

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

_____	)	
	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>NO.</b> _____
	)	
_____	)	
<b>Respondent/Defendant</b>	)	
	)	

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**NOTICE OF 30(b)(6) DEPOSITION OF DEFENDANT  
\_\_\_\_\_ AGENCY AND 30(b)(5)  
REQUEST FOR PRODUCTION OF DOCUMENTS AND/OR TANGIBLE ITEMS**

**DEFINITIONS**

As used in this 30(b)(6), Notice of Deposition of Defendant, \_\_\_\_\_  
AGENCY, and 30(b)(5), Request for Documents and Tangible Items, unless otherwise  
indicated, the following definitions shall be applicable.

"YOU" or "YOUR" shall mean the defendants whom this discovery is directed to (in the  
case of the corporate defendant, it shall include its subsidiary and affiliated corporations) and  
each of their attorneys, experts, including, without limitation, contractors, subcontractors, agents  
and employees of experts, employees, agents or representatives and all other persons acting on  
their behalf.

The term "DOCUMENT" or "DOCUMENTS" shall mean and include writings of any  
kind, formal or informal, whether or not wholly or partially in handwriting including by way of  
illustration and not by way of limitation, any invoice, note, receipt, endorsement, check, bank  
draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes,

memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form pamphlet, statement, journal, postcard, letter, telegram, telex, telefax, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, Photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, computer data, any punch card, disc or disc pack, any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory; including:

- (a) every copy of each document which is not any exact duplicate of a document which is produced,
- (b) every copy which has any writing, figure or notation, annotation or the lack of it,
- (c) drafts,
- (d) attachments to or enclosures with any document,
- (e) every document referred to in any other document,
- (f) all original file folders in which each such document is contained.

**AGENCY 30(b)(6)**

Plaintiffs request TESTIMONY from the person or persons with your company most knowledgeable with respect to the following categories:

- (1) The history of doing business with plaintiffs, your agency, and any co-defendant.
- (2) Meetings, discussions, communications, correspondence and/or contacts between you and plaintiffs concerning the insurance made the basis of this suit.

(3) Complaints, claims, lawsuits, settlements, wherein it was alleged that you defrauded a customer, limited to the State of \_\_\_\_\_, for \_\_\_\_\_ years prior to the incident made the basis of this suit.

(4) Communications, correspondence, discussions, contacts between you and any state and/or federal governmental entity concerning allegations that you defrauded a customer, in the State of \_\_\_\_\_, within the last \_\_\_\_\_ years.

(5) Communications, correspondence, discussions, contacts between you and the Better Business Bureau concerning allegations that you defrauded a customer, in the State of \_\_\_\_\_, within the last \_\_\_\_\_ years.

(6) Communications, correspondence, discussions, and/or contacts with representatives of any co-defendant of or concerning, or relating to, the account and/or insurance made the basis of this suit, and/or plaintiffs.

(7) Communications, correspondence, discussions, contacts between you and any state and/or federal governmental entity concerning plaintiffs and/or any co-defendant.

(8) Communications, correspondence, discussions, and/or contacts with non-parties concerning or relating to, the insurance/account made the basis of this suit and/or plaintiffs.

(9) Procedures, policies, manuals or other guidelines employed by you regarding procuring insurance, responding to customer inquiries, handling claims and/or underwriting a insurance.

(10) Documentation in your possession concerning the insurance/account made the basis of this suit and/or plaintiffs.

(11) Your contentions as to why you are not liable to plaintiffs.

(12) All contracts of insurance with plaintiffs.

(13) All files maintained on plaintiffs and/or the insurance/account made the basis of this suit.

(14) Your document retention policy.

(15) Your response to interrogatories and requests for production.

(16) Your interoffice memoranda, intraoffice memoranda, or similar internal communications and/or correspondence concerning plaintiffs, and/or the insurance/account made the basis of this suit.

(17) Any minutes of any meeting referring or relating to plaintiffs and/or the insurance/account made the basis of this suit.

(18) \_\_\_\_\_ and \_\_\_\_\_ were not acting within the line or scope of their authority concerning any activity undertaken by him with reference to any subject matter in the pending lawsuit.

(19) Meetings between you, on the one hand, and plaintiffs on the other and/or any co-defendant and/or \_\_\_\_\_

(20) All activity on insurance/account made the basis of this suit.

(21) Instructions, directions or orders to dishonor checks made on the insurance/account made the basis of this suit.

(22) Reviews, evaluations, analyses, and studies concerning the plaintiffs and/or the insurance/account made the basis of this suit.

(23) Documents and/or tangible items reviewed by you in preparation of your deposition.

(24) The documents requested from you in plaintiffs' request for production of documents and/or tangible items.

**DOCUMENTS AND/OR TANGIBLE ITEMS TO BE**

**PRODUCED PURSUANT TO 30(B)(5)**

Plaintiffs request \_\_\_\_\_ AGENCY to produce for inspection and copying documents and/or tangible items with respect to the following categories:

- (1) The history of doing business with plaintiffs, your agency, and any co-defendant.
- (2) Meetings, discussions, communications, correspondence and/or contacts between you and plaintiffs concerning the insurance made the basis of this suit.
- (3) Complaints, claims, lawsuits, settlements, wherein it was alleged that you defrauded a customer, limited to the State of \_\_\_\_\_, for \_\_\_\_\_ years prior to the incident made the basis of this suit.
- (4) Communications, correspondence, discussions, contacts between you and any state and/or federal governmental entity concerning allegations that you defrauded a customer, in the State of \_\_\_\_\_, within the last \_\_\_\_\_ years.
- (5) Communications, correspondence, discussions, contacts between you and the Better Business Bureau concerning allegations that you defrauded a customer, in the State of \_\_\_\_\_, within the last \_\_\_\_\_ years.
- (6) Communications, correspondence, discussions, and/or contacts with representatives of any co-defendant of or concerning, or relating to, the account and/or insurance made the basis of this suit, and/or plaintiffs.
- (7) Communications, correspondence, discussions, contacts between you and any state and/or federal governmental entity concerning plaintiffs and/or any co-defendant.
- (8) Communications, correspondence, discussions, and/or contacts with non-parties concerning or relating to, the insurance/account made the basis of this suit and/or plaintiffs.

(9) Procedures, policies, manuals or other guidelines employed by you regarding procuring insurance, responding to customer inquiries, handling claims and/or underwriting a insurance.

(10) Documentation in your possession concerning the insurance/account made the basis of this suit and/or plaintiffs.

(11) Your contentions as to why you are not liable to plaintiffs.

(12) All contracts of insurance with plaintiffs.

(13) All files maintained on plaintiffs and/or the insurance/account made the basis of this suit.

(14) Your document retention policy.

(15) Your response to interrogatories and requests for production.

(16) Your Interoffice memoranda, intraoffice memoranda, or similar internal communications and/or correspondence concerning plaintiffs, and/or the insurance/account made the basis of this suit.

(17) Any minutes of any meeting referring or relating to plaintiffs and/or the insurance/account made the basis of this suit.

(18) \_\_\_\_\_ and \_\_\_\_\_ were not acting within the line or scope of their authority concerning any activity undertaken by them with reference to any subject matter in the pending lawsuit.

(19) Meetings between you, on the one hand, and plaintiffs on the other and/or any co-defendant and/or \_\_\_\_\_.

(20) All activity on insurance/account made the basis of this suit.

(21) Instructions, directions or orders to dishonor checks made on the insurance/account made the basis of this suit.

(22) Reviews, evaluations, analyses, and studies concerning the plaintiffs and/or the insurance/account made the basis of this suit.

(23) Documents and/or tangible items reviewed by you in preparation of your deposition.

(24) The documents requested from you in plaintiffs' request for production of documents and/or tangible items.

Respectfully submitted,

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Attorney No.: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, do hereby certify that I have this day mailed, U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to \_\_\_\_\_, at the following address;

\_\_\_\_\_

THIS the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_