

IN THE CIRCUIT COURT OF

COUNTY, MISSISSIPPI

, PLAINTIFF

VS.

CIVIL ACTION NO.

, DEFENDANT

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND THINGS TO DEFENDANT**

COMES NOW the Plaintiff, (" "), by and through its attorneys of record herein, and requests that Defendant, (" "), produce the following documents and other things requested herein for the purpose of inspection and copying. Such material should be produced in the offices of Mississippi at a.m./p.m. forty-five (45) days after service hereof, pursuant to Rule 34 of the Mississippi Rules of Civil Procedure.

DEFINITIONS

The following definitions apply throughout request for production of documents and things and shall be adopted in responding to said discovery.

A. "Person" shall mean any natural person or any entity, whether business entity (corporation, association, firm, partnership or otherwise), governmental entity, other legal entity or agency, bureau, committee, department, division, subdivision or subsidiary thereof.

B. "You" or "Your" means the above-named Defendant and his/her agents, employees and representatives.

C. "Representative" means any affiliate, attorney, accountant, agent, employee, servant, spouse or other person acting for or on behalf of the Defendant or with whom the Defendant has entrusted documents for safekeeping or record keeping purposes.

D. "Relating to" includes, but without limitation, mentioning, discussing, commenting on, referring to, pertaining to, alluding to, relating to, relevant to, or in any way touching upon or connected with.

E. "Documents" means any records, files, documents, instruments, letters, memoranda, notes, reports, summaries, statements, correspondence, minutes, logs, agreements, contracts, telegrams, TWXs, notices, proofs, forms, cards, charts, drawings, diagrams, graphs, graphic representations, books, ledgers, accounts, check stubs, vouchers, pay records, photographs, tape recordings, microfilms, computer printouts, papers, or other written, typed, printed, or recorded material of any kind whatsoever in the possession, custody or control of the Defendant or the Defendant's representatives, regardless of by, or from whom the "document" was prepared, regardless of the addressor(s) and addressee(s), regardless of whether it is an original or a copy of an original, and regardless of how the Defendant or the Defendant's representatives acquired possession, custody or control thereof.

F. "Identify" means, with respect to persons, to give the name, current residence and business addresses, and current residence and business telephone numbers for the persons requested to be identified.

REQUESTS

REQUEST NO. 1: Each and every writing, document or other physical evidence referred to, described or identified in your Answer or other responsive pleading and in your Answers to Plaintiff's First Set of Interrogatories served simultaneously with this request.

REQUEST NO. 2: All documents which support or tend to support any allegations contained in your Plaintiff's Complaint or in your Answer or other responsive pleading thereto.

REQUEST NO. 3: All correspondence, memoranda or documents of any nature, which you sent to, received from or exchanged with _____ or anyone acting on its behalf.

REQUEST NO. 4: All correspondence, memoranda or documents of any nature which you sent to, received from or exchanged with _____ or anyone acting on his/her behalf.

REQUEST NO. 5: All correspondence, memoranda or documents of any nature which you sent to, received from or exchanged with _____ or anyone acting on his/her behalf.

REQUEST NO. 6: All correspondence, memoranda or documents of any nature, which you sent to, received from or exchanged with any customer or known potential customer of _____ .

REQUEST NO. 7: All correspondence, memoranda or documents of any nature, which you sent to, received from or exchanged with any bank or lending institution regarding your ownership interest in _____ .

REQUEST NO. 8: All correspondence, memoranda or documents of any nature, which you sent to, received from or exchanged with any person, entity, banking institution, or federal, state, county, or municipal agency or organization regarding the formation of or any attempt to form a business venture other than _____ .

REQUEST NO. 9: All correspondence, memoranda or documents of any nature relating to the negotiation and acquisition of your ownership interest in _____ .

REQUEST NO. 10: Any and all documents which you intend to utilize at trial or introduce into evidence at trial.

REQUEST NO. 11: All documents relating to any forklift related work, services or labor performed by you or for which you received economic benefit.

REQUEST NO. 12: All correspondence, memoranda or documents of any nature, which you sent to, received from or exchanged with any past or present employee of _____.

REQUEST NO. 13: A list of the names and addresses of all persons for whom you have performed forklift related work, services or labor since _____, _____, except the work, services or labor performed for the economic benefit of _____ during normal business hours.

REQUEST NO. 14: All documents relating to any forklift or related repair parts sold by you or for which you received economic benefit since _____.

REQUEST NO. 15: All documents relating to any forklift or related repair parts purchased by you other than in your capacity as parts manager for _____ since _____, _____.

REQUEST NO. 16: Any and all documents related to _____, its business operations, officers, directors or managers, including but not limited to, assets, liabilities, accounting records, banking records, contracts, correspondence, customer lists, repair records, policy and procedure manuals, price lists, tape recordings, inventory lists and personnel records.

REQUEST NO. 17: All documents related to any income, revenue or economic benefit that you have received from any person or entity other than _____.

REQUEST NO. 18: A list of the names and addresses of all persons who you have hired or attempted to hire as an employee in any business venture other than _____.

REQUEST NO. 19: A list of the names and addresses of all persons with whom you discussed the idea of forming, attempted to form or actually formed any business venture that would compete with _____, either in whole or in part.

REQUEST NO. 20: All documents related to any attempt to compete or actual competition with _____, either in whole or in part, by you, either directly or through any other person or entity.

INTERROGATORY. If Defendant declines to produce any document requested herein,

then for each document not produced or otherwise claimed as privileged, state:

- A. The name, address, employer and job description of the author who prepared the document;
- B. The date such document was prepared, and whether such document was prepared by you or on your behalf;
- C. A general description of the written matter in the document;
- D. Whether such document was prepared under the supervision or pursuant to the instructions of your attorney; and
- E. The name and address of the person who presently has custody of the document.

THIS, the day of , 20 .

Respectfully submitted,

By: _____

CERTIFICATE OF SERVICE

This is to certify that I, _____, Attorney for Plaintiff, have mailed this day, by U.S. Mail, postage fully prepaid, a copy of the above and foregoing document to _____, Attorney for Defendant.

This the _____ day of _____, _____.
