Hours Billed to

Attorney's Client: 6.25 Hours

Attorney Profit:

Area of Law:

(Billed @ \$185/hr)

Bankruptcy, Contract

**Application Period**:

**Project Completed:** 

\$400

\$756

3 Days

5 Days

Flat Fee Price for Project:

Back to Homepage

Projects and Lawclerks are always confidential. Express permission was obtained for the example below.

## FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

WRITTEN DISCOVERY

PROJECT DESCRIPTION

Prepare initial request for documents to one defendant focusing on obtaining the documents pertinent to the affirmative defenses asserted in response to the following claims: (i) breach of contract; (ii) aiding and abetting breach of contract; (iii) breach of the implied covenant of good faith and fair dealing; (iv) slander of title; and (v) negligence. Copies of the complaint and answer will be provided to the selected applicant.

Applicable jurisdiction: Federal

1 [Caption Redacted] 2 3 4 5 6 7 8 UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA 9 Case No.: Chapter 11 In re: 10 11 Debtor. 12 Adv. No.: 13 14 Plaintiff, 15 PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT [Redacted] 16 VS. 17 18 Defendants. 19 20 To: Defendant, 21 PLEASE TAKE NOTICE that ("Plaintiff"), by and through 22 its counsel, the law firm of Garman Turner Gordon LLP, pursuant to Rule 34 of the Federal 23 Rules of Civil Procedure, as made applicable by Rules 7034 and 9014 of the Federal Rules of 24 Bankruptcy Procedure, propounds upon the ("Defendant"), this second 25 request for the production of documents (the "Requests"). Responsive documents and any 26 written responses or objections should be delivered to 27 within thirty (30) 28 calendar days from the date of service, pursuant to Rule 34 of the Federal Rules of Civil 1 2 Procedure. These Requests are continuing in nature and require supplemental answers if additional 3 information is obtained prior to the Hearing. 4 DEFINITIONS 5 All capitalized terms herein shall have the meanings set forth below. 6 7 1. "Bankruptcy Code" means the Bankruptcy Reform Act of 1978, Title 11, United States Code, as applicable to the Chapter 11 Case, as now in effect or hereafter amended, 11 8 U.S.C. §§ 101, et seq. 9 2. "<u>Bankruptcy Court</u>" means the United States Bankruptcy Court for the District of 10 Nevada having jurisdiction over the Chapter 11 Case and, to the extent of the withdrawal of any 11 reference under Section 157 of Title 28 of the United States Code and/or the General Order of 12 the United States District Court for the District of Nevada pursuant to Section 151 of Title 28 of 13 the United States Code, the United States District Court for the District of Nevada. 14 3. "Communication" or "Communications" means and includes any written, oral, 15 telephonic, electronic, or other conveyance of information between or among two or more 16 17 persons or entities, including, but not limited to, an inquiry, representation, discussion, 18 conversation, agreement, understanding, meeting, memorandum, letter, note, telegram, advertisement, facsimile, interview, e-mail, text message, chat, social network posting, or similar 19 20 communication methods. 21 4. "Date" means the exact day, month, and year, if known, or if not known, your 22 best approximation thereof. Exact dates shall be given in all answers except where it is explicitly indicated that an approximate date may be given. 23 5. "Defendant," "You," "you," "Your," or "your" refers to 24 and its agents, servants, employees, attorneys, representatives, or any other person over which 25 26 You have control or have a superior right to compel to do an act or produce an item and specifically including any entity of which You are an officer, director, member, shareholder or 27 any entity in which You have an equity interest (contingent or otherwise). 28 2 6. "Document" is intended to be as broad as it is used in Federal Rule of Civil 1 2 Procedure 34, and includes, without limitation: 3 the original (or an identical duplicate if the original is not available) and a. any non-identical copies (whether non-identical because of notes made on 4 5 copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description that 6 7 are fixed in any kind of physical media;1 8 b. any written communications, letters, correspondence, electronic mail, memoranda, notes, Post-Its, message pads, media releases or articles, 9 photographs, tape or sound recordings, contracts, agreements, telephone 10 11 records, diaries, desk calendars, appointment calendar, group scheduler calendars, statements, reports, journal, minutes, working papers, financial 12 report, accounting report, work papers, facsimile, facsimile transmission, 13 14 drafts, logs, chart, graph, index, directory, scheduling data, databases, spreadsheets, presentations, word processed documents, bulletins, design 15 16 schedules, supplemental instructions, time cards, drawings, shop drawings, 17 progress payments, progress schedules, estimates, equipment time cards, design calculations, design meeting minutes, coordination meeting 18 19 minutes, pleadings and other legal papers; telexes; telegrams; telecopies; 20 cables; facsimile reproductions or "faxes"; factual, data, or statistical 21 compilations; plans; diagrams; graphs; charts; tables; indexes; pictures; 22 recordings; text messages; tapes; sketches; art work; graphics; checks; 23 check stubs; receipts; envelopes; invoices; vouchers; ledgers; certificates 24 and certifications; brochures; pamphlets; circulars; press releases; minutes 25 of meetings, conferences, or conversations; photographs; and material 26 <sup>1</sup> Physical media includes, but is not limited to, paper media, photographic media (including pictures, films, slides and microfilm), phonographic media, magnetic media (including, but not limited to hard drives, floppy disks, compact disks, and magnetic tapes of any kind), computer memory, optical media, magneto-optical media, and other physical media on which notations or marking of any kind can be affixed. 27 28 3

> similar to any of the foregoing, however denominated and to whomever addressed, computer directory, computer disk, computer tape, or any written, printed, typed, punched, taped, filmed, or graphic matter however produced or reproduced relating or pertaining in any to the subject matter to which the discovery requests refer. Documents also include the file, folder tabs, and labels appended to or containing any documents. means and refers to all forms of written, printed, typed, handwritten, taped, electronic, recorded, graphic, digital, or photographic matter; all communications, information, and data reduced to tangible form by computer or magnetic memory or storage; all sound recordings or reproductions; and any other retrievable data, whether recorded, taped, or

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10	computer of magnetic memory of storage, an sound recordings of	
11	reproductions; and any other retrievable data, whether recorded, taped, or	
12	coded electrostatically, electromagnetically, digitally, or otherwise. It also	
13	includes all originals, drafts, and non-identical copies, wherever located	
14	(whether differentiated by interlineations, receipt stamp, notation,	
15	indication of copies sent or received, or otherwise), working papers,	
16	routing slips and similar materials prepared in connection with the	
17	documents, whether used or not.	
18	c. The above definition applies to all documents on a particular subject	
19	within Defendant's control, possession, or that of its attorneys or agents,	
20	including, but not limited to, any information possession, or that of its	
21	attorneys or agents, including, but not limited to, any information	
22	contained in any computer, computer peripheral equipment, computer	
23	library, or website, even if not yet existing in hard-copy/paper format.	
24	7. "Electronic Mail" or "e-mail" or "e-mails" means not only active e-mails in	
25	Defendant's incoming ("inbox") or outgoing ("sent") mail folders of the Defendant's e-mail	
26	server or mailbox, but also deleted e-mails, archive copies of e-mails, and, where applicable,	
27	back-up copies of e-mails, whether these e-mails are in the Defendant's immediate possession,	
28	custody, and/or control or that of the Defendant's e-mail service provider or any other agent.	
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1	8. " <u>Electronic Data</u> " or " <u>electronically stored information</u> " means all information of	
2	any kind maintained by electronic, telephonic, or computer monitoring systems, including all	
3	non-identical copies of such information. "Electronic data" or "electronically stored	
4	information" includes, but is not limited to, computer programs (whether private, commercial,	
5	complete, or works-in-progress); programming notes or instructions; input and/or output used or	
6	produced by any software program or utility (including, but not limited to, electronic mail and/or	
7	text messages and all information referencing or relating to such messages anywhere on the	
8	computer system; word-processing documents and all information stored in connection with such	
9	documents; electronic spreadsheets; databases, including all records, fields, and structural	
10	information; charts, graphs, and outlines; arrays of information; and all other information used or	
11	produced by any software); operating systems; source code of all types; programming languages;	
12	activity logs; linkers and compilers; peripheral drivers; PIF files; ASCII files; and any and all	
13	miscellaneous files and/or file fragments, regardless of the media on which they reside and	
14	regardless of whether said electronic data exists in an active file, deleted file, or file fragment.	
15	"Electronic Data" and/or "electronically stored information" also includes any and all	
16	information stored in computer memories; hard disks; floppy disks; CD-ROMs; DVDs; USB	
17	drives; flash media devices of all types and their equivalents; portable hard drives; magnetic tape	
18	of all types; microfiche; punched cards; punched tape; computer chips, including, but not limited	
19	to, EPROM, PROM, RAM, and ROM; back-up tapes; or on or in any other vehicle for digital	
20	data storage and/or transmittal. The term "electronic data" and/or "electronically stored	
21	information" also includes the file, folder, tab, container, and/or label appended to or associated	
22	with any physical storage device associated with the information described above.	
23	9. " <u>Statement</u> " means any replication of a person's words whether transcribed by the	
24	person, a third party, or the agency attorney.	
25	10. " <u>Person</u> " means the plural as well as the singular and includes without limitation	
26	any natural person, as well as any firm, corporation, unincorporated association, partnership, or	
27	other form of legal entity.	
28	11. "Plaintiff" means	
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1	12. "Relate", "relating to", "relates to", "reflects", "refers" "relates", "referring to",				
2	"in relations to", or "referred to" means made in connection to, pertaining, concerning,				
3	regarding, depicting, memorializing, containing, constituting, evidencing, demonstrating,				
4	mentioning, illustrating, describing, discussing, refuting, or contradicting in any way, directly or				
5	indirectly				
6	13. " <u>Relevant to</u> " has the same meaning that it has in Federal Rule of Civil Procedure				
7	26(b)(1).				
8	14. " <u>Chapter 11 Case</u> " means case number				
9	commenced pending before the United States Bankruptcy Court				
10	for the District of Nevada.				
11	15. "Court" refers to the United States Bankruptcy Court for the District of Nevada.				
12	16. "Initial Bankruptcy Case" means the Plaintiff's voluntary Chapter 11 bankruptcy				
13	etition in the Court on commencing case number				
14	17. "Initial Plan" means the Debtor's Plan of Reorganization Plaintiff filed on				
15	in the Chapter 11 Case.				
16	18. "Confirmation Order" means the Order Confirming Debtor's Plan of				
17	Reorganization on in the Chapter 11 Case."				
18	19. "Plan" Means Debtor's Amended Plan of Reorganization confirmed by the Court				
19	on				
20	20. "Secured Sewer Claim" means the Defendant's secured claim in the amount of				
21	\$39, 105.44.				
22	21. "CLV Unsecured Claim" means the Defendant's unsecured, non-priority claim				
23	for \$44,228.00"				
24	22. "Post-Effective Date Services" refers to sewer services Plaintiff received after				
25	Plaintiff's Initial Bankruptcy Case was Closed on				
26	23. "Person" includes a natural persona, a Defendant employee, a Defendant entity				
27	and every other form and kind of public or private entity. Reference herein to any "person"				
28	includes representatives, agents, and employees of each person.				

1	24. means the and its agents, servants,
2	employees, attorneys, representatives, or any other person over which it has control or has a
3	superior right to compel to do an act or produce an item.
4	25. "Sewer Liens" means the three liens Defendant filed and recorded against
5	Plaintiff's property for alleged delinquent sanitary sewer charges in Clark County, Nevada.
6	INSTRUCTIONS
7	1. You shall produce all Documents in the manner in which they are maintained in
8	the usual course of business and/or shall organize and label Documents to correspond with the
9	categories of this Request. A Request for Documents shall be deemed to include a Request for
10	any and all file folders within which the document was contained, transmittal sheets, cover
11	letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.
12	2. In producing Documents and other materials, you are requested to furnish all
13	Documents or things in your possession, custody, or control, regardless of whether such
14	Documents or materials are possessed by you directly or your directors, officers, agents,
15	employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by your
16	attorneys or their agents, employees, representatives, or investigators.
17	3. If any of the information contained in the answers to these Requests is not within
18	your personal knowledge, please so state. The answers to the Requests should identify every
19	person, Document, and Communication upon which you rely for the information contained in the
20	answer not based solely on your own personal knowledge.
21	4. If you cannot answer any portion of the following Requests in full, after
22	exercising due diligence to secure the information, please so state and answer to the extent
23	possible, specifying your inability to answer the remainder and stating whatever information or
24	knowledge you have concerning the unanswered portion. If any information responsive to this
25	request is not produced because it is unavailable, state with particularity the following:
26	a. Item sought;
27	b. Date requested from person or agency believed to be in possession;
28	c. Full name, address, and telephone number of each person contacted to obtain
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1	production;
2	d. Reason item is unavailable; and
3	e. Steps taken to locate and obtain the information
4	5. In the event that Documents called for by any particular request have been lost or
5	destroyed, please state: (i) the date on which the Document(s) were lost or destroyed; (ii) the
6	manner in which the Document(s) were lost or destroyed; (iii) the identity of the Document(s);
7	(iv) the information contained within such Document(s) and the nature of the Document(s); and
8	(v) and the identity of any person(s) who has knowledge of the contents of the Document(s) or
9	has received a copy of such Document(s).
10	6. If you withhold any Document pursuant to a claim of privilege, you shall
11	expressly make the claim of privilege and produce a privilege log in compliance with Fed. R.
12	Civ. P. 26(b)(5), incorporated by Fed. R. Bankr. P. 7026.
13	7. Documents attached to each other should not be separated.
14	8. Documents not otherwise responsive to this discovery Request shall be produced
15	if such Documents mention, discuss, refer to, or explain the Documents that are called for in the
16	discovery request.
17	9. The fact that a Document has been produced by another party in the Chapter 11
18	Case does not relieve you of your obligation to produce your copy of the same Document, even
19	if the two Documents are identical.
20	10. The terms "each" and "all" shall be construed as "all and each."
21	11. The connectives "and" and "or" shall be construed either disjunctively or

conjunctively as necessary to bring within the scope of the discovery Request all responses that

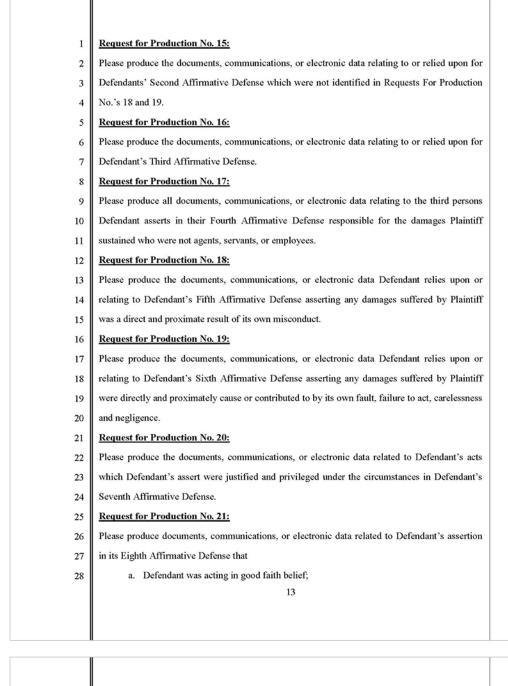
12. The use of the singular form of any word includes the plural and vice versa.

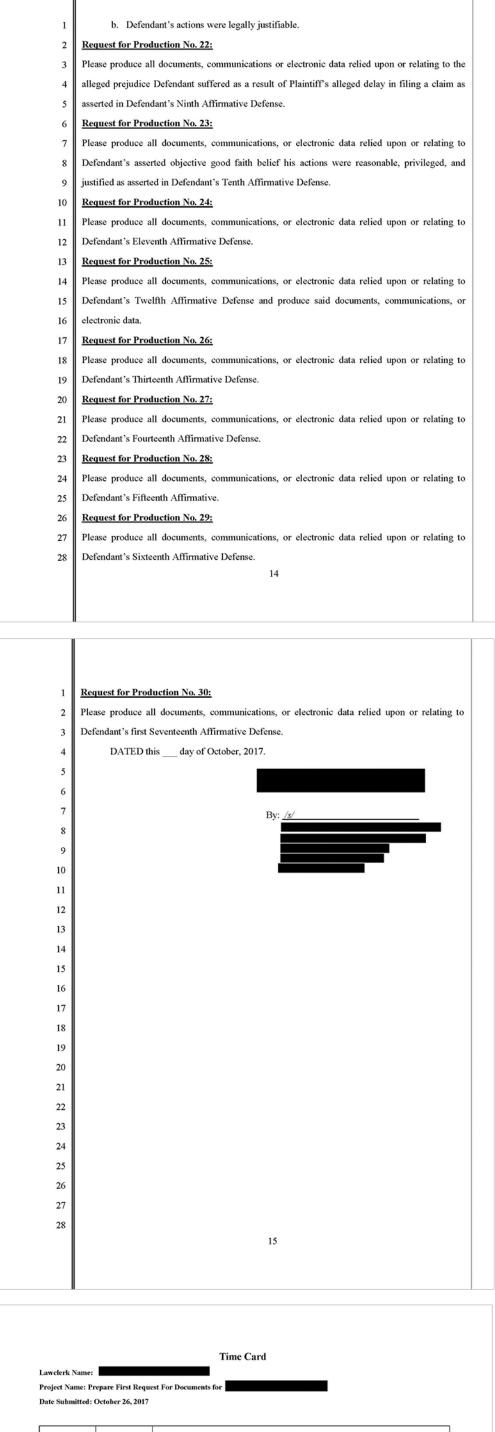
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might otherwise be outside of the scope.

25 26 27 28	<ul> <li>13. The use of the feminine form of any word includes the masculine and vice versa.</li> <li></li> <li></li> <li>8</li> </ul>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 22 23 24 25 26 27 28	<ul> <li><b>EXECUTEST FOR PRODUCTION OF DOCUMENTS</b></li> <li><b>Equest for Production No. 1:</b></li> <li>Please produce all documents, communications, and electronic data relating to the Chapter 11 case, including, but not limited to those relating to <ul> <li>a. the Secured Sever Claim</li> <li>b. the CLV Unsecured Claim, including, but not limited to:</li> <li>i. Defendant's election not to receive the Single Distribution Payment Provided in Section 4.4 of the Initial Plan;</li> <li>ii. Defendant's receipt, accounting, and processing of its pro rata of share of \$10,000 pursuant to Section 4.4, of the Initial Plan on or about April 16, 2012;</li> <li>iii. Defendant's receipt and processing of its pro rata share of \$10,000 pursuant to Section 4.4, of the Initial Plan on or about April 16, 2012;</li> <li>iii. Defendant's receipt, accounting, and processing of its pro rata share of \$10,000 pursuant to Section 4.4, of the Initial Plan on or about July 16, 2012;</li> <li>iv. Defendants subsequent receipt, accounting, and processing of its pro rata share of \$10,000 beginning on or about July 16, 2012, and on or about the 14th business day after the end of each subsequent calendar quarter.</li> <li>v. Defendants receipt, billing, collection, managing, collection, processing or otherwise handling of the CLV unsecured claim.</li> <li>e. the Initial Plan and its terms;</li> <li>h. the Plan and its terms;</li> <li>To the extent not already produced in response to the foregoing request, please produce all documents, communications, and electronic data related to Post-Effective Date Services provided to Plaintiff after December 19, 2012 including Defendant's</li> <li>a. billing, receipt of payments, accounting, processing, managing, delinquency, oversight, collection, or otherwise handling of any and all payments;</li> <li>b. notifications, collection activity, and communications with or about Plaintiff or Plaintiff's accounts;</li> </ul> </li> </ul>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 22 23 24 25 26 27 28	<ul> <li>e. Delinquency of Plaintiff's account;</li> <li>d. Defendant's assessment of interest and penalties against Plaintiff;</li> <li>e. the sending of Plaintiff's alleged delinquency to Clark County;</li> <li>f. the recordation and enforcement of the Sewer Liens; or</li> </ul> <b>Dequest for Production No. 3:</b> To the extent not already produced in response to the foregoing request, please produce all documents, communications, or electronic data relating to the and Plaintiff's accounts, property, services, payments, the Bankruptey Case, the CLV Unsecured Claim; or the Sewer Liens. <b>Dequest for Production No. 4:</b> To the extent not already produced in response to the foregoing request, please produce all documents, communications, or electronic data related to recording and enforcement of the Sewer Liens against Plaintiff, including but not limited to: <ul> <li>a. Plaintiff's communications regarding Defendant's application, or lack thereof, of Plaintiff's payments towards the CLV Unsecured Claim, Post-Effective Date Services, or the release of the Sewer Liens. b. Defendant's failure or refusal to correct the application of payments intended for Post-Effective Date Services to the CLV Unsecured Claim; c. Defendant's failure or refusal to release the Sewer Liens. <b>Defendant's</b> failure or refusal to release the Sewer Liens. <b>Defendant's</b> failure or refusal to release the Sewer Liens. <b>Defendant's</b> failure or electronic data related to</li></ul>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<ul> <li>Dequest for Production No. 7:</li> <li>To the extent not already produced in response to the foregoing, please produce all documents, communications, or electronic data related to Defendant's January 6, 2016 proof of claim number 1 in the Chapter 11 Case asserting an unsecured claim for \$10,066.74 for "sewer services."</li> <li>Dequest for Production No. 8:</li> <li>To the extent not already produced in response to the foregoing, please produce all documents, communications, or electronic data related to proof of claim 14 filed by Defendant in the Chapter 11 Case on April 21, 2016 asserting a secured claim against Plaintiff in the amount of \$141,514.20 ("the Claim"), which include \$47,541.31 for alleged delinquent sewer payments and additional penalties and interest thereof, and any subsequent revision of said claim.</li> <li>Dequest for Production No. 9:</li> <li>To the extent not already produced in response to the foregoing, please produce all documents, communications, or electronic data related to Plaintiff's payment of or attempted payment of 2016 third quarter real property taxes.</li> <li>Dequest for Production No. 19:</li> <li>To the extent not already produced in response to the foregoing, please produce all documents, communications, or electronic data related to Plaintiff's payment of or attempted payment of 2016 third quarter real property taxes.</li> <li>Dequest for Production No. 19:</li> <li>To the extent not already produced in response to the foregoing, please produce all documents, communications, or electronic data related to pursuant to the Court's oral order to advise in in writing there were no delinquent taxes or liens.</li> <li>Dequest for Production No. 11</li> <li>To the extent not already produced in response to the foregoing, please produce the regulations, policies, directives, or procedures Defendant has promulgated, follows, or has implemented related to: <ul> <li>a. The Chapter 11 Case;</li> <li>b. The identification, management, or collection of delinquent accounts;<th></th></li></ul></li></ul>	
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<ul> <li>d. The filing or releasing of liens with</li></ul>	





Date Services Rendered	Amount of Time (in 1/10 of an hour)	Description of Services Rendered
Oct. 24, 2017	.5	Review answer and complaint.
Oct. 25, 2017	4.75	Initial Draft of RFD
Oct. 26, 2017	1.0	Revise and proof RFD

## Marketplace

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