

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN W. FERRON, :
 :
 Plaintiff, : Civil Action No. 2:06-cv-322
 :
 vs. : Judge Frost
 :
 VC E-COMMERCE SOLUTIONS, INC., *et* : Magistrate Judge Abel
 al., :
 :
 Defendants. :

**PLAINTIFF JOHN W. FERRON'S SECOND SET OF INTERROGATORIES
TO DEFENDANT VC E-COMMERCE SOLUTIONS, INC.
AND DEFENDANT OPTINREALBIG.COM, LLC**

PLAINTIFF JOHN W. FERRON, by and through the undersigned counsel, hereby propounds the following Second Set of Interrogatories to DEFENDANT VC E-COMMERCE SOLUTIONS, INC. ("Defendant VC) and DEFENDANT OPTINREALBIG.COM, LLC. ("Defendant Opt"). Defendants' responses to these Interrogatories must be served within 30 days hereof, pursuant to Rule 33 of the Federal Rules of Civil Procedure.

DEFINITIONS

Unless otherwise indicated, the following definitions shall be applicable to the following Interrogatories:

1. "Plaintiff" shall refer to Plaintiff John W. Ferron.
2. "Defendant VC" shall refer to Defendant VC E-Commerce Solutions, Inc.
3. "Defendant Opt" shall refer to Defendant OptInRealBig.com, LLC.
4. "Identify" shall, with respect to a person, mean that each answering Defendant shall provide the person's full name, current employer, current work address, current residential address, current work telephone number and current home telephone number.

5. “Identify” shall, with respect to an entity, mean that each answering Defendant shall provide the entity’s full legal name, all trade names and fictitious names used by the entity since January 1, 2005, the entity’s principal business address, and the entity’s current business telephone numbers, including any toll free numbers.

6. “Identify” shall, with respect to a document, mean that each answering Defendant shall provide the date, the author(s), the recipient(s), the nature or type of document (*e.g.*, letter, memorandum, etc.), the title of the document, the number of pages in such document and the identity of any attachments or enclosures.

7. The words “document” and “documents” mean all forms of recorded data or information, including the originals of any nature whatsoever, identical copies and all non-identical copies thereof pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control, regardless of where located; including, but not limited to, minutes, notes, comments, worksheets, summaries, records or other reports concerning meetings, conferences, visits, surveys, inspections, statements, interviews or telephone conversations; inter-office memoranda; books, manuals, pamphlets, bulletins, circulars, instructions, work papers, transcripts, reports, memoranda, summaries, studies, analyses, evaluations, invoices, contracts, purchase agreements, deeds, promissory notes, mortgages, journals, logs, files, statistical records, diaries, calendars, travel and telephone logs, and appointment books, correspondence and telegrams, envelopes and other wrappers and packaging; graphs, charts and maps; transcripts of verbal testimony or statements; checks, check stubs and money orders, travel vouchers, receipts, returns; reports of experts; affidavits; balance sheets, profit and loss statements, books of account, statements of account, and other financial data, analyses, statistical and other forecasts, projections or budgets; teletypes, telefax; printouts

or other stored information on or from computers or other information retrieval systems, as well as all applicable file menus, directors, distribution lists and acknowledgments of receipt, documents sent by electronic mail (e-mail) or any information stored on computer diskette; photographic matter or sound reproduction, however produced or reproduced, including, but not limited to, photographs, microfiche, microfilm, videotapes, recordings, motion pictures, tapes, cassettes, and discs; and any other handwritten, printed, recorded or graphic matter.

8. Documents in each answering Defendant's control include any and all documents in the possession of said Defendant's attorneys, accountants or agents. The term "document" shall also be construed so as to include in each document request a request for every document that revises, amends, changes, modifies, supersedes, replaces or otherwise alters any document identified.

9. The word "communication" means the exchange of ideas, messages or information whether by speech, in writing or electronically.

10. "Relating to" or "referring to" means any document that in whole or in part, constitutes, contains, embodies, reflects, identifies, states, refers to, pertains, or is in any way relevant, directly or indirectly, expressly or implied, to that given subject.

11. "Control" means actual possession, and/or the power or ability to obtain possession.

INTERROGATORIES

Interrogatory No. 1: In regard to the email messages contained on the SanDisk Cruzer Micro 2.0G USB Drive that Plaintiff forwarded to counsel for Defendants simultaneously with this Second Set of Interrogatories, please identify by date, time and name of sender each email message that was sent to Plaintiff by Defendant VC, Defendant Opt, and/or some other person or entity on behalf of either Defendant VC or Defendant Opt.

Answer:

Interrogatory No. 2: As to each email message identified in Defendant's answer to Interrogatory No. 1, please identify each and every person and/or entity who participated in developing or sending each email to Plaintiff.

Answer:

Interrogatory No. 3: As to each email message identified in Defendant's answer to Interrogatory No. 1, please identify each and every person and/or entity who received any monetary compensation for the transmittal of such email to Plaintiff and/or Plaintiff's clicking on

such email or any web site to which said email is linked, and identify the amount of such monetary compensation.

Answer:

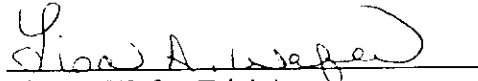
Interrogatory No. 4: As to each email message identified in Defendant's answer to Interrogatory No. 1, please indicate how many other email addresses to which the same email message was also sent by Defendant VC, Defendant Opt, and/or some other person or entity on behalf of either Defendant VC or Defendant Opt.

Answer:

Interrogatory No. 5: As to each email message identified in Defendant's answer to Interrogatory No. 1, please provide all email addresses to which the same email message was also sent by Defendant VC, Defendant Opt, and/or some other person or entity on behalf of either Defendant VC or Defendant Opt.

Answer:

Respectfully submitted,



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VERIFICATION

I hereby certify that I am authorized to answer "Plaintiff John W. Ferron's Second Set of Interrogatories to Defendant VC E-Commerce, Inc. and Defendant OptInRealBig.com, LLC" on behalf of Defendant VC E-Commerce, Inc., and that the foregoing answers to are each truthful, correct and complete to the best of my own personal knowledge, information and belief.

Signature: _____

Name/Title: _____
(Please type or print legibly)

Sworn to and subscribed before me this ____ day of _____, 200__.

Notary Public

VERIFICATION

I hereby certify that I am authorized to answer "Plaintiff John W. Ferron's Second Set of Interrogatories to Defendant VC E-Commerce, Inc. and Defendant OptInRealBig.com, LLC" on behalf of Defendant VC OptInRealBig.com, and that the foregoing answers to are each truthful, correct and complete to the best of my own personal knowledge, information and belief.

Signature: _____

Name/Title: _____
(Please type or print legibly)

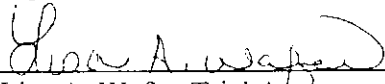
Sworn to and subscribed before me this ____ day of _____, 200__.

Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served this 4th day of August, 2006 upon the below-named Trial Attorney for Defendants VC E-Commerce Solutions, Inc. and OptinRealbig.com, LLC, via overnight mail:

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