

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, Prince)	
Distribution, LLC, and Bright Builders,)	
Inc.)	
)	
Defendants.)	

PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiff, Roger Cleveland Golf Company, Inc. (the "Plaintiff" or "Cleveland Golf"), pursuant to Fed. R. Civ. P. 34, requests that Defendant Bright Builders, Inc. (the "Defendant" or "Bright Builders") produce the following documents within thirty (30) days to the office of Plaintiff's attorney, John C. McElwaine, Nelson Mullins Riley & Scarborough LLP, 151 Meeting Street / Sixth Floor, Post Office Box 1806 (29402-1806), Charleston, SC 29401-2239:

INTRODUCTION AND DEFINITIONS

1. You are to produce to Plaintiff's attorney, John C. McElwaine, Nelson Mullins Riley & Scarborough LLP, all documents set forth below that are in your possession, custody or control and that meet the descriptions, directly or indirectly, set forth in each such category.

2. If you claim any privilege or immunity from discovery with regard to any documents sought herein, then please provide the following information as to each document to which such claim is made: (a) its date; (b) the name and address of its maker; (c) the name and address of each person listed as an addressee; (d) the name and address of each person who has seen or reviewed each such document; (e) a brief description of its subject matter; (f) the nature

of privilege or immunity claimed; and (g) a summary of all facts and circumstances upon which such claim is based.

3. Whenever it is impractical to produce the original document requested, photocopies may be made of such original documents. Photographs supplied pursuant to this request or prints thereof shall be paid for by Plaintiff upon presentation of a bill from any person preparing such photographs or prints.

4. This demand is to include all after-acquired documents of the type made reference to in the request. You are therefore requested to update the production of documents by forwarding copies to Plaintiff or putting Plaintiff on notice as to any after-acquired material.

5. As used herein, the term "person" means natural individuals and legal entities.

6. As used herein, the term "document" means all original writings of any nature whatsoever and all non-identical copies thereof in your possession, custody or control regardless of where located, and all other documents of which you have knowledge and includes, but is not limited to, correspondence, diagrams, other written communications, data processing storage units, tapes, contracts, videocassettes, agreements, notes, schedules, summaries, compilations, analyses, memoranda indices, 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, and all other documents as defined by Fed. R. Civ. P. 34. Where any copy or copies of any document whose identification or production is sought is not identical to any other copy thereof, by reason of any alterations, notes, comments or other materials contained thereon or attached thereto, or otherwise, all such nonidentical copies shall

be identified and produced. Documents that are physically attached to each other in Defendant's file shall be left so attached when produced.

7. As used herein, the term "communication" or "communications" shall mean oral and written conversations and non-verbal communications, including without limitation, gestures, eye and body movements, intended or understood as conveying a particular message.

8. As used herein, the term "date" means the exact date, month and year, if ascertainable, or if not, the best approximation thereof, with a statement that such is an approximation.

9. As used herein, the singular shall be deemed to include the plural, and the masculine gender to include the feminine or neuter, where the context or circumstances so require or permit.

10. As used herein, the words "and" and "or" shall, where the circumstances so permit, be construed to mean "and/or."

11. As used herein, the word "by" shall, where the circumstances so permit, be construed to mean "by or on behalf of."

12. As used herein, the word "concerning" shall, where the circumstances so permit, be construed to mean "concerning," "referring to," "describing," "evidencing," or "constituting."

13. As used herein, the term "Bright Builders" shall refer, without limitation, to Defendant Bright Builders, Inc. and its officers, directors, agents, employees, and related or affiliated entities.

14. 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.

15. As used herein, the term "Websites" shall refer to the websites copycatchubs.com, worldtimegolf.com, myscrubs4u.com, and legacygolfclubs.com, which are referred to in Plaintiff's Complaint, as well as any other website (i) registered to, owned by or associated with Defendant Christopher Prince or Defendant Prince Distribution, LLC and (ii) in relation with which you have provided any services, support or consultation.

16. As used herein, the terms "Defendant", "you" or "your" shall refer to Bright Builders, or any other individual or entity acting on its behalf.

DOCUMENT REQUESTS

1. Documents sufficient to show a list of employees of Bright Builders from January 2008 to the present.

2. All documents relating to, reflecting or containing the expenses summarized on Statement 3 (Form 1120S, Schedule A, Line 5) to your 2008 federal tax return.

3. All documents relating to, reflecting or containing the expenses summarized on Statement 3 (Form 1120S, Schedule A, Line 5) to your 2009 federal tax return.

4. Documents sufficient to show your total costs of goods sold (Form 1120S, Schedule A, Line 8) for the 2008 tax year.

5. Documents sufficient to show your total costs of goods sold (Form 1120S, Schedule A, Line 8) for the 2009 tax year.

6. Documents sufficient to show the identity of recipients and amounts paid to those individuals comprising "salaries and wages" (Form 1120S, Line 8) for the 2008 and 2009 tax years.

7. For the period of January through December 2008, all documents relating to "Coaching Expenses" referenced on the Bright Builders Profit and Loss Statement.

8. For the period of January through December 2009, all documents relating to "Coaching Expenses".

9. For the period of January through December 2008, all documents relating to "Payroll Expenses - Other" referenced on the Bright Builders Profit and Loss Statement.

10. For the period of January through December 2009, all documents relating to "Payroll Expenses - Other".

11. For the period of January through December 2008, all documents relating to "Commission Expense" referenced on the Bright Builders Profit and Loss Statement.

12. For the period of January through December 2009, all documents relating to "Commission Expense".

13. Documents sufficient to show all distributions to shareholders of Bright Builders, Inc. for the period of January 2008 until present.

14. All documents relating to any search engine optimization forms or information submitted by Defendant Christopher Prince or Defendant Prince Distribution, LLC.

15. All documents relating to information submitted to any search engine optimization by you on behalf of Defendant Christopher Prince or Defendant Prince Distribution, LLC or for the Websites.

These requests for production shall be deemed continuing so as to require supplemental responses prior to trial.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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8/16, 2010

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff Roger Cleveland Golf Company, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by hand delivering and/or mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

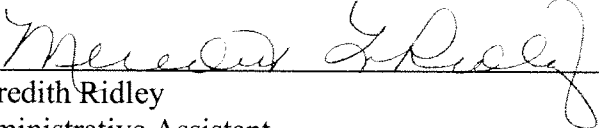
PLAINTIFF'S SECOND SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT, BRIGHT BUILDERS, INC.

Counsel Served
Via hand delivery:

Paul Doolittle, Esq.
Jekel-Doolittle LLC
P.O. Box 2579
Mount Pleasant, SC 29464

Counsel Served
Via U.S. Mail:

Christopher D. Lizzi, Esq.
Lizzi Law Firm, PC
PO Box 61899
N. Charleston, SC 29419



Meredith Ridley
Administrative Assistant

August 16, 2010