

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

AUTOMATED SOLUTIONS CORPORATION,	)	CASE NO. CV-05-561380
	)	
Plaintiff,	)	JUDGE JOHN D. SUTULA
	)	
v.	)	<b>PLAINTIFF AUTOMATED SOLUTIONS CORPORATION'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED UPON DEFENDANT PARAGON DATA SYSTEMS, INC.</b>
	)	
PARAGON DATA SYSTEMS, INC.,	)	
	)	
Defendant.	)	
	)	

Pursuant to Ohio Rule of Civil Procedure 34, Plaintiff Automated Solutions Corporation ("ASC"), hereby submits the following First Request for Production of Documents Propounded Upon Defendant Paragon Data Systems, Inc. (the "Request for Production of Documents") and requests that Defendant Paragon Data Systems, Inc. ("Defendant") produce the following documents and serve a written response within twenty-eight (28) days after service hereof at the law office of Goodman Weiss Miller LLP, 100 Erieview Plaza, 27th Floor, Cleveland, Ohio 44114-1882. This Request for Production of Documents is governed by the following definitions and instructions.

**DEFINITIONS**

1. "Defendant" means Paragon Data Systems, Inc. and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.
2. "ASC" means Automated Solutions Corporation and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.

**Exhibit "C"**

3. "Software" means software allegedly developed or owned, in part or whole, directly or indirectly, by Defendant as a newspaper delivery route management solution including, but not limited to, software that Defendant has marketed and advertised under any one or more of the following names: "SCDS," "Single Copy Distribution System," "Single Copy Delivery System," "DRACI," and/or "Delivery, Return, and Collection Information."

4. "SCDS software" means the software that was at issue in Cuyahoga County, Ohio, Court of Common Pleas Case No. CV-03-511012 and any and all derivatives thereof.

5. "Neasi-Weber" means Neasi-Weber International, Inc., and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.

6. "The Plain Dealer" means the Plain Dealer Publishing Co., The Plain Dealer, the Cleveland Plain Dealer, and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.

7. "Unitech" means Unitech America, Inc., Unitech Electronics Co., Ltd., and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.

8. "Newspapers Association of America" means Newspapers Association of America, and/or any of its subsidiaries, affiliates, representatives, predecessors, attorneys, agents, officers, directors, employees, and/or divisions thereof and any other person or entity claiming any rights derivative of them.

9. The term "document" is used herein in its broadest sense, and without limitation, means any original writing or other data compilation, regardless of origin, location or form, including, but not limited to, any agenda, agreement, announcement, book, brochure, bulletin, cable, calendar or calendar entry, chart, check, communication, contract, correspondence, data processing card, floppy or compact disc or printout, diagram, diary or diary entry, facsimile, file or program maintained on a computer hard drive, PDA device, tablet pc, handheld computer, Blackberry, Tréo or other Smart phone device, e-mail, instant message, film, governmental or departmental order or regulation, graph, handwritten or stenographic note (including, but not limited to, any marginal notation), index, instruction, invoice, letter, mailgram, manual, map, memorandum, microfiche, microfilm, minutes, notice, order, outline, pamphlet, periodical, photograph or any negative thereof, picture, record, report, schedule, screen-shot, statement, study, summary, table, tape recordings, telegram, telephone log or record, telecopy, teletype, telex, videotape, or working paper, or any draft or revision of any such original writing or data compilation, or any copy or reproduction of any of the foregoing which differs in any respect from the original, draft or revision, and any other document as defined in Rule 34 of the Ohio Rules of Civil Procedure. In all instances where an original, draft, revision, or non-identical copy or reproduction is not available, "document" also means any identical copy of the original, draft, revision, or non-identical copy of the original, draft, revision, or non-identical copy or reproduction.

10. "Person" means any natural person, corporation, partnership, association, or other entity.

11. The terms "refer," "relate," and "pertain" mean, in addition to their usual or customary meanings, discuss or discussing, refer or referring, reflect or reflecting, assess or assessing.

12. "Documents showing" means, in addition to its usual and customary meaning, documents tending to show, relating to, or evidencing the matter being discussed.

### **INSTRUCTIONS**

1. This Request for Production of Documents calls for production of all documents in the possession, custody, or control of Defendant.

2. Defendant is requested to produce each document requested, as well as any drafts, revisions or copies of the same that bear any mark or notation not present in the original or which otherwise differ from the original.

3. This Request for Production of Documents calls for the production of each requested document in its entirety.

4. This Request for Production of Documents is continuing in nature, and Defendant shall supplement its responses, as required by Ohio Rule of Civil Procedure 26(E).

5. As to any documents requested which are withheld on the grounds of attorney-client privilege or as work product, Defendant shall identify in writing: (A) the paragraph or subparagraph to which the document is responsive; (B) the specific objection being asserted as a ground for non-production; and (C) the author(s), the addressee(s), recipient(s), date and subject matter.

### **DOCUMENTS REQUESTED**

**REQUEST NO. 1.** Any and all documents identified in or that pertain, refer, or relate to Defendant's answers to ASC's First Set of Interrogatories Propounded upon Defendant.

**REQUEST NO. 2.** Any and all documents that pertain, refer, or relate to Defendant's alleged development or acquisition of the Software and any and all components thereof.

**REQUEST NO. 3.** Any and all documents that pertain, refer, or relate to the requirements and statements of work used in connection with Defendant's alleged development or acquisition of the Software and any and all components thereof.

**REQUEST NO. 4.** A hard and electronic copy of any and all versions/builds of the Software source code, object code, and any and all components thereof.

**REQUEST NO. 5.** Hard and electronic copies of any and all versions/builds of SCDS software source code, object code, and any and all components thereof.

**REQUEST NO. 6.** All agreements, contracts, letters of intent, proposals, correspondence, facsimiles, e-mails, and other documents by and among Defendant and third parties that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 7.** All agreements, contracts, letters of intent, proposals, correspondence, facsimiles, e-mails, and other documents by and among Defendant and third parties that pertain, refer, or relate to the SCDS software and any and all components thereof.

**REQUEST NO. 8.** Any and all documents that pertain, refer, or relate to Defendant's marketing, advertising, promoting, licensing, selling, or otherwise monetizing any and all versions/builds of the Software and any and all components thereof.

**REQUEST NO. 9.** Any and all documents that pertain, refer, or relate to the Court's judgment entries in Cuyahoga County, Ohio, Court of Common Pleas Case No. CV-03-511012.

**REQUEST NO. 10.** Any and all documents that pertain, refer, or relate to Defendant's marketing, advertising, licensing, selling, or otherwise monetizing any and all versions/builds of SCDS software and any and all components thereof.

**REQUEST NO. 11.** Any and all documents that pertain, refer, or relate to the operating system on which the Software runs.

**REQUEST NO. 12.** Any and all documents that pertain, refer, or relate to the hardware used in connection with the Software and any and all components thereof.

**REQUEST NO. 13.** Any and all documents that pertain, refer, or relate to the database(s) used in connection with the Software and any and all components thereof.

**REQUEST NO. 14.** Any and all documents that pertain, refer, or relate to the programming language used to develop the Software and any and all components thereof.

**REQUEST NO. 15.** Any and all documents that pertain, refer, or relate to the environments used by Defendant to develop, test, maintain, debug, or improve the Software and any and all components thereof.

**REQUEST NO. 16.** Any and all documents that pertain, refer, or relate to Defendant's participation in trade shows, exhibitions, and other conferences at which Defendant marketed, advertised, demonstrated, licensed, sold, or otherwise monetized any and all versions or builds of the Software and any and all components thereof.

**REQUEST NO. 17.** Any and all documents received from, provided to, or that pertain, refer, or relate to Neasi-Weber.

**REQUEST NO. 18.** Any and all documents that pertain, refer, or relate to DISCUS software.

**REQUEST NO. 19.** Any and all support agreements that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 20.** Any and all invoices that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 21.** Any and all invoices that pertain, refer, or relate to the SCDS software and any and all components thereof.

**REQUEST NO. 22.** Any and all invoices that pertain, refer, or relate to hardware used in connection with the Software.

**REQUEST NO. 23.** Any and all invoices that pertain, refer, or relate to hardware used in connection with the SCDS software.

**REQUEST NO. 24.** Any and all quotes, and responses to request for quotes, that pertain, refer, or relate to any and all versions/builds of the Software and any and all components thereof.

**REQUEST NO. 25.** Any and all quotes, and responses to request for quotes, that pertain, refer, or relate to any and all versions/builds of the SCDS Software and any and all components thereof.

**REQUEST NO. 26.** Any and all training manuals, users' guides, and other technical documents that pertain, refer, or relate to any and all versions or builds of the Software and any and all components thereof.

**REQUEST NO. 27.** Any and all documents that pertain, refer, or relate to Defendant's attempts to copyright or patent any and all versions/builds of the Software and any and all components thereof.

**REQUEST NO. 28.** Any and all documents that pertain, refer, or relate to Defendant's defenses in this matter.

**REQUEST NO. 29.** Any and all documents that support Defendant's claims in this lawsuit.



**REQUEST NO. 30.** Any and all documents that pertain, refer, or relate to, or that Defendant distributed at, the NEXPO '04 convention.

**REQUEST NO. 31.** Any and all documents that pertain, refer, or relate to, or that Defendant distributed at, the NEXPO '05 convention.

**REQUEST NO. 32.** Any and all documents that pertain, refer, or relate to Newspapers Association of America.

**REQUEST NO. 33.** Any and all documents that pertain, refer, or relate to the alteration, revision, or amendment to Defendant's NEXPO '05 exhibitor profile.

**REQUEST NO. 34.** Any and all correspondence, facsimiles, e-mails and other forms of written and electronic communications to or from The Plain Dealer during the period January 1, 2000 to the present.

**REQUEST NO. 35.** Any and all correspondence, facsimiles, e-mails and other forms of written and electronic communications to or from Neasi-Weber during the period January 1, 2000 to the present.

**REQUEST NO. 36.** Any and all correspondence, facsimiles, e-mails and other forms of written and electronic communications to or from The Plain Dealer during the period January 1, 2000 to the present.

**REQUEST NO. 37.** Any and all correspondence, facsimiles, e-mails and other forms of written and electronic communications to or from Unitech during the period January 1, 2000 to the present that pertain, refer, or relate to the Software.

**REQUEST NO. 38.** Any and all documents that evidence or otherwise show the level of completion of the Software and any and all components thereof.

**REQUEST NO. 39.** Any and all documents that pertain, refer, or relate to Defendant's alleged ownership of any and all versions/builds of the Software and any and all components thereof.

**REQUEST NO. 40.** Any and all business plans, projections, and other documents that pertain, refer, or relate to the Software.

**REQUEST NO. 41.** Any and all business plans, projections, and other documents that pertain, refer, or relate to the SCDS software.

**REQUEST NO. 42.** Any and all documents that show Defendant's revenue and profit derived from the Software and any and all components thereof.

**REQUEST NO. 43.** Any and all documents that show Defendant's revenue and profit derived from the SCDS Software and any and all components thereof.

**REQUEST NO. 44.** Any and all documents that pertain, refer, or relate to Defendant's budget for the development, marketing, advertisement, and promotion of the Software and any and all components thereof.

**REQUEST NO. 45.** Any and all documents that pertain, refer, or relate to Defendant's budget for the development, marketing, advertisement, and promotion of SCDS software.

**REQUEST NO. 46.** Any and all documents that show amounts paid or compensation tendered to ASC, directly or indirectly, in connection with the Software.

**REQUEST NO. 47.** Any and all documents that evidence or otherwise reflect amounts received and compensation paid, either directly or indirectly, to Defendant from any and all forms of monetization of the Software and any and all components thereof.

**REQUEST NO. 48.** Any and all documents that show Defendant's source of funding for development, marketing, advertisement, demonstration, licensing, selling, or other monetization of the Software and any and all components thereof.

**REQUEST NO. 49.** All documents that show Defendant's marketing, advertisement, and promotional efforts that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 50.** Any and all call-log(s) that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 51.** Any and all documents that contain customer lists, sales information, marketing plans, promotional material, and market research for the Software and any and all components thereof.

**REQUEST NO. 52.** Any and all agreements, contracts, letters of intent, and proposals by and among Defendant, Neasi-Weber, Unitech, The Plain Dealer, and/or any combination of those parties that pertain, refer, or relate to the Software and/or hardware used in connection with the Software.

**REQUEST NO. 53.** Any and all customized specifications for the Software provided to Defendant.

**REQUEST NO. 54.** All installation guides and help manuals for the Software and any and all components thereof.

**REQUEST NO. 55.** All support agreements and contracts for the Software and any and all components thereof.

**REQUEST NO. 56.** All statement(s) of work and requirement documents for the Software and any and all components thereof.

**REQUEST NO. 57.** All test scripts for the Software and any and all components thereof.

**REQUEST NO. 58.** All user acceptance documents and documents approving deliverables provided by Paragon to any third party that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 59.** All checklists that pertain, refer, or relate to open items that pertain, refer, or relate to the Software and any and all components thereof.

**REQUEST NO. 60.** Any and all screen-shots of the Software and any and all components thereof.

**REQUEST NO. 61.** Any and all agreements, contracts and letters of intent, and proposals, either directly or indirectly, by and between Defendant and Scott Connors.

**REQUEST NO. 62.** Any and all correspondence, facsimiles, e-mails, and other forms of written communication between Defendant and Scott Connors.

**REQUEST NO. 63.** Any and all documents that Defendant intends to use as exhibits or offer into evidence in this matter.

Respectfully submitted,



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*Attorneys for Plaintiff*  
*Automated Solutions Corporation*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served by regular U.S. mail, postage prepaid, this May 10,

2005, on:

PARAGON DATA SYSTEMS, INC.  
c/o Laurence Laurenzi, its registered agent  
2800 Euclid Ave., Ste. 650  
Cleveland Ohio 44115,

-and-

c/o Laurence Laurenzi, its registered agent  
2218 Superior Ave.  
Cleveland, Ohio 44114



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DAVID A. KUNSELMAN