

1 Rachel E. Kaufman (CSB# 259353)
2 rachel@kaufmanpa.com
3 KAUFMAN P.A.
4 237 South Dixie Highway, 4th Floor
5 Coral Gables, Florida 33133
6 Telephone: (305) 469-5881

7 *Attorney for Plaintiff and the Proposed Class*

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 **EDWARD G NEWMAN JR.,**
12 individually and on behalf of all others
13 similarly situated,

14 *Plaintiff,*

15 v.

16 **AECIQ,**

17 *Defendant,*

Case No. 2:24-cv-01204-WBS-
AC

**Joint Statement re Discovery
Disagreement**

Hearing Date: June 4, 2025

Time: 10:00 a.m.

Location: Courtroom 26, 8th Flr

**Judge: Hon. William B. Shubb
Magistrate Judge: Hon. Allison
Claire**

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23 Pursuant to L.R. 251 and Plaintiff's Notice of Motion and Motion to Compel
24 (ECF No. 20), the parties set forth their Joint Statement re Discovery Disagreement
25 as follows:
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1 (1) The details of the conference or conferences.

2 On January 20, 2025, the parties conferred telephonically regarding
3 Defendant's responses to Plaintiff's discovery. That same day, Plaintiff's counsel
4 followed up with an email confirming the meet and confer and setting out the items
5 that Defendant indicated either would be produced or about which they would
6 provide their position. Despite repeated follow-up and requests to further confer,
7 Defendant failed to provide its position regarding the outstanding discovery issues
8 or produce the documents that were agreed to be produced during the initial meet
9 and confer.
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13 On April 29, 2025, after the Court extended the deadline for discovery,
14 Plaintiff requested by email that Defendant identify any discovery responses it
15 intended to amend or supplement. The first substantive response to this request was
16 included in Defendant's position as to each set of requests below, which was
17 provided on May 21, 2025.
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19 (2) A statement of the nature of the action and its factual disputes insofar
20 as they are pertinent to the matters to be decided and the issues to be determined at
21 the hearing.
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23 This is a Telephone Consumer Protection Act putative class action. Plaintiff
24 received prerecorded voicemails from Defendant without consent.
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1 (3) The contentions of each party as to each contested issue, including a
2 memorandum of each party's respective arguments concerning the issues in dispute
3 and the legal authorities in support thereof.
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5 The areas of dispute are discussed below with reference to the relevant
6 discovery requests. Notably, the responses to Plaintiff's interrogatories are
7 unverified as Defendant failed to provide a substantive response to any interrogatory.
8 And, despite responding that Defendant would produce documents related to
9 Plaintiff or his telephone number, Defendant has failed to produce even these
10 fundamental documents. Given the large number of requests subject to Plaintiff's
11 motion to compel, the discovery requests and responses are attached hereto as
12 Exhibits 1 and 2, respectively, which can be divided into the following categories by
13 subject matter.
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17 **Call logs (Interrog. No. 1 and RFP Nos. 4, 7, 23)**

18 **Plaintiff:** Plaintiff is seeking records of pre-recorded calls to potential class
19 members. Defendant's call logs are relevant to demonstrating the requirements for
20 class certification, including commonality and numerosity, and Courts regularly
21 compel defendants to produce call logs in TCPA class actions notwithstanding
22 boilerplate objections like Defendant's here. *See, e.g., Mbazomo v. ETourandTravel,*
23 *Inc.*, No. 2:16-cv-02229-SB, 2017 U.S. Dist. LEXIS 82411, at *13-15 (E.D. Cal.
24 May 26, 2017) ("2. Discovery Issue #2: Defendant's Call Logs, Dial Lists, Etc.
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1 Plaintiff requested ‘ALL call logs, dialing lists, DATABASE(s), DOCUMENTS
2 and/or ESI identifying or listing the names, addresses, telephone numbers, and/or
3 email addresses of CALL RECIPIENTS, including historical copies of any such
4 DATABASES or any other DOCUMENTS showing, or which can be used in
5 reconstructing, the history of any such DATABASES during the CLASS PERIOD.’
6 Defendant objected, as irrelevant for class certification, and therefore overbroad, not
7 proportional to the needs of the case, on privacy grounds, that ‘DATABASES’ is
8 ambiguous, and that the information sought is protected by attorney client privilege
9 or other privileges.
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13 Even if discovery had been phased, the Court agrees with the weight of
14 authority on this matter that call logs and dialing lists are ‘relevant to [the]
15 commonality’ prong of the class certification inquiry. *Webb v. Healthcare Revenue*
16 *Recovery Grp. LLC*, No. C. 13-00737 RS, 2014 U.S. Dist. LEXIS 11091, 2014 WL
17 325132, at *3 (N.D. Cal. Jan. 29, 2014). The requested list would also be relevant
18 to Plaintiff’s need to show numerosity. ...
19
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21 There is no showing that the relative burden is so high in this case, while the
22 relevance of the information remains the same. ... Since Plaintiff must prove this
23 element, she should have the opportunity to conduct proportional discovery on it.
24 Though the Court is sympathetic to the burden concerns of producing enormous and
25 lengthy data files, the ability to do so via csv and spreadsheet-ready data files
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1 reassures the Court that the request is proportional to the needs of the case, especially
2 given that Defendant may rely on these same files to establish defenses.

3 As discussed above, the privacy concerns present are outweighed by Plaintiff's
4 need, and that conclusion is unremarkable given the conclusions of other courts.
5 Defendants are **ORDERED** to produce the materials requested through Request for
6 Production No. 9.”).

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9
10 **Defendant:** Defendant stands on its objections to this category of requests,
11 and the specific requests identified herein. Moreover, Defendant objects to the
12 production of the information requested by these requests at this time as premature.
13 Subject to and without waiving its objections, to the extent a class is certified in this
14 action, Defendant will agree to conduct a search for information that may be used to
15 identify potential class members to the extent such information is available.
16
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18 **Vendors (Interrog. Nos. 1, 2, 3, 4 and RFP No. 4, 17, 19, 20, 21, 36)**

19 **Plaintiff:** Plaintiff is seeking the identity and documents and communications
20 regarding the lead vendor, dialing platform provider, and third party marketer
21 involved in the calls to Plaintiff. These parties will have discoverable information
22 relating to the call logs and any potential consent to make the calls. Additionally, to
23 the extent a third party marketer was involved in making the calls, these requests are
24 relevant to Defendant's vicarious liability. As a result, courts regularly compel
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1 defendants in TCPA actions to identify and produce documents and communications
2 relating to third parties involved in potentially violative calls. *See, e.g., Mbazomo,*
3 2017 U.S. Dist. LEXIS 82411, at *24 (compelling the defendant to respond respond
4 to requiring it to “IDENTIFY ALL third party companies (including affiliates,
5 marketing companies, consultants, agents or lead generators) who provided YOU,
6 or anyone acting on YOUR behalf, with telephone numbers or calling lists used to
7 make any CALLS during the CLASS PERIOD”); and to produce “ALL contracts
8 or agreements in which a third party company (including affiliates, marketing
9 companies, consultants, agents or lead generators) agreed to provide YOU telephone
10 numbers or dialing lists to CALL during the CLASS PERIOD”; and ‘ALL
11 COMMUNICATIONS with any company identified in YOUR response to
12 Interrogatory No. 11, or with any other third party company who provided YOU
13 telephone numbers or dialing lists to CALL during the CLASS PERIOD.’”).

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18 **Defendant:** Defendant stands on its objections to this category of requests,
19 and the specific requests identified herein. Subject to and without waiving its
20 objections, as it relates to those requests which seek information specifically
21 regarding any “lead vendor, dialing platform provider, and third party marketer
22 involved in the calls to Plaintiff,” Defendant will supplement its response(s) to the
23 appropriate request(s).
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1 **Complaints/DNC requests (Interrog. Nos. 1, 7 and RFP Nos. 23, 28)**

2 **Plaintiff:** Plaintiff is seeking documents and information regarding
3 complaints and DNC requests arising from telemarketing calls by Defendant. These
4 are relevant to whether damages should be trebled under the TCPA, and to
5 Defendant's consent defense, and, as result, courts regularly compel their production
6 in TCPA class actions. *See, e.g., Mbazomo*, 2017 U.S. Dist. LEXIS 82411, at *15-
7 17 (“3. Discovery Issue #3: Documents Concerning Do-Not-Call Requests. ... Do-
8 Not-Call lists also implicate Defendant's defense that it called people who consented
9 to calls, and whether any alleged violations of the TCPA were willful or knowing.
10 Defendant raises objections on relevancy, burden, and confidentiality. ECF No. 22
11 at 28:16-26. However, much of the same considerations for Discovery Issue #2
12 inform the Court's reasoning on this issue. A Do-Not-Call list is relevant to the issue
13 of consent, where plaintiffs must prove that calls were made without prior, express
14 consent. *See, e.g., 47 U.S.C. § 227(b)(1)(B).*”).
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19 **Defendant:** Defendant stands on its objections to this category of requests,
20 and the specific requests identified herein. Subject to and without waiving its
21 objections, Defendant is willing to meet and confer with counsel to identify whether
22 the parties can agree to a limited time and scope for Defendant to conduct a search
23 for whether any such documents exist.
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Consent (Interrog. Nos. 8, 9 and RFP Nos. 8-16)

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2 **Plaintiff:** Plaintiff is seeking any records Defendant contends supports its
3 consent defense for its calls to potential class members. To the extent that Defendant
4 claims it has consent to make the calls at issue, Plaintiff is entitled to documents
5 evidencing the defense. *See, e.g., Mbazomo*, 2017 U.S. Dist. LEXIS 82411, at *18-
6 19 (“Plaintiff seeks these documents in order to counter Defendant’s stated
7 affirmative defense of consent. Plaintiff reports that the parties reached a
8 compromise of allowing the use of search terms and ESI protocols for requested
9 communications, and the use of exemplars of consent records and other documents
10 Defendant could use to establish a consent defense. ... The Court approves of the
11 production of exemplars of each method Defendant will use to establish affirmative
12 consent. The Court also concludes that the existence or use of communications
13 regarding the proposed ESI search terms are a proportionate and reasonable
14 compromise to identify any communications that discuss how Defendant obtains
15 consent. Such documents are relevant for purposes of class certification.”).

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21 **Defendant:** Defendant stands on its objections to this category of requests,
22 and the specific requests identified herein. Subject to and without waiving its
23 objections, Defendant is willing to meet and confer with counsel to identify whether
24 the parties can agree to a limited time and scope for Defendant to conduct a search
25 for whether any such documents exist.
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3 **Recordings (RFP Nos. 4, 18)**

4 **Plaintiff:** Plaintiff is seeking exemplars of any recorded messages that have
5 been transmitted during calls. These are relevant to commonality and typicality and
6 to otherwise evidence that prerecorded messages were used and their content.

7 **Defendant:** Defendant stands on its objections to this category of requests,
8 and the specific requests identified herein. Subject to and without waiving its
9 objections, Defendant will produce any documents in its possession which may be
10 responsive to this category of requests and relate to Plaintiff.
11
12

13
14 DATED this May 21, 2025

Respectfully submitted,

15
16 By: /s/ Rachel E. Kaufman
17 Rachel Elizabeth Kaufman
18 Kaufman P.A.
19 237 S Dixie Hwy, 4th Floor
20 Coral Gables, FL 33133
(305) 469-5881
Email: Rachel@kaufmanpa.com

21 *Attorney for Plaintiff and the putative*
22 *Classes*

23 By: /s/ Adam D. Brownrout
24 Adam D. Brownrout (SBN 323846)
25 REED SMITH LLP
26 101 Second Street
Suite 1800
27 San Francisco, CA 94105-3659

Telephone: +1 415 659 5978
Facsimile: +1 415 391 8269

*Attorneys for Defendant
AECIQ, a California Corporation*

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14 *Plaintiff,*

15 v.

16 **AECIQ,**

17 *Defendant,*

18 Case No. 2:24-cv-01204-WBS-
19 AC

20 **PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT**

21 Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Newman
22 (“Plaintiff”) requests that Defendant AECIQ respond to the following
23 interrogatories.

24 **DEFINITIONS**

25
26 1. “AECIQ”, “You”, “Your”, or “Defendant” means Defendant AECIQ
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1 and its predecessors and successors in interest; present and former officers, directors,
2 and employees; parents, subsidiaries, divisions, entities, and affiliated companies;
3 and attorneys, representatives, agents and all other persons acting or authorized to
4 act on its behalf, including third-party entities.
5

6 2. “Communication” means oral or written communications of any kind
7 that transmit information, including electronic communications such as emails,
8 online messages, mobile messages, machine-generated messages, and facsimiles;
9 telephone communications; and letters, memoranda, exchanges of written or
10 recorded information, in-person meetings, and events that parties both attend. The
11 phrase “communication between” also means instances where one party
12 disseminates information that the other party receives but does not respond to.
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15 3. “Concerning” means, without limitation, the following concepts:
16 regarding, in connection with, referring to, relating to, discussing, describing,
17 reflecting, dealing with, pertaining to, analyzing, evaluating, evidencing, estimating,
18 containing, constituting, studying, surveying, projecting, assessing, recording,
19 summarizing, criticizing, reporting, commenting, or otherwise involving, in whole
20 or in part.
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23 4. “Document” means all documents, information, and items within the
24 scope of Federal Rule of Civil Procedure 34(a)(1)(A), including, without limitation,
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1 paper documents, e-mails, communications (as defined above), and all electronically
2 stored information (“ESI”) as defined below in its native format and all associated
3 metadata, as well as communications as defined above. A draft or non-identical copy
4 is a separate document within the meaning of this term.
5

6 5. “ESI” means electronically stored information or data and is to be
7 interpreted broadly, as used in the Federal Rules of Civil Procedure and the advisory
8 committee notes thereto, to include all information regardless of the storage media
9 (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, VoiceMail system, or
10 mobile device such as a smartphone, tablet, or cell phone).
11

12 6. “Identify” means, with respect to any “person,” or any reference to the
13 “identity” of any “person,” to provide the name, home address, telephone number,
14 business name, business address, business telephone number and a description of
15 each such person’s connection with the events in question.
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18 7. “Identify” means, with respect to any “document,” or any reference to
19 stating the “identification” of any “document” provide the title and date of each such
20 document, the name and address of the party or parties responsible for the
21 preparation of each such document, the name and address of the party who requested
22 or required the preparation and on whose behalf it was prepared, the name and
23 address of the recipient or recipients to each such document and the present location
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1 of any and all copies of each such document, and the names and addresses of any
2 and all persons who have custody or control of each such document or copies thereof.

3
4 8. “Include” and variations of that verb are used to provide examples of
5 the types of documents and communications requested, and should not be construed
6 as limiting a request.

7
8 9. “Person” means any natural person or any business, legal, or
9 governmental entity or association.

10
11 10. “Prerecorded Call” means a telecommunication that utilized a recorded
12 message. A communication is Prerecorded Call even though it (1) had other,
13 additional purposes (e.g., fulfillment of a partially completed transaction or
14 verification of information); (2) was to a person who had consented to receive it; (3)
15 was to a person who had a prior existing business relationship with you; (4) was not
16 made by you; and/or (5) was not made for your exclusive or direct benefit.

17
18
19 11. The words “and” and “or” are to be read in the conjunctive and not in
20 the disjunctive wherever they appear, and neither of these words is to be interpreted
21 to limit the scope of a request. “And” and “or” encompass both “and” and “or.”

22
23
24 **RELEVANT TIME FRAME**

25
26 Unless otherwise specified, the relevant time period for purposes of these
27 requests is April 26, 2020 through the present, and includes information predating

1 April 26, 2020 concerning events or transactions after April 26, 2020.

2 **INTERROGATORIES TO DEFENDANT**

3 1. Identify the total number of prerecorded calls made by Defendant or on
4 Defendant's behalf. For each such call, please identify the date, time, content of the
5 call, whether a prerecorded message was used, the maker of the call, whether a stop
6 request was made, the telephone number from which the call was made, and the call
7 recipient, including, but not limited to, the call recipient's name, address, telephone
8 number, and email address.
9
10

11 **ANSWER:**

12 2. Identify how you obtained Plaintiff's telephone number, including, but
13 not limited to, the person(s) from whom you obtained Plaintiff's telephone number,
14 the relationship between you and any person(s) from whom you obtained Plaintiff's
15 telephone number, when you obtained Plaintiff's telephone number, and the
16 reason(s) you obtained Plaintiff's telephone number.
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20 **ANSWER:**

21 3. Identify all vendors involved in making outbound prerecorded calls.
22 This includes, but is not limited to, (a) third parties that you contract with who make
23 calls and/or provide leads, and (b) the dialing system platform or provider used to
24 make calls.
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1 permission, as identified in response to interrogatory nos. 8, explain when, how, and
2 where you obtained consent. To the extent you contend that prior consent or
3 permission was obtained through a website, identify the web address of the website,
4 including any specific consent language on the website and the date such language
5 was added and/or removed from the website. To the extent you contend that prior
6 consent or permission was obtained through a means other than a website, identify
7 any document reflecting the consent or permission, including any specific consent
8 language on the document.
9
10

11 **ANSWER:**

12
13 10. Identify any policies, procedures, training protocols, practices, or
14 protocols you maintain concerning compliance with the Telephone Consumer
15 Protection Act, including the date(s) any such policies, procedures, education,
16 practices, or protocols went into effect.
17

18 **ANSWER:**

19
20 11. Identify (by providing the names, addresses, telephone numbers, places
21 of employment and job titles) all persons who have, claim to have, or whom you
22 believe may have knowledge or information pertaining to any fact alleged in the
23 pleadings (as defined in Federal Rule of Civil Procedure 7(a)) filed in this action or
24 any fact underlying the subject matter of this action, including but not limited to the
25 person who made the calls to Plaintiff.
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1 Rachel E. Kaufman (CSB# 259353)
2 rachel@kaufmanpa.com
3 KAUFMAN P.A.
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5 Coral Gables, Florida 33133
6 Telephone: (305) 469-5881

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11 **EDWARD G NEWMAN JR.,**
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16
17 **AECIQ,**

18 *Defendant,*

Case No. 2:24-cv-01204-WBS-
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19 **PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO DEFENDANT**

20 Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Newman
21 (“Plaintiff”) requests that Defendant AECIQ respond to the following requests for
22 production.
23

24 **DEFINITIONS**

25
26 1. “AECIQ”, “You”, “Your”, or “Defendant” means Defendant AECIQ
27
28

1 and its predecessors and successors in interest; present and former officers, directors,
2 and employees; parents, subsidiaries, divisions, entities, and affiliated companies;
3 and attorneys, representatives, agents and all other persons acting or authorized to
4 act on its behalf, including third-party entities.
5

6 2. “Communication” means oral or written communications of any kind
7 that transmit information, including electronic communications such as emails,
8 online messages, mobile messages, machine-generated messages, and facsimiles;
9 telephone communications; and letters, memoranda, exchanges of written or
10 recorded information, in-person meetings, and events that parties both attend. The
11 phrase “communication between” also means instances where one party
12 disseminates information that the other party receives but does not respond to.
13
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15

16 3. “Concerning” means, without limitation, the following concepts:
17 regarding, in connection with, referring to, relating to, discussing, describing,
18 reflecting, dealing with, pertaining to, analyzing, evaluating, evidencing, estimating,
19 containing, constituting, studying, surveying, projecting, assessing, recording,
20 summarizing, criticizing, reporting, commenting, or otherwise involving, in whole
21 or in part.
22
23

24 4. “Document” means all documents, information, and items within the
25 scope of Federal Rule of Civil Procedure 34(a)(1)(A), including, without limitation,
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27
28

1 paper documents, e-mails, communications (as defined above), and all electronically
2 stored information (“ESI”) as defined below in its native format and all associated
3 metadata, as well as communications as defined above. A draft or non-identical copy
4 is a separate document within the meaning of this term.
5

6 5. “ESI” means electronically stored information or data and is to be
7 interpreted broadly, as used in the Federal Rules of Civil Procedure and the advisory
8 committee notes thereto, to include all information regardless of the storage media
9 (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, VoiceMail system, or
10 mobile device such as a smartphone, tablet, or cell phone).
11

12 6. “Include” and variations of that verb are used to provide examples of
13 the types of documents and communications requested, and should not be construed
14 as limiting a request.
15

16 7. “Person” means any natural person or any business, legal, or
17 governmental entity or association.
18

19 8. “Prerecorded Call” means a telecommunication that utilized a recorded
20 message. A communication is Prerecorded Call even though it (1) had other,
21 additional purposes (e.g., fulfillment of a partially completed transaction or
22 verification of information); (2) was to a person who had consented to receive it; (3)
23 was to a person who had a prior existing business relationship with you; (4) was not
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1 made by you; and/or (5) was not made for your exclusive or direct benefit.

2 9. The words “and” and “or” are to be read in the conjunctive and not in
3 the disjunctive wherever they appear, and neither of these words is to be interpreted
4 to limit the scope of a request. “And” and “or” encompass both “and” and “or.”
5

6
7 **RELEVANT TIME FRAME**

8 Unless otherwise specified, the relevant time period for purposes of these
9 requests is April 26, 2020 through the present, and includes all documents and
10 information concerning events or transactions within this period, even if prepared,
11 received, or reviewed outside of this period.
12

13
14 **REQUESTS FOR PRODUCTION**

15
16 1. All documents relating to insurance coverage of the acts alleged by
17 Plaintiff, including, but not limited to, all potentially applicable policies issued by
18 any insurer and all communications with any such insurers, including, but not limited
19 to, reservation-of-rights letters, regardless of whether or not such coverage purports
20 to exclude the acts alleged in this matter and regardless of whether or not such
21 insurers have declined coverage in this matter.
22

23
24 2. All indemnification agreements under which a third party may be
25 responsible for satisfying all or part of a judgment that may be entered against you
26 in this action, and all communications with those third parties.
27

1 3. All documents concerning the Plaintiff or his telephone number.

2 4. All documents concerning outbound prerecorded calls, including
3 prerecorded voice messages, including, but not limited to, call records, transmission
4 reports, call reports or call logs.
5

6 5. All documents concerning policies and procedures relating in any way
7 to telemarketing and/or Telephone Consumer Protection Act compliance by
8 Defendant and/or its agents.
9

10 6. All documents identifying the following information concerning
11 recipients of prerecorded calls made by or on behalf of Defendant: (1) their name,
12 address, email, and phone numbers; and (2) the source(s) from which Defendant
13 obtained the telephone numbers called.
14
15

16 7. All documents identifying the total number of prerecorded calls,
17 including prerecorded voice message calls, made by or on behalf of Defendant.
18

19 8. All documents concerning any purported prior, express, written consent
20 from prerecorded call recipients to receive calls, including but not limited to the
21 databases, lists, or other computer systems or equipment Defendant uses to maintain
22 records of a person's purported consent, records Defendant purports evidence
23 consent, any and all user confirmation and/or keystroke records, and any and all
24 manuals or guides for computer systems or equipment used to maintain records of
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1 consent.

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3 9. To the extent Defendant asserts that Defendant obtained consent or
4 permission to contact Plaintiff's telephone number based on a visit to a website,
5 produce documents that identify those website(s) and the specific page(s) on those
6 website(s) that you claim constitute consent or permission.
7

8 10. For any website identified in response to the prior request, produce all
9 access logs and error logs during the day you assert that Plaintiff visited that website.
10

11 11. To the extent Defendant asserts that Defendant obtained consent or
12 permission to contact call recipients based on a visit to a website, produce documents
13 that identify those website(s) and the specific page(s) on those website(s) that you
14 claim constitute consent or permission, including documents sufficient to identify
15 the time frame that each page was active and reflecting any change(s) in the consent
16 language on such pages.
17

18
19 12. Documents sufficient to identify and provide the schema and/or fields
20 maintained in the database in which data posted through each website identified in
21 response to Request No. 11 is stored or recorded.
22

23
24 13. Documents concerning backups to the databases identified in response
25 to Request No. 12, including documents sufficient to identify where any backups
26 reside, the standard for the backup routines (e.g. full backups, incremental,
27

1 differential), schedules (e.g. backups taken daily, weekly, monthly), and retention.

2
3 14. For each website identified in response to Request No. 11, all
4 documents sufficient to identify any vendor or third party used for visitor traffic
5 reporting. This includes any companies performing search engine optimization or
6 internet marketing consultants.

7
8 15. All web logs for any website identified in response to Request No. 11,
9 including the following information for each such website: IP Address, Location,
10 Date and Time stamps, User Agent (including but not limited to user browser and
11 operating system), Requested URL, Referring URL, Request Type (i.e. POST,
12 GET), Response Code, and Status.

13
14 16. All documents that identify the website host(s) for any website
15 identified in Request No. 11 and the dates each host was active for each respective
16 website.

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19 17. All documents concerning lead generation.

20
21 18. Copies of all prerecorded voice messages made by or on behalf of
22 Defendant.

23
24 19. Documents sufficient to identify every company involved in the
25 making of prerecorded calls on behalf of Defendant, including but not limited to
26 phone carriers, dialing platforms, and/or lead services.

1 20. Documents sufficient to identify every client relationship management
2 system, program, or platform utilized by Defendant.

3
4 21. All contracts or agreements or documents or communications
5 concerning any contracts or agreements between You and any third party concerning
6 the making of calls by or on behalf of Defendant.

7
8 22. All documents concerning the manner in which the list(s) of telephone
9 numbers to which prerecorded calls were made by or on behalf of Defendant was
10 compiled or acquired, and identify the source(s) of the telephone numbers and the
11 persons who compiled them.

12
13
14 23. All documents containing any of the following information for each
15 outbound prerecorded call made by you or your vendors:

- 16
17 a) the date and time;
18 b) the caller ID;
19 c) dialing system used;
20 d) the result;
21 e) any stop request;
22 f) content of the prerecorded message, if any;
23 g) identifying information for the recipient; and
24 h) any other information stored by the call detail records.

25
26 24. All documents concerning prerecorded calls made by or on behalf of
27 Defendant.

28 25. All documents concerning the criteria used to select and/or obtain the

1 telephone numbers to which prerecorded calls were made by or on behalf of
2 Defendant.

3
4 26. Documents sufficient to identify all telephone numbers used by or on
5 behalf of Defendant to make prerecorded calls.

6
7 27. All documents concerning Defendant's policies, practices, and/or
8 procedures for making telemarketing or prerecorded calls.

9
10 28. All documents concerning complaints or do-not-call requests
11 concerning telemarketing or prerecorded calls, including, but not limited to, lists or
12 databases containing complaints and metadata about them, and information
13 identifying the complainants. This request includes any complaints to you by mail,
14 email, text live call, IVR, SMS, web form, social media, FCC, FTC, CFPB, state
15 attorney general, BBB or any other source.

16
17
18 29. All documents identified in Defendant's initial disclosures or any
19 amendment thereto.

20
21 30. All documents you or your attorney have received in conjunction with
22 any third-party subpoena that you have issued in this case.

23
24 31. All documents that reflect or include the opinions of any expert
25 witnesses you have retained or intend to use in this case, and
26

- 1 a. all documents that such expert relied on to form such opinions;
- 2 b. all documents created by the expert in the course of preparing an
- 3 opinion;
- 4
- 5 c. all documents provided to the expert by you or your attorney, including
- 6 documents identifying assumptions relied on by the expert;
- 7
- 8 d. all documents provided by the expert to you or your attorney;
- 9
- 10 e. all documents reviewed by the expert in connection with this litigation;
- 11
- 12 f. all documents that memorialize the terms upon which the expert has
- 13 been retained by you or your attorney to serve as an expert in this litigation;
- 14
- 15 g. all time and billing records (including detailed billing records that
- 16 describes the work performed) for the work performed or costs incurred by the expert
- 17 with respect to this litigation;
- 18
- 19 h. all documents which reflect the expert's compensation with respect to
- 20 this litigation;
- 21
- 22 i. a copy of the expert's curriculum vitae ("C.V.") or resume;
- 23
- 24 j. a copy of all articles, studies, books, or other documents upon which
- 25 the expert has relied in forming his/her opinion in this litigation;
- 26
- 27 k. a listing of all articles, studies, books, or other publications authored in
- 28

1 whole or in part by the expert; and

2
3 1. the expert's entire file related to his/her engagement as an expert for
4 you in this litigation.

5 32. All documents you intend to attach to declarations or affidavits or use
6 as exhibits as support for your opposition to any class certification motion, your
7 summary judgment motion, or your opposition to any summary judgment motion,
8 or as exhibits at any class certification hearing or trial.

9
10
11 33. All written statements, declarations, or affidavits you or your attorney
12 have obtained from any person or entity related to the subject matter of this case.

13
14 34. All documents used to prepare or referenced in your Answer and
15 Affirmative Defenses.

16
17 35. All documents used to prepare or referenced in your answer to any
18 interrogatory served by Plaintiff in this matter.

19
20 36. If any documents responsive to any of the above requests are in the
21 hands of third parties or a vendor, produce documents sufficient to identify those
22 third parties or vendors.
23

1 DATED this 8th day of October, 2024.

2 By: /s/ Rachel E. Kaufman
3 Rachel Elizabeth Kaufman
4 Kaufman P.A.
5 237 S Dixie Hwy, 4th Floor
6 Coral Gables, FL 33133
7 (305) 469-5881
8 Email: Rachel@kaufmanpa.com

Attorney for Plaintiff and the putative Class

9 **CERTIFICATE OF SERVICE**

10 I HEREBY CERTIFY that on October 8, 2024, I served the foregoing by
11 email on all counsel of record.

12
13 /s/ Rachel E. Kaufman
14
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28

1 Adam D. Brownrout (SBN 323846)
2 REED SMITH LLP
3 101 Second Street
4 Suite 1800
5 San Francisco, CA 94105-3659
6 Telephone: +1 415 543 8700
7 Facsimile: +1 415 391 8269
8 Email: abrownrout@reedsmith.com

9 Attorney for Defendant, AECIQ

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 **EDWARD G NEWMAN JR.**, individually and
13 on behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 **AECIQ,**

17 Defendant.

No.: 2:24-cv-01204-WBS-AC

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

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1 **PROPOUNDING PARTY:** Edward G. Newman et al.,

2 **RESPONDING PARTY:** AECIQ

3 **SET NO.:** One

4 Defendant AECIQ (“Defendant” or “AECIQ”), pursuant to Federal Rules of Civil Procedure
5 Rules 26 and 33, hereby responds to the Interrogatories, Set One (“Interrogatories” or individually
6 “Interrogatory”) propounded by Plaintiff Edward G. Newman et al., (“Plaintiff” or “Newman”) as
7 follows:

8 **PRELIMINARY STATEMENTS AND GENERAL OBJECTIONS**

9 1. Defendant will only respond to the Interrogatories consistent with its obligations
10 pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court.

11 2. Defendant objects to, and will accordingly disregard, the “Definitions” in the
12 Interrogatories to the extent they are inconsistent with the Federal Rules of Civil Procedure and Local
13 Rules of this Court.

14 4. Unless expressly referenced by an Interrogatory, Defendant will interpret and construe
15 the Interrogatories as not seeking information or documents constituting or regarding the contents of
16 legal memoranda, drafts of pleadings, attorney notes, letters exchanged between counsel for
17 Defendant, or letters and communications between Defendant and its counsel. To the extent that
18 Plaintiff contends that the Interrogatories seek information protected from disclosure by the attorney-
19 client privilege, the attorney work-product doctrine, or any other privilege or protection, Defendant
20 objects and will not provide information that is subject to any such privilege or protection.

21 5. If Defendant asserts a privilege objection in response to a specific Interrogatory, such
22 objection indicates that, as drafted, the Interrogatory may call for the production of privileged material,
23 but unless otherwise noted, asserting such an objection does not indicate that Defendant has identified
24 and is withholding specific documents or communications based on that objection. To the extent
25 Defendant has identified and is withholding specific documents or communications, Defendant will
26 provide a privilege log describing the documents and/or communications that Defendant is
27 withholding.

28

1 6. Defendant will not include on any privilege log privileged communications relating to
2 this lawsuit that occurred after the filing of the lawsuit. Accordingly, Defendant will construe the
3 Interrogatories to not seek such documents or communications.

4 7. By its objections and responses to an Interrogatory, Defendant does not indicate either
5 agreement or disagreement with Defendant’s legal or factual presumptions (implicit or explicit)
6 relating to the Interrogatory.

7 8. Defendant objects to the production of confidential, proprietary and/or trade secret
8 information in advance of the entry of an appropriate confidentiality order governing the handling of
9 such information as protected by Fed. R. Civ. Pro. 26(c)(1)(G).

10 9. Defendant will interpret the terms “AECIQ”, “You”, “Your”, or “Defendant” to mean
11 only AECIQ, and will limit its responses and objections accordingly.

12 10. Defendant objects to the Interrogatories to the extent that a response would require
13 Defendant to search for and analyze Electronically Stored Information (“ESI”), including ESI that is
14 not reasonably accessible because of undue burden or cost. Further, to the extent that Defendant would
15 be required to search for ESI in order to respond to the Interrogatories, counsel for Defendant and
16 Plaintiff’s counsel must meet and confer about the specific parameters for any required searches so
17 that such searches are only run a single time. Defendant will not agree, and objects, to performing any
18 ESI searches before the parties meet and confer. Defendant specifically objects, pursuant to Federal
19 Rule 34(b)(2)(E), to producing the same electronically stored information in more than one form.

20 15. Defendant incorporates the foregoing Preliminary Statement and General Objections
21 in the specific Interrogatories set forth below as if set forth fully therein.

22 **DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

23 **INTERROGATORY NO. 1:**

24 Identify the total number of prerecorded calls made by Defendant or on Defendant’s behalf.
25 For each such call, please identify the date, time, content of the call, whether a prerecorded message
26 was used, the maker of the call, whether a stop request was made, the telephone number from which
27
28

1 the call was made, and the call recipient, including, but not limited to, the call recipient's name,
2 address, telephone number, and email address.

3 **ANSWER TO INTERROGATORY NO. 1**

4 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
5 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
6 available to it during discovery. Defendant further objects on the grounds that the undefined terms
7 "maker of the call," and "stop request," are vague, ambiguous, and subject to multiple
8 interpretations. Defendant further objects on the grounds that the Interrogatory is compound.
9 Defendant further objects on the grounds that the Interrogatory is overbroad to the extent it is
10 untethered to the proposed class definition. Defendant further objects to this Interrogatory as unduly
11 burdensome and that a response to this Interrogatory would violate the privacy rights of third parties.

12 **INTERROGATORY NO. 2:**

13 Identify how you obtained Plaintiff's telephone number, including, but not limited to, the
14 person(s) from whom you obtained Plaintiff's telephone number, the relationship between you and
15 any person(s) from whom you obtained Plaintiff's telephone number, when you obtained Plaintiff's
16 telephone number, and the reason(s) you obtained Plaintiff's telephone number.

17 **ANSWER TO INTERROGATORY NO. 2:**

18 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
19 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
20 available to it during discovery. Defendant further objects on the grounds that the Interrogatory is
21 compound. Defendant also objects to this Interrogatory on the grounds that it is overly broad, unduly
22 burdensome, and seeks information neither relevant nor proportional to the needs of the case.
23 Defendant further objects to this Interrogatory to the extent it seeks confidential, proprietary and/or
24 trade-secret information.

25 **INTERROGATORY NO. 3:**

26 Identify all vendors involved in making outbound prerecorded calls. This includes, but is not
27 limited to, (a) third parties that you contract with who make calls and/or provide leads, and (b) the
28 dialing system platform or provider used to make calls.

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1 **ANSWER TO INTERROGATORY NO. 3:**

2 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
3 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
4 available to it during discovery. Defendant further objects on the grounds that the Interrogatory is
5 compound. Defendant further objects to the undefined term “dialing system platform” and “provide
6 leads” as vague, ambiguous, and subject to multiple interpretations. Defendant further objects on the
7 grounds that the Interrogatory is overbroad to the extent it not limited in scope. Defendant also
8 objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks
9 information neither relevant nor proportional to the needs of the case. Defendant further objects to
10 this Interrogatory to the extent it seeks confidential, proprietary and/or trade-secret information.

11 **INTERROGATORY NO. 4:**

12 Identify and describe the work of each vendor identified above.

13 **ANSWER TO INTERROGATORY NO. 4:**

14 Defendant objects on the grounds that discovery is ongoing, and in its investigation is in the
15 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
16 available to it during discovery. Defendant further objects to the undefined terms “work” as vague,
17 ambiguous, and subject to multiple interpretations. Defendant further objects on the grounds that the
18 Interrogatory is overbroad to the extent it not limited in scope. Defendant also objects to this
19 Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information
20 neither relevant nor proportional to the needs of the case. Defendant further objects to this
21 Interrogatory to the extent it seeks confidential, proprietary and/or trade-secret information.

22 **INTERROGATORY NO. 5:**

23 Identify by make, model, structure and location the system(s), platform(s), and/or equipment
24 used by you, or any vendor, to contact the Plaintiff.

25 **ANSWER TO INTERROGATORY NO. 5:**

26 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
27 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
28 available to it during discovery. Defendant further objects to the undefined terms “make, model,

1 structure” and “system(s), platform(s), and/or equipment” as vague, ambiguous, and subject to
2 multiple interpretations. Defendant further objects on the grounds that the Interrogatory is overbroad
3 to the extent it not limited in scope. Defendant also objects to this Interrogatory on the grounds that
4 it is overly broad, unduly burdensome, and seeks information neither relevant nor proportional to the
5 needs of the case, including, but not limited to, the relevance of any “system(s), platform(s), and/or
6 equipment used” to “contact the Plaintiff.”

7 **INTERROGATORY NO. 6:**

8 State all facts in support of any affirmative defenses you have raised.

9 **ANSWER TO INTERROGATORY NO. 6:**

10 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
11 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
12 available to it during discovery. Defendant further objects that this request is premature, and
13 Defendant has not decided which documents may support its defenses. Defendant also objects to the
14 extent any response is deemed an admission that Defendant bears the burden of proof or persuasion
15 on any of the affirmative or other defenses contained in its answer to Plaintiff’s Class Action
16 Complaint. Defendant also objects to the extent the Interrogatory is intended to include documents,
17 information and/or communications protected from disclosure by the attorney-client privilege, the
18 work-product doctrine and/or which would reveal the mental impressions of counsel.

19 **INTERROGATORY NO. 7:**

20 Have you ever received formal or informal complaints concerning telemarketing or
21 prerecorded calls? If so, identify the complaint, the date of the complaint, and person(s) making the
22 complaint, including, but not limited to, the complainant’s name, address, telephone number, and
23 email address.

24 **ANSWER TO INTERROGATORY NO. 7:**

25 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
26 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
27 available to it during discovery. Defendant further objects on the grounds that the Interrogatory is
28 overbroad to the extent it not limited in scope. Defendant also objects to this Interrogatory on the

1 grounds that it is overly broad, unduly burdensome, and seeks information neither relevant nor
2 proportional to the needs of the case, including, but not limited to, the relevance of any “formal or
3 informal complaints” Defendant may have received “concerning telemarketing or prerecorded calls.”

4 **INTERROGATORY NO. 8:**

5 Identify what type of consent or permission, if any, you or anyone on your behalf obtained
6 from recipients of prerecorded calls identified in response to Interrogatory no. 1, including Plaintiff,
7 to make prerecorded calls to their telephone numbers prior to making calls to them.

8 **ANSWER TO INTERROGATORY NO. 8:**

9 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
10 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
11 available to it during discovery. Defendant further objects on the grounds that the Interrogatory is
12 overbroad to the extent it not limited in scope. Defendant further objects on the grounds that the
13 Interrogatory is overbroad to the extent it is untethered to the proposed class definition. Defendant
14 further objects to this Interrogatory as unduly burdensome and that a response to this Interrogatory
15 would violate the privacy rights of third parties.

16 **INTERROGATORY NO. 9:**

17 For each call recipient for whom you contend you had prior consent or permission, as
18 identified in response to interrogatory nos. 8, explain when, how, and where you obtained consent.
19 To the extent you contend that prior consent or permission was obtained through a website, identify
20 the web address of the website, including any specific consent language on the website and the date
21 such language was added and/or removed from the website. To the extent you contend that prior
22 consent or permission was obtained through a means other than a website, identify any document
23 reflecting the consent or permission, including any specific consent language on the document.

24 **ANSWER TO INTERROGATORY NO. 9:**

25 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
26 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
27 available to it during discovery. Defendant objects on the grounds that the Interrogatory is overly
28 burdensome. Defendant further objects on the grounds that this is an improper compound

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1 Interrogatory. Defendant further objects on the grounds that the Interrogatory is overbroad to the
2 extent it not limited in scope. Defendant further objects on the grounds that the Interrogatory is
3 overbroad to the extent it is untethered to the proposed class definition. Defendant further objects to
4 this Interrogatory as unduly burdensome and that a response to this Interrogatory would violate the
5 privacy rights of third parties.

6 **INTERROGATORY NO. 10:**

7 Identify any policies, procedures, training protocols, practices, or protocols you maintain
8 concerning compliance with the Telephone Consumer Protection Act, including the date(s) any such
9 policies, procedures, education, practices, or protocols went into effect.

10 **ANSWER TO INTERROGATORY NO. 10:**

11 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
12 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
13 available to it during discovery. Defendant also objects to this Interrogatory on the grounds that it is
14 overly broad, unduly burdensome, and seeks information neither relevant nor proportional to the
15 needs of the case, including, but not limited to, the relevance of all “policies, procedures, training
16 protocols, practices, or protocols you maintain concerning compliance with the Telephone Consumer
17 Protection Act” without regard to the allegations in the Class Action Complaint.

18 **INTERROGATORY NO. 11:**

19 Identify (by providing the names, addresses, telephone numbers, places of employment and
20 job titles) all persons who have, claim to have, or whom you believe may have knowledge or
21 information pertaining to any fact alleged in the pleadings (as defined in Federal Rule of Civil
22 Procedure 7(a)) filed in this action or any fact underlying the subject matter of this action, including
23 but not limited to the person who made the calls to Plaintiff.

24 **ANSWER TO INTERROGATORY NO. 11:**

25 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
26 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
27 available to it during discovery. Defendant will comply with its obligations under the Federal Rules
28 of Civil Procedure.

1 Subject to and without waiving its objections, Defendant refers Plaintiff to its Rule
2 26(a)(1)(A) Initial Disclosures.

3 Investigation continues.

4 **INTERROGATORY NO. 12:**

5 State the specific nature and substance of the knowledge that you believe the persons
6 identified in the response to Interrogatory No. 11 may have.

7 **ANSWER TO INTERROGATORY NO. 12:**

8 Defendant objects on the grounds that discovery is ongoing, and its investigation is in the
9 early stages. Therefore, Defendant reserves the right to rely on additional information that becomes
10 available to it during discovery. Defendant further objects to the extent this Interrogatory seeks
11 information that is more suitable for deposition testimony. Defendant will comply with its
12 obligations under the Federal Rules of Civil Procedure.

13 Subject to and without waiving its objections, Defendant refers Plaintiff to its Rule
14 26(a)(1)(A) Initial Disclosures.

15 Investigation continues.

16 DATED: December 23, 2024

17 REED SMITH LLP

18
19 By: 
20 Adam D. Brownrout (SBN 323846)

21 Attorneys for Defendant, AECIQ
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PROOF OF SERVICE


I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On December 23, 2024, I served the following document(s) by the method indicated below:

DEFENDANT’S RESPONSE TO PLAINTIFF’S FIRST SET OF INTERROGATORIES

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm’s practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.
- by transmitting a courtesy email to the parties at the email addresses listed below:

Rachel E. Kaufman *Via Email*
 Kaufman P.A.
 237 South Dixie Highway, 4th Floor
 Cora Gables, Florida 33133
 Telephone: (305) 469-5881
 Email: rachel@kaufmanpa.com
Attorney for Plaintiff and the Proposed Class

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on December 23, 2024, at Stockton, California.



 Nancy Medina

REED SMITH LLP
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1 Adam D. Brownrout (SBN 323846)
2 REED SMITH LLP
3 101 Second Street
4 Suite 1800
5 San Francisco, CA 94105-3659
6 Telephone: +1 415 543 8700
7 Facsimile: +1 415 391 8269
8 Email: abrownrout@reedsmith.com

9 Attorney for Defendant, AECIQ

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 **EDWARD G NEWMAN JR.**, individually and
13 on behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 **AECIQ,**

17 Defendant.

No.: 2:24-cv-01204-WBS-AC

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION**

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28

1 **PROPOUNDING PARTY:** Edward G. Newman et al.,

2 **RESPONDING PARTY:** AECIQ

3 **SET NO.:** One

4 Defendant AECIQ (“Defendant” or “AECIQ”), pursuant to Federal Rules of Civil Procedure
5 Rules 26 and 34, hereby responds to the Requests for Production of Documents, Set One (“Requests
6 for Production of Documents” or individually “Request”) propounded by Plaintiff Edward G. Newman
7 et al., (“Plaintiff” or “Newman”) as follows:

8 **PRELIMINARY STATEMENTS AND GENERAL OBJECTIONS**

9 1. Defendant will only respond to the Requests consistent with its obligations pursuant to
10 the Federal Rules of Civil Procedure and Local Rules of this Court.

11 2. Defendant objects to, and will accordingly disregard, the “Definitions” in the Requests
12 to the extent they are inconsistent with the Federal Rules of Civil Procedure and Local Rules of this
13 Court.

14 3. Defendant responds to the Requests based upon the investigation conducted in the time
15 available since the service of the Requests. Defendant’s responses to the Requests are based upon
16 information now known to Defendant.

17 4. Unless expressly referenced by a Request, Defendant will interpret and construe the
18 Requests as not seeking information or documents constituting or regarding the contents of legal
19 memoranda, drafts of pleadings, attorney notes, letters exchanged between counsel for Defendant, or
20 letters and communications between Defendant and its counsel. To the extent that Plaintiff contends
21 that the Requests seek information protected from disclosure by the attorney-client privilege, the
22 attorney work-product doctrine, or any other privilege or protection, Defendant objects and will not
23 provide information that is subject to any such privilege or protection.

24 5. If Defendant asserts a privilege objection in response to a specific Request, such
25 objection indicates that, as drafted, the Request may call for the production of privileged material, but
26 unless otherwise noted, asserting such an objection does not indicate that Defendant has identified and
27 is withholding specific documents or communications based on that objection. To the extent
28 Defendant has identified and is withholding specific documents or communications, Defendant will

1 provide a privilege log describing the documents and/or communications that Defendant is
2 withholding.

3 6. Defendant will not include on any privilege log privileged communications relating to
4 this lawsuit that occurred after the filing of the Class Action Complaint. Accordingly, Defendant will
5 construe the Requests to not seek such documents or communications.

6 7. By its objections and responses to a Request, Defendant does not indicate either
7 agreement or disagreement with Plaintiff's legal or factual presumptions (implicit or explicit) relating
8 to the Request.

9 8. Defendant objects to the production of confidential, proprietary and/or trade secret
10 information in advance of the entry of an appropriate confidentiality order governing the handling of
11 such information as protected by Fed. R. Civ. Pro. 26(c)(1)(G).

12 9. Defendant will interpret the terms "AECIQ", "You", "Your", or "Defendant" to mean
13 only AECIQ, and will limit its responses and objections accordingly.

14 10. Defendant objects to the Requests to the extent that a response would require Defendant
15 to search for and analyze Electronically Stored Information ("ESI"), including ESI that is not
16 reasonably accessible because of undue burden or cost. Further, to the extent that Defendant would
17 be required to search for ESI in order to respond to the Requests, counsel for Defendant and Plaintiff's
18 counsel must meet and confer about the specific parameters for any required searches so that such
19 searches are only run a single time. Defendant will not agree, and objects, to performing any ESI
20 searches before the parties meet and confer as to the appropriate scope of such searches. Defendant
21 specifically objects, pursuant to Federal Rule 34(b)(2)(E), to producing the same electronically stored
22 information in more than one form. To the extent that Defendant produces documents in response to
23 any Request, Defendant will produce such documents in PDF format, and via either email or FTP site.

24 13. Defendant incorporates the foregoing Preliminary Statement and General Objections
25 in the specific responses set forth below as if set forth fully therein.

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1 Subject to and without waiving its objections, Defendant is not aware of any documents in its
2 possession which are responsive to this Request.

3 **REQUEST NO. 3:**

4 All documents concerning the Plaintiff or his telephone number.

5 **RESPONSE TO REQUEST NO. 3:**

6 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
7 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
8 the case. Defendant further objects to the extent this Request seeks information protected by the
9 attorney-client privilege or any other applicable privileges or work product protections.

10 Subject to and without waiving its objections, Defendant will produce responsive,
11 nonprivileged documents.

12 **REQUEST NO. 4:**

13 All documents concerning outbound prerecorded calls, including prerecorded voice
14 messages, including, but not limited to, call records, transmission reports, call reports or call logs.

15 **RESPONSE TO REQUEST NO. 4:**

16 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
17 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
18 the case. Defendant further objects that the undefined terms “transmission reports,” “call reports,”
19 and “call logs,” are vague, ambiguous, and subject to multiple interpretations. Defendant objects to
20 this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s
21 Class Action Complaint. Defendant objects to this Request as overly burdensome to the extent it
22 requests all documents related to every single outbound or inbound call and associated “call logs” to
23 the extent such documents even exist. Defendant further objects to the extent this Request seeks
24 information protected by the attorney-client privilege or any other applicable privileges or work
25 product protections.

26 Defendant is not aware whether it is withholding documents based on these objections.
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REQUEST NO. 5:

All documents concerning policies and procedures relating in any way to telemarketing and/or Telephone Consumer Protection Act compliance by Defendant and/or its agents.

RESPONSE TO REQUEST NO. 5:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant also objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information neither relevant nor proportional to the needs of the case, including, but not limited to, the relevance of all “[a]ll documents concerning policies and procedures relating in any way to telemarketing and/or Telephone Consumer Protection Act compliance by Defendant and/or its agents” without regard to the allegations in the Class Action Complaint. Defendant further objects to the extent this Request seeks information protected by the attorney-client privilege or any other applicable privileges or work product protections.

Defendant is not aware whether it is withholding documents based on these objections.

REQUEST NO 6:

All documents identifying the following information concerning recipients of prerecorded calls made by or on behalf of Defendant: (1) their name, address, email, and phone numbers; and (2) the source(s) from which Defendant obtained the telephone numbers called.

RESPONSE TO REQUEST NO. 6:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant further objects to the extent this Request seeks private information regarding the names, addresses, and phone numbers of individuals not a party to this suit. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to this Request to the extent it seeks confidential, proprietary and/or trade-secret information.

Defendant is withholding documents based on these objections.

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REQUEST NO. 7:

All documents identifying the total number of prerecorded calls, including prerecorded voice message calls, made by or on behalf of Defendant.

RESPONSE TO REQUEST NO. 7:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s Class Action Complaint. Defendant is not aware whether it is withholding documents based on these objections.

REQUEST NO. 8

All documents concerning any purported prior, express, written consent from prerecorded call recipients to receive calls, including but not limited to the databases, lists, or other computer systems or equipment Defendant uses to maintain records of a person’s purported consent, records Defendant purports evidence consent, any and all user confirmation and/or keystroke records, and any and all manuals or guides for computer systems or equipment used to maintain records of consent.

RESPONSE TO REQUEST NO. 8:

Defendant objects to this Request as overbroad, compound, and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to the extent this Request seeks information protected by the attorney-client privilege or any other applicable privileges or work product protections. Defendant further objects on the grounds that the undefined terms “purported prior, express, written consent,” “a person’s purported consent,” “records Defendant purports evidence consent,” and “keystroke records,” are vague, ambiguous, and subject to multiple interpretations.

Defendant is not aware whether it is withholding documents based on these objections.

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1 **REQUEST NO. 9:**

2 To the extent Defendant asserts that Defendant obtained consent or permission to contact
3 Plaintiff's telephone number based on a visit to a website, produce documents that identify those
4 website(s) and the specific page(s) on those website(s) that you claim constitute consent or
5 permission.

6 **RESPONSE TO REQUEST NO. 9:**

7 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
8 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
9 the case. Defendant further objects to the extent this Request seeks information protected by the
10 attorney-client privilege or any other applicable privileges or work product protections. Defendant
11 objects to the extent Plaintiffs presume Defendant's defenses. Defendant further objects to the
12 undefined term "based on a visit to a website," as vague, ambiguous, and subject to multiple
13 interpretations. Defendant objects to this Request as overbroad to the extent the Request is
14 untethered to the allegations in Plaintiff's Class Action Complaint. Discovery is in its early stages
15 and Defendant will produce documents to support its defenses as required by the Federal Rules.

16 Defendant is not aware whether it is withholding documents based on these objections.

17 **REQUEST NO. 10:**

18 For any website identified in response to the prior request, produce all access logs and error
19 logs during the day you assert that Plaintiff visited that website.

20 **RESPONSE TO REQUEST NO. 10:**

21 Defendant incorporates by reference its objections to Request No. 9. Defendant further
22 objects to the undefined terms "access logs," and "error logs," as vague, ambiguous, and subject to
23 multiple interpretations.

24 Defendant is not aware whether it is withholding documents based on these objections.

25 **REQUEST NO. 11:**

26 To the extent Defendant asserts that Defendant obtained consent or permission to contact call
27 recipients based on a visit to a website, produce documents that identify those website(s) and the
28 specific page(s) on those website(s) that you claim constitute consent or permission, including

1 documents sufficient to identify the time frame that each page was active and reflecting any
2 change(s) in the consent language on such pages.

3 **RESPONSE TO REQUEST NO. 11:**

4 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
5 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
6 the case. Defendant further objects to the extent this Request seeks information protected by the
7 attorney-client privilege or any other applicable privileges or work product protections. Defendant
8 objects to this Request as overbroad to the extent the Request is untethered to the allegations in
9 Plaintiff's Class Action Complaint. Discovery is in its early stages and Defendant will produce
10 documents to support its defenses as required by the Federal Rules.

11 Defendant is not aware whether it is withholding documents based on these objections.

12 **REQUEST NO. 12:**

13 Documents sufficient to identify and provide the schema and/or fields maintained in the
14 database in which data posted through each website identified in response to Request No. 11 is
15 stored or recorded.

16 **RESPONSE TO REQUEST NO. 12:**

17 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
18 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
19 the case. Defendant further objects to the undefined term "schema" as vague, ambiguous, and
20 subject to multiple interpretations. Defendant further objects on the grounds that the Request as
21 drafted is unintelligible. Defendant objects to this Request as overbroad to the extent the Request is
22 untethered to the allegations in Plaintiff's Class Action Complaint.

23 Defendant is not aware whether it is withholding documents based on these objections.

24 **REQUEST NO. 13:**

25 Documents concerning backups to the databases identified in response to Request No. 12,
26 including documents sufficient to identify where any backups reside, the standard for the backup
27 routines (e.g. full backups, incremental, differential), schedules (e.g. backups taken daily, weekly,
28 monthly), and retention.

1 **RESPONSE TO REQUEST NO. 13:**

2 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
3 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
4 the case. Defendant further objects to the extent this Request seeks information protected by the
5 attorney-client privilege or any other applicable privileges or work product protections. Defendant
6 objects to the extent this Request as overbroad to the extent the Request is not limited in geographic
7 scope. Defendant further objects to the undefined terms “backups,” “databases,” and “the standard
8 for the backup routines (e.g. full backups, incremental, differential)” as vague, ambiguous, and
9 subject to multiple interpretations.

10 Defendant is not aware whether it is withholding documents based on these objections.

11 **REQUEST NO. 14**

12 For each website identified in response to Request No. 11, all documents sufficient to
13 identify any vendor or third party used for visitor traffic reporting. This includes any companies
14 performing search engine optimization or internet marketing consultants.

15 **RESPONSE TO REQUEST NO 14.:**

16 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
17 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
18 the case. Defendant further objects to the extent this Request seeks information protected by the
19 attorney-client privilege or any other applicable privileges or work product protections. Defendant
20 further objects to the undefined term “visitor traffic reporting” as vague, ambiguous, and subject to
21 multiple interpretations. Defendant objects to this Request as overbroad to the extent the Request is
22 untethered to the allegations in Plaintiff’s Class Action Complaint.

23 Defendant is not aware whether it is withholding documents based on these objections.

24 **REQUEST NO 15.:**

25 All web logs for any website identified in response to Request No. 11, including the
26 following information for each such website: IP Address, Location, Date and Time stamps, User
27 Agent (including but not limited to user browser and operating system), Requested URL, Referring
28 URL, Request Type (i.e. POST, GET), Response Code, and Status.

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1 **RESPONSE TO REQUEST NO 15:**

2 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
3 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
4 the case. Defendant further objects to the extent this Request seeks information protected by the
5 attorney-client privilege or any other applicable privileges or work product protections. Defendant
6 further objects to the undefined terms “User Agent (including but not limited to user browser and
7 operating system), Requested URL, Referring URL, Request Type (i.e. POST, GET), Response
8 Code, and Status,” as vague, ambiguous, and subject to multiple interpretations. Defendant objects to
9 this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s
10 Class Action Complaint.

11 Defendant is not aware whether it is withholding documents based on these objections.

12 **REQUEST NO. 16:**

13 All documents that identify the website host(s) for any website identified in Request No. 11
14 and the dates each host was active for each respective website.

15 **RESPONSE TO REQUEST NO. 16**

16 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
17 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
18 the case. Defendant further objects to the extent this Request seeks information protected by the
19 attorney-client privilege or any other applicable privileges or work product protections. Defendant
20 further objects to the undefined terms “website host(s)” as vague, ambiguous, and subject to multiple
21 interpretations. Defendant objects to this Request as overbroad to the extent the Request is
22 untethered to the allegations in Plaintiff’s Class Action Complaint.

23 Defendant is not aware whether it is withholding documents based on these objections.

24 **REQUEST NO. 17:**

25 All documents concerning lead generation.

26 **RESPONSE TO REQUEST NO. 17:**

27 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
28 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of

1 the case. Defendant further objects to the extent this Request seeks information protected by the
2 attorney-client privilege or any other applicable privileges or work product protections. Defendant
3 further objects to the undefined terms “lead generation” as vague, ambiguous, and subject to
4 multiple interpretations.

5 Defendant is not aware whether it is withholding documents based on these objections.

6 **REQUEST NO. 18:**

7 Copies of all prerecorded voice messages made by or on behalf of Defendant.

8 **RESPONSE TO REQUEST NO. 18:**

9 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
10 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
11 the case. Defendant further objects on the grounds that the Request is unduly burdensome.
12 Defendant objects to this Request as overbroad to the extent the Request is untethered to the
13 allegations in Plaintiff’s Class Action Complaint.

14 Defendant is not aware whether it is withholding documents based on these objections.

15 **REQUEST NO. 19**

16 Documents sufficient to identify every company involved in the making of prerecorded calls
17 on behalf of Defendant, including but not limited to phone carriers, dialing platforms, and/or lead
18 services.

19 **RESPONSE TO REQUEST NO. 19:**

20 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
21 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
22 the case. Defendant further objects on the grounds that the Request is unduly burdensome.
23 Defendant further objects on the grounds to the extent the request seeks documents outside of
24 Defendants’ possession. Defendant objects to this Request as overbroad to the extent the Request is
25 untethered to the allegations in Plaintiff’s Class Action Complaint.

26 Defendant is not aware whether it is withholding documents based on these objections.
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REQUEST NO. 20:

Documents sufficient to identify every client relationship management system, program, or platform utilized by Defendant.

RESPONSE TO REQUEST NO. 20:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to this Request to the extent it seeks confidential, proprietary and/or trade-secret information.

Defendant is not aware whether it is withholding documents based on these objections.

REQUEST NO. 21:

All contracts or agreements or documents or communications concerning any contracts or agreements between You and any third party concerning the making of calls by or on behalf of Defendant.

RESPONSE TO REQUEST NO. 21:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant further objects on the grounds that the request seeks documents outside of Defendants’ possession. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to this Request to the extent it seeks confidential, proprietary and/or trade-secret information.

Defendant is not aware whether it is withholding documents based on these objections.

REQUEST NO. 22:

All documents concerning the manner in which the list(s) of telephone numbers to which prerecorded calls were made by or on behalf of Defendant was compiled or acquired, and identify the source(s) of the telephone numbers and the persons who compiled them.

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1 **RESPONSE:**

2 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
3 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
4 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
5 the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to the undefined
6 terms “concerning the manner” as vague, ambiguous, and subject to multiple interpretations.
7 Defendant further objects to this Request to the extent it seeks confidential, proprietary and/or trade-
8 secret information.

9 Defendant is withholding documents based on these objections.

10 **REQUEST NO. 23:**

11 All documents containing any of the following information for each outbound prerecorded
12 call made by you or your vendors:

- 13 a) the date and time;
- 14 b) the caller ID;
- 15 c) dialing system used;
- 16 d) the result;
- 17 e) any stop request;
- 18 f) content of the prerecorded message, if any;
- 19 g) identifying information for the recipient; and
- 20 h) any other information stored by the call detail records.

21 **RESPONSE TO REQUEST NO. 23:**

22 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
23 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
24 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
25 the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to the extent this
26 Request seeks information protected by the attorney-client privilege or any other applicable
27 privileges or work product protections. Defendant further objects to this Request as unduly
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1 burdensome to the extent it would require a manual search and/or review of documents, to the extent
2 available, to identify whether such information is even available, and if so, compile the same.

3 Defendant is not aware whether it is withholding documents based on these objections.

4 **REQUEST NO. 24:**

5 All documents concerning prerecorded calls made by or on behalf of Defendant.

6 **RESPONSE:**

7 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
8 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
9 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
10 the allegations in Plaintiff's Class Action Complaint. Defendant further objects to the undefined
11 terms "concerning the manner" as vague, ambiguous, and subject to multiple interpretations.
12 Defendant further objects to the extent this Request seeks information protected by the attorney-
13 client privilege or any other applicable privileges or work product protections.

14 Defendant is not aware whether it is withholding documents based on these objections.

15 **REQUEST NO. 25:**

16 All documents concerning the criteria used to select and/or obtain the telephone numbers to
17 which prerecorded calls were made by or on behalf of Defendant.

18 **RESPONSE TO REQUEST NO. 25**

19 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
20 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
21 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
22 the allegations in Plaintiff's Class Action Complaint. Defendant objects to the terms "criteria," and
23 "select and/or obtain" as vague, ambiguous, and subject to multiple interpretations. Defendant
24 further objects to the extent this Request seeks information protected by the attorney-client privilege
25 or any other applicable privileges or work product protections.

26 Defendant is not aware whether it is withholding documents based on these objections.
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1 **REQUEST NO. 26:**

2 Documents sufficient to identify all telephone numbers used by or on behalf of Defendant to
3 make prerecorded calls.

4 **RESPONSE TO REQUEST NO. 26:**

5 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
6 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
7 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
8 the allegations in Plaintiff’s Class Action Complaint. Defendant further objects to the extent this
9 Request seeks information protected by the attorney-client privilege or any other applicable
10 privileges or work product protections.

11 Defendant is not aware whether it is withholding documents based on these objections.

12 **REQUEST NO. 27:**

13 All documents concerning Defendant’s policies, practices, and/or procedures for making
14 telemarketing or prerecorded calls.

15 **RESPONSE TO REQUEST NO. 27:**

16 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
17 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
18 the case, but not limited to, the relevance of “[a]ll documents concerning Defendant’s policies,
19 practices, and/or procedures for making telemarketing or prerecorded calls.” Defendant objects to
20 this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff’s
21 Class Action Complaint. Defendant further objects to the extent this Request seeks information
22 protected by the attorney-client privilege or any other applicable privileges or work product
23 protections.

24 Defendant is not aware whether it is withholding documents based on these objections.

25 **REQUEST NO. 28**

26 All documents concerning complaints or do-not-call requests concerning telemarketing or
27 prerecorded calls, including, but not limited to, lists or databases containing complaints and metadata
28 about them, and information identifying the complainants. This request includes any complaints to

1 you by mail, email, text live call, IVR, SMS, web form, social media, FCC, FTC, CFPB, state
2 attorney general, BBB or any other source.

3 **RESPONSE TO REQUEST NO. 28**

4 Defendant objects to this Request as overbroad and seeks documents that are not reasonably
5 calculated to lead to the discovery of admissible evidence and are not proportional to the needs of
6 the case. Defendant objects to this Request as overbroad to the extent the Request is untethered to
7 the allegations in Plaintiff's Class Action Complaint. Defendants further object to the undefined term
8 "no-not-call requests" as vague, ambiguous, and subject to multiple interpretations. Defendant
9 further objects to the extent this Request seeks information protected by the attorney-client privilege
10 or any other applicable privileges or work product protections.

11 Defendant is not aware whether it is withholding documents based on these objections.

12 **REQUEST NO. 29:**

13 All documents identified in Defendant's initial disclosures or any amendment thereto.

14 **RESPONSE TO REQUEST 29:**

15 Defendant will produce any documents identified in Defendant's initial disclosures or in any
16 amendments thereto.

17 **REQUEST NO. 30:**

18 All documents you or your attorney have received in conjunction with any third-party
19 subpoena that you have issued in this case.

20 **RESPONSE TO REQUEST NO 30:**

21 Defendant has not issued any third-party subpoena. Should it do so, it will produce any
22 documents it may receive to Plaintiff.

23 **REQUEST NO. 31**

24 All documents that reflect or include the opinions of any expert witnesses you have retained
25 or intend to use in this case, and

- 26 a. all documents that such expert relied on to form such opinions;
27 b. all documents created by the expert in the course of preparing an opinion;

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- 1 c. all documents provided to the expert by you or your attorney, including documents
2 identifying assumptions relied on by the expert;
- 3 d. all documents provided by the expert to you or your attorney;
- 4 e. all documents reviewed by the expert in connection with this litigation;
- 5 f. all documents that memorialize the terms upon which the expert has been retained
6 by you or your attorney to serve as an expert in this litigation;
- 7 g. all time and billing records (including detailed billing records that describes the
8 work performed) for the work performed or costs incurred by the expert with respect to this
9 litigation;
- 10 h. all documents which reflect the expert's compensation with respect to this
11 litigation;
- 12 i. a copy of the expert's curriculum vitae ("C.V.") or resume;
- 13 j. a copy of all articles, studies, books, or other documents upon which the expert has
14 relied in forming his/her opinion in this litigation;
- 15 k. a listing of all articles, studies, books, or other publications authored in whole or in
16 part by the expert; and
- 17 l. the expert's entire file related to his/her engagement as an expert for you in this
18 litigation.

19 **RESPONSE TO REQUEST NO. 31**

20 Defendant objects to this Request on the grounds that discovery is in its early stages and this
21 Request is premature. Defendant objects to the extent this Request seeks production of expert
22 information not required under the Federal Rules of Civil Procedure. Defendant will produce
23 information regarding experts as required under the Federal Rules of Civil Procedure and according
24 to the Scheduling Order.

25 Defendant is not withholding documents based on these objections.
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1 **REQUEST NO. 32:**

2 All documents you intend to attach to declarations or affidavits or use as exhibits as support
3 for your opposition to any class certification motion, your summary judgment motion, or your
4 opposition to any summary judgment motion, or as exhibits at any class certification hearing or trial.

5 **RESPONSE TO REQUEST NO. 32:**

6 Defendant objects to this Request on the grounds that discovery is in its early stages and this
7 Request is premature. Defendant will produce any such documents at the time any such papers are
8 filed and or as required under the Federal Rules of Civil Procedure.

9 Defendant is not aware whether it is withholding documents based on these objections.

10 **REQUEST NO. 33:**

11 All written statements, declarations, or affidavits you or your attorney have obtained from
12 any person or entity related to the subject matter of this case.

13 **RESPONSE TO REQUEST NO. 33:**

14 Defendant objects to this Request on the grounds that discovery is in its early stages and this
15 Request is premature. Defendant further objects to the extent this Request seeks information
16 protected by the attorney-client privilege or any other applicable privileges or work product
17 protections.

18 Defendant is not in possession of any documents responsive to this Request.

19 **REQUEST NO. 34**

20 All documents used to prepare or referenced in your Answer and Affirmative Defenses.

21 **RESPONSE TO REQUEST NO. 34**

22 Defendant objects to the extent this Request seeks information protected by the attorney-
23 client privilege or any other applicable privileges or work product protections. Defendant will
24 produce responsive information as Defendant's investigation continues and as required under the
25 Federal Rules of Civil Procedure.

26 Defendant is not aware whether it is withholding documents based on these objections.

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REQUEST NO. 35

All documents used to prepare or referenced in your answer to any interrogatory served by Plaintiff in this matter.

RESPONSE TO REQUEST NO. 35

To the extent Defendant references any documents in its answers to Plaintiff's Interrogatories, for which it has no objections, Defendant will produce those documents.

Defendant is withholding documents based on these objections or those set forth in its responses to Plaintiff's Interrogatories.

REQUEST NO. 36

If any documents responsive to any of the above requests are in the hands of third parties or a vendor, produce documents sufficient to identify those third parties or vendors.

RESPONSE TO REQUEST NO. 36:

Defendant objects to this Request as overbroad and seeks documents that are not reasonably calculated to lead to the discovery of admissible evidence and are not proportional to the needs of the case. Defendant further objects on the grounds that the Request is unduly burdensome.


Defendant further objects on the grounds that the request seeks documents outside of Defendants' possession and are equally accessible to Plaintiff. Defendant objects to this Request as overbroad to the extent the Request is untethered to the allegations in Plaintiff's Class Action Complaint.

Defendant further objects to this Request to the extent it seeks confidential, proprietary and/or trade-secret information. Defendant further objects to the extent this Request seeks information protected by the attorney-client privilege or any other applicable privileges or work product protections.

Defendant is withholding documents based on these objections.

DATED: December 23, 2024

REED SMITH LLP

By: 

Adam D. Brownrout (SBN 323846)

Attorneys for Defendant, AECIQ

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On December 23, 2024, I served the following document(s) by the method indicated below:

**DEFENDANT’S RESPONSE TO PLAINTIFF’S
FIRST SET OF REQUESTS FOR PRODUCTION**

- CONFIDENTIAL - NEWMAN-AECIQ00000001 - NEWMAN-AECIQ00000002**
- CONFIDENTIAL - NEWMAN-AECIQ00000003 - NEWMAN-AECIQ00000004**
- CONFIDENTIAL - NEWMAN-AECIQ00000005 - NEWMAN-AECIQ00000043**
- CONFIDENTIAL - NEWMAN-AECIQ00000044 - NEWMAN-AECIQ00000084**

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm’s practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.


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by transmitting a courtesy email to the parties at the email addresses listed below:

Rachel E. Kaufman *Via Email*
Kaufman P.A.
237 South Dixie Highway, 4th Floor
Cora Gables, Florida 33133
Telephone: (305) 469-5881
Email: rachel@kaufmanpa.com
Attorney for Plaintiff and the Proposed Class

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on December 23, 2024, at Stockton, California.



Nancy Medina

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