

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

VS.

CASE NO.

, , , AND

MOTION FOR ORDER COMPELLING DISCOVERY

(" "), Plaintiff, upon reasonable notice to all other parties and all persons affected hereby, applies for an Order Compelling Discovery as follows:

Interrogatory No. 1: Identify all persons known to you to have any knowledge of any facts relevant to the subject matter of this suit or who you reasonably believe may have knowledge of any such fact or other discoverable matter relevant to this suit, and the nature of the facts known to each person.

Response: , , , MS . , , , MS . Any and all witnesses who may be called or mentioned in any discovery by the Plaintiff and Cross Defendant, .

Reason to Compel: Rule 26 of the Mississippi Rules of Civil Procedure clearly provides for the discovery of "the identity and location of persons having knowledge of any discoverable matter or who may be called as witnesses at trial."

Interrogatory No. 5: State your employment history for the last ten (10) years, including the name and address of each employer, nature of employment, duties of your employment, and your gross salary for each year.

Response: Answering Interrogatory No. 5 your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad, burdensome, and will fail to reflect any discoverable matters which are the issues in this lawsuit. However, without waiving any of their objections as set out above, has been self-employed for the past ten years having his/her principal place of business located at , , County, Mississippi. has been in the retail and wholesale automobile business and selling new and used vehicles to the public.

Reason to Compel: Rule 26(b) (1) of the Mississippi Rules of Civil Procedure allows a party to obtain discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. and have filed a Counterclaim against wherein they allege to have suffered, where they seek monetary damages for "financial hardship", "an injured credit rating", "damages to his/her business", "mental anguish", and being "forced to expend sizable sums of money in defending this action". In order to understand the nature of the financial losses, if any, must have access to a wide range of financial information pertinent to employment, earnings, assets, liabilities, work records, work history, type of work engaged in, and the like. Prior information is essential to compare to the present information to determine whether or not there has been a change. If prior financial information

and work histories cannot be delved into, there is no way to determine the authenticity of any claimed present loss.

Interrogatory No. 7: Do you receive any source of income other than that revealed by your answers above interrogatories? If so, for each such source state:

- A. The source of the income;
- B. Gross income for the preceding calendar year;
- C. Gross income for the current year up to the present date;
- D. Frequency of receipt of income and amount; and
- E. The total amount of additional income that you expect to or are entitled to receive during the calendar year.

Response: Answering Interrogatory No. 7, your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad, burdensome, and will fail to reflect any discoverable matters, which are the issues in this lawsuit. However, without waiving any of their objections as set out above, has been self-employed for the past ten years having his/her principal place of business located at , , County, Mississippi. has been in the retail and wholesale automobile business and selling new and used vehicles to the public.

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Interrogatory No 8: Identify and describe your present assets and the value of each asset so identified. (Assets of a value less than \$ need not be included.)

Response: Answering Interrogatory No. 8, your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad, burdensome, and will fail to reflect any discoverable matters, which are the issues in this lawsuit. However, without waiving any of their objections as set out above, has been self-employed for the past ten years having his/her principal place of business located at , , County, Mississippi. has been in the retail and wholesale automobile business and selling new and used vehicles to the public.

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Interrogatory No. 9: Identify the amount of stock that you own in any corporation, the value of such stock, and your method of valuation.

Response: Answering Interrogatory No. 9, your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad, burdensome, and will fail to reflect any discoverable matters, which are the issues in this lawsuit. However, without waiving any of their objections as set out above, has been self-employed for the past ten years having his/her principal place of business located at , County, Mississippi. has been in the retail and wholesale automobile business and selling new and used vehicles to the public.

Reason to Compel: Rule 26(b) (1) of the Mississippi Rules of Civil Procedure allows a party to obtain discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. and have filed a Counterclaim against wherein they allege to have suffered, where they seek monetary damages for "financial hardship", "an injured credit rating", "damages to his/her business", "mental anguish", and being "forced to expend sizable sums of money in defending this action". In order to understand the nature of the financial losses, if any, must have access to a wide range of financial information pertinent to employment, earnings, assets, liabilities, work records, work history, type of work engaged in, and the like. Prior information is essential to compare to the present information to determine whether or not there has been a change. If prior financial information and work histories cannot be delved into, there is no way to determine the authenticity of any claimed present loss. If assets are not disclosed, no determination of an injury to credit standing can be determined.

Interrogatory No. 10: Itemize your present liabilities, showing to whom the debt is owed, the total amount of the debt and how it is being paid.

Response: Answering Interrogatory No. 10, your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad, burdensome, and will fail to reflect any discoverable matters, which are the issues in this lawsuit. However, without waiving any of their objections as set out above, has been self-employed for the past ten years having his/her principal place of business located at , County, Mississippi.

has been in the retail and wholesale automobile business and selling new and used vehicles to the public.

Reason to Compel: Rule 26(b) (1) of the Mississippi Rules of Civil Procedure allows a party to obtain discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. and have filed a Counterclaim against wherein they allege to have suffered, where they seek monetary damages for "financial hardship", "an injured credit rating", "damages to his/her business", "mental anguish", and being "forced to expend sizable sums of money in defending this action". In order to understand the nature of the financial losses, if any, must have access to a wide range of financial information pertinent to employment, earnings, assets, liabilities, work records, work history, type of work engaged in, and the like. Prior information is essential to compare to the present information to determine whether or not there has been a change. If prior financial information and work histories cannot be delved into, there is no way to determine the authenticity of any claimed present loss. If assets are not disclosed, no determination of an injury to credit standing can be determined. If liabilities are not disclosed, no evaluation of loss of credit standing or damage to business can be accurately sustained.

Interrogatory No. 13: State the basis for the factual allegations contained in paragraphs 4 and 6 of your Counterclaim.

Response: Your Defendants and Cross Plaintiffs and object to this interrogatory on the grounds that it is overly broad and burdensome.

Reason to Compel: A party is unequivocally entitled to know the factual basis for an allegation contained in a pleading.

Request for Production No. 1: All personal tax returns prepared or filed by you or on your behalf for each year from 1987 to date.

Response: Your Defendants and Cross Plaintiffs, and object to Request for Production No. 1 on the grounds that it fails to lead to discoverable matter in this action.

Reason to Compel: The Counterclaim alleges financial loss among other things, the expenditure of sizable sums of money in defense of this action, damages to a business enterprise, injury to a credit rating, inability to work, and financial hardship. Without the ability to compare prior earnings, has no way of adequately determining the extent of damages, if any. is entitled to discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. It is not ground for objection that the information sought will be inadmissible at trial. The information sought is reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 2: All corporate tax returns prepared by you or on your behalf for any corporation in which you own an interest of more than (%), for each year from 1987 to date.

Response: Your Defendants and Cross Plaintiffs, and object to Request for Production No. 2 on the grounds that it fails to lead to discoverable matter in this action.

Reason to Compel: The Counterclaim alleges financial loss among other things, the expenditure of sizable sums of money in defense of this action, damages to a business enterprise, injury to a credit rating, inability to work, and financial hardship. Without the ability to compare prior earnings, has no way of adequately determining the extent of damages, if any. is entitled to discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. It is not ground for objection that the information sought will be inadmissible at trial. The information sought is reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 3: Copies of all IRS W-2 forms which evidence any income received by you from to date.

Response: Your Defendants and Cross Plaintiffs, and object to Request for Production No. 3 on the grounds that it fails to lead to discoverable matter in this action.

Reason to Compel: The Counterclaim alleges financial loss among other things, the expenditure of sizable sums of money in defense of this action, damages to a business enterprise, injury to a credit rating, inability to work, and financial hardship. Without the ability to compare prior earnings, has no way of adequately determining the extent of damages, if any. is entitled to discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. It is not ground for objection that the information sought will be inadmissible at trial. The information sought is reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 4: All financial statements prepared by you or on your behalf or for any partnership or incorporation in which you own an interest for the years to date.

Response: Your Defendants and Cross Plaintiffs, and object to Request for Production No. 4 on the grounds that it fails to lead to discoverable matter in this action.

Reason to Compel: The Counterclaim alleges financial loss among other things, the expenditure of sizable sums of money in defense of this action, damages to a business enterprise, injury to a credit rating, inability to work, and financial hardship. Without the ability to compare prior earnings, has no way of adequately determining the extent of damages, if any. Is entitled to discovery regarding any matter, not privileged, which is relevant to the issues raised by the claims or defenses of any party. It is not ground for objection that the information sought will be inadmissible at trial. The information sought is reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 8: Ten (10) separate documents that contain the authentic signature of and . Note, the document is sought for the authenticity of the signatures and if you wish to block all portions of the document from disclosure to or others, do so. The document seeks only the example of your signature, which you admit to be authentic.

Response: See attached.

Reason to Compel: Whether or not [redacted] and [redacted] signed a substitute signature card is an issue. Mr./Ms. [redacted] claim their signatures were forged. They also claim their signatures were forged on a number of checks that were deposited to an account at [redacted]. In order for the question of forgery to be finally resolved, an expert needs to be retained to examine the signatures of [redacted] and [redacted]. Forgery is clearly an issue raised by the defense of the party. The documents sought are well within the scope of discovery and are permissible pursuant to Rule 34.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
MSB #
Attorney for