
THE NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES CONFERENCE

June 4 - 6, 1999
Des Moines, Iowa

Trying A Consumer Fraud Case

By

C. Lance Gould
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
Montgomery, Alabama

00472

C. LANCE GOULD

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.

POSITION: Associate

PRACTICE AREAS: I am a member of the Fraud Section, and my practice concentrates primarily on insurance and finance consumer fraud.

ADMITTED: 1992, Alabama, U.S. District Court, Middle and Northern Districts of Alabama

LAW-SCHOOL: Jones School of Law (J.D.)

COLLEGE: Auburn University (B.S.), 1993

Delta Theta Phi. Member: Alabama State Bar; Montgomery County and American Bar Associations; Montgomery County Trial Lawyers Association; Alabama Trial Lawyers Association; The Association of Trial Lawyers of America.

TRYING A CONSUMER FRAUD CASE

Trying a successful consumer fraud case begins with meaningful discovery. Meaningful discovery in the consumer fraud case begins with the initial discovery filed with the complaint, along with deposition notices of those persons that the plaintiff attorney wishes to depose once he has received all of his responses to request for production and interrogatories. Every consumer fraud case should have a discovery plan, and that plan must begin with the initial filing of discovery with the complaint. The initial discovery will set the tone of discovery being conducted in the case.

Typically, there is a discovery battle which inevitably will end up before a trial judge. In these types of consumer fraud cases, some of the most critical discovery is that of pattern and practice evidence. This evidence can be developed through the use of customer lists of defendants, similar customer complaints received by the defendants, similar lawsuits, as well as ex-agents list from the defendants. (A more detailed discussion of pattern and practice evidence is contained below.)

All discovery is critical in most cases, given the particular facts and circumstances of the case. Typically, a first round of depositions must be taken, followed by additional requests for production and discovery requests of defendants, which will then again be followed by a second round of deposition testimony. More often than not, it is the former employees of the corporation that actually bring to light the real issues the plaintiff seeks. This can be done through the use of independent investigators, the names can be revealed during the actual discovery process, the names can be revealed through information being shared by plaintiff attorneys. It is critical that plaintiff attorneys communicate with each other to ensure that all of the facts

are brought out. Much of the paper discovery in the consumer fraud case are agent files, customer files, consumer complaint files, training materials, marketing materials, and internal correspondence. Finally, the use of information obtained by the various state attorney generals will facilitate in the development of a strong consumer fraud case. Many times, the attorney generals are able to obtain information that attorneys cannot get through the court system.

While these are just a few of the items that are necessary in order to conduct meaningful discovery in the consumer fraud case, there are numerous other avenues of discovery that can be utilized. It simply depends on what type of issues exist in a case.

PATTERN AND PRACTICE

The use of pattern and practice evidence before a jury maybe the most effective evidence that the plaintiff can present in a case involving consumer fraud. Discovery of this type of evidence is relatively difficult without the assistance of the trial court ordering that a defendant produce a customer list of individuals who have purchased the same type of product or obtained the same type of financing. Because of the extreme burden placed on plaintiff's in proving their fraud case, there is a most compelling argument that plaintiff is entitled to this evidence.

The evidence is allowed as prior similar acts of this conduct by the defendant, however, in some venues similar fraudulent acts occurred later in time may also be admissible. This type of pattern and practice evidence is most effective in proving that there is, in fact, a common scheme to defraud consumers. It is best to take a representative sample of the pattern and practice evidence that has been collected as a

result of the customer list, typically, five pattern and practice witnesses are allowed by most courts, and this brings a cross section of consumers to the jury testifying to the same or similar acts of misconduct by different agents in different areas.

In addition to the pattern and practice witnesses, testimony from a former employee, usually an ex-agent of the company, provides confirmation not only to the plaintiff's allegations of common fraudulent scheme of plan, but confirms what the pattern and practice witnesses have stated to the jury, as well as, that of the plaintiff. The former agent, or former employee, usually provides credible testimony because there is no bias in the witness's testimony because the witness no longer works for the company at the time they are testifying. However, attorney for the plaintiff must be selective in whom they bring before a jury to testify.

EXPERTS

The use of a consultant or expert in a consumer fraud case must be of evaluated on a case to case basis. Many times an expert is needed to calculate and prove plaintiff's damages especially, in flipping cases. Experts are convincing in credit insurance packing cases when testifying concerning the loss ratio and penetration rates. In certain cases, it is necessary to provide expert testimony to the jury to clarify certain denials that will typically be made by the corporate representative. Again, the use of experts must be evaluated on a case by case basis.

A consumer fraud case that does not have pattern and practice evidence, and does not have testimony of a former agent, has little likelihood of being successful.

FINANCE COMPANY

_____ Obtained information from Consumer Federation of America. (1424 16th Street, N.W., Suite 604, Washington, D.C. 20036)

_____ Obtained information from National Consumer's League. (1701 K Street, N.W., Suite 1200, Washington, D.C. 20006)

_____ Obtained information from Consumer's Union. (1535 Mission Street, San Francisco, CA 94103)

_____ Obtained information from Consumer Action. (116 New Montgomery, Suite 233, San Francisco, CA 94105)

_____ Obtained information from National Consumer Law Center. Including their index on the company. (18 Tremont Street, Suite 400, Boston, MA 02108)

_____ Obtained information from Union Neighborhood Assistance Corp. (321 Columbus Avenue, Boston, MA 02116)

_____ Obtained information from National Association of Consumer Advocates. (18 Tremont Street, Suite 310, Boston, MA 02108)

_____ Obtained information from Alabama Banking Dept.

_____ Obtained information from Federal Trade Commission.

_____ Check Banking Dept. regulations.

_____ AOC - Check on company for civil lawsuits.

_____ Get entire loan files for each pattern and
practice witness you intend to call in the case.

_____ Westlaw search on computer for lawsuits.

5. Describe in detail this Defendant's policies and procedures for the hiring of persons who make application to become agents for the company and state the names, and job titles of all persons who have the responsibility of formulating the policies and procedures.

6. List each agency, State or Federal, that exercises any regulatory or supervisory control over the business or financial affairs of this Defendant.

7. State the names, job titles, addresses, and telephone numbers of all current and former employees or agents of this Defendant.

8. Identify each person, now known to this Defendant, who had any contact with Plaintiff or family members.

9. Identify all persons who either have any knowledge of or witnessed the execution of material documents by Plaintiff.

10. Describe any documents that relate in any manner to Plaintiff's claim which have been removed from any file or not produced because of the attorney/client privilege or work product doctrine.

11. Describe in detail each and every manner in which this Defendant monitored or supervised the activities of Defendant Agent while he/she was an agent of this Defendant.

12. State the name, job title, employer, and address of each person in the supervisory chain of command for Defendant Agent. [This is not limited to this Defendant's employees-- include any person who has exercised any supervisory control in the chain of command.]

13. List each complaint, written or verbal, received by this Defendant relating to the agent or employee of this Defendant who dealt with Plaintiff giving the date of each complaint and the person making the complaint.

14. Please state with particularity the substance of any and all correspondence, conversation, or communication you have had with Plaintiff and any person associated with any Defendant concerning the loans of Plaintiff. Include in your answer, with whom, where, when and the substance of any such communication, correspondence or conversation.

15. List each employee or representative of this Defendant who has had the responsibility of reporting to, consulting with, or interacting with the Banking Department of any state, including Alabama, during the past five (5) years.

16. Has this Defendant ever been denied or refused the right to do business in any state?

17. Does this Defendant plan to utilize an expert witness at trial? If so, state the name and address of each expert and in your answer comply with the requirements of the A.R.Civ.P. relating to experts.

CREDIT INSURANCE

18. State the percentage of this Defendant's consumer loans which have some type of **credit insurance** on them.

19. State the revenue of this Defendant from the sale of **credit insurance** for the past five (5) years.

20. State the loss ratio for the policy sold to Plaintiff for the past five (5) years.

FLIPPING

21. State the percentage of this Defendant's consumer loans which have been refinanced.

SPECIFIC DOCUMENTS REQUESTED

In addition to documents requested herein above, Plaintiff specifically request that this Defendant produce the following:

1. The loan file of the Plaintiff.
2. The loan committee file relating to Plaintiff's loans.
3. All files maintained by this Defendant relating to Plaintiff's transactions with this Defendant.
4. Individual agent files relating to the loan **or credit insurance** issued to Plaintiff or

relating to any claim by Plaintiff.

5. All documents executed by Plaintiff or any member of his(her) family.
6. All loans **and insurance policies** ever issued to the Plaintiff or members of his/her family.
7. All correspondence, records, insurance policies, endorsements, applications, receipts, telephone logs or memoranda, documents, memoranda, computer printouts, statements, printable information from this Defendant's computers at any office including the home office, regional office and district office, or other information of whatever type or description which pertains in any way to any Plaintiff or mentions any Plaintiff by name.
8. All notes or transcribed recording of any telephone conversation between this Defendant and/or any agent of Defendant and Plaintiff.
9. All correspondence or communications between this Defendant and Plaintiff or any member of Plaintiff's family.
10. All correspondence or communications between this Defendant and each other Defendant, which show the relationship between these Defendants or which are related to Plaintiff.
11. All checks or drafts ever written to the Plaintiff or any member of his/her family by this Defendant.
12. All documents showing payments that the Plaintiff and his/her family have paid to this Defendant.
13. A list of agents or employees who have been either suspended or terminated in Alabama for the past five (5) years.

14. All insurance policies that provide coverage for any portion of Plaintiff's complaint or that this Defendant may use for reimbursement or as a defense in this case. Include the declarations page of such policies.

15. Documents including correspondences evidencing or relating to any reprimands, actions, complaints, or disciplinary actions taken against this Defendant by the Banking Department or Attorney General of any state, which deal with matters similar to those alleged in the complaint.

16. Similar complaints that have been filed against this Defendant with any state or federal agency for the whole country for the past five (5) years.

17. A list of each report that this Defendant is or has been required by law to make to the Banking Department or other regulatory agency of any state, including Alabama.

18. All customer complaints, either written or oral, relating to this Defendant's loans **and/or sale of insurance** for the past five (5) years.

19. Any and all correspondence, telephone logs, records, documents, memoranda, or other information which mentions, describes or in any way refers to a complaint or allegations of misconduct or criminal misconduct concerning Defendant Agent.

20. All documents showing the relationship between this Defendant and each other Defendant.

21. All agreements between this Defendant and each other Defendant.

22. All documents revealing the amount this Defendant earned in interest or investments on the reserve accounts in Alabama for each of the past five (5) years.

23. Any and all documents indicating all monies or commissions earned or received by

Defendant Agent from this Defendant for the past five (5) years.

24. Any and all documents indicating the manner that Defendant Agent was paid by this Defendant for the past five (5) years.

25. Any and all documents indicating the manner that Branch managers of this Defendant was paid by this Defendant for the past five (5) years.

26. All documents indicating sales figures for Defendant Agent for all years since his association with this Defendant, including, but not limited to, volume, premium and persistency.

27. All W-2 forms and Form 1099's of Defendant Agent received from this Defendant.

28. All audits either internal or external (including Banking Department audits), that have been performed of this Defendant's lending activities in Alabama for the past five (5) years.

29. A list of audit procedures used by this Defendant when it performs audits of loans.

30. All solicitation letters or other documents sent to the Plaintiff.

31. All manuals, booklets, pamphlets, written instructions, or other documents that direct or instruct employees with respect to responsibilities concerning customer loans **and/or the sale of credit insurance like that sold to Plaintiff** for the past five (5) years.

32. All audio tapes, video tapes, brochures, seminar materials, sales promotional packages, and other written documents or materials relating to employees responsibilities concerning customer loans **and/or the marketing or sale of credit insurance like that sold to Plaintiff** for the past five (5) years.

33. The lending manual by whatever description for this Defendant's employees for the past five (5) years.

34. All policy and procedures manuals dealing with this Defendant's lending activities for the past five (5) years.

35. All training manuals, by whatever name, for officers and employees of this Defendant for the past five (5) years.

36. Any policy or procedure manual in effect between 1990 to the present date that deals with agents.

37. Any and all manuals, bulletins, pamphlets or other documents which describe how this Defendant monitors or supervises its agents or representatives for the past five (5) years.

38. Any and all documents relating in any way to this Defendant's selection, contracting, training, monitoring or supervision of Defendant Agent.

39. All documents pertaining in any way to any investigation of the background of Defendant Agent done by this Defendant prior to entering into any agency contract or other association with Defendant Agent.

40. All documents pertaining in any way to the suitability of Defendant Agent to act or work as an agent of this Defendant.

41. Annual reports of this Defendant for each of the past five (5) years.

42. All marketing studies or surveys done by or for this Defendant for the past five (5) years.

43. All surveys or studies showing the demographics of this defendant's customers for the past 5 years.

44. All underwriting documents dealing with loan classifications of borrowers that come to this Defendant through outside dealers, outside sources or direct loans.

45. Any file or document relating to Plaintiff or Plaintiff's claim that has not been requested specifically herein above.

46. Names, addresses, and positions with each Defendant of each person who in any way worked with Plaintiff's loan, **policy or claim.**

47. The name, job title, employer, and address of each person from whom a statement has been taken by this Defendant relating to the Plaintiff's claim in this action.

48. A copy of all fraud lawsuits filed against this Defendant in the past five (5) years.

49. All documents, manuals, policy and procedures manuals, correspondence, or written documents which deal with or relate to fraud controls, wrongful activities controls, recognizing wrongful activity of an employee or agent, or recognizing fraud of an employee or agent, or warning signs of fraud or wrongful activities of an employee or agent for the past five (5) years.

CREDIT INSURANCE

50. All minutes of Board of Director's meetings where in the sale of credit insurance is discussed.

51. All documents relating to the receipt of commissions and other monies by this Defendant from the Defendant Insurance Company for the past five (5) years.

52. A copy of the master policy of the policy sold to Plaintiff.

53. A list of names, addresses and phone numbers of all loan customers to whom this Defendant has sold credit insurance through Defendant Agent during the past five (5) years.

54. A list of names, addresses, and phone numbers of all loan customers that have purchased

credit insurance from this Defendant for the past five (5) years.

55. Sales pamphlets pertaining to the type of policy that was sold to Plaintiff.

56. All documents indicating this Defendant's sales volume of insurance for all years since your agency with the Defendant Insurance Company.

57. All documents showing the penetration rate (percentage of loans with credit insurance) of credit life insurance, credit disability insurance and/or any other type of insurance for the branch plaintiff dealt with, for the state of Alabama and the entire country for the past five (5) years.

58. All documents showing the percentage of loans this Defendant has that have credit insurance on them for the branch Plaintiff dealt with, the state of Alabama and the entire country for the past five (5) years.

59. All studies, surveys and/or documents showing efforts to increase the penetration rate of credit insurance for the past five (5) years.

60. All documents, studies, surveys and/or documents showing efforts to increase the sale of credit insurance for the past five (5) years.

61. All documents showing the average percentage of loans in the industry that have credit insurance on them for the past five (5) years.

62. All documents showing this Defendant's revenue for the sale of the policy, like that sold to Plaintiff, in Alabama for the past five (5) years.

63. All documents showing the loss ratio of the policy, like that sold to Plaintiff, in Alabama for the past five years.

FLIPPING

64. All minutes of Board of Director's meetings where in the refinancing of loans is discussed.
65. A list of names, addresses, and phone numbers of all loan customers that have refinanced loans in Alabama for the past five (5) years.
66. All documents mentioning the policy or procedures dealing with the refinancing of customers loans.
67. All documents showing the guidelines for the refinancing of customers loans.
68. All pamphlets-mail outs or sales materials which this Defendant provides to customers dealing with or requesting customers to refinance loans.
69. All solicitation materials dealing with refinancing customers loans.
70. All policies and procedures for refinancing loans.

[INSURANCE COMPANY - CREDIT INSURANCE FRAUD]

**CONSOLIDATED DISCOVERY INTERROGATORIES AND
REQUEST FOR PRODUCTION BY PLAINTIFF**

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION TO DEFENDANT INSURANCE COMPANY**

Pursuant to Rule 33 of the Alabama Rules of Civil Procedure, Plaintiff propounds the following interrogatories to be answered by Insurance Company, a Party Defendant, in the manner and form prescribed by law:

1. State the legal name of this Defendant.

2. List each parent or holding company and subsidiary company for this Defendant.

-
3. State the relationship between this Defendant and any other Defendant in this lawsuit.

Produce any documents that are evidence of such relationship.

4. Who has been responsible, on behalf of this Defendant, for the hiring of agents and the supervision of agents?

5. Has Defendant Agent been a licensed agent of this Defendant, and if so, give the inclusive dates.

6. Describe in detail this Defendant's policies and procedures for the hiring of persons who make application to become agents for the company and state the names, and job titles of all persons who have the responsibility of formulating the policies and procedures.

7. List each agency, State or Federal, that exercises any regulatory or supervisory control over the business or financial affairs of this Defendant.

8. State the names, job titles, addresses, and telephone numbers of all current and former employees or agents of this Defendant.

9. Identify each person, now known to this Defendant, who had any contact with Plaintiff or family members.

10. Identify all persons who either have any knowledge of or witnessed the execution of material documents by Plaintiff.

11. Describe any documents that relate in any manner to Plaintiff's claim which have been removed from any file or not produced because of the attorney/client privilege or work product doctrine.

12. Describe in detail each and every manner in which this Defendant monitored or supervised the activities of Defendant Agent while he(she) was an agent of this Defendant.

13. State the name, job title, employer, and address of each person in the supervisory chain of command for Defendant Agent. [This is not limited to this Defendant's employees-- include any person who has exercised any supervisory control in the chain of command.]

14. List each complaint, written or verbal, received by this Defendant relating to the agent

or employee of this Defendant who dealt with Plaintiff giving the date of each complaint and the person making the complaint.

15. Please state with particularity the substance of any and all correspondence, conversation, or communication you have had with Plaintiff and any person associated with any Defendant concerning the insurance policies of Plaintiff. Include in your answer, with whom, where, when and the substance of any such communication, correspondence or conversation.

16. List each employee or representative of this Defendant who has had the responsibility of reporting to, consulting with, or interacting with the Insurance Department of any state, including Alabama, during the past ten (10) years.

17. State the revenue of this Defendant from the sale of credit insurance for the past five years.

18. List each type policy that has been sold by this Defendant through finance companies

in Alabama over the past ten (10) years.

19. Has this Defendant ever been denied or refused the right to do business in any state?

20. Does this Defendant plan to utilize an expert witness at trial? If so, state the name and address of each expert and in your answer comply with the requirements of the A.R.Civ.P. relating to experts.

21. State the loss ratio for the insurance, like that sold to Plaintiff, for Alabama for the past five (5) years.

SPECIFIC DOCUMENTS REQUESTED

Plaintiff requests that this Defendant produce the following:

1. All claims files relating to the Plaintiff.
2. The claims adjustors file.
3. The agent's file.
4. The agent's personnel file.
5. The underwriting file.

6. All policy files relating to the Plaintiff.
7. The master policy of the policy sold to Plaintiff.
8. All files dealing with each policy issued to the Plaintiff and any member of the Plaintiff's family.
9. All policies ever issued to the Plaintiff or members of his/her family.
10. Individual agent files relating to the policy issued to Plaintiff or relating to any claim by Plaintiff.
11. The entire company file dealing with the Plaintiff.
12. Names, addresses, and positions with each Defendant of each person who in any way worked with Plaintiff's policy or claim.
13. A list of agents who have been either suspended, terminated, or had their license revoked in Alabama for the past five (5) years.
14. All insurance policies that provide coverage for any portion of Plaintiff's complaint or that this Defendant may use for reimbursement or as a defense in this case. Include the declarations page of such policies.
15. Sales pamphlets pertaining to the type of policy that was sold to Plaintiff.
16. All sales manuals, claims manuals, procedural manuals, operational manuals, or other documents of whatever kind which direct or instruct employees or agents with respect to the sale of insurance like that sold to Plaintiff **or the handling of claims** for the past five (5) years.
17. All audio tapes, video tapes, brochures, seminar materials, sales promotional packages, and other written documents or materials relating to the marketing or sale of insurance like that sold

to Plaintiff for the past five (5) years.

18. All documents, including but not limited to, notes, memos, letters, correspondence, and videotape recordings dealing with training of agents or agents training meetings or seminars for the past five (5) years.

19. Any policy or procedure manual in effect between 1990 to the present date that deals with agents.

20. All documents, including correspondence, evidencing or relating to any reprimands, actions, complaints, or disciplinary actions taken against this Defendant by the Insurance Department or Attorney General of any state for the past five (5) years.

21. Similar complaints that have been filed against this Defendant with any state or federal agency for the whole country for the past five (5) years.

22. All lawsuits filed against this Defendant in the past five (5) years.

23. All customer complaints, either written or oral, relating to this Defendant's sale of insurance through Finance Companies for the past five (5) years.

24. The resume and/or curriculum vitae of each expert you expect to testify at trial and any reports received from each expert.

25. All correspondence between the Plaintiff and his/her family members and this Defendant.

26. All correspondence, records, insurance policies, endorsements, applications, receipts, telephone logs or memoranda, documents, memoranda, computer printouts, statements, printable information from this Defendant's computers at any office including the home office, regional

office and district office, or other information of whatever type or description which pertains in any way to any Plaintiff or mentions any Plaintiff by name.

27. All notes or transcribed recording of any telephone conversation between this Defendant and/or any agent of Defendant and Plaintiff.

28. All checks or drafts ever written to the Plaintiff or any member of his/her family by this Defendant.

29. All documents showing premiums that the Plaintiff and his/her family have paid to this Defendant.

30. All documents, including applications, that have a signature on them that appear to be that of the Plaintiff or any member of his/her family.

31. Any document that this defendant claims to have been executed by the Plaintiff or a family member.

32. All marketing studies or surveys done by or for this Defendant for the past five (5) years.

33. All surveys or studies showing the demographics of this Defendant's policyholders for the past five (5) years.

34. All documents showing the amounts of commission the agent made on the sale of any policy to the Plaintiff.

35. A list of names, addresses and phone numbers of all policyholders to whom this Defendant has sold a policy, like that sold to Plaintiff, during the past five (5) years in Alabama.

36. Any and all performance reports, peer review reports, audits, or other documents pertaining in any way to the quality of Defendant Agent work as an agent or representative of this

Defendant.

37. Any and all bulletins, pamphlets, manuals or other documents which describe the procedure involved in this Defendant's selection of its insurance agents.

38. Any and all manuals, bulletins, pamphlets or other documents which describe how this Defendant monitors or supervises its agents.

39. All correspondence, inquiries, requests for information, reports, or other documents received from any state insurance commission or department or any other governmental agency regarding Defendant Agent.

40. All documents sent by this Defendant to any state insurance commission or department or other governmental agency regarding Defendant Agent.

41. All documents pertaining in any way to any investigation of the background of Defendant Agent done by this Defendant prior to entering into any agency contract or other association with Defendant Agent.

42. All documents pertaining in any way to the suitability of Defendant Agent to act or work as an agent of this Defendant.

43. All reports to any State Insurance Department in which this Defendant certifies to the suitability of Defendant Agent to become licensed or remain licensed as an insurance agent.

44. All documents which relate in any way to any investigation or inquiry by this Defendant into possible misconduct on the part of Defendant Agent.

45. All reports, memoranda or other documents pertaining in any way to any investigation by an employee, agent or other person retained by this Defendant into any activities of Defendant

Agent.

46. Any and all documents prepared by any employee, representative, agent or any other person retained by this Defendant which deals in any way to any allegation of wrongdoing on the part of Defendant Agent.

47. Any and all documents relating in any way to this Defendant's selection, contracting, training, monitoring or supervision of Defendant Agent.

48. Any and all documents indicating sales figures and/or commissions earned for Defendant Agent for all years since his association with this Defendant, including, but not limited to, volume, premium and persistency.

49. Any and all documents indicating all monies or commissions earned or received by Defendant Agent from this Defendant for the past five (5) years.

50. All W-2 forms and Form 1099's of Defendant Agent received from this Defendant.

51. Any and all correspondence, telephone logs, records, documents, memoranda, or other information which mentions, describes or in any way refers to a complaint or allegations of misconduct or criminal misconduct concerning Defendant Agent.

52. Any and all correspondence, records, files, documents, memoranda, computer printouts, policies or other information of whatever type or description which is maintained by this Defendant which pertain in any way to Defendant Agent, not otherwise specifically requested, that have any bearing on or relate to the selling of insurance for this Defendant.

53. All writs of garnishments or other documents received by this Defendant evidencing debts owed by or judgments against Defendant Agent.

54. All correspondence, records, documents, memoranda or other information of whatever type or description which was submitted to any law enforcement agency or personnel by this Defendant regarding Defendant Agent.

55. All correspondence, inquiries, requests for information or other documents of whatever type or description received by this Defendant from any law enforcement agency or personnel which pertains in any way to Defendant Agent.

56. Each and every document supporting your contention that the activities of Defendant Agent, as described in the Plaintiff's Complaint, were outside the line or scope of his agency with Defendant.

57. The annual reports to stockholders or other reports of this Defendant to stockholders for the past ten (5) years.

58. All documents which this Defendant intends to introduce as exhibits at the trial of this case.

59. All documents showing the relationship between this Defendant and any other Defendant.

60. All documents, manuals, policy and procedures manuals, correspondence, or written documents which deal with or relate to fraud controls, wrongful activities controls, recognizing wrongful activity of an employee or agent, or recognizing fraud of an employee or agent, or warning signs of fraud or wrongful activities of an employee or agent for the past five (5) years.

61. Any bulletin, newsletter, or any other document wherein Defendant Finance Company's sale of insurance, like that sold to Plaintiff, is ranked or compared to other finance companies for

the past five (5) years.

62. All documents showing, mentioning or dealing with this Defendant's revenue from the sale of insurance, like that sold to Plaintiff, in Alabama for the past five (5) years.

63. All documents showing, mentioning or dealing with the loss ratio on insurance, like that sold to Plaintiff, in Alabama for the past five (5) years.

64. All documents wherein the sales volume of Defendant Agent is ranked or compared to other agents.

65. All documents wherein the sales volume of Defendant Finance Company is ranked or compared to other company.

66. All documents wherein the sales volume of the branch which Plaintiff dealt is ranked or compared to other branches.