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*Attorneys for Plaintiff Leslie S. Hurtt*

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**IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE COUNTY  
SALT LAKE DEPARTMENT, STATE OF UTAH**

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LESLIE S. HURTT

Plaintiff,

v.

SYDNEY'S SPORTING SALES, LLC, a Utah  
limited liability company,<sup>1</sup>

Defendant.

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES, REQUESTS FOR  
PRODUCTION OF DOCUMENTS, AND  
REQUESTS FOR ADMISSION TO  
DEFENDANT SYDNEY'S SPORTING  
SALES, LLC**

Case No. 13013013013

Honorable Judge Lawful

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Pursuant to Rules 26, 33, 34, and 36 of the Utah Rules of Civil Procedure, Plaintiff Leslie S. Hurtt ("Plaintiff"), by and through counsel of record, hereby respectfully submits the following First Set of Interrogatories, First Set of Requests for Production of Documents, and First Set of Requests for Admission to Defendant Sydney's Sporting Sales, LLC, to be answered

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<sup>1</sup> All references to persons and events here are fictional. As they say, though, the truth is often stranger than fiction.

within thirty (30) days of the date of service, in writing, as provided in the Utah Rules of Civil Procedure.

You must respond to these discovery requests under oath within twenty-eight (28) days of the date of service at the office of Noble & Fits, 123 Daright Way, Salt Lake City, UT 84111. If objection is made to any request for discovery, or any part thereof, you are hereby requested to set forth with particularity the specific objection as to each part.

### **DEFINITIONS**

These Definitions apply to and are incorporated in, the interrogatories, requests for production, and requests for admission below:

1. The term “**Communication**” as used herein is defined to mean the transfer of information and thoughts transmitted in any form including, but not limited to, letters, telephone calls, electronic transmissions, notes, and oral discussions, whether face to face or through any other means.
2. The terms “**Document**” or “**documents**” as used herein shall mean all materials within the scope of Rule 34(a)(1), including without limitation the original, or absent any original, a copy, drafts, communications, letters, written materials, reports, records, advertising circulars, advertisements, brochures, bulletins, newsletters, flyers, personal calendars and diaries, minutes, contracts, agreements, memoranda, forecasts, invoices, or electronic recordings of telephonic or personal communications, tape recordings, films, negatives, stenographic notes, other data or information compilations from which information can be obtained, and any written,

printed, recorded, or tangible matter of any character in the possession, custody, or control of you, your attorneys, agents, or other persons, companies, or entities under your control.

3. The terms “**identify**” or “**identity**” when applied to an individual means to set forth the following information regarding that individual: (a) name; (b) business address; (c) business telephone number; (d) home address; and (e) home telephone number.

4. The terms “**identify**” or “**identity**” when applied to a business or other entity means to set forth the following information regarding that business or other entity: (a) full name; (b) address of its principal place of business or principal place of activity; (c) telephone number; (d) the type of organization; (e) date of incorporation or establishment; and (f) chief executive or operating officer’s name.

5. The terms “**identify**” or “**identity**” when applied to documents means to set forth the following information regarding that document to the extent possible: (a) the title and brief description of the document; (b) the date of the document; (c) the identity of the writer of the document; and (d) the identity of the recipient of the document. In lieu of itemization of the information called for by subparagraphs (a)-(d), copies of documents of which identification is sought may be attached to your answers to these interrogatories.

6. The term “**Person**” as used herein shall be deemed to mean in the plural, as well as in the singular, any natural person, firm, company, association, partnership, proprietorship, corporation, or other form of legal entity.

7. The terms “**You,**” “**your,**” and “**yours,**” as used herein, are defined to mean and refer to Defendant Sydney’s Sporting Sales, LLC, and any of either or both of its employees, agents, representatives, attorneys, and other persons authorized to act on their behalf.

8. The term “**Plaintiff**” as used herein, shall mean and refer to Plaintiff Leslie S. Hurtt, and any of his employees, agents, representatives, attorneys, and other persons authorized to act on his behalf.

9. The term “**Contract,**” as used herein, shall mean and refer to the document attached hereto as Exhibit “A.”

10. All words in any gender shall be deemed to include the masculine, feminine, or neutral gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

### **FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Utah Rules of Civil Procedure, Plaintiff, by and through its undersigned counsel, hereby respectfully submits the following Interrogatories to you to be answered separately and fully in writing under oath within twenty-eight (28) days after the service hereof. The Interrogatories are continuing in nature, so as to require you to provide supplemental answers if you obtain further or different information before trial.

### **Explanations and Rules of Construction**

In answering the Interrogatories which follow, you are required to furnish all information available to you, including, but not limited to, information in the possession of your attorneys or

their investigators or in the possession of your advisors, agents, or associates. If you are unable to answer any interrogatory fully and completely after exercising due diligence to make inquiry and secure the information necessary to do so, please so state, answer each such interrogatory to the extent that you deem possible, specify the portion of such interrogatory that you claim you are unable to answer fully and completely, and state what knowledge, information, and belief you have concerning the unanswered portion of each such interrogatory.

Whenever an interrogatory calls for the identification of a Document and if such Document was, but is no longer, in your possession or subject to your control, state what disposition was made of it, the date when such disposition was made, and the identity of the persons, if any, now having custody of the Document.

If any interrogatory is objected to by a claim of privilege, you are directed to identify the Document, Communication, or other information which is withheld by the claim of privilege, state the general subject matter of the Document, Communication, or other information withheld, and state the privilege claimed.

Unless otherwise specified herein, these interrogatories shall seek information only regarding the time period of January 1, 2011 to the present.

#### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all documents that refer or relate to the Contract.

**INTERROGATORY NO. 2:** List and describe each item of goods or merchandise that you contend was provided to Plaintiff either by you or on your behalf in reference to the Contract

and state the date each such item of goods or merchandise was provided and the person(s) providing each such item.

INTERROGATORY NO. 3: Identify each person who had any communication with Plaintiff regarding the Contract and state the dates and subject matter of each such communication.

### **FIRST SET OF REQUESTS FOR PRODUCTION**

#### **Instructions**

1. A request for the production of a document shall require the production of the entire document and all drafts and non-identical copies and versions thereof.
2. If you object to any discovery request, or subpart thereof, set forth all reasons for making the objection or for withholding documents. Should your objection be made to only part of any request, you must completely answer the remainder of that request.
3. If a privilege is claimed with respect to any document: (a) state in reasonable detail the basis for that claim; (b) identify the document by date, author, recipient, present custodian, subject matter, and number of pages; (c) identify by name and address each person who has seen, received, or had access to the document; and (d) describe generally the nature of the text that is claimed to be privileged.
4. As to any term that is not defined above, a definition of which you believe is necessary to aid you in answering any of these discovery requests, use the definition that you

believe to be either the most common or most accurate and state that definition in your response to each such discovery request.

5. If you are unable to answer any discovery request fully and completely after exercising due diligence to secure the information necessary to do so, please so state, answer each such discovery request to the extent that you deem possible, specify the portion of such discovery request you claim you are unable to answer fully and completely, state the facts on which you rely to support that contention, and state what knowledge, information and belief you have concerning the unanswered portion of each such discovery request.

6. Whenever a discovery request calls for the identification or production of a document and if such document was, but is no longer, in your possession or subject to your control and has been lost or destroyed, submit a written statement which: (a) describes in detail the nature of the document and its contents; (b) identifies the person who prepared or authored the document; (c) specifies the date on which the document was prepared; (d) specifies what disposition was made of the document, the date when such disposition was made, and the identity of the persons, if any, now having custody of the document; and (e) specifies, if possible, the date on which the document was lost or destroyed, and, if destroyed the conditions of or reasons for such destruction and the persons requesting and performing the destruction.

7. These requests call for all responsive documents available to you. You must demand from your employees, agents, attorneys, accountants, bankers, brokers, parents, subsidiaries, assistants, or any other representatives you may have, all information and documents responsive to these requests, and must furnish them to Plaintiff.

8. These requests are continuing. Should you subsequently discover, prepare, or obtain possession, custody, or control over any information or document responsive to these requests, you are required to promptly provide such information or document.

**REQUESTS FOR PRODUCTION**

REQUEST NO. 1: Please produce all documents requested to be listed, described, or identified in the above Interrogatories or that are listed, described, and/or identified in your answers thereto.

REQUEST NO. 2: Please produce all documents concerning, reflecting, or referring to your furnishing any material or goods with respect to the Contract, including the nature of such materials or goods, the dates upon which same were furnished, and the dates upon which same were provided to Plaintiff.

REQUEST NO. 3: Please produce all documents constituting or referring to logs, reports, diaries, agreements, billings, invoices, and/or payments regarding the Contract.

REQUEST NO. 4: Please produce a copy of all licenses you have received in the past five years, including all licenses to do business in the State of Utah and/or Salt Lake City, Utah.

REQUEST NO. 5: Please produce all documents constituting or referring to facts that you intend to offer as evidence in this case.

**FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Rule 36 of the Utah Rules of Civil Procedure, Plaintiff, by and through Plaintiff's undersigned counsel, hereby respectfully requests you to admit or deny the truth of the

statements of fact and the application of law to fact described in the numbered requests below.

**You are hereby advised that pursuant to the above-referenced Rule, the matters set forth in the requests below shall be deemed admitted unless you respond to these requests within twenty-eight (28) days after they are served upon you.**

**REQUESTS FOR ADMISSION**

**REQUEST NO. 1:** Admit that you signed the Contract.

**REQUEST NO. 2:** Admit that the Contract is valid and binding upon both you and Plaintiff.

**REQUEST NO. 3:** Admit that you have not provided to Plaintiff the items listed at numbers 3 and 4 in Section 3.1 of the Contract.

**REQUEST NO. 4:** Admit that prior to the date Plaintiff filed this case, there was no written communication between you and Plaintiff regarding the Contract other than the Contract itself.

DATED this \_\_\_\_\_ day of April, 2013.

NOBLE & FITTS

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Terry B. Noble  
*Attorneys for Plaintiff Leslie S. Hurtt*

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of April, 2013, the foregoing **PLAINTIFF'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION TO DEFENDANT SYDNEY'S SPORTING SALES, LLC** was sent via regular mail to the following:

Lee R. Wannamaker  
NIXON & DIXON, LLP  
815 Litigation Drive  
Salt Lake City, Utah 84111  
[lwannamaker@nixondixon.com](mailto:lwannamaker@nixondixon.com)  
*Attorneys for Defendant Sydney's Sporting  
Sales, LLC*

\_\_\_\_\_  
Legal Assistant

4847-8091-0355.