

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

BIDZIRK, LLC, DANIEL G. SCHMIDT,)
III, and JILL PATTERSON,)
)
Plaintiffs,)
)
v.)
)
PHILIP RUSS SMITH,)
)
Defendant.)

Civil Action No.

PLAINTIFFS' INITIAL DISCLOSURES

COMES NOW BidZirk, LLC ("BidZirk"), Daniel G. Schmidt, III ("Schmidt") and Jill Patterson ("Patterson"), Plaintiffs in the above-captioned action, and hereby files their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.01, and show the Court as follows:

A.

State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

RESPONSE

None.

B.

As to each claim, state whether it should be tried jury or nonjury and why.

RESPONSE

Plaintiffs' claims for injunction should be determined by the Court, without a jury.

Plaintiffs have demanded a jury as to all other claims stated in the complaint.

C.

State whether the party submitting these responses is a publicly-owned company and separately identify: (a) each publicly-owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly-owned company which owns ten percent or more of the outstanding shared or other indicia of ownership of the party; and (3) each publicly-owned company in which the party owns ten percent or more of the outstanding shares.

RESPONSE

Not applicable. BidZirk is a closely-held corporation.

D.

State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civil Rule 3.01.

RESPONSE

All parties are residents of this division, and the acts complained of occurred within the boundaries of this division.

E.

Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the

related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

RESPONSE

Not applicable; there are no related or potentially-related cases.

This 10th day of January, 2006.

/s/ Kevin M. Elwell

KEVIN M. ELWELL
USDC Bar No. 9706

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing PLAINTIFFS' INITIAL DISCLOSURES by depositing same in the United States Mail in a properly-addressed envelope with adequate postage affixed to:

Mr. Phillip Russ Smith
601 Cleveland Street, Apartment 5-B
Greenville, South Carolina 29601

This 10th day of January, 2006.

/s/ Kevin M. Elwell

KEVIN M. ELWELL
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