

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: **06 CA 1137 MLW**

Christine Varad,
Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

EXHIBIT A

Orders on Motions

1:06-cv-11370-MLW Christine Varad v. Reed Elsevier Incorporated

CASREF

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 8/1/2007 at 11:02 AM EDT and filed on 8/1/2007

Case Name: Christine Varad v. Reed Elsevier Incorporated

Case Number: 1:06-cv-11370

Filer:

Document Number: No document attached

Docket Text:

Judge Judith G. Dein : Electronic ORDER entered granting in part and denying in part [61] Plaintiff's Motion to Compel. Any objection that the discovery filed on 7/1/07 was untimely is overruled. Defendant shall file responses to the discovery requests, including any other objections, within 14 days of the date of this order. (Dambrosio, Jolyne)

1:06-cv-11370 Notice will be electronically mailed to:

T. Christopher Donnelly tcd@dcglaw.com, jlf@dcglaw.com

Christopher C. Taub christopher.c.taub@maine.gov

Kristin Cataldo kmc@dcglaw.com, kh@dcglaw.com

1:06-cv-11370 Notice will not be electronically mailed to:

Christine M. Varad

P.o. Box 583

Milton, MA 02186

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: **06 CA 1137 MLW**

Christine. Varad,

Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Docket No.: 06 CA 11370 MLW

Christine. Varad,
Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

Plaintiff Varad's First Set of Interrogatories Addressed to Defendant, Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc.,

Plaintiff Christine Varad serves these interrogatories on Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc. as authorized by Federal Rule of Civil Procedure 33. Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc. must serve an answer to each interrogatory separately and fully, in writing, under oath, within 30 days after service.

DEFINITIONS

The following terms have the following meanings, unless the context requires otherwise:

1. **Parties** The term "plaintiff" or "defendant", as well as a parties full or abbreviated name or a pronoun referring to a party, means the party and, where applicable, his agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
2. **Person** The term "person" is defined as any natural person, any business, a legal or governmental entity, or an association.
3. **Document** The term "document" is defined to be synonymous in meaning and equate in scope to the usage of this term in the Federal Rules of Civil Procedure 34(a) and includes computer records held in any format. A draft or non-identical copy is a separate document within the meaning of this term.

The term "document" also includes "any tangible things" as that term is used in Rule 34(a).

4. Communications The term "communications" means the transmittal of information in the form of facts, ideas, inquires, or otherwise.
5. Identify (person) When referring to a person, "identify" means to give, to the extent known, the person's full name, present or last known address, telephone number, and, when referring to a natural person, the present or last known place of employment. Once a person has been identified in compliance with this paragraph, only the name of that person need be listed in response to later discovery requesting identification of that person.
6. Identify(document) When referring to documents, "identify" means to give, to the extent known, the following information: (a) the type of document; (b) the general subject matter of the document; (c) the date of the document; (d) the authors, addressees, and recipients of the document; (e) the location of the document; (f) the identity of the person who has custody of the document; and (g) whether the document has been destroyed, and if so, (i) the date of its destruction, (ii) the reason for its destruction, and (iii) the identity of the person who destroyed it.
7. Relating The term "relating" means concerning, referring, describing, evidencing, or constituting, directly or indirectly.
8. All/Each The terms "all" and "each" should be construed as "and" and "and/or."
9. Any The term "any" should be understood in either its most or its least inclusive sense as necessary to bring within scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
10. And/Or The term "and" and "or" should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
11. Number The use of the singular form of any word includes the plural and vice versa.

INTERROGATORY 1

Please identify yourself by stating your name, date of birth, residence and business address, the position you hold with the Defendant corporations, and your duties for the Defendant corporations.

INTERROGATORY 2

If you are not answering these interrogatories on the basis of your own personal knowledge, please identify each source of information on which you rely by stating separately:

- a. For each person consulted, his/her full name, residence address, business address, position, title or job description, relationship to the Defendant

corporations and number of each interrogatory answer for which he or she had provided information; and

- b. For each document or database consulted, its title or description, location, corporate association, the name of the person, entity or party that provided the paper document or maintains the database, the date of paper document preparation or date of insertion into the database, the name of the person, entity or database that retains custody of the information, and the number of each interrogatory answer for which that information or data was used.

INTERROGATORY 3

Please state the title, nature of contract and date of contracting as to each and every agreement for services made between Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc., and/or any of its subsidiaries, and (1) the State Maine, (2) the State of Massachusetts and (3) Gall and Gall Company, Inc., dating from the year 2000 to the present.

INTERROGATORY 4

Please describe each and every process and procedure used to collect personal data on individuals, detail the process by which the data is electronically maintained, the length of time it is retained, the form in which it is retained, the process used to verify the data and how often the data is updated.

INTERROGATORY 5

Please describe each and every process and procedure used to collect personal data on Christine M. Varad, detail the process by which that data is electronically maintained, the length of time it is retained, the form in which it is retained, the process or processes used to verify the correctness of the data and how often the data was updated.

INTERROGATORY 6

Please identify the corporate owner/operator of each and every database or electronically maintained data system that Defendant accessed or continues to routinely access for collection or compilation of data and information concerning plaintiff Christine M. Varad; include name of the corporate or individual database owner and the physical location of the database and the name of the individual, employee, or agent that substantially operates, controls and maintains that database(s).

INTERROGATORY 7

Please identify each and every category of data contained in a compiled data report as provided through access to any and all of the Defendant's databases and made available to others for any reason. State whether or not each and every report contains the exact same data categories or information to be made available to others, or if some reports are

different data or contain specially restricted, confidential information, state basis of the difference in reports, and when a special report may be issued or restricted in those customers that may access that data, who is allowed access to the information and why.

INTERROGATORY 8

Please identify each and every category of data contained in a compiled data report on Christine M. Varad as provided through access to any and all of the Defendant's databases and made available to others for any reason. State whether or not each and every report issued contained the exact same data categories and resultant data to be made available to others, and/or if some reports are different or contain restricted, confidential information, state basis of the difference in reports, and when a restricted access report was issued and/or accessed, state who person or entity that accessed that data or report, the date of access and the reason access was requested.

INTERROGATORY 9

Please identify each and every category of data that may have been contained in a compiled data report on Christine M. Varad and provided through access to any and all of the Defendant's databases to be made available to the State of Maine, it's agents, assigns or representatives. State whether or not such reports would contain confidential information, such as medical information, financial and or credit related information, or other such confidential information, and state the date or dates such reports were made and the reason the data was requested.

INTERROGATORY 10

Please identify all communications written or oral made between the Defendant and the State of Maine, it employees, agents and/or assigns, the date and time of the communication and the reason for contacting the Defendant and/or the Defendant's databases by any means, including but not limited to, electronic mail, electronic web site access, regular mail, and telephone.

INTERROGATORY 11

Please identify all communications written or oral made between specifically Seisint, Inc., d.b.a. *Accurint* and the State of Maine, it employees, agents and/or assigns, the date and time of the communication and the reason for contacting the Defendant and/or the Defendant's databases by any means, including but not limited to, electronic mail, electronic web site access, regular mail, and telephone.

INTERROGATORY 12

Please identify each and every category of data that may have been contained in a compiled data report on Christine M. Varad and provided through access to any and all of

the Defendant's databases to be made available to the State of Massachusetts, its agents, assigns or representatives. State whether or not such reports would contain confidential information, such as medical information, financial and or credit related information, or other such confidential information, and state the date or dates such reports were made and the reason the data was requested.

INTERROGATORY 13

Please identify each and every category of data information concerning Christine M. Varad that the Defendant's databases have corrected, changed, updated, edited in whole or in part, or deleted. For each category of data state specifically data/information prior to the change, correction or deletion and then state the data/information after the change, correction or deletion was effected and the date of each such change to permanent database entries and categories.

INTERROGATORY 14

Please state the nature and status of the business relationships between Gall and Gall Company, Inc., Seisint, Inc. and Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc.

INTERROGATORY 15

For purposes of the Gramm-Leach-Bliley Act (GLBA), 15 USC, Subchapter I, Sec. 6801-6809, please describe and detail, pursuant to § 6805, the exact nature of the Defendant's legal status providing the basis for invocation of the jurisdiction of such statute as a financial institution, insurance company, investment company, credit union, security broker or dealer or any other such basis.

INTERROGATORY 16

Please state whether or not, for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq., the Defendant has provided Plaintiff with a copy of her complete "file" as required by that statute.

INTERROGATORY 17

Please specifically detail the Defendant's full understanding of the differences, if any, between the electronically held data used to compile the "background check report," made available on Plaintiff to the Gall and Gall Company, Inc. and the electronic contents of a database "file" for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq. used to compile a consumer report.

INTERROGATORY 17

Please state specifically all of the foundations for the Defendant's assertion that it is "not a consumer credit reporting agency" for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq.

INTERROGATORY 18

Please state specifically all of the foundations for the Defendant's assertion that Gall and Gall Company, Inc. was not utilizing background check report data from the Defendant's databases to provide to clients with information upon which employment related decisions would be made for the purpose of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq.

INTERROGATORY 19

Please state specifically all of the foundations for which the Defendant bases a belief that it has correct information in its databases concerning Christine M. Varad, the steps that have been taken to verify all data concerning Varad, the steps that have been taken to stop retaining false or injurious data concerning Varad, the steps taken to insure that no future incorrect, false or defamatory information will be published to others concerning Varad in the future.

INTERROGATORY 20

Identify the reason Seisint, Inc., dba Accurint database customer, "*First Data Solutions*," accessed the Defendant's database systems concerning retrieving data on Christine Varad, what data was provided to that entity, the date of the database access, the names of any access to any other of the Defendant's database systems and the ultimate use that such data/information. State the legal status of the Defendant's affiliation with First Data Solutions.

INTERROGATORY 21

Identify the reason Seisint, Inc., dba Accurint database customer, "*GVB Security & Investigative Corporation*," accessed the Defendant's database systems concerning retrieving data on Christine Varad, what data was provided to that entity, the date of the database access, the names of any access to any other of the Defendant's database systems and the ultimate use that such data/information. State the legal status of the Defendant's affiliation with GVB Security & Investigative Corporation.

INTERROGATORY 22

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restricted access to the data or information, restrictions on accessing data based on agreement with another person or entity, or any other reason, please state the reason for withholding the information and/or data and

identify specifically all other persons or entities connected with an agreement to restrict access to data or information. State any data/information that was withheld for reasons in connections with contents containing medical or medical related information or data.

INTERROGATORY 23

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restrictions on access to data or information, or restrictions on accessing data based on agreement with any Federal or State governmental agency or legal representative or police department, including but not limited to the Federal Bureau of Investigation, state or local police departments, or state and federal depositories of containing medical records for any reason, or any federal or state agency representative, agent, assign or contract participant, please state the reason for withholding the information and/or data and identify specifically all other persons or entities connected with any agreement to restrict access to that data or information. State specifically whether any data/information was withheld for reasons in connection with the contents of stored medical or medical related information or data.

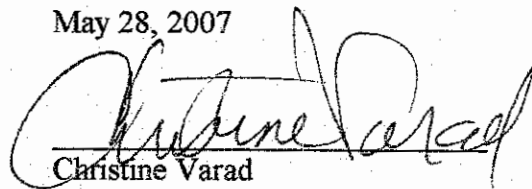
INTERROGATORY 24

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restrictions on access to data or information, restrictions on accessing data based on agreement with any financial institution, insurance company, investment company, credit union, security broker/dealer or any other related financial industry interest, representative, assign contract participant, please state the reason for withholding the information and/or data and identify specifically all other persons or entities connected with any such agreement to restrict access to that data or information. State specifically whether any data/information was withheld for reasons in connection with the contents of stored medical or medical related information or data.

INTERROGATORY 25

Please state any and all information concerning Christine M. Varad and any "newspaper article" in which her name appeared.

May 28, 2007



Christine Varad

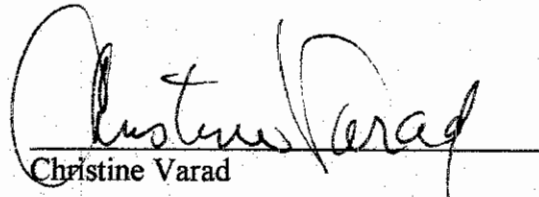
P.O. Box 583

Milton, Massachusetts 02186

781 583 7117

I certify that on this 1st day of July 2007, I caused a copy of *Plaintiff Varad's First Set of Interrogatories Addressed to Defendant, Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc.*, to be served by regular first class mail, postage prepaid, on the attorney of record for defendant Reed Elsevier, Incorporated at the following address of record:

Kristin Cataldo
Donnelly, Conroy and Gelhaar, LLP
One Beacon Street, 33rd Floor
Boston, Massachusetts 02108
617 720 2880


Christine Varad

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: **06 CA 1137 MLW**

Christine. Varad,

Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,)	
)	C.A. No. 06 CA 11370 MLW
Plaintiff,)	
v.)	
)	
REED ELSEVIER INCORPORATED,)	
d/b/a LexisNexis, Lexis Nexis Risk & Information)	
Analytics Group, Inc.,)	
)	
Defendant.)	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

Defendant Reed Elsevier Inc. ("Reed") hereby responds to Christine Varad's ("Varad" or "Plaintiff") First Set of Interrogatories as follows:

GENERAL OBJECTIONS

Set forth below are Reed's general objections to the interrogatories. The general objections apply to all responses set forth below, and Reed's failure to refer specifically to a general objection in a particular response shall not constitute a waiver of any such objection.

1. Reed objects to the interrogatories to the extent they seek privileged information including, without limitation, information protected from disclosure by the attorney-client privilege, work product doctrine or any other privilege, or are otherwise protected from disclosure.
2. Reed objects to the interrogatories to the extent they seek information which is not relevant to the subject matter of this action or information which is not reasonably calculated to lead to the discovery of admissible evidence.

3. Reed objects to the interrogatories, including but not limited to the "Definitions" to the extent they purport to impose burdens or obligations beyond the requirements of the Federal Rules of Civil Procedure.

4. Reed objects to the interrogatories on the grounds that the interrogatories seek information of Seisint, Inc., a separate legal entity from Reed.

5. Reed objects to the interrogatories on the grounds that the requests exceed the number of interrogatories permitted by Fed. R. Civ. P. 33(a), which limits the number of interrogatories to twenty five (25), including all discrete subparts, and Local Rule 26.1(C), which provides that "subparts" are limited to "logical extensions of the basic interrogatory and seek only to obtain specified additional particularized information with respect to the basic interrogatory." Plaintiff's interrogatories contain numerous "sub-parts" that seek information that is not particularized information with regard to the basic interrogatories, which are therefore separate interrogatories, and thus exceed the number permitted by the rules. Further, Plaintiff has two Interrogatories labeled No. 17. Accordingly, Reed will respond to the first twenty five (25) separate interrogatories only, and will make objections to the remaining interrogatories in order to preserve them.

6. Reed objects to the interrogatories to the extent they are not limited to the timeframe at issue in the complaint.

SPECIFIC ANSWERS

INTERROGATORY NO. 1.

Please identify yourself by stating your name, date of birth, residence and business address, the position you hold with the Defendant corporations, and your duties for the Defendant corporations.

ANSWER NO. 1.

Reed objects to this interrogatory to the extent it seek information which is not relevant to the subject matter of this action or information which is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, Nancy Nash, Esquire, Deputy General Counsel, LexisNexis, 9443 Springboro Pike, Miamisburg, Ohio 45342, has responded to these interrogatories on behalf of Reed. LexisNexis is an unincorporated division of Reed Elsevier, Inc.

INTERROGATORY NO. 2.

If you are not answering these interrogatories on the basis of your own personal knowledge, please identify each source of information on which you rely by stating separately:

- a. For each person consulted, his/her full name, residence address, business address, position, title or job description, relationship to the Defendant corporations and number of each interrogatory answer for which he or she had provided information; and
- b. For each document or database consulted, it's [sic] title or description, location, corporate association, the name of the person, entity or party that provided the paper document or maintains the database, the date of paper document preparation or date of insertion into the database, the name of the person, entity or database that retains custody of the information, and the number of each interrogatory answer for which that information or data was used.

ANSWER NO. 2.

Reed objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, and that it is vague and ambiguous. Reed also objects to this interrogatory to the extent it seeks privileged information including, without limitation, information protected from disclosure by the attorney-client privilege, work product doctrine or any other privilege, or is otherwise protected from disclosure.

Subject to and without waiver of the foregoing or general objections, Reed states that Nancy Nash generally referred to Reed's production of Seisint document in this case, bates labeled D00034-D00121 in responding to these interrogatories.

INTERROGATORY NO. 3.

Please state the title, nature of contract and date of contracting as to each and every agreement for services made between Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc., and/or any of its subsidiaries, and (1) the State Maine, (2) the State of Massachusetts and (3) Gall and Gall Company, Inc., dating from the year 2000 to the present.

ANSWER NO. 3.

Reed objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome. Subject to and without waiver of the foregoing or general objections, pursuant to Fed. R. Civ. P. 33(d), Reed refers Plaintiff to documents previously produced, bates labeled D00041-D00044 & D00071-D00074 (Seisint's Accurint contract with Gall & Gall) and D00109-D00111 (Seisint's Accurint contract with the Maine Board of Bar Examiners).

INTERROGATORY NO. 4.

Please describe each and every process and procedure used to collect personal data on individuals, detail the process by which the data is electronically maintained, the length of time it is retained, the form in which it is retained, the process used to verify the data and how often the data is updated.

ANSWER NO. 4.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) the processes and procedures used to collect personal data on individuals; (2) the process for maintaining/updating electronic data, and (3) the process used to verify the data. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as they are not limited to information concerning the Accurint database or the allegations in the Complaint.

Reed further objects on the grounds that these interrogatories are overbroad and unduly burdensome.

INTERROGATORY NO. 5.

Please describe each and every process and procedure used to collect personal data on Christine M. Varad, detail the process by which that data is electronically maintained, the length of time it is retained, the form in which it is retained, the process or processes used to verify the correctness of the data and how often the data was updated.

ANSWER NO. 5.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) the processes and procedures used to collect personal data on individuals; (2) the process for maintaining/updating electronic data, and (3) the process used to verify the data. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as they are not limited to information concerning the Accurint database or the allegations in the Complaint.

Reed further objects on the grounds that these interrogatories is overbroad and unduly burdensome.

INTERROGATORY NO. 6.

Please identify the corporate owner/operator of each and every database or electronically maintained data system that Defendant accessed or continues to routinely access for collection or compilation of data and information concerning plaintiff Christine M. Varad; include name of the corporate or individual database owner and the physical location of the database and the name of the individual, employee, or agent that substantially operates, controls and maintains that database(s).

ANSWER NO. 6.

Reed objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, as it is not

limited to the allegations in the Complaint. Reed further objects on the basis that the interrogatory is vague and ambiguous.

Subject to and without waiver of the foregoing or general objections, pursuant to Fed. R. Civ. P. 33(d), Reed refers plaintiff to documents previously produced, bates labeled D00050-D00059, which indicate sources of Accurint's address information on Varad. In particular, Reed refers plaintiff to the source column (abbreviated "scr") on D00050, which shows that Seisint's source of the alleged incorrect South Dakota address at issue in this litigation came from Equifax (abbreviated "EQ").

INTERROGATORY NO. 7.

Please identify each and every category of data contained in a compiled data report as provided through access to any and all of the Defendant's databases and made available to others for any reason. State whether or not each and every report contains the exact same data categories or information to be made available to others, or if some reports are different data or contain specially restricted, confidential information, state basis of the difference in reports, and when a special report may be issued or restricted in those customers that may access that data, who is allowed access to the information and why.

ANSWER NO. 7.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) identify the categories of data contained in any reports; (2) with regard to "different" reports or reports that contain "different information" or "specially restricted, confidential information" to state the difference in the reports; and (3) identify who is allowed access to a "special report" and why. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as they are not limited to information concerning the Accurint database or the allegations in the Complaint. Reed further objects on the grounds that these interrogatories are overbroad and unduly burdensome. With regard to the second and third requests, Reed

objects on the grounds that they are vague and ambiguous, as Reed does not know what plaintiff means by “specially restricted, confidential information” or a “special report.”

INTERROGATORY NO. 8.

Please identify each and every category of data contained in a compiled data report on Christine M. Varad as provided through access to any and all of the Defendant's databases and made available to others for any reason. State whether or not each and every report issued contained the exact same data categories and resultant data to be made available to others, and/or if some reports are different or contain restricted, confidential information, state basis of the difference in reports, and when a restricted access report was issued and/or accessed, state who person or entity that accessed that data or report, the date of access and the reason access was requested.

ANSWER NO. 8.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) identify the categories of data contained in any reports; (2) with regard to “different” reports or reports that contain “restricted, confidential information” to state the difference in the reports; and (3) identify who is allowed access to a “restricted access report” and why. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as they are not limited to information concerning the Accurint database or the allegations in the Complaint. Reed further objects on the grounds that these interrogatories are overbroad and unduly burdensome. With regard to the second and third requests, Reed objects on the grounds that they are vague and ambiguous, as Reed does not know what plaintiff means by “restricted, confidential information” or a “restricted access report.”

Subject to and without waiver of the foregoing or general objections, pursuant to Fed. R. Civ. P. 33(d), Reed refers plaintiff to documents previously produced bates labeled D00033-D00037, which is a “comprehensive report” of the categories of data contained in the Accurint database on Ms. Varad as of May 22, 2006. Reed further refers plaintiff to documents bates

labeled D00100-D00103, which documents show searches requested on Ms. Varad in Seisint's Accurant database from 2001 through the date of production. The documents indicate the entity performing the search, the date of the search, and the description of the report requested.

INTERROGATORY NO. 9.

Please identify each and every category of data that may have been contained in a compiled data report on Christine M. Varad and provided through access to any and all of the Defendant's databases to be made available to the State of Maine, its [sic] agents, assigns or representatives. State whether or not such reports would contain confidential information, such as medical information, financial and or credit related information, or other such confidential information, and state the date or dates such reports were made and the reason the data was requested

ANSWER NO. 9.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) identify the categories of data contained in any reports made available to the State of Maine; (2) state whether the reports would contain confidential information, such as medical, financial or credit information; and (3) state the dates which reports were made to the State of Maine and the reasons for the reports. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as they are not limited to the allegations in the Complaint. Reed also objects to these interrogatories on the basis that they are overbroad and unduly burdensome, and that they are vague and ambiguous, in that they seek information made available to unidentified "agents, assigns or representatives" of the State of Maine.

Subject to and without waiver of the foregoing or general objections, Reed states that it is not aware that it or Seisint provided any information to the Maine Board of Bar Examiners concerning Ms. Varad.

INTERROGATORY NO. 10.

Please identify all communications written or oral made between the Defendant and the State of Maine, it [sic] employees, agents and/or assigns, the date and time of the communication and the reason for contacting the Defendant and/or the Defendant's databases by any means, including but not limited to, electronic mail, electronic web site access, regular mail, and telephone.

ANSWER NO. 10.

Reed objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, and that it is vague and ambiguous, in that it seeks information concerning unidentified "agents and/or assigns" of the State of Maine.

INTERROGATORY NO. 11.

Please identify all communications written or oral made between specifically Seisint, Inc., d.b.a. *Accurint* and the State of Maine, it [sic] employees, agents and/or assigns, the date and time of the communication and the reason for contacting the Defendant and/or the Defendant's databases by any means, including but not limited to, electronic mail, electronic web site access, regular mail, and telephone.

ANSWER NO. 11.

Reed objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to communications concerning the allegations in the Complaint. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome.

INTERROGATORY NO. 12.

Please identify each and every category of data that may have been contained in a compiled data report on Christine M. Varad and provided through access to any and all of the Defendant's databases to be made available to the State of Massachusetts, it's [sic] agents, assigns or representatives. State whether or not such reports would contain confidential information, such as medical information, financial and or credit related information, or other such confidential information, and state the date or dates such reports were made and the reason the data was requested.

ANSWER NO. 12.

Reed objects to this interrogatory on the grounds that it violates Local Rule 26.1(C), in that it seeks at least three separate inquiries: (1) identify the categories of data that may have been contained in any reports made available to the State of Massachusetts; (2) state whether the reports would contain confidential information, such as medical, financial or credit information; and (3) state the dates which reports were made to the State of Massachusetts and the reasons for the reports. With regard to each of these 3 interrogatories, Reed responds as follows: Reed objects to these interrogatories on the grounds that they seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to these interrogatories on the basis that they are overbroad and unduly burdensome, and that they are vague and ambiguous, in that they seek information made available to unidentified "agents, assigns or representatives" of the State of Massachusetts.

INTERROGATORY NO. 13.

Please identify each and every category of data information concerning Christine M. Varad that the Defendant's databases have corrected, changed, updated, edited in whole or in part, or deleted. For each category of data state specifically data/information prior to the change, correction or deletion and then state the data/information after the change, correction or deletion was effected and the date of each such change to permanent database entries and categories.

ANSWER NO. 13.

Reed objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, in that it is not limited to the allegations in the Complaint or the Accurint database.

INTERROGATORY NO. 14.

Please state the nature and status of the business relationships between Gall and Gall Company, Inc., Seisint, Inc. and Reed Elsevier Incorporated, d.b.a. LexisNexis, LexisNexis Risk & Information Analytics Group, Inc.

ANSWER NO. 14

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 15.

For purposes of the Gramm-Leach-Bliley Act (GLBA), 15 USC, Subchapter I, Sec. 6801-6809, please describe and detail, pursuant to § 6805, the exact nature of the Defendant's legal status providing the basis for invocation of the jurisdiction of such statute as a financial institution, insurance company, investment company, credit union, security broker or dealer or any other such basis.

ANSWER NO. 15.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, and that it is vague and ambiguous.

INTERROGATORY NO. 16.

Please state whether or not, for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq., the Defendant has provided Plaintiff with a copy of her complete "file" as required by that statute.

ANSWER NO. 16.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also

objects to this interrogatory on the grounds that it assumes that the Defendant was obligated to provide plaintiff with a copy of her "file."

INTERROGATORY NO. 17.

Please specifically detail the Defendant's full understanding of the differences, if any, between the electronically held data used to compile the "background check report," made available on Plaintiff to the Gall and Gall Company, Inc. and the electronic contents of a database "file" for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq. used to compile a consumer report.

ANSWER NO. 17.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it is vague and ambiguous, and that it is unintelligible.

INTERROGATORY NO. 17 [SIC].

Please state specifically all of the foundations for the Defendant's assertion that it is "not a consumer credit reporting agency" for the purposes of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq.

ANSWER NO. 17 [SIC].

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, in that it Reed has not made the assertion stated.

INTERROGATORY NO. 18.

Please state specifically all of the foundations for the Defendant's assertion that Gall and Gall Company, Inc. was not utilizing background check report data from the Defendant's databases to provide to clients with information upon which employment related decisions would be made for the purpose of the Fair Credit Reporting Act, FCRA, 15 U.S.C. 1681 et seq.

ANSWER NO. 18.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it did not provide information to Gall & Gall concerning Ms. Varad.

INTERROGATORY NO. 19.

Please state specifically all of the foundations for which the Defendant bases a belief that it has correct information in its databases concerning Christine M. Varad, the steps that have been taken to verify all data concerning Varad, the steps that have been taken to stop retaining false or injurious data concerning Varad, the steps taken to insure that no future incorrect, false or defamatory information will be published to others concerning Varad in the future.

ANSWER NO. 19.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the grounds that it is vague and ambiguous, and that it assumes that Reed has retained and/or published "injurious data" or "defamatory information" concerning Ms. Varad.

INTERROGATORY NO. 20.

Identify the reason Seisint, Inc., dba Accurant database customer, "*First Data Solutions*," accessed the Defendant's database systems concerning retrieving data on Christine Varad, what data was provided to that entity, the date of the database access, the names of any access to any other of the Defendant's database systems and the ultimate use that such data/information. State the legal status of the Defendant's affiliation with First Data Solutions.

ANSWER NO. 20.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule

26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 21.

Identify the reason Seisint, Inc., dba Accurint database customer, "*GVB Security & Investigative Corporation*," accessed the Defendant's database systems concerning retrieving data on Christine Varad, what data was provided to that entity, the date of the database access, the names of any access to any other of the Defendant's database systems and the ultimate use that such data/information. State the legal status of the Defendant's affiliation with GVB Security & Investigative Corporation.

ANSWER NO. 21.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule

26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 22.

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restricted access to the data or information, restrictions on accessing data based on agreement with another person or entity, or any other reason, please state the reason for withholding the information and/or data and identify specifically all other persons or entities connected with an agreement to restrict access to data or information. State any data/information that was withheld for reasons in connections with contents containing medical or medical related information or data.

ANSWER NO. 22.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule

26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, and that it is vague and ambiguous.

INTERROGATORY NO. 23.

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restrictions on access to data or information, or restrictions on accessing data based on agreement with any Federal or State governmental agency or legal representative or police department, including but not limited to the Federal Bureau of Investigation, state or local police departments, or state and federal depositories of containing medical records for any reason, or any federal or state agency representative, agent, assign or contract participant, please state the reason for withholding the information and/or data and identify specifically all other persons or entities connected with any agreement to restrict access to that data or information. State specifically whether any data/information was withheld for reasons in connection with the contents of stored medical or medical related information or data.

ANSWER NO. 23.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome, and that it is vague and ambiguous.

INTERROGATORY NO. 24.

Please state whether or not the Defendant has intentionally withheld any information, data, report, source of data or data related information concerning Christine M. Varad for reasons of confidentiality, legally based restrictions on access to data or information, restrictions on accessing data based on agreement with any financial institution, insurance company, investment company, credit union, security broker/dealer or any other related financial industry interest, representative, assign contract participant, please state the reason for withholding the information and/or data and identify specifically all other persons or entities connected with any such agreement to restrict access to that data or information. State specifically whether any data/information was withheld for reasons in connection with the contents of stored medical or medical related information or data.

ANSWER NO. 24.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is

not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the basis that it is overbroad and unduly burdensome.

INTERROGATORY NO. 25.

Please state any and all information concerning Christine M. Varad and any "newspaper article" in which her name appeared.

ANSWER NO. 25.

Reed objects to this interrogatory on the grounds that Plaintiff has exceeded the permissible number of interrogatories as required by Fed. R. Civ. P. 33(a) and Local Rule 26.1(C). Reed further objects to this interrogatory on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Reed also objects to this interrogatory on the grounds that it is vague and ambiguous.

VERIFICATION

I, Nancy Nash, depose and state as follows:

1. I am Deputy General Counsel of LexisNexis, a division of Reed Elsevier Inc.

2. The answers to these interrogatories are not based entirely on my own personal knowledge, but also are based on information communicated to me by employees, personnel and agents of Reed Elsevier, Inc., and information from various books and records of Seisint, Inc. The answers have been prepared with the assistance of counsel.

3. I have read the answers, and the statements contained therein are true and accurate to the best of my knowledge, information and belief.

I declare under penalties of perjury that the foregoing is true and correct. Executed on August 14, 2007.

By: /s/ Nancy Nash

AS TO OBJECTIONS:

REED ELSEVIER INC.
By its attorneys,

/s/ Kristin M. Cataldo
T. Christopher Donnelly (BBO #129930)
Kristin M. Cataldo (BBO #654033)
Donnelly, Conroy & Gelhaar, LLP
One Beacon Street, 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880

Dated: August 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2007, I caused a copy of the foregoing to be served on the following by regular mail to Christine M. Varad, P.O. Box 583, Milton, MA 02186.

/s/ Kristin M. Cataldo
Kristin M. Cataldo

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Docket No.: **06 CA 1137 MLW**

Christine. Varad,

Plaintiff,

v.

Reed Elsevier Incorporated,
d.b.a. *LexisNexis, LexisNexis Risk &
Information Analytics Group, Inc.*,
Defendant.

EXHIBIT D



LexisNexis®

LexisNexis Completes Acquisition of Seisint, Inc.

Acquisition Enhances Ability to Provide Customers with Powerful, Fast and Easy-to-Use Risk Management Products and Services

DAYTON, OH, September 01, 2004 - LexisNexis U.S., a leading provider of legal, news and business information services, announced today that it has closed on its acquisition of Seisint, Inc., a U.S.-based provider of information management products and services, for \$775 million. LexisNexis is a member of Reed Elsevier Group plc [NYSE: ENL; NYSE: RUK].

Contact Information

LexisNexis:
Steve Edwards
steve.edwards@lexisnexus.com
Local: (937) 865-8838
Toll Free: (800) 227-9597
Ext. 58838

Seisint will become part of the LexisNexis U.S. Risk Management business of the Corporate and Public Markets division. The LexisNexis Risk Management business includes flagship products such as RiskWise®, PeopleWise® and Banko®. Risk Management products and services are used by lawyers, financial services, insurance, telecommunications and retail businesses, the Federal Government and law enforcement agencies. Those products and services are used to authenticate identity, predict fraud, control credit and fraud losses, to improve risk assessment and communicate with customers during the customer-management cycle. LexisNexis PeopleWise services help companies create better, more productive workplaces through pre-employment screening and background checking.

The technology and products developed by Seisint will fortify the LexisNexis capabilities in identity authentication, fraud prevention, credit and security risk products. The acquisition will allow LexisNexis to offer its customers expanded data, technology and product offerings.

Seisint provides information products that allow business, financial services, legal and government customers to quickly and easily extract valuable knowledge from a vast array of data. Its products, including Accurint™ and Securint™, support customers in critical activities such as debt recovery, due diligence, fraud detection, identity verification, law enforcement, legal investigations, pre-employment screening, resident screening, and data supercomputing. Seisint's services and products are supported by integrating the Seisint Data Supercomputer technology and patent-pending data linking methods.

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Through its risk management flagship products, RiskWise®, PeopleWise® and Banko®, LexisNexis Risk Management helps to locate people and assets, authenticate identity, enable commerce, conduct background screening, and support national security initiatives. Customers include government agencies, top law firms and major corporations. For more information, contact www.lexisnexus.com/riskmanagement.