

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

GENERAL CONFERENCE CORPORATION)
OF SEVENTH-DAY ADVENTISTS and)
GENERAL CONFERENCE OF SEVENTH-DAY)
ADVENTISTS, an Unincorporated Association,)

Plaintiffs,)

v.)

WALTER MCGILL, d/b/a CREATION)
SEVENTH DAY ADVENTIST CHURCH,)
et al.,)

Defendant.)

Case No. 1:06-cv-01207-JDT-sta

**PLAINTIFFS' DISCOVERY REQUESTS TO DEFENDANT
IN AID OF ENFORCEMENT OF PERMANENT INJUNCTION**

Pursuant to this Court's Order Adopting Report and Recommendations (D.E. # 112) of the Magistrate Judge for Contempt and Sanctions (D.E. # 111), as well as to the Federal Rules of Civil Procedure, Plaintiffs General Conference Corporation of Seventh-day Adventists and General Conference of Seventh-day Adventists (collectively the "Plaintiffs"), propound the following discovery upon Defendant Walter McGill d/b/a Creation Seventh Day Adventist Church, Creation Seventh Day Adventist Church, Creation 7th Day Adventist Church, Creation 7th Day Adventist Ministries, Creation Ministries, Creation 7th Day Adventists, Spring City Remnant Church of Creation Seventh-Day Adventists, Association of Creation 7th Day Adventists, Creation Seventh-Day Adventist Church Denomination, Association of Remnant Church of Creation 7th Day Adventists, CSDA, Creation CSDA and Christian Academy CSDA

("Defendant"). The requirements of Rules 26, 33 and 34 of the Federal Rules of Civil Procedure shall govern your responses. The documents requested below should be produced at the offices of Joel T. Galanter, ADAMS AND REESE LLP, 424 Church Street, Suite 2800, Nashville, TN 37219, within thirty (30) days of the date of service of this Request.

In the event you contend the volume of documents requires inspection at some place other than the place indicated herein, please notify the undersigned in writing by return mail of the reasons therefore and the place at which you contend discovery should take place.

DEFINITIONS AND INSTRUCTIONS

For the purpose of these Interrogatories and Requests, the following definitions shall apply:

1. The term "identify" shall mean:
 - a. With respect to any person, to provide the name of the person, the person's business and home addresses, the person's business and home telephone numbers, and the employer, position of employment and/or title of each such person;
 - b. With respect to any conversation, to provide the type of conversation (in person or telephonic), the date of the conversation, the persons involved in or present during such conversation, the approximate duration of such conversation, and the specific dialogue as to everything said in the conversation.
 - c. With respect to any document, to provide the following information regardless of whether the document is deemed privileged or subject to any claim of privilege:
 - i. Type of document (e.g. report, letter, memorandum) and title, if any;
 - ii. Date of document;

- iii. Author of document;
- iv. The present location of any and all copies of document;
- v. All recipients of document;
- vi. All persons who have custody or control of document or copies thereof;
- vii. The general substance of the information contained in a document as to which there is no claim of privilege;
- viii. The nature of any claim of privilege if such claim is made, the identity of the person or the entity claiming the privilege, and a statement that there has been no prior waiver of the privilege claimed (if there has been a waiver, a detailed description of the circumstances surrounding such waiver); and
- ix. In the event that any document called for herein has been destroyed, date of destruction, place and manner of destruction, person(s) authorizing destruction and person(s) destroying the document.

2. Wherever appropriate herein, the singular form of a word shall be interpreted as plural and vice versa.

3. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope hereof any information (as defined herein) which might otherwise be construed to be outside the scope of this discovery request.

4. Wherever appropriate herein, the masculine form of a word shall be interpreted as feminine and vice versa.

5. The term "person" shall include any natural person, firm, partnership, joint venture, corporation, or group of natural persons or such entities.

6. The term "information" shall be expansively construed and shall include, but not be limited to facts, data, opinions, images, impressions, concepts and formulae.

7. The term "documents" shall mean any tangible thing from or on which information can be stored, recorded, processed, transmitted, inscribed, or memorialized in any way by any means, regardless of technology or form and including, but not being limited to: emails, papers, books, accounts, newspapers and magazine articles, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, occurrences, or transactions, affidavits, transcripts of depositions or hearings, statements, summaries, opinions, reports, tests, experiments, analyses, evaluations, contracts, agreements, ledgers, journals, books or records of account, receipts, summaries of accounts, balance sheets, income statements, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, and things similar to any of the foregoing, however denominated. Each copy of a document which contains any separate notations or writings thereon shall be deemed to be a separate document for purposes of these discovery requests.

8. In the event more than one copy of a document exists, the original shall be produced, as well as every copy on which appear any notations or markings of any sort not appearing on the original. Any documents kept in files in the ordinary course of business shall

be produced in such files or in a manner that preserves and indicates the files from which such documents were taken.

9. For any documents not produced on account of privilege or for any other reason, Defendant shall provide to the undersigned Plaintiffs' counsel a list of such documents showing, as to each document not produced, its general nature, its author(s), recipient(s), or addressee(s), date (or approximate date), subject(s), number of pages, present location (including the title of any file in which the document resides or from which it was removed, if removed, for the purpose of this case), and all reason(s) why such document is not being produced.

10. The term "relating to" or any variation thereof, shall mean, but not by way of limitation, constitute, contain, support, modify, criticize, contradict, discuss, mention, describe, refer to, evaluate, analyze, arise from, concern or have a logical connection to or with the subject matter of the request.

11. The term "communication" shall include every exchange of information by any means.

12. The word "regarding" or any other derivative thereof, as used herein shall include referring to, responding to, relating to, and pertaining to, connected with, comprising, memorializing, commenting on, concerning, discussing, showing, describing, reflecting, analyzing and constituting.

13. The term "Defendant" shall mean the Defendant Walter McGill individually, and/or Walter McGill d/b/a Creation Seventh Day Adventist Church, Creation 7th Day Adventist Church, Creation 7th Day Adventist Ministries, Creation Ministries, Creation 7th Day Adventists, Spring City Remnant Church of Creation Seventh-Day Adventists, Association of Creation 7th Day Adventists, Creation Seventh-Day Adventist Church Denomination, Association of

Remnant Church of Creation 7th Day Adventists, CSDA, Creation CSDA and Christian Academy CSDA, identified in the Complaint and any agent, employee, representative (including, without limitation, attorneys, attorneys-in-fact, and accountants and their respective agents and employees) or other persons acting or purporting to act for or on its behalf or at its direction or control, or in concert with, or assisting them and any of their agents, officers or employees.

14. The term “you” or “your” shall mean the Defendant Walter McGill individually, and/or Walter McGill d/b/a Creation Seventh Day Adventist Church, Creation 7th Day Adventist Church, Creation 7th Day Adventist Ministries, Creation Ministries, Creation 7th Day Adventists, Spring City Remnant Church of Creation Seventh-Day Adventists, Association of Creation 7th Day Adventists, Creation Seventh-Day Adventist Church Denomination, Association of Remnant Church of Creation 7th Day Adventists, CSDA, Creation CSDA and Christian Academy CSDA, identified in the Complaint and any agent, employee, representative (including, without limitation, attorneys, attorneys-in-fact, and accountants and their respective agents and employees) or other persons acting or purporting to act for or on its behalf or at its direction or control, or in concert with, or assisting them and any of their agents, officers or employees.

15. The term “Plaintiffs” shall mean the Plaintiff, General Conference Corporation of Seventh-day Adventists and General Conference of Seventh-day Adventists identified in the Complaint, and any agent or representative.

16. The term “Plaintiffs’ Marks” shall mean the marks set forth in Paragraph 5 of the Complaint.

17. Unless specified otherwise, the time period applicable to these interrogatories is January 1, 2009, to the date of the response hereto.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify with specificity any and all bank accounts and real property owned by Defendant, either jointly or individually.

RESPONSE:

INTERROGATORY NO. 2: Please identify with specificity all bank account(s) and real property that is/are owned by any relatives, agents, servants, employees, and/or all those persons in active concert or participation with Defendant, including, but not limited to, any property owned by Defendant Walter McGill's wife, Barbara McGill, that has been or is being used by Defendant, that is being held or maintained on behalf of or for the benefit of Defendant, or from which Defendant has received any monies.

RESPONSE:

INTERROGATORY NO. 3: For any real property or bank account identified in response to Interrogatory Numbers 1 and 2, that is/are not held in the name of Defendant, please identify:

- (a) The person or entity in whose name the real property and/or bank account is maintained;
- (b) The relationship between Defendant and the person or entity in whose name the real property and/or bank account is maintained.

RESPONSE:

INTERROGATORY NO. 4: Please identify with specificity all domain names and/or websites owned by, registered to, or maintained for the benefit of Defendant, or of any relatives, agents, servants, employees, and/or all those persons in active concert or participation with Defendant.

RESPONSE:

INTERROGATORY NO. 5: Please identify with specificity any domain name and/or website not owned by, or registered to Defendant, but which is maintained for the benefit of and/or use of Defendant and/or has been modified directly or indirectly by Defendant, and for each such domain name and/or website, please identify with specificity the name of the person or entity in whose name such domain name and/or website is registered.

RESPONSE:

INTERROGATORY NO. 6: As it relates to any and all domain names and/or websites identified in response to Interrogatory Numbers 4 and 5 and for each of the domain names and/or websites identified in the Court's Order Adopting Report and Recommendations (D.E. # 112) of the Magistrate Judge for Contempt and Sanctions (D.E. # 111), if said domain

name and/or website is not owned by or registered to the Defendant, please identify and state with specificity:

- (a) The relationship between Defendant and the owner or registree of said domain name and/or website;
- (b) Any and all passwords used to access and/or modify said domain name and/or its corresponding website; and
- (c) Any and all correspondence, including but not limited to emails relating to said domain name and/or its corresponding website and any modification to such websites.

RESPONSE:

VERIFICATION

I, Walter McGill, verify that I have read the foregoing Responses to Plaintiffs' Interrogatories Propounded Upon Defendant and hereby declare under penalty of perjury that the responses to the above interrogatories are true and correct to the best of my knowledge, information and belief.

Walter McGill

REQUESTS FOR PRODUCTION

REQUEST NO. 1: Please produce documents sufficient to show all bank accounts and/or real estate owned, whether in whole or in part, jointly or individually, by Defendant.

REQUEST NO. 2: Please produce documents sufficient to show all domain names and/or websites owned by, registered to, or maintained for the benefit of, Defendant, or any relatives, agents, servants, employees, and/or all those persons in active concert or participation with Defendant.

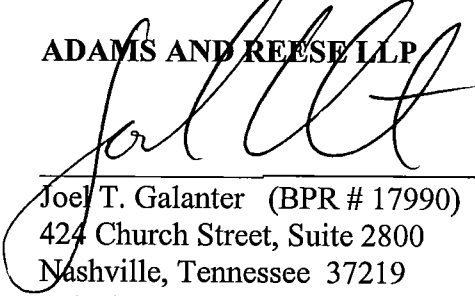
REQUEST NO. 3: Please produce documents sufficient to show any and all passwords used to access and/or modify any domain name and/or website owned by, registered to, or maintained for the benefit of Defendant, or any relatives, agents, servants, employees, and/or all those persons in active concert or participation with Defendant, including but not limited to each of the domain names and/or websites identified in the Court's Order Adopting Report and Recommendations (D.E. # 112) of the Magistrate Judge for Contempt and Sanctions (D.E. # 111).

REQUEST NO. 4: Please produce all correspondence, including but not limited to, emails concerning any domain name and/or website owned by, registered to, or maintained for the benefit of Defendant, or any relatives, agents, servants, employees, and/or all those persons in active concert or participation with Defendant, including but not limited to each of the domain names and/or websites identified in the Court's Order Adopting Report and Recommendations (D.E. # 112) of the Magistrate Judge for Contempt and Sanctions (D.E. # 111).

REQUEST NO. 5: Please produce any and all documents referenced, identified or otherwise described in your response to the Interrogatories set forth herein above.

Respectfully submitted,

ADAMS AND REESE LLP



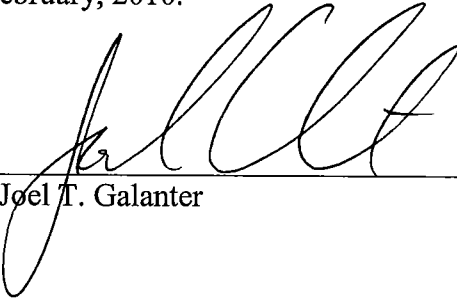
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*Attorneys for Plaintiffs General Conference
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General Conference of Seventh-day
Adventists*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on Charles L. Holliday, 312 East Lafayette Street, P.O. Box 2004, Jackson, TN 38302, via first class mail, postage prepaid, as well as by electronic mail, on this the 4th day of February, 2010.



Joel T. Galanter