

1 day thereafter, weekends and holidays excepted, so long as reasonably required. All documents
2 demanded shall either be produced as they are kept in the usual course of business, or be
3 organized and labeled to correspond with the categories contained in this demand.

4 **INSTRUCTIONS**

5 A. Responding Party is hereby requested, pursuant to Code of Civil Procedure
6 sections 2031.010-2031.510, to serve a written response under oath within thirty (30) days after
7 service of this request, to which you may add five (5) days if this request is served by mail. Such
8 response is to include the following statements: (1) whether inspection and copying or
9 photocopying will be permitted; and (2) whether Responding Party lacks the ability to comply. If
10 Responding Party objects to the whole or any part of the request, specific grounds for the
11 objection must be stated in the response.
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13 B. All originals and copies of the items requested, which are in the possession,
14 custody and/or control of responding party or are otherwise available to responding party, which
15 are responsive to the following requests, shall be produced and identified.
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17 C. If any DOCUMENT (as defined below) herein requested was formerly in the
18 possession, custody and/or control of Responding Party and has been lost or destroyed,
19 Responding Party shall submit, in lieu of such DOCUMENT, a written statement which (1)
20 describes in detail the nature of the DOCUMENT and its contents, (2) identifies the person who
21 prepared or authored the DOCUMENT, (3) identifies the person to whom the DOCUMENT was
22 sent, if applicable, (4) specifies the date on which the DOCUMENT was prepared or transmitted,
23 or both, (5) specifies, if possible, the date on which the DOCUMENT was lost or destroyed, and
24 (6) if destroyed, the conditions of or reasons for such destruction and the person requesting or
25 performing the destruction.
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1 D. Pursuant to Code of Civil Procedure sections 2031.010-2031.510, DOCUMENTS
2 are to be produced either as they are kept in the usual course of business or organized and labeled
3 to correspond with the categories in this demand.

4 E. DOCUMENTS being produced shall be maintained in their original format.
5 Attachments to a document shall not be unfastened. DOCUMENTS shall not be scrambled or
6 otherwise jumbled and shall be produced in a way which preserves their identify.

7 F. Whenever the item being produced is a file, the folder or other container of it shall
8 be produced with it.

9 G. All DOCUMENTS requested herein refer to the time period beginning [Date] up
10 to and including the present, unless a particular demand defines a different time period.

11 H. Whenever a DOCUMENT falling within the request is withheld from production,
12 according to a claim of privilege or otherwise, you are requested to provide a listing of such
13 DOCUMENTS containing a description of the DOCUMENTS and a description of the claim of
14 privilege sufficient to enable propounding party to present a motion to the appropriate court to
15 compel production of same.
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18 **DEFINITIONS**

19 A. As used herein, the term "DOCUMENT" or "DOCUMENTS" means any written,
20 recorded or graphic matter, however produced or reproduced, or "writing" of any kind, including,
21 but not limited to, correspondence, memoranda, reports, studies, analyses, contracts, agreements,
22 invoices, charts, graphs, indices, data sheets, data processing cards or tapes, notes, work papers,
23 entries, letters, telegrams, forms, advertisements, brochures, circulars, tapes, records, bulletins,
24 papers, books, maps, drawings, accounts, photographs, transcriptions, recordings, magnetic
25 tapes, disks, imprinted cards, minutes and records of meetings, reports, financial statements,
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1 (including, but not limited to, income statements, balance sheets, and statements of changes in
2 financial position) financial calculations, estimates, transactional documents, promissory notes,
3 deeds of trust, closing statements, escrow documents, title documents, security agreements,
4 bonds, letters of credit, reports of telephone or oral conversations, appointment books, calendars
5 or diaries, and includes, but is not limited to, the term "writing" as that term is defined in
6 California Evidence Code section 250, including any and all "handwriting, typewriting, printing,
7 photostating, photographing, and every other means of recording upon any tangible thing any
8 form of communication or representation, including letters, words, pictures, sounds, or symbols,
9 or combinations thereof." Evid. Code § 250. "DOCUMENT" or "DOCUMENTS" includes all
10 drafts and all finalized and/or executed writings, and includes all electronic recordings of any
11 information whether that information is electronic mail or other form of electronic means of
12 preserving information and/or is stored on a "hard" disk, 5 ¼" or 3 ½" disk, laser disk, magnetic
13 or other tape, personal computer or mainframe computer. If YOU do not have custody or control
14 of the original, the term "DOCUMENT" or "DOCUMENTS" shall also include any carbon or
15 photograph or any other copies, telephone messages, reproductions or facsimiles thereof. If YOU
16 have custody or control of the original and copies, reproduction or facsimiles, the term
17 "DOCUMENT" or "DOCUMENTS" shall mean the original of any copy or reproduction or
18 facsimile that is in any way different from the original.

21 B. As used herein, "COMPLAINT" refers to the complaint filed by PLAINTIFF in
22 this case.

23 C. As used herein, "DENIAL" refers to denials made in YOUR answer to the
24 COMPLAINT.

25 D. As used herein, "PLAINTIFF" refers to Plaintiff [Name].
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1 E. As used herein, "DEFENDANT" refers to defendant [Name].

2 F. As used herein, the terms "YOU" and "YOUR" refers to DEFENDANT,
3 individually and collectively, and his or her, its or their affiliates and parent company and anyone
4 acting on their, her or its behalf, including, but not limited to, past and present officers, directors,
5 shareholders, agents, employees, representatives, affiliates, attorneys, accountants, investigators,
6 or anyone else acting in their, her or its interest, on their, her or its behalf, or at their, her or its
7 request, and each of them.

8 G. As used herein, the term "PERSON" includes ANY natural person, firm,
9 association, organization, partnership, business, trust, corporation, limited liability company,
10 joint venture or public entity.

11 H. As used herein, the terms "RELATE TO," "RELATED TO," and/or "RELATING
12 TO" mean discuss, support, refute, reflect, mention, embody, pertain to, involve, comprise,
13 respond to, concern, contain, summarize, memorialize, evidence, refer to, or connect in any way
14 legally, factually or logically with, the matter therein.

15 I. As used herein, "COMMUNICATION" or "COMMUNICATIONS" includes any
16 contacts between or among two or more PERSONS, and includes without limitation, written
17 contact by such means as letters, memoranda, telegrams, telexes, electronic mail or any other
18 DOCUMENTS, and oral contact by such means as face-to-face meetings and telephone
19 conversations.

20 J. As used herein, the term "ANY" as well as "ALL" shall be construed to include
21 "each" and "every" within their meanings.

1 K. In these Requests, the terms "and" and "or" have both conjunctive and disjunctive
2 meanings so as to be inclusive of any documents which otherwise may be excluded from
3 production.

4 L. In these Requests, the use of the singular includes the plural and the use of the
5 plural includes the singular, so as to be inclusive of any DOCUMENTS which may otherwise be
6 excluded from production.

7 **CLAIMS OF PRIVILEGE**

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9 Pursuant to California Code of Civil Procedure Section 2031.060(b)(3), with respect to
10 each DOCUMENT called for by this demand, as to which YOU make any objection on the
11 grounds that any privilege (including, without limitation, the attorney-client privilege or the
12 attorney work-product privilege) applies, separately state the following: (1) the nature of the
13 DOCUMENT (i.e., handwritten notes, correspondence, memoranda, tape recording, etc.), (2) the
14 date of or upon the DOCUMENT, (3) the name, business address and present position of each
15 PERSON who participated in its preparation, (4) the position at the time the DOCUMENT was
16 prepared of each PERSON who participated in its preparation, (5) the name, business address
17 and present position of each PERSON to whom the DOCUMENT or any copy thereof was
18 addressed, sent, or provided, (6) the position, as of the time the DOCUMENT was prepared and
19 as of the time it was received, of each PERSON to whom it or any copy thereof was addressed,
20 sent, or provided, (7) the name, business address, and present position of each PERSON by
21 whom the DOCUMENT was seen or to whom it or any part thereof was disclosed, (8) the
22 position, as of the time the DOCUMENT or any part thereof was seen or disclosed, of each
23 PERSON who has seen or to whom the DOCUMENT or any part thereof was disclosed, (9) each
24 and every present custodian of said DOCUMENT and every copy thereof, (10) the subject
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1 matter(s) of said DOCUMENT and every portion thereof, (11) the basis of the claim of privilege,
2 and (12) if the basis of the claim of privilege is the attorney-work product doctrine, identify the
3 proceeding for which the DOCUMENT was prepared.

4 **REQUESTS FOR PRODUCTION**

5 PLAINTIFF hereby demands that Defendants produce the following DOCUMENTS and
6 things at the office of the above named attorney for Defendants, within 30 days of service of this
7 request:
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9 **REQUEST FOR PRODUCTION NO. 1.**

10 ANY and ALL DOCUMENTS, tangible things and other items that support, refute or in
11 ANY way RELATE TO YOUR DENIAL of the allegations in Paragraph 3 of the COMPLAINT.

12 **REQUEST FOR PRODUCTION NO. 2.**

13 ANY and ALL DOCUMENTS, tangible things and other items that support, refute or in
14 ANY way RELATE TO YOUR DENIAL of the allegations in Paragraph 6 of the COMPLAINT.

15 **REQUEST FOR PRODUCTION NO. 3.**

16 ANY and ALL DOCUMENTS, tangible things and other items that support, refute or in
17 ANY way RELATE TO YOUR DENIAL of the allegation in Paragraph 7 of the COMPLAINT.

18 **REQUEST FOR PRODUCTION NO. 4.**

19 ANY and ALL DOCUMENTS given to DEFENDANT by PLAINTIFF, including but
20 not limited to commission statements.
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22 **REQUEST FOR PRODUCTION NO. 5.**

23 ANY and ALL DOCUMENTS that constitute or RELATE TO DOCUMENTS that
24 DEFENDANT gave or submitted to PLAINTIFF.
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1 **REQUEST FOR PRODUCTION NO. 6.**

2 ANY and ALL DOCUMENTS RELATED TO requests by DEFENDANT for
3 reimbursement for expenses from PLAINTIFF.

4 **REQUEST FOR PRODUCTION NO. 7.**

5 ANY and ALL DOCUMENTS RELATING TO sales made by DEFENDANT on behalf
6 of PLAINTIFF.

7 **REQUEST FOR PRODUCTION NO. 8.**

8 DEFENDANT’S current customer list.

9 **REQUEST FOR PRODUCTION NO. 9.**

10 ANY and ALL DOCUMENTS that support, refute or RELATE TO ANY and ALL
11 affirmative defenses in your Answer.

12 **REQUEST FOR PRODUCTION NO. 10.**

13 The computer and any related items, including ANY and ALL storage media and
14 memory devices, that contain any information, DOCUMENTS and/or files requested in ANY of
15 these Requests for Production.

16 **REQUEST FOR PRODUCTION NO. 11.**

17 ANY and ALL computer backup media containing information and/or files requested in
18 these Requests for Production.

19 **REQUEST FOR PRODUCTION NO. 12.**

20 ANY and ALL DOCUMENTS sufficient to determine all telephone calls, e-mails or
21 facsimile transmissions between DEFENDANT and [Name] between [Date] and [Date].

22 Dated: [Date]

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BY _____
[Name]
[Name of Law Firm]
Attorneys for [Name]

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