

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

Plaintiffs,

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\*

VS.

CIVIL ACTION NO.:

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\_\_\_\_\_

Defendants.

**DEFENDANT’S NOTICE OF VIDEO DEPOSITION**

TO: (Name and address of counsel for Plaintiff/Deponent)

Please take notice that the defendant, \_\_\_\_\_, will take the testimony by deposition upon oral examination of the following plaintiff(s) in accordance with the provisions of Rule 30 of the Alabama Rules of Civil Procedure.

Such testimony will be taken at the offices of \_\_\_\_\_  
\_\_\_\_\_, at the day and time indicated below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Deponent: \_\_\_\_\_

This deposition will be taken upon oral examination by means of videotape and by ordinary stenographic means before a Notary Public, and Court Reporter, or other authorized and qualified person, for the purpose of discovery, or for use as evidence at the trial of this action, or for both purposes, pursuant to the Alabama Rules of Civil Procedure. Said oral examination will continue from time to time until completed.

Pursuant to Rule 30(b)(5) of the Alabama Rules of Civil Procedure, defendant requests that deponent, at the time and place of the taking of deposition, produce and permit the inspection and copying of documents described in Exhibit A, attached hereto.

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OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I certify that I have on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, served a copy of the foregoing by mailing same by U. S. Mail, first class postage prepaid and properly addressed, to the following:

(List counsel for all parties)

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EXHIBIT 'A'

INSTRUCTIONS

a. If you encounter any ambiguity in construing this Request for Production or accompanying definitions or instructions, set forth the matter deemed ambiguous and answer the request by indicating the construction chosen and used in responding.

b. If any request is objected to on the grounds of vagueness or over breadth, specifically state the manner in which it is overly broad and respond to the request as focused or narrowed to conform with your objection.

c. All documents produced should either be labeled and identified as to which of the various requests the document is responsive to or should be produced as maintained in the ordinary course of business.

d. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

e. If any requested documents or things cannot be produced in full, produce it to the extent, possible, specifying each reason for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the portion not produced.

f. If any document requested was in your possession or control, but is no longer in your possession or subject to your control, please identify said document and state what disposition was made of it, the reason for such disposition and the date thereof.

g. In producing documents and things pursuant to this request, furnish all documents and things known or available to you regardless of whether such documents or things are possessed directly by you or your agents, employees, representatives or investigators or by your attorneys, their agents, employees, representatives or investigators.

h. If any documents or things requested were at one time in existence but are no longer in existence or made unavailable in any manner, then identify said document and the nature of the information contained therein and state:

- (a) the date upon which it ceased to exist;
- (b) the circumstances under which it ceased to exist;
- (c) the identity of all persons having knowledge of the circumstances under which it ceased to exist; and
- (d) the identity of all persons having knowledge or who had knowledge of the contents thereof.

i. You are requested to produce the file or files in which the documents are contained or compiled. You are further requested to produce all copies of any particular documents that vary in any way from the original, i.e., all documents with written notations or markings thereon or attached thereto.

j. You are requested to produce all original documents, and all other copies known absolutely identical to the originals. In addition, you are requested to produce all drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

k. This Request for Production of Documents shall be continuing to the extent required by the Alabama Rules of Civil Procedure. If, after producing documents and things, you obtain or become aware of any further documents, things or information responsive to this Request for Production of Documents, you are required, up to and including the time of trial, to produce to these defendants such additional documents and things and/or provide these defendants with such additional information.

#### DEFINITIONS

a. "\_\_\_\_\_ " as used herein means \_\_\_\_\_ and shall include any agent of \_\_\_\_\_.

b. "Documents(s)" is used in its broadest possible sense, and shall mean all writings of any kind, including the originals and all nonidentical copies, whether different from the originals by reason of any notation made on such copies, or otherwise, and whether printed, recorded, created or reproduced by any mechanical means or process, or written or produced by hand, including, but not limited to: agreements; contracts; drafts of agreements or contracts; written material referencing oral agreements or contracts; confirmatory memoranda; letters of intent; orders; purchase orders; communications; messages; correspondence; personal calendars (whether written, electronic, or computerized); letters; postcards; packages; telegrams; teletypes; telefax; mailgrams; tape recordings; memoranda; diaries (whether written, electronic, or computerized); summaries; notes or other recordings of telephone conversations, personal conversations, meetings, actions or statements; corporate charters, by-laws, minutes, amendments, proposals, directives, prospectuses, or documents of any description evidencing action taken by a corporate entity, business entity or association; deeds, leases, mortgages, security agreements; legal documents of any kind and description; agenda of meetings; notices;

records; files; intraoffice and interoffice memoranda and communications; personal memoranda; photographs; negatives; photographic slides; pictures; motion picture films; photographic film; microfilm; microfiche; newspapers, magazines; charts; graphs; diagrams; drawings; bookkeeping entries; account summaries or statements; financial statements; balance sheets; financial records; bills; invoices; orders; receipts; bank records of all types; returns; canceled checks; vouchers; ledger sheets; accounting information; computer print-outs; computer memories; word processing memories; software; reports; official papers; papers prepared in the ordinary course of business; instruments; chronicles; vouchers; diplomas; stationary; licenses; bills of exchange; bills of sale; logs; theses; circulars; publications; studies; notes of interviews; statements of witnesses; findings of investigations; audits; files; records of negotiation; reports of experts, whether to be called to trial or not; materials furnished to experts, whether to be called to trial or not; reports of consultants, whether to be called to trial or not; any record of any consultation with an expert or potential expert you have elected not to use; all materials furnished to, or notes of conversations with any witness or person interviewed in connection with this case; personal notes; papers; books; notebooks; note cards, indices; physical objects; summaries; statistics; regression analysis; demographic analysis; market studies; stenographic materials; tapes; cassettes; phono graphic records; micro cassettes; discs; compact discs; digital audio tapes; digital optical recording; videotapes (VHS, Beta, or other); maps; posters; transparencies; pamphlets; bulletins; posters; fliers; plans; blueprints drawings; sketches; printed matter; reports; and any and every other written, graphic, mechanical or tangible means by which human intelligence is in any way transmitted, reported, recorded or preserved, as well as worksheets, drafts, alterations, modifications, editing, changes, and amendments to any of the foregoing.

c. The terms "you," "your," and "plaintiff(s)," are used to refer to plaintiff(s) \_\_\_\_\_ and anyone acting at his/her/their request or on his/her/their behalf.

d. As used herein, the term "person" includes natural persons, corporations, partnerships, associations, ventures, and all other forms of organization or association.

e. As used herein, the term "date" shall mean the exact day, month, and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

f. The term "possession" shall mean having or taking anything into control; something controlled or owned.

DOCUMENTS REQUESTED

1. All documents which have ever been transmitted or delivered to Plaintiff(s) or received by Plaintiff(s), from:

(i) \_\_\_\_\_;

(ii) All persons alleged by, or understood by Plaintiff(s) to be an agent/employee of \_\_\_\_\_;

(iii) All other persons, firms, or entities containing information about \_\_\_\_\_ and/or about any person or entity alleged by Plaintiff(s), or understood to be, an agent of \_\_\_\_\_.

2. All documents which have ever been transmitted by or on behalf of Plaintiff(s), to:

(i) \_\_\_\_\_;

(ii) All persons alleged by, or understood by Plaintiff(s) to be an agent/employee of \_\_\_\_\_;

(iii) All other persons, firms, or entities containing information about \_\_\_\_\_ and/or about any person or entity alleged by Plaintiff(s), or understood to be, an agent of \_\_\_\_\_.

3. All documents received by Plaintiff(s), from any source, and/or prepared by or on behalf of Plaintiff(s), which contain information related, in whole or in part, to the purchase of the insurance that is at Issue in this case.

4. All documents received by Plaintiff(s), from any source, and/or prepared by or on behalf of Plaintiff(s), which contain information related, in whole or in part, to any \_\_\_\_\_ policy.

5. All documents authored or prepared by Plaintiff(s), including, but not limited to personal notes or memoranda, whenever prepared, which refer to, relate to, or address, in whole or in part, the facts and circumstances surrounding plaintiff(s)' claims in this lawsuit.

6. All documents received by Plaintiff(s), from any source, and all documents which are otherwise available to Plaintiff(s), which identify and/or describe, in whole or in part, the circumstances under which the Plaintiff(s) allegedly discovered the fraud alleged.

7. All documents in the possession of or available to Plaintiff(s) which refer or relate, in whole or in part, to claims of injury or damage allegedly suffered by the Plaintiff(s) as a result of the acts of \_\_\_\_\_.

8. All documents, including, but not limited to written or recorded statements, correspondence, notes, policies, etc., supporting the claims made in the Complaint in this action.

9. Any and all materials received by Plaintiff(s) in connection with the solicitation and/or application for any insurance policy from \_\_\_\_\_ to date, including, but not limited to, policies of defendant \_\_\_\_\_ or any other company.



10. Copies of all insurance policies and annuities Plaintiff(s) has/have in effect. This request includes, but is not limited to, life insurance, disability insurance, burial insurance, health insurance, cancer insurance, automobile insurance, homeowner's insurance and rental insurance.

11. Plaintiff(s)' state and federal income tax returns including, but not limited to, schedules and attachments thereto, from the years \_\_\_\_\_ through present.

12. Any and all documents reflecting or pertaining to any investigation of any of the facts claims alleged in Plaintiff(s)' Complaint done by any person on behalf of Plaintiff(s).

13. All documents or other evidence of any kind which Plaintiff(s) may introduce at the trial of this case.

14. Any and all documents received from any third party that pertain in any way to the allegations in the Complaint and/or the policies at issue in this action.

15. Any and all documents received from or relied upon by any expert hired or retained) by you or on your behalf in connection with this lawsuit.

16. Each and every document identified or referred to in your answers to defendant, \_\_\_\_\_'s Interrogatories to Plaintiff(s).

17. Each and every document upon which you intend to rely in proving any element of damage claimed in the Complaint.

18. All documents that mention, evidence, relate or pertain in any way to any insurance coverage you have ever had with any defendant.

19. All documents in your possession or in the possession of any of your attorneys that mention, relate or pertain to \_\_\_\_\_ or any of its present or former agents or employees.

20. All documents that mention, relate or pertain to any of the other defendants to this action.

21. Any statement of any kind by any defendant in this case or by any agent or employee of any defendant.

22. All documents that mention, relate or pertain in any way to any person who has or may have knowledge of any fact relevant to any of the claims you make on this case.

23. All recordings or transcripts of recordings of any conversation of any kind involving a present or former employee or agent of any of the defendants to this action.

24. All documents that evidence or describe any statements, utterances or communication of any kind by any present or former employee or agent of any of the defendants to this action.

25. All documents that mention, relate or pertain in any way to the payment of premiums on the insurance at issue in this case.

26. All documents that relate or pertain to your decision to purchase or apply for the insurance at issue in this case.

27. All document evidencing the payment of any money to \_\_\_\_\_.

28. All bank account statements evidencing any payments to \_\_\_\_\_.

29. All canceled checks evidencing any payments to \_\_\_\_\_.

30. All documents relating to the \_\_\_\_\_ policy or policies referenced in Plaintiff(s)' Complaint.