

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: Debtor(s) Name	§	
	§	CASE NO.##-#####
Debtor	§	
<hr/>		
Plaintiff(s) Name,	§	
Plaintiff,	§	
v.	§	ADV. NO. ##-#####
	§	
Defendant(s) Name,	§	
	§	
Defendants.	§	

**PLAINTIFF’S FIRST REQUEST FOR ADMISSIONS, REQUEST FOR PRODUCTION
AND INTERROGATORIES TO DEFENDANT(S) NAME**

**To: Defendant(s) Name, by and through their attorney [Defendants counsel(s) names],
of [Defendants counsel law firm], at [Counsel(s) Address]**

Plaintiff(s) Name (“Plaintiff”) submits their first Request for Interrogatories, Request for Admissions, and Requests for Production, as allowed by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 4001-1(c) to Defendant(s) Name (“Defendant”). Pursuant to the Rules, Plaintiff requests that the Defendant provide responses to the following items and the requested production on or before date responses due, at the offices of Address of Location where documents should be delivered, and in accordance with the following definitions and instructions.

Dated: Month Day, Year

Respectfully submitted,

/s/
Plaintiff(s) Counsel
Address / Contact Block

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on the parties listed below via electronic mail and first-class mail on Month Day, Year.

/s/ _____
Attorney(s) Name

Defendant(s) Counsel
Address / Contact Block

ATTORNEYS FOR DEFENDANTS

I. INSTRUCTIONS

If any objection is made to any of the following discovery requests, the Defendant shall make any such objection and state the relevant legal basis for such objection. If any objection is made based upon a claim of privilege as to any response, Defendant shall state the legal basis for the privilege Defendant is invoking and provide a detailed privilege log to support the invocation of such privilege.

Each and every discovery request herein is deemed continuing in nature pursuant to the Federal Rules of Civil Procedure, as implemented by the Federal Rules of Bankruptcy Procedure, and Defendant is obligated to promptly amend and provide any updated information that renders the responses to one or more of these discovery requests incomplete or inaccurate and serve those amended responses upon the undersigned Plaintiff's counsel.

Plaintiff requests that the documents be produced and made available for inspection at the offices of counsel for Plaintiff at Plaintiff(s) Counsel Address, or, upon agreement between or among the parties, at such office of the Defendant as may be the location of any of the documents requested, during normal business hours, and with the least possible disruption to the ordinary course of Defendant's duties and responsibilities.

If applicable, Plaintiff further requests that this inspection be permitted by Defendant immediately after Defendant's response to this request has been filed, and that Plaintiff's attorneys be permitted to remove from Defendant's custody such documents as they may desire to copy, on the understanding that Plaintiff's attorneys will be responsible for such documents so long as they

are in their possession, that copying will be done at Plaintiff's expense, and that the documents will be promptly returned after copying has been completed.

These discovery requests are intended to cover all documents in Defendant's possession, or subject to their custody and control, regardless of location. If there are no such documents, please so state. If there are such documents, please list and mark appended documents responsive to each request. (Federal Rules of Civil Procedure, Rule 34(b)).

Each discovery request herein should be answered upon Defendant's entire knowledge from all sources and all information in Defendant's possession or otherwise available to Defendant, including information from Defendant's officers, employees, agents, representatives or consultants and information which is known by each of them. An incomplete or evasive answer is deemed a failure to answer.

If any answer is qualified, Defendant shall state specifically the terms of each qualification and the reasons for it.

II. DEFINITIONS

A. The term "electronically stored information" means information electronically, magnetically, optically, or otherwise stored as digital communications (ex. email, voicemail, and instant messaging), email service stores (ex. lotus domino.nsf or Microsoft exchange.edb), word processed documents (ex. Word or WordPerfect files and all drafts thereof), spreadsheets and tables, accounting application data, imaging and facsimile files, scan recording of any conversation with Plaintiff, databases (ex. Access, Oracle, SQL Server data), contact and relationship data management (ex. Outlook, Ask, or Interaction), calendar and diary application data, online access data (ex. temporary internet files, history files and cookies), presentations (ex. PowerPoint and Corel presentations), network access and server activity logs relating to information exchanged between Defendant and by Defendant with third parties, project management application data, backup and archival files.

B. The term "Document" means all writings of any kind, including the originals and all other non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including but not limited to electronically stored information, correspondence, memoranda, notes, diaries, desk or other calendars, statistics, letters, telegrams,

minutes, business records, personal records, accountants' statements, account statements, contracts, reports, credit reports, studies, checks, statements, receipts, invoices, bills, return checks, summaries, pamphlets, books, inter-office and intra-office communications, notations of any sort of conversations or meetings, telephone call meetings or other communications, written agreements, bulletins, printed matter, computer printouts, teletypes, telefaxes, invoices, worksheets, all drafts, alterations, modifications, changes and amendments of any kind with respect to any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, electronic mail records, computer memory records such as hard disk drives and master back-up tapes, diskettes, or other devices such as zip drive records).

C. The term "act" as used herein includes acts of every kind and description.

D. The term "identify" or "describe" when used in reference to a "document" means to state:

- a. The type of document (*e.g.*, letter, memorandum, report, electronic mail records, notes, etc.);
- b. The date of the document;
- c. The name of the parties or parties who originated the document, their past or present position with the respondents, their general duties and responsibilities, their current physical location with the company, and their e-mail, telephone number and telephone extension;
- d. The name and address of the current custodian of the document;
- e. The name and current address of each signatory thereon;
- f. The reason, in detail, for the preparation of the document;
- g. The subject or subjects covered by the document;
- h. The names, business addresses and titles of the persons to whom the document writing was directed; and
- i. The name and address and title of each person who originated, read or received the document.

E. The term "identify" as used herein in connection with a "person" or "persons" means to state the names, titles, the present employer of such "person" or "persons," the relationship of such person or persons to any of the respondents, and such person's current business address and business telephone number.

F. The term "identify" as used herein with respect to or in connection with an "act" means to:

- a. Furnish the date and place of the act;
- b. Identify the person acting, the person for whom the act was performed, and the person against whom the act was directed; and
- c. Describe in detail the act.

G. The terms “describe” or “state” as used herein mean:

- a. Describe or state fully by reference to underlying facts rather than by ultimate facts or conclusions of law;
- b. Particularize as to the:
 - i. Time;
 - ii. Date;
 - iii. Manner; and
 - iv. Place.

H. The term “oral communication” as used herein means and includes any face-to-face conversation, meeting, conference, telephone conversation, cell-phone conversation, computer conversation with voice mail, or any one for more of these or related devices.

I. The term “person” or “persons” as used herein means and includes all natural persons, public and private corporations, associates, wholly owned affiliates or subsidiary corporations or any other form of a business association, and any other type of entity and the agents, employees, officers, deputies, and representatives thereof.

J. The terms “you” or “your” as used herein shall refer to the Defendant and any related or affiliated companies associated in any way therewith.

K. All requests shall be deemed to include any documents made by, held by, or maintained in the files of any predecessor, successor, employee, agent or assignee of either one or all of the respondents.

L. The terms “transaction,” or “transactions,” or “account,” or “accounts,” when used herein without qualification, means the transactions and accounts between or among the Plaintiffs and the named Creditor and all related activities and agents or assigns.

M. The term “Note” is defined as the promissory note executed by Plaintiff(s) for the property located at Property Address on Date Property Purchased, in the original principal amount of \$\$\$.

N. Defendant Defendant(s) Name is defined as “Defendant.”

O. Defendants or Defendants’ refers to Defendants Defendant(s) Name, either singularly or in combination with each other.

P. The term “Plaintiff(s) Name Account” is defined as the mortgage loan account related to the property located at Property Address and created by the Date Property Purchased Note executed by Plaintiffs.

Q. The term “Qualified Written Request” is defined as correspondence sent by Debtor or her counsel to Defendants pursuant to 12 U.S.C. § 2605(e).

R. The term “Request for Information” is defined as correspondence sent to Defendants pursuant to 12 CFR § 1024.36.

S. The term “Notice of Error” is defined as correspondence sent to Defendants pursuant to 12 CFR § 1024.35.

T. The term “Property” is defined as the property located at Property Address.

U. “Plaintiff(s) Name Bankruptcy Case” means the Chapter 7/11/13 bankruptcy case filed by Debtor(s) Name on Date Case Filed, in the United States Bankruptcy Court for the Northern District of Texas, Case No. Case Number.

REQUEST FOR ADMISSIONS

REQUEST NO. 1:

RESPONSE:

REQUEST NO. 2:

RESPONSE:

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

RESPONSE:

REQUEST NO. 2:

RESPONSE:

REQUEST NO. 3:

RESPONSE:

REQUEST NO. 4:

RESPONSE:

REQUEST NO. 5:

RESPONSE:

INTERROGATORIES

INTERROGATORY NO. 1:

RESPONSE:

INTERROGATORY NO. 2:

RESPONSE: