

Exhibit A

34290/01504
DISC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Roger Cleveland Golf Company, Inc.,)	Civil Action No. 2:09-2119-MBS
)	
Plaintiff,)	
)	
vs.)	
)	
Christopher Prince, Sheldon Shelley and)	
Prince Distribution, LLC.)	
)	
Defendants.)	

PLAINTIFF'S FIRST SET OF INTERROGATORIES

Plaintiff, Roger Cleveland Golf Company, Inc. (the "Plaintiff" or "Cleveland Golf"), hereby propounds the following interrogatories pursuant to Fed. R. Civ. P. 33 to be answered separately, in writing and under oath by Defendants Christopher Prince and Prince Distribution, LLC (collectively, "Defendants"):

GENERAL INSTRUCTIONS

1. All information is to be divulged that is in the possession, custody, or control of Defendants, their attorneys, investigators, agents, employees, or other representatives of Defendants and their attorneys.
2. In the event you cannot answer any discovery request in full, after exercising due diligence to secure the information, say so and answer to the fullest extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.
3. In the event an answer or portion thereof is based upon information and belief, rather than actual knowledge, the answer should so state and the source or sources upon which such information and belief is based should be specifically described and identified.

4. In the event you cannot answer any discovery request, in full or in part, and in the event that at some previous time you could have answered such response, in full or in part, by consulting documents which you no longer have in your possession, custody, or control, or to which you no longer have access, then state the following in answer to each discovery request:

- (a) Identify (as defined herein) each such document;
- (b) State the time period during which each such document was in your possession, custody, or control, or during which you had access to it;
- (c) Set forth in detail the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of or access to each document;
- (d) Identify all persons having knowledge of the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of or access to each document; and
- (e) Identify all persons who have or have had knowledge of the existence of each such document or the contents, in full or in part, thereof.

5. In the event you cannot answer any discovery request, in full or in part, and in the event you know any other person who has or has had possession, custody, or control of or access to the information or document(s) necessary to answer said request, in full or in part, state the following in answer to each such request:

- (a) Identify each such person; and
- (b) Set forth in detail, to the best of your knowledge, information, and belief, the circumstances whereby each such person obtained or gained possession, custody, or control of or access to all such information or documents.

6. When an Interrogatory asks for a description or identification of a document, the answer should be given in sufficient detail to enable a party or person to whom a subpoena or a request to produce documents is directed to identify fully the documents sought to be produced and to enable counsel for the Plaintiff to determine that such documents, when produced, are in fact the documents so described.

7. In the event that any information requested is withheld on the basis of a claim of privilege, state the ground(s) of the privilege claimed, and, if any document is claimed to be privileged, furnish a list identifying each such document together with the following information: identify the document with sufficient particularity to allow the matter to be brought before the Court, including a description of the document's type (e.g. letter, memorandum, report), subject matter, number of pages, date, its author(s), sender(s), and recipient(s), the name(s) and job title(s) of person(s) to whom copies were furnished, the person(s) who is its custodian and that person's address, and explain the specific nature of and basis for each claim of privilege.

The following definitions apply to these interrogatories:

DEFINITIONS

1. Any pronoun shall be deemed to designate the masculine, feminine or neuter gender, and singular or plural, as in each case may be appropriate.

2. The terms "**and**" and "**or**" and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively so as to require the enumeration of all information responsive to all or any part of each interrogatory in which any conjunction or disjunction appears.

3. The terms “**any**,” “**each**” and “**all**” shall be read to be all inclusive, and to require the enumeration of each and every item of information or document responsive to the interrogatory in which such term appears.

4. The term “**date**” shall mean the exact day, month and year, if ascertainable, or if not, the best approximation, including the temporal relationship to other events.

5. The term “**document**” when used herein means all original writings of any nature whatsoever, and all non-identical copies thereof, in the possession, custody or control of Defendants, regardless of where located, and all other documents of which the Defendants have knowledge, and includes, but is not limited to, correspondence, diagrams, or other written communications, data processing storage units, tapes, contracts, agreements, notes, schedules, summaries, compilations, analyses, memoranda, work papers, studies, surveys, internal and external reports, diaries, calendars, films, photographs, minutes of meetings, invoices, receipts, bills, orders, confirmations, bills of lading, delivery receipts, telexes, electronic mail messages (e-mail), and other documents as defined in Rule 34 of the Federal Rules of Civil Procedure. In all cases where original or non-identical copies are unavailable, “**documents**” also means copies thereof. “**Documents**” includes both tangible and electronic information.

6. The term “**person**” or “**persons**” means any public or private corporation, company, association, society, firm partnership, joint stock company, natural person, the United States, and any State, political subdivision or agency.

7. The terms “**pertaining to**,” “**relating to**,” or “**referring to**” as used herein means evidencing, memorializing, referring, constituting, containing, discussing,

describing, embodying, reflecting, identifying, mentioning, stating, or otherwise alluding to or relating to in any way, in whole or in part, the subject matter referred to in the request.

8. As used herein, the term "**Defendants**" "**you**" or "**your**" shall refer to Defendants Christopher Prince and Prince Distribution, LLC collectively, or any other individual or entity acting on their behalf.

9. As used herein, the term "**Cleveland Golf**" shall refer, without limitation, to Plaintiff Roger Cleveland Golf Company, Inc. and its officers, directors, agents, employees, and related or affiliated entities.

10. As used herein, the term "**Websites**" shall refer to the websites copycatclubs.com, worldtimegolf.com, myscrubs4u.com, and legacygolfclubs.com, which are referred to in Plaintiff's Complaint, as well as any other website registered to, owned by or associated with you through which golf clubs have been sold or offered for sale.

11. As used herein, when an interrogatory calls upon a party to "**state the basis**" of or for a particular claim, assertion, allegation, or contention, the party shall (a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory; (b) identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory; (c) state separately the acts or omissions to act on the part of any person (identifying the acts or omissions to act by stating their nature, time, and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory; and (d) state

separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory.

12. The terms "**identify**" or "**identity**" as used herein with respect to a document shall be read to require a statement of all of the following information, where applicable, relative to such document: (1) title; (2) nature and subject matter; (3) date; (4) author; (5) addressee; (6) file number or other identifying mark or code; (7) location of room, building, address, city and state; (8) identification of custodian; and (9) whether or not it is claimed that such document is privileged, and if so, the type of privilege claimed and a statement of all the circumstances which will be relied upon to support such claim or privilege.

13. The terms "**identify**" or "**identity**" when used herein in connection with individuals means to state their full name, title and job descriptions, if applicable, their present business and resident addresses, and their present business and residence telephone number (this term applies to all individuals). The term "**identify**" when used in connection with business entities means to state the business name, telephone number and present address of each said entity.

INTERROGATORIES

1. Set forth the names and addresses of persons known to be witnesses concerning the facts of the case, indicating whether or not written or recorded statements have been taken from the witnesses and who has possession of such statements. For each person so identified, set forth either a summary sufficient to inform of the important facts known to or observed by such witness or provide a copy of any written or recorded statements taken from such witness.

2. Describe all research and development efforts related to the sale of golf clubs through the Websites, including but not limited to the creation and development of the Websites. In answering this Interrogatory, please provide specific dates and the names of all individuals involved in the research and development of the Websites.

3. Identify each person presently or previously employed by or associated with Defendants, anywhere in the world, who had or has had responsibility for the following functions during the past five years, with respect to the sale of golf clubs through the Websites or your sale of golf clubs through means other than the Websites:

- (A) conception, design and development;
- (B) marketing and sales;
- (C) supply and/or manufacture of golf clubs; and
- (D) the management and operation of any portion of the business of the Websites that pertains specifically to the sale of Cleveland Golf golf clubs.

4. Set forth the names, addresses, and telephone numbers of the suppliers, both past and present, of the Cleveland Golf branded golf clubs sold through the Websites or sold by you through means other than the Websites and designate the models of the clubs supplied by each.

5. Set forth the names, addresses, and telephone numbers of the suppliers, both past and present, of the components of Cleveland Golf branded golf clubs sold through the Websites or sold by you through means other than the Websites and designate the components supplied by each.

6. Set forth the names, addresses, and telephone numbers of the distributors, both past and present, of the Cleveland Golf branded golf clubs sold through the Websites or sold by you through means other than the Websites .

7. Describe the advertising and marketing efforts related to the golf clubs sold through the Websites or sold by you by means other than the Websites, including but not limited to any advertisements, search engine optimization techniques, package inserts, labels, brochures, marketing techniques, banners, publications, trade shows, metatag placement or websites.

8. Set forth a computation of the number of units sold, gross profit and net profit for the Cleveland Golf branded golf clubs sold through the Websites from the date of first sale to the present.

9. Describe in detail the different ways in which you sold the Cleveland Golf branded golf clubs.

10. List the names and models all the different Cleveland Golf golf clubs offered for sale through the Websites.

11. State the basis for your contention that the designs of the Cleveland Golf branded golf clubs sold by you are not counterfeit versions of authentic Cleveland Golf golf clubs.

12. State the basis for your contention that there is no likelihood of confusion between the Cleveland Golf branded golf clubs sold by you and authentic Cleveland Golf golf clubs.

13. Set forth any and all metatags associated with the Websites from 2007 to the present. In responding to this Interrogatory, please indicate the specific dates during which each metatag was associated with Websites.

14. Set forth the number of visitors to the Websites and all webpages linked therefrom, from 2007 to the present. In responding to this Interrogatory, please designate the number of visitors to each webpage on a monthly basis.

15. Describe any and all instances in which a person has been confused, mistaken or deceived between the Cleveland Golf branded golf clubs sold by you and authentic Cleveland Golf golf clubs. For illustrative purposes only and without limiting the foregoing, such instances would include misdirected mail, telephone calls, inquiries, orders, complaints, and cancellations or returns of goods.

16. Provide the date and describe the circumstances when you first sold Cleveland Golf branded golf clubs.

17. State the basis for the claim found on the copycatclubs.com homepage which states, "we are your one stop shop for the best copied golf equipment on the internet" and describe what "copied golf equipment" means.

18. Describe your relationship with the source of the Cleveland Golf branded golf clubs including, but not limited to, how you first were introduced, how you communicated, and how you paid for products.

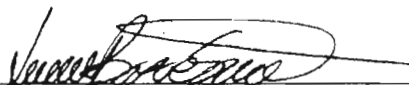
19. Describe why you chose the domain name copycatclubs.com to sell golf clubs.

20. List all bank accounts and/or PayPal accounts used to purchase Cleveland Golf branded golf clubs and all bank accounts and/or PayPal accounts used to deposit money

from the sale of Cleveland Golf branded golf clubs sold through the Websites or by means other than the Websites.

These interrogatories shall be deemed continuing so as to require supplemental responses prior to trial.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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