
Chris Gregerson,

Plaintiff,

v.

Morgan Smith, Boris Parker, and
Vladimir Kazaryan; Smith & Raver,
LLP, Saliterman & Siefferman, PC, and
Bassford Remele, PA, Minnesota Law
Firms,

Defendants.

Case Type: OTHER CIVIL
Court File No.: 27-CV-09-13489
Judge: John Q. McShane

**PLAINTIFF'S
INTERROGATORIES, REQUEST
FOR PRODUCTION OF
DOCUMENTS, AND REQUEST
FOR ADMISSIONS TO
DEFENDANT MORGAN SMITH,
SET 1**

To: Morgan Smith, 1313 5th Street SE, Minneapolis, MN 55414

Pursuant to Minnesota Rules of Civil Procedure, Rules 33, 34, and 36, Plaintiff serves upon you and demands answers to the following interrogatories, requests for production of documents, and request for admissions. Minnesota rules provide that you must serve your separate written answers or objections to each interrogatory and request for admission within 30 days after this service.

Definitions

For the purpose of these discovery requests, the following definitions apply:

1. "You" or "your" means Morgan Smith or anyone acting on his behalf.
2. "[Original Corporate Plaintiff]" means [Original Corporate Plaintiff] and/or [Original Corporate Plaintiff] Realty, Inc.
3. The "Zubitskiy photo agreement" means the sales agreement for photos allegedly purchased by [Original Corporate Plaintiff] from Michael Zubitskiy, dated March 19th, 2004, and included in the Complaint as exhibit D.
4. "Disputed photos" refers to the photos created by Chris Gregerson which [Original Corporate Plaintiff] was ruled to have infringed upon at the conclusion of the earlier litigation (see Complaint at exhibit A, where the photos are also referred to as the Skyline

1 As a result of a settlement with the original corporate plaintiff and it's owner, I am not publishing the names of those parties on-line. They have been replaced with generic terms in this discovery request. This document is not intended as legal advice or guidance of any kind, and all rights are reserved.

photo and Kenwood photo).

5. In regards to a person or company, "identify" means to state the name, address, and telephone number, and their relationship to you.
6. In regards to a document, "identify" mean state the title of the document, the author and date it was created, the a short description of the content or the document's purpose.
7. Other terms shall have their ordinary and usual meanings.

Instructions

1. Answer each of the following discovery request separately and fully in writing and under oath.
2. Include all information within your knowledge, the knowledge of your attorneys, any past or present staff, and any investigators employed by you or your attorneys.
3. These discovery requests are continuing, and you must amend your responses if new information or evidence becomes known to you.
4. If your response is an objection, respond to any portion of the request to which your objection does not apply.
5. If an original is requested but is not available (or is objected to), and a copy or duplicate is available (or not objected to), provide the copy.
6. If a document being requested was in your custody or was known to you, but is no longer available, provide a description of the document, including the contents, and set forth how the document left your possession.
7. If after due diligence in investigating and researching a discovery request, you cannot respond fully, answer to the best of your knowledge and explain your inability to give a complete answer.
8. In response to requests for discovery about communications, dealings, or events, set forth the place and/or medium (such as by phone), identify the nature of the communication or event, and identify all parties who were present or involved.
9. If any response to a request for the production of documents involves in excess of 500 printed pages, please confer with me about reducing the scope of the request or providing the documents in electronic form.

Interrogatories, Set 1

1. State whether you believed, at the time, all of the factual claims you made on behalf of [Original Corporate Plaintiff] in the litigation against Gregerson were true. This includes all statements of fact in the original Complaint against Gregerson (exhibit I of the current Complaint), motions, memorandums, responses to motions, discovery responses, and the

- first amended complaint (exhibit J of the current Complaint). If you did not believe any factual claims you made on behalf of [Original Corporate Plaintiff], identify them specifically, state why you did not believe them, and state why you asserted them.
2. State whether you now believe all of the factual claims you made on behalf of [Original Corporate Plaintiff] in the litigation against Gregerson were true. This includes all statements of fact in the original Complaint against Gregerson, motions, memorandums, responses to motions, discovery responses, and the first amended complaint. If you now believe any of them are not true, identify them specifically, and state the date when you came to believe it was not true, and the reason you believe it is not true.
 3. Identify any findings of fact and conclusions of law from Judge Montgomery's order (exhibit A of the Complaint) that you disagree with, including the reason you disagree.
 4. Describe, in detail, all of your verbal communication with [Owner of OCP] and [Original Corporate Plaintiff] regarding the merits of his claims, including the source of the disputed photos and the Zubitskiy photo agreement. If you object on the basis of attorney-client privilege, please see attached waiver of that privilege signed by [Owner of OCP]. Include the date of the conversation, and summarize what was said.
 5. Describe, in detail, any verbal communication you had with any party other than [Owner of OCP] regarding the Zubitskiy photo agreement, or the source of the disputed photos. Identify the person, the date (or approximate date), and summarize what was said.
 6. Please identify any insurance policy which may afford coverage in this action and identify the amounts payable (pursuant to Minn. R. Civ. P. 26.02(c)).
 7. State how much money you received for representing [Owner of OCP] and [Original Corporate Plaintiff]/[Original Corporate Plaintiff] Realty in their litigation against Chris Gregerson, as well as any money your firm (Smith & Raver) received.
 8. State whether you believed Michael Zubitskiy was a real person and the Zubitskiy photo agreement was genuine during the time you represented [Original Corporate Plaintiff], and your basis for that belief.
 9. State whether you currently believe that Michael Zubitskiy exists and the Zubitskiy photo agreement is genuine, and your basis for that belief.
 10. If your belief that Zubitskiy is real and the Zubitskiy photo agreement is genuine has changed, state when it changed and what caused it to change.
 11. Identify which statements [Owner of OCP] made to you about Michael Zubitskiy that you currently believe are credible, and why you consider them credible.
 12. Describe what steps you took to locate Michael Zubitskiy, and when you took them.
 13. Describe what steps you took after being served with Gregerson's motion for sanctions and supporting memorandum (on February 23rd, 2006) to investigate Gregerson's allegation that Michael Zubitskiy did not exist and the Zubitskiy photo agreement was

forged.

14. Describe any requests you made to Gregerson to modify his webpage about [Original Corporate Plaintiff], including requests that Gregerson remove or modify specific statements. Include the date (or approximate date) and summarize what was said. If the request was in writing, produce a copy in accordance with request for production of documents number 3, below.
15. State what, if anything, was done improperly in your representation of [Original Corporate Plaintiff]'s claims against Gregerson.

Request for production of documents, Set 1

1. Produce a copy of all correspondence (including email) in your custody or control (or which you have access to) that is either to or from [Owner of OCP], [Original Corporate Plaintiff], Boris Parker, or Vladimir Kazaryan (or correspondence with other parties in which you discuss [Original Corporate Plaintiff], [Owner of OCP], Zubitskiy, or Kazaryan). If you object on the basis of attorney-client privilege, please see attached waiver of that privilege signed by [Owner of OCP]. Email may be produced in electronic form, and if it's more convenient, paper documents can be scanned and provided in electronic form (pdf or jpg format). This request does not include legal briefs which have already been served to Gregerson.
2. Produce a copy of any insurance policy identified in interrogatory 4, above.
3. Produce copies of any other documents you have relied upon in answering the interrogatories above or the request for admission, below.
4. Produce a copy of the entire case file for your representation of [Original Corporate Plaintiff] and [Owner of OCP] in the litigation against Gregerson, including trial preparation materials and notes, but excluding legal briefs, motion papers, and orders of the court already served upon Gregerson and excluding correspondence produced in response to request no. 1, above. This material can be produced in electronic form (pdf or jpg format), if that is more convenient. If you object on the basis of attorney-client privilege, please see attached waiver of that privilege signed by [Owner of OCP]. If you object on any other basis, please provide a log identifying the documents you object to producing and the reason for the objection.
5. Produce copies of any documents or evidence you plan to introduce at trial.

Requests for Admission, Set 1

Pursuant to Minn. R. Civ. P. 36.01, Defendant hereby request Plaintiff to admit, for purposes of this action, the truth of the following statements. Please admit that:

1. The person that [Original Corporate Plaintiff] claimed sold them photos, identified in the Zubitskiy photo agreement as "Michael Zubitskiy", was fabricated and does not exist.

2. The Zubitskiy photo agreement is fraudulent.
3. You never asked [Owner of OCP] if the Zubitskiy photo agreement was fraudulent.
4. [Original Corporate Plaintiff] obtained Chris Gregerson's photos from Chris Gregerson's website, as ruled by Judge Ann D. Montgomery in exhibit A of the Complaint at ¶ 17.
5. Nothing written by Chris Gregerson on his webpage about [Original Corporate Plaintiff], as included in any exhibits or briefs you filed with the court, is an untrue statement of fact.

Date: _____

Chris Gregerson
Plaintiff, *pro se*
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New Richmond, WI 54017
Telephone: 612-245-4306