

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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PATTY PLAINTIFF,

Index No. 12345/2022

Plaintiff,

-against-

DANIEL DEFENDANT,

**DEMAND FOR
DISCOVERY AND
INSPECTION**

Defendant.
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To: Daniel Defendant

PLEASE TAKE NOTICE, that pursuant to CPLR 3120, you are hereby required to produce and permit discovery by the plaintiff's attorney, or someone acting on counsel's behalf, of the following documents and things for inspection at the offices of Kerrin & Charles, PC, 123 Fitchburg Avenue, Anywhere, New York 11716, on or before 30 days from the date of this demand.

Definitions and Instructions

- A. The word "document" and all other forms of the word "document" such as "documentary evidence" shall include the original and any non-identical copy (whether different from the original because of hand written notes or underlining on a copy or otherwise) of papers, letters, telegrams, notices, notation, memorandum of conversations or meetings, minutes of meetings, interoffice communications, notebooks, agreements, drafts of agreements, contracts, reports, tables, charts, schedules, memoranda, advertisements, press releases, pictures, photographs, films, accounting books and records, checks, vouchers, statements of accounts, electrical or magnetic recordings, data processing cards, tapes, discs, or other data processing

records and drafts, revisions of or amendments to any of the above, and any other writings, recordings or pictures of any kind or description.

- B. The term "document" shall also include electronically stored data from which information can be obtained either directly or by translation through detection devices or readers, and shall include but shall not be limited to, native files, logical data, electronic mail messages, text messages, social media postings, instant messages, electronic messages sent or received from any electronic messaging service, and instructions and other materials necessary to use or interpret each such document.
- C. The term "document" includes all drafts of a document and all copies that differ in any respect from the original, including any notation, underlining, marking, or information not on the original.
- D. The term "writing" or "writings" means any written, printed, typed or other graphic material of any kind or nature, and all mechanical, electronic or sound recordings in your possession, any copy containing thereon or attached thereto any alterations notes, comments or other material not included in the original or copies referred to in the preceding sentence shall be deemed a separate writing within the foregoing definition.
- E. The words "relating," "regarding," and "relevant" are defined to include the common meaning of those terms, and shall also include indirect, as well as direct, references to the subject matter set forth in the document requested.
- F. The words "and" and "or" are defined to each include both the conjunctive and the disjunctive so as to bring within the scope of this document request all information or documents that might otherwise be considered to be beyond its scope.

- G. In all requests, the singular form shall include the plural, and the plural form shall include the singular.
- H. The word "all" shall be construed as "any and all," and the word "each" shall be construed as "all and each," so as to bring within the scope of this document request any information or documents which might otherwise be considered beyond its scope.
- I. Words that are not defined herein shall have the meanings given to them in common usage within the context in which they are used.
- J. The documents should be produced either in the manner in which they are kept in the ordinary course of the business or separated according to the request to which the documents respond.
- K. If any document requested was, but is no longer in your possession or subject to your control, state what disposition was made of it and when that disposition was made.
- L. As to any document that the witness refuses to produce based upon a claim of privilege, describe the document by date, author, addressee, custodian, and subject matter such as to permit a motion to compel disclosure pursuant to Civil Practice Law and Rules.
- M. This request covers the period beginning three (3) years prior to the commencement of this action to the date of response. This request is a continuing one and if any documents come into your possession after the date documents are produced, you will within ten (10) days produce them for the witness's attorney, pursuant to this request.

Documents to be Produced

- 1. All documents, records, papers and memoranda concerning all checking accounts in the name of the witness individually, in conjunction with any other person or persons, or as a

signatory, including checkbooks, checkbook stubs, monthly bank statements, cancelled checks and deposit slips, whether said accounts are current or may have been cancelled.

2. All savings bankbooks, records, accounts and memoranda, current as well as those that may have been cancelled or closed, whether in your name, individually, in conjunction with any other person or persons, or as a signatory.
3. All stock certificates, bonds or other securities in your name individually or in conjunction with any other person or persons, or which may be held to the account of the witness individually or in conjunction with any other person or persons in any corporation, domestic and foreign, or issued by the federal government or by any state, municipality or other governmental agency.
4. All documents, books, records, accounts, monthly statements, statements of transactions, and all other papers and memoranda of stock brokerage accounts in your name individually, in conjunction with any other person or persons, or as a signatory.
5. Copies of all of the witness's federal, state and local income tax returns together with the schedules and worksheets thereof and all other papers, documents and memoranda referring to any adjustment made in connection therewith, including but not limited to W-2, 1099 and K-1 statements.
6. Any and all deeds or conveyances of real property in your name, individually or in conjunction with any other person or persons, or of which the witness is the legal, beneficial or equitable owner or has any interest therein, together with records pertaining to the above that represent transactions, dealings or conveyances of any corporation, partnership or business in which the witness has or had an interest.

7. Any and all records, documents, papers, and memoranda pertaining to monies received and presently being received by the witness from all sources, including, but not limited to, salaries, wages, interest, drawings, dividends, bonuses, sick pay, pensions or retirement funds, or reimbursed expenses, gifts, legacies, loans or advances, trust income and distributions.
8. Any and all policies of insurance, current or cancelled, covering the you or owned by you, including, but not limited to, life, endowment, annuity, theft, floater, liability, health and accident and automobile, and all records showing payments for premiums therefor.
9. All agreements of employment and all records of pension and profit-sharing plans and employee welfare plans and records of any monies, in any business in which you are a principal, owed to or being held for you.
10. Copies of all balance sheets and operating statements of any corporation in which you, during the years referred to, were or are an owner or holder of outstanding stock.
11. Copies of all balance sheets and operating statements and/or statements of net worth of any partnership, joint venture or any legal entity of which you have or had a legal or equitable interest individually or otherwise.
12. With respect to each such corporation, partnership, joint venture or legal entity:
 - (a) All agreements to which you are a party;
 - (b) All loan, personal expense, disbursement, and receipt accounts with respect to you; and
 - (c) Copies of any inventories made for or on behalf of any business in which you have an interest.

13. All records of membership in and contributions to any charity or any other organization or association, including private and professional clubs or associations
14. Copies of all federal, state and local income tax returns or equivalent statement or forms required to be filed by any foreign government, for any corporation, partnership, joint venture or any legal entity in which you hold or held an ownership interest (other than common stock interest of a minor nature in a public widely-held corporation).
15. Copies of expense vouchers or expenses charged as business expenses that were either reimbursed or paid for by any business that you allegedly performed services for in the above years.
16. Copies of all trust agreements and wills in which you have any beneficial interest or of which you are a trustee and all records of trust distributions to date.
17. All credit cards in your name, individually or as an employee, and statements of credit card companies showing charges and payments.
18. Any and all policies or plans of medical, dental and hospitalization insurance covering the witness and all records of expenses and claims in connection therewith.
19. All papers, records, correspondence and documents concerning or relating to any transfer of assets by you.
20. All papers, records correspondence and documents concerning or relating to any estate proceedings in which you may have been a beneficiary, legatee, distributee, executor, trustee or named in any other capacity.

21. All papers, records and documents of all safe deposit boxes maintained by you in your own name or jointly with others or to which you are a signatory, including records reflecting the name of the depository, number of the box, and inventory of each box.
22. All papers, documents and registrations pertaining to any automobile that you currently use, own, possess.
23. All documents used to procure credit, purchase merchandise on credit or otherwise to make loans, by or on behalf of any partnership, syndicate, corporation, or business in which you have an interest and/or which you signed.
24. Any and all documents evidencing or reflecting payments made by you of routine monthly bills with respect to the marital residence and/or any other real property or cooperative apartment including, but not limited to, electric, gas, telephone, landscaping, car repairs, maintenance and tax bills.
25. All documents relating to your membership in and contributions to any charity or any other organizations or associations including private and professional clubs or associations.
26. Any and all documents of any jewelry, antiques or art objects bought or owned by you individually or in conjunction with any other person or persons.
27. Any and all documents of net worth or financial statements submitted by you to any bank, individual, or other entity in connection with any application for a loan, personal, business or otherwise or for any other reason.
28. Any and all documents that relate to any secured or unsecured or personal loans made by you, whether to a member of your family or to any other individual entity. Such records

should include records reflecting any loan which may have been guaranteed by you and should include copies of any guarantor agreements.

29. All documents pertaining to the transfer by sale or gained otherwise of any personal property in excess of \$100 made by you or obtained by you.
30. All patents and copyrights in your name or in the name of any partnership or corporation in which you have an interest.
31. Copies of any and all assumed name certificates and partnership certificates and limited partnership certificates for any sole proprietorship, partnership, limited partnership, firm, corporation or other entity in which you are the legal owner or have an equitable interest of any kind.
32. Copies of any and all contracts and promissory notes for any entity in which you have a legal or equitable interest as obligor and any and all contracts and promissory notes for which you are obligated on behalf of yourself or others whether primary or secondarily liable.
33. Any and all records, documents, receipts, contracts and the like which reflect in any way any and all transfers or gifts of personal property by you which cost in excess of \$100.
34. Any and all contracts, receipts, records or other documents reflecting in any way vacations, trips, resort vacations and any other similar items.
35. Any and all documents of appraisals, receipts, contracts and the like reflecting in any way your acquisitions of any precious metals, metals, stamps, coins, or other collectibles having a value in excess of \$50.

36. Copies of any and all judgments, pleadings, satisfactions of judgments, summons, and the like reflecting in any way to any lawsuits in which you are or have been.
37. Any and all accountant's work papers, supporting preparation of the financial statements and tax returns requested herein.

PLEASE TAKE NOTICE that the undersigned will object to the introduction of any of the aforementioned documents in evidence at trial, if you fail to comply with this Demand for Discovery and Inspection.

PLEASE TAKE FURTHER NOTICE that if no such documents are in your possession, custody, or control, then so state under oath in reply to this demand. The undersigned will object at the trial of this action to the admissibility of any documents not so identified.

PLEASE TAKE FURTHER NOTICE that the foregoing are continuing demands and supplemental responses up to the time of trial are required.

Dated: Anywhere, New York
September 4, 2023

/s/ Sydney Kerin, Esq.
Kerin & Charles, PC
Attorneys for Plaintiff
123 Fitchburg Avenue
Anywhere, New York 11716
631-555-1212
s.kerrin@kc.com

To:

Oliver Opposing, Esq.
Opposing & Obstructing
Attorney for Defendant
788 Difficult Way
Obstreperous, New York 11558