

DALLAS MARKET CENTER
OPERATING, L.P.,

VS.

NORBEN GROUP, INC. d/b/a Norben
Group, Norben Import Corporation,
Norben Import Corp., Norben Import,
and Norben

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IN THE COUNTY COURT

AT LAW NO. 5

DALLAS COUNTY, TEXAS

**SUBJECT TO THE SPECIAL APPEARANCE ON FILE HEREIN, DEFENDANT
NORBEN IMPORT CORPORATION'S MOTION FOR DETERMINATION OR,
IN THE ALTERNATIVE, MOTION TO STRIKE DEEMED ADMISSIONS
AND WAIVED OBJECTIONS**

Subject to the Special Appearance on file herein, Defendant Norben Import Corporation ("Defendant NIC") for its motion for determination of the date of service of discovery or, in the alternative, to strike deemed admissions and waived objections states as follows:

MOTION FOR DETERMINATION

1. Plaintiff filed suit herein on July 18, 2008 and requested that the Court Clerk have a citation issued upon another and unrelated defendant, "Norben Group Inc. d/b/a Norben Group Import Corporation" which states it is being delivered with "Plaintiff's Original Petition-Account, however, the process states, even as to the other defendant, "[t]he PROCESS was returned to this office on August 11, 2008, bearing the notation of Insufficient Address." See Exhibit A.

2. Plaintiff had citation issued upon Defendant NIC which states it is being delivered with "Discovery Attached" (but specifically does not state with any requests for admission), however, such process states that "[t]he PROCESS was returned to this office on October 20, 2008, bearing the notation Refused." See Exhibit B. Accordingly, Defendant NIC was not served.

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3. The Court's docket sheet in this case continues to reflect that Defendant NIC has not been served with Citation. *See* Exhibit C.

4. The Defendant is not a proper party to this lawsuit given it is not a signatory to or obligated under the Lease on which suit is based. This was communicated to Plaintiff's counsel by Defendant NIC and, as a result, Defendant NIC was led to believe by Plaintiff's counsel that the lawsuit was not being pursued as to Defendant NIC. The Court's docket reflects that this matter was dismissed for want of prosecution on November 3, 2009. *See* ¶3 Verification attached hereto. *See also* Exhibit C.

5. When Defendant NIC was informed by Plaintiff's counsel in December of 2009 that this matter was now going to proceed as to Defendant NIC, Defendant NIC informed the Court Clerk of the lack of jurisdiction over Defendant NIC and how it became aware of the lawsuit. *See* ¶4 Verification attached hereto.

6. Defendant NIC did not become aware of the potential problem with discovery until March 9, 2010 and did not become aware of the actual discovery requests until the same were forwarded to its counsel on March 10, 2010. *See* discovery requests (the "Discovery Requests" attached as Exhibit D and ¶5 Verification attached hereto. Accordingly, Defendant NIC seeks a determination from the Court that discovery responses to the same are not due until April 12, 2010.

**IN THE ALTERNATIVE, MOTION TO STRIKE
DEEMED ADMISSIONS AND WAIVED OBJECTIONS**

7. Texas Rule of Civil Procedure 198.3 permits a party to withdraw or amend its admissions. In the event the Court determines the Request for Admissions have been deemed admitted, Defendant NIC requests that the same be stricken on the grounds that (i) good cause exists for such relief, (ii) there is no prejudice to Plaintiff and (iii) the presentation of the merits of the case would suffer without such relief.

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8. Good cause exists as follows:

a. Defendant NIC has rebutted the presumption of service of the request for admissions. See ¶¶1-5; 8 above and verification attached hereto. See *Approximately \$14,980.00 v. State*, 261 S.W.3d 182, 189 (Tex. App.—Houston [14th Dist.] 2008, no pet.)(notice sent by certified mail was returned “unclaimed” and return receipt showed two unsuccessful delivery attempts).

b. Defendant NIC was given information by Plaintiff’s counsel which led it to believe the action against it was over. See ¶4 above and verification attached hereto. Confusion caused by party serving the requests can create good cause for striking deemed admissions. See *City of Houston v. Riner*, 896 S.W.2d 317, 319-20 (Tex. App.—Houston [1st Dist.] 1995, no writ); *Brido v. Holbrook*, 775 S.W.2d 411, 413 (Tex. App.—Fort Worth 1989, writ denied). Defendant NIC’s failure to timely serve its answers to the requests for admissions was not intentional or the result of negligence or conscious indifference and this motion to strike and extension of time to respond is not sought solely for the purpose of delay. See ¶8 Verification; *Wheeler v. Green*, 157 S.W.3d 439, 441-442 (Tex. 2005); *Boulet v. State*, 189 S.W.3d 833, 837 (Tex. App.—Houston [1st Dist.] 2006, no pet.).

c. Defendant NIC, through its counsel, became aware of this problem on March 9 and immediately contacted Plaintiff’s counsel and attempted to resolve the problem, including offering to expedite a response. See ¶5; 8 above, attached Verification and Certificate of Conference below. Good cause can be shown when a party seeks to resolve the problem as soon as it is discovered. See *In re Kellogg-Brown & Root, Inc.*, 45 S.W.3d 772, 776 (Tex. App.—Tyler 2001, orig. proceeding).

9. There is no prejudice to Plaintiff given, should the Court determine there are deemed admissions, Defendant NIC has agreed to respond to the discovery on an expedited basis and agreed

not to seek a delay of the current trial setting. See attached Verification and Certificate of Conference. See *Wheeler v. Green*, 157 S.W.3d 439, 442 (Tex. 2005); *Wal-Mart Stores, Inc. v. Deggs*, 968 S.W.2d 354, 356 (Tex. 1998).

10. The presentation of the merits would suffer because the case would potentially be decided on deemed admissions which are not true. See attached Verification. The Request for Admissions seek admissions from Defendant NIC for acknowledgment that Defendant NIC is obligated to Plaintiff for the obligations sued on in the Amended Petition which is based on a Lease obligation to which Defendant NIC was not a party. See Discovery Requests attached as Exhibit D and attached Verification, including ¶10. See *Wheeler*, 157 S.W.3d at 443 n.2 (“presentation of the merits would be subserved”); *Boulet*, 189 S.W.3d 838 (allowing deemed admissions that may preclude merits of the action raises due process issues).

11. In the further alternative, Defendant NIC has now retained counsel to assert its rights and defenses, including those matters protected against which it is protected from procedurally protected from admitting under the requests for admission and it desires to adequately defend itself by and through counsel.

12. For the reasons set forth above, Defendant NIC also requests that it be permitted to raise appropriate objections to the Discovery requests.

PRAYER

Subject to Defendant NIC’s special appearance, Defendant NIC requests that the Court determine the response date to the Discovery Requests to be April 11, 2010 or, in the alternative, to strike the deemed admissions and permit Defendant NIC to assert any appropriate objections to the Discovery Requests and for such other and further relief to which it is entitled.

Respectfully Submitted,

PRYOR & BRUCE

By:


Bobby G. Pryor

State Bar No. 16373720

Dana G. Bruce

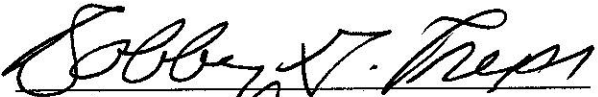
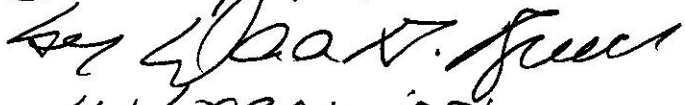
State Bar No. 03232032

302 N. San Jacinto
Rockwall, Texas 75087
Telephone: (972) 771-3933
Facsimile: (972) 771-8343

Attorneys for Defendant Norben Import Corporation

CERTIFICATE OF CONFERENCE

On March 9, 2010, Bobby Pryor, counsel for Defendant NIC, spoke with Mark Blenden, counsel for Plaintiff, and informed him that he had been retained that day by Defendant NIC, the Court file indicated that discovery had been served but that Defendant NIC was not aware of the same, and that, if in fact, such discovery was properly served, expedited responses would be provided and no extension of the current trial setting on such grounds would be sought. Mr. Blenden did not agree to the relief sought in this motion.


by 
w/ permission

SUBJECT TO THE SPECIAL APPEARANCE ON FILE HEREIN, DEFENDANT NORBEN IMPORT CORPORATION'S MOTION FOR DETERMINATION OR, IN THE ALTERNATIVE, MOTION TO STRIKE DEEMED ADMISSIONS AND WAIVED OBJECTIONS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served via facsimile this 11th day of March 2010 upon the following:

VIA FACSIMILE (817) 267-1992

Mark P. Blenden, Esq.

The Blenden Law Firm

2217 Harwood Road

Bedford, Texas 76021-3607

Counsel for Plaintiff Dallas Market Center Operating, L.P.

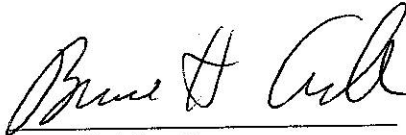
A handwritten signature in black ink, appearing to read "Mark P. Blenden", is written over a horizontal line.

SUBJECT TO THE SPECIAL APPEARANCE ON FILE HEREIN, DEFENDANT NORBEN IMPORT CORPORATION'S MOTION FOR DETERMINATION OR, IN THE ALTERNATIVE, MOTION TO STRIKE DEEMED ADMISSIONS AND WAIVED OBJECTIONS

VERIFICATION


STATE OF NEW ^{York}~~JERSEY~~ §
COUNTY OF Rockland §
§

BEFORE ME, the undersigned authority on this day personally appeared Bruce H. Adler, who, upon his oath, stated that he has read the foregoing and the factual statements contained in paragraphs 3, 4, 5, 8, 9 and 10 herein are based on his personal knowledge and are true and correct. Further,



Bruce H. Adler, Treasurer
Norben Import Corporation

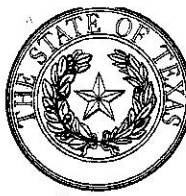
SUBSCRIBED AND SWORN TO BEFORE ME on this 10th day of March, 2010.


Notary Public in and for the
State of ~~New Jersey~~
New York

3/10/10

ELIOT MESHULAM
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ORANGE COUNTY
NO. 01ME6214965
MY COMM. EXP. 12/21/2013

SUBJECT TO THE SPECIAL APPEARANCE ON FILE HEREIN, DEFENDANT NORBEN IMPORT CORPORATION'S MOTION FOR DETERMINATION OR, IN THE ALTERNATIVE, MOTION TO STRIKE DEEMED ADMISSIONS AND WAIVED OBJECTIONS



The State of Texas
Secretary of State

FILED
2008 SEP -2 PM 2:10

JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

2008-154314-1

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's Original Petition-Account, Request For Admission in the cause styled:

Dallas Market Center Operating LLP VS Norben Group Inc dba Norben
Group Norben Import Corporation et al
County Court at Law No. 5 of Dallas County, Texas
Cause No: CC0806197E



was received by this office on July 28, 2008, and that a copy was forwarded on July 30, 2008, by CERTIFIED MAIL, return receipt requested to:

Norben Group Inc dba Norben Group Norben Import Corporation et
300 Lodi St
Hackensack, NJ 07601

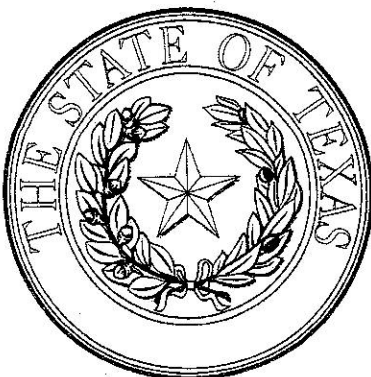
The PROCESS was returned to this office on August 11, 2008, bearing the notation Insufficient Address.



Date issued: August 13, 2008

Hope Andrade
Secretary of State

ST/lsv





The State of Texas
Secretary of State

2009-156845-1

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's First Amended Original Petition With Discovery Attached in the cause styled:

Dallas Market Center Operating LP VS Norben Group Inc dba Norben
Group Norben Import Corporation et al Norben Import Corp
County Court at Law No. 5 of Dallas County, Texas
Cause No: CC0806197E

was received by this office on October 6, 2008, and that a copy was forwarded on October 8, 2008, by CERTIFIED MAIL, return receipt requested to:

Norben Import Corp
99 South Newman Street
Haskensack, NJ 07601

The PROCESS was returned to this office on October 20, 2008, bearing the notation Refused.

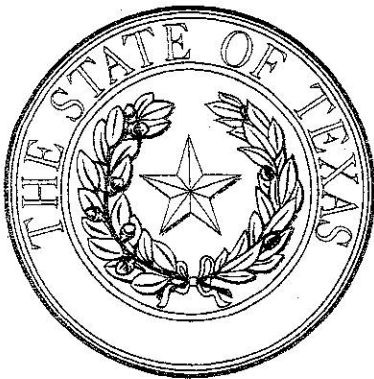


Date issued: October 21, 2008

A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade
Secretary of State

ST/lsv



Logout Search Menu New County Courts at Law Search Back

Location : All County Courts at Law Civil Help

REGISTER OF ACTIONS

CASE No. CC-08-06197-E

DALLAS MARKET CENTER OPERATING, LP vs. NORBEN GROUP, INC. §
 D/B/A NORBEN GROUP, NORBEN IMPORT CORPORATION ET AL, §
 NORBEN IMPORT CORP §
 §
 §

Case Type: **DEBT/CONTRACT**
 Subtype: **LEASE AGREEMENT**
 Date Filed: **07/18/2008**
 Location: **County Court at Law No. 5**

PARTY INFORMATION

DEFENDANT NORBEN GROUP, INC. D/B/A NORBEN GROUP, NORBEN IMPORT CORPORATION ET AL PLAINTIFF DALLAS MARKET CENTER OPERATING, LP	Lead Attorneys Pro Se <i>Retained</i> BLENDEEN, MARK P <i>Retained</i> 817-318-7000(W)
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EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS
 07/18/2008 **ORIGINAL PETITION (OCA - NEW CASE FILED)**
 07/18/2008 **ISSUE CITATION**
 07/18/2008 **CITATION**
 NORBEN GROUP, INC. D/B/A NORBEN GROUP, NORBEN IMPORT CORPORATION ET AL unserved
 09/02/2008 **SERVICE - CERTIFIED / REGISTERED MAIL**
 SECRETARY OF STATE UNEX - 8/11/08 - NORBEN GROUP INC
 09/04/2008 **ISSUE CITATION**
 09/04/2008 **AMENDED PETITION**
 1ST
 09/04/2008 **CITATION AMENDED**
 NORBEN IMPORT CORP unserved
 11/17/2008 **CANCELED DISMISSAL HEARING (9:00 AM) (Judicial Officer GREENBERG, MARK)**
 REQUESTED BY ATTORNEY/PRO SE
 12/22/2008 **DISMISSAL HEARING (9:00 AM) (Judicial Officer GREENBERG, MARK)**
 MARILYN W/PLFT OFFICE, MAILING DFLT AFTER SIGNATURE 12/19/08
 11/03/2009 **ORDER - DISMISSAL FOR WANT OF PROSECUTION**
 Vol./Book 12, Page 1183, 1 pages
 12/02/2009 **MOTION - REINSTATE**
 12/17/2009 **ORIGINAL ANSWER**
 01/15/2010 **MOTION - REINSTATE (9:00 AM) (Judicial Officer GREENBERG, MARK)**
 01/15/2010 **MOTION - MISCELLANEOUS**
 abandonment of future damages
 01/15/2010 **ORDER - REINSTATE (OCA AND REOPEN CASE)**
 Vol./Book 13, Page 4071, 1 pages
 01/15/2010 **ORDER - MEDIATION**
 Vol./Book 13, Page 4072, 1 pages
 03/01/2010 **VACATION LETTER**
 MAY 20-25, JULY 15-20, AUGUST 20-24, SEPTEMBER 9-14, 2010
 04/19/2010 **NON JURY TRIAL (9:00 AM) (Judicial Officer GREENBERG, MARK)**

**FINANCIAL INFORMATION**

PLAINTIFF DALLAS MARKET CENTER OPERATING, LP		
07/18/2008	Total Financial Assessment	210.00
07/18/2008	Total Payments and Credits	210.00
	Balance Due as of 03/09/2010	0.00
07/18/2008	Transaction Assessment	202.00
07/18/2008	Transaction Assessment	4.00
07/18/2008	PAYMENT (MAIL) Receipt # CV-2008-22243	(206.00)
09/04/2008	Transaction Assessment	4.00
09/04/2008	PAYMENT (MAIL) Receipt # CV-2008-25608	(4.00)
	BLENDEEN, MARK P	
	BLENDEEN FIRM	

August 27, 2008

TO: NORBEN IMPORT CORP., defendant

DALLAS MARKET CENTER OPERATING, L.P. vs. NORBEN GROUP, INC. et al
Dallas County Court at Law
Our File: 27000

RE: PLAINTIFF'S ACCOUNT INTERROGATORIES; REQUESTS FOR ADMISSION;
DOCUMENT REQUESTS; and REQUESTS FOR DISCLOSURE

Plaintiff serves the attached discovery on defendant.

DEFINITIONS: For clarity, "plaintiff" means DALLAS MARKET CENTER OPERATING, L.P. and "defendant" means NORBEN IMPORT CORP. and includes all of defendant's agents and employees. "Goods", "goods or services", "debt", "invoices", and "account" refer to goods or services and the resulting debt in the amount of \$85,790.48 sued upon herein. "Petition" refers to Plaintiff's Original Petition filed in this cause. "Identify" as to a person means to state the person's name, address, telephone number, and employer and position. "Identify" as to a document means to describe the document, and identify its author, recipient, and custodian.

"Documents" include records, correspondence, memoranda, photographs, film, recordings and data compilation in any form. Where defendant possesses more than one copy of an item, production of all copies are requested unless all copies are, in all respects, identical.

SERVICE CERTIFICATE AND SIGNATURE

The attached Interrogatories, Requests for Admission, Document Requests, and Requests for Disclosure are served on defendant. All discovery accompanied the citation and petition at the time of service upon defendant.

THE BLENDE LAW FIRM
Plaintiff's Attorney

BY:

M. Blenden / D.W. Roth

MARK P. BLENDE, Bar No. 02486300
DAVID W. ROTH, Bar No. 24039148



References to rules are to the Texas Rules of Civil Procedure. Responses must be supplemented pursuant to Rule 193.5.

INTERROGATORIES: Pursuant to Rule 197, plaintiff requests answers to the attached interrogatories. The responding party must serve a written response on the requesting party within 30 days after service of the interrogatories, except that a defendant served with interrogatories before the defendant's answer is due need not respond until 50 days after service of the interrogatories.

REQUESTS FOR ADMISSION: Pursuant to Rule 198, plaintiff requests that you make the following admissions for the purpose of this action only. The responding party must serve a written response on the requesting party within 30 days after service of the request, except that a defendant served with a request before the defendant's answer is due need not respond until 50 days after service of the request. If a response is not timely served, the request is considered admitted without the necessity of a court order.

REQUEST FOR PRODUCTION: Pursuant to Rule 196, plaintiff requests that the defendant produce the requested documents; or copies pursuant to Rule 196.3(b). Plaintiff agrees to pay reasonable copying costs, to \$50. The requested documents, or true copies thereof, should be provided to the undersigned by 2:00 p.m. on the next weekday following the expiration of 31 days after service of the request, except that if the request accompanies citation a defendant need not respond until 50 days after service of the request upon the defendant. Production shall be at The Blenden Law Firm, 2217 Harwood Road, Bedford, Texas 76021-3607. Because plaintiff will accept copies and agrees to pay reasonable copying costs up to \$50, plaintiff objects to the tender of documents at an alternate location. Unless otherwise specified the requested documents are for the preceding seven years.

REQUESTS FOR DISCLOSURE: Pursuant to Rule 194, you are requested to disclose, within 30 days of service of this request, the information and material described in Rule 194.2: **a)** the correct names of the parties to the lawsuit; **b)** the name, address, and telephone number of any potential parties; **c)** the legal theories and, in general, the factual bases of the responding party's claims or defenses; **d)** the amount and any method of calculating economic damages; **e)** the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case; **f)** all expert information described in Rule 194.2(f) including but not limited to 1) the expert's name, address, and telephone number; 2) the subject matter on which the expert will testify; 3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them; ("g" and "h" intentionally omitted) **i)** any witness statements described in Rule 192.3(h). Please respond and produce documents to the Blenden Law Firm 2217 Harwood Road, Bedford, Texas 76021 within 30 days of service of this request. A defendant served with a request before the defendant's answer is due need not respond until 50 days after service of the request. There are no attachments pertaining to these Requests for Disclosure.

PLAINTIFF'S ACCOUNT INTERROGATORIES

NOTE: Please read cover letter before proceeding.

1. State the amount, if any, which defendant owes plaintiff and the calculation used to determine the amount.

ANSWER:

2. State specifically all goods and services which defendant ordered from plaintiff.

ANSWER:

3. Did defendant receive the goods or services? If your answer is other than an unqualified "yes", state what was received, and specifically how the goods or services received differed from those ordered.

ANSWER:

4. Did defendant agree to the prices charged; were these prices reasonable?

ANSWER:

5. State specifically every reason why the defendant does not owe the debt.

ANSWER:

6. State the legal theories and describe in general the factual basis for all asserted defenses.

ANSWER:

7. Identify all documents that support defendant's contention that the debt is not owed.

ANSWER:

8. Identify all business records which relate to plaintiff, including defendant's accounts payable records. Include the balance due plaintiff as indicated by your accounts payable records.

ANSWER:

9. Explain fully defendant's knowledge of the goods or services and the account.

ANSWER:

10. Describe the business transactions between plaintiff and defendant, including date of first and last transaction; total dollar amount of the transactions, and general explanation of the transactions.

ANSWER:

11. State the approximate date of every demand for payment from plaintiff or plaintiff's representatives. (Including invoices, statements, letters.)

ANSWER:

12. Did defendant notify plaintiff of any reason why defendant should not pay the debt? If so, fully describe all such communication, including the date, place, content and parties thereto.

ANSWER:

13. If another is or may be liable on this account, identify the individual or entity, and state all facts supporting their liability.

ANSWER:

14. Does defendant still have the goods? If not, explain all transfers or sales of the goods by defendant, including approximate date, names, and addresses of recipients, and consideration received.

ANSWER:

15. If defendant claims the goods or services were defective, fully describe all facts supporting said contention, and the specific items suffering from said defect.

ANSWER:

16. State the amount and specific facts for every alleged credit, offset or claim against plaintiff.

ANSWER:

17. State defendant's full name, together with all variations, assumed names, and trade names.

ANSWER:

18. State defendant's driver's license number and state of issuance; social security number and defendant's name as it appears on each. If defendant is a corporation, instead state date and state of incorporation, and charter number.

ANSWER:

19. Identify all persons who either answered or provided information used in responding to these interrogatories.

ANSWER:

20. Identify any person who is expected to be called to testify at trial. See rule 192.3(d).

ANSWER:

PLAINTIFF'S ACCOUNT REQUESTS FOR ADMISSION

NOTE: Please read cover letter before answering these requests.

Answer:

- _____ 1. The account is just and true.
- _____ 2. Payment of the debt is due from defendant to plaintiff.
- _____ 3. The account states the balance due plaintiff after all offsets, payments, claims and credits have been allowed.
- _____ 4. On the dates shown in the account, defendant purchased the items or services.
- _____ 5. On or about the dates shown on the account, defendant received the items billed.
- _____ 6. All prices charged by plaintiff were agreed to by defendant.
- _____ 7. All prices charged defendant are reasonable.
- _____ 8. Defendant promised to pay plaintiff for the account.
- _____ 9. Defendant failed to pay the account.
- _____ 10. Plaintiff made written demand upon defendant for payment of the account more than 30 days prior to filing suit.
- _____ 11. Defendant timely received monthly account invoices.
- _____ 12. Defendant received accurate account invoices which total the principal amount sued for.
- _____ 13. Defendant made no objection or complaint after receiving the account invoices.

- _____ 14. Defendant did not reply to written demands for payment of the account.
- _____ 15. Defendant never rejected or made complaint regarding the goods or services.
- _____ 16. Plaintiff has fully performed, to defendant's satisfaction, in all transactions between plaintiff and defendant.
- _____ 17. The petition is entirely accurate and plaintiff is entitled to the requested relief.
- _____ 18. Plaintiff should recover judgment as requested in the petition.
- _____ 19. There are no documents which support any defense in this cause.
- _____ 20. All documents attached to the petition are true copies of the original.
- _____ 21. All signatures on attachments to the petition are genuine.
- _____ 22. Matters stated in the documents attached to the petition are accurate.
- _____ 23. Defendant has no offset, credit or claim against plaintiff.
- _____ 24. The court should render judgment against defendant for the relief requested in plaintiff's most recently filed petition.
- _____ 25. Venue is proper in this court.
- _____ 26. Defendant was properly served with the petition and Plaintiff's Requests For Admission on the date indicated in the return of citation.
- _____ 27. Defendant consents to this court's jurisdiction.
- _____ 28. The court has jurisdiction over defendant and the subject matter of this suit.

DOCUMENT REQUEST

NOTE: Please read cover letter before proceeding.

1. All invoices and statements of account received by defendant from plaintiff.
2. Defendant's accounts payable records relating to defendant's account with plaintiff.
3. Defendant's books and records as they relate to plaintiff.
4. Letters and faxes received by defendant, requesting payment of the debt.
5. Defendant's letters and faxes responding to requests for payment.
6. All correspondence relating to the transaction referenced in plaintiff's petition.
7. All communication between defendant and any other party to this suit.
8. All memoranda of any telephone conversation relating directly or indirectly to the matters alleged in plaintiff's petition or any defense thereto.
9. All documents upon which defendant relies in denying any matters alleged in plaintiff's petition.
10. All reports of experts which may be called to testify in this cause.
11. All assumed name certificates filed by defendant during the preceding ten years.
12. All documents requesting or constituting a name change of the defendant or any other defendant in this action.
13. All balance sheets and income statements submitted to any creditor or prospective creditor within one year of commencement of this account.
14. All credit applications submitted to any creditor or prospective creditor within one year of commencement of this account.
15. All applications for any license, permit, or certificate together with all licenses, permits or certificates held, or owned by defendant, or any agent thereof.