

PATENAUDE & FELIX, APC
ATTORNEYS AT LAW
4545 MURPHY CANYON ROAD, 3RD FLOOR
SAN DIEGO, CALIFORNIA 92123
TEL: (858) 244-7600 FAX: (858) 836-0318

1 **PATENAUDE & FELIX, A.P.C.**
2 Raymond A. Patenaude, Esq. (#128855)
3 Victor S. Patenaude, Esq. (#216342)
4 Michael R. Boulanger, Esq. (#226294)
5 Michael D. Kaba, Esq. (#236898)
6 Tara Natarajan, Esq. (#263333)
7 4545 Murphy Canyon Road, 3rd Floor
8 San Diego, California 92123-4363
9 (858) 244-7600 Fax (858) 836-0318
10
11 Attorneys for Plaintiff
12 **PORTFOLIO RECOVERY ASSOCIATES, LLC**

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

1 DIVISION

11 **PORTFOLIO RECOVERY ASSOCIATES,**
12 **LLC,**
13
14 **v.**
15 **PAUL**
16 **and DOES 1 through 15 inclusive,**
17
18 **Defendant.**

Case No. USC
**PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS
SET NO. ONE**

18 **PROPOUNDING PARTY: PLAINTIFF, PORTFOLIO RECOVERY ASSOCIATES, LLC**
19 **RESPONDING PARTY: DEFENDANT, PAUL**
20 **SET NUMBER: ONE (1)**

21 Pursuant to California Code of Civil Procedure §96 & §2031, Plaintiff Portfolio Recovery
22 Associates, LLC ("Plaintiff Portfolio") requests Defendant Paul ("Defendant") to identify and
23 produce the following documents and tangible things and permit the inspection, photographing, or
24 copying of them at the offices of Patenaude & Felix, APC, located at 4545 Murphy Canyon Road, 3rd
25 Floor, San Diego, California 92123, within thirty (30) days from the date of service, which period is
26 extended by five (5) days where service was made by mail.

27 You are also required to serve a written response under oath within thirty (30) days after service
28

1 of this demand for inspection, which period is extended by five (5) days where service was made by
2 mail, and you shall serve the original of your response to the demand for production and inspection of
3 documents and other tangible things on the party making the demand.

4 You shall respond separately to each item or category by a statement that you will comply with
5 the particular demand for inspection and any related activities, a representation that you lack the ability
6 to comply with the demand for inspection of a particular item or category or an objection to the
7 particular item. You shall sign the responses under oath unless the response contains only objections.
8 If you are a public or private corporation, partnership, association or governmental agency, one of your
9 officers or agents shall sign the response under oath on your behalf. The response should comply fully
10 with Code of Civil Procedure section 2031.

11 If the production of the requested documents is not completed on the aforementioned date, the
12 production thereof will be continued from day-to-day thereafter at the same time and place, Saturdays,
13 Sundays and Holidays excluded, until completed, and in the event of any scheduling conflict of the
14 person designated to so produce the documents, parties or counsel, then to the earliest mutually
15 convenient date, time and location as agreed to.

16 INSTRUCTIONS

- 17 1. In producing documents and things, you are requested to furnish all documents or things in your
18 possession, custody or control or known or available to you regardless of whether such
19 documents or things are possessed directly by you or your agents, employees, representatives,
20 or investigators, or by your attorneys or their agents, employees, representatives or investigators.
- 21 2. All documents should be produced in the same order as they are kept or maintained by you.
- 22 3. If you claim that the attorney-client privilege or any other privilege is applicable to any
23 documents, that document(s) need not be produced but, with respect to that document(s):
- 24 a. State the date of the document;
 - 25 b. Identify each and every author of the documents;
 - 26 c. Identify each and every other person who prepared or participated in the preparation of
27 the document;
 - 28 d. Identify each and every person from whom the document was received;

- 1 e. State the present location of the document and all copies thereof;
- 2 f. Identify each and every person having custody or control of the document and all copies
- 3 thereof; and
- 4 g. Provide sufficient further information concerning the document and all copies thereof
- 5 to explain the claim or privilege and to permit the adjudication of the propriety of your
- 6 privilege claim.
- 7 4. If you contend that any production of the documents or tangible things requested by plaintiff
- 8 would be burdensome, state with specificity the quantity of documents which would be
- 9 responsive, the location, and the precise grounds upon which you contend that production would
- 10 be burdensome.
- 11 5. If any document or tangible things described in this request was, but no longer is, in your
- 12 possession, subject to your custody or control, or in existence, state:
- 13 a. Whether it is missing or lost;
- 14 b. Whether it has been destroyed;
- 15 c. Whether it has been transferred, voluntarily or involuntarily, to others;
- 16 d. Whether it has been disposed of in some other manner;
- 17 e. What efforts have been made to locate that item including the names and addresses of
- 18 each person contacted regarding the item, or known to have or known to have had
- 19 possession at the time.
- 20 f. The location of the item;
- 21 g. The person who has possession, custody or control of the item;
- 22 h. Whether the location of the items is known to you;
- 23 i. Whether the identity of the person who has possession or control of the item is known
- 24 to you;
- 25 j. The circumstances surrounding such disposition and identify the person(s) directing or
- 26 authorizing the same, and the date(s) thereof; and
- 27 k. The identity of the author or producer, his, her or its address, type (e.g., letter,
- 28 memorandum, photograph, etc.) date and the subject matter.

PATRICK & FELIX, APC
ATTORNEYS AT LAW
455 MURPHY AVENUE, SUITE 200, CHICAGO, ILLINOIS 60611
NATIONAL ATTORNEY ASSOCIATION
TEL: (312) 281-1000 FAX: (312) 281-1001

DOCUMENTS TO BE PRODUCED

Request for Production No.1:

Please produce copies of all written agreements between YOU and Assignor Bank of America.

Request for Production No.2:

Please produce any and all documents including BILLING STATEMENTS, writings or communications which support YOUR contention that there is no amount due and owing to Assignor Bank of America.

Request for Production No.3

Please produce any and all documents including BILLING STATEMENTS, writings or communications sent to you by Assignor Bank of America.

Request for Production No.4:

Please produce any and all documents, writings or communications notifying Assignor Bank of America that YOU dispute the outstanding balance currently due and owing to Assignor Bank of America.

Request for Production No.5:

Please produce any and all COPIES OF CHECKS or other method of payments sent on YOUR behalf to Assignor Bank of America for the past four (4) years.

Request for Production No.6:

Please produce a COPY of the LAST PAYMENT either by check or other method of payment made by YOU to Assignor Bank of America.

Request for Production No.7:

Please produce copies of all files maintained by YOU regarding Assignor Bank of America, including but not limited to vendor, computer, telephone, or otherwise.

Request for Production No. 8:

Please produce any and all documents including BILLING STATEMENTS, writings, or communications, showing any and all purchases, credits, cash advances and incurred charges made by YOU on YOUR revolving account with Assignor Bank of America.

1 **Request for Production No.9:**

2 Please produce a **COPY** of the **LAST BILLING STATEMENT** sent to **YOU** by Assignor
3 Bank of America.

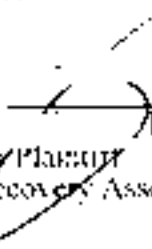
4 **Request for Production No. 10:**

5 Please produce any and all documents, writings or communications evidencing that **YOUR**
6 account with Assignor Bank of America has been paid and that you are not indebted to Plaintiff
7 Portfolio in any amount whatsoever

8 Respectfully submitted.

9 **PATENAUDE & FELIX, APC**

10
11 By:

12 
13 _____
14 Esq.
15 Attorney for Plaintiff
16 Portfolio Recovery Associates, LLC

PATENAUDE & FELIX, APC
ATTORNEYS AT LAW
450 MISSION STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105
TELEPHONE: (415) 774-3600 FAX: (415) 774-3629