

**SUPREME COURT OF NEW YORK
COUNTY OF NEW YORK**

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H,

Plaintiff,

P, W, G, J, S, E, T, and EA

Defendants.

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To:

Index No. _____

**DEFENDANT'S
REQUESTS FOR THE
PRODUCTION
OF DOCUMENTS**

PLEASE TAKE NOTICE that Defendant, E, by their attorneys, _____, Principal of _____, requests that Plaintiff H, answers the following Requests for the Production of Documents pursuant to Article 31 of the Civil Practice Law and Rules within thirty (30) days after service thereof.

DEFINITIONS

1. "Plaintiff" refers to H, and includes any person or entity acting or purporting to act on its behalf, including, but not limited to, present or former agents, representatives, attorneys, parents, subsidiaries, affiliates, officers, members, managers, directors, principals, shareholders, employees, direct and indirect partners, heirs, executors, administrators, successors and assigns.
2. The term "document" means each and every form of communication and includes, without limitation, all written, printed, typed, recorded, audio/digitally recorded, voice recorded, any materials maintained electronically (including, but not limited to electronic mail, word documents, Portable Document Format (PDF) files, Joint

Photographic Experts Group (JPEG) files, Tagged Image File Format (TIF) files, or Graphic Interchange Format (GIF) files) or graphic matter of any kind, type, nature, or description, in whatever form (e.g., final and draft versions) that is or has been in defendant's actual or constructive possession, custody, or control, including, but not limited to, all printed and electronic copies of electronic mail, notes, correspondence, memoranda, tapes, stenographic or handwritten notes, written forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, letters, telegrams, photographs, minutes, contracts, agreements, reports, surveys, computer printouts, data compilations of any kind, teletypes, facsimiles, invoices, order forms, checks, drafts, statements, credit memos, reports, summaries, books, ledgers, notebooks, schedules transparencies, recordings, audio/digital recordings, catalogs, advertisements, promotional materials, films, video tapes, audio tapes, digital/audio recordings, voicemail recordings, brochures, pamphlets, or any written or recorded materials of any kind, however stored (whether in tangible or electronic form), recorded, produced, or reproduced, including backup tapes. The term "document" includes not only originals, but also any copies or reproductions of all such written, printed, typed, recorded or graphic matter upon which any notations, comments, or markings of any kind have been made that do not appear on the original documents or that are otherwise not identical to the original documents. Any document with marks such as initials, comments or notations of any kind is not identical to one without such marks and is to be produced as a separate document.

3. The term "communicate" or "communication" means any oral, written, audio/ digitally recorded, voice recorded, or electronic transmission of information, including meetings, discussions, conversations, telephone calls, electronic mail messages, memoranda, letters, analyst reports, telecopies, facsimiles, conferences, messages, notes, videotapes,

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- photographs, microfilm, microfiche, magnetic disks, digital/audio recordings, voicemail recordings, or other media of any kind and includes transmittal of information in the form of facts, ideas, inquiries or otherwise.
4. “And/Or” “Or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
 5. The term “fact” includes all circumstances, events and evidence pertaining to, relating to, or touching upon the matter in question.
 6. “Pertaining to” means; consisting of, constituting, evidencing, reflecting, comprising, relating to or referring to in any way relevant within the meaning of the CPLR.
 7. “Representative” means and shall include each and every present and former director,
 1. officers, employee, agent or other person acting or purporting to act on behalf of any entity (including, but not limited to, a partnership, corporation, etc.) or any predecessor, subsidiary, affiliates, agent, division or department thereof.
 8. The term “concerning” means relating to, referring to, describing, evidencing or constituting.
 9. The terms “person” or “persons” refers to natural persons, proprietorships, governmental agencies, corporations, partnerships, trusts, joint ventures, groups, associations, organizations, and all other entities.
 10. The singular includes the plural and the plural includes the singular.
 11. The term “Property” means the premises on which work is to be performed.
 12. The term “Contract” means subcontract/contract between H and E.
 13. The term “Professional services” means the services provided by E and includes entitled work.

14. The term “entitled work” means work allotted to E relating to demolition, construction and/or alteration work performed at the property and includes any design work appurtenant thereto and the provision of materials of furtherance thereof.
15. The term “Principal Contract” means contract between H and P.

GENERAL INSTRUCTIONS FOR THE PRODUCTION OF DOCUMENTS

For the purposes of these Requests for the Production of Documents, the following instruction shall apply:

1. The Civil Practice Law and Rules 31 are incorporated by reference.
2. Write each document request in full before each answer.
3. Answer each document request separately. When a document request has several parts, answer each part separately.
4. Produce all documents which are requested and which are in Plaintiff’s possession, custody or control. If any documents requested are not in Plaintiff’s possession, custody, or control, provide an authorization for the release of any such documents.
5. If you claim a document or communication is privileged, name the type of privilege you claim and its legal bases. Identify all documents or communications whether or not you claim they are privileged.
6. In answering these document requests, Plaintiffs are required not only to furnish documents within their own personal possession, but also to furnish documents that are in the possession of their attorneys, investigators or anyone acting on their behalf, except to the extent that such documents are immune from discovery on the ground of privilege.
7. If Plaintiff’s response is qualified in any particular manner, set forth the details of such qualification.

8. In the event Plaintiff's claim that any documents called for in these Document Requests are immune from discovery on the ground of privilege, identify the nature of the privilege which is being claimed, identify the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document for a subpoena duces tecum.
9. A complete original or copy of each document or thing must be produced, even though only a portion of such document or thing is responsive to one of the numbered requests contained herein. Documents shall not be edited, cut, redacted (except where a claim of privilege is asserted with respect to a portion of a document) or expunged and shall include all attachments, appendices, tables and exhibits and all covering memoranda, letters or documents. Things (e.g., computer data tapes) shall not be altered, unless otherwise directed.
10. In the event that any document or thing called for by these requests has been lost or destroyed, please set forth with respect to each such document or thing; (1) the author(s), creator(s) or originator(s); (2) the addressee(s), custodian(s) or recipient(s); (3) the identity of each person who was sent, furnished or who received, viewed or has had custody of the document or thing; (4) the date of the document or the date on which the thing was created; (5) the date, place, manner and reason and circumstance of destruction; (6) the identity of persons authorizing destruction; (7) the identity of persons destroying the document or thing; and (8) the numbered request to which the document or thing responds.
11. These requests are continuing and require further and supplemental production by Plaintiff's as and whenever Plaintiff's make or locate additional documents or things between the time of initial production and the time of trial in this proceeding.

DOCUMENTS REQUESTED

1. Produce the contract signed by H and E and any and all documents and annexures relating to the contract.
2. Provide any and all documents that reveal the names and addresses of the person/s who executed the contract on H's behalf.
3. Produce the written principal contract with annexures entered into between H and P.
4. Produce the written communication/ letter through which WFP gave the consent to H for the improvisation upon the property.
5. Provide any and all document which discloses the financial transaction/s between H and E relating to the contract.
6. Produce any and all check/s and/or other instrument/s through which H made the part payment to E.
7. Produce any and all documents which reveals that H's lien upon the property is prior to the interest or lien of E.

Dated: _____
New York, New York

By: _____

E's Attorney