  
10 *LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,*  
*EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,*  
11 *JON FLEMING and LINDA STANWOOD*

12 C. Keith Greer, Esq.  
17150 Via del Campo, Suite 100  
13 San Diego, CA 92127  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND*  
14 *LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,*  
*EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,*  
15 *JON FLEMING and LINDA STANWOOD*

16  
17  
18 /s/ T. Bixenmann  
An employee of ALDRICH LAW FIRM, LTD.



1 **ORDER**

2 John P. Aldrich, Esq.  
3 Nevada Bar No. 6877  
4 Catherine Hernandez, Esq.  
5 Nevada Bar No. 8410

6 **ALDRICH LAW FIRM, LTD.**

7 7866 West Sahara Avenue  
8 Las Vegas, NV 89117  
9 Telephone: (702) 853-5490  
10 Facsimile: (702) 227-1975  
11 *Attorneys for Plaintiff*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FRONT SIGHT MANAGEMENT LLC, a  
15 Nevada Limited Liability Company,

16 Plaintiff,

17 vs.

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
19 Nevada Limited Liability Company; EB5  
20 IMPACT CAPITAL REGIONAL CENTER  
21 LLC, a Nevada Limited Liability Company;  
22 EB5 IMPACT ADVISORS LLC, a Nevada  
23 Limited Liability Company; ROBERT W.  
24 DZIUBLA, individually and as President and  
CEO of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; LINDA STANWOOD, individually and  
as Senior Vice President of LAS VEGAS  
DEVELOPMENT FUND LLC and EB5  
IMPACT ADVISORS LLC; DOES 1-  
10, inclusive; and ROE CORPORATIONS 1-  
10, inclusive,

Defendants.

CASE NO.: A-18-781084-B

DEPT NO.: 16

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL AND FOR  
SANCTIONS**

04-05-19A07:30 RCVD

1 This matter having come before the Court, on February 28, 2019 at 9:00 a.m. on  
2 Plaintiff's Motion to Compel and for Sanctions and Defendants' Countermotion for Relief  
3 From the November 20, 2018 Court Order Granting Plaintiff's Petition for an Accounting of  
4 Defendant EB5 Impact Advisors LLC, John P. Aldrich, Esq. appearing on behalf of Plaintiff  
5 and Kathryn Holbert, Esq. and C. Keith Greer, Esq., appearing on behalf of Defendants, the  
6 Court having reviewed the pleadings on file herein, having heard oral argument by the parties,  
7 and for good cause appearing therefore, AND

8 Further discussions regarding a deadline for supplementation of financial documents  
9 pursuant to the November 20, 2018 Court Order Granting Plaintiff's Petition for an Accounting  
10 of Defendant EB5 Impact Advisors LLC having occurred following the hearing on Plaintiff's  
11 Second Motion for Temporary Restraining Order on Thursday, March 21, 2019,

12 **IT IS HEREBY ORDERED** that as to Plaintiff's Motion to Compel is GRANTED IN  
13 PART and DENIED IN PART. While the Court finds good faith and substantial compliance  
14 by Defendants at this time, Defendants have an obligation to supplement pursuant to Rule 16.1,  
15 and pursuant to the November 20, 2018 Order, Defendants must fully comply with the Order to  
16 "provide Plaintiff with an accounting of all funds it has received from Front Sight. Said  
17 accounting must include all money received from Plaintiff by EB5Impact Advisors LLC, how  
18 all funds were spent, identification of who received any portion of the funds, and any and all  
19 documentation to support payments made or funds spent," with the remaining disclosure of  
20 accounting documents to occur on or before April 4, 2019.

21 **IT IS FURTHER ORDERED** that Defendants' Countermotion for Relief From the  
22 November 20, 2018 Court Order Granting Plaintiff's Petition for an Accounting of Defendant  
23 EB5 Impact Advisors LLC is DENIED without prejudice.



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IT IS FURTHER ORDERED that Plaintiff's request for sanctions is denied at this time.

IT IS SO ORDERED.

DATED this 5 day of April, 2019.

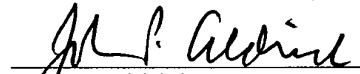
  
DISTRICT COURT JUDGE *CR*

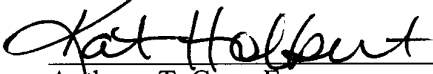
Respectfully submitted by:

Approved as to form and content:

**ALDRICH LAW FIRM, LTD.**

**FARMER CASE & FEDOR**

  
John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 853-5490  
Fax: (702) 227-1975  
*Attorneys for Plaintiff*

  
Anthony T. Case, Esq.  
Nevada Bar No. 6589  
Kathryn Holbert, Esq.  
Nevada Bar No. 10084  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123  
Tel: (702) 579-3900  
Fax: (702) 739-3001  
*Attorneys for Defendants*

# **EXHIBIT 3**

# **EXHIBIT 3**

1 **DECL**

2 John P. Aldrich, Esq.

3 Nevada Bar No. 6877

4 Catherine Hernandez, Esq.

5 Nevada Bar No. 8410

6 **ALDRICH LAW FIRM, LTD.**

7 7866 West Sahara Avenue

8 Las Vegas, Nevada 89117

9 Telephone: (702) 853-5490

10 Facsimile: (702) 227-1975

11 *Attorneys for Plaintiff*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 FRONT SIGHT MANAGEMENT LLC, a  
15 Nevada Limited Liability Company,

16 Plaintiff,

17 vs.

18 LAS VEGAS DEVELOPMENT FUND LLC, a  
19 Nevada Limited Liability Company; EB5  
20 IMPACT CAPITAL REGIONAL CENTER  
21 LLC, a Nevada Limited Liability Company;  
22 EB5 IMPACT ADVISORS LLC, a Nevada  
23 Limited Liability Company; ROBERT W.  
24 DZIUBLA, individually and as President and  
CEO of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; JON FLEMING, individually and as an  
agent of LAS VEGAS DEVELOPMENT  
FUND LLC and EB5 IMPACT ADVISORS  
LLC; DOES 1-10, inclusive; and ROE  
CORPORATIONS 1-10, inclusive,

Defendants.

CASE NO.: A-18-781084-B

DEPT NO.: 16

**SUPPLEMENTAL DECLARATION**  
**OF IGNATIUS PIAZZA IN**  
**SUPPORT OF PLAINTIFF'S**  
**RENEWED MOTION FOR AN**  
**ACCOUNTING RELATED TO**  
**DEFENDANT LAS VEGAS**  
**DEVELOPMENT FUND LLC AND**  
**FOR RELEASE OF FUNDS**

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1 to Mr. Dziubla through an account labeled "EB5 Impact Advisors LLC."<sup>1</sup> The next statement  
2 shows that on November 14, 2016, Front Sight made an interest payment of \$12,205.38 to an  
3 account owned by Las Vegas Development Fund. Eleven days later, on November 24, 2018,  
4 Front Sight made a payment for marketing fees to an account owned by EB5 Impact Advisors  
5 LLC. The next statement shows that Front Sight made an interest payment of \$12,276.12 on  
6 December 9, 2016 to an account owned by Las Vegas Development Fund. On that same day,  
7 Front Sight sent an \$8,000 payment to EB5 Impact Advisors for marketing services.

8 5. The November 22, 2017 wire transfer receipt shows that Front Sight paid  
9 marketing fees to an account owned by EB5 Impact Advisors and a marketing fee payment to  
10 accounts owned by Las Vegas Development Fund LLC. The December 29, 2017 statement  
11 shows three payments by Front Sight: the first to EB5 Impact Advisors for marketing fees, the  
12 second to Las Vegas Development Fund LLC for interest, and a third payment to Las Vegas  
13 Development Fund LLC for marketing fees.

14 6. The March 1, 2018 wire transfer receipt shows a *credit* to Front Sight's account of  
15 \$125,000 from Las Vegas Development Fund, as well as a *payment* by Front Sight into the same  
16 account for marketing fees. The March 2, 2018 wire transfer receipt shows an interest payment  
17 to Las Vegas Development Fund LLC, while the marketing fees were again paid to EB5 Impact  
18 Advisors. The May 2, 2018 wire transfer receipt shows both an interest payment and marketing  
19 fee paid to Las Vegas Development Fund LLC's account.

20 7. The attached wire transfers show that Las Vegas Development Fund LLC was  
21 accepting both interest payments and marketing payments from Front Sight.  
22

---

23 <sup>1</sup> The bank statements have been redacted to exclude irrelevant and unrelated information. Additionally, the  
24 handwriting is that of Dr. Piazza, as explained in his Declaration.

1 I declare under penalty of perjury under the laws of the State of Nevada that this  
2 Declaration was executed on the 6<sup>th</sup> day of November, 2018 and that the foregoing is true and  
3 correct.

4 /s/ Ignatius Piazza  
5 Ignatius Piazza  
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Withdrawals and other debits - continued

Date	Description	Amount
10/0	[REDACTED]	46.65
10/05	[REDACTED]	0
10/	[REDACTED]	0
10/	[REDACTED]	04
10/	[REDACTED]	00
10/	[REDACTED]	27
10/	[REDACTED]	31
10/	[REDACTED]	00

10/17/16 WIRE TYPE:WIRE OUT DATE:161017 TIME:1645 ET TRN:2016101700392510 SERVICE REF:013187 BNF:EB5 IMPACT ADVISORS LLC ID: [REDACTED] 1581 BNF BK:WELLS FARGO BANK, N.A. ID:121000248 PMT DET:XS5NMFSBP *MARKETING Res PAYS TO ENVOIA* -27,000.00

10/	[REDACTED]	55
10/	[REDACTED]	03
10/2	[REDACTED]	00
10/	[REDACTED]	00
10/24	[REDACTED]	00
10/24	[REDACTED]	00
10/24/16	[REDACTED]	82
10/	[REDACTED]	00
10/2	[REDACTED]	00
10/3	[REDACTED]	78
10/31	[REDACTED]	69

Total withdrawals and other debits - \$646,501.23



Your checking account

FRONT SIGHT MANAGEMENT INC | Account # [REDACTED] 8176 | November 1, 2016 to November 30, 2016

Withdrawals and other debits - continued

Date	Description	Amount
11/02	[REDACTED] FRONT SIGHT FIREARMS	75.60
11/02/1	[REDACTED]	85
11/04	[REDACTED]	20
11/04	[REDACTED]	20
11/07	[REDACTED]	20
11/07/16	[REDACTED]	82
11/07	[REDACTED]	50
11/14/16	WIRE TYPE:WIRE OUT DATE:161114 TIME:1450 ET TRN:2016111400544947 SERVICE REF:015888 BNF:LAS VEGAS DEVELOPMENT FUND ID: [REDACTED] 1502 BNF BK: BANK OF HOPE ID:122041727 PMT DET:F7YT83WPH <i>INTEREST DGM</i>	-12,205.38
11/14	[REDACTED]	00
11/14	[REDACTED]	36
11	[REDACTED]	37
11/15	[REDACTED]	711.19
11	[REDACTED]	0
11	[REDACTED]	0
11/23/16	WIRE TYPE:WIRE OUT DATE:161123 TIME:0525 ET TRN:2016112200400556 SERVICE REF:002594 BNF:EB5 IMPACT ADVISORS LLC ID: [REDACTED] 1581 BNF BK:WELLS FARGO BANK, NA ID:121000248 PMT DET:TQCK6LYH <i>MARKET OF FROZ PAID to Ozuko</i>	-12,000.00
11	[REDACTED]	-64.56
11	[REDACTED]	5
11/2	[REDACTED]	0.00
11/29/16	[REDACTED]	99.00
11/2	[REDACTED]	00

continued on the next page

Date 0 of 04



Withdrawals and other debits - continued

Date	Description	Amount
[REDACTED]	[REDACTED] MAY DES BILLING - ID:94043963	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	-215.70
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] INDN:FRONT SIGHT FIREARMS T. CO	[REDACTED]
[REDACTED]	[REDACTED]	-0.06
[REDACTED]	[REDACTED]	497.00
[REDACTED]	[REDACTED]	-182.91
[REDACTED]	[REDACTED]	[REDACTED]
12/09/16	WIRE TYPE:WIRE OUT DATE:161209 TIME:1642 ET TRN:2016120900362014 SERVICE REF:013254 BNF:LAS VEGAS DEVELOPMENT FUND ID:[REDACTED] 1502 BNF BK:BANK OF HOPE ID:122041727 PMT DET:9NRAWV7QW <i>INTEREST PAYMENT</i>	-12,267.12
12/09/16	WIRE TYPE:WIRE OUT DATE:161209 TIME:1644 ET TRN:2016120900362755 SERVICE REF:013290 BNF:EB5 IMPACT ADVISORS LLC ID:[REDACTED] 1581 BNF BK:W ELLS FARGO BANK, NA ID:121000248 PMT DET:PBA6FNPZC <i>MARKETING FEES PAID TO DRIBL</i>	-8,000.00
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	40.20
[REDACTED]	[REDACTED]	32.30
12/11/16	[REDACTED]	102.68
12/11/16	[REDACTED]	36
[REDACTED]	[REDACTED]	24
[REDACTED]	[REDACTED]	0
[REDACTED]	[REDACTED]	0
12/11/16	[REDACTED]	39.89

continued on the next page



P.O. Box 15284  
Wilmington, DE 19850

BANK OF AMERICA, N.A.  
WIRE TRANSFER ADVICE  
1 FLEET WAY  
SCRANTON, PA PA6-580-04-05  
18507

FRONT SIGHT MANAGEMENT INC  
7975 CAMERON DR STE 900  
WINDSOR CA 95492-8570

DATE: 11/22/17  
DIRECT INQUIRIES TO:  
800.729.9473 OPTION 2  
ACCOUNT: XXXXXXXX8176

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$8,000.00

TRANSACTION REF: 2017112200417182  
RELATED REF: 44VLER7SE  
INSTRUCTING BANK: BCC  
BENEFICIARY: EB5 IMPACT ADVISORS LLC  
BENEFICIARY'S BANK: WELLS FARGO BANK, NA

SERVICE REF: 015532  
IMAD: 20171122B6B7HU1R015532  
ID: UGQT  
ID: ██████████1581  
ID: 121000248

PAYMENT DETAIL: Services *MARKETING FEES PAID TO DUOBIA*

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$90,000.00

TRANSACTION REF: 2017112200415764  
RELATED REF: FLCCU6TBW  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: BANK OF HOPE

SERVICE REF: 014908  
IMAD: 20171122B6B7HU3R014908  
ID: UGQT  
ID: ██████████9767  
ID: 122041727

PAYMENT DETAIL: Operating expenses *MARKETING FEES PAID TO DUOBIA*



P.O. Box 15284  
Wilmington, DE 19850

BANK OF AMERICA, N.A.  
WIRE TRANSFER ADVICE  
1 FLEET WAY  
SCRANTON, PA 18507  
PA6-580-04-05

FRONT SIGHT MANAGEMENT INC  
7975 CAMERON DR STE 900  
WINDSOR CA 95492-8570

DATE: 12/29/17  
DIRECT INQUIRIES TO:  
800.729.9473 OPTION 2  
ACCOUNT: XXXXXXXX8176

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$8,000.00

TRANSACTION REF: 2017122900529208  
RELATED REF: WLZGGD8CB  
INSTRUCTING BANK: BCC  
BENEFICIARY: EB5 IMPACT ADVISORS LLC  
BENEFICIARY'S BANK: WELLS FARGO BANK, NA

SERVICE REF: 031274  
IMAD: 20171229B6B7HUIR031274  
ID: UGQT  
ID: ██████████1581  
ID: 121000248

PAYMENT DETAIL:

Services

*MARKETING FEES PAID TO DELOUBA*

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$17,815.97

TRANSACTION REF: 2017122900525220  
RELATED REF: MSBBL6DUF  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: BANK OF HOPE

SERVICE REF: 030904  
IMAD: 20171229B6B7HUIR030904  
ID: UGQT  
ID: ██████████1502  
ID: 122041727

PAYMENT DETAIL:

Operating expenses

*INTEREST PAYMENT*

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$40,000.00

TRANSACTION REF: 2017122900527604  
RELATED REF: 6FCANDY83  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: BANK OF HOPE

SERVICE REF: 031093  
IMAD: 20171229B6B7HUIR031093  
ID: UGQT  
ID: ██████████9767  
ID: 122041727

PAYMENT DETAIL:

Operating expenses

*MARKETING FEES PAID TO DELOUBA*



P.O. Box 15284  
Wilmington, DE 19850

BANK OF AMERICA, N.A.  
WIRE TRANSFER ADVICE  
1 FLEET WAY  
SCRANTON, PA PA6-580-04-05  
18507

FRONT SIGHT MANAGEMENT INC  
7975 CAMERON DR STE 900  
WINDSOR CA 95492-8570

DATE: 03/01/18  
DIRECT INQUIRIES TO:  
800.729.9473 OPTION 2  
ACCOUNT: XXXXXXXX8176

THE FOLLOWING WIRE WAS CREDITED TODAY:

USD AMOUNT \$125,000.00

TRANSACTION REF: 2018030100371858  
SENDER'S REF: 20180600222800  
IMAD: 20180301MMQFMP72000272  
ORIGINATOR: LAS VEGAS DEVELOPMENT FUND LLC  
ORIGINATOR'S BANK: BANK OF HOPE  
SENDING BANK: BANK OF HOPE  
BENEFICIARY: FRONT SIGHT MANAGEMENT

SERVICE REF: 000272

ID: ██████████9767  
ID: 026006224  
ID: 122041235  
ID: XXXXXX8176

PAYMENT DETAIL: DR. PIAZZA - 831-325-1679 EB-5 FUNDS

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$60,000.00

TRANSACTION REF: 2018030100439551  
RELATED REF: HEJ9VP&DG  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: BANK OF HOPE

SERVICE REF: 016241  
IMAD: 20180301B6B7HU1R016241  
ID: UGQT  
ID: ██████████9767  
ID: 122041727

PAYMENT DETAIL: Operating expenses **MARKETING FEES PAID TO DUVACA**



P.O. Box 15284  
Wilmington, DE 19850

BANK OF AMERICA, N.A.  
WIRE TRANSFER ADVICE  
1 FLEET WAY  
SCRANTON, PA PA6-580-04-05  
18507

FRONT SIGHT MANAGEMENT INC  
7975 CAMERON DR STE 900  
WINDSOR CA 95492-8570

DATE: 03/02/18  
DIRECT INQUIRIES TO:  
800.729.9473 OPTION 2  
ACCOUNT: XXXXXXXX8176

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$20,222.22

TRANSACTION REF: 2018030200309321  
RELATED REF: NWNLA9YTC  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: BANK OF HOPE

SERVICE REF: 008782  
IMAD: 20180302B6B7HU4R008782  
ID: UGQT  
ID: ██████████9767  
ID: 122041727

PAYMENT DETAIL: Operating expenses

*INTEREST PAYMENT*

THE FOLLOWING WIRE WAS DEBITED TODAY:

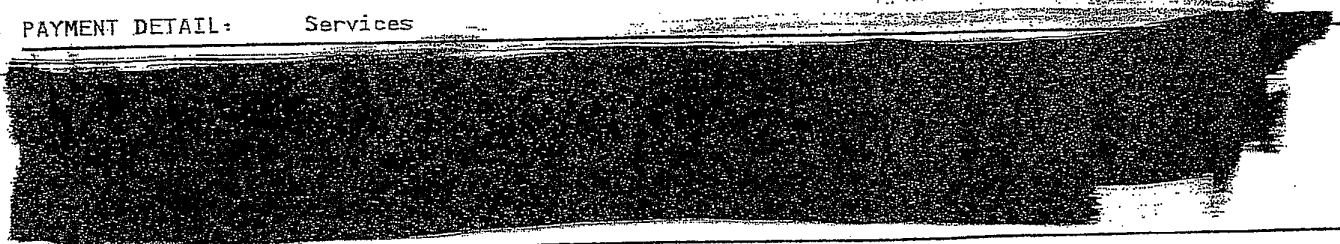
USD AMOUNT \$24,000.00

TRANSACTION REF: 2018030200308166  
RELATED REF: N3Y2YF8B3  
INSTRUCTING BANK: BCC  
BENEFICIARY: EB5 IMPACT ADVISORS LLC  
BENEFICIARY'S BANK: WELLS FARGO BANK, NA

SERVICE REF: 008778  
IMAD: 20180302B6B7HU2R008778  
ID: UGQT  
ID: ██████████1581  
ID: 121000248

PAYMENT DETAIL: Services

*MARKETING FEES PAID TO DRUGS*





P.O. Box 15284  
Wilmington, DE 19850

BANK OF AMERICA, N.A.  
WIRE TRANSFER ADVICE  
1 FLEET WAY  
SCRANTON, PA  
PA6-580-04-05  
18507

FRONT SIGHT MANAGEMENT INC  
7975 CAMERON DR STE 900  
WINDSOR CA 95492-8570

DATE: 05/02/18  
DIRECT INQUIRIES TO:  
800.729.9473 OPTION 2  
ACCOUNT: XXXXXXXX8176

THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$27,708.33

TRANSACTION REF: 2018050200335027  
RELATED REF: TC2YEXZ2F  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: OPEN BANK

SERVICE REF: 010371  
IMAD: 20180502B6B7HU1R010371  
ID: UGQT  
ID: 01226364  
ID: 122043958

*INTEREST PAYMENT*

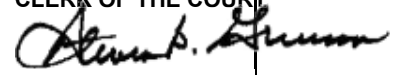
THE FOLLOWING WIRE WAS DEBITED TODAY:

USD AMOUNT \$56,000.00

TRANSACTION REF: 2018050200338591  
RELATED REF: FMUCGMFSX  
INSTRUCTING BANK: BCC  
BENEFICIARY: LAS VEGAS DEVELOPMENT FUND LLC  
BENEFICIARY'S BANK: OPEN BANK

SERVICE REF: 010584  
IMAD: 20180502B6B7HU2R010584  
ID: UGQT  
ID: 01226364  
ID: 122043958

*MARKETING FEES PAID TO DLIOBUN*



**MOT**

John P. Aldrich, Esq.  
Nevada Bar No. 6877  
Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168

**ALDRICH LAW FIRM, LTD.**

7866 West Sahara Avenue  
Las Vegas, Nevada 89117  
Telephone: (702) 853-5490  
Facsimile: (702) 227-1975

*Attorneys for Plaintiff/Counterdefendants*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC, a  
Nevada Limited Liability Company; et al.,

Defendants.

CASE NO.: A-18-781084-B  
DEPT NO.: 16

**MOTION TO COMPEL AND FOR  
SANCTIONS**

**HEARING REQUESTED**

\_\_\_\_\_  
AND ALL RELATED COUNTERCLAIMS.

Plaintiff FRONT SIGHT MANAGEMENT LLC (“Plaintiff”) by and through its attorneys, John P. Aldrich, Esq., Catherine Hernandez, Esq. and Matthew B. Beckstead, Esq., of the Aldrich Law Firm, Ltd., hereby moves the Court for an order compelling Defendants to provide complete, accurate, and detailed supplemental responses to Plaintiff’s First Sets of Requests for Production of Documents to Defendants.

1 This Motion is made and based on the attached memorandum of points and authorities  
2 and supporting documentation, the papers and pleadings on file in this action, and any oral  
3 argument this Court may allow.

4 DATED this 19<sup>th</sup> day of September, 2019.

5 **ALDRICH LAW FIRM, LTD.**

6 /s/ John P. Aldrich  
7 John P. Aldrich, Esq.  
8 Nevada Bar No. 6877  
9 Catherine Hernandez, Esq.  
10 Nevada Bar No. 8410  
11 Matthew B. Beckstead, Esq.  
12 Nevada Bar No. 14168  
13 7866 West Sahara Avenue  
14 Las Vegas, NV 89117  
15 Tel (702) 853-5490  
16 Fax (702) 226-1975  
17 *Attorneys for Plaintiff/Counterdefendant*

18 **DECLARATION OF JOHN P. ALDRICH, ESQ. IN SUPPORT OF MOTION TO**  
19 **COMPEL AND FOR SANCTIONS**

20 State of Nevada )  
21 ) SS  
22 County of Clark )

23 Affiant, being first duly sworn, deposes and states the following:

- 24
1. I, John P. Aldrich, am an attorney licensed to practice in the State of Nevada and am the founding partner of the Aldrich Law Firm, Ltd.
  2. My office address is 7866 West Sahara Avenue, Las Vegas, Nevada 89117.
  3. I have personal knowledge of the contents of this document, or where stated upon information and belief, I believe them to be true and I am competent to testify to the facts set forth herein.



1           4.       On June 7, 2019, Defendants filed a Motion for Appointment of a Special Master.  
2 Plaintiff opposed that Motion and the hearing was held on July 10, 2019. At the hearing on July  
3 10, 2019, despite Plaintiff's continuing opposition, the Court granted Defendants' Motion in part  
4 by granting some relief and reduced the amount of time for the parties to respond to requests for  
5 production of documents to fourteen (14) days. At the hearing, I asked if there was any  
6 limitations on the scope of discovery *vis a vis* the Court's ruling. The Court specifically and  
7 clearly said "no."

8           5.       Following the hearing on July 10, 2019, Plaintiff served several sets of Requests  
9 for Production of Documents upon Defendants – one to each Defendant.

10           6.       On July 24, 2019, all six Defendants served their Responses to Plaintiff's First Set  
11 of Requests for Production of Documents. Unfortunately, Defendants' Responses to Plaintiff's  
12 First Sets of Requests for Production of Documents fall far short of proper responses. Rather,  
13 none of the Defendants identified nor produced a single document – only form objections  
14 repeated over and over.

15           7.       On July 30, 2019, I sent correspondence to opposing counsel, Keith Greer, Esq.  
16 and Katherine Holbert, Esq., regarding Defendants' inadequate responses to Plaintiff's First Sets  
17 of Requests for Production of Documents. (*See* correspondence dated July 30, 2019 from me to  
18 Keith Greer, Esq. and Kathryn Holbert, Esq., attached hereto as **Exhibit 1.**)

19           8.       On or about August 7, 2019, I spoke with Mr. Greer and Ms. Holbert via  
20 telephone regarding Defendants' inadequate discovery responses. During that call, Mr. Greer  
21 agreed to supplement Defendants' responses with thousands of pages of documents by August  
22 16, 2019. (*See* e-mail correspondence dated August 7, 2019 from me to Keith Greer, Esq. and  
23 Kathryn Holbert, Esq., attached hereto as **Exhibit 2.**)  
24

1  
2           9.       On or about August 16, 2019, Mr. Greer called my assistant, Traci, and stated he  
3 would bring a thumb drive with the documents to the hearing on August 20, 2019. Mr. Greer did  
4 in fact provide the thumb drive on August 20, 2019, but Defendants did not provide  
5 supplemental Responses to Requests for Production of Documents.

6           10.       On or about August 30, 2019, I again spoke with Mr. Greer regarding all  
7 Defendants providing supplemental responses to Plaintiff's First Sets of Requests for Production  
8 of Documents. Mr. Greer stated he believed he had already supplemented those responses, but  
9 that he would check on it and get back to me.

10           11.       On September 3, 2019, I sent Mr. Greer an e-mail advising that I still had not  
11 received Defendants' supplemental responses to Plaintiff's First Sets of Requests for Production  
12 of Documents. I gave Defendants until September 6, 2019 to provide the supplemental  
13 responses. (*See* e-mail correspondence dated September 3, 2019 from me to Keith Greer, Esq.  
14 and Kathryn Holbert, Esq., attached hereto as **Exhibit 3**.)

15           12.       On September 5, 2019, I sent follow-up correspondence to Mr. Greer and Ms.  
16 Holbert inquiring as to Defendants' supplemental responses. (*See* correspondence dated  
17 September 5, 2019 from me to Keith Greer, Esq. and Kathryn Holbert, Esq., attached hereto as  
18 **Exhibit 4**.)

19           13.       On or about September 6, 2019, I received an e-mail from Mr. Greer stating he  
20 would provide supplemental responses by September 12, 2019. (*See* e-mail correspondence  
21 dated September 6, 2019 from Keith Greer, Esq. to me attached hereto as **Exhibit 5**.)

22           14.       On or about September 13, 2019, I received an e-mail from Ms. Holbert stating  
23 that Mr. Greer had a family emergency and requested to have until September 18, 2019 for  
24

1 Defendants to provide supplemental responses to Plaintiff's First Sets of Requests for Production  
2 of Documents. On that same day, I responded to Mr. Greer and Ms. Holbert and noted that the  
3 supplemental responses were long overdue, but I agreed to wait until September 19, 2019 to file  
4 a Motion to Compel if Defendants' supplemental responses were not received. (See e-mail  
5 correspondence dated September 13, 2019 between Kathryn Holbert, Esq. and me, attached  
6 hereto as **Exhibit 6**.)

7 15. On or about September 19, 2019, at approximately 11:20 a.m., I received a phone  
8 call from Mr. Greer and we discussed what was required for the supplemental responses. Mr.  
9 Greer indicated he would look at the issue and get back to me in an hour or so. At about 11:40  
10 a.m., Mr. Greer called again, but we discussed a different issue. Mr. Greer and I have not spoken  
11 further.

12 15. To date, Defendants have not provided supplemental responses to Plaintiff's First  
13 Sets of Requests for Production of Documents. Consequently, this Motion is necessary.

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
15 knowledge.

16 DATED this 19<sup>th</sup> day of September, 2019.

17  
18 /s/ John P. Aldrich  
19 JOHN P. ALDRICH  
20  
21  
22  
23  
24

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 RELEVANT FACTUAL BACKGROUND

4 The Court is well aware of the facts of this case because several motions have already  
5 come before the Court. The facts will not be set forth again here.

6 II.

7 PROCEDURAL HISTORY

8 On June 7, 2019, Defendants filed a Motion for Appointment of a Special Master.  
9 Plaintiff opposed that Motion and the hearing was held on July 10, 2019. At the hearing on July  
10 10, 2019, despite Plaintiff’s continuing opposition, the Court granted Defendants’ Motion in part  
11 by granting Defendants some relief requested and reduced the amount of time to respond to  
12 requests for production of documents to fourteen (14) days. At the hearing, Plaintiff’s counsel  
13 asked if there was any limitation on the scope of discovery *vis a vis* the Court’s ruling. The  
14 Court specifically and clearly said “no.”

15 On July 10, 2019, Plaintiff served several sets of Requests for Production of Documents  
16 upon Defendants. In response, on July 24, 2019, Defendants served the following documents:

- 17 1. Defendant Linda Stanwood’s Responses to Plaintiff’s First Set of Requests for  
18 Production of Documents (“Stanwood Response”), attached hereto as **Exhibit 7**;
- 19 2. Defendant Jon Fleming’s Responses to Plaintiff’s First Set of Requests for  
20 Production of Documents (“Fleming Response”), attached hereto as **Exhibit 8**;
- 21 3. Defendant Robert W. Dziubla’s Responses to Plaintiff’s First Set of Requests for  
22 Production of Documents (“Dziubla Response”), attached hereto as **Exhibit 9**;
- 23  
24

- 1           4.     Defendant EB5 Impact Capital Regional Center LLC’s Responses to Plaintiff’s
- 2                     First Set of Requests for Production of Documents (“EB5IC Response”), attached
- 3                     hereto as **Exhibit 10**;
- 4           5.     Defendant EB5 Impact Advisors LLC’s Responses to Plaintiff’s First Set of
- 5                     Requests for Production of Documents (“EB5IA Response”), attached hereto as
- 6                     **Exhibit 11**; and
- 7           6.     Defendant Las Vegas Development Fund LLC’s Responses to Plaintiff’s First Set
- 8                     of Requests for Production of Documents (“LVDF Response”), attached hereto as
- 9                     **Exhibit 12**.

10           Unfortunately, Defendants’ Responses to Plaintiff’s First Sets of Requests for Production  
11 of Documents fall far short of proper responses. Rather, none of the Defendants identified nor  
12 produced a single document at that time – only form objections repeated over and over.

13           On July 30, 2019, Plaintiff’s counsel sent correspondence to Defendants’ counsel clearly  
14 setting forth the inadequacies of Defendants’ responses and also spoke with Defendants’ counsel  
15 several times regarding the inadequate responses. (See Exhibit 1; Declaration of John P. Aldrich,  
16 Esq. incorporated herein.)

17           On or about August 20, 2019, Defendants provided their “First Supplemental Early Case  
18 Conference List of Witnesses and Documents [sic] NRCP Rules 16 and 16.1.” While  
19 Defendants did provide some documents, they were far short of the documents requested.  
20 Further, Defendants failed to provide supplemental responses to Plaintiff’s First Sets of Requests  
21 for Production of Documents to all Defendants.

22           Defendants’ counsel promised to provide supplemental responses to Plaintiff’s First Sets  
23 of Requests for Production of Documents by August 16, 2019, then August 20, 2019, then  
24

1 September 12, 2019 and then promised again to provide supplemental responses by September  
2 18, 2019. However, Defendants have failed to do so.

3 It has now been more than 60 days since Defendants were served with Plaintiff's First  
4 Sets of Requests for Production of Documents and Plaintiff has yet to receive a single response  
5 to any of the requests. The 14-day deadline requested by Defendants expired long ago.

6 As set forth in the Declaration of John P. Aldrich above, Defendants have failed and  
7 refused to provide substantive responses to Plaintiff's First Sets of Requests for Production of  
8 Documents to Defendants, nor have they provided documents as required by the Nevada Rules  
9 of Civil Procedure. Defendants must be compelled to properly respond. Sanctions are  
10 appropriate.

### 11 III.

#### 12 LEGAL ARGUMENT

##### 13 **A. DEFENDANTS SHOULD BE COMPELLED TO PROVIDE COMPLETE, 14 ACCURATE, AND DETAILED SUPPLEMENTAL RESPONSES TO 15 PLAINTIFF'S FIRST SETS OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

16 A party may move to compel disclosures and for appropriate sanctions. NRCPC  
17 37(1)(2)(A). "[A]n evasive or incomplete disclosure, answer or response is to be treated as a  
18 failure to disclose, answer or respond." *Id.* at R. 37(a)(3).

19 In the instant matter, as set forth above, Defendants objected to each and every Request.  
20 Subsequently, Defendants provided some documents that may be responsive to the Requests for  
21 Production of Documents. However, Defendants failed to provide Supplemental Responses to  
22 the First Sets of Requests for Production of Documents as promised, making Defendants'  
23 responses to these Requests for Production of Documents clearly inadequate.

1 NRCP 34(b)(E)(i) requires a party to either produce the documents as they are kept in  
2 ordinary course of business or label and organize them to correspond to categories in the  
3 request. In *Donell v. Fid. Nat'l Title Agency of Nev., Inc.*, 2012 U.S. Dist LEXIS 46598, 2012  
4 WL 1118944, the court found that failure to specify which documents correspond to which  
5 request requires the party to supplement the responses. Defendants' failure to supplement their  
6 responses is in violation of NRCP 34 and requires Plaintiff to sift through documents to guess at  
7 Defendants' response.

8 As such, Plaintiff now moves the Court for an Order compelling Defendants to provide  
9 supplemental responses to Plaintiff's First Sets of Requests for Production of Documents to all  
10 Defendants, as well as properly provide the documents requested. .

11 **B. SANCTIONS ARE WARRANTED**

12 An aggrieved party may move for appropriate sanctions for the failure to make  
13 disclosures as required by the Nevada Rules of Civil Procedure. NRCP 37(a)(2)(A). NRCP  
14 37(a)(3) further provides that "an evasive or incomplete disclosure, answer or response is to be  
15 treated as a failure to disclose, answer or respond." NRCP 37(c)(1) states that:

16 **[a] party that without substantial justification fails to disclose information**  
17 **required by Rule 16.1 or 26(e)(1), or to amend a prior response to discovery as**  
18 **required by Rule 26(e)(2), is not, unless such failure is harmless, permitted to**  
19 **use as evidence at a trial, at a hearing, or on a motion any witness or information**  
20 **not so disclosed. In addition to or in lieu of this sanction, the court, on motion and**  
21 **after affording an opportunity to be heard, may impose other appropriate**  
22 **sanctions. In addition to requiring payment of reasonable expenses, including**  
23 **attorney's fees, caused by the failure, these sanctions may include any of the**  
24 **actions authorized under Rule 37(b)(2)(A), (B), and (C) and **may include****  
**informing the jury of the failure to make the disclosure.**

(Emphasis added.)

Under NRCP 37(b)(2), the following sanctions are permitted:

- 1 (A) An order that the matters regarding which the order was made or any other  
2 designated facts shall be taken to be established for the purposes of the  
3 action in accordance with the claim of the party obtaining the order;  
4 (B) An order refusing to allow the disobedient party to support or oppose  
5 designated claims or defenses, or prohibiting that party from introducing  
6 designated matters in evidence;  
7 (C) An order striking out pleadings or parts thereof, or staying further  
8 proceedings until the order is obeyed, or dismissing the action or  
9 proceeding or any part thereof, or rendering a judgment by default against  
10 the disobedient party;....

11 The district court has broad discretion in fashioning a remedy for violation of a discovery  
12 statute. *Evans v. State*, 117 Nev. 609, 638, 28 P.3d 498, 518 (2001) (citing *Langford v. State*, 95  
13 Nev. 631, 635, 600 P.2d 231, 234-35 (1979)).

14 Rule 37 mandates an award of attorneys' fees and other reasonable expenses related to  
15 the motion to compel:

16 If the motion is granted or if the disclosure or requested discovery is provided  
17 after the motion was filed, the court shall, after affording an opportunity to be  
18 heard, require the party or deponent whose conduct necessitated the motion or the  
19 party or attorney advising such conduct or both of them to pay to the moving  
20 party the reasonable expenses incurred in making the motion, including attorney's  
21 fees, unless the court finds that the motion was filed without the movant's first  
22 making a good faith effort to obtain the disclosure or discovery without court  
23 action, or that the opposing party's nondisclosure, response or objection was  
24 substantially justified, or that other circumstances make an award of expenses  
unjust.

17 *Id.* at 37(a)(4)(A); *Nevada Power Co. v. Fluor Illinois*, 108 Nev. 638, 646, 837 P.2d 1354, 1360  
18 (1992).

19 Here, an award of attorneys' fees and costs is appropriate. Notably, Defendants have no  
20 excuse for failing to provide supplemental responses to Plaintiff's First Sets of Requests for  
21 Production of Documents.



1 As of the date of this filing, Defendants have had over 60 days to gather and produce the  
2 required records. Defendants' delays in this action have delayed Plaintiff's ability to present  
3 evidence at the evidentiary hearing regarding Plaintiff's Motion for Preliminary Injunction.

4 If Plaintiff's request for attorneys' fees and costs is granted, Plaintiff's counsel will  
5 provide additional briefing and request a specific amount.

6 **IV.**

7 **CONCLUSION**

8 Based on the foregoing, Plaintiff respectfully requests that the Court grant this Motion to  
9 Compel and for Sanctions.

10 DATED this 19<sup>th</sup> day of September, 2019.

11 **ALDRICH LAW FIRM, LTD.**

12 /s/ John P. Aldrich  
13 John P. Aldrich, Esq.  
Nevada Bar No. 6877  
14 Catherine Hernandez, Esq.  
Nevada Bar No. 8410  
15 Matthew B. Beckstead, Esq.  
Nevada Bar No. 14168  
16 7866 West Sahara Avenue  
Las Vegas, NV 89117  
17 Tel (702) 853-5490  
Fax (702) 226-1975  
18 *Attorneys for Plaintiff/Counterdefendant*

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 19<sup>th</sup> day of September, 2019, I caused the foregoing  
3 **MOTION TO COMPEL AND FOR SANCTIONS** to be electronically filed and served with  
4 the Clerk of the Court using Wiznet which will send notification of such filing to the email  
5 addresses denoted on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not  
6 included on the Electronic Mail Notice List, to the following parties:

7 Anthony T. Case, Esq.  
8 Kathryn Holbert, Esq.  
9 FARMER CASE & FEDOR  
10 2190 E. Pebble Rd., Suite #205  
11 Las Vegas, NV 89123  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND  
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,  
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
JON FLEMING and LINDA STANWOOD*

12 C. Keith Greer, Esq.  
13 16855 West Bernardo Drive, Suite 255  
14 San Diego, CA 92127  
*Attorneys for Defendants LAS VEGAS DEVELOPMENT FUND  
LLC, EB5IMPACT CAPITAL REGIONAL CENTER LLC,  
EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
JON FLEMING and LINDA STANWOOD*

15  
16  
17  
18 /s/ T. Bixenmann  
19 An employee of ALDRICH LAW FIRM, LTD.  
20  
21  
22  
23  
24

# **EXHIBIT 1**

# **EXHIBIT 1**



7866 West Sahara Avenue  
Las Vegas, NV 89117  
T: 702-853-5490 F: 702-227-1975  
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John P. Aldrich \*

---

Catherine Hernandez  
Matthew B. Beckstead  
*\* Also admitted in Utah and Idaho*

July 30, 2019

**VIA ELECTRONIC SERVICE**

Kathryn Holbert, Esq.  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123

C. Keith Greer, Esq.  
17150 Via del Campo, Suite 100  
San Diego, CA 92127

RE: *Front Sight Management LLC v. Las Vegas Development Fund, et al.*

Dear Ms. Holbert and Mr. Greer:

By way of background, on June 7, 2019, Defendants filed a Motion for Appointment of a Special Master. Plaintiff opposed that Motion and the hearing was held on July 10, 2019. At the hearing on July 10, 2019, despite my continuing opposition, Judge Williams granted your clients' Motion in part and reduced the amount of time to respond to requests for production of documents to fourteen (14) days. You were fully behind that ruling as we stood there. As we discussed the Court's ruling, I specifically asked if there were any limitations on the scope of discovery vis a vis the Court's ruling. Judge Williams specifically and clearly said "no."

On July 10, 2019, Plaintiff Front Sight Management, LLC served several sets of Requests for Production of Documents upon Defendants. On July 24, 2019, your clients served the following documents:

1. Defendant Linda Stanwood's Responses to Plaintiff's Request for Production of Documents ("Stanwood Response");
2. Defendant Jon Fleming's Responses to Plaintiff's First Set of Requests for Production of Documents ("Fleming Response");
3. Defendant Robert W. Dziubla's Responses to Plaintiff's First Set of Requests for Production of Documents ("Dziubla Response");
4. Defendant EB5 Impact Capital Regional Center LLC's Responses to Plaintiff's First Set of Requests for Production of Documents ("EB5IC Response");
5. Defendant EB5 Impact Advisors LLC's Responses to Plaintiff's First Set of Requests for Production of Documents ("EB5IA Response"); and

6. Defendant Las Vegas Development Fund LLC's Responses to Plaintiff's First Set of Requests for Production of Documents ("LVDF Response").

Unfortunately, Defendants' Responses to Front Sight's Requests for Production of Documents fall far short of proper responses. Rather, none of the Defendants identified nor produced a single document. With all due respect, Defendants' responses are not good faith responses. Indeed, they are entirely non-responsive. This is not acceptable.

Because objections are pervasive and no documents are identified or produced, I will address general discovery principles, then various categories of objections first, and then certain specific requests.

### **General Discovery Duties**

NRCP 26 provides general provisions regarding discovery:

#### **Rule 26. General Provisions Governing Discovery**

...

##### **(b) Discovery Scope and Limits.**

(1) **Scope.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

...

##### **(5) Claiming Privilege or Protecting Trial Preparation Materials.**

(A) **Information Withheld.** When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must:

- (i) expressly make the claim; and
- (ii) describe the nature of the documents, communications, or tangible things not produced or disclosed-and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.

(B) **Information Produced.** If information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and 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 to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

...

**(e) Supplementing Disclosures and Responses.** A party who has made a disclosure under Rule 16.1, 16.2, or 16.205 – or responded to a request for discovery with a disclosure or response – is under a duty to timely supplement or correct the disclosure or response to include information thereafter acquired if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

...

**(g) Signing of Disclosures, Discovery Requests, Responses, and Objections.**

(1) Every disclosure and report made under Rules 16.1, 16.2, and 16.205, other than reports prepared and signed by an expert witness, and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's own name. . . .and must, when available, state the signer's physical and email addresses, and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief, formed after a reasonable inquiry:

(A) with respect to a disclosure, the disclosure is complete and correct as of the time it is made; and

(B) it is:

- i. consistent with these rules and warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law, or for establishing new law;
- ii. not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
- iii. neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

NRCP 34(b)(2)(E)(i) sets forth the Defendants' duties:

(i) a party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request. If producing the documents as they are kept in the usual course of business would make it unreasonably burdensome for the requesting party to correlate the documents being produced with the categories in its request for production, the responding party must (a) specify the records in sufficient detail to permit the requesting party to locate the documents that are responsive to the categories in the request for production, or (b) organize and label the records to correspond to the categories in the request; ....

## Claims of Privilege

NRCP 26(b)(5), reproduced above, states that a party “must” make a claim of privilege by “(i) expressly mak[ing] the claim; and (ii) describe[ing] the nature of the documents, communications, or tangible things not produced or disclosed-and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” NRCP 26(b)(5)(A)(i)-(ii).

The burden of establishing that a privilege exists is on the party claiming the privilege, which requires the production of an informative privilege log. (Discovery Commissioner Opinion No. 10 (November 2001). *See also Rogers v. State*, 127 Nev. 323, 330 255 P.3d 1264, 1268 (2011) (*citing McNair v. Eighth Judicial Dist. Court*, 110 Nev. 1285, 1289, 885 P.2d 576, 579 (1994)) (“As the proponent of the privilege, Rogers bore the burden of establishing it.”).) The requirements of a privilege log in the Eighth Judicial District Court shall be substantially as follows:

For each document, the log should provide: (1) the author(s) and their capacities; (2) the recipients (including cc’s) and their capacities; (3) other individuals with access to the documents and their capacities; (4) the type of document; (5) the subject matter of the document; (6) the purpose(s) for the production of the document; (7) the date on the document; and (8) a detailed, specific explanation as to why the document is privileged or otherwise immune from discovery, including a presentation of all factual grounds and legal analyses in a non-conclusory fashion.

(*Id.* (citing *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). *Accord Nevada Power Co. v. Monsanto Co.*, 151 F.R.D. 118, 121 & n.5 (D. Nev. 1993) (citations omitted), *cited with approval in Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. 689, 692-93 & n.2, 262 P.3d 720, 722-23 & n.2 (2011).)

## Objections

The party opposing discovery has the burden of showing the discovery is overly broad, unduly burdensome or not relevant. (*See Farber and Partners, Inc. v. Garber*, 234 F.R.D. 186 (C.D. Cal. 2006) (*citing Josephs v. Harris Corp.*, 677 F.2d 985, 992 (3rd Cir. 1982); *Cipollone v. Liggett Grp., Inc.*, 785 F.2d 1108, 1121 (3rd Cir. 1986)).) Boilerplate relevancy objections that do not set forth any argument or explanation why the requested documents are irrelevant are improper. (*See id.*)

NRCP 34(c), which addresses objections, provides: “An objection **must state whether any responsive materials are being withheld on the basis of that objection**. An objection to part of a request **must specify the part and permit inspection of the rest**.” (Emphasis added.) Defendants have failed to even attempt to meet this obligation.

## **Motion to Compel Discovery**

Plaintiff makes the following requests in order to obtain the required information with a minimum of unnecessary cost and delay. However, Plaintiff is also mindful of the high standard that Discovery Commissioner Opinion No. 10 sets for good faith attempts of the parties to resolve their difference before making a motion to compel discovery before the court. The same good faith requirements are incumbent upon Defendant as well. This letter is Plaintiff's first attempt to resolve the following disputes. If it is not successful, we will attempt to "meet and confer" as required by the rules, and will ultimately make a motion pursuant to NRCP 26, 34, and 37. If this is necessary, we will also seek fees and costs associated with Defendants' failure to participate in discovery in good faith.

With this roadmap in mind, Plaintiff notes the following:

### **General Objections**

Your client's Responses contain seven (7) general objections. These general objections and purported limitations to your client's responses are inappropriate. To the extent your clients are withholding information due to claims of privilege, your clients must provide a privilege log. Otherwise, your clients must truthfully and fully state what information each responding party has, or definitively state that the responding party has no information.

### **Discussion of Discovery Responses**

The discovery requests are very similar. Those to Defendants Stanwood and Fleming are, I believe, identical. Those to Defendant Dziubla are nearly identical, with two additional requests being sent to Defendant Dziubla. There are a few less requests to Defendant EB5IC and Defendant LVDF received the most requests.

For purposes of this letter, and to avoid drafting a letter that is too long to be useful, I will analyze the responses provided by Defendant Stanwood. This analysis applies to the responses of all Defendants. To the extent that any of the requests differ for any given Defendant, I will address that request and its accompanying responses separately.

I will first address individual objections, which appear uniformly throughout the Defendants' responses.

The Stanwood Responses are insufficient and need to be corrected. Rule 34(b)(2)(C) governs objections to Rule 34 discovery requests, stating, "An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest." NRCP 34(b)(2)(C). Defendant Stanwood's repeated failure to state whether responsive documents are being withheld clearly violates Rule 34(b)(2)(C). Front Sight demands that your client comply with Rule 34(b)(2)(c) and provide adequate responses to Front Sight's requests which comply with the pertinent rules governing discovery, namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,



43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91.

Additionally, many of Defendant Stanwood’s “responses” object that the request “is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily available to Requesting Party,” namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 86, and 90. The Court has NOT issued an order limiting the scope of discovery in this action, and to the extent that there are any documents that Defendant Stanwood is withholding on the basis of this objection, she must identify the document, acknowledge possession, and explain why/how it is already possessed or readily available to Front Sight. Because she did not do so, however, her responses are inadequate, and your objections are unfounded.

Many of Defendant Stanwood’s responses object that the request “seeks information protected by the attorney-client privilege and work product doctrine,” namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91. Under Nevada law, Defendant Stanwood has the burden of establishing the existence of privilege. *See Rogers v. State*, 127 Nev. 323, 330, 255 P.3d 1264, 1268 (2011) (citing *McNair v. Eighth Judicial Dist. Court*, 110 Nev. 1285, 1289, 885 P.2d 576, 579 (1994)) (“As the proponent of the privilege, Rogers bore the burden of establishing it.”).

The type of blanket objection Defendant Stanwood used to assert privilege is unacceptable under Nevada law. *See Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. 689, 692-93 & n.2, 262 P.3d 720, 722-23 & n.2 (2011) (citing *Nevada Power Co. v. Monsanto Co.*, 151 F.R.D. 118, 121 & n.5 (D. Nev. 1993)) (“Although petitioners raised the above-quoted general objection to Bumble’s request for production, that type of objection is insufficient to assert a privilege.”).

In *Monsanto*, which the Supreme Court of Nevada cited with approval in *Merits Incentives*, the District of Nevada held “that where documents are withheld on the basis of privilege, the party seeking discovery must . . . be given an opportunity to review a detailed privilege log with respect to each withheld document.” *Monsanto*, 151 F.R.D. at 121. Defendant Stanwood cannot delay production of a privilege log either, because “privilege logs must be produced reasonably promptly following the completion of document production,” *id.*

Moreover, Defendant Stanwood must sufficiently “describe the nature of the documents, communications, or tangible things not produced or disclosed – and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim,” NRCP 26(b)(5)(ii). Nevada law requires privilege logs to “be sufficiently detailed to allow informed evaluation of the objecting party’s claims,” *Monsanto*, 151 F.R.D. at 121 n.5.

Nevada law requires privilege logs to “separately identify each document withheld under claim of privilege,” and, “for each document,” state:

(1) its type (i.e., letter, memo, notes, etc.), (2) its author, (3) its intended recipients, (4) the names of any other individuals with access to the document, (5) the date of the document, (6) the nature of the claimed privilege (i.e., attorney-client, work-product, etc.), and (7) a brief summary of the subject matter of the document.

*Monsanto*, 151 F.R.D. at 121 n.5 (citations omitted), cited with approval in *Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. 689, 692-93 & n.2, 262 P.3d 720, 722-23 & n.2 (2011).

But Defendant Stanwood has provided no privilege log detailing the existence of this information and/or providing Front Sight with sufficient information to determine whether the asserted privilege is legitimate and properly invoked. The existence of privileged and confidential documents is not protected, even where the contents of those documents are. Defendant Stanwood’s responses and your unfounded objections are, therefore, inadequate and unconvincing, and Front Sight requests that your client adequately respond to these requests, including a compliant privilege log.

Defendant Stanwood’s responses object that the requests “require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy, namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91. A protective order is in place in this action, and your client has not even tried to explain why the existing protective order is inadequate. Moreover, your objection is not the proper method for obtaining a protective order. With all due respect, your objection is unfounded and not in compliance with the Nevada Rules of Civil Procedure.

Defendant Stanwood’s responses object that some of the requests are “overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction,” namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91. Your objection is directly contradicted by the Nevada Rules of Civil Procedure, which require your client to produce all relevant documents that are “proportional to the needs of the case,” NRCP 26(b)(1), unless a legitimate exception applies. Obviously, Rule 26(b)(1) does not limit the scope of discovery to being proportionate to Front Sight’s motion for preliminary injunction. As noted above, the Court has NOT entered an order limiting production to the issues set forth in the motion for preliminary injunction motion. Besides, a motion for

preliminary injunction necessarily involves a determination of Front Sight's likelihood of success on the merits in this action.

Some of Defendant Stanwood's responses assert that the request "is duplicative to other Document Requests," namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 84, 85, and 90. Again, the Court has NOT issued an order limiting the scope of discovery in this action, and to the extent that there are any documents that Defendant Stanwood is withholding on the basis of this assertion, she should describe each of the documents, acknowledge her possession thereof, and explain how/why it is already possessed or readily available to Front Sight. Because she did not do so, however, her responses are inadequate and your objection is not a good faith objection.

Some of Defendant Stanwood's responses assert the request "lacks foundation," namely Response to Request Nos. 72, 74, 77, 78, 86, 87, 88, 89, 90, and 91. This is not a valid objection. Your client must produce documents in response to these requests, because the relevance to this action is apparent for each and every request. This objection to admissibility is not a basis for objecting under Nevada's procedural rules, and Rule 26(b)(1) clearly states, "Information within this scope of discovery need not be admissible in evidence to be discoverable."

Defendant Stanwood's response to Request No. 72 asserts that the request is "vague and ambiguous as to 'any entity,'" a phrase that has a common sense meaning within the greater context of the request. Front Sight is requesting documents showing monetary and property transfers from any and all entities to Defendant Stanwood, including any and all entities over which Defendant Stanwood has control or ownership.

Several of Defendant Stanwood's responses assert that the request "is compound as to issues and facts," namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 86, 88, and 90. There is no court order in this action limiting discovery or otherwise declaring certain documents or other information to be duplicative or "compound" as to the facts and issues. Indeed, Judge Williams confirmed as much at the hearing on July 10, 2019. The balance of equities here, we believe, favors disclosure by Defendant Stanwood as to any payments that Front Sight made to Defendant Stanwood and/or to any entity controlled by Defendant Stanwood. Such documents are relevant to this action, your client has a duty to produce them, and she is failing in her duty to do so. By not producing these documents or, instead, confirming their nonexistence, Defendants are not acting in good faith.

Defendant Stanwood's response to Request No. 74 asserts that the request is "vague and ambiguous as to 'foreign or immigrant investor.'" This objection is obviously unfounded, given the totality of the circumstances in this matter's history. It is blatantly obvious that the term "foreign or immigrant investor" means an EB-5 investor who is seeking an EB-5 visa and has

met the \$500,000.00 minimum investment threshold. Front Sight repeats its request for any and all documents which support, refute, or in any way relate to each and every payment and/or transfer of money or property made to Defendant Stanwood or any entity controlled by Stanwood.

Several of Defendant Stanwood's responses assert that the request "is vague and ambiguous because there are numerous facts and legal conclusions in the paragraphs of the Second Amended Complaint to which this request references," namely Response to Request Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69. Your client's denial of the corresponding paragraphs in the Second Amended Complaint must have a basis in fact, and Front Sight is requesting any and all documents that Defendant Stanwood used or referred to when pleading each denial in Defendants' Answer to Front Sight's Second Amended Complaint.

Defendant Stanwood's Response to Request No. 73 asserts that the request is "vague and ambiguous as to 'any other person or entity,'" a phrase that has a common sense meaning within the greater context of the request. Front Sight is requesting documents showing Defendant Stanwood's financial transactions and monetary and property transfers "from any other person or entity . . . from 2012 to the present," in addition to the other documents requested Request No. 73.

Defendant Stanwood's Response to Request No. 75 asserts that the request is "vague and ambiguous as to 'each and every financial transaction,'" a phrase that has obvious and self-evident meaning. Front Sight is requesting documents pertaining to Defendant Stanwood's receipt or transfer of money, whether to or from another person or entity.

Defendant Stanwood's Response to Request Nos. 77 & 78 assert that the request "is vague and ambiguous as to 'representation,'" the meaning of which should be plainly self-evident in the greater context of the request. Front Sight is requesting all documents showing Defendant Stanwood's statements made to any potential EB-5 investor, regarding the Project, the structuring of the investment, and any updates to them regarding the same.

Defendant Stanwood's Response to Request Nos. 81, 82, 83, 84, 85, 88, and 89 assert that the request "is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues," but the problem with that response is that the Court has NOT entered an order limiting discovery in any fashion, whether it is limited on the basis of the material sought being duplicative or limiting discovery to a particular issue. Discovery is still wide open, and Defendant Stanwood has a duty to produce any and all documents that are responsive to these requests.

Defendant Stanwood's Response to Request No. 91 asserts that the request is "vague and ambiguous as to 'experience,'" the meaning of which is self-evident. Front Sight seeks any and all documents showing that Defendant Stanwood has discussed, studied, contemplated, or

otherwise worked in the realm of EB-5 investing and EB-5 visas that are issued by the federal government of the United States of America.

### **Discussion of Various Requests**

Request Nos. 3-70 are contention requests (for Defendant LVDF, those are Request Nos. 3-74). These are relevant and proper requests based on the allegations of the Second Amended Complaint. Those requests are entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. These requests are not objectionable. If responsive documents exist that relate to the denials and defenses, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 72 seeks documents showing money transfers from the Entity Defendants to Defendant Stanwood during the time since the parties began negotiating the terms of Defendants' financing of the Project. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 74 seeks documents showing money transfers from the EB-5 investors pertaining to the Project to Defendant Stanwood or any entity that she controls. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 77 seeks documents pertaining to Defendant Stanwood's interactions and communications with the actual and/or potential EB-5 investors pertaining to the Project. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 78 seeks documents pertaining to Defendant Stanwood's interactions and communications with USCIS pertaining to the Project and the related loan. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request Nos. 86 and 87 seek documents pertaining to Defendant Stanwood's involvement in, and experience with, forming and participating formally with the operation of business entities. This is a relevant and proper request based on the allegations of the Second Amended Complaint. These requests are entirely appropriate and relate specifically to

Defendant Stanwood's denials and affirmative defenses. These requests are not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 88 seeks Defendant Stanwood's financials for the years during which Front Sight and Defendants have contemplated an arrangement(s) to finance the Project. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 89 seeks the communications that Defendant Stanwood, an alleged "Senior Vice President" for the Entity Defendants, had with Sean Flynn, because Sean Flynn played an integral role in obtaining USCIS approval for the exemplar petition – moreover, his company is a part owner of EB5IC. Defendant Stanwood should, and must, produce the communications that she has had with Sean Flynn as they pertain to the merits of this action, the Entity Defendants, the Project, and any other topic related to the Project, the CLA, and/or other Loan Documents. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 90 seeks documents showing transfers of funds from Front Sight, whether direct or indirect transfers, to Defendant Stanwood. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

Request No. 91 seeks documents showing that Defendant Stanwood, an alleged Senior Vice President of at least one of the Entity Defendants, has experience with lending funds obtained from EB-5 investors. Such evidence is relevant for establishing whether Front Sight was materially misled regarding Defendants' ability to raise Loan Proceeds from the EB-5 investors. This is a relevant and proper request based on the allegations of the Second Amended Complaint. This request is entirely appropriate and relate specifically to Defendant Stanwood's denials and affirmative defenses. The request is not objectionable. If responsive documents exist, Defendant Stanwood must provide them. If no documents exist, she must say so.

### **Requests for Defendants Fleming and EB5IC**

I believe those are all encompassed in the requests sent to Defendant Stanwood.

### **Additional Requests to Defendant LVDF**

Request No. 83 asks for documents provided by Front Sight to Defendant LVDF from 2012 to the present. Defendants LVDF and Dziubla have repeatedly denied receiving certain key financial documents. Consequently, we are asking Defendant LVDF to provide that information back so we can resolve any alleged conflict in the evidence. This request is entirely proper.

Requests 84-91 seek documents that are not burdensome, and indeed should already have been produced by Defendant LVDF in its initial disclosures. This request is not objectionable.

Request No 92 seeks eight binders of information. As with Request No. 83, this request is proper because Defendant LVDF continues to deny receiving information from Front Sight.

Request Nos. 93-95 also seek non-duplicative information that Defendant LVDF should have kept in the ordinary course of business, and they must be produced.

Request No. 96 relates directly to Defendant LVDF's Counterclaim and alleged amount required to cure. This should have been provided in Defendant LVDF's initial disclosures and must be produced. I also note that Front Sight has been asking for this information since at least March 2019, with no response from Defendant LVDF.

Request Nos. 97-101 seek information about the Class B holders in Defendant LVDF and distributions to them. Although Defendant LVDF objects (as it has throughout this litigation) on the grounds that this is proprietary and/or disclosure is not permitted, Defendant LVDF has provided nothing to substantiate that claim other than Defendant Dziubla's word, nor has Defendant LVDF moved for a protective order. These documents must be provided.

Request No. 102 asks for documents showing distributions to the individual Defendants. This is clearly a proper request in light of the fraud claims, not to mention the other claims.

Request No. 103 seeks information about Defendant Stanwood's employment with Defendant LVDF. Given the e-mail from Defendant Dziubla about her full-time employment and "informal involvement" with Defendant LVDF (which Defendant Stanwood contradicted at the evidentiary hearing), this is an entirely proper request.

Request No. 104 asks for communications between Defendant LVDF and Ms. Holbert in her capacity as a Trustee. There is nothing objectionable about this request and Defendant LVDF must properly respond.

Request No. 105 asks for communications between Defendant LVDF and Chicago Title in its capacity as a Trustee. There is nothing objectionable about this request and Defendant LVDF must properly respond.

Request Nos. 106-109 ask for communications between Defendant LVDF and the investors. This is a proper request, particularly in light of Defendant LVDF's claims that Front Sight has not met its obligation regarding senior debt, all while Defendant LVDF acknowledged Front Sight had done so in an update.

Request No. 110 seeks a copy of all versions of the PPM. This request is not objectionable and is entirely proper.

Request No. 111 seeks information about where money received from Front Sight went. In light of the fraud and other related claims, this is absolutely a proper request.

#### **Additional Requests to Defendant Dziubla**

Request No. 93 seeks information about Defendant Dziubla's individual experience with EB-5 lending "at any time in the past." The meaning of "experience" is colloquial and self-evident, there is nothing objectionable about this request, and Defendant Dziubla must properly respond.

The discussion in this letter addresses all of Defendants' discovery responses. They are all grossly inadequate and must be supplemented. Accordingly, Front Sight demands that your client adequately respond to these requests no later than **Friday, August 10, 2019**. By that date, Defendants will have had 31 days to respond, which is longer than what is generally allowed under NRC 34, even if the Court had not shortened the time pursuant to your request. If your clients will not provide full and complete responses by or before August 10, 2019, I ask that you contact me by Wednesday, August 8, 2019, to discuss these issues. We look forward to receiving Defendants' full and complete supplemental responses.

Kindest regards,

**ALDRICH LAW FIRM, LTD.**

/s/ John P. Aldrich

John P. Aldrich, Esq.

JPA/tb



# **EXHIBIT 2**

# **EXHIBIT 2**

## Traci Bixenmann

---

**From:** John Aldrich <jaldrich@johnaldrichlawfirm.com>  
**Sent:** Wednesday, August 7, 2019 5:15 PM  
**To:** keith.greer@greerlaw.biz; kholbert@farmercase.com  
**Cc:** traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com  
**Subject:** Conference call today

Keith and Kathryn,

This correspondence will confirm our telephone conference today.

We discussed Kathryn's letter of August 6, 2019 in which she set forth Defendants' objections to our recently noticed subpoenas and document requests to third parties. We discussed the relevance of the bank documents, and it remains Plaintiff's position that those requests and that discovery is proper. We did not reach an agreement, and therefore, Defendants will file a motion for protective order in the near future.

With regard to the third party witnesses, Plaintiff also maintains that the discovery is relevant and proper. We discussed in some detail the specific requests for information related to EB5 investors in this project. Ultimately, we did not reach an agreement. It is my understanding that Defendants will file a motion for protective order related to the third party Subpoenas, at least as to the scope of the document requests.

Kathryn advised me that Defendants will request an order shortening time; I do not object to an order shortening time, although I certainly hope to have nearly the full time to prepare an opposition.

We also discussed Defendants' responses to Plaintiff's Requests for Production of Documents. Keith advised me that the volume of documents made it impossible for Defendants to provide any documents when the original responses were due on July 24, 2019. Keith advised that he has obtained some new software that has been very helpful and that Defendants will supplement their responses with thousands of pages of documents no later than Friday, August 16, 2019. We will await the supplemental responses on that date.

We also specifically discussed Plaintiff's request that Defendants produce the 23-lb. box of documents that was sent by FedEx back in June of 2018. After some discussion, Keith agreed that those documents will be provided by Defendants. We appreciate that concession.

Thanks to both of you for taking the time to discuss these discovery issues today. If this is not your understanding of our conversation, or if I have missed anything you would like to have documented in an e-mail, please let me know. Have a good evening.

John P. Aldrich, Esq.  
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# **EXHIBIT 3**

# **EXHIBIT 3**

## Traci Bixenmann

---

**From:** John Aldrich <jaldrich@johnaldrichlawfirm.com>  
**Sent:** Tuesday, September 3, 2019 10:38 AM  
**To:** keith.greer@greerlaw.biz; kholbert@farmercase.com  
**Cc:** traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com  
**Subject:** Various items

Keith and Kathryn,

I write to address several items.

### Thursday's hearing on Motion to Quash Subpoenas

On Friday afternoon (Aug. 30), I informed you that my father-in-law had passed away. You called me and we discussed the upcoming evidentiary hearing and the hearing on the Motions to Quash Subpoenas. I must leave on Thursday to travel to Idaho (a 10-hour drive) for the funeral, but I can argue the Motions to Quash so long as I can leave by 10:30 a.m. We agreed we would discuss this possibility with Judge Williams on the call I would request in a letter (which I indeed requested and has now been set for this afternoon).

### Supplemental responses to Requests for Production of Documents

On July 31, 2019, we sent a long letter about your clients' grossly deficient Responses to Requests for Production of Documents. On August 7, 2019, the three of us held a telephone conference to discuss Defendants' objections to the subpoenas Plaintiff seeks to issue and Defendants' deficient discovery responses. Keith agreed to provide supplemental responses and "thousands of pages of documents" no later than Friday, August 16, 2019 – more than three weeks after they were due. Keith also stated that those responses would include the documents Front Sight provided in the much-discussed 23-pound box of documents.

On Friday, August 16, 2019, Keith called my assistant, Traci, and advised he would bring a thumb drive to the hearing on Tuesday, August 20, 2019. No extension of time to provide the supplemental responses was requested and the supplemental responses were not provided. Before the hearing on August 20, 2019, Keith indeed provided a thumb drive with documents. No supplemental Responses to Requests for Production of Documents were provided and they remain outstanding.

On our first call last Friday, I asked Keith about Defendants' Supplemental Responses to Requests for Production of Documents. Keith advised that he thought Defendants had supplemented those responses. He said he would check on the status and advise by today. I eagerly await those supplemental responses that were due approximately five weeks ago (after Defendants insisted that the deadline be reduced from 30 days to 14 days, which deadline the Court imposed). Please provide those supplemental responses no later than Friday, September 6, 2019. Otherwise, we will proceed with filing a motion to compel.

### Obituary for my father-in-law

About ten minutes after our first call on Friday concluded, Keith called me back and asked for a copy of the obituary for my father-in-law. Keith explained to me that your client wanted proof that I was telling the truth. I advised you that I would indeed provide the link for his obituary once it was posted; it had not been written when we spoke because he had only passed away a day earlier. Here is the link:

I also advised you that I was offended at the suggestion that I would lie about my father-in-law dying. Your clients seem to think I do not want to proceed with the evidentiary hearing. Nothing could be further from the truth. Of course, I would also like to have the evidence your clients owe us (addressed above) as I do so.

Documentation of attorney's fees and other costs

Mr. Dziubla/LVDF continues to assert Plaintiff is in breach of the CLA and demand payment of default interest, attorney's fees, late fees, etc. For many months now, Front Sight has been requesting documentation, including, but not limited to, written requests from myself to you on March 29, 2019, May 21, 2019, May 28, 2019, and specific requests in the Requests for Production of Documents that were served on your clients. Plaintiff has received absolutely nothing from you, Mr. Dziubla, or LVDF to support these claims. The latest statement from NES, sent yesterday at your clients' request, claims current attorney's fees of an even \$35,000 and past due attorney's fees of \$191,848.75, along with past due foreclosure costs of an even \$15,000 and unspecified late fees of \$73,671.23.

We again request documentation to support all claims and/or amounts LVDF asserts are outstanding (even though Front Sight continues to maintain it is not in breach of any valid agreement). Mr. Dziubla has repeatedly cited Article 8.2(a) of the CLA in support of this claim. I note that Article 8.2(a) mentions "reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . ." While we adamantly disagree that Front Sight is in default and waive no rights or claims in making this request, we again request that you please have Mr. Dziubla and LVDF provide us with all documentation in support of the alleged "reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . ." that LVDF and Mr. Dziubla assert Front Sight must pay so that we may consider the "reasonableness" of such claimed expenses. Even if Plaintiff wanted to cure the alleged default, LVDF's/Dziubla's continued failure and refusal to provide this information deprives Plaintiff of its opportunity to ascertain the "reasonableness" of Mr. Dziubla's and LVDF's claims. We again ask that this information be provided, and we ask that it be provided immediately.

Extension of time to respond to Motion for Receiver and Motion to Bifurcate

Both of these motions were filed on Friday, August 30, 2019, making the oppositions due on Monday, September 9, 2019. I need some additional time to respond and request an extension of 4 days, which would make my client's opposition due Friday, September 13, 2019. It is also quite possible that my opposition will include a counter-motion. I recognize that this would leave a very short amount of time for your reply and opposition. Perhaps we can push back the hearing date to a more normal time frame from the filing of your motions to the hearing. The court set the hearing on the Motion to Bifurcate long before it was filed, which is abnormal. Please let me know if you will agree, and if so, we can prepare a stipulation to re-set the hearing.

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# **EXHIBIT 4**

# **EXHIBIT 4**



## Traci Bixenmann

---

**From:** John Aldrich <jaldrich@johnaldrichlawfirm.com>  
**Sent:** Thursday, September 5, 2019 5:48 AM  
**To:** keith.greer@greerlaw.biz; kholbert@farmercase.com  
**Cc:** traci@johnaldrichlawfirm.com; 'Cathy Hernandez'; mbeckstead@johnaldrichlawfirm.com  
**Subject:** RE: Various items

Keith and Kathryn,

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**Cc:** traci@johnaldrichlawfirm.com; 'Cathy Hernandez' (chernandez@johnaldrichlawfirm.com); mbeckstead@johnaldrichlawfirm.com  
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<https://www.eckersellfuneralhome.com/obituary/brent-helm>

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default and waive no rights or claims in making this request, we again request that you please have Mr. Dziubla and LVDF provide us with all documentation in support of the alleged "reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . ." that LVDF and Mr. Dziubla assert Front Sight must pay so that we may consider the "reasonableness" of such claimed expenses. Even if Plaintiff wanted to cure the alleged default, LVDF's/Dziubla's continued failure and refusal to provide this information deprives Plaintiff of its opportunity to ascertain the "reasonableness" of Mr. Dziubla's and LVDF's claims. We again ask that this information be provided, and we ask that it be provided immediately.

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# **EXHIBIT 5**

# **EXHIBIT 5**

## Traci Bixenmann

---

**From:** Keith Greer <keith.greer@greerlaw.biz>  
**Sent:** Friday, September 6, 2019 11:27 AM  
**To:** John Aldrich  
**Subject:** RE: Various items

Sincere condolences to you and your family.

Can you have the opposition briefs to us by the 12<sup>th</sup>. That gives me the opportunity to prepare our reply without taking another weekend away from my family. I will work on the supplemental discovery responses and have them to you by the 12<sup>th</sup>.

Regarding the attorney's fees, please be advised that once Front Sight cures the other default issues and thus shows a clear intent to actually get things back on track we, we will provide additional detail regarding the attorneys' fees and costs.

I hope this relieves some of your stress. Let's talk when you get back.

**C. Keith Greer, Esq.**  
*Greer & Associates, APC*



16855 W. Bernardo Dr., Suite 255  
San Diego, CA 92127  
Office: (858) 613-6677  
Facsimile: (858) 613-6680  
Mobile: (858) 361-4640  
**GreerLawAPC.com**

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**From:** John Aldrich <jaldrich@johnaldrichlawfirm.com>  
**Sent:** Thursday, September 5, 2019 5:48 AM  
**To:** Keith Greer <keith.greer@greerlaw.biz>; kholbert@farmercase.com  
**Cc:** traci@johnaldrichlawfirm.com; 'Cathy Hernandez' <chernandez@johnaldrichlawfirm.com>;

mbeckstead@johnaldrichlawfirm.com

**Subject:** RE: Various items

Keith and Kathryn,

I am leaving today to go to Idaho for the funeral, returning Sunday night. Can you please respond to the e-mail below, particularly the second (discovery responses), fourth (attorney fees/cost documentation), and fifth (extension) items?

John P. Aldrich, Esq.

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---

**From:** John Aldrich [<mailto:jaldrich@johnaldrichlawfirm.com>]

**Sent:** Tuesday, September 3, 2019 10:38 AM

**To:** [keith.greer@greerlaw.biz](mailto:keith.greer@greerlaw.biz); [kholbert@farmercase.com](mailto:kholbert@farmercase.com)

**Cc:** [traci@johnaldrichlawfirm.com](mailto:traci@johnaldrichlawfirm.com); 'Cathy Hernandez' ([chernandez@johnaldrichlawfirm.com](mailto:chernandez@johnaldrichlawfirm.com));

[mbeckstead@johnaldrichlawfirm.com](mailto:mbeckstead@johnaldrichlawfirm.com)

**Subject:** Various items

Keith and Kathryn,

I write to address several items.

#### Thursday's hearing on Motion to Quash Subpoenas

On Friday afternoon (Aug. 30), I informed you that my father-in-law had passed away. You called me and we discussed the upcoming evidentiary hearing and the hearing on the Motions to Quash Subpoenas. I must leave on Thursday to travel to Idaho (a 10-hour drive) for the funeral, but I can argue the Motions to Quash so long as I can leave by 10:30 a.m. We agreed we would discuss this possibility with Judge Williams on the call I would request in a letter (which I indeed requested and has now been set for this afternoon).

#### Supplemental responses to Requests for Production of Documents

On July 31, 2019, we sent a long letter about your clients' grossly deficient Responses to Requests for Production of Documents. On August 7, 2019, the three of us held a telephone conference to discuss Defendants' objections to the subpoenas Plaintiff seeks to issue and Defendants' deficient discovery responses. Keith agreed to provide supplemental

responses and “thousands of pages of documents” no later than Friday, August 16, 2019 – more than three weeks after they were due. Keith also stated that those responses would include the documents Front Sight provided in the much-discussed 23-pound box of documents.

On Friday, August 16, 2019, Keith called my assistant, Traci, and advised he would bring a thumb drive to the hearing on Tuesday, August 20, 2019. No extension of time to provide the supplemental responses was requested and the supplemental responses were not provided. Before the hearing on August 20, 2019, Keith indeed provided a thumb drive with documents. No supplemental Responses to Requests for Production of Documents were provided and they remain outstanding.

On our first call last Friday, I asked Keith about Defendants’ Supplemental Responses to Requests for Production of Documents. Keith advised that he thought Defendants had supplemented those responses. He said he would check on the status and advise by today. I eagerly await those supplemental responses that were due approximately five weeks ago (after Defendants insisted that the deadline be reduced from 30 days to 14 days, which deadline the Court imposed). Please provide those supplemental responses no later than Friday, September 6, 2019. Otherwise, we will proceed with filing a motion to compel.

#### Obituary for my father-in-law

About ten minutes after our first call on Friday concluded, Keith called me back and asked for a copy of the obituary for my father-in-law. Keith explained to me that your client wanted proof that I was telling the truth. I advised you that I would indeed provide the link for his obituary once it was posted; it had not been written when we spoke because he had only passed away a day earlier. Here is the link:

<https://www.eckersellfuneralhome.com/obituary/brent-helm>

I also advised you that I was offended at the suggestion that I would lie about my father-in-law dying. Your clients seem to think I do not want to proceed with the evidentiary hearing. Nothing could be further from the truth. Of course, I would also like to have the evidence your clients owe us (addressed above) as I do so.

#### Documentation of attorney’s fees and other costs

Mr. Dziubla/LVDF continues to assert Plaintiff is in breach of the CLA and demand payment of default interest, attorney’s fees, late fees, etc. For many months now, Front Sight has been requesting documentation, including, but not limited to, written requests from myself to you on March 29, 2019, May 21, 2019, May 28, 2019, and specific requests in the Requests for Production of Documents that were served on your clients. Plaintiff has received absolutely nothing from you, Mr. Dziubla, or LVDF to support these claims. The latest statement from NES, sent yesterday at your clients’ request, claims current attorney’s fees of an even \$35,000 and past due attorney’s fees of \$191,848.75, along with past due foreclosure costs of an even \$15,000 and unspecified late fees of \$73,671.23.

We again request documentation to support all claims and/or amounts LVDF asserts are outstanding (even though Front Sight continues to maintain it is not in breach of any valid agreement). Mr. Dziubla has repeatedly cited Article 8.2(a) of the CLA in support of this claim. I note that Article 8.2(a) mentions “reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . .” While we adamantly disagree that Front Sight is in default and waive no rights or claims in making this request, we again request that you please have Mr. Dziubla and LVDF provide us with all documentation in support of the alleged “reasonable expenses paid or incurred by Lender (including reasonable fees and expenses of legal counsel). . . .” that LVDF and Mr. Dziubla assert Front Sight must pay so that we may consider the “reasonableness” of such claimed expenses. Even if Plaintiff wanted to cure the alleged default, LVDF’s/Dziubla’s continued failure and refusal to provide this information deprives Plaintiff of its opportunity to ascertain the “reasonableness” of Mr. Dziubla’s and LVDF’s claims. We again ask that this information be provided, and we ask that it be provided immediately.

Extension of time to respond to Motion for Receiver and Motion to Bifurcate

Both of these motions were filed on Friday, August 30, 2019, making the oppositions due on Monday, September 9, 2019. I need some additional time to respond and request an extension of 4 days, which would make my client's opposition due Friday, September 13, 2019. It is also quite possible that my opposition will include a counter-motion. I recognize that this would leave a very short amount of time for your reply and opposition. Perhaps we can push back the hearing date to a more normal time frame from the filing of your motions to the hearing. The court set the hearing on the Motion to Bifurcate long before it was filed, which is abnormal. Please let me know if you will agree, and if so, we can prepare a stipulation to re-set the hearing.

John P. Aldrich, Esq.

**ALDRICH LAW FIRM, LTD.**

7866 West Sahara Avenue

Las Vegas, Nevada 89117

[jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com)

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# **EXHIBIT 6**

# **EXHIBIT 6**

## Traci Bixenmann

---

**From:** John Aldrich <jaldrich@johnaldrichlawfirm.com>  
**Sent:** Friday, September 13, 2019 2:11 PM  
**To:** 'Kathryn Holbert'  
**Cc:** 'Keith Greer'; traci@johnaldrichlawfirm.com  
**Subject:** RE: Front Sight v. Las Vegas Development Fund et al

Kathryn,

Sorry to hear about Keith's family emergency. I hope everything is ok.

Regarding the request for an extension to file a reply, yes, of course we will accommodate.

As for the supplemental responses to the requests for production of documents, they are already long overdue, but I will agree not to file any motions before Thursday morning.

Will you also please respond to my inquiry from Tuesday about Defendants withdrawing the discovery and deposition notice to Jennifer Piazza?

Thank you.

John P. Aldrich, Esq.  
**ALDRICH LAW FIRM, LTD.**  
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Las Vegas, Nevada 89117  
[jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com)  
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**From:** Kathryn Holbert [mailto:kholbert@farmercase.com]  
**Sent:** Friday, September 13, 2019 10:32 AM  
**To:** 'John Aldrich'  
**Cc:** Keith Greer  
**Subject:** Front Sight v. Las Vegas Development Fund et al

John-

We received your oppositions to Defendants pending motions last night. Thank you. Our clients' replies are due today. However, Mr. Greer was called out of town for a family emergency. May we have until Monday to file our replies?

Also, because of such family emergencies, Mr. Greer will not be able to finalize Defendants supplemental responses to Plaintiff's requests for production by the previously agreed upon date. May we have until Wednesday to get the supplemental responses to you?

Thank you,

Kathryn Holbert, Esq  
FARMER CASE & FEDOR  
2190 E. Pebble Rd., Suite #205  
Las Vegas, NV 89123  
702-579-3900

# **EXHIBIT 7**

# **EXHIBIT 7**

1 RRF  
2 ANTHONY T. CASE, ESQ.  
3 Nevada Bar No. 6589  
4 tcase@farmercase.com  
5 KATHRYN HOLBERT, ESQ.  
6 Nevada Bar No. 10084  
7 kholbert@farmercase.com  
8 **FARMER CASE & FEDOR**  
9 2190 E. Pebble Rd., Suite #205  
10 Las Vegas, NV 89123  
11 Telephone: (702) 579-3900  
12 Facsimile: (702) 739-3001

13 C. KEITH GREER, ESQ.  
14 keith.greer@greerlaw.biz  
15 Cal. Bar No. 135537 [*Pro Hac Vice*]  
16 **GREER & ASSOCIATES, A.P.C.**  
17 17150 Via Del Campo, Suite #100  
18 San Diego, California 92128  
19 Telephone: (858) 613-6677  
20 Facsimile : (858) 613-6680

21 Attorneys for Defendants  
22 LAS VEGAS DEVELOPMENT FUND LLC, EB5  
23 IMPACT CAPITAL REGIONAL CENTER LLC,  
24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,  
25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a ) CASE NO.: A-18-781084-B  
29 Nevada Limited Liability Company, ) DEPT NO.: 16  
30 )  
31 Plaintiff, ) **DEFENDANT, LINDA STANWOOD'S**  
32 vs. ) **RESPONSES TO PLAINTIFF'S REQUEST**  
33 ) **FOR PRODUCTION OF DOCUMENTS**  
34 )  
35 LAS VEGAS DEVELOPMENT FUND LLC, )  
36 et al., )  
37 )  
38 Defendants. )  
39 )  
40 )  
41 )  
42 )

43 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**  
44 **RESPONDING PARTY: Defendant, LINDA STANWOOD**  
45 **SET NO: ONE**

1 GENERAL OBJECTIONS

2 Defendant, **LINDA STANWOOD**

3 ("Responding party" or "Defendant"), makes the following general objections, whether or not  
4 separately set forth in response to each document demand, to each and every definition and document  
5 demand in the Request for Production of Documents (Set No. One) of Plaintiff ("Propounding  
6 party"):

7 1. Responding party objects to the requests generally, and to each and every individual  
8 request specifically, to the extent that the requests seek documents not currently in responding party's  
9 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
10 grounds that such requests seek to require more of this defendant than any obligation imposed by law,  
11 would subject responding party to unreasonable and undue annoyance, oppression, burden and  
12 expense, and would seek to impose upon responding party an obligation to investigate or discover  
13 information or materials from third parties or persons which are equally accessible to propounding  
14 party.

15 2. Responding party objects to the requests on the ground that they have not completed  
16 investigation of the facts related to this matter, have not completed discovery in this action and have  
17 not completed preparation for any trial that may be held in this action. Any responses to the following  
18 document demands are based on documents currently known to responding party and are given  
19 without prejudice to responding party right to produce evidence of any subsequently discovered  
20 documents.

21 3. Responding party objects to the requests generally, and to each and every individual  
22 request specifically, to the extent that the requests seek documents or information which would  
23 invade the protections afforded Responding party under the attorney-client privilege and/or work  
24 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
25 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
26 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
27 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
28 log.

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4. Unless otherwise indicated, Responding Party will produce information regarding the issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary Injunction Petition. (hereafter "Injunction Issues").

5 Responding Party reserves the right to condition the production of documents containing confidential or proprietary information or trade secrets on the Court's issuance of a confidentiality or protective order governing the disclosure of any such information.

6 The production of any documents or information by Responding Party is made without waiver, and with preservation, of any privilege or protection against disclosure afforded to documents containing confidential or proprietary information or trade secrets.

7 Responding Party objects to the requests to the extent that they would require Responding Party to produce documents or information covered by confidentiality agreements with others, or that would require Responding Party to violate the privacy interests of others.

**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:**

Produce copies any and all documents, writings and/or communications utilized or consulted in the answering of Plaintiff's First Set Interrogatories to Defendant Linda Stanwood.

**RESPONSE TO REQUEST NO. 1:**

Objection. This Document Request seeks information that does not exist as there has been no Interrogatories served on Responding Party.

**REQUEST NO. 2:**

Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's First Set of Interrogatories to Defendant Linda Stanwood.

**RESPONSE TO REQUEST NO. 2:**

Objection. This Document Request seeks information that does not exist as there has been no Interrogatories served on Responding Party.

**REQUEST NO. 3:**

1 Please provide copies of any and all documents which support, refute, or in any way relate to  
2 your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 3:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in the paragraphs of the  
6 Second Amended Complaint to which this request references; it is compound as to issues and  
7 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
8 burdensome and oppressive because it seeks documents that are already in possession of  
9 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
11 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is protected by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 4:**

19 Please provide copies of any and all documents which support, refute, or in any way relate to  
20 your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 4:**

22 Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
24 Second Amended Complaint to which this request references; it is compound as to issues and  
25 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
26 burdensome and oppressive because it seeks documents that are already in possession of  
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
28 attorney-client privilege and work product doctrine; and it purports to require Responding Party to



1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 5:**

8 Please provide copies of any and all documents which support, refute, or in any way relate to  
9 your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 5:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
13 Second Amended Complaint to which this request references; it is compound as to issues and  
14 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
15 burdensome and oppressive because it seeks documents that are already in possession of  
16 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
17 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
18 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is protected by rights of privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24  
25 **REQUEST NO. 6:**

26 Please provide copies of any and all documents which support, refute, or in any way relate to  
27 your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 6:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
3 Second Amended Complaint to which this request references; it is compound as to issues and  
4 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
5 burdensome and oppressive because it seeks documents that are already in possession of  
6 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
7 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
8 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
9 information that is protected by rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 7:**

15            Please provide copies of any and all documents which support, refute, or in any way relate to  
16 your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 7:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
20 Second Amended Complaint to which this request references; it is compound as to issues and  
21 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
22 burdensome and oppressive because it seeks documents that are already in possession of  
23 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
24 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
25 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is protected by rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary

1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 8:**

4 Please provide copies of any and all documents which support, refute, or in any way relate to  
5 your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 8:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
9 Second Amended Complaint to which this request references; it is compound as to issues and  
10 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
11 burdensome and oppressive because it seeks documents that are already in possession of  
12 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
13 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
14 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is protected by rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 9:**

21 Please provide copies of any and all documents which support, refute, or in any way relate to  
22 your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 9:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
26 Second Amended Complaint to which this request references; it is compound as to issues and  
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
28 burdensome and oppressive because it seeks documents that are already in possession of

1 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
2 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9  
10 **REQUEST NO. 10:**

11 Please provide copies of any and all documents which support, refute, or in any way relate to  
12 your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 10:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
16 Second Amended Complaint to which this request references; it is compound as to issues and  
17 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
18 burdensome and oppressive because it seeks documents that are already in possession of  
19 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 11:**

28 Please provide copies of any and all documents which support, refute, or in any way relate to

1 your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 11:**

3         Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
5 Second Amended Complaint to which this request references; it is compound as to issues and  
6 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
7 burdensome and oppressive because it seeks documents that are already in possession of  
8 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
9 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
10 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is protected by rights of privacy .

12         In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 12:**

17         Please provide copies of any and all documents which support, refute, or in any way relate to  
18 your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 12:**

20         Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
22 Second Amended Complaint to which this request references; it is compound as to issues and  
23 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
24 burdensome and oppressive because it seeks documents that are already in possession of  
25 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
26 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
27 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is protected by rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 13:**

6 Please provide copies of any and all documents which support, refute, or in any way relate to  
7 your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 13:**

9  
10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
12 Second Amended Complaint to which this request references; it is compound as to issues and  
13 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
14 burdensome and oppressive because it seeks documents that are already in possession of  
15 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
16 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
17 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is protected by rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 14:**

24 Please provide copies of any and all documents which support, refute, or in any way relate to  
25 your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 14:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the

1 Second Amended Complaint to which this request references; it is compound as to issues and  
2 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
3 burdensome and oppressive because it seeks documents that are already in possession of  
4 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
5 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
6 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is protected by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which support, refute, or in any way relate to  
14 your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 15:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
18 Second Amended Complaint to which this request references; it is compound as to issues and  
19 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
20 burdensome and oppressive because it seeks documents that are already in possession of  
21 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
22 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
23 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is protected by rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 16:**

2 Please provide copies of any and all documents which support, refute, or in any way relate to  
3 your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 16:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
7 Second Amended Complaint to which this request references; it is compound as to issues and  
8 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
9 burdensome and oppressive because it seeks documents that are already in possession of  
10 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
11 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
12 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18

19

20 **REQUEST NO. 17:**

21 Please provide copies of any and all documents which support, refute, or in any way relate to  
22 your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 17:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
26 Second Amended Complaint to which this request references; it is compound as to issues and  
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
28 burdensome and oppressive because it seeks documents that are already in possession of



1 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
2 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
3 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 18:**

10 Please provide copies of any and all documents which support, refute, or in any way relate to  
11 your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 18:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
19 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
20 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
21 privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 19:**

27 Please provide copies of any and all documents which support, refute, or in any way relate to  
28 your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 19:**

2 Responding Party objects to this Document Request on grounds that it is vague and  
3 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
4 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
5 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
6 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
7 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
8 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
9 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
10 privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15 **REQUEST NO. 20:**

16 Please provide copies of any and all documents which support, refute, or in any way relate to  
17 your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 20:**

19 Responding Party objects to this Document Request on grounds that it is vague and  
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
25 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
26 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
27 privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4 **REQUEST NO. 21:**

5 Please provide copies of any and all documents which support, refute, or in any way relate to  
6 your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 21:**

8 Responding Party objects to this Document Request on grounds that it is vague and  
9 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
10 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
11 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
12 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
13 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
14 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
15 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
16 privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21 **REQUEST NO. 22:**

22 Please provide copies of any and all documents which support, refute, or in any way relate to  
23 your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 22:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
3 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
4 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
5 privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 23:**

11 Please provide copies of any and all documents which support, refute, or in any way relate to  
12 your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 23:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
16 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
17 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
18 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
19 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
20 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
21 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
22 privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 24:**

28 Please provide copies of any and all documents which support, refute, or in any way relate to

1 your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 24:**

3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
9 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
10 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
11 privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 25:**

17 Please provide copies of any and all documents which support, refute, or in any way relate to  
18 your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 25:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
26 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
27 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
28 privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 26:**

6 Please provide copies of any and all documents which support, refute, or in any way relate to  
7 your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 26:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
15 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
16 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
17 privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 27:**

23 Please provide copies of any and all documents which support, refute, or in any way relate to  
24 your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 27:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
4 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
5 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
6 privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 28:**

12 Please provide copies of any and all documents which support, refute, or in any way relate to  
13 your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 28:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
22 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
23 privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 29:**

1 Please provide copies of any and all documents which support, refute, or in any way relate to  
2 your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 29:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
10 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
11 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
12 privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 30:**

18 Please provide copies of any and all documents which support, refute, or in any way relate to  
19 your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 30:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
27 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
28 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of



1 privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 31:**

7 Please provide copies of any and all documents which support, refute, or in any way relate to  
8 your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 31:**

10

11 **REQUEST NO. 32:**

12 Please provide copies of any and all documents which support, refute, or in any way relate to  
13 your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 32:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
22 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
23 privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 33:**

1 Please provide copies of any and all documents which support, refute, or in any way relate to  
2 your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 33:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
10 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
11 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
12 privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 34:**

18 Please provide copies of any and all documents which support, refute, or in any way relate to  
19 your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 34:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
27 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
28 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of

1 privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 35:**

7 Please provide copies of any and all documents which support, refute, or in any way relate to  
8 your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 35:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
16 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
17 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
18 privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 36:**

24 Please provide copies of any and all documents which support, refute, or in any way relate to  
25 your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 36:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
5 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
6 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
7 privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 37:**

13 Please provide copies of any and all documents which support, refute, or in any way relate to  
14 your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 37:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
22 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
23 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
24 privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 38:**

2 Please provide copies of any and all documents which support, refute, or in any way relate to  
3 your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 38:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
12 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
13 privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18 **REQUEST NO. 39:**

19 Please provide copies of any and all documents which support, refute, or in any way relate to  
20 your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 39:**

22 Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
28 product doctrine; and it purports to require Responding Party to disclose information that is a trade

1 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
2 privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 40:**

8 Please provide copies of any and all documents which support, refute, or in any way relate to  
9 your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 40:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
13 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
14 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
16 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
17 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
18 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
19 privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24 **REQUEST NO. 41:**

25 Please provide copies of any and all documents which support, refute, or in any way relate to  
26 your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 41:**

28 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
6 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
7 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
8 privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13 **REQUEST NO. 42:**

14 Please provide copies of any and all documents which support, refute, or in any way relate to  
15 your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 42:**

17 Responding Party objects to this Document Request on grounds that it is vague and  
18 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
19 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
20 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
21 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
22 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
23 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
24 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
25 privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2 **REQUEST NO. 43:**

3 Please provide copies of any and all documents which support, refute, or in any way relate to  
4 your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 43:**

6 Responding Party objects to this Document Request on grounds that it is vague and  
7 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
8 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
10 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
11 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
12 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
13 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
14 privacy .

15 In Addition, this Document Request is overly broad because it seeks the production of  
16 documents beyond the scope of issues directly related to the pending motion for a preliminary  
17 injunction. Responding Party, subject to and without waiving said objections, will produce all  
18 documents relating to the Injunction Issues that are responsive to this Document Request.

19  
20 **REQUEST NO. 44:**

21 Please provide copies of any and all documents which support, refute, or in any way relate to  
22 your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 44:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
28 oppressive because it seeks documents that are already in possession of Requesting Party or readily



1 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
2 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
3 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
4 privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 45:**

10 Please provide copies of any and all documents which support, refute, or in any way relate to  
11 your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 45:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
19 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
20 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
21 privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 46:**

27 Please provide copies of any and all documents which support, refute, or in any way relate to  
28 your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 46:**

2  
3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
9 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
10 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
11 privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 47:**

17 Please provide copies of any and all documents which support, refute, or in any way relate to  
18 your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 47:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
26 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
27 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
28 privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 48:**

6 Please provide copies of any and all documents which support, refute, or in any way relate to  
7 your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 48:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
15 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
16 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
17 privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 49:**

23 Please provide copies of any and all documents which support, refute, or in any way relate to  
24 your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 49:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
4 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
5 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
6 privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 50:**

12 Please provide copies of any and all documents which support, refute, or in any way relate to  
13 your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 50:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
22 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
23 privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 51:**

1 Please provide copies of any and all documents which support, refute, or in any way relate to  
2 your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 51**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
10 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
11 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
12 privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 52:**

18 Please provide copies of any and all documents which support, refute, or in any way relate to  
19 your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 52:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
27 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
28 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of

1 privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 53:**

7 Please provide copies of any and all documents which support, refute, or in any way relate to  
8 your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 53:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
16 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
17 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
18 privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 54:**

24 Please provide copies of any and all documents which support, refute, or in any way relate to  
25 your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 54:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
5 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
6 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
7 privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 55:**

13 Please provide copies of any and all documents which support, refute, or in any way relate to  
14 your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 55:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
22 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
23 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
24 privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 56:**

2 Please provide copies of any and all documents which support, refute, or in any way relate to  
3 your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 56:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
12 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
13 privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18 **REQUEST NO. 57:**

19 Please provide copies of any and all documents which support, refute, or in any way relate to  
20 your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 57:**

22 Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
28 product doctrine; and it purports to require Responding Party to disclose information that is a trade



1 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
2 privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 58:**

8 Please provide copies of any and all documents which support, refute, or in any way relate to  
9 your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 58:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
13 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
14 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
16 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
17 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
18 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
19 privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24 **REQUEST NO. 59:**

25 Please provide copies of any and all documents which support, refute, or in any way relate to  
26 your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 59:**

28 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
6 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
7 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
8 privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13 **REQUEST NO. 60:**

14 Please provide copies of any and all documents which support, refute, or in any way relate to  
15 your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 60:**

17 Responding Party objects to this Document Request on grounds that it is vague and  
18 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
19 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
20 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
21 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
22 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
23 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
24 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
25 privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2 **REQUEST NO. 61:**

3 Please provide copies of any and all documents which support, refute, or in any way relate to  
4 your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 61:**

6 Responding Party objects to this Document Request on grounds that it is vague and  
7 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
8 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
10 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
11 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
12 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
13 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
14 privacy .

15 In Addition, this Document Request is overly broad because it seeks the production of  
16 documents beyond the scope of issues directly related to the pending motion for a preliminary  
17 injunction. Responding Party, subject to and without waiving said objections, will produce all  
18 documents relating to the Injunction Issues that are responsive to this Document Request.

19 **REQUEST NO. 62:**

20 Please provide copies of any and all documents which support, refute, or in any way relate to  
21 your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 62:**

23 Responding Party objects to this Document Request on grounds that it is vague and  
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
28 available to Requesting Party; it seeks information protected by the attorney-client privilege and work

1 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
2 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
3 privacy .

4 In Addition, this Document Request is overly broad because it seeks the production of  
5 documents beyond the scope of issues directly related to the pending motion for a preliminary  
6 injunction. Responding Party, subject to and without waiving said objections, will produce all  
7 documents relating to the Injunction Issues that are responsive to this Document Request.

8 **REQUEST NO. 63:**

9 Please provide copies of any and all documents which support, refute, or in any way relate to  
10 your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 63:**

12 Responding Party objects to this Document Request on grounds that it is vague and  
13 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
14 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
15 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
16 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
17 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
18 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
19 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
20 privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25 **REQUEST NO. 64:**

26 Please provide copies of any and all documents which support, refute, or in any way relate to  
27 your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 64:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
3 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
4 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
5 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
6 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
7 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
8 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
9 privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 65:**

15            Please provide copies of any and all documents which support, refute, or in any way relate to  
16 your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 65:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
24 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
25 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
26 privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary

1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 66:**

4 Please provide copies of any and all documents which support, refute, or in any way relate to  
5 your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 66:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
9 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
10 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
11 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
12 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
13 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
14 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
15 privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 67:**

21 Please provide copies of any and all documents which support, refute, or in any way relate to  
22 your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional  
23 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 67:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
3 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
4 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
5 privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 68:**

11 Please provide copies of any and all documents which support, refute, or in any way relate to  
12 your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion Against  
13 All Defendants) of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 68:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
22 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
23 privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 69:**

1 Please provide copies of any and all documents which support, refute, or in any way relate to  
2 your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil Conspiracy  
3 Against All Defendants) of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 69:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a trade  
12 secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of  
13 privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 70:**

20 Please provide copies of any and all documents which support, refute, or in any way relate  
21 to each and every Affirmative Defense you raised in Defendants' Answer to the Second Amended  
22 Complaint.

23 **RESPONSE TO REQUEST NO. 70:**

24 Responding Party objects to this Document Request on grounds that it is compound as to  
25 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
26 burdensome and oppressive because it seeks documents that are already in possession of  
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
28 attorney-client privilege and work product doctrine; and it purports to require Responding Party to



1 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7  
8 **REQUEST NO. 71:**

9 Please provide copies of any and all documents which show or in any way relate to each  
10 and every payment and/or transfer of money or property made by Plaintiff to you, or to any entity  
11 controlled by you, from 2012 to the present, including documents that show where or how that  
12 money or property was used after you received it.

13 **RESPONSE TO REQUEST NO. 71**

14 Responding Party objects to this Document Request on grounds that it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or  
16 readily available to Requesting Party; it is compound as to issues and facts; it is duplicative to  
17 other Document Requests contained herein and herewith; it seeks information protected by the  
18 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
19 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is protected by rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25  
26 **REQUEST NO. 72:**

27 Please provide copies of any and all documents which show or in any way relate to each  
28 and every payment and/or transfer of money or property made to you, or any entity controlled by

1 you, by any other Defendant in this matter from 2012 to the present. This includes, but is not  
2 limited to, documentation related to any reimbursement, salary, or equity distribution to you from  
3 any other Defendant in this matter, or entity controlled by any other Defendant or entity in this  
4 matter.

5 **RESPONSE TO REQUEST NO. 72:**

6 Responding Party objects to this Document Request on grounds that it lacks foundation;  
7 is vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative  
8 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
9 because it seeks documents that are already in possession of Requesting Party or readily available  
10 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a  
12 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request  
18

19 **REQUEST NO. 73:**

20 Please provide copies of any and all documents which show or in any way relate to each  
21 and every financial transaction and/or transfer of money or property made to you, or any entity  
22 controlled by you, including any other Defendant, from any other person or entity, including any  
23 other Defendant, from 2012 to the present.

24 **RESPONSE TO REQUEST NO. 73:**

25 Responding Party objects to this Document Request on grounds that it is not reasonably  
26 proportional to the Injunction Issues; vague and ambiguous as to “any other person or entity;” it is  
27 compound as to issues and facts; it is duplicative to other Document Requests contained herein  
28 and herewith; it is burdensome and oppressive because it seeks documents that are already in

1 possession of Requesting Party or readily available to Requesting Party; it seeks information  
2 protected by the attorney-client privilege and work product doctrine; and it purports to require  
3 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
4 commercially sensitive, or information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9  
10 **REQUEST NO. 74:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to each and every payment and/or transfer of money or property made to you, or any entity  
13 controlled by you, by any foreign or immigrant investor from 2012 to the present.

14 **RESPONSE TO REQUEST NO. 74:**

15 Responding Party objects to this Document Request on grounds that it lacks foundation;  
16 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
17 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
18 burdensome and oppressive because it seeks documents that are already in possession of  
19 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
21 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 75:**

2 Please provide copies of any and all documents which in any way relate to each and every  
3 financial transaction in which you have been involved from 2012 to the present, including all  
4 underlying documentation to substantiate said transaction(s).

5 **RESPONSE TO REQUEST NO. 75:**

6 Responding Party objects to this Document Request on grounds that it is burdensome and  
7 oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
8 ambiguous as to “each and every financial transaction;” it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it seeks information  
10 protected by the attorney-client privilege and work product doctrine; and it purports to require  
11 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
12 commercially sensitive, or information that is protected by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 76:**

19 Please provide copies of any and all documents which identify the details of each and  
20 every EB-5 investor and/or investment transaction related to the Front Sight project referenced in  
21 the Second Amended Complaint, including but not limited to the identity of the person or entity  
22 involved, the address of the person or entity investing, the contact person for the agent of the EB-  
23 5 investor, the country of origin of the person or entity investing, the date of the transaction, the  
24 amount of the investment, the source of the funds for the investment, the current immigration  
25 status of the EB-5 investor, and the current status of the investment.

26 **RESPONSE TO REQUEST NO. 76:**

27 Responding Party objects to this Document Request on grounds that it is compound as to  
28 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is

1 burdensome and oppressive because it seeks documents that are already in possession of  
2 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
3 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
4 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
5 information that is protected by rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request

10  
11 **REQUEST NO. 77:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to each and every representation you have made to any potential EB-5 investor of the Front Sight  
14 project, or agent of any potential EB-5 investor, including representations prior to investment and  
15 updates since investment.

16 **RESPONSE TO REQUEST NO. 77:**

17 Responding Party objects to this Document Request on grounds that it lacks foundation;  
18 is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or  
21 readily available to Requesting Party; it seeks information protected by the attorney-client  
22 privilege and work product doctrine; and it purports to require Responding Party to disclose  
23 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
24 that is protected by rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

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**REQUEST NO. 78:**

Please provide copies of any and all documents which support, refute, or in any way relate to each and every representation you have made to the USCIS regarding the loan at issue in this case, including any and all documents provided to USCIS at any time.

**RESPONSE TO REQUEST NO. 78:**

Responding Party objects to this Document Request on grounds that it lacks foundation; is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily available to Requesting Party; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

In Addition, this Document Request is overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction. Responding Party, subject to and without waiving said objections, will produce all documents relating to the Injunction Issues that are responsive to this Document Request.

**REQUEST NO. 79:**

Please provide copies of any and all documents provided to you by Plaintiff or any representative of Plaintiff at any time between 2012 and the present.

**RESPONSE TO REQUEST NO. 79:**

Responding Party objects to this Document Request on grounds that it is duplicative to other Document Requests contained herein and herewith; and it is burdensome and oppressive because it seeks documents that are already in possession of Requesting Party or readily available to Requesting Party.

1 **REQUEST NO. 80:**

2 Please produce all documents showing the use of funds paid by Plaintiff and received by  
3 you and/or your agents, and/or any entity controlled by you, including specifically providing the  
4 chronological tracing of the funds from the date of receipt to the transfer and/or use of the funds.

5 **RESPONSE TO REQUEST NO. 80**

6 Responding Party objects to this Document Request on grounds that it is duplicative to  
7 other Document Requests contained herein and herewith; and it is burdensome and oppressive  
8 because it seeks documents that are already in possession of Requesting Party or readily available  
9 to Requesting Party.

10  
11 **REQUEST NO. 81:**

12 Please produce copies of all financial records generated from January 1, 2013 through the  
13 present date, inclusive, regarding any business in which you have or have had any legal or  
14 beneficial interest whatsoever since January 1, 2013. Responsive documents shall include,  
15 without limitation, general ledgers, QuickBooks, income, accounts receivable, inventory, payroll,  
16 bills, expenses, audited and unaudited financial statements, other ledgers, journals, bank account  
17 statements, check registers, canceled checks, loan documents and the customer or client list.

18 **RESPONSE TO REQUEST NO. 81:**

19 Responding Party objects to this Document Request on grounds that it is burdensome and  
20 oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
21 ambiguous as to multiple terms; it is compound as to issues and facts; it is duplicative to other  
22 Document Requests contained herein and herewith; it seeks information protected by the  
23 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
24 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is protected by rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2  
3 **REQUEST NO. 82:**

4 Please produce all W-2 forms submitted to the Internal Revenue Service by you for each  
5 of the tax years from 2013 to present.

6 **RESPONSE TO REQUEST NO. 82:**

7 Responding Party objects to this Document Request on grounds that it is burdensome and  
8 oppressive because it is not reasonably proportional to the Injunction Issues;; and it seeks  
9 information protected by the attorney-client privilege and work product doctrine; and it purports  
10 to require Responding Party to disclose information that is a trade secret, confidential, proprietary,  
11 commercially sensitive, or information that is protected by rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16  
17 **REQUEST NO. 83:**

18 Please produce any and all communications between you and any other party to this  
19 litigation in any way relating to Plaintiff, Plaintiff's project, or the EB-5 raise.

20 **RESPONSE TO REQUEST NO. 83:**

21 Responding Party objects to this Document Request on grounds that it is burdensome and  
22 oppressive because it is not reasonably proportional to the Injunction Issues; and it seeks  
23 information protected by the attorney-client privilege and work product doctrine; and it purports  
24 to require Responding Party to disclose information that is a trade secret, confidential, proprietary,  
25 commercially sensitive, or information that is protected by rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all



1 documents relating to the Injunction Issues that are responsive to this Document Request.

2

3 **REQUEST NO. 84:**

4 Please produce all personal tax records from January 1, 2013 to the present. Plaintiff  
5 agrees that you may produce your response as “confidential” under the Stipulated Protective  
6 Order.

7 **RESPONSE TO REQUEST NO. 84:**

8 Responding Party objects to this Document Request on grounds that it is burdensome and  
9 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it is  
10 compound as to facts and issues; and it seeks information protected by the attorney-client  
11 privilege and work product doctrine; and it purports to require Responding Party to disclose  
12 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
13 that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18

19 **REQUEST NO. 85:**

20 Please produce any and all documents relating to bank accounts, whether, personal  
21 accounts or those belonging to or related to any business entities with which you are, or have  
22 been, involved or associated, into which any checks, cash, money orders, wire transfers, or any  
23 other payments you have received from Plaintiff, any Defendant, or any of Plaintiff’s or  
24 Defendants’ related entities were deposited. Plaintiff agrees that you may produce your response  
25 as “confidential” under the Stipulated Protective Order.

26

27 **RESPONSE TO REQUEST NO. 85:**

28 Responding Party objects to this Document Request on grounds that it is burdensome and

1 oppressive because it is not reasonably proportional to the Injunction Issues; it is duplicative; it  
2 is compound as to facts and issues; and it seeks information protected by the attorney-client  
3 privilege and work product doctrine; and it purports to require Responding Party to disclose  
4 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
5 that is protected by rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10  
11 **REQUEST NO. 86:**

12 Please produce any and all documents related to the formation of any business entity with  
13 which you are, or have been, involved or associated, including, but not limited to, articles of  
14 incorporation, LLC operating agreements, and documents governing the operation of the relevant  
15 business entities.

16 **RESPONSE TO REQUEST NO. 86:**

17 Responding Party objects to this Document Request on grounds that it lacks foundation;  
18 is vague and ambiguous; it is compound as to issues and facts; it is burdensome and oppressive  
19 because it seeks documents that are already in possession of Requesting Party or readily available  
20 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
21 product doctrine; and it purports to require Responding Party to disclose information that is a  
22 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request

28

1 **REQUEST NO. 87:**

2 Please produce any and all documents relating to bank accounts you have set up for any  
3 business entities with which you are involved or associated jointly with any other Defendant.

4 **RESPONSE TO REQUEST NO. 87:**

5 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
6 seeks information protected by the attorney-client privilege and work product doctrine; and it  
7 purports to require Responding Party to disclose information that is a trade secret, confidential,  
8 proprietary, commercially sensitive, or information that is protected by rights of privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request  
13

14 **REQUEST NO. 88:**

15 Please produce copies of all documents comprising or constituting monthly statements or  
16 other periodic statements of account from all banks and other financial institutions in which you  
17 have had any type of checking, savings, brokerage, mutual fund, money market, certificate of  
18 deposit, or other type of interest or account for all periods from January 1, 2013 through the  
19 present date, inclusive. This request includes any accounts into which (at any point during the  
20 time period January 1, 2013 to the present date, inclusive) you have made any deposits or from  
21 which you have had the right to withdraw, and any account over which you have, or have had,  
22 whether acting alone or in concert with others, either signature authority or authority to direct the  
23 disposition of assets or funds held therein.  
24  
25

26 **RESPONSE TO REQUEST NO. 88:**

27 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
28 is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues;

1 it is compound as to issues and facts; it seeks information protected by the attorney-client  
2 privilege and work product doctrine; and it purports to require Responding Party to disclose  
3 information that is a trade secret, confidential, proprietary, commercially sensitive, or information  
4 that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 89:**

10 Produce any and all communication between you and Sean Flynn.

11 **RESPONSE TO REQUEST NO. 89:**

12 Responding Party objects to this Document Request on grounds that it lacks foundation; it  
13 is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues;  
14 it is vague and ambiguous; and it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22

23 **REQUEST NO. 90:**

24 Please provide any and all documents which relate to and/or account for any and all funds  
25 you have received from Front Sight directly or which you know to originate from Front Sight,  
26 including all money received by you from Plaintiff, how said funds were spent, identification of  
27 who received any portion of the funds, and any and all documentation to support or justify  
28 payments made or funds spent.

1 **RESPONSE TO REQUEST NO. 90:**

2           Responding Party objects to this Document Request on grounds that it lacks foundation; it  
3 is compound as to issues and facts; it is duplicative to other Document Requests contained herein  
4 and herewith; it is burdensome and oppressive because it seeks documents that are already in  
5 possession of Requesting Party or readily available to Requesting Party; it seeks information  
6 protected by the attorney-client privilege and work product doctrine; and it purports to require  
7 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
8 commercially sensitive, or information that is protected by rights of privacy .

9           In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request

13 **REQUEST NO. 91:**

14           Please provide any and all documents which show or demonstrate your experience with  
15 EB-5 lending at any time in the past.

16 **RESPONSE TO REQUEST NO. 91:**

17           Responding Party objects to this Document Request on grounds that it lacks foundation;  
18 is vague and ambiguous as to “experience;” and it seeks information protected by the  
19 attorney-client privilege and work product doctrine; and it purports to require Responding Party to  
20 disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
21 information that is protected by rights of privacy .

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1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

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DATED: July 24, 2019

FARMER CASE & FEDOR

/s/ Kathryn Holbert  
\_\_\_\_\_  
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# **EXHIBIT 8**

# **EXHIBIT 8**

1 **RRFP**

2 ANTHONY T. CASE, ESQ.

3 Nevada Bar No. 6589

4 tcase@farmercase.com

5 KATHRYN HOLBERT, ESQ.

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21 Attorneys for Defendants

22 LAS VEGAS DEVELOPMENT FUND LLC, EB5

23 IMPACT CAPITAL REGIONAL CENTER LLC,

24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a )

29 Nevada Limited Liability Company, )

30 Plaintiff, )

31 vs. )

32 LAS VEGAS DEVELOPMENT FUND LLC, )

33 et al., )

34 Defendants. )

35 \_\_\_\_\_ )

36 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC**

37 **RESPONDING PARTY: Defendant, JON FLEMING**

38 **SET NO: ONE**

39



1 **GENERAL OBJECTIONS**

2 Defendant, **JON FLEMING** ("Responding party" or "Defendant"), makes the following general  
3 objections, whether or not separately set forth in response to each document demand, to each and  
4 every definition and document demand in the Request for Production of Documents (Set No.  
5 One) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every  
7 individual request specifically, to the extent that the requests seek documents not currently in  
8 responding party's possession, custody or control, or refers to persons, entities, or events not  
9 known to them, on the grounds that such requests seek to require more of this defendant than any  
10 obligation imposed by law, would subject responding party to unreasonable and undue  
11 annoyance, oppression, burden and expense, and would seek to impose upon responding party an  
12 obligation to investigate or discover information or materials from third parties or persons which  
13 are equally accessible to propounding party.

14 2. Responding party objects to the requests on the ground that they have not  
15 completed investigation of the facts related to this matter, have not completed discovery in this  
16 action and have not completed preparation for any trial that may be held in this action. Any  
17 responses to the following document demands are based on documents currently known to  
18 responding party and are given without prejudice to responding party right to produce evidence  
19 of any subsequently discovered documents.

20 3. Responding party objects to the requests generally, and to each and every  
21 individual request specifically, to the extent that the requests seek documents or information  
22 which would invade the protections afforded Responding party under the attorney-client privilege  
23 and/or work product doctrine. Nothing herein is intended to be or should be construed as a  
24 waiver of the attorney-client privilege, the work product doctrine, or any other protection.  
25 Inadvertent production of such protected information is not intended to be and shall not operate  
26 as a waiver of the applicable privilege. Any information withheld on the basis of such privilege  
27 will be identified on a privilege log.

1 4. Unless otherwise indicated, Responding Party will produce information regarding  
2 the issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary  
3 Injunction Petition. (hereafter "Injunction Issues").

4 5 Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 6. The production of any documents or information by Responding Party is made  
8 without waiver, and with preservation, of any privilege or protection against disclosure afforded  
9 to documents containing confidential or proprietary information or trade secrets.

10 7. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements  
12 with others, or that would require Responding Party to violate the privacy interests of others.

13  
14 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST NO. 1:**

16 Produce copies any and all documents, writings and/or communications utilized or consulted  
17 in the answering of Plaintiff's First Set Interrogatories to Defendant Jon Fleming.

18 **RESPONSE TO REQUEST NO. 1:**

19 Objection. This Document Request seeks information that does not exist as there has  
20 been no Interrogatories served on Responding Party.

21 **REQUEST NO. 2:**

22 Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's  
23 First Set of Interrogatories to Defendant Jon Fleming.

24 **RESPONSE TO REQUEST NO. 2:**

25 Objection. This Document Request seeks information that does not exist as there has  
26 been no Interrogatories served on Responding Party.

27 **REQUEST NO. 3:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended  
2 Complaint.

3 **RESPONSE TO REQUEST NO. 3:**

4           Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in the paragraphs of the  
6 Second Amended Complaint to which this request references; it is compound as to issues and  
7 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
8 burdensome and oppressive because it seeks documents that are already in possession of  
9 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
11 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is protected by rights of privacy .

13           In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18 **REQUEST NO. 4:**

19           Please provide copies of any and all documents which support, refute, or in any way relate  
20 to your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 4:**

22           Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
24 Second Amended Complaint to which this request references; it is compound as to issues and  
25 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
26 burdensome and oppressive because it seeks documents that are already in possession of  
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
28 attorney-client privilege and work product doctrine; and it purports to require Responding Party

1 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 5:**

8 Please provide copies of any and all documents which support, refute, or in any way relate  
9 to your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 5:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
13 Second Amended Complaint to which this request references; it is compound as to issues and  
14 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
15 burdensome and oppressive because it seeks documents that are already in possession of  
16 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
17 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
18 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is protected by rights of privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24

25 **REQUEST NO. 6:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 6:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
3 Second Amended Complaint to which this request references; it is compound as to issues and  
4 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
5 burdensome and oppressive because it seeks documents that are already in possession of  
6 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
7 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
8 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
9 information that is protected by rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 7:**

15            Please provide copies of any and all documents which support, refute, or in any way relate  
16 to your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 7:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
20 Second Amended Complaint to which this request references; it is compound as to issues and  
21 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
22 burdensome and oppressive because it seeks documents that are already in possession of  
23 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
24 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
25 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is protected by rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary

1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 8:**

4 Please provide copies of any and all documents which support, refute, or in any way relate  
5 to your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 8:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
9 Second Amended Complaint to which this request references; it is compound as to issues and  
10 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
11 burdensome and oppressive because it seeks documents that are already in possession of  
12 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
13 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
14 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is protected by rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 9:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 9:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
26 Second Amended Complaint to which this request references; it is compound as to issues and  
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
28 burdensome and oppressive because it seeks documents that are already in possession of

1 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
2 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
3 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9  
10 **REQUEST NO. 10:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 10:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
16 Second Amended Complaint to which this request references; it is compound as to issues and  
17 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
18 burdensome and oppressive because it seeks documents that are already in possession of  
19 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
21 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 11:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 11:**

3           Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
5 Second Amended Complaint to which this request references; it is compound as to issues and  
6 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
7 burdensome and oppressive because it seeks documents that are already in possession of  
8 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
9 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
10 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is protected by rights of privacy .

12           In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 12:**

17           Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 12:**

20           Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
22 Second Amended Complaint to which this request references; it is compound as to issues and  
23 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
24 burdensome and oppressive because it seeks documents that are already in possession of  
25 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
26 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
27 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is protected by rights of privacy .



1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 13:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 13:**

9  
10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
12 Second Amended Complaint to which this request references; it is compound as to issues and  
13 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
14 burdensome and oppressive because it seeks documents that are already in possession of  
15 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
16 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
17 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
18 information that is protected by rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 14:**

24 Please provide copies of any and all documents which support, refute, or in any way relate  
25 to your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 14:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the

1 Second Amended Complaint to which this request references; it is compound as to issues and  
2 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
3 burdensome and oppressive because it seeks documents that are already in possession of  
4 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
5 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is protected by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 15:**

13 Please provide copies of any and all documents which support, refute, or in any way relate  
14 to your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 15:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
18 Second Amended Complaint to which this request references; it is compound as to issues and  
19 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
20 burdensome and oppressive because it seeks documents that are already in possession of  
21 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
22 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is protected by rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 16:**

2 Please provide copies of any and all documents which support, refute, or in any way relate  
3 to your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 16:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
7 Second Amended Complaint to which this request references; it is compound as to issues and  
8 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
9 burdensome and oppressive because it seeks documents that are already in possession of  
10 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
11 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
12 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
13 information that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18

19

20 **REQUEST NO. 17:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 17:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
26 Second Amended Complaint to which this request references; it is compound as to issues and  
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
28 burdensome and oppressive because it seeks documents that are already in possession of

1 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
2 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
3 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 18:**

10 Please provide copies of any and all documents which support, refute, or in any way relate  
11 to your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 18:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
19 work product doctrine; and it purports to require Responding Party to disclose information that is  
20 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
21 rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 19:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28 to your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 19:**

2 Responding Party objects to this Document Request on grounds that it is vague and  
3 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
4 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
5 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
6 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
7 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
8 work product doctrine; and it purports to require Responding Party to disclose information that is  
9 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
10 rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15 **REQUEST NO. 20:**

16 Please provide copies of any and all documents which support, refute, or in any way relate  
17 to your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 20:**

19 Responding Party objects to this Document Request on grounds that it is vague and  
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
25 work product doctrine; and it purports to require Responding Party to disclose information that is  
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
27 rights of privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4 **REQUEST NO. 21:**

5 Please provide copies of any and all documents which support, refute, or in any way relate  
6 to your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 21:**

8 Responding Party objects to this Document Request on grounds that it is vague and  
9 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
10 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
11 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
12 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
13 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
14 work product doctrine; and it purports to require Responding Party to disclose information that is  
15 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
16 rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21 **REQUEST NO. 22:**

22 Please provide copies of any and all documents which support, refute, or in any way relate  
23 to your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 22:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
3 work product doctrine; and it purports to require Responding Party to disclose information that is  
4 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
5 rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 23:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 23:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
16 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
17 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
18 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
19 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
20 work product doctrine; and it purports to require Responding Party to disclose information that is  
21 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
22 rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 24:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 24:**

3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
9 work product doctrine; and it purports to require Responding Party to disclose information that is  
10 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
11 rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 25:**

17 Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 25:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
26 work product doctrine; and it purports to require Responding Party to disclose information that is  
27 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
28 rights of privacy .



1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 26:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 26:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 27:**

23 Please provide copies of any and all documents which support, refute, or in any way relate  
24 to your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 27:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
4 work product doctrine; and it purports to require Responding Party to disclose information that is  
5 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
6 rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 28:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 28:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 29:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 29:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 30:**

18 Please provide copies of any and all documents which support, refute, or in any way relate  
19 to your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 30:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
27 work product doctrine; and it purports to require Responding Party to disclose information that is  
28 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by

1 rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 31:**

7 Please provide copies of any and all documents which support, refute, or in any way relate  
8 to your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 31:**

10

11 **REQUEST NO. 32:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 32:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 33:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 33:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 34:**

18 Please provide copies of any and all documents which support, refute, or in any way relate  
19 to your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 34:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
27 work product doctrine; and it purports to require Responding Party to disclose information that is  
28 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by

1 rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 35:**

7 Please provide copies of any and all documents which support, refute, or in any way relate  
8 to your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 35:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
16 work product doctrine; and it purports to require Responding Party to disclose information that is  
17 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
18 rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 36:**

24 Please provide copies of any and all documents which support, refute, or in any way relate  
25 to your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 36:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
5 work product doctrine; and it purports to require Responding Party to disclose information that is  
6 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
7 rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 37:**

13 Please provide copies of any and all documents which support, refute, or in any way relate  
14 to your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 37:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
22 work product doctrine; and it purports to require Responding Party to disclose information that is  
23 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
24 rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 38:**

2 Please provide copies of any and all documents which support, refute, or in any way relate  
3 to your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 38:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
11 work product doctrine; and it purports to require Responding Party to disclose information that is  
12 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18 **REQUEST NO. 39:**

19 Please provide copies of any and all documents which support, refute, or in any way relate  
20 to your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 39:**

22 Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
28 work product doctrine; and it purports to require Responding Party to disclose information that is



1 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
2 rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 40:**

8 Please provide copies of any and all documents which support, refute, or in any way relate  
9 to your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 40:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
13 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
14 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
16 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
17 work product doctrine; and it purports to require Responding Party to disclose information that is  
18 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
19 rights of privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24 **REQUEST NO. 41:**

25 Please provide copies of any and all documents which support, refute, or in any way relate  
26 to your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 41:**

28 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
6 work product doctrine; and it purports to require Responding Party to disclose information that is  
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
8 rights of privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13 **REQUEST NO. 42:**

14 Please provide copies of any and all documents which support, refute, or in any way relate  
15 to your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 42:**

17 Responding Party objects to this Document Request on grounds that it is vague and  
18 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
19 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
20 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
21 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
22 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
23 work product doctrine; and it purports to require Responding Party to disclose information that is  
24 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
25 rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2 **REQUEST NO. 43:**

3 Please provide copies of any and all documents which support, refute, or in any way relate  
4 to your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 43:**

6 Responding Party objects to this Document Request on grounds that it is vague and  
7 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
8 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
10 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
11 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
12 work product doctrine; and it purports to require Responding Party to disclose information that is  
13 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
14 rights of privacy .

15 In Addition, this Document Request is overly broad because it seeks the production of  
16 documents beyond the scope of issues directly related to the pending motion for a preliminary  
17 injunction. Responding Party, subject to and without waiving said objections, will produce all  
18 documents relating to the Injunction Issues that are responsive to this Document Request.

19

20 **REQUEST NO. 44:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 44:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
28 oppressive because it seeks documents that are already in possession of Requesting Party or readily

1 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
2 work product doctrine; and it purports to require Responding Party to disclose information that is  
3 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
4 rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 45:**

10 Please provide copies of any and all documents which support, refute, or in any way relate  
11 to your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 45:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
19 work product doctrine; and it purports to require Responding Party to disclose information that is  
20 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
21 rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 46:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28 to your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 46:**

2  
3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
9 work product doctrine; and it purports to require Responding Party to disclose information that is  
10 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
11 rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 47:**

17 Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 47:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
26 work product doctrine; and it purports to require Responding Party to disclose information that is  
27 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
28 rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 48:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 48:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 49:**

23 Please provide copies of any and all documents which support, refute, or in any way relate  
24 to your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 49:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
4 work product doctrine; and it purports to require Responding Party to disclose information that is  
5 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
6 rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 50:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 50:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 51:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 51**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 52:**

18 Please provide copies of any and all documents which support, refute, or in any way relate  
19 to your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 52:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
27 work product doctrine; and it purports to require Responding Party to disclose information that is  
28 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by



1 rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 53:**

7 Please provide copies of any and all documents which support, refute, or in any way relate  
8 to your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 53:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
16 work product doctrine; and it purports to require Responding Party to disclose information that is  
17 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
18 rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 54:**

24 Please provide copies of any and all documents which support, refute, or in any way relate  
25 to your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 54:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
5 work product doctrine; and it purports to require Responding Party to disclose information that is  
6 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
7 rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 55:**

13 Please provide copies of any and all documents which support, refute, or in any way relate  
14 to your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 55:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
22 work product doctrine; and it purports to require Responding Party to disclose information that is  
23 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
24 rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 56:**

2 Please provide copies of any and all documents which support, refute, or in any way relate  
3 to your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 56:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
11 work product doctrine; and it purports to require Responding Party to disclose information that is  
12 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18 **REQUEST NO. 57:**

19 Please provide copies of any and all documents which support, refute, or in any way relate  
20 to your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 57:**

22 Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
24 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
25 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
26 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
27 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
28 work product doctrine; and it purports to require Responding Party to disclose information that is

1 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
2 rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 58:**

8 Please provide copies of any and all documents which support, refute, or in any way relate  
9 to your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 58:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
13 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
14 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
16 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
17 work product doctrine; and it purports to require Responding Party to disclose information that is  
18 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
19 rights of privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24 **REQUEST NO. 59:**

25 Please provide copies of any and all documents which support, refute, or in any way relate  
26 to your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

27 **RESPONSE TO REQUEST NO. 59:**

28 Responding Party objects to this Document Request on grounds that it is vague and

1 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
2 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
3 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
4 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
5 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
6 work product doctrine; and it purports to require Responding Party to disclose information that is  
7 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
8 rights of privacy .

9 In Addition, this Document Request is overly broad because it seeks the production of  
10 documents beyond the scope of issues directly related to the pending motion for a preliminary  
11 injunction. Responding Party, subject to and without waiving said objections, will produce all  
12 documents relating to the Injunction Issues that are responsive to this Document Request.

13 **REQUEST NO. 60:**

14 Please provide copies of any and all documents which support, refute, or in any way relate  
15 to your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

16 **RESPONSE TO REQUEST NO. 60:**

17 Responding Party objects to this Document Request on grounds that it is vague and  
18 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
19 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
20 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
21 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
22 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
23 work product doctrine; and it purports to require Responding Party to disclose information that is  
24 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
25 rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2 **REQUEST NO. 61:**

3 Please provide copies of any and all documents which support, refute, or in any way relate  
4 to your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

5 **RESPONSE TO REQUEST NO. 61:**

6 Responding Party objects to this Document Request on grounds that it is vague and  
7 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
8 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
9 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
10 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
11 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
12 work product doctrine; and it purports to require Responding Party to disclose information that is  
13 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
14 rights of privacy .

15 In Addition, this Document Request is overly broad because it seeks the production of  
16 documents beyond the scope of issues directly related to the pending motion for a preliminary  
17 injunction. Responding Party, subject to and without waiving said objections, will produce all  
18 documents relating to the Injunction Issues that are responsive to this Document Request.

19 **REQUEST NO. 62:**

20 Please provide copies of any and all documents which support, refute, or in any way relate  
21 to your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 62:**

23 Responding Party objects to this Document Request on grounds that it is vague and  
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
28 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is  
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
3 rights of privacy .

4 In Addition, this Document Request is overly broad because it seeks the production of  
5 documents beyond the scope of issues directly related to the pending motion for a preliminary  
6 injunction. Responding Party, subject to and without waiving said objections, will produce all  
7 documents relating to the Injunction Issues that are responsive to this Document Request.

8 **REQUEST NO. 63:**

9 Please provide copies of any and all documents which support, refute, or in any way relate  
10 to your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 63:**

12 Responding Party objects to this Document Request on grounds that it is vague and  
13 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
14 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
15 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
16 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
17 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
18 work product doctrine; and it purports to require Responding Party to disclose information that is  
19 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
20 rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25 **REQUEST NO. 64:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 64:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
3 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
4 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
5 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
6 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
7 work product doctrine; and it purports to require Responding Party to disclose information that is  
8 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
9 rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 65:**

15            Please provide copies of any and all documents which support, refute, or in any way relate  
16 to your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 65:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
24 work product doctrine; and it purports to require Responding Party to disclose information that is  
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
26 rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary



1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 66:**

4 Please provide copies of any and all documents which support, refute, or in any way relate  
5 to your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 66:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
9 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
10 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
11 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
12 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
13 work product doctrine; and it purports to require Responding Party to disclose information that is  
14 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
15 rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 67:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional  
23 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 67:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
3 work product doctrine; and it purports to require Responding Party to disclose information that is  
4 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
5 rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 68:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of the allegations of Paragraphs 90-94 of the Third Cause of Action (Conversion  
13 Against All Defendants) of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 68:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 69:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of the allegations of Paragraphs 95-99 of the Fourth Cause of Action (Civil  
3 Conspiracy Against All Defendants) of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 69:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
11 work product doctrine; and it purports to require Responding Party to disclose information that is  
12 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 70:**

20 Please provide copies of any and all documents which support, refute, or in any way  
21 relate to each and every Affirmative Defense you raised in Defendants' Answer to the Second  
22 Amended Complaint.

23 **RESPONSE TO REQUEST NO. 70:**

24 Responding Party objects to this Document Request on grounds that it is compound as to  
25 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
26 burdensome and oppressive because it seeks documents that are already in possession of  
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
28 attorney-client privilege and work product doctrine; and it purports to require Responding Party

1 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7

8 **REQUEST NO. 71:**

9 Please provide copies of any and all documents which show or in any way relate to each  
10 and every payment and/or transfer of money or property made by Plaintiff to you, or to any entity  
11 controlled by you, from 2012 to the present, including documents that show where or how that  
12 money or property was used after you received it.

13 **RESPONSE TO REQUEST NO. 71**

14 Responding Party objects to this Document Request on grounds that it is burdensome and  
15 oppressive because it seeks documents that are already in possession of Requesting Party or  
16 readily available to Requesting Party; it is compound as to issues and facts; it is duplicative to  
17 other Document Requests contained herein and herewith; it seeks information protected by the  
18 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
19 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is protected by rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25

26 **REQUEST NO. 72:**

27 Please provide copies of any and all documents which show or in any way relate to each  
28 and every payment and/or transfer of money or property made to you, or any entity controlled by

1 you, by any other Defendant in this matter from 2012 to the present. This includes, but is not  
2 limited to, documentation related to any reimbursement, salary, or equity distribution to you from  
3 any other Defendant in this matter, or entity controlled by any other Defendant or entity in this  
4 matter.

5 **RESPONSE TO REQUEST NO. 72:**

6 Responding Party objects to this Document Request on grounds that it lacks foundation;  
7 is vague and ambiguous as to “any entity;” it is compound as to issues and facts; it is duplicative  
8 to other Document Requests contained herein and herewith; it is burdensome and oppressive  
9 because it seeks documents that are already in possession of Requesting Party or readily available  
10 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
11 product doctrine; and it purports to require Responding Party to disclose information that is a  
12 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request  
18

19 **REQUEST NO. 73:**

20 Please provide copies of any and all documents which show or in any way relate to each  
21 and every financial transaction and/or transfer of money or property made to you, or any entity  
22 controlled by you, including any other Defendant, from any other person or entity, including any  
23 other Defendant, from 2012 to the present.

24 **RESPONSE TO REQUEST NO. 73:**

25 Responding Party objects to this Document Request on grounds that it is not reasonably  
26 proportional to the Injunction Issues; vague and ambiguous as to “any other person or entity;” it  
27 is compound as to issues and facts; it is duplicative to other Document Requests contained herein  
28 and herewith; it is burdensome and oppressive because it seeks documents that are already in

1 possession of Requesting Party or readily available to Requesting Party; it seeks information  
2 protected by the attorney-client privilege and work product doctrine; and it purports to require  
3 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
4 commercially sensitive, or information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

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10  
11 **REQUEST NO. 74:**

12 Please provide copies of any and all documents which support, refute, or in any way  
13 relate to each and every payment and/or transfer of money or property made to you, or any entity  
14 controlled by you, by any foreign or immigrant investor from 2012 to the present.

15 **RESPONSE TO REQUEST NO. 74:**

16 Responding Party objects to this Document Request on grounds that it lacks foundation;  
17 is vague and ambiguous as to “foreign or immigrant investor;” it is compound as to issues and  
18 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
19 burdensome and oppressive because it seeks documents that are already in possession of  
20 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
21 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
22 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is protected by rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

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**REQUEST NO. 75:**

Please provide copies of any and all documents which in any way relate to each and every financial transaction in which you have been involved from 2012 to the present, including all underlying documentation to substantiate said transaction(s).

**RESPONSE TO REQUEST NO. 75:**

Responding Party objects to this Document Request on grounds that it is burdensome and oppressive because it is not reasonably proportional to the Injunction Issues; vague and ambiguous as to “each and every financial transaction;” it is compound as to issues and facts; it is duplicative to other Document Requests contained herein and herewith; it seeks information protected by the attorney-client privilege and work product doctrine; and it purports to require Responding Party to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by rights of privacy .

In Addition, this Document Request is overly broad because it seeks the production of documents beyond the scope of issues directly related to the pending motion for a preliminary injunction. Responding Party, subject to and without waiving said objections, will produce all documents relating to the Injunction Issues that are responsive to this Document Request.

**REQUEST NO. 76:**

Please provide copies of any and all documents which identify the details of each and every EB-5 investor and/or investment transaction related to the Front Sight project referenced in the Second Amended Complaint, including but not limited to the identity of the person or entity involved, the address of the person or entity investing, the contact person for the agent of the EB-5 investor, the country of origin of the person or entity investing, the date of the transaction, the amount of the investment, the source of the funds for the investment, the current immigration status of the EB-5 investor, and the current status of the investment.

**RESPONSE TO REQUEST NO. 76:**

Responding Party objects to this Document Request on grounds that it is compound as to

1 issues and facts; it is duplicative to other Document Requests contained herein and herewith; it is  
2 burdensome and oppressive because it seeks documents that are already in possession of  
3 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
4 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
5 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is protected by rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request  
11

12 **REQUEST NO. 77:**

13 Please provide copies of any and all documents which support, refute, or in any way  
14 relate to each and every representation you have made to any potential EB-5 investor of the Front  
15 Sight project, or agent of any potential EB-5 investor, including representations prior to  
16 investment and updates since investment.

17 **RESPONSE TO REQUEST NO. 77:**

18 Responding Party objects to this Document Request on grounds that it lacks foundation;  
19 is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is  
20 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
21 oppressive because it seeks documents that are already in possession of Requesting Party or  
22 readily available to Requesting Party; it seeks information protected by the attorney-client  
23 privilege and work product doctrine; and it purports to require Responding Party to disclose  
24 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
25 information that is protected by rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all



1 documents relating to the Injunction Issues that are responsive to this Document Request.

2

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4 **REQUEST NO. 78:**

5 Please provide copies of any and all documents which support, refute, or in any way  
6 relate to each and every representation you have made to the USCIS regarding the loan at issue in  
7 this case, including any and all documents provided to USCIS at any time.

8 **RESPONSE TO REQUEST NO. 78:**

9 Responding Party objects to this Document Request on grounds that it lacks foundation;  
10 is vague and ambiguous as to “representation;” it is compound as to issues and facts; it is  
11 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
12 oppressive because it seeks documents that are already in possession of Requesting Party or  
13 readily available to Requesting Party; it seeks information protected by the attorney-client  
14 privilege and work product doctrine; and it purports to require Responding Party to disclose  
15 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is protected by rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21

22 **REQUEST NO. 79:**

23 Please provide copies of any and all documents provided to you by Plaintiff or any  
24 representative of Plaintiff at any time between 2012 and the present.

25 **RESPONSE TO REQUEST NO. 79:**

26 Responding Party objects to this Document Request on grounds that it is duplicative to  
27 other Document Requests contained herein and herewith; and it is burdensome and oppressive  
28 because it seeks documents that are already in possession of Requesting Party or readily available

1 to Requesting Party.

2

3 **REQUEST NO. 80:**

4 Please produce all documents showing the use of funds paid by Plaintiff and received by  
5 you and/or your agents, and/or any entity controlled by you, including specifically providing the  
6 chronological tracing of the funds from the date of receipt to the transfer and/or use of the funds.

7 **RESPONSE TO REQUEST NO. 80**

8 Responding Party objects to this Document Request on grounds that it is duplicative to  
9 other Document Requests contained herein and herewith; and it is burdensome and oppressive  
10 because it seeks documents that are already in possession of Requesting Party or readily available  
11 to Requesting Party.

12

13 **REQUEST NO. 81:**

14 Please produce copies of all financial records generated from January 1, 2013 through the  
15 present date, inclusive, regarding any business in which you have or have had any legal or  
16 beneficial interest whatsoever since January 1, 2013. Responsive documents shall include,  
17 without limitation, general ledgers, QuickBooks, income, accounts receivable, inventory, payroll,  
18 bills, expenses, audited and unaudited financial statements, other ledgers, journals, bank account  
19 statements, check registers, canceled checks, loan documents and the customer or client list.

20 **RESPONSE TO REQUEST NO. 81:**

21 Responding Party objects to this Document Request on grounds that it is burdensome  
22 and oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
23 ambiguous as to multiple terms; it is compound as to issues and facts; it is duplicative to other  
24 Document Requests contained herein and herewith; it seeks information protected by the  
25 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
26 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
27 information that is protected by rights of privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4  
5 **REQUEST NO. 82:**

6 Please produce all W-2 forms submitted to the Internal Revenue Service by you for each  
7 of the tax years from 2013 to present.

8 **RESPONSE TO REQUEST NO. 82:**

9 Responding Party objects to this Document Request on grounds that it is burdensome  
10 and oppressive because it is not reasonably proportional to the Injunction Issues;; and it seeks  
11 information protected by the attorney-client privilege and work product doctrine; and it purports  
12 to require Responding Party to disclose information that is a trade secret, confidential,  
13 proprietary, commercially sensitive, or information that is protected by rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 83:**

20 Please produce any and all communications between you and any other party to this  
21 litigation in any way relating to Plaintiff, Plaintiff’s project, or the EB-5 raise.

22 **RESPONSE TO REQUEST NO. 83:**

23 Responding Party objects to this Document Request on grounds that it is burdensome  
24 and oppressive because it is not reasonably proportional to the Injunction Issues; vague and  
25 ambiguous to “about Plaintiff;” it is compound; duplicative; and it seeks information protected  
26 by the attorney-client privilege and work product doctrine; and it purports to require Responding  
27 Party to disclose information that is a trade secret, confidential, proprietary, commercially  
28 sensitive, or information that is protected by rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5  
6 **REQUEST NO. 84:**

7 Please produce all personal tax records from January 1, 2013 to the present. Plaintiff  
8 agrees that you may produce your response as “confidential” under the Stipulated Protective  
9 Order.

10 **RESPONSE TO REQUEST NO. 84:**

11 Responding Party objects to this Document Request on grounds that it is burdensome  
12 and oppressive because it is not reasonably proportional to the Injunction Issues; it is  
13 duplicative; it is compound as to facts and issues; and it seeks information protected by the  
14 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
15 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
16 information that is protected by rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21  
22 **REQUEST NO. 85:**

23 Please produce any and all documents relating to bank accounts, whether, personal  
24 accounts or those belonging to or related to any business entities with which you are, or have  
25 been, involved or associated, into which any checks, cash, money orders, wire transfers, or any  
26 other payments you have received from Plaintiff, any Defendant, or any of Plaintiff’s or  
27 Defendants’ related entities were deposited. Plaintiff agrees that you may produce your response  
28 as “confidential” under the Stipulated Protective Order.

1 **RESPONSE TO REQUEST NO. 85:**

2 Responding Party objects to this Document Request on grounds that it is burdensome  
3 and oppressive because it is not reasonably proportional to the Injunction Issues; it is  
4 duplicative; it is compound as to facts and issues; and it seeks information protected by the  
5 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
6 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
7 information that is protected by rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12  
13 **REQUEST NO. 86:**

14 Please produce any and all documents related to the formation of any business entity with  
15 which you are, or have been, involved or associated, including, but not limited to, articles of  
16 incorporation, LLC operating agreements, and documents governing the operation of the relevant  
17 business entities.

18 **RESPONSE TO REQUEST NO. 86:**

19 Responding Party objects to this Document Request on grounds that it lacks foundation;  
20 is vague and ambiguous; it is compound as to issues and facts; it is burdensome and oppressive  
21 because it seeks documents that are already in possession of Requesting Party or readily available  
22 to Requesting Party; it seeks information protected by the attorney-client privilege and work  
23 product doctrine; and it purports to require Responding Party to disclose information that is a  
24 trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
25 rights of privacy .

26 In Addition, this Document Request is overly broad because it seeks the production of  
27 documents beyond the scope of issues directly related to the pending motion for a preliminary  
28 injunction. Responding Party, subject to and without waiving said objections, will produce all

1 documents relating to the Injunction Issues that are responsive to this Document Request.

2

3 **REQUEST NO. 87:**

4 Please produce any and all documents relating to bank accounts you have set up for any  
5 business entities with which you are involved or associated jointly with any other Defendant.

6 **RESPONSE TO REQUEST NO. 87:**

7 Responding Party objects to this Document Request on grounds that it lacks foundation;  
8 it seeks information protected by the attorney-client privilege and work product doctrine; and it  
9 purports to require Responding Party to disclose information that is a trade secret, confidential,  
10 proprietary, commercially sensitive, or information that is protected by rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15

16 **REQUEST NO. 88:**

17 Please produce copies of all documents comprising or constituting monthly statements or  
18 other periodic statements of account from all banks and other financial institutions in which you  
19 have had any type of checking, savings, brokerage, mutual fund, money market, certificate of  
20 deposit, or other type of interest or account for all periods from January 1, 2013 through the  
21 present date, inclusive. This request includes any accounts into which (at any point during the  
22 time period January 1, 2013 to the present date, inclusive) you have made any deposits or from  
23 which you have had the right to withdraw, and any account over which you have, or have had,  
24 whether acting alone or in concert with others, either signature authority or authority to direct the  
25 disposition of assets or funds held therein.

26

27

28 **RESPONSE TO REQUEST NO. 88:**

1            Responding Party objects to this Document Request on grounds that it lacks foundation;  
2 it is burdensome and oppressive because it is not reasonably proportional to the Injunction  
3 Issues; it is compound as to issues and facts; it seeks information protected by the attorney-client  
4 privilege and work product doctrine; and it purports to require Responding Party to disclose  
5 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is protected by rights of privacy .

7            In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11  
12 **REQUEST NO. 89:**

13            Produce any and all communication between you and Sean Flynn.

14 **RESPONSE TO REQUEST NO. 89:**

15            Responding Party objects to this Document Request on grounds that it lacks foundation;  
16 it is burdensome and oppressive because it is not reasonably proportional to the Injunction  
17 Issues; it is vague and ambiguous; and it seeks information protected by the attorney-client  
18 privilege and work product doctrine; and it purports to require Responding Party to disclose  
19 information that is a trade secret, confidential, proprietary, commercially sensitive, or  
20 information that is protected by rights of privacy .

21            In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request

25  
26 **REQUEST NO. 90:**

27            Please provide any and all documents which relate to and/or account for any and all funds  
28 you have received from Front Sight directly or which you know to originate from Front Sight,

1 including all money received by you from Plaintiff, how said funds were spent, identification of  
2 who received any portion of the funds, and any and all documentation to support or justify  
3 payments made or funds spent.

4 **RESPONSE TO REQUEST NO. 90:**

5 Responding Party objects to this Document Request on grounds that it lacks foundation;  
6 it is compound as to issues and facts; it is duplicative to other Document Requests contained  
7 herein and herewith; it is burdensome and oppressive because it seeks documents that are already  
8 in possession of Requesting Party or readily available to Requesting Party; it seeks information  
9 protected by the attorney-client privilege and work product doctrine; and it purports to require  
10 Responding Party to disclose information that is a trade secret, confidential, proprietary,  
11 commercially sensitive, or information that is protected by rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request

16 **REQUEST NO. 91:**

17 Please provide any and all documents which show or demonstrate your experience with  
18 EB-5 lending at any time in the past.

19 **RESPONSE TO REQUEST NO. 91:**

20 Responding Party objects to this Document Request on grounds that it lacks foundation;  
21 is vague and ambiguous as to “experience;” and it seeks information protected by the  
22 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
23 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
24 information that is protected by rights of privacy .

25 //

26 //

27 //

28 //



1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 DATED: July 24, 2019

FARMER CASE & FEDOR

6  
7 /s/ Kathryn Holbert

8 ANTHONY T. CASE, ESQ.

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9 tcase@farmercase.com

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20 EB5 IMPACT CAPITAL REGIONAL CENTER,

LLC, EB6 IMPACT ADVISORS, LLC, ROBERT

21 W. DZIUBLA, JON FLEMING and LINDA

22 STANWOOD

# **EXHIBIT 9**

# **EXHIBIT 9**

1 **RRFP**

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21 Attorneys for Defendants

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23 IMPACT CAPITAL REGIONAL CENTER LLC,

24 EB5 IMPACT ADVISORS LLC, ROBERT W. DZIUBLA,

25 JON FLEMING and LINDA STANWOOD

26 **EIGHTH JUDICIAL DISTRICT COURT**

27 **CLARK COUNTY, NEVADA**

28 FRONT SIGHT MANAGEMENT LLC, a  
Nevada Limited Liability Company,

Plaintiff,

vs.

LAS VEGAS DEVELOPMENT FUND LLC,  
et al.,

Defendants.

) CASE NO.: A-18-781084-B

) DEPT NO.: 16

) DEFENDANT, ROBERT W. DZIUBLA'S  
) RESPONSES TO PLAINTIFF'S FIRST SET OF  
) REQUESTS FOR PRODUCTION OF  
) DOCUMENTS

25 **PROPOUNDING PARTY: Plaintiff, FRONT SIGHT MANAGEMENT LLC,**

26 **RESPONDING PARTY: Defendant, ROBERT W. DZIUBLA**

27 **SET NO: ONE**

28

1 GENERAL OBJECTIONS

2 Defendant, **ROBERT W. DZIBULA**("Responding party" or "Defendant"), makes the following  
3 general objections, whether or not separately set forth in response to each document demand, to each  
4 and every definition and document demand in the Request for Production of Documents (Set No.  
5 One) of Plaintiff ("Propounding party"):

6 1. Responding party objects to the requests generally, and to each and every individual  
7 request specifically, to the extent that the requests seek documents not currently in responding party's  
8 possession, custody or control, or refers to persons, entities, or events not known to them, on the  
9 grounds that such requests seek to require more of this defendant than any obligation imposed by  
10 law, would subject responding party to unreasonable and undue annoyance, oppression, burden and  
11 expense, and would seek to impose upon responding party an obligation to investigate or discover  
12 information or materials from third parties or persons which are equally accessible to propounding  
13 party.

14 2. Responding party objects to the requests on the ground that they have not completed  
15 investigation of the facts related to this matter, have not completed discovery in this action and have  
16 not completed preparation for any trial that may be held in this action. Any responses to the  
17 following document demands are based on documents currently known to responding party and are  
18 given without prejudice to responding party right to produce evidence of any subsequently  
19 discovered documents.

20 3. Responding party objects to the requests generally, and to each and every individual  
21 request specifically, to the extent that the requests seek documents or information which would  
22 invade the protections afforded Responding party under the attorney-client privilege and/or work  
23 product doctrine. Nothing herein is intended to be or should be construed as a waiver of the  
24 attorney-client privilege, the work product doctrine, or any other protection. Inadvertent production  
25 of such protected information is not intended to be and shall not operate as a waiver of the applicable  
26 privilege. Any information withheld on the basis of such privilege will be identified on a privilege  
27 log.

1 4. Unless otherwise indicated, Responding Party will produce information regarding the  
2 issues of Plaintiff/Counter-Defendant Front Sight Management, LLC's pending Preliminary  
3 Injunction Petition. (hereafter "Injunction Issues").

4 5 Responding Party reserves the right to condition the production of documents  
5 containing confidential or proprietary information or trade secrets on the Court's issuance of a  
6 confidentiality or protective order governing the disclosure of any such information.

7 6. The production of any documents or information by Responding Party is made  
8 without waiver, and with preservation, of any privilege or protection against disclosure afforded to  
9 documents containing confidential or proprietary information or trade secrets.

10 7. Responding Party objects to the requests to the extent that they would require  
11 Responding Party to produce documents or information covered by confidentiality agreements with  
12 others, or that would require Responding Party to violate the privacy interests of others.

13

14 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST NO. 1:**

16 Produce copies any and all documents, writings and/or communications utilized or consulted  
17 in the answering of Plaintiff's First Set Interrogatories to Defendant Robert Dziubla.

18 **RESPONSE TO REQUEST NO. 1:**

19 Objection. This Document Request seeks information that does not exist as there has  
20 been no Interrogatories served on Responding Party.

21 **REQUEST NO. 2:**

22 Produce copies of any and all documents referred to in Defendant's answers to Plaintiff's  
23 First Set of Interrogatories to Defendant Robert Dziubla.

24 **RESPONSE TO REQUEST NO. 2:**

25 Objection. This Document Request seeks information that does not exist as there has  
26 been no Interrogatories served on Responding Party.

27 **REQUEST NO. 3:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of any portion of the allegations of Paragraphs 7-10 of the Second Amended  
2 Complaint.

3 **RESPONSE TO REQUEST NO. 3:**

4           Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in the paragraphs of the  
6 Second Amended Complaint to which this request references; it is compound as to issues and  
7 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
8 burdensome and oppressive because it seeks documents that are already in possession of  
9 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
11 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is protected by rights of privacy .

13           In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17

18 **REQUEST NO. 4:**

19           Please provide copies of any and all documents which support, refute, or in any way relate  
20 to your denial of any portion of the allegations of Paragraph 11 of the Second Amended Complaint.

21 **RESPONSE TO REQUEST NO. 4:**

22           Responding Party objects to this Document Request on grounds that it is vague and  
23 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
24 Second Amended Complaint to which this request references; it is compound as to issues and  
25 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
26 burdensome and oppressive because it seeks documents that are already in possession of  
27 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
28 attorney-client privilege and work product doctrine; and it purports to require Responding Party

1 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
2 information that is protected by rights of privacy .

3 In Addition, this Document Request is overly broad because it seeks the production of  
4 documents beyond the scope of issues directly related to the pending motion for a preliminary  
5 injunction. Responding Party, subject to and without waiving said objections, will produce all  
6 documents relating to the Injunction Issues that are responsive to this Document Request.

7 **REQUEST NO. 5:**

8 Please provide copies of any and all documents which support, refute, or in any way relate  
9 to your denial of any portion of the allegations of Paragraph 12 of the Second Amended Complaint.

10 **RESPONSE TO REQUEST NO. 5:**

11 Responding Party objects to this Document Request on grounds that it is vague and  
12 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
13 Second Amended Complaint to which this request references; it is compound as to issues and  
14 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
15 burdensome and oppressive because it seeks documents that are already in possession of  
16 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
17 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
18 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
19 information that is protected by rights of privacy .

20 In Addition, this Document Request is overly broad because it seeks the production of  
21 documents beyond the scope of issues directly related to the pending motion for a preliminary  
22 injunction. Responding Party, subject to and without waiving said objections, will produce all  
23 documents relating to the Injunction Issues that are responsive to this Document Request.

24  
25 **REQUEST NO. 6:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to your denial of any portion of the allegations of Paragraph 13 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 6:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
3 Second Amended Complaint to which this request references; it is compound as to issues and  
4 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
5 burdensome and oppressive because it seeks documents that are already in possession of  
6 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
7 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
8 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
9 information that is protected by rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 7:**

15            Please provide copies of any and all documents which support, refute, or in any way relate  
16 to your denial of any portion of the allegations of Paragraph 14 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 7:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
20 Second Amended Complaint to which this request references; it is compound as to issues and  
21 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
22 burdensome and oppressive because it seeks documents that are already in possession of  
23 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
24 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
25 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
26 information that is protected by rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary



1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 8:**

4 Please provide copies of any and all documents which support, refute, or in any way relate  
5 to your denial of any portion of the allegations of Paragraph 15 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 8:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
9 Second Amended Complaint to which this request references; it is compound as to issues and  
10 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
11 burdensome and oppressive because it seeks documents that are already in possession of  
12 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
13 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
14 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
15 information that is protected by rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 9:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of any portion of the allegations of Paragraph 16 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 9:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
26 Second Amended Complaint to which this request references; it is compound as to issues and  
27 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
28 burdensome and oppressive because it seeks documents that are already in possession of

1 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
2 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
3 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
4 information that is protected by rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9  
10 **REQUEST NO. 10:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 17 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 10:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
16 Second Amended Complaint to which this request references; it is compound as to issues and  
17 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
18 burdensome and oppressive because it seeks documents that are already in possession of  
19 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
20 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
21 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
22 information that is protected by rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 11:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of the allegations of Paragraph 18 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 11:**

3           Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
5 Second Amended Complaint to which this request references; it is compound as to issues and  
6 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
7 burdensome and oppressive because it seeks documents that are already in possession of  
8 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
9 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
10 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
11 information that is protected by rights of privacy .

12           In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 12:**

17           Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 19 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 12:**

20           Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
22 Second Amended Complaint to which this request references; it is compound as to issues and  
23 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
24 burdensome and oppressive because it seeks documents that are already in possession of  
25 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
26 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
27 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
28 information that is protected by rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 13:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 20 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 13:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
11 Second Amended Complaint to which this request references; it is compound as to issues and  
12 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
13 burdensome and oppressive because it seeks documents that are already in possession of  
14 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
15 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
16 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
17 information that is protected by rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 14:**

23 Please provide copies of any and all documents which support, refute, or in any way relate  
24 to your denial of the allegations of Paragraph 21 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 14:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
28 Second Amended Complaint to which this request references; it is compound as to issues and

1 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
2 burdensome and oppressive because it seeks documents that are already in possession of  
3 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
4 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
5 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
6 information that is protected by rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 15:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of any portion of the allegations of Paragraph 22 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 15:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
17 Second Amended Complaint to which this request references; it is compound as to issues and  
18 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
19 burdensome and oppressive because it seeks documents that are already in possession of  
20 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
21 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
22 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
23 information that is protected by rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 16:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of any portion of the allegations of Paragraph 23 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 16:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
6 Second Amended Complaint to which this request references; it is compound as to issues and  
7 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
8 burdensome and oppressive because it seeks documents that are already in possession of  
9 Requesting Party or readily available to Requesting Party; it seeks information protected by the  
10 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
11 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
12 information that is protected by rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17  
18  
19 **REQUEST NO. 17:**

20 Please provide copies of any and all documents which support, refute, or in any way relate  
21 to your denial of any portion of the allegations of Paragraph 24 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 17:**

23 Responding Party objects to this Document Request on grounds that it is vague and  
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the  
25 Second Amended Complaint to which this request references; it is compound as to issues and  
26 facts; it is duplicative to other Document Requests contained herein and herewith; it is  
27 burdensome and oppressive because it seeks documents that are already in possession of  
28 Requesting Party or readily available to Requesting Party; it seeks information protected by the

1 attorney-client privilege and work product doctrine; and it purports to require Responding Party  
2 to disclose information that is a trade secret, confidential, proprietary, commercially sensitive, or  
3 information that is protected by rights of privacy .

4 In Addition, this Document Request is overly broad because it seeks the production of  
5 documents beyond the scope of issues directly related to the pending motion for a preliminary  
6 injunction. Responding Party, subject to and without waiving said objections, will produce all  
7 documents relating to the Injunction Issues that are responsive to this Document Request.

8 **REQUEST NO. 18:**

9 Please provide copies of any and all documents which support, refute, or in any way relate  
10 to your denial of any portion of the allegations of Paragraph 25 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 18:**

12 Responding Party objects to this Document Request on grounds that it is vague and  
13 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
14 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
15 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
16 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
17 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
18 work product doctrine; and it purports to require Responding Party to disclose information that is  
19 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
20 rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25 **REQUEST NO. 19:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to your denial of any portion of the allegations of Paragraph 26 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 19:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
3 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
4 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
5 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
6 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
7 work product doctrine; and it purports to require Responding Party to disclose information that is  
8 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
9 rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 20:**

15            Please provide copies of any and all documents which support, refute, or in any way relate  
16 to your denial of any portion of the allegations of Paragraph 27 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 20:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
24 work product doctrine; and it purports to require Responding Party to disclose information that is  
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
26 rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary



1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 21:**

4 Please provide copies of any and all documents which support, refute, or in any way relate  
5 to your denial of any portion of the allegations of Paragraph 28 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 21:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
9 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
10 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
11 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
12 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
13 work product doctrine; and it purports to require Responding Party to disclose information that is  
14 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
15 rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 22:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of any portion of the allegations of Paragraph 29 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 22:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
28 oppressive because it seeks documents that are already in possession of Requesting Party or readily

1 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
2 work product doctrine; and it purports to require Responding Party to disclose information that is  
3 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
4 rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 23:**

10 Please provide copies of any and all documents which support, refute, or in any way relate  
11 to your denial of any portion of the allegations of Paragraph 30 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 23:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
19 work product doctrine; and it purports to require Responding Party to disclose information that is  
20 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
21 rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 24:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28 to your denial of any portion of the allegations of Paragraph 31 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 24:**

2 Responding Party objects to this Document Request on grounds that it is vague and  
3 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
4 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
5 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
6 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
7 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
8 work product doctrine; and it purports to require Responding Party to disclose information that is  
9 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
10 rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15 **REQUEST NO. 25:**

16 Please provide copies of any and all documents which support, refute, or in any way relate  
17 to your denial of any portion of the allegations of Paragraph 32 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 25:**

19 Responding Party objects to this Document Request on grounds that it is vague and  
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
25 work product doctrine; and it purports to require Responding Party to disclose information that is  
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
27 rights of privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4 **REQUEST NO. 26:**

5 Please provide copies of any and all documents which support, refute, or in any way relate  
6 to your denial of any portion of the allegations of Paragraph 33 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 26:**

8 Responding Party objects to this Document Request on grounds that it is vague and  
9 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
10 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
11 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
12 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
13 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
14 work product doctrine; and it purports to require Responding Party to disclose information that is  
15 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
16 rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21 **REQUEST NO. 27:**

22 Please provide copies of any and all documents which support, refute, or in any way relate  
23 to your denial of any portion of the allegations of Paragraph 34 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 27:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
3 work product doctrine; and it purports to require Responding Party to disclose information that is  
4 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
5 rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 28:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 35 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 28:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
16 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
17 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
18 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
19 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
20 work product doctrine; and it purports to require Responding Party to disclose information that is  
21 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
22 rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 29:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of any portion of the allegations of Paragraph 36 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 29:**

3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
9 work product doctrine; and it purports to require Responding Party to disclose information that is  
10 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
11 rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 30:**

17 Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 37 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 30:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
26 work product doctrine; and it purports to require Responding Party to disclose information that is  
27 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
28 rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 31:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 38 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 31:**

9  
10 **REQUEST NO. 32:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 39 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 32:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
16 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
17 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
18 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
19 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
20 work product doctrine; and it purports to require Responding Party to disclose information that is  
21 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
22 rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 33:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of any portion of the allegations of Paragraph 40 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 33:**

3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
9 work product doctrine; and it purports to require Responding Party to disclose information that is  
10 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
11 rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 34:**

17 Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 41 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 34:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
26 work product doctrine; and it purports to require Responding Party to disclose information that is  
27 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
28 rights of privacy .



1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 35:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 42 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 35:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 36:**

23 Please provide copies of any and all documents which support, refute, or in any way relate  
24 to your denial of the allegations of Paragraph 43 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 36:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
4 work product doctrine; and it purports to require Responding Party to disclose information that is  
5 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
6 rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 37:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of any portion of the allegations of Paragraph 44 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 37:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 38:**

1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of any portion of the allegations of Paragraph 45 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 38:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 39:**

18 Please provide copies of any and all documents which support, refute, or in any way relate  
19 to your denial of the allegations of Paragraph 46 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 39:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
27 work product doctrine; and it purports to require Responding Party to disclose information that is  
28 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by

1 rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 40:**

7 Please provide copies of any and all documents which support, refute, or in any way relate  
8 to your denial of the allegations of Paragraph 47 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 40:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
16 work product doctrine; and it purports to require Responding Party to disclose information that is  
17 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
18 rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 41:**

24 Please provide copies of any and all documents which support, refute, or in any way relate  
25 to your denial of any portion of the allegations of Paragraph 48 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 41:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
5 work product doctrine; and it purports to require Responding Party to disclose information that is  
6 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
7 rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 42:**

13 Please provide copies of any and all documents which support, refute, or in any way relate  
14 to your denial of any portion of the allegations of Paragraph 49 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 42:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
22 work product doctrine; and it purports to require Responding Party to disclose information that is  
23 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
24 rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 43:**

2 Please provide copies of any and all documents which support, refute, or in any way relate  
3 to your denial of the allegations of Paragraph 50 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 43:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
11 work product doctrine; and it purports to require Responding Party to disclose information that is  
12 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18  
19 **REQUEST NO. 44:**

20 Please provide copies of any and all documents which support, refute, or in any way relate  
21 to your denial of the allegations of Paragraph 51 of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 44:**

23 Responding Party objects to this Document Request on grounds that it is vague and  
24 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
28 available to Requesting Party; it seeks information protected by the attorney-client privilege and

1 work product doctrine; and it purports to require Responding Party to disclose information that is  
2 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
3 rights of privacy .

4 In Addition, this Document Request is overly broad because it seeks the production of  
5 documents beyond the scope of issues directly related to the pending motion for a preliminary  
6 injunction. Responding Party, subject to and without waiving said objections, will produce all  
7 documents relating to the Injunction Issues that are responsive to this Document Request.

8 **REQUEST NO. 45:**

9 Please provide copies of any and all documents which support, refute, or in any way relate  
10 to your denial of any portion of the allegations of Paragraph 52 of the Second Amended Complaint.

11 **RESPONSE TO REQUEST NO. 45:**

12 Responding Party objects to this Document Request on grounds that it is vague and  
13 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
14 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
15 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
16 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
17 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
18 work product doctrine; and it purports to require Responding Party to disclose information that is  
19 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
20 rights of privacy .

21 In Addition, this Document Request is overly broad because it seeks the production of  
22 documents beyond the scope of issues directly related to the pending motion for a preliminary  
23 injunction. Responding Party, subject to and without waiving said objections, will produce all  
24 documents relating to the Injunction Issues that are responsive to this Document Request.

25 **REQUEST NO. 46:**

26 Please provide copies of any and all documents which support, refute, or in any way relate  
27 to your denial of any portion of the allegations of Paragraph 53 of the Second Amended Complaint.

28 **RESPONSE TO REQUEST NO. 46:**

1            Responding Party objects to this Document Request on grounds that it is vague and  
2 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
3 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
4 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
5 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
6 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
7 work product doctrine; and it purports to require Responding Party to disclose information that is  
8 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
9 rights of privacy .

10            In Addition, this Document Request is overly broad because it seeks the production of  
11 documents beyond the scope of issues directly related to the pending motion for a preliminary  
12 injunction. Responding Party, subject to and without waiving said objections, will produce all  
13 documents relating to the Injunction Issues that are responsive to this Document Request.

14 **REQUEST NO. 47:**

15            Please provide copies of any and all documents which support, refute, or in any way relate  
16 to your denial of the allegations of Paragraph 54 of the Second Amended Complaint.

17 **RESPONSE TO REQUEST NO. 47:**

18            Responding Party objects to this Document Request on grounds that it is vague and  
19 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
20 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
21 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
22 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
23 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
24 work product doctrine; and it purports to require Responding Party to disclose information that is  
25 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
26 rights of privacy .

27            In Addition, this Document Request is overly broad because it seeks the production of  
28 documents beyond the scope of issues directly related to the pending motion for a preliminary



1 injunction. Responding Party, subject to and without waiving said objections, will produce all  
2 documents relating to the Injunction Issues that are responsive to this Document Request.

3 **REQUEST NO. 48:**

4 Please provide copies of any and all documents which support, refute, or in any way relate  
5 to your denial of any portion of the allegations of Paragraph 55 of the Second Amended Complaint.

6 **RESPONSE TO REQUEST NO. 48:**

7 Responding Party objects to this Document Request on grounds that it is vague and  
8 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
9 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
10 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
11 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
12 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
13 work product doctrine; and it purports to require Responding Party to disclose information that is  
14 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
15 rights of privacy .

16 In Addition, this Document Request is overly broad because it seeks the production of  
17 documents beyond the scope of issues directly related to the pending motion for a preliminary  
18 injunction. Responding Party, subject to and without waiving said objections, will produce all  
19 documents relating to the Injunction Issues that are responsive to this Document Request.

20 **REQUEST NO. 49:**

21 Please provide copies of any and all documents which support, refute, or in any way relate  
22 to your denial of any portion of the allegations of Paragraph 56 of the Second Amended Complaint.

23 **RESPONSE TO REQUEST NO. 49:**

24 Responding Party objects to this Document Request on grounds that it is vague and  
25 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
26 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
27 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
28 oppressive because it seeks documents that are already in possession of Requesting Party or readily

1 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
2 work product doctrine; and it purports to require Responding Party to disclose information that is  
3 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
4 rights of privacy .

5 In Addition, this Document Request is overly broad because it seeks the production of  
6 documents beyond the scope of issues directly related to the pending motion for a preliminary  
7 injunction. Responding Party, subject to and without waiving said objections, will produce all  
8 documents relating to the Injunction Issues that are responsive to this Document Request.

9 **REQUEST NO. 50:**

10 Please provide copies of any and all documents which support, refute, or in any way relate  
11 to your denial of any portion of the allegations of Paragraph 57 of the Second Amended Complaint.

12 **RESPONSE TO REQUEST NO. 50:**

13 Responding Party objects to this Document Request on grounds that it is vague and  
14 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
15 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
16 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
17 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
18 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
19 work product doctrine; and it purports to require Responding Party to disclose information that is  
20 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
21 rights of privacy .

22 In Addition, this Document Request is overly broad because it seeks the production of  
23 documents beyond the scope of issues directly related to the pending motion for a preliminary  
24 injunction. Responding Party, subject to and without waiving said objections, will produce all  
25 documents relating to the Injunction Issues that are responsive to this Document Request.

26 **REQUEST NO. 51:**

27 Please provide copies of any and all documents which support, refute, or in any way relate  
28 to your denial of any portion of the allegations of Paragraph 58 of the Second Amended Complaint.

1 **RESPONSE TO REQUEST NO. 51**

2 Responding Party objects to this Document Request on grounds that it is vague and  
3 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
4 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
5 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
6 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
7 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
8 work product doctrine; and it purports to require Responding Party to disclose information that is  
9 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
10 rights of privacy .

11 In Addition, this Document Request is overly broad because it seeks the production of  
12 documents beyond the scope of issues directly related to the pending motion for a preliminary  
13 injunction. Responding Party, subject to and without waiving said objections, will produce all  
14 documents relating to the Injunction Issues that are responsive to this Document Request.

15 **REQUEST NO. 52:**

16 Please provide copies of any and all documents which support, refute, or in any way relate  
17 to your denial of any portion of the allegations of Paragraph 59 of the Second Amended Complaint.

18 **RESPONSE TO REQUEST NO. 52:**

19 Responding Party objects to this Document Request on grounds that it is vague and  
20 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
21 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
22 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
23 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
24 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
25 work product doctrine; and it purports to require Responding Party to disclose information that is  
26 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
27 rights of privacy .

28 In Addition, this Document Request is overly broad because it seeks the production of

1 documents beyond the scope of issues directly related to the pending motion for a preliminary  
2 injunction. Responding Party, subject to and without waiving said objections, will produce all  
3 documents relating to the Injunction Issues that are responsive to this Document Request.

4 **REQUEST NO. 53:**

5 Please provide copies of any and all documents which support, refute, or in any way relate  
6 to your denial of the allegations of Paragraph 60 of the Second Amended Complaint.

7 **RESPONSE TO REQUEST NO. 53:**

8 Responding Party objects to this Document Request on grounds that it is vague and  
9 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
10 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
11 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
12 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
13 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
14 work product doctrine; and it purports to require Responding Party to disclose information that is  
15 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
16 rights of privacy .

17 In Addition, this Document Request is overly broad because it seeks the production of  
18 documents beyond the scope of issues directly related to the pending motion for a preliminary  
19 injunction. Responding Party, subject to and without waiving said objections, will produce all  
20 documents relating to the Injunction Issues that are responsive to this Document Request.

21 **REQUEST NO. 54:**

22 Please provide copies of any and all documents which support, refute, or in any way relate  
23 to your denial of any portion of the allegations of Paragraph 61 of the Second Amended Complaint.

24 **RESPONSE TO REQUEST NO. 54:**

25 Responding Party objects to this Document Request on grounds that it is vague and  
26 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
27 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
28 duplicative to other Document Requests contained herein and herewith; it is burdensome and

1 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
2 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
3 work product doctrine; and it purports to require Responding Party to disclose information that is  
4 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
5 rights of privacy .

6 In Addition, this Document Request is overly broad because it seeks the production of  
7 documents beyond the scope of issues directly related to the pending motion for a preliminary  
8 injunction. Responding Party, subject to and without waiving said objections, will produce all  
9 documents relating to the Injunction Issues that are responsive to this Document Request.

10 **REQUEST NO. 55:**

11 Please provide copies of any and all documents which support, refute, or in any way relate  
12 to your denial of any portion of the allegations of Paragraph 62 of the Second Amended Complaint.

13 **RESPONSE TO REQUEST NO. 55:**

14 Responding Party objects to this Document Request on grounds that it is vague and  
15 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
16 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
17 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
18 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
19 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
20 work product doctrine; and it purports to require Responding Party to disclose information that is  
21 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
22 rights of privacy .

23 In Addition, this Document Request is overly broad because it seeks the production of  
24 documents beyond the scope of issues directly related to the pending motion for a preliminary  
25 injunction. Responding Party, subject to and without waiving said objections, will produce all  
26 documents relating to the Injunction Issues that are responsive to this Document Request.

27 **REQUEST NO. 56:**

28 Please provide copies of any and all documents which support, refute, or in any way relate

1 to your denial of the allegations of Paragraph 63 of the Second Amended Complaint.

2 **RESPONSE TO REQUEST NO. 56:**

3 Responding Party objects to this Document Request on grounds that it is vague and  
4 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
5 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
6 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
7 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
8 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
9 work product doctrine; and it purports to require Responding Party to disclose information that is  
10 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
11 rights of privacy .

12 In Addition, this Document Request is overly broad because it seeks the production of  
13 documents beyond the scope of issues directly related to the pending motion for a preliminary  
14 injunction. Responding Party, subject to and without waiving said objections, will produce all  
15 documents relating to the Injunction Issues that are responsive to this Document Request.

16 **REQUEST NO. 57:**

17 Please provide copies of any and all documents which support, refute, or in any way relate  
18 to your denial of any portion of the allegations of Paragraph 64 of the Second Amended Complaint.

19 **RESPONSE TO REQUEST NO. 57:**

20 Responding Party objects to this Document Request on grounds that it is vague and  
21 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
22 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
23 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
24 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
25 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
26 work product doctrine; and it purports to require Responding Party to disclose information that is  
27 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
28 rights of privacy .

1 In Addition, this Document Request is overly broad because it seeks the production of  
2 documents beyond the scope of issues directly related to the pending motion for a preliminary  
3 injunction. Responding Party, subject to and without waiving said objections, will produce all  
4 documents relating to the Injunction Issues that are responsive to this Document Request.

5 **REQUEST NO. 58:**

6 Please provide copies of any and all documents which support, refute, or in any way relate  
7 to your denial of any portion of the allegations of Paragraph 65 of the Second Amended Complaint.

8 **RESPONSE TO REQUEST NO. 58:**

9 Responding Party objects to this Document Request on grounds that it is vague and  
10 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
11 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
12 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
13 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
14 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
15 work product doctrine; and it purports to require Responding Party to disclose information that is  
16 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
17 rights of privacy .

18 In Addition, this Document Request is overly broad because it seeks the production of  
19 documents beyond the scope of issues directly related to the pending motion for a preliminary  
20 injunction. Responding Party, subject to and without waiving said objections, will produce all  
21 documents relating to the Injunction Issues that are responsive to this Document Request.

22 **REQUEST NO. 59:**

23 Please provide copies of any and all documents which support, refute, or in any way relate  
24 to your denial of any portion of the allegations of Paragraph 66 of the Second Amended Complaint.

25 **RESPONSE TO REQUEST NO. 59:**

26 Responding Party objects to this Document Request on grounds that it is vague and  
27 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
28 Amended Complaint to which this request references; it is compound as to issues and facts; it is

1 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
2 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
3 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
4 work product doctrine; and it purports to require Responding Party to disclose information that is  
5 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
6 rights of privacy .

7 In Addition, this Document Request is overly broad because it seeks the production of  
8 documents beyond the scope of issues directly related to the pending motion for a preliminary  
9 injunction. Responding Party, subject to and without waiving said objections, will produce all  
10 documents relating to the Injunction Issues that are responsive to this Document Request.

11 **REQUEST NO. 60:**

12 Please provide copies of any and all documents which support, refute, or in any way relate  
13 to your denial of the allegations of Paragraph 67 of the Second Amended Complaint.

14 **RESPONSE TO REQUEST NO. 60:**

15 Responding Party objects to this Document Request on grounds that it is vague and  
16 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
17 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
18 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
19 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
20 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
21 work product doctrine; and it purports to require Responding Party to disclose information that is  
22 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
23 rights of privacy .

24 In Addition, this Document Request is overly broad because it seeks the production of  
25 documents beyond the scope of issues directly related to the pending motion for a preliminary  
26 injunction. Responding Party, subject to and without waiving said objections, will produce all  
27 documents relating to the Injunction Issues that are responsive to this Document Request.

28 **REQUEST NO. 61:**



1 Please provide copies of any and all documents which support, refute, or in any way relate  
2 to your denial of the allegations of Paragraph 68 of the Second Amended Complaint.

3 **RESPONSE TO REQUEST NO. 61:**

4 Responding Party objects to this Document Request on grounds that it is vague and  
5 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
6 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
7 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
8 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
9 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
10 work product doctrine; and it purports to require Responding Party to disclose information that is  
11 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
12 rights of privacy .

13 In Addition, this Document Request is overly broad because it seeks the production of  
14 documents beyond the scope of issues directly related to the pending motion for a preliminary  
15 injunction. Responding Party, subject to and without waiving said objections, will produce all  
16 documents relating to the Injunction Issues that are responsive to this Document Request.

17 **REQUEST NO. 62:**

18 Please provide copies of any and all documents which support, refute, or in any way relate  
19 to your denial of any portion of the allegations of Paragraph 69 of the Second Amended Complaint.

20 **RESPONSE TO REQUEST NO. 62:**

21 Responding Party objects to this Document Request on grounds that it is vague and  
22 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
23 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
24 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
25 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
26 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
27 work product doctrine; and it purports to require Responding Party to disclose information that is  
28 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by

1 rights of privacy .

2 In Addition, this Document Request is overly broad because it seeks the production of  
3 documents beyond the scope of issues directly related to the pending motion for a preliminary  
4 injunction. Responding Party, subject to and without waiving said objections, will produce all  
5 documents relating to the Injunction Issues that are responsive to this Document Request.

6 **REQUEST NO. 63:**

7 Please provide copies of any and all documents which support, refute, or in any way relate  
8 to your denial of any portion of the allegations of Paragraph 70 of the Second Amended Complaint.

9 **RESPONSE TO REQUEST NO. 63:**

10 Responding Party objects to this Document Request on grounds that it is vague and  
11 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
12 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
13 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
14 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
15 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
16 work product doctrine; and it purports to require Responding Party to disclose information that is  
17 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
18 rights of privacy .

19 In Addition, this Document Request is overly broad because it seeks the production of  
20 documents beyond the scope of issues directly related to the pending motion for a preliminary  
21 injunction. Responding Party, subject to and without waiving said objections, will produce all  
22 documents relating to the Injunction Issues that are responsive to this Document Request.

23 **REQUEST NO. 64:**

24 Please provide copies of any and all documents which support, refute, or in any way relate  
25 to your denial of any portion of the allegations of Paragraph 71 of the Second Amended Complaint.

26 **RESPONSE TO REQUEST NO. 64:**

27 Responding Party objects to this Document Request on grounds that it is vague and  
28 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second

1 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
2 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
3 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
4 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
5 work product doctrine; and it purports to require Responding Party to disclose information that is  
6 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
7 rights of privacy .

8 In Addition, this Document Request is overly broad because it seeks the production of  
9 documents beyond the scope of issues directly related to the pending motion for a preliminary  
10 injunction. Responding Party, subject to and without waiving said objections, will produce all  
11 documents relating to the Injunction Issues that are responsive to this Document Request.

12 **REQUEST NO. 65:**

13 Please provide copies of any and all documents which support, refute, or in any way relate  
14 to your denial of any portion of the allegations of Paragraph 72 of the Second Amended Complaint.

15 **RESPONSE TO REQUEST NO. 65:**

16 Responding Party objects to this Document Request on grounds that it is vague and  
17 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
18 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
19 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
20 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
21 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
22 work product doctrine; and it purports to require Responding Party to disclose information that is  
23 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
24 rights of privacy .

25 In Addition, this Document Request is overly broad because it seeks the production of  
26 documents beyond the scope of issues directly related to the pending motion for a preliminary  
27 injunction. Responding Party, subject to and without waiving said objections, will produce all  
28 documents relating to the Injunction Issues that are responsive to this Document Request.

1 **REQUEST NO. 66:**

2 Please provide copies of any and all documents which support, refute, or in any way relate  
3 to your denial of the allegations of Paragraph 73 of the Second Amended Complaint.

4 **RESPONSE TO REQUEST NO. 66:**

5 Responding Party objects to this Document Request on grounds that it is vague and  
6 ambiguous because there are numerous facts and legal conclusions in this paragraph of the Second  
7 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
8 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
9 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
10 available to Requesting Party; it seeks information protected by the attorney-client privilege and  
11 work product doctrine; and it purports to require Responding Party to disclose information that is  
12 a trade secret, confidential, proprietary, commercially sensitive, or information that is protected by  
13 rights of privacy .

14 In Addition, this Document Request is overly broad because it seeks the production of  
15 documents beyond the scope of issues directly related to the pending motion for a preliminary  
16 injunction. Responding Party, subject to and without waiving said objections, will produce all  
17 documents relating to the Injunction Issues that are responsive to this Document Request.

18 **REQUEST NO. 67:**

19 Please provide copies of any and all documents which support, refute, or in any way relate  
20 to your denial of the allegations of Paragraphs 74-84 of the First Cause of Action (Fraud/Intentional  
21 Misrepresentation/Concealment Against All Defendants) of the Second Amended Complaint.

22 **RESPONSE TO REQUEST NO. 67:**

23 Responding Party objects to this Document Request on grounds that it is vague and  
24 ambiguous because there are numerous facts and legal conclusions in these paragraphs of the Second  
25 Amended Complaint to which this request references; it is compound as to issues and facts; it is  
26 duplicative to other Document Requests contained herein and herewith; it is burdensome and  
27 oppressive because it seeks documents that are already in possession of Requesting Party or readily  
28 available to Requesting Party; it seeks information protected by the attorney-client privilege and