

HUSBAND'S/WIFE'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO:

Pursuant to Tennessee Rule of Civil Procedure 34, *Plaintiff/Defendant*, _____, by and through counsel of record, _____, hereby requires *Plaintiff/Defendant*, _____, and his/her agents and attorneys and others acting on *Plaintiff's/Defendant's* behalf, to produce for examination, inspection and copying by the *Plaintiff/Defendant*, at the offices of _____, on or before (day), (date), at (time), (following service of this Request for Production of Documents), originals or legible copies of the documents and things described below. You or your attorney will call to confirm the date and time; otherwise, it will be assumed that you will not comply with this request.

Instructions:

1. **Access.** In responding to these requests, you are to furnish such documents as are available to you and any that you have access to that are currently in possession of any agent, servant or employee, including but not limited to, doctors, attorneys, investigators, examiners, testators, and/or evaluators employed by you or in your behalf.
2. **Time Period Limitations.** Unless otherwise specified each request shall cover the time period from five years prior to the date of the response or the length of the marriage, whichever is longer.
3. **Manner of Production.** Pursuant to Tennessee Rule of Civil Procedure 34.02, the following requested documents and items are to be organized and labeled to correspond with the categories in the request or produced as they are they are kept in the usual course of business. Accordingly, whenever a document or a group of documents is taken out of a file folder, file drawer, file box or notebook, before the same is produced, you are requested to attach thereto a copy of the label and the file folder, file drawer, file box or notebook from which a document or group of documents was removed.
4. **Privilege Log.** Pursuant to Tennessee Rule of Civil Procedure 26.02(5), if any information, document, communications, or thing not produced otherwise discoverable is withheld by claiming privilege or subject to protection as trial preparation material, provide a statement under

oath by a person having knowledge setting forth as to each document:

- a. The name and title of the author;
- b. The name and title of each person to whom the document was addressed;
- c. The name and title of each person to whom a copy of the document was sent;
- d. The date of the document;
- e. The number of pages in the document;
- f. A brief description of the nature and subject matter of the document;
- g. The nature of the claimed privilege of immunity;
- h. The category or categories of this request to which the document is responsive;
- i. The exact location of the original and each copy as of the date of receipt of this request, along with the name and address of the custodian of said originals and copies;
- j. Any other relevant information in a manner that, without revealing information itself privileged or protected, which will enable others to assess the applicability of the asserted privilege protection.

5. Discarded and Destroyed Documents. If you are aware of any document otherwise responsive to this request, which document is no longer in your custody or control, identify the name and title of the author, the name and title of the addressee, the date of the document, the subject matter of the document or documents, the last date on which the document was in your control, the persons or entity, if any, now in control of the document, the reasons for your disposition or release of the document, all persons who have knowledge of the circumstances surrounding its disposition, and state what knowledge each person has.

6. Continuing Obligation. Pursuant to Tennessee Rule of Civil Procedure 26.05(2) this request is continuing in nature requiring supplementation with such additional documents that you possess and have access to in the future.

Definitions: For purposes of responding to this request, the common usage of a word or term should apply unless the word or term is otherwise defined. The following definitions are operative unless the text of a specific interrogatory clearly indicates that a different meaning is intended:

1. "Person" means any natural persons, firms, corporations, partnerships, governmental bodies or agencies or any other organization or legal entity.
2. "Document" means original and any other nonidentical copy (whether different from the original because of notes made on such or otherwise) of all notes, minutes of meetings, reports, calls, letters, telegrams, memoranda, e-mail, printouts of instant messaging, transcripts of telephone conversations, diaries, sound reports, and all other documentary material of any nature whatsoever, together with any attachments thereto or enclosures therewith. "Document" is intended to have the broadest permissible meaning under the Tennessee Rules of Civil Procedure and includes, without limitation, any written, printed, recorded, taped, electronic, electronically or digitally stored, or graphic material, in whatever nature or whatever form, including all non-identical copies and drafts thereof and copies bearing notations or marks not found on the original.
3. "Relates to" or "relating to" shall be construed to include "refers to," "summarizes," "constitutes," "contains," "studies," "analyzes," "considers," "explains," "mentions," "shows," "discusses," "describes," or "comments upon."
4. "You," "your," or "owned by you" includes any interests you have, including, but not limited to, businesses, interests held in trust for by or for you, or in which you or someone hold for you an interest in any degree.

Request No. 1. Other than those documents specifically requested below, all photographs, letters, statements, recordings, documents or tangible things that would support you or your spouse's position on the issues of this case, including but not limited to grounds or economic issues.

Request No. 2. All documents showing your income, including but not limited to contracts for employment; check or pay stubs from any employer; tax-free investments; gambling winnings or losses; coupon or bearer bonds; employment deferred compensation agreements and/or trusts; income or gift tax returns, including but not limited to state and federal returns, along with all W-2 statements, 1099s and any supporting schedules thereto for the past five (5) years; and any other federal income reporting documents that reflect your gross income, deductions, bonuses, automobile allowances, commissions, trusts, and other earnings for the current year and past five

(5) years. (If any tax return has not been filed in the last five years, please produce in its place your Request for Extension of Time to File and all documents filed with said request.) Included in this request are all documents, including but not limited to income tax returns, balance sheets, profit and loss statements, or income statements, that reflect the income, expenses, assets, or liabilities for any corporation or business entity in which you have or have had any interest during the past five (5) years or the length of the marriage, whichever is longer.

Request No. 3. All documents evidencing current income from any other source other than those identified above.

Request No. 4. All life insurance policies, annuities or endowment policies owned by you insuring your life or the life of another and all statements reflecting the cash values of and loans against such policies, annuities or endowment policies which existed during the past five (5) years. If the policies are group policies, produce documentation or booklets that describe said policies. Also provide information on any loans on said policies. This includes, but is not limited to, "face pages" or portions of the policy showing coverage, insured, and beneficiaries.

Request No. 5. All financial statements or loan applications filed, submitted, or drawn up (audited or unaudited) in the last five (5) years or the length of the marriage, whichever is longer, by, for, or on the behalf of you, your business, or any business in which you are involved to any degree of ownership, management, or control (whether it be a corporation, partnership, joint venture or sole proprietorship), which have been submitted by you or any business interest in which you are an owner or stockholder to any person or entity, including financial institutions, regardless of whether said statements were for the purpose of procuring loans or for any other reasons. This Request includes such statements or applications which you or your spouse may have submitted along with those of present or prospective partnerships or joint ventures for the past four (4) years and this year to date. To the extent you are unable to produce a financial statement, set out where a copy of said statement can be obtained. This would include, but not be limited to, any financial statements prepared by financial planners, accountants, etc.

Request No. 6. Evidence of ownership or control, such as stock certificates, partnership agreements, corporate minutes, or any other agreements that evidence any ownership or control, that you have in any business interest whatsoever, whether it be a corporation, limited liability company, partnership, sole proprietorship, or other. Include any such interest transferred in any

way by you in the last five (5) years. This would include stock in companies in which you have essentially no control, such as GM or IBM. Also include any documents showing the value of the ownership, including but not limited to buy-sell agreements.

Request No. 7. Copies of the entire policy of all health, accident and hospitalization insurance policies which are now in effect which cover you or your spouse or children or any other person, whether or not you pay the premium or the coverage is provided pursuant to your employment.

Request No. 8. All documents evidencing trusts of which you are or have been trustee, grantor or beneficiary during the past five (5) years. This would include, but not be limited to, trust documents, tax returns, and court filings.

Request No. 9. All documents which evidence any degree of ownership interest in real estate, whether direct or indirect, actual or beneficial, recorded or unrecorded, or any entity in which you have any degree of ownership interest, including but not limited to warranty deeds, quit claim deeds and deeds of trust, as well as any document reflecting the appraised value of said property

Request No. 10. For each pension, profit-sharing, savings, stock option, or other employee benefit plan, employee welfare plan, employee pension plan of any type sponsored by your current employer and every previous employer of yours, whether during your marriage or at any other time, whether full-time or part-time, and whether ERISA plans, military pensions, federal, state, or local pension or retirement plans, or any other type of employee benefit or retirement plan whatsoever, produce for each such plan:

- a. All annual benefits statements received by you.
- b. The summary plan description.
- c. The plan's QDRO procedures.
- d. Any booklets, pamphlets, information sheets, or other written materials distributed by the plan or the Plan Sponsor to employees or participants generally concerning rights to receive plan benefits, types and forms of benefits payable, options, and elections available under any plan.
- e. Any other documents concerning rights to receive plan benefits, types and forms of benefits payable, options, and elections available under any plan.

- f. Any correspondence among you, your current employer or any previous employer, and any plan administrators concerning any elections of types of benefits, beneficiary designations or modifications, investment options and alternatives, this court proceeding, or any other topic or matter within the last Twenty-four (24) months.

Request No. 11. All documents relating to any interest which you have in any salary or nonsalary pension, retirement plan, IRA, or profit sharing plan, deferred compensation, patent, copyright, invention, royalty, brokerage firm accounts, money market accounts, annuities, stocks, bonds, or leases, including but not limited to plan benefit summaries, beneficiary designations, benefit accounts, insurance plans, travel plans, expense accounts, discount plans, bonuses or stock options, together with all documents which reflect the value of such asset and any asset or plan descriptions and any amendments filed thereto required by law to be provided to employees covered under such plans.

Request No. 12. All documents that show any right, interest, or prospect of pecuniary advantage or liability under any contract, agreement or document now, in the future, or in the last five (5) years or the length of the marriage, whichever is longer.

Request No. 13. All documents that reflect any claim, cause of action, or judgment in which you have been a party or in which you have participated in any degree for the last five years or the length of the marriage, whichever is longer.

Request No. 14. All documents which reflect the name, location, number and contents of any safe deposit boxes in your name or in the names of others to which you have had access during the past two (2) calendar years and this year to date.

Request No. 15. All documents that reflect any money or property (over \$250 in value) given by you or received by you as a gift or inheritance before or during the marriage that you claim as your separate property. This includes but is not limited to gift tax returns.

Request No. 16. All documents which reflect any assets owned by you at the time of the marriage, the disposition of those assets or present existence of those assets (reinvestment chain of title, identity and value during the course of the marriage).

Request No. 17. Copies of all canceled checks, check register, check stub, deposit slips, and bank statements for all bank accounts, liquid asset accounts or other accounts during the last five (5) years or the length of the marriage, whichever is longer, with any bank, savings institution,

credit union or any other financial institution for all accounts, whether foreign or domestic, including personal, corporate or business, which you are or have been authorized to draw funds from or into which you have made deposits or withdrawals during the stated period of time.

Request No. 18. All documents that reflect any debts that you or any entity in which you hold or have held an ownership interest have or have had for the last five (5) years or for the period of the marriage, whichever period is longer.

Request No. 19. Copies of all telephone bills, utility bills, credit card statements and credit card charge slips, both for personal and business use for the past two (2) years and this calendar year to date.

Request No. 20. All documents, including but not limited to financial statements, appraisals, insurance policies, coverage schedules, titles, and contracts for loans, that reflect any item of property over \$500.00 in value owned by you not heretofore requested, including but not limited to collections, jewelry, guns, art, furniture or automobiles. "Item of property" means any individual item of property, as well as any collection of individual items. For example, "a coin," "a bottle of wine," or "a shirt" would be an individual item, but they would also be a part of a collection of items such as "a coin collection," "miscellaneous liquor," or "personal clothing." Therefore, when "items of personal property over \$500.00 in value" is requested, collections and groups will be included where the total value of the collection is over \$500.00, although the individual items that make up that group or collection are not individually valued at over \$500.00. "Property" includes any interest in property, including but not limited to joint tenancy, percentage ownership, or option to buy. "Property" also includes patents, copyrights, inventions, or royalties.

Request No. 21. All documents reflecting any negotiations, offers, inquiries, discussions, proposals, or agreements regarding the creation, sale, purchase, or any change in value, ownership, or status of any assets, liabilities, employment, source of income, or source of expense for the last five (5) years or the length of the marriage, whichever is longer.

Request No. 22. Copies of any job performance evaluations or job performance ratings given to you by any employer.

Request No. 23. Any and all documents reflecting your travel, food, lodging, entertainment, cleaning, and automobile or other expenses that you received reimbursement for during the last

twelve (12) months; also produce vouchers or other documentation relative to reimbursement for such expenses.

Request No. 24. All documents showing your expenses for the past twelve (12) months, including but not limited to the lease or mortgage at your place of residence, bills, statements or other documentation showing cost of utilities, telephone, household furnishings, groceries, clothing, cleaning, car note, car license, gasoline cost, car repair, tires, car insurance, and other insurance costs, school tuition and registration fees, school supplies and books, gifts, recreation, doctor bills, dental bills, bill or statements of attorney's fees, retirement, lunch costs, and veterinarian bills.

Request No. 25. Any document that describes the terms upon which you are compensating your attorney. That includes, without limitation, the contract for representation, bills or statements you have received from your attorney, and documentation of payment of your attorney such as cancelled checks.

Request No. 26. Any document including, but not limited to, calendars, diaries, or journals you have kept for the past five (5) years that show your activities of a personal or business nature.

Request No. 27. Produce any and all computer files from any business or personal financial management computer program that you or your spouse have used, such as Quicken, Microsoft Money, or TurboTax.

Request No. 28. Any and all printouts, documentation, or computer files evidencing electronic mails (e-mails) between you and any third party, whether sent or received, for the last two years.

Request No. 29. Any and all documentation with regard to any cell phone, Blackberry, or other mobile communication device, including an itemization of any incoming and outgoing calls, text messages, e-mails, or picture files, as well as an indication of the sender and/or recipient for the last two years.

Request No. 30. Any and all printouts, documentation, archives, or computer files evidencing the use of any "instant messenger service" between Defendant and any third party, whether sent or received, for the last two years. An "instant messenger service" is defined as an online provider permitting parties to communicate by sending messages through the provider. Examples include, but are not limited to, Yahoo Instant Messenger, MSN Messenger, AOL Instant Messenger, or Windows Messenger Service for the last two years.

Request No. 31. Produce any and all electronic recording devices and all tapes or digital storage associated with such device that you have used or authorized the use of for the last two years.

Pursuant to Tennessee Rule of Civil Procedure 26.05(2) this request is continuing in nature requiring supplementation with such additional documents that you possess and have access to in the future.