

# **EXHIBIT B**

<http://annanicoleandhowpraktstern.com>



1. Parties. The term "plaintiff" or "defendant," as well as party's full or abbreviated name or a pronoun referring to a party, means the party and, when applicable its agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

2. Person. The term "person" means any natural person, a business, a legal or governmental entity, or an association.

3. You and Your. The terms "you" and "your" mean DEFENDANT, HOWARD STERN and his agents, representatives, attorneys, experts, and other persons or entities acting or purporting to act on his behalf.

4. Material. The term "material" means all documents, electronically stored information, or tangible things. The term is synonymous with and equal in scope to the usage of "documents, electronically stored information or tangible things" in Texas Rule of Civil Procedure 196. A draft or nonidentical copy of a document, electronically stored information, or a tangible thing is a separate item within the meaning of this term.

(1) Document. The term "document" means information that is fixed in a tangible medium, such a paper. It includes, but is not limited to, writings, drawings, films, charts, photographs, notices, memoranda, diaries, minutes, correspondence, books, journals, ledgers, reports, worksheets, notes, printed e-mails, letters, abstracts, audits, charts, checks, diagrams, drafts, instructions, lists, logs, resumes, and summaries.

(2) Electronically stored information. The term "electronically stored information" means electronic information that is stored in a medium from which it can be retrieved and examined. It includes, but is not limited to, all electronic files that are electronically stored.

(a) "Electronic file" includes, but is not limited to, the following: voicemail messages and files; e-mail messages and files; deleted files; temporary files; system history files; internet or web-browser generated information stored in textual, graphical, or audio format, including history files, caches, and cookies; computer activity logs; and metadata. Unless otherwise defined, each example used to illustrate the term "electronic file" will have the meaning assigned to it by *Webster's New World Computer Dictionary* (10 ed. 2003).

(b) "Electronic storage" refers to electronic files contained on magnetic, optical, or other storage media, such as hard drives, flash drives, DVDs, CDs, tapes, cartridges, floppy diskettes, smart cards, integrated circuit cards, and other media. Unless otherwise defined, each example used to illustrate the term "electronic storage" will have the meaning assigned to it by *Webster's New World Computer Dictionary* (10 ed. 2003).

- (3) Tangible thing. The term "tangible thing" means physical objects that are not documents or electronically stored information.
5. Communication. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries, or otherwise.
6. Relating. The term "relating" means concerning, referring, describing, evidencing, or constituting, either directly or indirectly.
7. Any. The term "any" should be understood in either its most or its least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
8. And & or. The connectives "and" and "or" should be construed either conjunctively or disjunctively as necessary to bring within the scope of the discovery request in all responses that might otherwise be construed to be outside its scope.
9. Number. The use of the singular form of any word includes the plural and vice versa.


#### Instructions

1. Respond to each request for production separately by listing the materials and by describing them as defined above. If the material is numbered or labeled for production, in each response provide both the information that identifies the material and the materials' number or label.
2. Produce documents and tangible things in the forms as they are kept in the ordinary course of business, or organize and number or label them to correspond with the categories in the discovery request.
3. Produce electronically stored information in native format. For any electronically stored information produced:
  - (1) Produce a discovery log that details the type of information, the source of information, the discovery request to which the information corresponds, and the information's electronic ID number.
  - (2) Write all of the electronically stored information to reasonably usable storage media, such as CD, DVD, or flash drive.
4. For electronically stored information, identify every source containing potentially responsive information that HOWARD STERN is not searching for producing.

5. If objecting to a request for production, state the objection with particularity, providing specific grounds for the objection.
6. For any materials that HOWARD STERN asserts are privileged, protected, or otherwise exempt from discovery, provide the following:
  - (1) The specific grounds for the claim of privilege, protection, or other exemption.
  - (2) The type of material being withheld, and, if the material is electronically stored information, the file format of the material.
  - (3) The subject matter of the material.
  - (4) The date of the material.
  - (5) The name, job title, and address of the author of the material.
  - (6) The name, job title, and address of each addressee of the material.
  - (7) The name, job title, and address of each person who received, was copied on, or otherwise saw all, part, or a summary of the material.
  - (8) The name, job title, and address of the custodian of the material, and the material's current location.
7. For any materials that you claim no longer exist or cannot be located, provide all of the following:
  - (1) A statement identifying the material.
  - (2) A statement of how and when the material passed out of existence or when it could no longer be located.
  - (3) The reasons for the material's nonexistence or loss.
  - (4) The identity, address, and job title of each person having knowledge about the nonexistence or loss of the material.
  - (5) The identity of any other materials evidencing the nonexistence or loss of the material or any facts about the nonexistence or loss.

Respectfully submitted,

THE O'QUINN LAW FIRM

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CERTIFICATE OF SERVICE

On the 1st of August, 2008, Plaintiff served the foregoing Requests for Production to all counsel of record as follows.

Mr. William Ogden  
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*Via Hand Delivery*

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NEIL McCABE