

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**Civil Action No. 07-cv-00630-DME-MEH**

**NETQUOTE INC, a Colorado corporation,**

**Plaintiff,**

**v.**

**BRANDON BYRD, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227, and**

**MOSTCHOICE.COM, Inc., a Georgia corporation**

**Defendants.**

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**DEFENDANT MOSTCHOICE.COM, INC.'S  
INTERROGATORIES TO PLAINTIFF NETQUOTE, INC.**

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Comes now, Defendant Mostchoice.com, Inc. , by and through his counsel of record, and pursuant to Fed. R. Civ. P. 33 hereby requests that Plaintiff Netquote, Inc. serve written answers under oath to the following interrogatories at the offices of Isenberg & Hewitt, P.C., 7000 Peachtree Dunwoody Road, Building 15, Suite 100, Atlanta, Georgia 30328, within thirty (30) days of the date hereof, or as otherwise provided by the Local or Federal Rules of Civil Procedure. The responses are to be supplemented in accordance with Rule 26(e) of the Federal Rule of Civil Procedure.

### **INSTRUCTIONS AND DEFINITIONS**

1. "Document" means every writing or record of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, including but not limited to correspondence, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, maps, reports, surveys, minutes or statistical compilations, or any other reported or graphic material in whatever form, including copies, drafts, and reproductions. "Document" also refers to any other data compilations from which information can be obtained, and translated, if necessary, by you through computers or detection devices into reasonably usable form.

2. "Person" means any natural person, corporation, partnership, proprietorship, association, governmental entity, agency, group, organization, or group of persons.

3. To "identify" a "document" means to provide the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- (a) The title or other means of identification of each such document;
- (b) The type of document (e.g., letter, memorandum, record);
- (c) The date of each such document;
- (d) The author of each such document;
- (e) The recipient or recipients of each such document, including but not limited to plaintiff or anyone who purports to represent the plaintiff;
- (f) The present location of any and all copies of each such document in the care, custody, or control of plaintiff;
- (g) The names and current addresses of any and all persons who have custody or

control of each such document or copies thereof; and

- (h) If all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.

In lieu of "identifying" any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

4. To "identify" a natural person means to state that person's full name, title, or affiliation, and last known address and telephone number. To "identify" a person that is a business, organization, or group of persons means to state the full name of such business, organization, or group of persons, the form of the business, organization, or group of persons (e.g., government agency, corporation, partnership, joint venture, etc.), and to "identify" the natural person who would have knowledge of the information sought by the interrogatory.

- 5. "Plaintiff," "you," or "your" refers to, without limitation, the named plaintiff,

**Netquote, Inc.**

- 6. "Defendant" refers to, without limitation, the named defendant, Mostchoice.com, **unless otherwise specifically noted as being another defendant.**

- 7. "Complaint" refers to the Complaint filed by plaintiff in this action.

8. "Customer" shall mean the "identity" of any person or entity that purchases leads of the type claimed to have been falsely submitted as alleged in your complaint.

9. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.

10. Use of feminine pronouns shall be deemed to include the masculine and neuter and use of masculine pronouns shall be deemed to include the feminine and neuter.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

With respect to each customer listed in SD20-SD22 of the Plaintiff's Expert Report, please identify the name, address, phone number, entity name, and contact.

#### **INTERROGATORY NO. 2**

With respect to each customer listed in SD20-SD22 of the Plaintiff's Expert Report, please identify the number of leads each requested on a monthly basis from January 2005, through present.

#### **INTERROGATORY NO. 3**

With respect to each customer listed in SD20-SD22 of the Plaintiff's Expert Report, please identify the number of leads credited to each account from January 1, 2005 through the present.

#### **INTERROGATORY NO. 4**

With respect to each customer listed in SD20-SD22 of the Plaintiff's Expert Report, please identify all communications with Netquote between October 1, 2006 and present.

#### **INTERROGATORY NO. 5**

Please identify each customer Netquote has ever had for 7 continuous years.

#### **INTERROGATORY NO. 5**

Please state the total number of customers that terminated their relationship with Netquote between October 1, 2006 and September 20, 2007.

**INTERROGATORY NO. 6**

Please state the number of leads received from the following internet protocol addresses between January 1, 2005 and September 30, 2006:

64.136.27.226

64.136.26.227

**INTERROGATORY NO. 7**

Please state the number of leads represented by dollar amounts contained in the following documents.

NQ2433-NQ2449

NQ2416-NQ2432

NQ2450-NQ2466

NQ2467-NQ2495

**INTERROGATORY NO. 8**

With respect to each customer listed in SD20-SD22 of the Plaintiff's Expert Report, please state the factual basis for your position that the relationship was terminated as a result of submissions received from Brandon Byrd.

**INTERROGATORY NO. 9**

Please state with specificity the total number of leads Netquote sent to HSBC.

**INTERROGATORY NO. 10**

Please identify the number of applications received between October 1, 2006 and July 30, 2007.

**INTERROGATORY NO. 11**

For any document not produced because Netquote cannot locate any or no longer has any,

please describe the document retention policy that applied to each type of document.

**INTERROGATORY NO. 12**

Please identify any Netquote customer that was obligated to purchase leads under a written contract that contained a definite time period.

Dated this 3<sup>rd</sup> day of October, 2007.

**s/ Ryan Isenberg**

Ryan L. Isenberg, Esq.  
Isenberg & Hewitt, P.C.  
7000 Peachtree Dunwoody Road  
Building 15, Suite 100  
Atlanta, Georgia 30328  
Telephone: 770-351-4400  
Facsimile: 770-828-0100 (Fax)  
Email: [ryan@isenberg-hewitt.com](mailto:ryan@isenberg-hewitt.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of October, 2007, I served the foregoing Defendant Mostchoice.com, Inc.'s Interrogatories to Plaintiff Netquote, Inc. by electronic delivery, as an attachment to an email, to the following counsel of record:

Daniel D. Williams, Esq.  
FAEGRE & BENSON LLP  
3200 Wells Fargo Center  
1700 Lincoln Street  
Denver, Colorado 80203

**s/ Ryan Isenberg**