

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UMG Recordings, Inc. *et al.*,

Plaintiffs,

vs.

Janne Lanzoni,

Defendant.

Case No. 4:08-cv-03025

**DEFENDANT'S RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

GENERAL OBJECTIONS

1. Defendant Lanzoni objects to these document requests on grounds that they violate Rule 26(g)(2) of the Federal Rules of Civil Procedure, given that the burden and expense of the document requests clearly outweigh their likely benefit, considering the needs of the case, the amount in controversy (ten alleged copyright songs worth an approximate total of \$10), the parties' resources (Plaintiffs knew that Defendant Lanzoni was indigent and unable to afford legal representation at the time the discovery requests were served), the importance of the issues at stake in the action (ten alleged copyright songs downloaded worth an approximate total of \$10), and the importance of discovery in resolving the issues (Plaintiffs are well aware that this discovery is needless, because Defendant Lanzoni was working on February 21, 2007 when the copyrighted files were allegedly downloaded using an IP address allegedly assigned to her home). Plaintiffs have been previously warned:

“You know, it seems to me that counsel representing the record companies have an ethical obligation to fully understand that they are fighting people without lawyers, to fully understand that, more than just how do we serve

them, but just to understand that the formalities of this are basically bankrupting people, and its terribly critical that you stop it ...”.

Capital Records, Inc. v. Alaujan, Case No. 03-11661-NG, Transcript of Motion Hearing, at 11 (June 17, 2008). Plaintiffs served these discovery requests against Defendant Lanzoni at a time when she had no lawyer, and these discovery requests as a whole were apparently designed to bankrupt her ability to fight the baseless charges that Plaintiffs have made against her. *See also, Elektra Entertainment Group Inc. v. O’Brien*, Case No. CV 06-5289 SJO (MANx), Order to Show Cause, at 2 (C.D. Cal. March 2, 2007)(“The concern of this Court is that in these lawsuits, potentially meritorious legal and factual defenses are not being litigated, and instead, the federal judiciary is being used as a hammer by a small group of plaintiffs to pound settlements out of unrepresented defendants.”).

2. Defendant Janne Lanzoni objects to Plaintiffs’ definitions and instructions. “[T]he use of unreasonable ‘definitions’ may render the interrogatories so burdensome to the answering party and to the Court, that objections to the entire series should be sustained *with sanctions*, whether or not an occasional interrogatory might be reasonable.” *Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 4 (D. Md. 1967)(emphasis added). The unnecessarily complicated “definitions” used by Plaintiffs make the document requests unduly burdensome, because they require Defendant Janne Lanzoni to refer back to the definitions to determine the scope of every question, and the definitions result in document requests that are difficult to construe in some instances. Even if the document requests are considered one by one, Defendant Lanzoni would be

required to incorporate the applicable “definitions” in each question. The definitions expand unreasonably the amount of information that is requested. The definitions in this case have so expanded the information requested that many of the document requests are unduly burdensome.

3. Defendant Janne Lanzoni objects to Plaintiffs’ definition of the term “CONCERNING.” The term is defined as “relating to, referring to, describing, evidencing, or constituting.” The use of phrases like “relating to” when applied to general categories of documents has been held to be objectionable. *Builders Association of Greater Chicago v. City of Chicago*, Case No. 96 C 1122, 2001 U.S. Dist. LEXIS 14076, at *8 n.3 (N.D. Ill. August 30, 2001), *aff’d*, 256 F.3d 642 (7th Cir. 2001); *Schartz v. Unified School Dist. No. 512*, Case No. Civ. A. 95-2491-EEO, 1996 U.S. Dist. LEXIS 19123, at *3 (D. Kan. 1996); *Alexander v. Federal Bureau of Investigation*, 186 F.R.D. 21, 35 (D.D.C. 1998)(The recipient “should not be required to determine the precise contours of plaintiffs’ requests and that is exactly what these requests would necessitate.”). The Plaintiffs’ use of such broad definitions improperly shifts to Defendant Lanzoni the burden of determining factually and legally whether a document “relates” to the subject matter of the lawsuit or “evidences” something. *Builders Association of Greater Chicago v. City of Chicago*, *supra*, at *27.

4. Defendant Janne Lanzoni objects to Plaintiffs’ definition of the term “COMPUTER.” Plaintiffs have defined the term “COMPUTER” to mean “all computers and computer components located within YOUR place of residence or otherwise within YOUR possession, custody, or control that had access to the Internet at any time during

the preceding three years through YOUR account with SERVICE PROVIDER.” In view of the fact that Defendant Lanzoni’s home had a wireless router without security enabled, Defendant Lanzoni does not know all computers that may have accessed the Internet at any time during the preceding three years. The expansion of the definition beyond computers located within the place of residence to include any computer under her “control” is indefinite because it is unclear whether the fact that Defendant Lanzoni could theoretically have turned off the wireless router at her home means that *anyone* who happened to access the Internet via her wireless network was “otherwise within ... [her] control” within the meaning of Plaintiffs’ request. The term becomes more indefinite based on the definition given to the term “YOUR” by Plaintiffs. The term “YOUR” includes “anyone acting under her direction.” Given that meaning, it is unclear what “otherwise within YOUR possession, custody, or control” means if “YOUR” is defined to include “anyone acting under her direction.” The net effect of these complicated multi-level definitions incorporated into each other might mean that “otherwise within YOUR possession, custody, or control” is limited to circumstances where she was somehow *directing* the possession, custody, or control. The term “YOUR place of residence” becomes indefinite due to Plaintiffs’ definition of “YOUR.” The definition of the term “YOUR” is not limited in time or place, and includes within the definition of “anyone acting under her direction” apparently at any time or place. The definition given to the term “YOUR” by Plaintiffs would literally include employees and students who might be acting under Defendant Lanzoni’s direction at one time or another. Since “YOUR” includes “anyone acting under her direction,” the definition of “YOUR place of

residence” would appear to include the residence of any employee, student, or other person who had ever acted under Defendant Lanzoni’s direction. The net effect is that the complicated definitions provided by Plaintiffs make it difficult for Defendant Lanzoni to understand clearly what meaning Plaintiffs intend for these terms to have, and she objects to being forced to speculate concerning exactly what she is being asked. The definition of “COMPUTER” is further rendered indefinite because it is defined by Plaintiffs to include “computer components.” It is unclear what “computer components” means in this context, especially since the definition implies that it is something *other than* a computer. For example, it is unclear whether the term “computer component” includes a wireless router. It is conceivable that the answer to a particular request may be different depending on whether the term “COMPUTER” includes the wireless router within the definition of “computer component.”

5. Defendant Janne Lanzoni objects to Plaintiffs’ discovery requests to the extent that the purpose of the discovery requests is to gather information for use in proceedings other than the pending suit. The deadline for amending the complaint has passed. Therefore, all discovery aimed at finding out information about other parties who might have connected to the wireless network at Defendant Lanzoni’s home could only be used in a different future proceeding, and would not be for use in this proceeding. Moreover, Defendant Lanzoni does not have the resources or the time to attempt to undertake an investigation on behalf of Plaintiffs concerning other third parties who are not known to her and/or are not parties to this lawsuit. As the Supreme Court has said,

discovery is properly denied where its purpose is to obtain information for use in proceedings other than the present suit.

In deciding whether a request comes within the discovery rules, a court is not required to blind itself to the purpose for which a party seeks information. Thus, when the purpose of a discovery request is to gather information for use in proceedings other than the pending suit, discovery properly is *denied*.

Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 353 (1978)(emphasis added).

Moreover, to the extent that Plaintiffs seek to compel non-parties to this lawsuit to provide their sensitive and confidential information to create data for a party's expert witness, the discovery requests are objectionable. *Builders Association of Greater Chicago v. City of Chicago*, Case No. 96 C 1122, 2001 U.S. Dist. LEXIS 14076, at *22 (N.D. Ill. August 30, 2001), *aff'd*, 256 F.3d 642 (7th Cir. 2001).

6. Defendant Janne Lanzoni objects to Plaintiffs' discovery requests to the extent that they seek information as to which she has no knowledge. Defendant Lanzoni can only respond to discovery requests to the extent of her own knowledge and information.

7. Defendant Janne Lanzoni objects to Plaintiffs' definition of "MADE AVAILABLE" and "MAKE AVAILABLE." Plaintiffs have previously litigated the issue of whether this definition is actionable, and the issue has been decided against Plaintiffs. Plaintiffs are collaterally estopped from using this theory of liability. In addition, it is an abuse of process for Plaintiffs to force Defendant Lanzoni to re-litigate an issue that Plaintiffs are collaterally estopped to pursue.

8. Defendant Janne Lanzoni objects to these document requests to the extent that they seek information protected by the attorney-client privilege, attorney work product doctrine, husband-wife spousal privilege, or any other applicable privilege.

9. Defendant Janne Lanzoni objects to the instructions and definitions and the long list of information that Defendant Lanzoni is “required” to provide for each document withheld on claim of privilege as unduly burdensome for an indigent defendant unable to afford counsel to represent her, and beyond the requirements of the Federal Rules of Civil Procedure.

10. Defendant Janne Lanzoni objects to the production of documents containing confidential information in the absence of a suitable protective order for the protection of confidential information that limits the use of such information to purposes of this civil action.

The following responses to Plaintiffs document requests include each and every one of Defendant Lanzoni’s general objections, which shall be deemed to be incorporated by reference as if set forth in full in each response.

RESPONSES TO DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS CONCERNING any registration by YOU as a user of any ONLINE MEDIA DISTRIBUTION SYSTEM.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any documents evidencing her registration as a user of any ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 2:

All SOUND RECORDINGS that are stored on the hard drive of the COMPUTER that YOU copied or downloaded using an ONLINE MEDIA DISTRIBUTION SYSTEM within three years before the Complaint in this action was filed.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any responsive SOUND RECORDINGS that are stored on the hard drive of her computer that she copied or downloaded using an ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 3:

All SOUND RECORDINGS stored on the hard drive of THE COMPUTER that YOU ever MADE AVAILABLE via an ONLINE MEDIA DISTRIBUTION SYSTEM within three years before the Complaint in this action was filed.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any responsive SOUND RECORDINGS that are stored on the hard drive of her computer that she MADE AVAILABLE via an ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 4:

A complete printout of all screens depicting the contents of any folder on the COMPUTER that lists SOUND RECORDINGS stored in such folder, including but not

limited to all screens constituting a shared folder of any ONLINE MEDIA DISTRIBUTION SYSTEM. For purposes of this request, please do the following depending on the operating system of YOUR COMPUTER(S):

Windows Users:

- A. Start up THE COMPUTER.
- B. Navigate to each folder containing SOUND RECORDINGS.
- C. Press the “Print Screen” button on YOUR keyboard.
- D. Click the “Start” button and select “Paint” from the “Accessories” menu.
- E. Select “Paste” under the edit menu in “Paint.”
- F. Under the “File” menu, select “Save” and save the file as “sharedfolder1.bmp.”
- G. Close the “Paint” program.
- H. If the contents of the folder do not display legibly and completely, multiple screenshots may be necessary to capture the full contents of the folder. Repeat steps A-G until the contents of the folder are accurately depicted.
- I. Repeat Steps A-G for each folder containing any SOUND RECORDINGS, saving these files as “sharedfolder2.bmp,” “sharedfolder3.bmp,” etc.
- J. Include all files created in this process in your response to these requests.

MAC Users:

- A. Start up THE COMPUTER.
- B. Navigate to each folder containing SOUND RECORDINGS.

C. With the folder containing SOUND RECORDINGS displayed, click once on the desktop.

D. While holding down the Apple and Shift keys, press 4.

E. Put the cursor crosshair in the corner of the window containing SOUND RECORDINGS.

F. Drag and hold to highlight the folder area.

G. When you let go of the mouse button the picture file will be automatically created (picture1.png) and placed on the Desktop.

H. If the contents of the folder do not display legibly and completely, multiple screenshots may be necessary to capture the full contents of the folder. Repeat steps A-G until the contents of the folder are accurately depicted.

I. Repeat Steps A-G for each folder containing any SOUND RECORDINGS.

J. Include all files created in this process in your response to these requests.

RESPONSE: Defendant Lanzoni objects to providing any documents concerning any iTunes folders containing sound recordings, because such sound recordings are irrelevant and are not likely to led to the discovery of admissible evidence. Defendant Lanzoni objects to providing any documents concerning any folders containing sound recordings that are system alerts, notifications, and sounds relating to the operating system or that came with Windows or any Windows Themes, because such sound recordings are irrelevant and are not likely to led to the discovery of admissible evidence. Defendant Lanzoni objects to providing any documents concerning any folders

containing sound recordings unless the folders relate in some way to an ONLINE MEDIA DISTRIBUTION SYSTEM.

Defendant Lanzoni objects to providing screen shots and other details concerning her personal information in the absence of a suitable protective order for confidential information limiting the use of such information to purposes of this action.

Subject to Defendant Lanzoni's general objections and specific objections, Defendant Lanzoni does not have any responsive printouts.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS CONCERNING any SOUND RECORDING that YOU copied or downloaded from other users of an ONLINE MEDIA DISTRIBUTION SYSTEM within three years before the Complaint in this action was filed.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any responsive DOCUMENTS CONCERNING any SOUND RECORDING that she copied or downloaded from other users of an ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 6:

A complete printout of YOUR screen shots depicting any publicly accessible folder on the COMPUTER, listing all SOUND RECORDINGS currently stored in those folders.

RESPONSE: Defendant Lanzoni objects to this request as vague and indefinite in its use of the term "publicly accessible folder." Any shared folder might be considered "publicly accessible" in some sense, yet have nothing to do with sound recordings.

Subject to Defendant Lanzoni's general objections and specific objections, Defendant Lanzoni does not have any responsive screen shots depicting any publicly accessible folder listing SOUND RECORDINGS currently stored in such folder.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS CONCERNING any notices received by YOU from any Internet Service Provider CONCERNING copyrighted materials.

RESPONSE: Subject to Defendant Lanzoni's general objections, any notices received by her from her Internet service provider mentioning copyrighted materials, that can be located with a reasonable search, will be produced.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS CONCERNING communications or correspondence between YOU and any ONLINE MEDIA DISTRIBUTION SYSTEM, including, without limitation, e-mail messages, messages posted on on-line bulletin boards or in chat rooms, and real-time internet messaging messages.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any e-mail messages, messages posted on on-line bulletin boards or in chat rooms, or real-time Internet messaging messages between her and any ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS CONCERNING communications between YOU and anyone else CONCERNING any ONLINE MEDIA DISTRIBUTION SYSTEM or the "sharing," "trading," or downloading of digital music files, including, without limitation, e-mail

messages, messages posted at on-line bulletin boards or in chat rooms, and real-time internet messaging messages.

RESPONSE: Defendant Lanzoni objects to producing any documents dated subsequent to the date that this lawsuit was filed against Defendant Lanzoni, including attorney work product materials and investigations relating to this lawsuit. Subject to Defendant Lanzoni's general objections and specific objections, Defendant Lanzoni does not have any responsive documents.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS CONCERNING this lawsuit or any allegations contained therein.

RESPONSE: Defendant Janne Lanzoni objects to this request as overly broad and unduly burdensome. The term "CONCERNING" is defined as "relating to, referring to, describing, evidencing, or constituting." The use of phrases like "relating to" when applied to general categories of documents has been held to be objectionable. *Builders Association of Greater Chicago v. City of Chicago*, Case No. 96 C 1122, 2001 U.S. Dist. LEXIS 14076, at *8 n.3 (N.D. Ill. August 30, 2001), *aff'd*, 256 F.3d 642 (7th Cir. 2001); *Schartz v. Unified School Dist. No. 512*, Case No. Civ. A. 95-2491-EEO, 1996 U.S. Dist. LEXIS 19123, at *3 (D. Kan. 1996); *Alexander v. Federal Bureau of Investigation*, 186 F.R.D. 21, 35 (D.D.C. 1998)(The recipient "should not be required to determine the precise contours of plaintiffs' requests and that is exactly what these requests would necessitate."). The Plaintiffs' use of such broad definitions improperly shifts to Defendant Lanzoni the burden of determining factually and legally whether a document

“relates” to the subject matter of the lawsuit or “evidences” some allegation. *Builders Association of Greater Chicago v. City of Chicago, supra*, at *27. With all of the money and resources that Plaintiffs have to spend on the best legal talent available, Plaintiffs should be able to do a better job than this when it comes to writing document requests, and should not shift the burden of determining what documents fall within the scope of this request on an indigent defendant who cannot afford legal counsel.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS supporting any Affirmative Defense alleged in YOUR Answer.

RESPONSE: Defendant Janne Lanzoni objects to this request as overly broad and unduly burdensome. “[T]he courts have long held that an interrogatory asking a party to identify every fact, document or witness in support of a denial or allegation of fact creates an unreasonable burden on the responding party.” *Larson v. Correct Craft, Inc.*, No. 6:05-cv-686-Orl-31JGG, 2006 U.S. Dist. LEXIS 78028, at *14 (Oct. 25, 2006); *Safeco of Am. v. Rawstron*, 181 F.R.D. 441, 447 (C.D. Cal. 1998); *Lawrence v. First Kansas Bank & Trust Co.*, 169 F.R.D. 657, 663 (D. Kan. 1996). As aptly explained by several courts:

To state “all” facts in support of a negative proposition, of course, includes an inventory of evidence which defendant itself would offer at trial to refute the claims of plaintiff. Beyond that, however, it would further require defendant to provide essentially a review of facts and commentary to support its evaluation, if any, that the anticipated evidence of plaintiff as to each disputed paragraph of the complaint simply lacks weight or credibility. The request for “all” facts, based not only upon knowledge, but also upon simply information and belief, adds a significant and reasonable burden to the task of the answering party.

Larson v. Correct Craft, Inc., supra, at *14-15; *Safeco of Am. v. Rawstron*, 181 F.R.D. at 447; *Lawrence v. First Kansas Bank & Trust Co.*, 169 F.R.D. at 663.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS CONCERNING all CDs that YOU have recorded or burned from any sound recording that YOU downloaded using an ONLINE MEDIA DISTRIBUTION SYSTEM, including without limitation the CDs themselves and all lists of the SOUND RECORDINGS that are included on the CDs.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have any CDs that she have recorded or burned from any sound recording that she downloaded using an ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 13:

An electronic copy of each of the files listed in EXHIBIT 1, attached to Plaintiffs' First Set of Interrogatories, attached herewith.

RESPONSE: Defendant Lanzoni objects to this request as unduly burdensome. Since Defendant Lanzoni was not home on February 21, 2007, but was instead at work and could not have downloaded the files listed on Exhibit 1 at the time they were allegedly downloaded, it is unduly burdensome to ask her to provide an electronic copy of a list of 400 files that she does not have. The Declaration of Janne Lanzoni, dated March 4, 2009, is incorporated herein by reference.

Defendant Lanzoni objects to this request as unduly burdensome because it seeks the production of video files as to which Plaintiffs' have no copyrights to assert, and

seeks the production of about 379 audio files for which Plaintiffs have no claim of copyright.

Defendant Lanzoni objects to this request and the attached Exhibit 1 as offensive, and apparently undertaken for the purpose of causing embarrassment and/or annoyance. The files listed on Exhibit 1 that are included in this request include obscene and profane terms such as:

“(a) asian – 3 black dudes drug and fuck two girls.wmv”

“lesbians – charmane & miko lee – asian girls, fuck in black latex, leather & tattoos105.mpg”

“asian girl fucking in bedroom.mpg”

“college girls – mia smiles – asian filipina squeezes white dick in her pussy.mpg”

“anna ohura – girls – big naturals – girls – angela asian big tits large nipples.mpg”

Defendant Lanzoni objects to this request on grounds that it violates Rule 26(g)(2) of the Federal Rules of Civil Procedure. Given that the burden, expense, embarrassment, and offensiveness of this document request clearly outweighs its likely benefit, considering the needs of the case, the amount in controversy (ten alleged copyright songs worth an approximate total of \$10), the parties’ resources (Plaintiffs knew that Defendant Lanzoni was indigent and unable to afford legal representation at the time the discovery requests were served), the importance of the issues at stake in the action (ten alleged copyright songs downloaded worth an approximate total of \$10), and the importance of discovery in resolving the issues (Plaintiffs are well aware that this discovery is needless, because Defendant Lanzoni was working on February 21, 2007 when the 400 files listed

on Exhibit 1 were allegedly downloaded using an IP address allegedly assigned to her home). Moreover, not only are the obscene and profane files not anything that Plaintiffs claim as copyrighted, but the files are not even sound recordings – instead these profane and obscene files are all movie files. Including them in a document request that Plaintiffs force Defendant Lanzoni to respond to is completely unnecessary and abusive of the discovery process.

Subject to Defendant Lanzoni's general objections and specific objections, Defendant Lanzoni does not have an electronic copy of the files listed in Exhibit 1 attached to Plaintiffs' First Set of Interrogatories.

REQUEST FOR PRODUCTION NO. 14:

An electronic copy of each file currently contained in any share folder accessible through any ONLINE MEDIA DISTRIBUTION SYSTEM.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have an electronic copy of files currently contained in any share folder accessible through any ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 15:

An electronic copy of the entire share folder utilized or created in connection with any ONLINE MEDIA DISTRIBUTION SYSTEM.

RESPONSE: Subject to Defendant Lanzoni's general objections, Defendant Lanzoni does not have a shared folder utilized or created in connection with any ONLINE MEDIA DISTRIBUTION SYSTEM.

REQUEST FOR PRODUCTION NO. 16:

An electronic copy of the registry files (preferences files if Macintosh) or System Information report (System Profiler report if Macintosh). For purposes of this request, please do the following depending on the operating system(s) of YOUR computer(s):

- A. For computers running Windows 95, 98, 98SE or ME, copy the files “system.dat” and “user.dat” located in the c: \windows directory and provide a copy of each file.
- B. For computers running Windows XP, 2000, 2003 or NT4 please do the following to create a system information report file:
 - a) Click on “Start” → select “Programs” (or “All Programs”) → “Accessories” → “System Tools” → “System Information”
 - b) In the System Information window, select “Action” → “Save As System Information File...”
 - c) In the “Save As” window, select a location to save the file and name it “SystemInfo.nfo”
 - d) Provide a copy of the resulting “SystemInfo.nfo” file.
- C. For Macintosh computers, create a System Profiler report.
 - a) From the Apple Menu, select “Apple System Profiler” (“System Profiler”) [alternatively, select “System Profiler” in the “Applications/Utilities” folder or from the Apple Menu click “About this Mac” and click “More Info”]
 - b) With the System Profiler open, select “File” → “Save.”

- c) If prompted for a name, name the file "SystemInformation"
- d) Provide a copy of the resulting file.

RESPONSE: Defendant Lanzoni objects to providing an electronic copy of the registry files or system information report, or any other details concerning her personal information, in the absence of a suitable protective order for confidential information limiting the use of such information to purposes of this action.

REQUEST FOR PRODUCTION NO. 17:

A copy of the "screenshot" of THE COMPUTER's Windows Desktop. For purposes of the request, please follow these instructions:

- A. Start up THE COMPUTER and before running any program press the "Print Screen" button on YOUR keyboard.
- B. Click the "Start" button and select "Paint" from the "Accessories" menu.
- C. Select "Paste" under the "Edit" menu in "Paint".
- D. Under the "File" menu select "Save" and save the file as "desktop_screenshot.bmp".
- E. Close the "Paint" program.
- F. Click the "Start" button and press the "Print Screen" button while the "Start Menu" is open.
- G. Click the "Start" button and select "Paint" from the "Accessories" menu.
- H. Select "Paste" under the "Edit" menu in "Paint".

- I. Under the “File” menu select “Save” and save the file as “start_menu_screenshot.bmp”.
- J. Close the “Paint” program.
- K. Click the “Start” button and select “All Programs” then press the “Print Screen” button while the “All Programs Menu” is open.
- L. Click the “Start” button and select “Paint” from the “Accessories” menu.
- M. Select “Paste” under the “Edit” menu in “Paint”.
- N. Include the files “desktop_ screenshot.bmp”, “start_menu_screenshot.bmp” and “all_programs_menu_screenshot.bmp” in the backup returned to us.

RESPONSE: Defendant Lanzoni objects to providing copies of screenshots or any other details concerning her personal information, in the absence of a suitable protective order for confidential information limiting the use of such information to purposes of this action.

DATED this 9th day of March, 2009.

SNELL & WILMER L.L.P.

By


Sid Leach

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 9, 2009, I served a copy of the foregoing discovery response upon Plaintiffs by mailing a copy via First Class Mail in a sealed envelope, postage prepaid, addressed to the last know address of Plaintiffs' counsel of record as follows:

Stacy R Obenhaus
Daniel Charles Scott
Gardere Wynne Sewell LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201-4761
Attorneys for Plaintiffs

By: _____

A handwritten signature in blue ink, appearing to be "Stacy R. Obenhaus", is written over a horizontal line. The signature is stylized and cursive.