

**EXHIBIT "1"**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DAVID RUDOVSKY and  
LEONARD SOSNOV,

Plaintiffs,

v.

WEST PUBLISHING CORPORATION,  
WEST SERVICES INC., AND  
THOMSON LEGAL AND REGULATORY  
INC. t/a THOMSON WEST,

Defendants.

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:  
: CIVIL ACTION –  
: JURY TRIAL DEMANDED

:  
: NO. 09-CV-727

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rule of Civil Procedure 34, Plaintiff's hereby request that Defendants produce for inspection and copying, at the offices of Bazelon Less & Feldman, 1515 Market Street, 7<sup>th</sup> Floor, Philadelphia, Pennsylvania 19102, the documents set forth herein, on or after October 1, 2009.

**I. DEFINITIONS AND INSTRUCTIONS**

A. The term "Defendants" means the defendants in this case, individually and collectively.

B. The term "Books" means books or treatises on legal subjects published by West and offered for sale by West, in connection with which West also offers or has offered for sale pocket parts or other forms of updating the information in the said books or treatises.

C. The "Treatise" shall mean the treatise entitled "West's Pennsylvania Practice Series, Criminal Procedure: Law, Commentary and Forms," and any pocket parts or supplements thereto from 2001 to the present.

D. The terms "2008-2009 Pocket Part" and "2009 Pocket Part" refer to the pocket parts to the Treatise which are self described in this manner.

E. The term "pocket parts" refers to pocket parts to books, treatises and other publications, and includes periodic supplements, updates, revisions and the like.

F. The term "document" shall mean any tangible thing upon which is recorded any form of communication, representation, or data, including letters, words, pictures, sounds, or symbols, or any combination thereof, by means of handwriting, typewriting, stenography, printing, photostating, photographing, sound recording, magnetic recording, optical recording, digital recording, electronic recording, punching or any other method of recording. This definition includes, but is not limited to, records, reports, papers, books, pamphlets, letters, correspondence, "Electronic Data" (as defined below), telegrams, notes, memoranda, minutes, statements, tape recordings, phonograph recordings, checks, account statements, deposit slips, debit or credit memoranda, micro tapes, micro files, photographs, movies, videotapes, computer disks, computer tapes, diaries, appointment books, telephone billing statements, drawings, blueprints, sketches, charts, contracts, agreements, deeds, leases, mortgages, assignments, bills of sale, financial statements, balance sheets, profit and loss statements, statements of financial condition, income tax returns, accounting worksheets, working papers, reports, projections, schedules, ledgers, journals, vouchers, receipts, invoices, bills, investigation or incident reports, and notes or summaries of conferences, meetings, discussions, interviews, or telephone conversations or messages.

G. "Electronic Data" means and includes, but is not limited to, all electronically created or stored files, text files (including word processing documents), presentation files (such as PowerPoint), spread sheets (such as Excel), PDF files, e-mail files, databases, calendar and scheduling information, task lists, telephone logs, voice message files and electronic backup files.

H. "West" includes the defendants in this case, and Thomson West, West Group, and other entities directly or indirectly owned or controlled by the corporate or other entities which own or control any of the defendants, Thomson West or West Group.

I. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

J. The terms "refer," "referring," "discuss," "discussing," "evidence," "evidencing," "reflecting," "relate," "relating," "concern" and "concerning" shall mean all documents, as defined above, which explicitly or implicitly, in whole or in part, evidence, reflect, record, memorialize, relate to, describe, consider, concern, constitute, embody, evaluate, analyze, review, report on, comment on, impinge upon or impact the subject matter of the request.

K. "And" and "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request all responses which might otherwise be construed to be outside the scope.

L. Whenever the context may so require, the masculine gender shall be deemed to refer to and include the feminine and neuter, and the singular number to refer to and include the plural, and vice versa. Use of the present tense of a verb shall include the past tense and vice versa.

M. In each instance in which the respondent produces a document in response to this request, produce the document in its entirety, including all attachments.

N. Produce all documents in full, without abbreviation, expurgation, or redaction. If any designated document cannot be produced in full, produce it to the extent possible, and include a written explanation why the entire document was not produced.

O. In the event that more than one copy of a document exists, produce all originals and every copy that varies in content or appearance from any original, or on which appears any notation or marking not apparent on the original, and every draft, partial draft, precursor, and document of any kind from, with, or of which any original was derived or created.

P. Produce the designated documents as they are kept in the usual course of business, maintaining any labels, markings, or organization from which it is or may be apparent from where or whom the documents were obtained for production. Do not separate documents attached to each other or contained in a file, folder, or similar binder. If the respondent elects to produce the designated documents in a manner organized to correspond to the specific numbered paragraphs herein, then, to the extent practicable, maintain the designated documents as they are kept in the usual course of business, and, if a designated document is responsive to more than one request, indicate all the numbered paragraphs to which it responds.

Q. As to computer-stored or electronic records that are designated by this request for production of documents, produce a copy of, or permit the requesting party to create a copy of, that record (e.g., a computer disk containing the information), and a printout of any designated data and files contained therein, including but not limited to the record layout for any computer disk produced.

R. If defendants cannot produce any document or part of a document specified below because such document or part of a document is no longer in its custody, control or possession, furnish for each such document or part of a document the following information.

- A. A brief description of the document, including:
  - (1) the type of document,
  - (2) its date,
  - (3) its author(s),
  - (4) each addressee and each person who received a copy of the document,
  - (5) its present custodian,
  - (6) the number of pages of the document,
  - (7) a description of the contents of the document.
  
- B. The reason You cannot produce the document or part of a document.

S. If defendants refuse to produce any document or part of a document specified below on the basis of some privilege or immunity with respect to such document, serve upon counsel for plaintiffs, within thirty (30) days of the date such document or part of a document is withheld from production on the basis of such privilege or immunity, an inventory setting forth for each document or part of a document the following information:

- A. The type of document,
- B. its date,
- C. its author(s),
- D. each addressee and each person who received a copy of the document,
- E. the number of pages of the document,
- F. a description of the contents of the document (subject to the appropriate privilege or immunity),
- G. a statement of the basis for the claim of privilege or immunity.

T. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Defendants are required to supplement their responses to this document request. This document request is continuing, and to the extent that at any time after the production of documents called for by this

request, Defendants become aware of or acquire additional documents responsive to this request, such documents shall be produced promptly.

## **II. REQUESTS FOR PRODUCTION**

1. All documents which compare or otherwise show revisions, updates, supplementation or the like from the 2007-2008 Pocket Part to the 2008-2009 Pocket Part, including but not limited to Delta and Delta-like comparisons of these pocket parts.

2. All documents which show revisions, updates, supplementation or the like from the 2008-2009 Pocket Part to the 2009 Pocket Part, including but not limited to Delta and Delta-like comparisons of these Pocket Parts.

3. All documents which show or reflect work done and time expended to revise, update, supplement, etc. the 2007-2008 Pocket Part.

4. All documents which show or reflect the work done and time expended to revise, update, supplement, etc. the 2008-2009 Pocket Part.

5. All documents which reflect the identity of the persons who did work (in the nature of revising, updating, cite checking, researching, or the like) on the 2008-2009 Pocket Part and on the 2009 Pocket Part, including documents which show the background, experience and qualifications of these persons.

6. Disks or other means for electronic storage which contain the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and/or 2009 Pocket Part, in format such that the information on these disks or other electronic storage means can be compared.

7. All documents which contain standards, directions, procedures and the like which applied during any of the years 2005-2009 for the preparation of pocket parts,

supplements or other forms of updating to Books, including both for pocket parts prepared by authors and pocket parts prepared by West.

8. All documents containing standards, criteria and the like for review and approval of pocket parts to Books, during the preparation and otherwise prior to publication, both for pocket parts prepared by authors of Books and pocket parts prepared by West, which criteria were applicable for any portion of the years 2006-2009.

9. All documents showing or reflecting editing, review and/or approval of the revisions, updates, cite checks, research and the like during preparation of the 2008-2009 Pocket Part or 2009 Pocket Part or otherwise prior to the publication of either pocket part.

10. To the extent not called for by the above requests, all documents concerning the preparation of the 2008-2009 Pocket Part and the preparation of the 2009 Pocket Part.

11. All documents containing or referencing consideration of whether to use Rudovsky's and/or Sosnov's name on the 2008-2009 Pocket Part to the Treatise.

12. All documents containing a budget, whether planned, approved, actual or otherwise, for the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and 2009 Pocket Part.

13. All documents summarizing revenue and expenses in connection with the 2007-2008 Pocket Part, 2008-2009 Pocket Part and 2009 Pocket Part.

14. To the extent not called for by the two preceding requests, all documents which consider the economics and finances concerning the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and 2009 Pocket Part.



15. All documents which discuss generally the economics and finances for preparation of pocket parts to Books, for the years 2006-2009 or any portion thereof, including pocket parts prepared by West and pocket parts prepared by authors.

16. All documents which discuss generally whether authors of Books will prepare the pocket parts thereto, or whether the pocket parts will be prepared by West, for the years 2006-2009 or any portion thereof.

17. All documents which discuss or reference the names of authors of Books being used in connection with pocket parts thereto which the authors did not prepare, for the years 2006-2009.

18. All documents concerning the matter of David Rudovsky and Leonard Sosnov not preparing the pocket part for the Treatise for 2008-2009, including documents showing (1) consideration of this matter, (2) the amount of compensation offered to Rudovsky and Sosnov for this undertaking, (3) the decision not to use Rudovsky and Sosnov for the preparation of the 2008-2009 Pocket Part, and all communications with Rudovsky and Sosnov concerning this matter.

19. All documents which show generally, or contain summary information concerning, the extent to which West used its own staff to prepare pocket parts for Books, rather than the authors, for each of the years 2006-2009.

20. All documents which identify Books concerning which pocket parts were previously prepared by the authors but, in 2006, 2007, 2008 and/or 2009, the pocket parts were prepared by West.

21. All documents which concern generally the amount of compensation which West offered or was considering offering to authors of Books for preparation of pocket

parts thereto, which documents contain a comparison, express or implied, to prior years' compensation to the same authors for preparation of pocket parts, for the years 2006-2009.

22. All documents which list Books for which West staff prepared pocket parts in 2006, 2007, 2008 and 2009.

23. All documents which discuss or reference the performance of West staff in preparing pocket parts in 2008.

24. All documents concerning any agreement between West, on the one hand, and Rudovsky and Sosnov, on the other, including agreements, correspondence, internal memos, communications, assignments, etc.

25. All documents concerning, or containing information about, the reputation, professional standing, qualifications, and the like of David Rudovsky and Leonard Sosnov.

26. All documents prepared or published by West for public dissemination which include information or representations concerning David Rudovsky and Leonard Sosnov.

27. All documents containing information, statements, representations or the like as to West's opinion, assessment, reaction, or the like concerning the work of David Rudovsky and Leonard Sosnov on the Treatise or any of the pocket parts thereto.

28. All documents in which West advertised, promoted or otherwise publicized the Treatise.

29. All documents containing information, statements, representations or the like as to West's opinion, assessment, reaction, or the like concerning the work of David Rudovsky on the book which he co-authored, published by West, entitled "Police Misconduct; Law and Litigation."

30. All documents containing representations, expressions, opinions, statements, or the like concerning the quality, suitability, usefulness, or the like concerning the Treatise and or any of the pocket parts thereto.

31. All communications from a subscriber to the Treatise, user of the Treatise, or other third party concerning the quality, usefulness, substance, or the like, of the Treatise and any of the pocket parts thereto, or concerning the matter of satisfaction with the Treatise and any of the pocket parts thereto.

32. All subscription lists and mailing lists for the Treatise and pocket parts, including documents which show the date(s) for which the lists applied or were used.

33. All documents concerning the March, 2009 letter sent by West to subscribers to the Treatise and pocket parts, including the mailing list(s), date(s) of mailing, internal communications, responses, etc.

34. All documents concerning consideration of whether to prepare and publish a 2009 pocket part to the Treatise, including the decision to prepare and publish this pocket part.

35. All documents concerning the extent to which the Treatise is accessed and used on Westlaw, or otherwise on the internet, 2006-2009.

36. All documents showing the changes which West has made to the Treatise as it appears on Westlaw, and the dates of those changes, for the years 2008 and 2009.

37. All documents concerning the mailing of the 2009 Pocket Part, including the date and time at which the pocket parts were delivered to the United States Post Office; the identity of the Post Office; all transactional documents with the U.S. Postal Service, including acceptance of packages and receipt for payment; type of postal service used; mailing list(s); all

documents concerning delivery to the U.S. Post Office by or on behalf of West; and all communications with the U.S. Postal Service.

38. All documents concerning refunds or credits to subscribers to the Treatise in connection with the 2008-2009 Pocket Part and the 2009 Pocket Part.

39. All documents showing any mailing(s) of the 2009 Pocket Part after April 14, 2009.

40. All documents reflecting or containing publicly disseminated information, representations, solicitations, or the like by West concerning the book co-authored by David Rudovsky entitled "Police Misconduct; Law And Litigation".

41. All documents in which West has made public statements, representations, solicitations and advertisements about the attributes, content, desirability or the like of pocket parts to Books where the statements are not limited or to a particular Book, 2006 to the present.

42. All documents concerning the present status of the Treatise, including West's plans for the Treatise and preparation and publication of future pocket parts.

43. All communications between West, on the one hand, and Douglas Frenkel or Alan Yatvin, on the other.

44. All insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in this case or to indemnify or reimburse for payments made to satisfy the judgment.

45. All documents containing West's document retention policies applicable during any portion of the time period 2005-2009.

46. All opinions and orders in legal proceedings (including court cases, agency or other government proceedings, arbitration and the like) concerning West's use of the names of authors of Books.

47. All documents concerning the formation and legal status of Thomson West, West Group and West Publishing Company (e.g., corporation, partnership, joint venture, fictitious name, etc.).

48. All documents showing the relationship, by contract or otherwise, between Thomson West, and any other publisher of the 2008-2009 Pocket Part, on the one hand, and West Services Inc., West Publishing Company and/or West Group, on the other hand, both generally and in relation to the Treatise and pocket parts thereto.

49. All documents which show the identity of the legal entity or entities which published the 2008-2009 Pocket Part and 2009 Pocket Part to the Treatise.

50. All documents which show the identity of the legal entity or entities which published the Treatise on Westlaw in 2008 and 2009.

51. All documents written, authored, sent, or received by Jean Maess concerning the Treatise and any pocket part thereto or any agreement to which David Rudovsky and Leonard Sosnov is a party.

52. All documents written, authored, sent, or received by Chris Davis concerning the Treatise and any pocket part thereto or any agreement to which David Rudovsky and Leonard Sosnov is a party.

53. All forms of subscription plans for Westlaw which entitle the users or subscribers to access and use the Treatise, 2006-2009, and documents showing the approximate number of subscribers for each plan, 2008 and 2009.

54. Identify the documents sent to subscribers to the Treatise with the March, 2009 letter by West.

55. In paragraph 13 of the Answer and Affirmative Defenses to the Amended Complaint in this case, West denies that “no substantive changes were made by West prior to publication.” Please produce all documents which show that West made any substantive change(s) to the work submitted to West by Rudovsky and Sosnov.

56. All documents which support West’s Seventh Affirmative Defense to the Amended Complaint in this case that “[t]he alleged damages suffered by Plaintiffs, if any, have been caused, in whole or in part, by actions of Plaintiffs and/or third-parties and not by Defendants.”

57. All documents which support West’s Eighth Affirmative Defense in this case that “[a]ny alleged damages were not proximately caused by any action or inaction by Defendants.”

58. All documents for which Plaintiffs have requested identification in Plaintiffs’ First Set of Interrogatories to Defendants in this case.

59. All organizational charts or listings for the period 2006 to the present, or any portion of that period, which show the relationship inter se among West entities, which charts include West Publishing Company, West Services Inc., Thomson Legal And Regulatory Inc., Thomson West, and/or West Group.

60. All organizational charts or listings for the period 2006 to the present, or any portion of that period, which show the reporting and like relationships of individuals (whether described by personal name or position) who are involved in the preparation, editing, approval and the like of pocket parts to Books.

61. All documents containing, referencing or reflecting complaints by authors of Books concerning pocket parts thereto published by West which were not prepared by the authors, 2006 to the present.

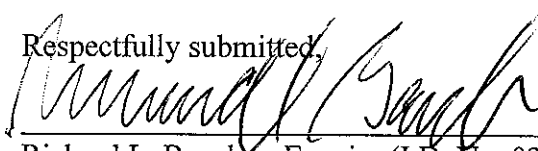
62. All communications between West, on the one hand, and David Rudovsky and/or Leonard Sosnov, on the other.

63. All documents concerning termination, discipline, or the like of a West employee, due in whole or in part to his/her involvement concerning the 2008-2009 Pocket Part to the Treatise, or concerning disapproval or criticism of an employee's actions or performance in connection with this 2008-2009 Pocket Part.

64. All documents containing policy, standards, criteria, directives and the like concerning updating of citations to cases in Books on Westlaw to show subsequent history.

65. All documents containing policy, procedures, directives and the like for handling, addressing, processing, etc. of complaints concerning pocket parts to Books, and all documents informing subscribers or other members of the public of these policies, procedures, directives and the like, January 1, 2006 to the present.

Respectfully submitted,



Richard L. Bazelon, Esquire (I.D. No. 02505)  
Noah H. Charlson, Esquire (I.D. No. 89210)  
BAZELON LESS & FELDMAN, P.C.  
1515 Market Street, Suite 700  
Philadelphia, PA 19102  
(215) 568-1155  
Email: rbazelon@bazless.com

Attorneys for Plaintiffs,  
David Rudovsky and Leonard Sosnov

Dated: September 1, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of September, 2009, I served a true and correct copy of the foregoing Plaintiffs' First Request for Production of Documents upon the following counsel for defendants, as follows:

*via Hand Delivery:*

Matthew J. Borger, Esquire  
Klehr, Harrison, Harvey, Branzburg & Ellers LLP  
260 South Broad Street, Suite 1130  
Philadelphia, PA 19102

  
Richard L. Bazelon, Esquire



**EXHIBIT "2"**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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DAVID RUDOVSKY and :  
LEONARD SOSNOV, : NO. 09-CV-727  
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 Plaintiffs, :  
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 v. :  
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 WEST PUBLISHING CORPORATION, : **DEFENDANTS' RESPONSES AND**  
WEST SERVICES INC., AND : **OBJECTIONS TO PLAINTIFFS'**  
THOMSON LEGAL AND REGULATORY : **FIRST REQUEST FOR**  
INC. t/a THOMSON WEST, : **PRODUCTION OF DOCUMENTS**  
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Defendants West Publishing Corporation, West Services Inc., and Thomson Reuters (Legal) Inc. (formerly known as Thomson Legal and Regulatory Inc.) d/b/a Thomson West (collectively, "West"), by and through their undersigned attorneys, hereby respond and object to Plaintiffs' First Request For Production of Documents, dated September 1, 2009 (the "Request") as follows:

**GENERAL OBJECTIONS**

- A. West objects to the Request to the extent the requests are duplicative, cumulative, redundant, incomprehensible, vague, ambiguous, overly broad and unduly burdensome. West reserves the right to object to the admissibility at trial of any of the information provided in response to these requests.
  
- B. West objects to the Request to the extent it seeks information not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims.

C. West objects to the Request to the extent it calls for information within the knowledge of Plaintiffs, reasonably available to Plaintiffs, or in the possession of third parties or the public domain. Plaintiffs can obtain such information from their own records or from other sources equally or as readily accessible to them as can West and with less burden, expense, and annoyance.

D. West objects to the Request to the extent that it calls for the production of confidential or proprietary information, trade secrets, and/or confidential personnel information. West will only produce documents subject to an appropriate Protective Order.

E. West objects to the Request to the extent it seeks privileged information not subject to discovery, including information that constitutes or relates to confidential attorney-client communications, attorney work product, common interest privilege or the joint defense privilege. In responding to the Request, West will not undertake to provide information that is privileged or otherwise protected from discovery by law, and it will not produce documents containing any such information.

F. West objects to the Request and each individual request to the extent that it is overly broad and unduly burdensome in its definitions, in the lack of restriction on the time period covered, and in the specific information sought.

G. West objects to the Request to the extent that any defined terms exceed the scope of applicable discovery under Federal Rule or law.

H. West objects to the definition of the term "West" as referring to "other entities directly or indirectly owned or controlled by the corporate or other entities which own or control any of the defendants" on the grounds that this definition is vague, ambiguous and overly broad, especially to the extent that it seeks to include persons or entities that were not involved in the editing and production of the pocket parts at issue.

I. West objects to the Request and its general instruction "Q" concerning the production of Electronically Stored Information (ESI) on the grounds that it is overly broad and requires unreasonably costly and/or unduly burdensome measures to locate and produce responsive ESI documents when hard copy or paper documents would suffice; pursuant to Fed. R. Civ. P. 34(b)(2)(E), West is not required to, and will not endeavor to, produce such documents in more than one form. With respect to electronic copies of the 2007-2008 pocket part, the 2008-2009 pocket part and April 2009 pocket part, West will produce electronically searchable copies of those pocket parts in .pdf format as those documents are maintained in the ordinary course of business.

J. West objects to the Request to the extent that it seeks documents beyond the custody and control of West.

K. West objects to the Request to the extent that it: (i) implies the existence of facts or circumstances which do not or did not exist, (ii) contains inaccurate, incomplete or misleading descriptions of facts, persons or events underlying this litigation, or (iii) states, implies or assumes any legal conclusion. In responding to the Request, West does not admit any factual or legal premise contained in the Request, whether express or implied.

L. West objects to the voluminous nature of Plaintiffs' Request, which contains 65 numbered requests, several of which are duplicative, redundant, overly broad and not germane to the claims or defenses of any party to this action.

M. West objects to the production of documents at the offices of Bazelon Less & Feldman. West will make documents available for inspection and copying at its counsels' offices or at other locations and/or by other methods as agreed to by the parties.

#### **RESERVATION OF RIGHTS**

West responses are made without waiver of, and subject to:

1. All questions and/or objections as to competency, relevancy, materiality, privilege and admissibility of the responses hereto and/or the documents produced and the subject matter thereof as evidence for any purpose in any further proceedings in this action (including the trial of this action) and in any other action;

2. The right to object to the use of any such response or document, or the subject matter thereof, on any grounds in any further proceedings in this action (including the trial of this action) and in any other action;

3. The right to object on any ground at any time to a demand or request for further response to these or any other discovery requests involving or relating to the subject matter of the items herein responded to;

4. The right at any time to revise, correct, add to, supplement or clarify any of the responses contained herein; and

5. The attorney/client, work product and material prepared in anticipation of litigation privileges.

Inadvertent production of any document protected by an applicable privilege shall not constitute the waiver of the privilege as to that document or its subject matter. Further, West objects to the Request insofar as it seeks the production of documents that were prepared in anticipation of this litigation. West will not produce such documents or identify them on its privilege log.

All information and documents produced in response to the Request are provided solely for use in this litigation and for no other purpose and all documents produced by West in response to the Request shall be subject to a stipulation or protective order entered by the Court regarding confidentiality.

Each of the above General Objections and Reservation of Rights is by this

reference incorporated fully in each individual response below, and each individual response is made subject to and without waiver of such General Objections and Reservation of Rights.

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **Request Number 1:**

All documents which compare or otherwise show revisions, updates, supplementation or the like from the 2007-2008 Pocket Part to the 2008-2009 Pocket Part, including but not limited to Delta and Delta-like comparisons of these pocket parts.

#### **Response to Request Number 1:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that “Delta and Delta-like comparisons” is vague and nowhere defined. West further objects to this request to the extent that it seeks privileged information not subject to discovery, including information that is protected attorney work product. West further objects to this request on the grounds that Plaintiffs possess each of these pocket parts and can make their own comparisons of the pocket parts as equally or as readily as can West. Subject to and without waiving the foregoing objections, West will produce the 2007-2008 Pocket Part and the 2008-2009 Pocket Part in electronically searchable .pdf format so that Plaintiffs can make comparisons of these pocket parts.

#### **Request Number 2:**

All documents which show revisions, updates, supplementation or the like from the 2008-2009 Pocket Part to the 2009 Pocket Part, including but not limited to Delta and Delta-like comparisons of these Pocket Parts.

#### **Response to Request Number 2:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that “Delta and Delta-like comparisons”

is vague and nowhere defined. West further objects to this request to the extent that it seeks privileged information not subject to discovery, including information that is protected attorney work product. West further objects to this request on the grounds that Plaintiffs possess each of these pocket parts and can make their own comparisons of the pocket parts as equally or as readily as can West. Subject to and without waiving the foregoing objections, West will produce the 2008-2009 Pocket Part and the 2009 Pocket Part in electronically searchable .pdf format so that Plaintiffs can make comparisons of these pocket parts.

**Request Number 3:**

All documents which show or reflect work done and time expended to revise, update, supplement, etc. the 2007-2008 Pocket Part.

**Response to Request Number 3:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly burdensome. West further objects to the request on the grounds that the phrase “supplement, etc.” is vague. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to show the work done and time expended to revise, update or supplement the 2007-2008 Pocket Part.

**Request Number 4:**

All documents which show or reflect the work done and time expended to revise, update, supplement, etc. the 2008-2009 Pocket Part.

**Response to Request Number 4:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly

burdensome. West further objects to the request on the grounds that the phrase “supplement, etc.” is vague. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to show the work done and time expended to revise, update or supplement the 2008-2009 Pocket Part.

**Request Number 5:**

All documents which reflect the identity of the persons who did work (in the nature of revising, updating, cite checking, researching, or the like) on the 2008-2009 Pocket Part and on the 2009 Pocket Part, including documents which show the background, experience and qualifications of these persons.

**Response to Request Number 5:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to reflect the identity of the persons who did work (in the nature of revising, updating, cite checking, researching, or the like) on the 2008-2009 Pocket Part and on the 2009 Pocket Part.

**Request Number 6:**

Disks or other means for electronic storage which contain the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and/or 2009 Pocket Part, in format such that the information on these disks or other electronic storage means can be compared.

**Response to Request Number 6:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce the 2007-



2008 Pocket Part, 2008-2009 Pocket Part and 2009 Pocket Part in electronically searchable .pdf format.

**Request Number 7:**

All documents which contain standards, directions, procedures and the like which applied during any of the years 2005-2009 for the preparation of pocket parts, supplements or other forms of updating to Books, including both for pocket parts prepared by authors and pocket parts prepared by West.

**Response to Request Number 7:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that the phrase “procedures and the like” is vague. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to reflect West’s standards, directives and procedures, during the years 2005-2009, for the preparation of pocket parts, supplements or other updates to Books.

**Request Number 8:**

All documents containing standards, criteria and the like for review and approval of pocket parts to Books, during the preparation and otherwise prior to publication, both for pocket parts prepared by authors of Books and pocket parts prepared by West, which criteria were applicable for any portion of the years 2006-2009.

**Response to Request Number 8:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that the phrase “criteria and the like” is vague. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to reflect

West's standards and criteria for the review and approval of pocket parts, applicable during the years 2006-2009.

**Request Number 9:**

All documents showing or reflecting editing, review and/or approval of the revisions, updates, cite checks, research and the like during preparation of the 2008-2009 Pocket Part or 2009 Pocket Part or otherwise prior to the publication of either pocket part.

**Response to Request Number 9:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that the phrase "research and the like" is vague. West further objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" reflecting any edits, revisions, cite checks, research or review of the 2008-2009 and 2009 Pocket Parts prior to their publication. West further objects to this request to the extent that it seeks privileged information not subject to discovery, including information that is protected attorney work product. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to show its editing, review and/or approval of the 2008-2009 and 2009 Pocket Parts prior to their publication.

**Request Number 10:**

To the extent not called for by the above requests, all documents concerning the preparation of the 2008-2009 Pocket Part and the preparation of the 2009 Pocket Part.

**Response to Request Number 10:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is vague, overly broad and unduly burdensome since, for example "preparation" would cover all documents concerning mechanical

coding, printing or other publishing that is irrelevant to Plaintiffs' claims in this action. West will produce documents as set forth in its response to Request No. 9 and offers to confer in good faith with Plaintiffs' counsel should, after production, Plaintiffs believe they still require particular documents.

**Request Number 11:**

All documents containing or referencing consideration of whether to use Rudovsky's and/or Sosnov's name on the 2008-2009 Pocket Part to the Treatise.

**Response to Request Number 11:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control containing or referencing consideration of whether to use Rudovsky's and/or Sosnov's name on the 2008-2009 Pocket Part to the Treatise.

**Request Number 12:**

All documents containing a budget, whether planned, approved, actual or otherwise, for the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and 2009 Pocket Part.

**Response to Request Number 12:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control containing a budget, whether planned, approved, actual or otherwise, for the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and 2009 Pocket Part.

**Request Number 13:**

All documents summarizing revenue and expenses in connection with the 2007-2008 Pocket

Part, 2008-2009 Pocket Part and 2009 Pocket Part.

**Response to Request Number 13:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that “expenses in connection with” the pocket parts is overly broad. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control summarizing revenues or expenses identified as attributable to the 2007-2008 Pocket Part, 2008-2009 Pocket Part and 2009 Pocket Part.

**Request Number 14:**

To the extent not called for by the two preceding requests, all documents which consider the economics and finances concerning the 2007-2008 Pocket Part, 2008-2009 Pocket Part, and 2009 Pocket Part.

**Response to Request Number 14:**

West incorporates each of the above General Objections and Reservation of Rights and further objects that the request on the grounds that the phrase “documents which consider the economics and finances” is vague. West will produce documents as set forth in its responses to Request Nos. 12 and 13 and offers to confer in good faith with Plaintiffs’ counsel should, after production, Plaintiffs believe they still require particular documents.

**Request Number 15:**

All documents which discuss generally the economics and finances for preparation of pocket parts to Books, for the years 2006-2009 or any portion thereof, including pocket parts prepared by West and pocket parts prepared by authors.

**Response to Request Number 15:**

West incorporates each of the above General Objections and Reservation of

Rights and further objects on the grounds that the request is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further objects to the request on the grounds that “the economics and finances for preparation of pocket parts to Books” is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 16:**

All documents which discuss generally whether authors of Books will prepare the pocket parts thereto, or whether the pocket parts will be prepared by West, for the years 2006-2009 or any portion thereof.

**Response to Request Number 16:**

West incorporates each of the above General Objections and Reservation of Rights and further objects on the grounds that the request is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further objects to the request on the grounds that the “documents which discuss generally whether authors of Books will prepare the pocket parts thereto” – i.e., the contracts of other authors – are not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 17:**

All documents which discuss or reference the names of authors of Books being used in connection with pocket parts thereto which the authors did not prepare, for the years 2006-2009.

**Response to Request Number 17:**

West incorporates each of the above General Objections and Reservation of Rights and further objects on the grounds that the request is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further

objects to the request on the grounds that the “documents which discuss or reference the names of authors of Books being used in connection with pocket parts thereto which the authors did to prepare” are not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 18:**

All documents concerning the matter of David Rudovsky and Leonard Sosnov not preparing the pocket part for the Treatise for 2008-2009, including documents showing (1) consideration of this matter, (2) the amount of compensation offered to Rudovsky and Sosnov for this undertaking, (3) the decision not to use Rudovsky and Sosnov for the preparation of the 2008-2009 Pocket Part, and all communications with Rudovsky and Sosnov concerning this matter.

**Response to Request Number 18:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning David Rudovsky and Leonard Sosnov not preparing the pocket part for the Treatise for 2008-2009 as requested, and all communications with Rudovsky and Sosnov concerning this issue.

**Request Number 19:**

All documents which show generally, or contain summary information concerning, the extent to which West used its own staff to prepare pocket parts for Books, rather than the authors, for each of the years 2006-2009.

**Response to Request Number 19:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the ground that it is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further

objects to the request on the grounds that documents reflecting information concerning “the extent to which West used its own staff to prepare pocket parts for Books” – rather than the Treatise – are not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 20:**

All documents which identify Books concerning which pocket parts were previously prepared by the authors but, in 2006, 2007, 2008 and/or 2009, the pocket parts were prepared by West.

**Response to Request Number 20:**

West incorporates each of the above General Objections and Reservation of Rights and further objects on the grounds that the request is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further objects to the request on the grounds that it is duplicative of request number 17. West further objects to the request on the grounds that its focus upon other Books demonstrates that it is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 21:**

All documents which concern generally the amount of compensation which West offered or was considering offering to authors of Books for preparation of pocket parts thereto, which documents contain a comparison, express or implied, to prior years' compensation to the same authors for preparation of pocket parts, for the years 2006-2009.

**Response to Request Number 21:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the ground that it is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further

objects to the request on the grounds that documents reflecting “the amount of compensation which West offered or was considering offering to authors of Books for preparation of pocket parts thereto” – rather than to the authors of the Treatise – are not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning the amount of compensation which West offered or was considering offering to David Rudovsky and Leonard Sosnov with respect to preparing the pocket parts to the Treatise from 2006 to 2009.

**Request Number 22:**

All documents which list Books for which West staff prepared pocket parts in 2006, 2007, 2008 and 2009.

**Response to Request Number 22:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly burdensome insofar as it focuses upon all Books rather than the Treatise at issue. West further objects to the request on the grounds that its focus upon other Books demonstrates that it is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 23:**

All documents which discuss or reference the performance of West staff in preparing pocket parts in 2008.

**Response to Request Number 23:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly



burdensome insofar as it focuses upon all pocket parts in 2008 rather than the pocket parts for the Treatise at issue. West further objects to the request on the grounds that its focus upon other pocket parts demonstrates that it is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims.

**Request Number 24:**

All documents concerning any agreement between West, on the one hand, and Rudovsky and Sosnov, on the other, including agreements, correspondence, internal memos, communications, assignments, etc.

**Response to Request Number 24:**

West incorporates each of the above General Objections and Reservation of Rights and further objects that this Request is duplicative of other requests. Moreover, to the extent that the request seeks documents with respect to agreements between West, on the one hand, and Sosnov and/or Rudovsky, on the other, for works other than the Treatise, West objects on the grounds that that information is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning any agreement between West, on the one hand, and Rudovsky and Sosnov, on the other, with respect to the Treatise.

**Request Number 25:**

All documents concerning, or containing information about, the reputation, professional standing, qualifications, and the like of David Rudovsky and Leonard Sosnov.

**Response to Request Number 25:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrase "and the like" is vague

and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning the reputation, professional standing or qualifications of David Rudovsky and Leonard Sosnov.

**Request Number 26:**

All documents prepared or published by West for public dissemination which include information or representations concerning David Rudovsky and Leonard Sosnov.

**Response to Request Number 26:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is unlimited in time and scope, and is therefore unduly burdensome. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control from 2006 to the present.

**Request Number 27:**

All documents containing information, statements, representations or the like as to West's opinion, assessment, reaction, or the like concerning the work of David Rudovsky and Leonard Sosnov on the Treatise or any of the pocket parts thereto.

**Response to Request Number 27:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrases "or the like" is vague and ambiguous. West further objects to the request to the extent that it seeks documents protected by the attorney client privilege or work product doctrine. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 28:**

All documents in which West advertised, promoted or otherwise publicized the Treatise.

**Response to Request Number 28:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is unlimited in time and scope, and is therefore unduly burdensome. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody sufficient to show how West advertised, promoted or otherwise publicized the Treatise from 2006 to 2009.

**Request Number 29:**

All documents containing information, statements, representations or the like as to West's opinion, assessment, reaction, or the like concerning the work of David Rudovsky on the book which he co-authored, published by West, entitled "Police Misconduct; Law and Litigation."

**Response to Request Number 29:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrases "or the like" is vague and ambiguous. West further objects to the request on the grounds that West's assessments or opinions about "Police Misconduct; Law and Litigation" are not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims.

**Request Number 30:**

All documents containing representations, expressions, opinions, statements, or the like concerning the quality, suitability, usefulness, or the like concerning the Treatise and or any of the pocket parts thereto.

**Response to Request Number 30:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrases “or the like” is vague and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 31:**

All communications from a subscriber to the Treatise, user of the Treatise, or other third party concerning the quality, usefulness, substance, or the like, of the Treatise and any of the pocket parts thereto, or concerning the matter of satisfaction with the Treatise and any of the pocket parts thereto.

**Response to Request Number 31:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrase “or the like” is vague and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 32:**

All subscription lists and mailing lists for the Treatise and pocket parts, including documents which show the date(s) for which the lists applied or were used.

**Response to Request Number 32:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is unlimited in time and scope, and is therefore unduly burdensome. West further objects to this request on the grounds that the subscription lists or mailing lists for the Treatise and pocket parts for years other than 2008 or 2009 are wholly irrelevant to (or not reasonably calculated to lead to the discovery of admissible

evidence relevant to) Plaintiffs' claims. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody sufficient to show the subscription lists for the Treatise and pocket parts in 2008 and 2009.

**Request Number 33:**

All documents concerning the March, 2009 letter sent by West to subscribers to the Treatise and pocket parts, including the mailing list(s), date(s) of mailing, internal communications, responses, etc.

**Response to Request Number 33:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrase "responses, etc." is vague and ambiguous. West further objects to the request to the extent that it seeks internal communications about the March 2009 letter which are protected by the attorney client privilege or work product doctrine. West further objects to this request on the grounds that the mailing list(s) and date(s) of mailing are wholly irrelevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning any external responses West received concerning the March 2009 letter.

**Request Number 34:**

All documents concerning consideration of whether to prepare and publish a 2009 pocket part to the Treatise, including the decision to prepare and publish this pocket part.

**Response to Request Number 34:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it solely seeks documents which are

protected by the attorney client privilege or work product doctrine.

**Request Number 35:**

All documents concerning the extent to which the Treatise is accessed and used on Westlaw, or otherwise on the internet, 2006-2009.

**Response to Request Number 35:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that “used on Westlaw” is vague and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to demonstrate the extent to which the Treatise was accessed by Westlaw users on an annual basis from 2006-2009.

**Request Number 36:**

All documents showing the changes which West has made to the Treatise as it appears on Westlaw, and the dates of those changes, for the years 2008 and 2009.

**Response to Request Number 36:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 37:**

All documents concerning the mailing of the 2009 Pocket Part, including the date and time at which the pocket parts were delivered to the United States Post Office; the identity of the Post Office; all transactional documents with the U.S. Postal Service, including acceptance of packages and receipt for payment; type of postal service used; mailing list(s); all documents concerning delivery to the U.S. Post Office by or on behalf of West; and all communications

with the U.S. Postal Service.

**Response to Request Number 37:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds it is overly broad and unduly burdensome since everything requested in Request Number 37 except for the “mailing list” for the April 2009 Pocket Part is wholly irrelevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims. Subject to and without waiving the foregoing objections, West will produce the “mailing list” for the April 2009 Pocket Part.

**Request Number 38:**

All documents concerning refunds or credits to subscribers to the Treatise in connection with the 2008-2009 Pocket Part and the 2009 Pocket Part.

**Response to Request Number 38:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control sufficient to show all refunds or credits given to subscribers to the Treatise in connection with the 2008-2009 Pocket Part and the 2009 Pocket Part.

**Request Number 39:**

All documents showing any mailing(s) of the 2009 Pocket Part after April 14, 2009.

**Response to Request Number 39:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that any mailings of the 2009 Pocket Part to new subscribers after April 14, 2009 are wholly irrelevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims. Subject to and

without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control, sufficient to show any mailings of the 2009 Pocket Part, after April 14, 2009, to customers who received the 2008-2009 Pocket Part.

**Request Number 40:**

All documents reflecting or containing publicly disseminated information, representations, solicitations, or the like by West concerning the book co-authored by David Rudovsky entitled "Police Misconduct; Law And Litigation".

**Response to Request Number 40:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that its phrases "publicly disseminated information" and "the like" are vague and ambiguous. West further objects to the request on the grounds that it is overly broad and not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims.

**Request Number 41:**

All documents in which West has made public statements, representations, solicitations and advertisements about the attributes, content, desirability or the like of pocket parts to Books where the statements are not limited or to a particular Book, 2006 to the present.

**Response to Request Number 41:**

West incorporates each of the above General Objections and Reservation of Rights and further objects that the request for documents about the "attributes" or "content" is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.



**Request Number 42:**

All documents concerning the present status of the Treatise, including West's plans for the Treatise and preparation and publication of future pocket parts.

**Response to Request Number 42:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that "the present status of the Treatise" is vague and ambiguous. West further objects to the request on the grounds that it seeks documents which are protected by the attorney client privilege or work product doctrine.

**Request Number 43:**

All communications between West, on the one hand, and Douglas Frenkel or Alan Yatvin, on the other.

**Response to Request Number 43:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request to the extent that it seeks communications concerning topics other than the Treatise or its authors, Rudovsky and Sosnov. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 44:**

All insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in this case or to indemnify or reimburse for payments made to satisfy the judgment.

**Response to Request Number 44:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive

non-privileged insurance agreements, if any, within its possession, custody or control.

**Request Number 45:**

All documents containing West's document retention policies applicable during any portion of the time period 2005-2009.

**Response to Request Number 45:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 46:**

All opinions and orders in legal proceedings (including court cases, agency or other government proceedings, arbitration and the like) concerning West's use of the names of authors of Books.

**Response to Request Number 46:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request to the extent that it seeks information about Books rather than the Treatise at issue. West further objects to the request on the grounds that it seeks documents which are protected by the attorney client privilege or work product doctrine. West further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims.

**Request Number 47:**

All documents concerning the formation and legal status of Thomson West, West Group and West Publishing Company (e.g., corporation, partnership, joint venture, fictitious name, etc.).

**Response to Request Number 47:**

West incorporates each of the above General Objections and Reservation of

Rights and further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims, especially since it is not disputed that West published the Treatise and pocket parts at issue.

**Request Number 48:**

All documents showing the relationship, by contract or otherwise, between Thomson West, and any other publisher of the 2008-2009 Pocket Part, on the one hand, and West Services Inc., West Publishing Company and/or West Group, on the other hand, both generally and in relation to the Treatise and pocket parts thereto.

**Response to Request Number 48:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims, especially since it is not disputed that West published the Treatise and pocket parts at issue.

**Request Number 49:**

All documents which show the identity of the legal entity or entities which published the 2008-2009 Pocket Part and 2009 Pocket Part to the Treatise.

**Response to Request Number 49:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims, especially since it is not disputed that West published the Treatise and pocket parts at issue.

**Request Number 50:**

All documents which show the identity of the legal entity or entities which published the Treatise on Westlaw in 2008 and 2009.

**Response to Request Number 50:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims, especially since it is not disputed that West published the Treatise and pocket parts at issue on Westlaw.

**Request Number 51:**

All documents written, authored, sent, or received by Jean Maess concerning the Treatise and any pocket part thereto or any agreement to which David Rudovsky and Leonard Sosnov is a party.

**Response to Request Number 51:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request to the extent that it seeks documents which are protected by the attorney client privilege or work product doctrine. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 52:**

All documents written, authored, sent, or received by Chris Davis concerning the Treatise and any pocket part thereto or any agreement to which David Rudovsky and Leonard Sosnov is a party.

**Response to Request Number 52:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control that were written by, authored by, or sent to Chris Davis concerning the Treatise and any pocket part thereto.

**Request Number 53:**

All forms of subscription plans for Westlaw which entitle the users or subscribers to access and use the Treatise, 2006-2009, and documents showing the approximate number of subscribers for each plan, 2008 and 2009.

**Response to Request Number 53:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that “[a]ll forms of subscription plans for Westlaw” is overly broad and unduly burdensome. West further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 54:**

Identify the documents sent to subscribers to the Treatise with the March, 2009 letter by West.

**Response to Request Number 54:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is an interrogatory – not a request for documents in compliance with Fed. R. Civ. P. 34 as the Request itself purports to be.

**Request Number 55:**

In paragraph 13 of the Answer and Affirmative Defenses to the Amended Complaint in this case, West denies that "no substantive changes were made by West prior to publication." Please produce all documents which show that West made any substantive change(s) to the work submitted to West by Rudovsky and Sosnov.

**Response to Request Number 55:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is duplicative of, and redundant of, prior requests. Subject to and without waiving the foregoing objections, West will produce copies of the 2007-2008 pocket part, the 2008-2009 pocket part and the 2009 pocket part.

**Request Number 56:**

All documents which support West's Seventh Affirmative Defense to the Amended Complaint in this case that "[t]he alleged damages suffered by Plaintiffs, if any, have been caused, in whole or in part, by actions of Plaintiffs and/or third-parties and not by Defendants."

**Response to Request Number 56:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 57:**

All documents which support West's Eighth Affirmative Defense in this case that "[a]ny alleged damages were not proximately caused by any action or inaction by Defendants.

**Response to Request Number 57:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections, West will produce responsive

non-privileged documents, if any, within its possession, custody or control.

**Request Number 58:**

All documents for which Plaintiffs have requested identification in Plaintiffs' First Set of Interrogatories to Defendants in this case.

**Response to Request Number 58:**

West incorporates each of the above General Objections and Reservation of Rights. Subject to and without waiving the foregoing objections – and the objections contained in West's Responses and Objections to Plaintiffs' First Set of Interrogatories – West will produce responsive non-privileged documents, if any, within its possession, custody or control.

**Request Number 59:**

All organizational charts or listings for the period 2006 to the present, or any portion of that period, which show the relationship *inter se* among West entities, which charts include West Publishing Company, West Services Inc., Thomson Legal And Regulatory Inc., Thomson West, and/or West Group.

**Response to Request Number 59:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is duplicative of, and redundant of, earlier requests. West further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs' claims, especially since it is not disputed that West published the Treatise and pocket parts at issue.

**Request Number 60:**

All organizational charts or listings for the period 2006 to the present, or any portion of that period, which show the reporting and like relationships of individuals (whether described by

personal name or position) who are involved in the preparation, editing, approval and the like of pocket parts to Books.

**Response to Request Number 60:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is duplicative of, and redundant of, earlier requests. West further objects to this request on the grounds that it is overly broad and unduly burdensome since it seeks information about “Books” rather than the Treatise at issue. West further objects to the request on the grounds that the information sought is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 61:**

All documents containing, referencing or reflecting complaints by authors of Books concerning pocket parts thereto published by West which were not prepared by the authors, 2006 to the present.

**Response to Request Number 61:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that it is overly broad and unduly burdensome since it seeks information about “Books” rather than the Treatise at issue. West further objects to the request on the grounds that it is not relevant to (or not reasonably calculated to lead to the discovery of admissible evidence relevant to) Plaintiffs’ claims.

**Request Number 62:**

All communications between West, on the one hand, and David Rudovsky and/or Leonard Sosnov, on the other.



**Response to Request Number 62:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request to the extent that it seeks communications about topics unrelated to the Treatise or pocket parts thereto, or Plaintiffs' claims in this action. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged communications, if any, within its possession, custody or control.

**Request Number 63:**

All documents concerning termination, discipline, or the like of a West employee, due in whole or in part to his/her involvement concerning the 2008-2009 Pocket Part to the Treatise, or concerning disapproval or criticism of an employee's actions or performance in connection with this 2008-2009 Pocket Part.

**Response to Request Number 63:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to the request on the grounds that the phrase "or the like" is vague and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control concerning the termination or discipline of a West employee due in whole or part to his or her involvement with the 2008-2009 Pocket Part.

**Request Number 64:**

All documents containing policy, standards, criteria, directives and the like concerning updating of citations to cases in Books on Westlaw to show subsequent history.

**Response to Request Number 64:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that it is duplicative of, and redundant

of, earlier requests. West further objects to the request on the grounds that the phrase “and the like” is vague and ambiguous. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

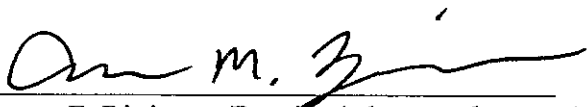
**Request Number 65:**

All documents containing policy, procedures, directives and the like for handling, addressing, processing, etc. of complaints concerning pocket parts to Books, and all documents informing subscribers or other members of the public of these policies, procedures, directives and the like, January 1, 2006 to the present.

**Response to Request Number 65:**

West incorporates each of the above General Objections and Reservation of Rights and further objects to this request on the grounds that the phrases “processing, etc.” and “the like” are vague and ambiguous. West further objects to this request on the grounds that it is overly broad. Subject to and without waiving the foregoing objections, West will produce responsive non-privileged documents, if any, within its possession, custody or control.

Dated: October 1, 2009

  
James F. Rittinger, Esquire (adm. *pro hac vice*)  
Aaron M. Zeisler, Esq. (adm. *pro hac vice*)  
SATTERLEE STEPHENS BURKE & BURKE LLP  
230 Park Avenue  
New York, NY 10169-0079  
(212) 818-9200  
Email: jrittinger@ssbb.com  
azeisler@ssbb.com

- and -

Matthew J. Borger, Esquire  
KLEHR, HARRISON, HARVEY, BRANZBURG  
& ELLERS LLP

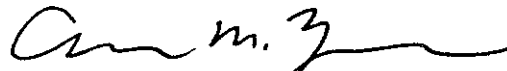
260 South Broad Street  
Philadelphia, PA 19102-5003  
(215) 568-6060  
Email: mborger@klehr.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I, Aaron M. Zeisler, hereby certify that, on October 1, 2009, I served a copy of Defendants' Responses and Objections to Plaintiffs' First Request For Production upon counsel for Plaintiffs listed below via U.S. Mail as follows:

Richard L. Bazelon  
Noah H. Charlson  
BAZELON LESS & FELDMAN, P.C.  
1515 Market Street, Suite 700  
Philadelphia, PA 19102-1907

  
Aaron M. Zeisler, Esquire