

IN THE COUNTY/CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR CHARLOTTE COUNTY
GENERAL JURISDICTIONAL/CIVIL DIVISION

CASE NUMBER: 09-009463-CI-019

HSBC BANK,

PLAINTIFF,

VS.

CALVIN JOHNSON, ET AL.,

DEFENDANT(S).



**DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND QUALIFIED WRITTEN REQUEST FOR DOCUMENTS UNDER
THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)**

The Defendant, CALVIN JOHNSON ("Defendant"), by and through the undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.280 and 1.350 as well as the Federal Real Estate Settlement Procedures Act (RESPA), hereby requests that the Plaintiff produce the following documents in the Plaintiff's actual or constructive custody, control or possession for inspection and copying within thirty (30) days after service of this request.

REASONABLE DESCRIPTION OF DOCUMENTS REQUESTED

1.

The original authenticated or signed promissory note (including by way of specific example but not limited to agreement to pay and/or promise to pay).

2.

Any and all authenticated or signed amendment(s), change(s), extension(s), modification(s), renewal(s) and/or termination(s) of the original promissory note (including by way of specific example but not limited to agreement to pay and/or promise to pay).

3.

Any and all account data and information for the period covering from December 1, 2005 through and including June 19, 2009, including by way of specific example but not limited to each and every one of the following documents and records:

3.1.

Any and all periodically rendered statements of accounts concerning or in any way relating to any and all accounts the Plaintiff claims the Defendant has or had with Plaintiff or any assignor or predecessor in interest.

3.2.

Documents and records concerning or in any way relating to charges made and/or debits posted on any and all accounts the Plaintiff claims the Defendant has or had with Plaintiff or any assignor or predecessor in interest.

3.3.

Documents and records concerning or in any way relating to payments received and/or credits posted on any and all accounts the Plaintiff claims the Defendant has or had with Plaintiff or any assignor or predecessor in interest.

3.4.

Documents and records concerning or in any way relating to any and all e-mail, fax, telephonic, mail, or in-person communication(s) between any agent or employee or representative of the Plaintiff and the Defendant.

4.

Documents and records concerning or in any way relating to the allegation made by Plaintiff's representative in any and all testimonial statements such as affidavits and/or declarations, including by way of specific example but not limited to each and every one of the following:

4.1.

Plaintiff's representative's full identity including by way of specific example but not limited to full legal name, date of birth, home address and personal telephone number(s).

4.2.

The basis, nature, extent and scope of Plaintiff's representative's personal information and knowledge to make Plaintiff's testimonial statements including by way of specific example but not limited to any and all affidavits and/or declarations.

5.

Documents and records concerning or in any way relating to the allegation made by Plaintiff's representative in any and all of Plaintiff's testimonial statements including by way of specific example but not limited to any and all affidavits and/or declarations.

Any and all contracts or agreements for the rendition of legal services (including but not limited to any and all engagement letters) between the Plaintiff and the Plaintiff's attorney of record in this action, for the period covering from June 1, 2008 through and including June 30, 2009.

7.

Any and all documents or records concerning or in any way relating to payments made by the Plaintiff or any of Plaintiff's agents, employees or representatives to the Plaintiff's attorney of record in this action, for the period covering from June 1, 2008 through and including June 30, 2009.

8.

Any and all documents or records concerning or in any way relating to the administration, management or servicing of any and all accounts that the Plaintiff alleges the Defendant has or had with Plaintiff, for the period covering from December 1, 2005 through and including June 30, 2009.

9.

Any and all documents or records concerning or in any way relating to any business or commercial relationship(s) between the Plaintiff and the Defendant and having any tendency to establish each and every one of the following:

9.1.

The truthfulness or falsity, in whole or in part, of the Plaintiff's representative's allegation contained in any and all of Plaintiff's testimonial statements including by way of specific example but not limited to any and all affidavits and/or declarations and/or pleadings.

Any and all documents and records supporting or in any way tending to substantiate the Plaintiff's denial(s) in whole or in part of any one (1) or more of the Defendant's first request for admissions.

11.

Any and all documents and recordings supporting or in any way tending to substantiate the Plaintiff's answer to the Defendant's first interrogatories.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant's First Request for Production of Documents and Qualified Written Request for Documents Under the Federal Real Estate Settlement Procedures Act (RESPA) was furnished by certified mail, first-class mail and by fax on July 29, 2009, addressed to: Mr. Glenn M. Lindsay, Esquire, SMITH, HIATT & DIAZ, P.A., P. O. Box 11438, Ft. Lauderdale, FL 33339-1438, Fax: (954) 564-9252.

Anthony J. Comparetto

Anthony J. Comparetto, Esq.,
Attorney at Law, Florida Bar No.: 797510
Comparetto Law Firm
5340 Central Avenue
Saint Petersburg, Florida 33707
Telephone: (727) 328-7900
Fax: (727) 245-6781
E-Mail: ajc111@gmail.com