

13.2.4 Interrogatories

THE NINTH JUDICIAL CIRCUIT
IN AND ORANGE COUNTY, FLORIDA

PRA III, L.L.C.,
Plaintiff,

CASE NO.: [No.]

v.

[DEFENDANT 1] &
[DEFENDANT 2]
Defendant(s).

[DEFENDANT 1], and
[DEFENDANT 2],
Counter-Plaintiff/Defendant

CASE NO.: [No.]

v.

PRA, III, L.L.C. and
DOES (1-3)
Plaintiff/Counter-Defendant(s).

PLAINTIFF [DEFENDANT 2]'S NOTICE OF SERVICE
OF FIRST SET OF INTERROGATORIES
(To Defendant PRA III, L.L.C.)

COMES NOW, the Counter-Plaintiff, [DEFENDANT 2], by and through her undersigned attorneys, pursuant to Florida Rules of Civil Procedure 1.340 (e), and gives notice that an original and a copy of interrogatories, was propounded to Defendant, PRA III, L.L.C.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via
United

States Mail to:

Law Office of Elizabeth Fite, P.A.
Attn: Ms. Elizabeth Fite, Esquire
15316 North Florida Avenue; Suite 100
Tampa, FL 33613-1257

on this 4th day of August, 2005.

Donald E. Petersen
Florida Bar No.: [No.]
P.O. Box 1948
Orlando, Florida 32802
(407) 648-9050
Attorney for Danny & [Defendant 2]

THE NINTH JUDICIAL CIRCUIT
IN AND ORANGE COUNTY, FLORIDA

PRA III, L.L.C.,
Plaintiff,

CASE NO.: [No.]

v.

[DEFENDANT 1] &
[DEFENDANT 2]
Defendant(s).

[DEFENDANT 1], and
[DEFENDANT 2],
Counter-Plaintiff/Defendants

CASE NO.: [No.]

v.

PRA, III, L.L.C. and
DOES (1-3)
Plaintiff/Counter-Defendant(s).

**COUNTER-PLAINTIFF, [DEFENDANT 2]'S, FIRST SET OF INTERROGATORIES
TO COUNTER-DEFENDANT PRA III, L.L.C.**

To: Law Office of Elizabeth Fite, P.A.
Attn: Ms. Elizabeth Fite, Esquire
15316 North Florida Avenue; Suite 100
Tampa, FL 33613-1257

Pursuant to the Florida Rules of Civil Procedure, you are required to answer the following Interrogatories in writing under oath within thirty (30) days of the date of service hereof. Please insert your answer in the space provided following the question. If additional space is needed, prepare your answer on a separate paper and attach.

INSTRUCTIONS

A. Each interrogatory shall be construed to include information within the knowledge, possession or control of the defendant, its attorneys, investigators, agents, owners, officers, employees, or other representatives of the defendant and/or its attorneys, as of the date of the answer given to these interrogatories and any supplemental information, knowledge, data, documents or communication responsive to these interrogatories which is subsequently generated, obtained or discovered.

B. If the response to any interrogatory consists in whole or in part of an objection relating to or including burdensomeness, then with respect to such responses:

1. Provide such information as can be ascertained without undue burden;
2. State with particularity the basis for each such objection, including:
 - (a) a description of the process or method required to obtain any facts responsive to the interrogatory; and
 - (b) the estimated costs and time required to obtain any fact responsive to the interrogatory.
3. Describe the nature and extent of the documents or other source(s), if any, from which any fact responsive to the interrogatory can be obtained;
4. State whether the documents or other sources will be available for inspection or copying.

C. If you claim privilege as a ground for not fully answering any interrogatory, describe the factual basis for said claim or privilege in sufficient detail so as to permit the court to adjudicate the validity of the claim. If the claim of privilege relates to identification of a document, also state the date the document was prepared, the author, the addressees, all recipients and the general subject matter.

D. If the response to any interrogatory consists, in whole or in part, of an

objection(s), state with specificity the full objection(s) and the particularized basis for each said objection.

DEFINITIONS

As used in these interrogatories, the following terms include the meaning set forth below:

A. The terms “you” “your” or “PRA” means PRA III, L.L.C. (hereinafter, sometimes referred to as “PRA”) your directors, officers, employees, agents, attorneys, consultants, representatives, agents, assigns, affiliates, subsidiaries, partners, general partners, joint ventures, successors in interest or predecessors in interest. The definition of “you”, “your” OR “Defendant” shall your predecessor in interest MBNA America Bank (commonly referred to as MBNA) and its officers, employees, agents, attorneys, consultants, representatives, agents, assigns, affiliates, subsidiaries, partners, general partners, joint ventures, successors in interest or predecessors in interest

B. The words “Document” and "Documents" is used in these interrogatories in the broad and liberal sense and any written, typed, printed, recorded, or graphic matter, however produced or reproduced, of any kind and description, whether sent, received, or neither, and all copies which differ in anyway from the original (whether by interlineation, stamped received, notation, indication of copy sent or received or otherwise) regardless of whether designation confidential, privileged or otherwise and whether an original, master, duplicate or copy, including, but not limited to, materials within the purview of Florida Rules Civil Procedure 1.350, including, but not limited to, papers, notes, correspondence, letters, envelopes, signs, plaques, objects, contracts, telephone message slips, telephone logs, telephone bills, transcriptions or sound recordings of any type of personal or telephone conversations,

agreements, memoranda, telegrams, telexes, cables, messages, evaluations, manuals, notes, reports, forms, communications, legal opinion, appointment logs, calenders, diaries, receipts, credit card slips, checks, drafts, wire transfers, transmittal authorizations, bank statements, ledgers, journals, accounts statements, or summaries, orders, logs, purchase orders, bills of lading, letters of credit, invoices, travel vouchers, other vouchers, itineraries, promotional materials, advertising, lists, notebooks, computer printouts, electronically or magnetically recorded or stored data, microfilm, microfiche, photographs, recordings, including tape recordings, transcripts, minutes, records, reports, schedules, affidavits, opinions, statements, studies, summaries, notices, pamphlets, procedures, rules guidelines, interviews, negotiations, meetings or conferences books, articles, newspapers, charts, magazines, periodicals, and all other documentary material including nonidentical copies (whether different from the original because of any alterations, additions, deletions attachments, notes, comments, or other differences), and drafts or other preparatory materials, whether used or not, and every non-identical copy now or formerly in your possession, custody or control. Different versions of the same documents, such as different copies of a written record bearing different hand written notations, are different documents within the meaning of the term "Documents." The term "Documents" includes all documents responsive to interrogatories, regardless of whether or not the document still exists and regardless of who has maintained custody of the document.

C. The term "Identify" has the following meaning:

1. When used in reference to a natural person, it means to state his full name, his last known residence, business address and business telephone number.
2. "Identify" when referring to corporate or other entities shall mean to set forth: (a) the name; (b) present or last known address; (c) its principal place of business; and (d) the form or manner of its organization. Once a corporation or other entity has thus been identified, it shall be sufficient thereafter when

identifying that corporation or other entity to state its full name.

3. When used in referenced to a communication, it means:
 - (a) If such communication was oral, to identify the person speaking and the person spoken to, and to state the date and place of the communication and its substance;
 - (b) If such communication was contained in a document, to identify the document.
4. When used in reference to a document, it means to state the type of document (e.g., letter, telegram, magnetic tape, chart, etc.), describing it sufficiently (date, author, recipient(s) for purposes of a request to produce or subpoena duces tecum. In lieu of identification of a document, the document may be made available for inspection and copying. If such document was, but is no longer in your possession, or subject to your control, please state what disposition was made of it.
5. When used in referenced to a course of conduct it means to furnish the names, addresses, and job titles of all persons who participated.

D. The term “communication” means a transmittal of information, or request for information, by document or otherwise and includes any conversation in person, by telephone or by any other means, as well as any utterance heard by another person whether in person, by telephone otherwise.

E. The term “entity” means an individual, corporation, partnership, proprietorship, professional corporation, association, group, governmental agency or agent, municipal corporation, state government, local government, political subdivision, or any other legal entity of any kind, whether for profit or not for profit.

F. The words “and’ and “or” shall mean “and/or”.

G. The term “relate to” means concerning, embodying, considering, mentioning, respecting, bearing on, referring to or addressed in whole or in part to that subject.

H. The term “interest” shall mean any form of monetary investment in or control over

an entity.

I. The term “affiliated” shall mean any form of business relationship, including, but not limited to, employee, director, officer, owner, agent, consultant, or contractor.

J. Words in the singular should be construed as including the plural, and plural words should be construed as including the singular.

K. The phrase “possession or control” means to have physical possession, legal or effective control, or majority or joint ownership. This includes assets that are being held by another party on behalf of an individual or entity.

L. "Company" means directors, officers, employees, agents, attorneys, consultants, or other persons compensated directly or indirectly by the company for services performed for PRA III, L.L.C. and further includes any subsidiaries, affiliates, partners, general partners, joint ventures or subsidiaries.

M. "Employee" means any person who performed services for PRA III, L.L.C. or its affiliates or agents regardless of classification and non-exclusively includes all persons referred to as "employee," "subcontractor," "independent contractor," "representative" or "agent."

N. The term “personnel file” includes all documents and records, whether routine or non-routine, official or unofficial, whether or not placed in one central location or central file, which pertain to the terms and conditions of the employment or the terms and conditions of the termination of the employment of the person or persons referred to the request.

O. The term “person” means individuals or entities of any type, including, but not limited to, natural persons, governments (or any agencies thereof), quasi-public entities,

corporations, partnerships, groups, mutual or joint ventures and other forms of organizations or associations.

P. "Date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof (including by relationship or other events).

Q. As used herein, the words or phrases, "explaining," "describing," "defining," "concerning," "reflecting" or "relating to" when used separately or in conjunction with one another mean directly or indirectly mentioning, pertaining to involving, being connected with or embodying in any way or to any degree the stated subject matter.

R. The term "Complaint" refers to the complaint filed in this action by plaintiff.

S. Any document called for herein which defendant claims to be privileged against discovery on any grounds shall be identified by giving:

- (1) the general type of document, i.e., letter, memorandum, report, miscellaneous notes, etc.
- (2) the date;
- (3) each author;
- (4) each organization, if any, with which each author was when connected;
- (5) each addressee or recipient;
- (6) each other distribute thereof;
- (7) each organization, if any, with which each addressee, recipient or distribute was then connected;

- (8) a general summary of the subject matter;
- (9) the grounds for refusal to respond to interrogatory;

T. Every response called for herein of which plaintiff has knowledge or information, but which is not in plaintiff's possession, custody or control, or the possession, custody or control of counsel for the plaintiff, shall be identified in the manner set forth in the preceding paragraph.

U. The terms "and" and "or" as used in these interrogatories are not intended as words of limitation and shall **not** be interpreted to create an election whereby the reader may choose one or more alternatives, but shall be interpreted to add and continue the subjects expressed and encompasses all matters therein. Thus, any sentence or phrase herein formed in the disjunctive shall also be taken in the conjunctive, and vice versa. Similarly, any word formed in the singular shall also be taken in the plural, and vice-versa. Also, any verb in the present tense shall also be taken in the past, imperfect and future tenses, and vice-versa. Finally, any pronoun in the masculine gender shall also be taken in the feminine gender and vice versa.

V. Unless otherwise specified, the term "Authorized User" means any person who did not sign the account application but was given permission to use the account by the issuer and/or the cardholder.

X. Unless otherwise specified, each interrogatory requires a full answer for every period of time beginning August 1, 2000, and continuing through the present time.

INTERROGATORIES

(1) Describe all events, occurrences, documents, transactions or other facts upon which tend to prove or disprove your claim that Defendant [DEFENDANT 2] owes any sums to You and, describe each fact, events, occurrences, documents, or facts, by providing as to each: (1) a thorough description of the fact, event, occurrence, event, transaction or document; (2) the date of each such event, occurrence, event, transaction or that such document was created; (3) identify all persons with personal knowledge of such fact, event, occurrence, event, document, or transaction; (4) the amount of money (if any) which You claim such fact, event, occurrence, document or transaction creates as to [DEFENDANT 2].

(2) Describe all judicial (whether jury or non-jury), non-judicial actions, arbitrations, or other alternative dispute resolutions in which You (including MBNA) have attempted to collect any debts from “authorized users” and describe each such case, arbitration or other action including : (1) the names of the parties (Plaintiff/Defendant(s)); (2) the last known address and telephone number of the Defendant(s); (3) the amount you sought from each Defendant(s); (4) the case number; (5) the complete name of the court, tribunal, or arbitration forum; (6) the complete mailing address for the court, agency or arbitration forum; (7) the date that the action was resolved or disposed of (including but not limited to resolved by trial, hearing, summary judgment, settlement, arbitration, mediation, etc.); (8) the monetary terms of the final disposition as to each Defendant.

(3) Describe all policies, practices, checklists, procedures, manuals, presentations, training materials, power point materials, or other documents which You (including your

attorneys and agents — e.g., Hayt, Hayt & Landau) use to determine whether to attempt to collect a consumer debt (including but not limited to whether You will file an action against such consumer(s)) or to train your employees concerning such practices by stating:

- (1) the title of each such document
- (2) the purpose of each document
- (3) the control number of each document
- (4) the dates of each revision to the document
- (5) the title of the custodian of each document
- (6) the name of each custodian
- (7) the address of each custodian

— P.R.A. III, L.L.C.

Office held: _____

Printed name: _____

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared _____, who did take an oath and who produced

_____ as
identification, and says that he/she is the person who executed the foregoing instrument.

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
forwarded vis U.S. Mail this _____ day of _____, 2005, to Donald
E. Petersen, P.O. Box 1948, Orlando, FL 32802-1948.

Printed Name: _____

13.2.5 Requests for Production of Documents

THE NINTH JUDICIAL CIRCUIT
IN AND ORANGE COUNTY, FLORIDA

PRA III, L.L.C.,
Plaintiff,

CASE NO.: [No.]

v.

[DEFENDANT 1] &
[DEFENDANT 2]
Defendant(s).

[DEFENDANT 2],
Counter-Plaintiff/Defendant

CASE NO.: [No.]

v.

PRA, III, L.L.C.
DOES (1-3) and
HAYT, HAYT & LANDAU
Counter-Defendant(s).

**DEFENDANT'S/COUNTER-PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION
TO PLAINTIFF/COUNTER-DEFENDANT, PRA III, L.L.C.**

COME NOW the Defendant/Counter-Plaintiff, [DEFENDANT 2], pursuant to Rule 1.350, Fla.R.Civ.P., and requests the Plaintiff, PRA III, L.L.C., produce the originals or legible copies of each of the following documents which are in the possession, custody or control of said party, or as are in the possession, custody or control of any agent, servant or representative of said party, for the purposes of inspection and/or copying and that same shall be done within the time prescribed by Rule 1.350, at the Law Offices of Donald E. Petersen, 801 North Magnolia Avenue, Suite 221, Orlando, FL 32803, at a mutually convenient time when Defendant's counsel can inspect the originals.

**Definitions and Instructions To Be Applied To
Request for Admissions, Request for Production and Interrogatories**

As used herein:

1. "Person" means and includes natural persons, corporations, partnerships, associations, or any type of entity, and agents, servants, employees and representatives thereof.

2. The term "identify" when used in reference to an individual person means to state his full name and present business and home address, his present business and home phone number, and his present or last known business affiliation.

3. As used herein, the term "document" means every writing and record of every type and description, including, but not limited to, correspondence, memoranda and written notes, checks, check registers, books and accounting, computer cards, printouts, tapes, discs and records of all types, minutes of meetings, studies, books, pamphlets, pictures and voice recordings or every other device or medium on which or through which information of any type is to be transmitted, recorded or preserved. The term "document" also means a copy where the original is not in your possession, custody or control, and every copy of the document if such copy is not an identical duplicate of the original.

4. Each request to describe or identify a document shall be deemed to include a request for information sufficient to enable plaintiff to obtain the documents with a subpoena, including but not limited to the date of the document, a physical description of the document, a brief description of the content of the document, the identity of the custodian of the document, the location of the document, and any title given to the document. If an interrogatory calls for a description of a document, you may, if you prefer, instead of identifying it, simply attach to your answer a clear copy, front and reverse, of document.

5. "Oral Statement" means and includes any face to face communication, conversation, meeting, conference or any such communication by telephone, radio, or other means of verbal communication.

6. In each case where you are requested to "identify" an oral statement or where your answer to the interrogatory refers to the "identity" of an oral statement, this is a request to give the identity of the person who made the statement and the persons hearing the statement, and the date, time, and place of its occurrence, and to briefly describe the content of the statement.

7. "STATE IN FULL DETAIL" means to set out in the fullest detail possible all knowledge or information available to you on the subject. The words "STATE IN FULL DETAIL" are capitalized so as to emphasize their full scope as so defined.

8. "You" in these interrogatories refers to PRA III. L.L.C. (including its predecessors, subsidiaries and affiliates) and, where appropriate, persons acting at the direction

of or on behalf of PRA III LLC. The term “You” expressly includes MBNA (or such other original issuer of the alleged account) and PRA III, L.L.C.

(Continued on Page 4)

DOCUMENTS REQUESTED

1. All documents which evidence that Defendant [DEFENDANT 2] is liable for the account upon which your action is based.
2. Any and all documents bearing the signature of [DEFENDANT 2].
3. Any and all documents which You mailed or provided to [DEFENDANT 2].
4. Any and all documents which describe or set forth the procedures that PRA III, L.L.C. uses in order to determine whether authorized users are liable for accounts.
5. Any documents describing, listing, evidencing, or transmitting the documents which MBNA provided to PRA III, L.L.C.
6. Any and all documents which MBNA sent to [DEFENDANT 1] and/or [DEFENDANT 2] which referred to, mentioned, described, promoted, solicited, encouraged or otherwise concerned allowing persons other than the party who signed the credit application to use the account.
7. Any and all policies which MBNA has provided to you concerning the liability of authorized users.
8. Any and all documents evidencing any transactions for which you contend Defendant [DEFENDANT 2] is liable.
9. The original of the Account Application (or other initial document) signed by either Defendant in this action.
10. The original Account Agreement along with all modifications, amendments, or any other documents which changed or purported to change the terms of the agreement.
11. All documents which evidence any finance charges (including but not limited to interest) which You charged to this account since January 1, 2000.
12. All documents which evidence all charges and applications of funds on account since the inception of the loan;
13. All documents which evidence all charges and applications of funds paid to this account;
14. At least one document which contains the codes, accronymns, and abbreviations used by You in recording or describing loan payments, loan histories and applications of funds;

15. All correspondence between MBNA (or such original creditor(s)) and Defendant [DEFENDANT 2]
16. All documents evidencing or describing communications between MBNA and PRA III, L.L.C. (including its affiliates and agents) concerning this account.
17. All documents evidencing communications between PRA III, L.L.C. and Defendant [DEFENDANT 2].
18. All documents evidencing communications between PRA III, L.L.C. and Defendant [DEFENDANT 1].
19. Complete copies of the agreement(s) and other transaction documents which transferred any interest in the account upon which this litigation is based from MBNA to PRA III, L.L.C. (including its affiliates).
20. All documents which evidence, describe or tend to prove the amount that PRA III, L.L.C. paid MBNA for the account at issue in this case.
21. All documents that You intend to introduce into evidence in support of any dispositive motion or at trial in this case.

Dated: JUNE 22, 2005

DONALD E. PETERSEN

Law Offices of Donald E. Petersen
Post Office Box 1948
Orlando, FL 32802-1948
Voice : (407) 648-9050
Facsimile : (407) 648-4316
E.B.N. [No.]

Attorney for the Defendants/Counter-Plaintiff(s)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via First Class United States Mail to:

Law Office of Elizabeth Fite, P.A.
Attn: Ms. Elizabeth Fite, Esquire
15316 North Florida Avenue; Suite 100
Tampa, FL 33613-1257

on this 22nd day of June, 2005, and via facsimile to (813) 908 - 6126 on this 22nd day of
JUNE, 2005.

DONALD E. PETERSEN