

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COURTNEY ARMSTRONG and)	
LISA ARMSTRONG)	
)	
Plaintiffs,)	Case No. 04 C 4128
)	
v.)	Judge Hibbler
)	Mag. Judge Keys
SOUTH CHICAGO DODGE CHRYSLER,)	
JEEP, INC., and CAPITOL ONE AUTO)	
FINANCE, INC.)	

RESPONSE TO PLAINTIFFS' MOTION TO COMPEL

NOW COMES Defendant, SOUTH CHICAGO DODGE CHRYSLER, JEEP, INC., (herein after SOUTH CHICAGO) by and through its attorneys, James F. Best and Aneta H. Pavlovich of Best, Vanderlaan & Harrington, and hereby responds to Plaintiffs' Motion to Compel Discovery, requesting that this Court denies Plaintiffs' Motion to Compel. Pursuant to this Court's Order and suggestions of January 9, 2006, South Chicago has supplemented its responses to Interrogatories and Document Production, in an attempt to resolve any discovery dispute and in order to address Plaintiffs' Motion to Compel, instead of filing a Response to Motion to Compel. Since after South Chicago produced supplemental discovery compliance, Plaintiffs filed another Motion to Compel, South Chicago files its Response to both of Plaintiffs' Motions to Compel. In support of its Response to Plaintiffs' Motions to Compel, South Chicago states as follows:

I. Interrogatory Answers:

Interrogatories 3, 7 and 11.

In their Motion to Compel, Plaintiffs allege that South Chicago did not provide complete responses to Interrogatories 3, 7 and 11. These Interrogatories basically request identification of all documents

concerning the events described in Plaintiffs' complaint, all exhibits which South Chicago may attempt to introduce as evidence at trial and all documents referring or relating to any communication with other defendant. Plaintiffs' Motion incorrectly states that South Chicago's responses to Interrogatories 3, 7 and 11 are "See records hand delivered to Plaintiffs' attorney on December 14, 2004, but Defendant reserves the right to supplement this answer if other documents become available at a later date." South Chicago has supplemented these Interrogatories twice, listed all the documents, added additional documents and bates stamped all the documents produced, all of which have a name/heading and are self explanatory by name. (See Answers to Interrogatories 3, 7 and 11 contained in South Chicago's Second Supplemental Response to Plaintiffs' First Set of Interrogatories, attached as Exhibit "A.") Plaintiffs' Motion further incorrectly states that South Chicago has objected to these Interrogatories, as none of the answers provided by South Chicago to these Interrogatories contain any objections. Any further requests and motions by Plaintiffs' attorney for supplementation are nothing more but mere harassment of Defendant. On three different occasions, South Chicago has produced all the documents and records it has concerning all transactions with the Plaintiffs.

Interrogatory 17.

Plaintiffs' Interrogatory number 17 asks to identify any insurance policies which may cover any damages sought in the Complaint, and the date when the insurer was notified of Plaintiffs' claim. South Chicago has answered that it had Universal Underwriters policy and latter supplemented its response that a policy of insurance with Universal Underwriters was effective on the date of the incident alleged. (See Answer to Interrogatory 17 contained in Exhibit "A.")

Interrogatory 4.

Plaintiffs' request regarding Interrogatory number 4 is asking for "all oral statements relating to your sale of the subject vehicle." South Chicago has supplemented its answer to this interrogatory, even though it is still objecting that this interrogatory is overly broad and unduly burdensome. (See Answer to Interrogatory 4 contained in Exhibit "A.") Plaintiffs' Motion incorrectly states that "this objection was waived because it was not filed timely," when in fact South Chicago raised this objection in its first Answer to Plaintiffs' Interrogatories. Furthermore, in its Rule 26a Disclosure and in its Answer to Interrogatory number 2, South Chicago has disclosed all the individuals who had knowledge of regarding facts and circumstances surrounding the transaction in question and who had conversations with Plaintiffs regarding the sale of the vehicle. Requesting South Chicago to put in one answer to interrogatory each and every oral statement is evidently overly broad and unduly burdensome.

Interrogatory 10.

Plaintiffs' request regarding Interrogatory number 10 is asking whether Defendant "have given any statement[s] to you." South Chicago has objected to this interrogatory based on the attorney-client privilege, as the question calls for conversation protected by the attorney-client relationship. (See Answer to Interrogatory 10 contained in Exhibit "A.") Once again Plaintiffs' Motion incorrectly states that "Defendant failed to provide a specific objection," when in fact South Chicago raised specific objection based on the attorney-client privilege. Plaintiffs attorney's question regarding any conversations between Defendant and its attorneys is completely inappropriate, especially after Plaintiffs' attorney refused to allow Plaintiff, Courtney Armstrong to answer any questions regarding her conversation with her professor in her criminal justice program, Dr Bradford, even though Plaintiff stated that she considered her and talked to

her "like a friend." (See Page 222, 223 and 224 of Plaintiff, Courtney Armstrong's deposition transcript, attached hereto as Exhibit "B.")

Interrogatory 12 and 16.

In Interrogatories 12 and 16 Plaintiffs' request that South Chicago for each and every paragraph of Plaintiffs' Complaint and Plaintiffs' Requests for Admission which is denied to explain and describe any facts supporting denial. South Chicago has objected to this interrogatory as vague, overly broad and unduly burdensome. These two interrogatories refer to 143 separate paragraphs of Plaintiffs' Complaint and to 36 separate Requests to Admit, and therefore exceed the limit of total 25 interrogatories prescribed by Federal Rule 33. However, without waiving said objection and in the spirit of facilitating discovery, South Chicago has provided documents supporting its position. (See Answers to Interrogatory 12 and 16 contained in Exhibit "A.")

Interrogatory 13 and 14.

In Interrogatories 13 and 14 Plaintiffs request that South Chicago provides information regarding "any other legal action either as a defendant or a plaintiff" and "any other legal action, either as a defendant or a plaintiff where allegations were raised concerning improper use of personal or financial data or credit report access issues." South Chicago has objected to this interrogatory based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information and being highly prejudicial. Plaintiffs also requested documents from litigation involving WFS Financial. WFS Financial had nothing to do with and was not involved in any of the transactions with the Plaintiffs. However in the spirit of discovery South Chicago did produce Complaint and Answer to Complaint. (See correspondence of South Chicago's counsel of January 24, 2006,

attached as Exhibit "C.") Additionally, as Plaintiffs' attorneys are aware the matter with WFS Financial has been settled. Any allegations made by WFS Financial were only allegations, and therefore they do not show any pattern or practice. South Chicago has denied and still denies all of the allegations of WFS Financial. None of these allegations have been proven, since as stated above the matter has been settled. Also, the parties entered into a confidential settlement agreement, therefore, any further disclosure regarding said litigation is confidential. Plaintiffs' requests are nothing more but a mere fishing expedition.

Interrogatory 15.

Plaintiffs' request regarding Interrogatory number 15 is asking for South Chicago to "explain and describe any complaints, reprimands" it has had regarding the use of its direct access terminals or credit reporting services. South Chicago has supplemented its answer to this interrogatory that it has not been reprimanded for any matters regarding the use of direct access to the terminal and/or the credit reporting services, even though it is still objecting to this interrogatory based on relevancy, the request being overly broad and unduly burdensome, highly prejudicial and not reasonably calculated to lead to the discovery of discoverable information. (See Answer to Interrogatory 15 contained in Exhibit "A.")

Interrogatory 18.

In Interrogatory 18 Plaintiffs' request that South Chicago provides "all financial statements concerning Defendant's financial status or affairs." South Chicago has objected to this interrogatory based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information and being highly prejudicial. Additionally, South Chicago has objected to this interrogatory as this information is confidential in nature. Once again, Plaintiffs' requests for South Chicago's financial statements are nothing more but a mere fishing expedition, as this information

is not relevant.

II. Depositions of South Chicago and its representatives:

South Chicago does not and did not refuse to produce its representative for depositions. To the contrary, South Chicago has offered dates for the depositions of all three of its representatives and has in fact produced its representatives for their depositions on the dates scheduled. (See deposition transcript of Richard Ruscitti, Jr., deposition of whom proceeded on January 25, 2006, at 10:08 a.m., as scheduled attached as Exhibit "L" to South Chicago's Motion for Protective Order.) Furthermore, South Chicago's Response to Plaintiffs' Motion to Compel Deposition is addressed in South Chicago's Motion for Protective Order.

III. Production of Documents:

Request 1.

In their Motion to Compel, Plaintiffs allege that South Chicago did not provide a complete response to Request 1. This Request requests the same information as Interrogatories 3, 7 and 11, i.e. production of deal bags for the sale of vehicles in question, all correspondence to Plaintiffs, and any notes, memoranda and other documents regarding any conversations or other communications related to the vehicle or Plaintiffs. Plaintiffs' Motion incorrectly states that South Chicago's failed to provide a complete response to this request. South Chicago has fully answered this request, producing all documents in its possession and later even supplemented this request with more specifics to particular documents produced, listing all the documents and bates stamped all the documents produced, all of which have a name/heading and are self explanatory by name. (See Response to Request 1 contained in South Chicago's Supplemental Response to Plaintiffs' First Request for Production, attached as Exhibit "D.") On at least three different occasions, South Chicago has produced all the documents and records it has concerning all transactions

with the Plaintiffs.

Request 2.

In Request number 2 which contain 14 individual requests, some of which have additional sub-parts, Plaintiffs request documents related to the sales presentation to Plaintiffs. South Chicago did produce all the documents that it has in its possession relating to the transaction in question involving Plaintiffs, listing all the documents and bates stamped all the documents produced, all of which have a name/heading and are self explanatory by name. Plaintiffs had additionally requested numerous documents regarding sales training materials, any and all month-end commission sheets and other sales department documents not related to the transaction in issue. South Chicago has objected to these requests based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information and being highly prejudicial. However as noted above in the spirit of discovery, South Chicago did produce all the documents that it has in its possession relating to the transaction in question involving Plaintiffs. (See Response to Request 2 contained in Exhibit "D.") Plaintiffs' requests regarding any other transactions, commissions, training materials are nothing more but a mere fishing expedition.

Requests 3 and 4.

In Requests number 3 and 4 which contain 44 individual requests, some of which have additional sub-parts, Plaintiffs request numerous financing documents, some of which do not relate to the transaction in question, dealer agreements and other documents between South Chicago and lending institutions not related to the transaction in question. South Chicago has objected to most of these requests based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information and being highly prejudicial. However in the spirit of discovery,

South Chicago did produce all the documents that it has in its possession relating to the transaction in question involving Plaintiffs. (See Response to Requests 3 and 4 contained in Exhibit "D.") Plaintiffs also requested documents from litigation involving WFS Financial. WFS Financial had nothing to do with the transactions with Courtney Armstrong, however in the spirit of discovery South Chicago did produce Complaint and Answer to Complaint. (See Exhibit "C.") Additionally, as Plaintiffs' attorneys are aware the matter with WFS Financial has been settled. Any allegations made by WFS Financial were only allegations, and therefore they do show any pattern or practice. South Chicago has denied and still denies all of the allegations of WFS Financial. None of these allegations have been proven, since as stated above the matter has been settled. Also, the parties entered into a confidential settlement agreement.

WHEREFORE, Defendant SOUTH CHICAGO DODGE CHRYSLER, JEEP, INC., requests that this Honorable Court denies Plaintiffs' Motion to Compel.

Respectfully submitted,


By: _____

One of the Attorneys for Defendant,
SOUTH CHICAGO DODGE
CHRYSLER, JEEP, INC.

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CERTIFICATE OF SERVICE

I, the undersigned, state that I caused to be served the foregoing, with enclosures referred to thereon, if any, by hand delivering copies to the attorney(s) of record at the address(es) of record and depositing same in the U.S. Mail at 25 E. Washington Street, Chicago, Illinois 60602 on the 29th day of January, 2006.



Re: Courtney and Lisa Armstrong v. South Chicago Dodge Chrysler
& Capitol One Auto Finance
Case No.: 04 C 4128
Our File No.: 4197

ATTORNEY SERVICE LIST

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Plaintiff's Attorney

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

COURTNEY ARMSTRONG and)
LISA ARMSTRONG)

Plaintiffs,)

v.)

SOUTH CHICAGO DODGE CHRYSLER)
JEEP, INC., and CAPITAL ONE AUTO)
FINANCE, INC.)

Case No. 04 C 4128

Judge Hibbler

Mag. Judge Keys

**DEFENDANT, SOUTH CHICAGO DODGE CHRYSLER JEEP'S SECOND
SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

NOW COMES the Defendant, SOUTH CHICAGO DODGE CHRYSLER JEEP, INC., by
and through its attorneys, BEST, VANDERLAAN & HARRINGTON, and in answering Plaintiffs'
First Set of Interrogatories, states as follows:

INTERROGATORY NO. 1:

Identify the names, addresses, and telephone numbers of all persons who supplied
information responsive to these interrogatories.

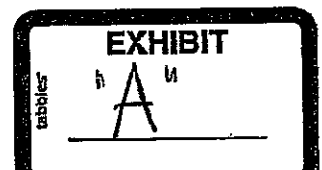
ANSWER: Richard Ruscitti Jr.
South Chicago Dodge Chrysler Jeep, Inc.
(Can be contacted through Defense counsel.)

INTERROGATORY NO. 2:

Identify the names, addresses, and telephone numbers of all persons who have personal
knowledge of any of the facts, events, or matters that are alleged in plaintiff's complaint, your
answer, anticipated answer and/or defenses thereto and describe and explain your understanding of
the matters on which the persons named have knowledge.

ANSWER: Courtney Denise Armstrong, Plaintiff. Has knowledge to the facts and
circumstances surrounding the transaction alleged as part of this lawsuit.

Lisa Armstrong, Plaintiff. Has knowledge to the facts and circumstances
surrounding the transaction alleged as part of this lawsuit.



Glenn Armstrong. Has knowledge to the facts and circumstances surrounding the transaction alleged as part of this lawsuit.

Richard Ruscitti Jr., Charles Pacione, Tom Szucs, (All from South Chicago Dodge Chrysler Jeep, Inc., and all can be contacted through Defense counsel.) Have knowledge as to the facts and circumstances surrounding the transaction alleged as part of this lawsuit. Also have knowledge as to any conversations with Plaintiffs as well as the custom and practices of the dealership and financing in the sale of vehicles.

Faith Miller and other Capitol One employees - Capitol One Auto Finance, Inc. Have knowledge as to the facts and circumstances surrounding the transaction alleged as part of this lawsuit. Also have knowledge as to any custom and practices of the financial institution and financing in the sale of vehicles.

Chicago Police Department. Detectives have knowledge to the facts and circumstances surrounding the conversations with Courtney Denise Armstrong, Courtney Jean Armstrong, representatives of South Chicago Dodge.

Courtney Jean Armstrong. Is expected to testify to the facts and circumstances surrounding the transaction alleged as part of this lawsuit.

Defendant reserves the right to name additional individuals who may have personal knowledge of the facts alleged in the complaint or defendant's answer upon the completion of the discovery process.

INTERROGATORY NO. 3:

Identify all correspondence or documents that refer or relate to any correspondence or communication between you and any other defendant in this action relating or referring to the facts, acts, events, or matters alleged in plaintiffs complaint, or your answer, anticipated answer and/or defenses thereto.

ANSWER: None other than the documents produced by Capital One, documents from the Chicago Police Department, documents obtained through subpoenas, documents produced by Plaintiffs' attorney, documents produced as Deposition Exhibits (consisting of Exhibit 3, bates stamped 0000001-0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005; Exhibit 4, bates stamped 0000001-0000080, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005). Defendant reserves the right to supplement this answer if other documents become available at a later date.

INTERROGATORY NO. 4:

Identify all oral statements relating to your sale of the subject vehicle, including, but not limited to, all statements and documents relating to negotiations and communications prior to the sale of the vehicle, and to the actual sale transaction on the vehicle.

ANSWER: Objection. Defendant objects to this interrogatory as vague, over broad and unduly burdensome. This interrogatory is more appropriate for oral discovery. However, without waiving said objection and in the spirit of facilitating discovery, several conversations were had by the Plaintiffs and by various individuals of Chicago Dodge Chrysler Jeep. Further, without waiving said objection and in the spirit of discovery, Chuck Pacione - the customers transaction took place all in one night. They came to the dealership at night close to closing time. Chuck Pacione met the plaintiffs for the first time that night. Chuck Pacione met the customers in the showroom at the dealership and greeted them there. Then he asked the customers about their intentions and they wanted to purchase a vehicle. Chuck took pertinent information from Courtney to complete a credit application to see what they qualified for. Chuck took the credit application to the sales desk where Tom Szucs entered in the information provided by Courtney to Chuck into the credit bureau machine. The credit bureau was accessed and Chuck was advised to show her a vehicle. Chuck asked Courtney qualifying questions like how much can you afford, do you want truck or a car, etc. etc. etc. Chuck walked the customers out to the used car lot and they landed at the 2000 Chrysler 300m in which Courtney wanted to test drive. Chuck described the features and benefits of the vehicle like it was a full size sedan, talked about engine, safety features etc... After the test drive, they ventured back to the showroom and Chuck gave Courtney the figures. Courtney agreed on the terms and conditions of the vehicle and Chuck ordered the vehicle to be cleaned and ordered the finance department to draw up the finance paper work. During the conversation, Courtney asked Chuck if her credit was strong enough to support another vehicle. Chuck approached Tom Szucs and asked if her credit was strong enough to support 2 vehicles and he said it was okay. Chuck went back out to the lot with the customers and they landed on the 2000 Dodge Durango. They took it for a test drive and Chuck gave Courtney the figures on the Durango and she agreed. Chuck then ordered the vehicle to be cleaned and ordered the finance department to draw up the paperwork.

Richard Ruscitti Jr., had conversations with Courtney Armstrong regarding financing and the sale of vehicles. Any further conversations, that Richard Ruscitti Jr., had with Plaintiffs, can be obtained at his deposition.

The only documentation used in the sales process was a copy of the car fax about the vehicle, previously produced.

Defendant has produced all documents that have concerning the transaction involved.

INTERROGATORY NO. 5:

Identify each person whom you may call as an expert witness at trial including name, business address, and telephone number, and the substance of the facts and opinions to which the expert may testify, and summarize the grounds for each opinion.

ANSWER: Defendant has not retained expert witnesses at this time, but reserves the right to supplement this response and name such witnesses at a later date.

INTERROGATORY NO. 6:

Identify the names, addresses, and telephone numbers of all persons who accessed, obtained, used, viewed and/or came into possession of plaintiff's consumer credit report which you accessed in November of 2000.

ANSWER: Objection. Defendant objects to this interrogatory as vague, over broad and imprecise in time and unduly burdensome. However, without waiving said objection and in the spirit of facilitating discovery, Defendant answers that it did not have contact with Plaintiff, Courtney Armstrong before June of 2002.

INTERROGATORY NO. 7:

Please list, explain and describe documents known to you or believed by you to exist concerning the events described in plaintiff's complaint, or concerning any event which is the subject of any defense you have raised to this lawsuit.

ANSWER: None other than the documents produced by Capital One, documents from the Chicago Police Department, documents obtained through subpoenas, documents produced by Plaintiffs' attorney, documents produced as Deposition Exhibits (consisting of Exhibit 3, bates stamped 000001-0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005; Exhibit 4, bates stamped 000001-0000080, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005). Defendant reserves

the right to supplement this answer if other documents become available at a later date.

INTERROGATORY NO. 8:

Please identify each expert witness you believe may have formed any opinion or consulted with you about the facts or basis of this lawsuit or any defense or allegation you have raised in this lawsuit.

ANSWER: Defendant has not retained expert witnesses at this time, but reserves the right to supplement this response and name such witnesses at a later date.

INTERROGATORY NO. 9:

Please identify all individuals known to you or your attorney who are not witnesses, but who you have reason to believe have knowledge pertinent to the events at issues as alleged in plaintiff's complaint, and provide a brief summary of the facts to which each such person could testify. For each person, please state the following:

- a) Please state whether each such person is affiliated with, or related to, or employed by any party (or its agents, servants, officers, or employees) to this lawsuit;
- b) If any of the persons so listed in response to this interrogatory do not fit the characterization in subpart A above, please describe the nature of their involvement in this lawsuit;
- c) Please explain and describe your understanding of the knowledge of such facts.

ANSWER: None other than listed above, but Defendant reserves the right to supplement this answer if other documents become available at a later date.

INTERROGATORY NO. 10:

Please state whether any of the individuals listed in the answers to the preceding interrogatories have given any statement[s] to you and, if so, please identify the individual giving the statement, identify the individual to whom the statement was given, the date of the statement, and whether or not the statement was written or recorded and, if it was written or recorded, identify the individual presently in possession of it.

ANSWER: Objection. Defendant objects to this interrogatory based on the attorney-client privilege, as the question calls for conversation protected by the attorney-client relationship and further answering none other.

INTERROGATORY NO. 11:

Please list each exhibit which you may attempt to introduce as evidence at the trial of this case, or which has been used or referred to by any expert witness on your behalf.

ANSWER: None other than the documents produced by Capital One, documents from the Chicago Police Department, documents obtained through subpoenas, documents produced by Plaintiffs' attorney, documents produced as Deposition Exhibits (consisting of Exhibit 3, bates stamped 0000001-0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005; Exhibit 4, bates stamped 0000001-0000080, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005). Defendant reserves the right to supplement this answer if other documents become available at a later date.

INTERROGATORY NO. 12:

For each paragraph of plaintiff's complaint for which you deny the allegations, please explain and describe any facts which you believe may support each denial.

ANSWER: Objection. Defendant objects to this interrogatory as vague, over broad and unduly burdensome. This interrogatory is more appropriate for oral discovery. Additionally, this interrogatory refers to 143 separate paragraphs of plaintiff's complaint, and therefore has 143 sub-parts, thus exceeds the limit of total 25 interrogatories prescribed by Federal Rule 33. However, without waiving said objection and in the spirit of facilitating discovery, see documents produced as Deposition Exhibits (consisting of Exhibit 3, bates stamped 0000001-0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005; Exhibit 4, bates stamped 0000001-0000080, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005). Defendant reserves the right to supplement this answer if other documents become available at a later date.

INTERROGATORY NO. 13:

Have you ever been involved in any other legal action, either as a defendant or a plaintiff? If so, please state:

- a) The date and place each such action was filed identifying the other party or parties involved, the docket number of such actions, and the names of the attorneys representing each party;
- b) A description of the nature of each such action; and
- c) The result of each such action whether there was an appeal, and the result of the appeal, and whether such case was reported and the name, volume number, and page citation of the report.

ANSWER: Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information.

INTERROGATORY NO. 14:

Have you ever been involved in any other legal action, either as a defendant or a plaintiff where allegations were raised concerning improper use of personal or financial data or credit report access issues were involved? If so, please state:

- a) The date and place each such action was filed identifying the other party or parties involved, the docket number of such actions, and the names of the attorneys representing each party;
- b) A description of the nature of each such action; and
- c) The result of each such action whether there was an appeal, and the result of the appeal, and whether such case was reported and the name, volume number, and page citation of the report.

ANSWER: Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information.

INTERROGATORY NO. 15:

Please explain and describe any complaints, reprimands you have had about either: [1] Defendant and/or [2] any employee regarding the use of your direct access terminals or credit reporting services.

ANSWER: Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. **However, without waiving said objection and in the spirit of facilitating discovery, Defendant has not been reprimanded for any matters regarding the use of our direct access to the terminal and/or the credit reporting services.**

INTERROGATORY NO. 16:

For each of plaintiff's Requests For Admissions for which you deny the statement or answer in any manner other than to admit the statement, please explain and describe any facts which you believe may support each denial or answer other than an admission.

ANSWER: Objection. Defendant objects to this interrogatory as vague, over broad and unduly burdensome. **Additionally, this interrogatory refers to 36 separate Requests to Admit, and therefore has 36 sub-parts, thus exceeds the limit of total 25 interrogatories prescribed by Federal Rule 33. However, without waiving said objection and in the spirit of facilitating discovery, see documents produced as Deposition Exhibits (consisting of Exhibit 3, bates stamped 0000001-0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005; Exhibit 4, bates stamped 0000001-0000080, previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions on November 15, 2005). Defendant reserves the right to supplement this answer if other documents become available at a later date.**

INTERROGATORY NO. 17:

Identify any insurance policies which you contend may cover any of the damages sought in the Complaint in this case, and state the date on which each relevant insurer was notified of Plaintiff's claims.

ANSWER: There was a policy of insurance with Universal Underwriters that was effective on the date of the incident alleged.

INTERROGATORY NO. 18:

Identify all financial statements concerning Defendant's financial status or affairs prepared by, or for, Defendant at any time in the past three years.

ANSWER: Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

Respectfully submitted,

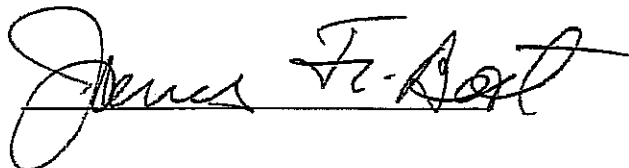
By: 

One of the Attorneys for Defendant,
SOUTH CHICAGO DODGE
CHRYSLER, JEEP, INC.

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Atty No.: 37240

CERTIFICATE OF SERVICE

I, the undersigned, state that I caused to be served the foregoing, with enclosures referred to thereon, if any, by hand delivering copies to the attorney(s) of record at the address(es) of record and depositing same in the U.S. Mail at 25 E. Washington Street, Chicago, Illinois 60602 on the 24th day of January, 2005.



Re: Courtney and Lisa Armstrong v. South Chicago Dodge Chrysler
& Capitol One Auto Finance

Case No.: 04 C 4128

Our File No.: 4197

ATTORNEY SERVICE LIST

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Chicago, Illinois 60602
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(312) 782-2022 (fax)
Plaintiff's Attorney

1 purchase of the Durango or the Chrysler from South
2 Chicago?

3 A. The only one that I dealt with, yeah.
4 They still called the house, but I didn't answer.

5 Q. All right. Now I see at some point in
6 time, did you talk to your business law professor?

7 A. I talked to a lot of professors about it.

8 Q. Okay. Did anybody give you advice
9 legally?

10 A. No. I wasn't so much worried about legal
11 advice. I was just trying to make sure that I
12 couldn't go to jail.

13 Q. When is the -- don't tell me what you
14 said to the lawyer, but when is the first time you
15 talked to a lawyer about this situation?

16 A. When it first aroused with my car?

17 Q. Yes, about the car.

18 A. That's when -- when it first aroused
19 about my car, the 300M.

20 Q. And was that Mr. Langone, your attorney?

21 A. I talked to one of my professors in my
22 criminal justice program.

23 Q. Okay. And who was that?

24 A. Dr. Bradford.

1 MR. BEST: Excuse me. I didn't interrupt you,
2 Mr. Langone. I would appreciate the same courtesy.

3 MR. LANGONE: Communication with her law
4 professor when she was seeking legal advice is
5 privileged.

6 MR. BEST: The other point is I would ask again
7 that you -- I let you finish. I would ask that you
8 give me the same courtesy.

9 So she testified that she saw her as a
10 friend so that would not attach any attorney-client
11 privilege.

12 MR. LANGONE: No. She testified that she so
13 happens to be a friend.

14 MR. BEST: I would then certify the question
15 and reserve my right to get her to come back and
16 answer that.

17 MR. LANGONE: Sure. If Judge Hibbler orders
18 that she can communicate attorney-client
19 communications, then we will deal with it.

20 BY MR. BEST:

21 Q. After that, when is the next time that
22 you saw an attorney?

23 A. Well, she's an attorney, but she doesn't
24 practice.

1 Q. Now did you consider Dr. Bradford a
2 professor or your attorney at that time?

3 A. She has a jurisdiction degree. She's a
4 lawyer.

5 Q. Did you consider her -- I mean was her
6 role as a lawyer or as your professor when you
7 talked to her?

8 MR. LANGONE: Objection to form.

9 BY THE WITNESS:

10 A. More like a friend.

11 BY MR. BEST:

12 ** Q. And what did she tell you?

13 MR. LANGONE: Objection, calls for
14 attorney-client communications.

15 MR. BEST: Well, I don't think so.

16 MR. LANGONE: Why do you not think so? It
17 doesn't matter. I am instructing her not to answer.
18 She said she went to a law professor for legal
19 advice, and that's covered by the attorney-client
20 privilege.

21 MR. BEST: She just testified that she saw her
22 as a friend and --

23 MR. LANGONE: No. She said she was a friend
24 and she was seeking legal advice.

1 Q. Other than the professor, when is the
2 next time you had any contact with an attorney?

3 A. I didn't go see attorneys. I went to a
4 dealership off of the -- to see about my credit
5 inquiries, to see if they had ran my credit.

6 Q. All right. And what dealership did you
7 go to?

8 A. Ford Autoplex on Orchard Road in Aurora.

9 Q. And who did you talk to there?

10 A. Some dealer.

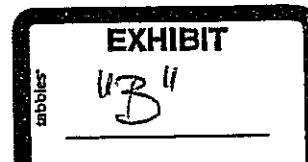
11 Q. And what did you -- how did he run your
12 credit check?

13 A. I told him that I wanted to get a car
14 just so he could pull my credit and I could look at
15 my credit report instantly.

16 Q. And when you did, what did you see; did
17 you see your credit report?

18 A. Yes. And I saw under the inquiries that
19 South Chicago Dodge was on there. And I went to
20 tell my husband because he was still telling me to
21 bring the car, and it was like I was trying to build
22 up, you know, that these people did run my credit,
23 you know, what's the problem. No, it's not showing
24 on my credit report because it takes 30 days.

221)



BEST, VANDERLAAN & HARRINGTON

Attorneys at Law

BV&H

JAMES F. BEST
E-MAIL
JBEST@BESTFIRM.COM

January 24, 2006

Via Hand Delivery

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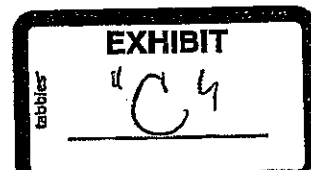
Re: Courtney and Lisa Armstrong v. South Chicago Dodge Chrysler
& Capitol One Auto Finance
Case No.: 04 C 4128
Our File No.: 4197

Dear Mr. Langone:

Without waiving our prior objections, we enclose Defendant South Chicago Dodge Chrysler Jeep's Second Supplemental Response to Plaintiff's First Set of Interrogatories. We also enclose a copy of the Amended Complaint and the Defendant's Answer and Affirmative Defenses hereto in the WFS Financial, Inc. case. We are hand delivering these documents to your offices before the end of business on January 24, 2006. If you have any questions concerning above, please feel free to call.

Very truly yours,
Best, Vanderlaan & Harrington
James F. Best

JFB/hh
Enclosures



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

COURTNEY ARMSTRONG and)
LISA ARMSTRONG)

Plaintiffs,)

v.)

SOUTH CHICAGO DODGE CHRYSLER)
JEEP, INC., and CAPITOL ONE AUTO)
FINANCE, INC.)

Case No. 04 C 4128

Judge Hibbler
Mag. Judge Keys

**DEFENDANT, SOUTH CHICAGO DODGE CHRYSLER JEEP'S SUPPLEMENTAL
RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS**

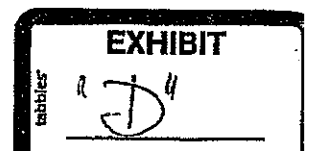
NOW COMES the Defendant, SOUTH CHICAGO DODGE CHRYSLER JEEP, INC., by
and through its attorneys, BEST, VANDERLAAN & HARRINGTON, and in answering Plaintiffs'
First Request for Production, responds as follows:

REQUEST NO. 1. The following documents which refer to Plaintiff, or Plaintiffs purchase of the
vehicle, including but not limited to:

- a. Any Purchase Order, Bill of Sale, and/or Sales Invoice;
- b. Any and all correspondence received from or sent to Plaintiff or her
representatives at any time; and
- c. Any and all notes, memoranda or other documents that record or reflect
conversations or other communications related to the vehicle or Plaintiff,
whether before, during or after her purchase of the vehicle.

RESPONSE:

None other than the documents produced by Capital One, documents from the
Chicago Police Department, documents obtained through subpoenas, documents
produced by Plaintiffs' attorney, documents produced as Deposition Exhibits and
documents hereby enclosed (consisting of Exhibit 3, bates stamped 0000001-
0000071, previously hand delivered on December 14, 2004 and again at Plaintiffs'
depositions on November 15, 2005; Exhibit 4, bates stamped 0000001-0000080,
previously hand delivered on December 14, 2004 and again at Plaintiffs' depositions



on November 15, 2005). Defendant reserves the right to supplement this answer if other documents become available at a later date.

REQUEST NO. 2. All forms and documents relating to or utilized as part of a sales presentation, or as a persuasive implement in the negotiations with Plaintiff, including but not limited to:

a. Documents related to auto sales systems, including but not limited to:

1.1 dealer-trainer contracts;

1.2 training schedules;

1.3 dealer payments to sales-system training companies;

1.4 purchase of sales-system training tools, such as specialized:

- (1) training manuals, directives, and/or pocket cards;
- (2) calculators;
- (3) computer software;
- (4) sales tracking or display boards;
- (5) advertising posters (encouraging sales system); and/or
- (6) log books, filled in by salespeople or managers.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. Subject to and without waiving the objection, see response to request No. 1.

b. Records of attendance of dealership management and/or employees at training seminars involving sales systems.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

c. Any and all month-end commission re-cap sheets and individual "commission slips" for any salesperson, sales manager(s), and F&I manager(s) involved in or paid as a result of Plaintiff's auto transaction.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- d. Any sales managers logs, "Masterlogs," or any similar documents upon which is written the date, time, customer information, and/or any other information pertinent to the auto transaction involving Plaintiff.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- e. Any and all "buyer's order forms," and/or any variation of a "buyer's order form," (e.g., bill of sale), generated as a result of Plaintiffs automobile transaction.

RESPONSE:

See response to request No. 1.

- f. Any pertinent sales-department documents such as:
 - i. sales worksheets or proposals;
 - ii. dealer invoices, showing dealer cost and hold-back (if any);
 - iii. automobile internal repair orders;
 - iv. "get ready" forms;
 - v. dealer preparation documents; and/or
 - vi. rebate check(s), issued by factory, dealer, or other source.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- g. Any and all documents indicating to whom the auto salesperson(s) decided to "T.O." (turn over) Plaintiff, to continue negotiating any car deal in which Plaintiff

was involved.

RESPONSE:

See response to request No. 1.

- h. Any and all dealership account documents listing the amount(s), collection, funds, disbursement, and/or intended purpose of any "documentary fee(s)," service fee(s), dealer prep fee(s), or any other service charge assessed to Plaintiff by or at the direction of Defendant.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- i. Any and all applications for title made by or at the direction of Defendant in connection with the subject vehicle.

RESPONSE:

See response to request No. 1.

- j. Copies of any of the following documents, indicating that the full amount of the cash down-payment shown in the subject transaction paperwork was collected by the Defendant prior to the time of vehicle delivery:
 - i. credit card vouchers or slips;
 - ii. side notes or promissory notes;
 - iii. pickup payment(s);
 - iv. hold checks (held rather than deposited now); and/or
 - v. down payment loans, whether arranged by dealer or not.

RESPONSE:

See response to request No. 1.

- k. Any lists of forms, including blank exemplar copies, to be completed by salespeople, managers, or other dealership departments to commence, complete, or used in combination with an automobile transaction involving Defendant.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. Subject to and without waiving the objection, see response to request No. 1.

1. The deal jacket on the vehicle purchased by Plaintiff;

RESPONSE:

See response to request No. 1.

- m. All internal worksheets or other drafts or documents used by Defendant or its personnel in connection with the vehicle, or the financing for the vehicle;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- n. All notices or other documents posted on or in the vehicle when the vehicle was shown to Plaintiff;

RESPONSE:

See response to request No. 1.

REQUEST NO. 3. Any and all documents relating to attempts to obtain financing for Plaintiff relating to the subject transaction, including but not limited to:

- a. Any credit application submitted to any bank, finance company or other lenders by or at the direction of Defendant in connection with Plaintiffs transaction, or efforts to finance the transaction;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- b. Any installment loan contract prepared by Defendant and sold or assigned, or intended to be sold or assigned, to a lender in connection with Plaintiffs transaction;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- c. Any credit bureau reports and/or lender credit decision call-back logs, listing any response regarding the Plaintiffs application for a car loan;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- d. Any and all documents claiming or reflecting a loan value (whether wholesale, retail and/or market) of the subject vehicle, plus any customer acknowledgment or disclosure form;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- e. Any and all forms disclosing the loan applicant's intended use of subject vehicle;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- f. Any and all declarations concerning the subject vehicle model (or subclass);

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- g. Any and all written explanations regarding Plaintiffs employment or credit circumstances, submitted by or at the direction of Defendant to any bank, finance company or other lender in connection with Plaintiffs transaction, or efforts to finance the transaction;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- h. Any document, presented by or at the direction of Defendant to any bank, finance company or other lender, providing lender with Plaintiff's proof of income, job, home ownership, or any other verification requested by the lending institution(s);

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- i. Any agreement between Defendant and any bank, finance company or other lender, (sometimes referred to as a "rate sheet"), which publishes, refers to, or evidences the current, (and/or applicable at the time of the subject auto transaction), "buy rate" and/or the maximum rate permitted to be charged to the consumer, including any amendments or supplementation;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- j. Any and all "recap" sheets or other form listing income from finance reserve (interest), insurance (credit-life, disability, layoff, auto policy, etc.) commissions, service contract (extended warranty, maintenance, aftersale item, etc.), and/or any other product / service "sold" to the consumer in F&I department;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- k. Any and all rescission agreements and/or holder-in-due-course disclosure forms.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- l. Each application for financing or questionnaire about Plaintiff's income, assets or liabilities, including any documents which refer to any prior credit problems or

explanations of same;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- m. Each credit report on Plaintiff or other document which refers to Plaintiff's income, assets, liabilities or prior credit history;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- n. Each document which refers to Plaintiff's employer or history of employment;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- o. Each document which refers to Plaintiff's residence or history of her place of residence;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- p. All other documents submitted by Plaintiff to Defendant in connection with her purchase or financing of the vehicle, including without limitation all documentation of her income, finances, assets and liabilities and/or explanation of any past credit problems;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- q. All documents that Defendant received from or sent to any potential lender in connection with Plaintiff's deal;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this

response if other documents become available at a later date.

- r. The underwriting guidelines and/or program information for all financing programs available with Capital One Auto Finance, Inc.,

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- s. The Dealer Agreement, Master Agreement or other contract between Defendant and Capital One Auto Finance, Inc. which establishes the terms upon which Defendant may assign, and Capital One may accept, Retail Installment Contracts;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- t. All other documents which establish or refer to the formula by which Defendant shall receive any commissions, reserves or other sums in connection with financing of the vehicle, and any documents which refer to the sums Defendant was to earn in connection with financing of Plaintiff's vehicle;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- u. Any documents that evidence or propose a contract with the original (dealer-selected) intended lending institution;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- v. Any and all documents concerning other finance or lease contracts signed by consumer(s), and which refer to, relate to, or evidence the rights and obligations of the parties in the event of a rejection by the initial intended lending institution;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- w. Any and all rescission agreements, or any other document requiring possible return of the automobile;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. Subject to and without waiving the objection, see response to request No. 1.

- x. Any and all credit applications submitted by or on behalf of Plaintiff;

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

- y. Any and all correspondence, call-back logs, or other communications from any and all lending institutions to whom a credit application was submitted in connection with Plaintiffs automobile loan or lease application;

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

- z. Any and all dealer agreements or financing contracts between Defendant and any bank, finance company or lending institution(s);

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- aa. Any and all underwriting guidelines utilized in connection with determining whether Plaintiff was eligible for financing, whether on the specified or other terms;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- bb. All documents which you provided to Capital One in connection with Plaintiff and the subject transaction;

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

- ff. All documents reflecting that financing for the subject transaction was denied or could not be obtained;

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

REQUEST NO. 4. All documents relating to Plaintiff or the subject transaction that were generated by any lending institution, including but not limited to:

- a. If a point system was used to evaluate Plaintiff's creditworthiness or set or probability of payback, or set interest rates to be applied in the subject loan transaction, any and all documents that refer to, relate to, evidence, evaluate or attempt to evaluate the probability of payback by Plaintiff or similar applicants, including but not limited to any and all score sheets, grading and/or comparison forms;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1. Defendant reserves the right

to supplement this response if other documents become available at a later date.

- b. Any documents that refer to, relate to, evidence any tier or level systems determining the interest rate or range, or any other risk-rate program involving or affecting Plaintiff;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- c. Any documents that refer to, relate to or evidence any recourse, repurchase, partial guarantee, or similar agreement;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- d. Any documents that refer to, relate to, or evidence any program involving Plaintiff and permitting approval of auto loans on an exception basis, or exceeding usual guidelines;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- e. Any documents that refer to, relate to, or evidence any cover letter(s) for documents (contract, insurance, or other forms) that were returned to the dealer for correction, completion, change, and/or other specified reason.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of

discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- f. Any warning documents, or other documents that refer to, relate to, or evidence the suspicion or conclusion that Plaintiffs auto loan is or was considered high risk, such as:
 - i. documents indicating evidence of fraud;
 - ii. red flag forms, warning of anticipated problem(s);
 - iii. consumer down-payment disclosure forms; and/or
 - iv. lender follow-up letters or phone call notes.

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

- g. Any documents that refer to, relate to or evidence any lender-generated directives to Defendant concerning lenders policies, programs, or other directives affecting the subject or similar consumers auto loan (or lease) transactions;

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

- h. Any documents certifying the subject customers down-payment is genuine and/or was collected by dealer prior to vehicle delivery;

RESPONSE:

See response to request No. 1.

- i. Any documents sent by any bank, finance company or other lender and that refer to, relate to or evidence any follow-up letter(s) to Plaintiff and/or any other person or entity regarding Plaintiffs consumers auto transaction;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- j. Any and all documents verifying any facts or assertions made in the indirect (by the auto dealer) consumer auto loan application on behalf of Plaintiff;

RESPONSE:

See response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- k. Any and all documents that refer to, relate to, or evidence any business contract between dealer and lender(s) involved in the subject transaction, outlining requirements and expectations regarding efforts to finance Plaintiff.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1. Defendant reserves the right to supplement this response if other documents become available at a later date.

- l. Any and all documents that refer to, relate to, or evidence any business interest "reserve" (auto dealers markup from the "buy rate") tally showing whether any portion of the finance charge was paid to Defendant in connection with Plaintiffs transaction.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court. Subject to and without waiving the objection, see response to request No. 1.

- n. Any and all documents that refer to, relate to, or evidence any list of repossessions of cars sold by Defendant and financed by any lender consulted by Defendant regarding Plaintiff within one year, either before or after, Plaintiff sought financing.

RESPONSE:

Objection. Defendant objects based on relevancy, the request being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of discoverable information. In addition, such information is confidential in nature requiring a protective order to be entered by the Court.

REQUEST NO. 5. If you contend that Plaintiffs conduct in any way contributed to or caused the losses or damages claimed in the Complaint, or that she failed to mitigate damages, all documents or things which support such contention.

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

REQUEST NO. 6. All documents that support any of your Affirmative Defenses to the Complaint.

RESPONSE:

See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

REQUEST NO. 7. All documents that support any of your other defenses to the Complaint.

RESPONSE:

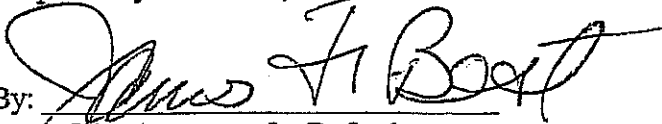
See response to request No. 1, but Defendant reserves the right to supplement this response if other documents become available at a later date.

REQUEST NO. 8. The curriculum vitae or other background information on each person whom you expect to testify as an expert at the trial of this action.

RESPONSE:

Defendant has not retained expert witnesses at this time, but reserves the right to supplement this response and name such witnesses at a later date.

Respectfully submitted,

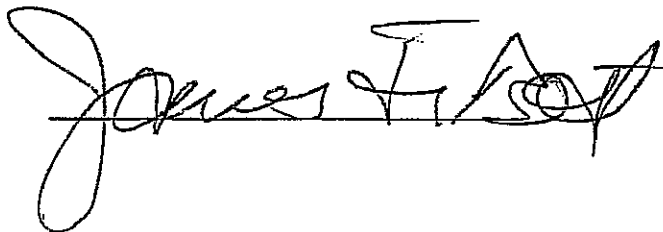
By: 

One of the Attorneys for Defendant,
SOUTH CHICAGO DODGE
CHRYSLER, JEEP, INC.

James F. Best
Aneta H. Pavlovich
Best, Vanderlaan & Harrington
25 E. Washington Street, Suite 210
Chicago, IL 60602
(312)819-1100
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Atty No.: 37240

CERTIFICATE OF SERVICE

I, the undersigned, state that I caused to be served the foregoing, with enclosures referred to thereon, if any, by hand delivering copies to the attorney(s) of record at the address(es) of record and depositing same in the U.S. Mail at 25 E. Washington Street, Chicago, Illinois 60602 on the 27th day of November 2005.



Re: Courtney and Lisa Armstrong v. South Chicago Dodge Chrysler
& Capitol One Auto Finance
Case No.: 04 C 4128
Our File No.: 4197

ATTORNEY SERVICE LIST

Christopher V. Langone
The Langone Law Firm
25 East Washington Street
Suite 1805
Chicago, Illinois 60602
(312) 782-2000
(312) 782-2022 (fax)
Plaintiff's Attorney