
DISTRICT COURT, ARAPAHOE COUNTY,
COLORADO

Address: 7325 South Potomac St.,
Centennial, CO 80112

Plaintiff: USA TAX LAW CENTER, INC.,
dba US FAX LAW CENTER, INC.

v.

Defendant: PERRY JOHNSON, INC.

▲ COURT USE ONLY ▲

Case Number: 03 CV 5317

Division: 402

Attorney: Roger T. Castle, P.C.
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**DEFENDANT'S SECOND AMENDED FIRST SET OF INTERROGATORIES TO
PLAINTIFF**

The following Interrogatories are propounded to USA Tax Law Center, Inc.
pursuant to C.R.C.P. 16(a)(1), 26 and 33(e).

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each Interrogatory.

(b) As a general rule, within 30 days after you are served with these Interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See C.R.C.P. 33 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an Interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an Interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

In answering the following interrogatories, all information is to be divulged which is within the knowledge or possession of the Plaintiff, their agents, investigators, employees, insurers, representatives or their predecessors in interest and their attorneys.

(e) Whenever an Interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the Interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one Interrogatory, you are required to furnish them in answering only the first Interrogatory asking for that information.

(g) Your answers to these Interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers: "I declare under penalty of perjury under the laws of the State of Colorado that the foregoing answers are true and correct.

Date: _____ (Signature) _____

Sec. 4. Definitions

Words in these Interrogatories are defined as follows:

(a) TCPA means the Telephone Consumer Privacy Act, as alleged in Plaintiff's Complaint.

(b) YOU OR ANYONE ACTING ON YOUR BEHALF includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) PERSON includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

(d) DOCUMENT means a writing, as defined in C.R.E. 1001 and includes the original or a copy of handwriting, typewriting, printing, photocopied, photographing, and every other means of recording upon any tangible thing or form of communicating or

representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) ADDRESS means the street address, including the city, state, and zip code.

INTERROGATORIES

INTERROGATORY NO. 1:

For each assignor and each assignment of each assignor at issue in this case (see your Complaint), state the name, address and phone numbers of each person/individual acting for or on behalf of each assignor with whom the Plaintiff and its representatives had any contact or dealings whatsoever.

INTERROGATORY NO. 2:

For each assignor and each assignment of each assignor at issue in this case (see your Complaint), state the names, current addresses and phone numbers of each and every representative, employee, or agent of the Plaintiff who has engaged in any dealings or communications with that assignor.

INTERROGATORY NO. 3:

For each assignor and each assignment from each assignor at issue in this case (see your Complaint), describe all communications (whether written, verbal or electronic) between any and all representatives of the Plaintiff and any and all representatives of the assignor prior to the time that the assignment was executed and delivered, including the identification of all persons involved in those communications.

INTERROGATORY NO. 4:

For each assignor and each assignment from each assignor at issue in this case (see your Complaint), describe all communications (whether written, verbal or electronic) between any and all representatives of the Plaintiff and any and all representatives of the assignor at any time at or after the execution of the assignment, including the identification of all persons involved in those communications.

INTERROGATORY NO. 5:

For each assignor and each assignment of each assignor at issue in this case (see your Complaint), specifically state any and all consideration given, promised, or exchanged for the assignment.

INTERROGATORY NO. 6:

For each assignor at issue in this case (see your Complaint), describe each and every manner in which the Plaintiff believes that such assignor became aware and/or may have become aware of the Plaintiff's willingness to accept such assignment(s), or the Plaintiff's willingness to pursue a TCPA claim.

INTERROGATORY NO. 7:

Describe any and all modes or methods that the Plaintiff has ever engaged in at any time for the purpose of making third-party individuals or companies aware of the Plaintiff's willingness to pursue TCPA claims/actions and assignments of TCPA claims.

INTERROGATORY NO. 8:

Describe all owners or shareholders of the Plaintiff, including the nature and extent of their share hold or other interest, and including their name, current address and phone number.

INTERROGATORY NO. 9:

Describe the nature and extent of the Plaintiff's business activities, including all business functions or activities and the number of employees employed by the Plaintiff at each location of the Plaintiff's business operations.

INTERROGATORY NO. 10:

Describe all litigation to which the Plaintiff has ever been a party, including but not limited to, all TCPA actions ever brought by the Plaintiff for itself or as an assignee. Such description should include the case name, the court where filed (identify the court by level, location, and state), the case or action number, a description of the nature of that litigation and the issues involved therein, and the current status or final result/outcome of such litigation.

INTERROGATORY NO. 11:

Identify every person/individual who is or ever was a employee, agent, or representative of the Plaintiff who has ever testified in any of the litigation described in your answer to Interrogatory #10 above, including the case, the date of the testimony, and the nature of the testimony (trial or deposition), and the subject matter of that testimony.

INTERROGATORY NO. 12:

To the extent that any of the communications described in your Answers to Interrogatories # 3,4,6, or 7 above include any facsimile transmissions, describe all of the contents of all such facsimile transmissions and all records kept by the Plaintiff concerning each facsimile transmission and the Plaintiff's permission to send such facsimile transmission.

INTERROGATORY NO. 13:

State the name, address, telephone number, and relationship to you of each person who prepared or assisted in the preparation of the responses to these Interrogatories.

INTERROGATORY NO. 14:

Do you understand that under the Colorado Rules of Civil Procedure, Rule 33, you have the legal obligation in your answers to these interrogatories to furnish all information which is available from any of Plaintiff's records and from any of Plaintiff's employees or agents?

INTERROGATORY NO. 15:

In answering these interrogatories, has your signing representative made a full inquiry of any and all employees, and examined all of Plaintiff's records, necessary to respond fully and accurately to the questions asked in these interrogatories?

ROGER T. CASTLE, P.C.

Roger T. Castle, #7621

CERTIFICATE OF MAILING

I hereby certify that on this 13th day of August, 2004, I have deposited a true and correct copy of the foregoing Defendant's Second Amended First Interrogatories to Plaintiff in the United States mail, postage prepaid, and properly addressed to the following:

Frank Ball, Esq.
Law Office of Frank J. Ball
7880 E. Berry Place
Greenwood Village, CO 80111