

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK X

SERVICE COPY

MATTHEW NORWOOD

Index No.
017204 CVN 2005

Plaintiff

-against-

587 RIVERSIDE ASSOCIATES LLC
PROPERTY MARKETS GROUP

NOTICE OF ORAL
EXAMINATION

Defendants.

X

PLEASE TAKE NOTICE, that, pursuant to Article 31 of the Civil Practice Law and Rules and particularly Section 3111 thereof, petitioner hereby demands that respondent Jim Fiederlein (hereinafter "Respondent") as an adverse party will be taken before a Notary Public, who is not an attorney or an employee of an attorney for any party or prospective party herein and is not a person who will be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the office of Mitofsky, Shapiro, Neville & Hazen, 341 West 38th Street, 9th Floor, New York, New York 10018, on July 6, 2005 at 2:15 pm, with respect to evidence material and necessary in the prosecution of this proceeding.

Plaintiff, Matthew Norwood, is required, pursuant to CPLR Section 3111,
to produce at such examination the following documents:

SEE ANNEXED RIDER

Dated: New York, New York
May 31, 2005

Yours, etc.

MITOFSKY, SHAPIRO, NEVILLE & HAZEN, LLP
Attorneys for defendants
341 West 38th Street, 9th Floor
New York, New York 10018
(212) 736-0500

DEFINITIONS

The following definitions are in addition to and supplement the information requested in the demands, and the information required to be supplied by these definitions is not to be considered limited by the document request itself.

1. "Relate (s) to" shall mean consisting of, referred to, reflected by or in any way logically or factually connected with the matters discussed, directly or indirectly.

2. "Document" is used in its broadest sense and includes all writings and printed material of any kind, all written or drafted matter of every kind and description, however produced or reproduced, whether related to fact, opinion, event, recollection, or intention, whether draft or final, original or reproduction, including but not limited to: checks, invoices, purchase orders, letter, correspondence, memoranda, telegrams, handwritten notes, lists, books of account, accounting records, periodicals, pamphlets, brochures, advertisements, reports, records, studies, working paper, contracts, agreements, licenses, understandings, minutes, notes, recorded recollections, films, transcripts, contracts and agreements (including, but not limited to, drafts, proposals and any and all modifications thereof), offers, proposal, prospectuses, memoranda of telephone conversations, personal conversations, and other communications (including, but not limited to, logs, or records thereof), microfilm tapes, telegrams, teletype messages, books, news releases, newspapers, magazines, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices,

reports (including but not limited to, internal and external investigator's reports), summaries, outlines, rules, regulations, directives, minutes or other memoranda or meetings, memoranda of interoffice or interoffice communications, financial statements, audit reports, desk calendars, appointment books, diaries, time sheets, logs, e-mails, documents which may exist on any computer, network, backup or in any other electronic format and other documents functionally similar to the foregoing, however described, in the possession, custody or control of defendant or its agents or attorneys regardless of the source of such documents, and all documents, books and records having any bearing, materially, or relevance, whether or not admissible in a court of law concerning all transactions between plaintiffs and defendants and defendants and their agents and contractors. Summaries prepared for trial will not suffice.

3. Defendant refers to Matthew R. Norwood and includes all other names by which he is known and all people and agents through which they operate.

INSTRUCTIONS

A. Each request for production of documents herein shall be deemed continuing so as to require prompt supplemental responses, if defendant obtains or discovers further documents called for herein between the time of responding to this request and the time of trial.

B. If any document within the scope of this request has been destroyed, defendant shall in the responses describe in detail the circumstances of such destruction, and shall produce any documents relating to such

destruction.

C. If a claim of privilege is asserted with respect to any documents, state with respect to each such document the date thereof, the author, the recipients, the subject, the privilege claim and a description of the document sufficient to demonstrate the applicability of the privilege claimed.

D. If any information or data is withheld because such information or data is stored electronically, it is to be identified by the subject matter of the information or data and the place or places where such information is maintained. All such information or data must be preserved forthwith.

E. The time period covered by the Notice of Discovery and Inspection, unless otherwise indicated herein, is the period August 4, 2004 to the present.

DOCUMENTS

1. The original of the lease made August 4, 2004.

2. **STATEMENTS**

(a) Any signed statement, unsigned statement, oral statement, or copy of any recorded statement or document or photograph made by or taken from any party represented by the undersigned in this action, or

(b) Any statement, unsigned statement, or copy of any recorded statement or document made by or taken from any defendant or agent, servant or employee of any defendant.

3. **PHOTOGRAPHS** - Exact duplicate reproductions of all photographs of any in instrumentality claimed to be involved in the alleged occurrence and/or of

the scene of the alleged occurrence in your possession, custody or control, or in the possession or under the control of any party you represent, or your agent, servant, employee, and/or principal, which represents the conditions of the locations at the time of the alleged occurrence and/or the instrumentalities involved or claimed to be involved therein, and/or photographs indicating the conditions of the premises immediately prior thereto or shortly after the events which are the subject of this action. In the event property damages are alleged, true and complete copies of any and all photographs depicting such damage immediately prior thereto or shortly after the alleged occurrence which is the subject of this action.

4. **STATEMENTS** - Full, true, legible and complete copies of any statements prepared or made in the regular course of businesses by any employee, agent or representative of any party to this action concerning this occurrence.

5. **NAMES AND ADDRESSES OF ATTORNEYS** - You are required to provide a list of each party to this action, together with the name address and telephone number and file number of each attorney representing said parties.

6. Any correspondence from Plaintiff to Defendant concerning Defendants inability or excuses for lack of timely compliance with the lease from August 4, 2004 to date; and (b) any written response from defendants.

7. **PROPERTY DAMAGE CLAIM** - If property damage is alleged, you are required to produce true, accurate and complete copies of all property damage estimates, repair bills and/or all original bills and/or purchase invoices for the

property allegedly damaged or destroyed due to the occurrences involved in the claim.

8. With regard to this claim, any notes, logs memorandum or other documentation made and/or maintained by plaintiff from August 4, 2004 to date.

9. All books, records, papers, correspondence and other documentation relating to defendants performance under the contract.

10. Any cancelled checks, receipts of other proof of payments under the lease from August 2004.

11. The lease for the apartment relied upon in the cause of action.

12. All other books, papers, receipts, memoranda, cancelled checks, correspondence, and other documents related to the action and counterclaim.

13. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention the alleged damage caused to property as alleged in the complaint.

14. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention the alleged failure to provide repairs as alleged in the complaint.

15. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention that defendants breached the lease.

16. Documents, correspondence, memoranda, notes and recordings which prove, reflect or mention that the plaintiff loss the use of his property.

17. Documents, contracts, correspondence, memoranda, notes and recordings, receipts and cancelled checks which prove, reflect or mention that

plaintiff was damaged in the sum of \$7,040.00 per the compliant, including, but not limited to contracts and proof of payment for the alleged \$7,040.00 in damages. This includes documents, correspondence, memoranda, notes, recordings, receipts and cancelled checks or proof of payments relating to those damages.

18. If the loss of earnings or income from any source are claimed, plaintiff's income tax returns for the years since the lease commenced.

19. Proof of rent payments made since the lease commenced.

20. Policies of insurance including renewals, amendments and endorsements thereof for the plaintiff and the premises since the lease commenced.

21. Documents, contracts, correspondence, memoranda, notes, recordings, receipts and cancelled checks which prove, reflect or mention work done at the premises since the lease commenced.

22. Documents, contracts, correspondence, memoranda, notes, recordings, receipts, reports, applications and cancelled checks relating to inspections at the premises.

23. Provide documents related to the presence of defendants' employees and agents at the Property from August 4, 2004 to the present.

Yours' etc.

MITOFSKY , SHAPIRO, NEVILLE & HAZEN, LLP
341 West 38th Street, 9th Floor
New York, New York 10018
(212) 736-0500


WILLIAM J. NEVILLE

attylib/disc docs/ebtnotice norwood v 587 property damage

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a list or index of items, possibly books or documents, with several columns of text. Some faint words and numbers are visible, but they cannot be accurately transcribed.]