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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION**

JZK, INC., a Washington corporation, and JZ Knight, an individual,

Plaintiffs,

vs.

GLEN MORGAN and LAUREN MORGAN, and the marital community comprised thereof; and EVERGREEN FREEDOM FOUNDATION, a non-profit Washington corporation,

Defendants.

No. C14-05410-BHS

**DEFENDANT FREEDOM
FOUNDATION'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO PLAINTIFFS**

TO: Plaintiffs
AND TO: Plaintiffs' attorneys of record.

Pursuant to FRCP 26, 33, and 34, JZK, Inc. and JZ Knight (“plaintiffs,” “you” and “your”) is requested to answer the following interrogatories and requests for production in writing and under penalty of perjury, and after you and your attorneys sign them below, to serve the original upon the undersigned counsel at the office of The Freedom Foundation, PO Box 552, Olympia, Washington 98507. You must serve your answers within thirty (30) days after the interrogatories and requests for production are served on you. Please answer each interrogatory or request for production in the space provided. Each part and subpart is to be answered completely.



1 These interrogatories and requests for production impose a continuing obligation pursuant
2 to FRCP 26(e).

3 **DEFINITIONS**

4 As used in these Interrogatories:

- 5 1. "Agreement" means a contract, arrangement, or understanding, formal or informal, oral
6 or written, between two or more persons.
- 7 2. "Any" means one or more.
- 8 3. "Communication" means any disclosure, transfer, or exchange of information or opinion,
9 however made.
- 10 4. The phrase "describe in detail" as used in these interrogatories includes a request for a
11 complete description and explanation of the facts, circumstances, analysis, opinion and
12 other information relating to (as that phrase is defined below) the subject matter of a
13 specific interrogatory.
- 14 5. "Document" means any written, recorded, or graphic material of any kind, whether
15 prepared by you or by any other person, that is in your possession, custody, or control.
16 The term includes agreements; contracts; letters; telegrams; inter-office communications;
17 memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks;
18 diaries; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies;
19 charts; graphs; descriptions; drafts, whether or not they resulted in a final document;
20 minutes of meetings, conferences, and telephone or other conversations or
21 communications; invoices; purchase orders; bills of lading; recordings; published or
22 unpublished speeches or articles; publications; transcripts of telephone conversations;
23 phone mail; electronic-mail; ledgers; financial statements; microfilm; microfiche; tape or
24 disc recordings; and computer print-outs.

- 1 6. The term "document" also includes electronically stored data from which information can
2 be obtained either directly or by translation through detection devices or readers; any
3 such document is to be produced in a reasonably legible and usable form. The term
4 "document" includes all drafts of a document and all copies that differ in any respect
5 from the original, including any notation, underlining, marking, or information not on the
6 original. The term also includes information stored in, or accessible through, computer or
7 other information retrieval systems (including any computer archives or back-up
8 systems), together with instructions and all other materials necessary to use or interpret
9 such data compilations.
- 10 7. Without limitation on the term "control" as used in the preceding paragraph, a document
11 is deemed to be in your control if you have the right to secure the document or a copy
12 thereof from another person.
- 13 8. "Identify" or "identity" means to state or a statement of:
- 14 a. In the case of a person other than a natural person, its name, the address of its
15 principal place of business (including zip code), its telephone number, and the
16 name of its chief executive officer, as well as, if it has a person other than a
17 natural person that ultimately controls it, that other person's name, the address of
18 that person's principal place of business (including zip code), that other person's
19 telephone number, and the name of that other person's chief executive officer;
- 20 b. In the case of a natural person, his or her name, place of residence, personal
21 physical address and personal mailing address, telephone numbers, e-mail
22 addresses, known whereabouts, employer, and title or position;
- 23 c. In the case of a communication, its date, type (e.g., telephone conversation or
24 discussion), the place where it occurred, the identity of the person who made the

1 communication, the identity of the person who received the communication, the
2 identity of each other person when it was made, and the subject matter discussed;

- 3 d. In the case of a document, the title of the document, the author, the title or
4 position of the author, the addressee, each recipient, the type of document, the
5 subject matter, the date of preparation, and its number of pages; and
6 e. In the case of an agreement, its date, the place where it occurred, the identity of
7 all persons who were parties to the agreement, the identity of each person who has
8 knowledge of the agreement and all other persons present when it was made, and
9 the subject matter of the agreement.

10 9. "Including" means including, but not limited to.

11 10. "Person" means any natural person, corporation, company, partnership, joint venture,
12 firm, association, proprietorship, agency, board, authority, commission, office or other
13 business or legal entity, whether private or governmental.

14 11. "Relating to" means containing, constituting, considering, comprising, concerning,
15 discussing, regarding, describing, reflecting, studying, commenting or reporting on,
16 mentioning, analyzing, or referring, alluding, or pertaining to, in whole or in part.

17 12. "Relevant time period" means the time period stated in paragraph 1 of the Instructions
18 below.

19 13. "Year" means calendar year or the twelve-month period on which your business records
20 are based; if the latter is used in responding to an interrogatory, specify the twelve-month
21 period used.

22 14. The "March 2011 live streamed event" means any portion of the event held at Plaintiffs'
23 property from March 2011 to April 2011, and/or any single day(s) within that time
24

1 period, which Plaintiffs have alleged was filmed and live streamed and the recording of
2 which Plaintiffs have alleged are copyrighted and the basis of this lawsuit.

3 INSTRUCTIONS

- 4 1. Each interrogatory is to be answered separately, in writing, and as fully as possible. State
5 the name of the person answering that interrogatory, whether information furnished is
6 within the personal knowledge of that person and, if not, the name of the person assisting
7 in the preparation of, or furnishing of, information used in the answer to that
8 interrogatory, and the name of the person to whom such information is a matter of
9 personal knowledge.
- 10 2. The omission of any name, fact, or other item of information from the answers shall be
11 deemed a representation that such name, fact or item is not known to you or your counsel
12 at the time of the service of your answer to the interrogatory.
- 13 3. If any interrogatory herein cannot be answered in full after exercising due diligence to
14 secure the information to do so, it shall be answered to the extent possible with an
15 explanation as to why a complete answer is not possible.
- 16 4. To the extent that you believe that an interrogatory is objectionable, answer so much of
17 the interrogatory as, in your view, is not objectionable and separately state the portion of
18 each interrogatory to which you object and the grounds for your objection.
- 19 5. To the extent that you believe that an interrogatory calls for information subject to a
20 privilege, answer so much of each interrogatory that, in your view, is not privileged and
21 separately set forth in a log:
- 22 a. The grounds upon which you believe the document is privileged;
 - 23 b. Whether the document has been withheld or redacted;
 - 24 c. The date of the document or communication;

- 1 d. The author(s) of the document or the person(s) who participated in the
2 communication;
- 3 e. The recipient(s) of the document or the person(s) who received the
4 communication;
- 5 f. The title of the document;
- 6 g. The type of document (e.g., e-mail, fax, letter, agreement, etc.);
- 7 h. The subject of the document or communication, except to the extent that you
8 claim that the subject itself is privileged;
- 9 i. The number of pages in the document; and
- 10 j. The specific request, or requests, to which the document is responsive.
- 11 6. To the extent that you believe any interrogatory is ambiguous, your answer should set
12 forth the matter deemed ambiguous and the construction used in responding.
- 13 7. These interrogatories are continuing in nature and must be supplemented promptly if the
14 plaintiff obtains additional or different information related to any response at any time
15 before the termination of this action.
- 16 8. In lieu of providing a full description of a document in accordance with the above
17 paragraph, you may attach a copy of the document for which a description is requested,
18 and in your answer to the interrogatory only provide those items of description requested
19 which do not appear on the face of the document.
- 20 9. When interpreting these interrogatories words in the singular also include their plural.
21 Words used in the plural also include their singular.

FIRST SET OF INTERROGATORIES

22
23 **Interrogatory No. 1:** Identify every person who physically attended the March 2011 live
24 streamed event in whole or in part and indicate the total number of physical attendees.

1 **Answer:**

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3 **Interrogatory No. 2:** Identify every person who subscribed and/or viewed the March 2011 live
4 streamed event in whole or in part by viewing the event on the Internet and indicate the total
5 number of subscribers or viewers via the Internet.

6 **Answer:**

7

8 **Interrogatory No. 3:** Please describe, in detail, the process by which you captured, stored, and
9 streamed the video from the March 2011 live streamed event, and identify the persons who, in
10 any manner, facilitated and managed the technical processes of filming, storing, and/or streaming
11 the video, including the processes by which internet viewers of the event gained access to the
12 internet live-stream of the event and the persons who in any manner facilitated and managed
13 your online content and online viewing capabilities for this event.

14 **Answer:**

15

16 **Interrogatory No. 4:** What price of attendance and admission did plaintiffs charge and collect
17 from persons in physical attendance at the March 2011 live-streamed event and what price did
18 plaintiffs charge and collect from persons who accessed and viewed the March 2011 live
19 streamed event over the Internet, and what was the total revenue plaintiffs collected from the
20 March 2011 live streamed event.

21 **Answer:**

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23 **Interrogatory No. 5:** Identify with specificity the damages you contend you suffered as a result
24 of the alleged copyright violation in this lawsuit.

1 **Answer:**

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REQUESTS FOR PRODUCTION

4 **Request No. 1:** Produce any and all bank records including any and all transactions, deposits,
5 withdrawals, or other banking activity relating to March 2011 live-streamed event.

6 **Response:**

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8 **Request No. 2:** Produce any and all copies of all documents related to any and all financial
9 transactions related to the March 2011 live-streamed event, including, but not limited to receipts,
10 bank records, spreadsheets, and federal, state, and local tax related documents—including the
11 taxes paid related to the March 2011 live-stream event.

12 **Response:**

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14 **Request No. 3:** Produce all communications related to March 2011 live-streamed event,
15 including but not limited to internal communications between employees, volunteers, and any
16 and all other persons acting on behalf of plaintiffs, and any communications between plaintiffs or
17 their representatives and any other person relating to the March 2011 live-streamed event.

18 **Response:**

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20 **Request No. 4:** Produce all records documenting, supporting, or used to determine the damage
21 amount identified in response to Interrogatory Number 5 above.

22 **Response:**


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1 **CERTIFICATION**

2 I, David Dewhirst, certify that these discovery requests conform with the requirements of
3 FRCP 26, specifically Section (g)(1)(B).

4
5 Dated: January 16, 2015

6 

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8 P.O. Box 552, Olympia, WA 98507
9 PH: 360.956.3482 | F: 360.352.1874
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1 **PLAINTIFFS' CERTIFICATION**

2 I, Andrea McNeely (WSBA #36156), have reviewed the foregoing answers to
3 interrogatories and requests for production and hereby certify that these responses are in
4 compliance with CR 26(g).

5 ANSWERS and RESPONSES dated this ____ day February, 2015.

6
7
8 GORDON THOMAS HONEYWELL LLP

9
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