

smartphone, mobile phone, or other portable digital media; Internet or intranet servers, Internet service providers; cloud storage or any other online storage or data/document/file backup.

The term “electronic data, documents, information,” or “ESI” shall mean any and all electronic data or information stored on a computing or storage device. Information and data is considered “electronic” if it exists in a medium that can only be read through the use of a computer device. This term includes, but is not limited to: databases; all text file and word-processing documents (including metadata); presentation documents; spreadsheets; graphics, animations and images (including, but not limited to: .JPG, .GIF, .BMP, .PDF, .TIFF files); email; email strings; instant messages (including attachments, logs of email history and usage; header information and “deleted” files); email attachments; calendar and scheduling information; cache memory; Internet history files and preferences; audio, video and audiovisual recordings; voicemail stored on databases; networks; computers and computer systems activity logs; servers; archives; backup or disaster recovery systems; hard drives, discs, CDs, diskettes, removable drives, tapes, cartridges and other storage media; printers; scanners; personal digital assistants; computer calendars; handheld wireless devices; cellular telephones; pagers; fax machines; and voicemail systems. This term includes, but is not limited to: on-screen information, system data, archival data, legacy data, residual files. Technical terms related to e-discovery are intended to be as defined in *The Sedona Conference Glossary for E-discovery and Digital Information Management*, July 2014 (Fourth Edition) and subsequent versions, except to the extent application of the definitions would render the discovery requests herein to be beyond the scope of discovery under the applicable North Carolina Rules of Civil Procedure. (See <https://thesedonaconference.org/download-pub/3757>).

As used here, the words “identify,” “identity” or “identification,” when used in reference to a natural person, include a request for his or her full name and present or last known address, his or her present or last known position and business affiliation, and each of his or her positions during the relevant time period requested; when used in reference to a document kept or prepared, include a request for its author, type of document (*e.g.*, letter, memorandum, telegram, chart, photograph, salary production, etc.) — or if the above information is not available, some other means of identifying it — and its present location and name of each of its present custodians. If any document requested herein was — but no longer is — in your possession, subject to your custody or control, or in existence, state whether it: (a) is missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) otherwise has been disposed of. In each instance above, explain the circumstances surrounding and basis for your contention that the document is missing or lost, or has been destroyed or transferred. Identify any authorization for the disposition, destruction or transfer of the document and the person who authorized such. State the approximate date of the authorization, loss, destruction or transfer of any document.

As used herein, the words “person” or “persons” include natural persons, firms, partnerships, associations, joint ventures, corporations and other entities.

As used herein, the words “communication” or “correspondence” include all letters, telegrams, notices, messages, inter-office or intra-office memoranda, inter-agency or intra-agency memoranda, electronic mail or other written communications, notes, memoranda or other

records or retrievable preservation of conversations, meetings, conferences or other oral communications.

As used herein, “business” shall include any business association including, but not limited to: a sole proprietorship, joint stock company, partnership, limited liability company, corporation, real estate investment trust, or any other organization or entity.

For any document requested which was at one time in existence but is no longer in existence, please state for each such document: (a) the type of document; (b) the date upon which it ceased to exist; (c) the circumstances under which it ceased to exist; (d) the identity of all persons having knowledge of the circumstances under which it ceased to exist; and (e) the identity of all persons having knowledge of the contents.

As used here, the words “bank accounts” and other “monetary accounts” include checking accounts, savings accounts, certificates of deposit, cash in hand or held by another, or any other type of account containing currency.

The words “financial institution,” as used herein, mean any bank; savings and loan association; credit union; brokerage firm; discount brokerage firm; insurance company; mortgage company; individual investment consultant or financial consultant; or any other sales entity which is engaged in the investment buy(s), sale(s) (including short sale of stock), exchange(s), gifts(s) or transfer(s) of any security investment governed by the Securities and Exchange Commission—including, but not limited to, the sale of stocks, bonds, commodities, futures, penny stocks, mutual funds, unit investment trust, limited partnerships, money market accounts, certificates of deposit, checking account, interest-bearing checking account, or savings account.

The term “date of this response” means information or documentation known or in your possession, custody or control as of the date of your response to these discovery requests, as well as of the date of any supplementation thereto.

In responding to these requests, you shall set forth the request in full before each response. Separate responses shall be provided with respect to each request and its subdivisions. With respect to each document produced, identify the person producing the document and the paragraph or subparagraph number of the request.

Wherever a request calls for the production of a document claimed to be privileged, identify the document and include what privilege is claimed and the basis for the assertion of such claim.

Pursuant to NCRCP Rule 26(e), these requests are continuing and require additional answers as further information is obtained between the time the answers are served and the time of trial. Such additional answers shall be served from time to time, but not later than 30 days after such additional information is received.

II. DOCUMENTS REQUESTED

Each request herein demands PAPER documents and records as well as ELECTRONIC data.

SOCIAL MEDIA ARCHIVES

1. Produce a complete copy of your wall and timeline of any Facebook account you have used since January 1, 20__, even if any account has been deactivated. Said requests include communication made by other people on your personal site or pages including, but not limited to:
 - a. Comments;
 - b. Posts;
 - c. Private messages;
 - d. Chat sessions;
 - e. Images;
 - f. Videos;
 - g. Links;
 - h. Facebook Groups;
 - i. Facebook Pages;
 - j. Your Facebook Archive, which can be obtained here:
www.facebook.com/help/131112897028467

RESPONSE:

2. Produce a complete copy of all of your Twitter posts, tweets, retweets, and all data for all Twitter accounts that you have used since January 1, 20__, even if any account has been deactivated or inactive. A complete copy of your Twitter archive can be located by going to your account settings; select “Settings” and request your archive. Get more information at <https://support.twitter.com/articles/20170160>.

RESPONSE:

3. Produce a complete copy of all of your Instagram messages, pictures, videos, .GIFs, and all data for all Instagram accounts that you have used since January 1, 20__, even if any account has been deactivated or inactive. A complete copy of your archive can be obtained by utilizing a download tool at <http://instaport.me/>.

RESPONSE:

4. Produce a complete copy of all of your Google+ and GooglePlusOne posts and photos, and other data for all Google+ and GooglePlusOne accounts that you have

used since January 1, 20__, even if any account has been deactivated or inactive. A complete copy of your archive can be obtained by utilizing the download tool “google takeout.” Instructions can be found at:

<https://support.google.com/accounts/answer/3024190?hl=en>.

RESPONSE:

5. Produce a complete copy of all of your Tumblr blogs and photos, and all data for all Tumblr accounts that you have used since January 1, 20__, even if any account has been deactivated or inactive. A complete copy of your archive can be obtained by utilizing the download tool “TumblrRipper” at:
www.zark.be/software/TumblrRipper.html.

RESPONSE:

EXPERT AND FACT WITNESSES

1. Any curriculum vitae or resume of any person who will be called to testify as an expert witness in any proceeding related to the above-captioned cause of action.

RESPONSE:

2. Any report or opinion prepared by any expert witness who will be called to testify as an expert witness in this proceeding, or other claims related to this cause of action, and all underlying data or documents upon which any such opinion is based.

RESPONSE:

3. Documents including name, address and telephone number of any other non-expert witness you intend to call for trial in this matter. Produce any documents, records or things that such fact witness may use at trial or refer to, or that may be introduced into evidence.

RESPONSE:

4. Documents including name, address and telephone number of all personal and business accountants, stockbrokers, investment advisors, financial advisors, CPAs, accountants and the like whom you have consulted or who have represented you since January 1, 20__.

RESPONSE:

5. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any and all reports of any private investigator, person, third party, detective, tracking, or any other surveillance method of whatever kind that you, your attorney, or anyone else acting on your behalf requested, consulted, retained, or engaged at any time from the date of your marriage to the Plaintiff through the date of this response.

RESPONSE:

6. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any information you offered or submitted to any private investigator, person, website, third party, detective, tracking, or any other surveillance method of whatever kind from the date of your marriage to the Plaintiff through the date of this response.

RESPONSE:

7. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any information you received from any private investigator, person, website, third party, detective, tracking, or any other surveillance method of whatever kind from the date of your marriage to the Plaintiff through the date of this response, including, but not limited to, reports, notes, memoranda, correspondence, drawings, photographs, video, audio, maps, recordings, metadata, screen caps, text messages and emails.

RESPONSE:

8. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any investigation or inquiry made by you (or by another on your behalf) to any person that relates in any way to the activities or conduct of the Plaintiff, from January 1, 20__, through the date of the final hearing in this matter.

RESPONSE:

9. Produce any and all recordings (including audio, video or both) that depict or contain the Plaintiff (her voice, image or likeness); either or both children; or any combination of you, the Plaintiff, and the child(ren) from January 1, 20__, through the date of the final hearing in this matter.

RESPONSE:

COMMUNICATIONS

1. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any communication between you and any other person (except your attorney or other privileged communication) where the communication related to any of the following or any combination of the following persons or actions:
 - a. This lawsuit;
 - b. The subject matter of this lawsuit;
 - c. The Plaintiff;
 - c. Either or both of the children;
 - d. Bruce Brown;
 - e. John Smith;
 - f. Efforts by you (or on your behalf) to access, image, copy, or download any electronic device, or the contents of any electronic device (including, but not limited to, mobile phone, computer, tablet, iPad, wearable device, GPS) used by the Plaintiff, or used by either (or both) of the children;
 - g. Efforts by you (or on your behalf) to access, image, copy or download any storage device, plan, Cloud storage, or backup system used by the Plaintiff, or either (or both) of the children.

RESPONSE:

2. Produce any and all documents, notes, writings, communication, electronic information, ESI, emails, text messages, iMessages, cards and notes, and all tangible things that you exchanged with the Plaintiff since January 1, 20__.

RESPONSE:

3. Except as provided in response to other discovery requests, produce any and all documents, notes, writings, communications, electronic information, ESI, emails, text message, iMessages, cards and notes, and all tangible things that document, evidence, concern, or relate to all written communications you exchanged with third parties (other than your lawyers) relating to or concerning the Plaintiff, the Plaintiff and the child(ren), or the child(ren).

RESPONSE:

4. Produce any and all documents, notes, writings, communication, electronic information and ESI, and tangible things that document, evidence, concern, or relate to any applications, downloads, software, or any other electronic application of whatever kind that you installed on any electronic device used by the Plaintiff or used by either (or both) of your children from the date of your marriage to the Plaintiff through the date of this response.

RESPONSE:

5. Produce any and all documents, notes, writings, communication, electronic information, ESI, and tangible things that document, evidence, concern, or relate to any and all communications, data, or any information whatsoever obtained by you (or on your behalf by another) from any electronic device owned or used by the Plaintiff or a child (or both children) where you are not a party (*i.e.*, not the sender or a recipient), including, but not limited to, photographs, text messages and email. This request is from January 1, 20__, through the date of the final hearing in this matter.

RESPONSE:

III. INTERROGATORIES

The PLAINTIFF requests the DEFENDANT to answer under oath, in accordance with Rule 33 of the North Carolina Rules of Civil Procedure, the following interrogatories. You are required to answer these interrogatories separately and fully in writing, under oath, and to serve a copy of your answers on the undersigned within thirty (30) days after service hereof.

PROCEDURAL RULES

Pursuant to Rules 26 through 33 of the North Carolina Rules of Civil Procedure, you shall answer each of the following interrogatories in accordance with the definitions and instructions set forth below. The answers are to be signed by the person making them, and a copy of the answers, together with your objections, if any, shall be served within thirty (30) days after the service of these interrogatories.

You are also under a duty seasonably to supplement your response with respect to any interrogatory directly addressed to the identity and location of persons who have knowledge of discoverable matters. In addition, you are under a duty to amend a prior response if you obtained information on the basis of which (a) you know that the response was incorrect when made, or (b) you know that the response, though correct when made, is no longer true, and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

DEFINITIONS

All definitions set out above in the Request for Production of Documents are reincorporated as if fully set out.

As used herein, the following terms shall have the following meanings:

The terms “you,” “your” or “yourself” shall mean DEFENDANT, _____ [defendant’s name]; your representatives, agents and investigators; and all other persons and

entities working on your behalf. The term "PLAINTIFF" shall mean _____ [*plaintiff's name*].

The terms "document," "documents," "record" or "records" shall mean any medium upon which intelligence or information can be recorded or retrieved, including, without limitation, the original and each copy, regardless of origin and location, of any of the following: book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, facsimile, cable, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing sketch, draft, index, list, tape, photograph, microfilm, data sheet or data processing card; or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, regardless of how produced or reproduced, which is in your possession, custody or control, or which was, but is no longer, in your possession, custody or control.

The words "record," "records," "document" or "documents" also include ELECTRONIC data, specifically including, but not limited to: any form of writing or data storage in or on a hard drive, disc, backup, memory card, thumb drive, zip drive, compact disc, DVD, notebook or laptop computer, email storage facility, audio tape, videotape, laser disc, NetBook, iPad, Android, Blackberry, iPhone, or other portable digital media, Internet or intranet servers, Internet service providers, and as defined above in the Request for Documents.

The terms "identification," "identify" or "identity," which used in this document refer to (a) a natural individual, require you to state his or her full name and residential and business address; (b) a corporation, require you to state its full corporate name and any names under which it does business, the address of its principal place of business, and the address of its offices in North Carolina; (c) a business, require you to state the full name or style under which the business is conducted, its business address, the types of business in which it is engaged, and the identity of the person or persons who own, operate and control the business; (d) a document, require you to state the number of pages and the nature of the document (*e.g.*, letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication, require you, if any part of the communication was written, to identify that document or documents which refer to or evidence the communication, and, to the extent which the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

The word "or," when appearing in an interrogatory, should not be read so as to eliminate any part of the interrogatory, but whenever applicable, it should have the same meaning as the word "and."

INSTRUCTIONS

With respect to each interrogatory, in addition to supplying the information requested, you are to identify all documents which support, refer to, or evidence the subject matter of each interrogatory, and your answer thereto.

If any and/or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (*e.g.*, letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that you are entitled to withhold from production any document identified herein on the basis of the attorney-client privilege or any other ground, then do the following with respect to that document: (a) describe the nature of the document (*e.g.*, letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state the subject matter of the document; and (e) state the basis upon which you contend you are entitled to withhold the document from production.

These interrogatories shall be continuing in nature until the date of trial and you are required to serve supplemental answers as additional information may become available to you as required by Rule 26 of the Rules of Civil Procedure.

If insufficient space is provided for your answer, attach additional sheets, indicating the number of the interrogatory being answered.

INTERROGATORY QUESTIONS

1. Identify each person who you expect to call as an expert witness at any hearing or trial in this matter and state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

RESPONSE:

2. State whether you have formatted or destroyed any “physical media storage device” on any computer or device you have used from January 1, 20__, to the date of your response to this discovery request. “Physical media storage device” is defined as any device capable of storing electronic computer files or media, including, but not limited to, computer hard drives, flash drives, removable hard drives, compact discs, DVDs, floppy disks, USB drives or digital camera drives. For any such device, state with particularity the following:
 - a. The date and time when such device was formatted or deleted;
 - b. The content of the files contained on such device;

- c. Whether there were existing backup copies of such files; and
- d. The location of any such backup copies.

RESPONSE:

- 3. State with particularity any and all computer software installed by you (or on your behalf) which monitors activity or keystrokes on any computer, telephone, tablet or any other device used, owned or utilized by the Plaintiff. For any such software, state the following:
 - a. When such computer software was installed;
 - b. On which particular computers such software was installed;
 - c. Who, if anyone, aided you in the installation of such software; and
 - d. The location of any and all logs associated with or generated by such software.

RESPONSE:

- 4. With respect to each account or site listed below, state whether you have or have had an account at any time since 20___. If you have or have had an account, list your username, password and all login credentials:
 - a. Facebook;
 - b. Twitter;
 - c. Instagram;
 - d. LinkedIn;
 - e. Google Plus+;
 - f. Snapchat;
 - g. Any other social media site in which you have or have had an account since 20___;
 - h. Any dating site in which you have or have had an account since 20___, including, but not limited to: Match, eHarmony, OkCupid, Tinder, Grindr, Ashley Madison and any other similar sites;
 - i. Any photo-sharing site on which you have or have had an account since 20___, including, but not limited to: Photobucket, Flickr, Shutterfly and any other similar sites.
 - j. Any blog site on which you have or have had an account since 20___, including, but not limited to: Tumblr, WordPress, Wix, Weebly and any other similar sites.

RESPONSE:

5. State whether you have accessed the Plaintiff's Apple iPhone 6 Plus mobile telephone at any time since January 1, 20___. If the answer is "yes," state each occasion on which you accessed the Plaintiff's Apple iPhone 6 Plus mobile telephone.

RESPONSE:

6. State whether you have accessed the Plaintiff's MacBook Air laptop computer at any time since January 1, 20___. If the answer is "yes," state each occasion on which you accessed the Plaintiff's MacBook Air laptop computer.

RESPONSE:

7. State whether you have accessed the Plaintiff's Dell XPS 13 Ultrabook laptop computer at any time since January 1, 20___. If the answer is "yes," state each occasion on which you accessed the Plaintiff's Dell XPS 13 Ultrabook laptop computer.

RESPONSE:

8. State the IP address of your Apple iPhone. [Settings/WiFi/IP Address.]

RESPONSE:

9. State the IP address of your Samsung Android telephone.
[Settings>About>phone>Status>IMEI or WiFi>IP Address.]

RESPONSE:

This the _____ day of _____, 20_____.

LAW FIRM

By: _____