

F.4.4 Sample Request to Lender for Production of Documents

[caption]

[court]IN THE CIRCUIT COURT  
FOR BALTIMORE CITY, MARYLAND  
Civil Division

[plaintiff]JEAN CONSUMER,

Plaintiff,

[vs.]

[defendant]MITSUBISHI MOTOR SALES OF AMERICA, INC., et al.,  
Defendants.

[action]Case No. 95356046

[end caption]

PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION  
OF DOCUMENTS BY MITSUBISHI MOTOR CREDIT OF AMERICA, INC.

Plaintiff Jean Consumer, by counsel, pursuant to Maryland Rule 2-422 requests that the defendant produce and permit the plaintiff and her counsel to inspect and copy the documents described below at the offices of Plaintiff's Attorney at [Address] on May 3, 1998, at 10:45 a.m., or at such other time and place as may be agreed.

INSTRUCTIONS

1. Please take notice that Rule 2-422 requires that you respond in writing within a period of forty-five days from the date of service of the requests set forth below and state with respect to each item or category that you will permit the inspection and related activities as requested unless you object, in which event, you must state the reasons for your objection. If you object to part of a request, you must specify that part.

2. These requests encompass all documents and tangible things as defined below which are in your possession, custody or control, including the possession, custody or control of any person acting currently or at a prior time as your employee, agent or representative.

3. These requests encompass the time period from January 1, 1988 to the date of your responses except where otherwise noted. Related documents prepared or received at an earlier time are also included.

4. Should you claim that any document within the scope of these requests is privileged from discovery, please describe the document and specify the privilege upon which your response is based.

5. The use in a request of a specific term or item by way of example or inclusion is not intended to limit the generality of the request or of the definition applicable to it.

6. Documents included within more than one of the requests need be produced only in response to the initial request.

7. You should produce documents as they are kept in the usual course of business or organize and label them to correspond with the categories in this request.

#### DEFINITIONS

As used in this request, the term "document" means, without limitation, the following items, whether printed, recorded, or reproduced by any other mechanical process or written or produced by hand: agreements, communications, correspondence, telegrams, memoranda, summaries of records of telephone conversations, summaries or records of personal conversations or interviews, tape recordings, diaries, graphs, reports, notebooks, notecharts, plans, drawings, sketches, file cards, indexes, logs, summaries or records of meetings or conferences, summaries or reports of investigations and negotiations, opinions or reports of consultants, photographs, brochures, pamphlets, circulars, press releases, drafts, letters, including any marginal comments appearing on any of the documents, checks (cancelled or otherwise), minutes, and any and all other writings. The term "document" also includes all entries made into a computer (please produce a hard copy or disk containing all entries).

#### SPECIFIC

- A. "Plaintiff" means Jean Consumer.
- B. "The car" means a 1989 Mitsubishi Precis, VIN: 0000, identified in the Complaint, and all of its component parts.
- C. "You" or "Mitsubishi Credit" means Mitsubishi Motor Credit of America, Inc., including its employees, agents or representatives.
- D. "Mitsubishi" means Mitsubishi Motor Sales of America, Inc. (including its employees, agents or representatives).
- E. "Paradise Motors" means Paradise Motors of Catonsville, Inc., including its employees, agents or representatives.
- F. "Sgt. First-Purchaser" means Sgt. James First-Purchaser, the original retail purchaser of the car.

DOCUMENTS REQUESTED

1. All documents which refer to repairs made to the car or to repairs recommended for the car at any time, including but not limited to the period when the car was owned by Sgt. James First-Purchaser. Included within this request are:
- a. all repair orders, including dealer, customer and shop copies, from any dealer or other party undertaking repairs to the car;
  - b. each warranty printout and all other warranty records for the car;
  - c. documents containing an explanation of all abbreviations or codes needed to understand each entry on the warranty printout and other warranty records;
  - d. all applications or requests for warranty coverage or reimbursement;
  - e. all responses to applications or requests for warranty coverage or reimbursement;
  - f. all audits performed in connection with warranty coverage on the car;
  - g. all payments made to any Mitsubishi dealer or others for repairs to the car; and

h. all other documents which refer to any inspection, testing or repairs involving the car, whether before or after the car was returned to Mitsubishi by Sgt. First-Purchaser in settlement of his legal claims.

2. All photographs or videotapes of the car.

3. All correspondence which you received from Sgt. James First-Purchaser or any of his representatives, including but not limited to attorney Stephen Swann.

4. All correspondence which you or your representatives, including your attorneys, forwarded to Sgt. First-Purchaser, to Stephen Swann or any other representative of Sgt. First-Purchaser.

5. All receipts or other documents which refer to Sgt. First-Purchaser's return of the car.

6. All documents which reflect or refer to where Sgt. First-Purchaser returned the car, the identity of the person to whom the car was returned, the date it was returned, how the car was transported after it was returned by Sgt. First-Purchaser from the date of return until it was sold at the Baltimore-Washington Auto Exchange, and where the car was stored or located from the time it was returned by Sgt. First-Purchaser until it was sold at the Baltimore-Washington Auto Exchange.

7. All other documents which reflect the identity of any person who performed repairs to the car after it was returned by Sgt. First-Purchaser, and all documents which refer to repairs or other work to the car following its return.

8. All notices, correspondence or other documents which you sent to the Virginia Department of Motor Vehicles, the Maryland Motor Vehicle Administration or any governmental agency concerning return of the car under or in connection with a state lemon law.

9. Each notice required by §14-1502(g) of Maryland's Commercial Law article for the car.

10. All other notices, correspondence or other documents which you provided to Paradise Motors, the Baltimore-Washington Auto Exchange, Anglo-American Auto Auction Company or any other party which refer to return of the car under a state lemon law or any other document which refers to defects in the car or its condition.

11. All other documents which you contend relate or refer to whether Mitsubishi or Mitsubishi Credit were obligated to provide Paradise Motors, the Baltimore-Washington Auto Exchange or others with the notice described

in §14-1502(g) of Maryland's Commercial Law article, in connection with sale of the car in question.

12. Each condition report or other document which refers to the condition of the car at any time.

13. Each Bill of Sale or other contract for purchase for the car, each odometer statement for the car and each check or other document which constitutes or refers to payment for the car. This request extends to each time the car changed hands, including (i) initial purchase of the car by the dealer receiving the Manufacturer's Statement or Certificate of Origin, (ii) Sgt. First-Purchaser's purchase, (iii) Mitsubishi's or Mitsubishi Credit's purchase, and (iv) Paradise Motors' purchase.

14. All documents you received from Mitsubishi in connection with the car. This request includes, without limitation, (i) correspondence or memoranda which refer to transfer of the car from Mitsubishi to Mitsubishi Credit, (ii) all instructions or requests for disposition of the car or any other matters regarding the car, (iii) all documents referring to disposition or application of the proceeds of sale, (iv) all documents which refer to notice or disclosures which should be made to prospective or actual purchasers regarding return of a vehicle under a state lemon law or the vehicle's defects or condition, (v) commissions or other sums paid or payable in connection with the sale, and (vi) its title.

15. All documents you provided to Mitsubishi in connection with the car. This request includes, without limitation, (i) correspondence or memoranda (ii) all documents which refer to disposition or sale of the vehicle and/or its condition, (iii) all documents referring to disposition or application of the proceeds of sale, (iv) all documents which refer to notice or disclosures which were or should be made to prospective or actual purchasers regarding return of the vehicle under a state lemon law or the vehicle's defects or condition, (v) commissions or other sums paid or payable in connection with the sale, and (vi) its title.

16. All documents you provided to the Baltimore-Washington Auto Exchange or Anglo American Auto Auction Company in connection with the car.

17. All documents you received from Baltimore-Washington Auto Exchange or Anglo American Auto Auction Company in connection with the car.

18. All documents signed by Paradise Motors in connection with its purchase of the car.

19. All other documents which you or Mitsubishi provided to or received from Paradise Motors in connection with the car.

20. All handwritten notes, computer entries, memoranda, correspondence or other documents prepared by any of your field personnel, by any dealer personnel or any other person which refer to the car, its defects, problems, or condition, its return to Mitsubishi under a state lemon law and/or its sale at auction.

21. All rules, regulations, procedures or guidelines of the Baltimore-Washington Auto Exchange which refer to how vehicles may be sold at the auction, including without limitation, documents which refer to putting cars through on a "green light," "yellow light" or "red light," or which refer to disclosures that should be made where a vehicle has been returned in connection with a state lemon law.

22. All rules, regulations, procedures or guidelines of Anglo-American Auto Auction Company which refer to how vehicles may be sold at the auction, including without limitation, documents which refer to putting cars through on a "green light," "yellow light" or "red light," or which refer to disclosures that should be made where a vehicle has been returned in connection with a state lemon law.

23. All checks or other documentation of payments made and/or received in connection with sale of the car at any time, including any purchase from Mitsubishi and the sale at the Baltimore-Washington Auto Exchange to Paradise Motors.

24. All claims submitted to any insurance company concerning the car, and all correspondence with any insurance company regarding the car.

25. Each document which refers to any policy, procedures, instructions or guidelines for documenting, handling, transferring or disposing of vehicles returned to Mitsubishi or Mitsubishi Credit under or in connection with a state lemon law. Included within this request are any memoranda or other documents prepared by or for national, regional or zone personnel.

26. All standard forms utilized to provide the notice required by §14-1502(g) of Maryland's Commercial Law article.

27. For each vehicle returned to you in connection with a state lemon law, and sold to a dealer in Maryland during the period from January 1, 1994 to the present, a

copy of the notice to the buyer provided in accordance with §14-1502(g).

28. All documents provided to or received from each person expected to testify as an expert witness in this case.

29. All documents which you contend support each of your Affirmative Defenses or other defenses to the Complaint.

30. All documents you intend to use as an exhibit at trial.

LAW OFFICE

By: \_\_\_\_\_

By: \_\_\_\_\_

Attorneys for Plaintiff