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12 *Attorneys for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

11 KIMBERLY HEROLD, an individual;

12 Plaintiff,

13 vs.

14 MARY ALLRED and JOHN ALLRED, a
15 married couple; and BETTY BERAN and
16 WILLIAM BERAN, a married couple;

17 Defendants.

Case No.: CV2017-052810

**PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION TO
DEFENDANTS BETTY BERAN
AND WILLIAM BERAN**

19 **TO: DEFENDANTS BETTY BERAN AND WILLIAM BERAN AND THEIR**
20 **ATTORNEYS OF RECORD:**

21 Pursuant to Rule 34, *Arizona Rules of Civil Procedure*, Plaintiff, through undersigned
22 counsel, hereby request that Defendants, Betty Beran and William Beran, produce the following
23 designated documents for inspection and copying at the offices of Comitz | Beethe, PLLC, 6720
24 North Scottsdale Road, Suite 150, Scottsdale, Arizona 85253, within 30 days from this date.

25 **DEFINITIONS**

26 Unless otherwise stated, the terms set forth below are defined as follows:
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1 1. “Document” or “documents” refers to original documents and is used in the
2 broadest sense and means, without limitation, any written, printed, typed, photostated,
3 photographed, recorded or otherwise reproduced or stored communication or representation,
4 whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination
5 thereof. Without limiting the generality of the foregoing, “document” or “documents” includes,
6 but is not limited to, all those items mentioned and defined in Rule 1001 of the Arizona Rules of
7 Evidence, as well as including those items set forth in Rule 34 of the Arizona Rules of Civil
8 Procedure. “Document” or “documents” also includes, but is not limited to, tapes, discs, data
9 cells, electronic mail, computer files or manager systems, print-outs of information stored or
10 maintained by electronic data processing or word processing equipment, all other data
11 compilations from which information can be obtained (by translation, if necessary, by you
12 through detection devices into usable form) including, without limitation, electromagnetically
13 sensitive stored media such as floppy discs, hard discs, magnetic tapes or other electromagnetic
14 media. In addition, any draft, preliminary version, alteration, modification, change, markup,
15 amendment of any of the foregoing and comment or notation appearing on any of the foregoing
16 which is not part of the original text is to be considered a separate writing or document.

17 2. In the context of Communications, “Documents” includes, but is not limited to,
18 any e-mail message, text message, letter, or notes of any communications in your possession,
19 custody or control.

20 3. “All documents” shall mean every document, whether an original or copy, as
21 defined above, known to you and every such document or writing which you can locate or
22 discover by reasonably diligent efforts.

23 4. “Communication” or “Communications” means any transmission of information
24 from one person or persons to another person or persons, regardless of the medium by which
25 such transmission occurs.

26 5. “And” shall mean and/or.

27 6. “Or” shall mean and/or.

28 7. “All” shall be construed to mean “each and every.”

1 8. “Any” shall be construed to mean “each and every.”

2 9. The terms “concern,” “discuss,” “refer to” or “relate to” shall include all
3 documents, as defined above, which explicitly or implicitly, in whole or in part, compare, were
4 received in conjunction with, or were generated as a result of the subject matter of the request,
5 including without limitation, all documents, as defined above, which reflect, record,
6 memorialize, describe, consider, concern, constitute, discuss, embody, evaluate, analyze, review,
7 report on, comment on, impinge upon or impact the subject matter of the request.

8 10. The terms “you,” and “your” shall refer to Defendants, Betty Beran and William
9 Beran, and all of their agents, employees, and representatives.

10 11. The term “Allred” shall mean Mary Allred and all of her agents, employees, and
11 representatives.

12 12. The term “Herold” shall mean Plaintiff Kimberly Herold and all of her agents,
13 employees, and representatives.

14 13. The term “Hubbell” shall mean the Belgian warmblood gelding purchased by
15 Herold from Allred in 2016.

16 14. The term “veterinary records” shall mean any and all documents created by or for
17 a veterinarian in connection with any evaluation, treatment or diagnosis of an animal.

18 15. The term “medication records” shall mean any and all documents related to any
19 medications, vitamins or other health supplements or supplies administered to Hubbell
20 including, but not limited to, prescription records, medication logs, and receipts for medicine
21 purchased for Hubbell.

22 16. The term “show records” shall mean any and all records related to entry and
23 participation in, and results from, any equine show or competition, as well as any documents
24 summarizing Hubbell’s history and results in any equine show or competition.

25 17. The term “possession, custody or control” means all documents in your
26 possession, in the possession of your agents or representatives, and/or in the possession of any
27 third parties which you can obtain upon request.

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1 INSTRUCTIONS

2 1. In responding to these requests, you shall furnish all responsive documents, that
3 are in your possession, custody or control and available at the time of production, including
4 documents in the possession, custody or control of your agents and representatives and
5 documents that you can obtain upon request from any third parties.

6 2. References to an individual, partnership, or corporation include any and all agents,
7 employees, representatives, attorneys and all other persons or entities acting on his, her on its
8 behalf or under his, her or its control.

9 3. If you claim any form of privilege, whether based on statute or otherwise, as a
10 ground for not producing any document, Plaintiff requests you provide a privilege log which
11 includes the following:

- 12 a. the date of the document;
- 13 b. the name, the present or last known home and business address, the
14 telephone numbers, the title (or position) and the occupation of those
15 individuals who prepared, produced, reproduced or who were recipients of
16 said document;
- 17 c. a description of the document sufficient to identify it without revealing the
18 information for which the privilege is claimed;
- 19 d. each and every fact or basis upon which you claim any such privilege;
- 20 e. the location of the document;
- 21 f. the custodian of the document; and
- 22 g. if any document or copy thereof was, but is no longer in your possession or
23 subject to your control, state what disposition was made of it.

24 4. The use of the singular shall include the plural, and the disjunctive shall include
25 the conjunctive, and vice versa.

26 5. If any requested document was at any time in your possession, custody or control,
27 but is no longer in your possession, custody or control, state whether such document is missing,
28 lost, destroyed, discarded or has been transferred, voluntarily or involuntarily, to any other

1 person or otherwise disposed of, and the circumstances surrounding, and authorization given, if
2 any, for such disposition, and the identity of the person or persons to whom such document was
3 transferred, if any. You are further to describe in detail the nature of the document and its
4 contents, identify the date of the document and the date on which it was destroyed or transferred,
5 and identify the person who requested and performed the destruction or transfer.

6 6. If a document was prepared in several copies or if additional copies were
7 thereafter made, and if any such copies were not identical or are no longer identical by reason of
8 any notation or modification of any kind whatsoever, including without limitation, notations on
9 the front or back of any of the pages thereof, then such non-identical copy is a separate
10 document and must be produced.

11 7. All terms that are in bold print in the Requests for Production are specifically
12 defined above. All other terms should be construed according to their plain meaning.

13 REQUESTS FOR PRODUCTION

14 1. All **documents in your possession, custody or control** related to **Hubbell**
15 including, but not limited to, all **veterinary records, medication records, and show records.**

16 2. All **documents in your possession, custody or control** related to any contracts
17 you have entered into with **Allred** at any time within the past five (5) years.

18 3. All **documents in your possession, custody or control** showing any payments
19 received by **you** from **Allred** at any time since January 1, 2016 including, but not limited to, any
20 commissions, fees and wages.

21 4. All **documents in your possession, custody or control** evidencing any
22 **communications you** have had with **Allred** regarding **Hubbell** at any time.

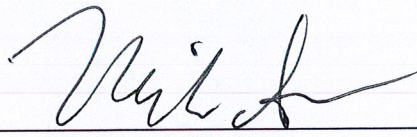
23 5. All **documents in your possession, custody or control** evidencing any
24 **communications you** have had with **Herold** regarding **Hubbell** at any time.

25 6. All **documents you** have identified or relied upon in responding to Plaintiff's First
26 Set of Uniform and Non-Uniform Interrogatories and First Set of Requests for Admission,
27 served concurrently herewith.

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1 DATED this 9th day of May, 2017.

2 COMITZ | BEETHE, PLLC

3
4 By: 

5 Michael F. Beethe
6 Patrick T. Stanley
7 6720 N. Scottsdale Road, Suite 150
8 Scottsdale, Arizona 85253
9 Attorneys for Plaintiff

10 ORIGINAL emailed and mailed
11 on this 9th day of May, 2017,
12 to:

13 Adam Trenk, Esq.
14 Lauren Reynolds, Esq.
15 Rose Law Group, PC
16 7144 East Stetson Drive, Suite 300
17 Scottsdale, AZ 85251

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By: 