

Case 206-SC03702 Kirsch v. US Record Search

Attachment 2a (SC-107)

REQUIREMENTS

- 1) No redactions are permitted in the requested documents unless expressly specified in the request.
- 2) If a document is produced under one request, it need not be produced again in an overlapping request.

BACKGROUND

In entering into the agreement with Defendant, Plaintiff relied on the following:

Representations in writing

Please be advised that if you can provide us with a copy of any Court Documentation, (i.e. Money Judgment, Divorce or etc.), pertaining to this case, as prescribed by Federal Legislation, we can re-submit the search with no additional costs.

Website representations

1. **US Record Search** can find the answers you've been looking for.
2. We can trace any type of assets: Bank Accounts: Checking and Savings, Investments: Stocks / Bonds / Mutual Funds, Off-shore bank accounts, investments, and hidden assets
3. **LICENSED, BONDED AND INSURED**
4. We have successfully located assets for thousands of individuals.
5. We limit retrieval to documents or information available from a public entity or public utility which are intended for public use and do not further elaborate on that information contained in the public entity or public utility
6. ***The nation's leader in searching for and locating assets***
7. **Affordable Rates: 1/2 of any other company**

Verbal representations (most caught on MP3; others via affidavit)

1. We only make \$20 on the search. The rest goes to the banking system.
2. Only 10 firms are licensed to do what we do; it's the only 100% legal way to get this information
3. We have a \$2M bond
4. We login and enter the search into the banking system in Washington, DC and hit submit

5. We are required by law to quote 15 to 20 days for the search, but some searches come back within a few days, sometimes even the next day!
6. We have 35 researchers who work for us
7. We will provide you with both bank account numbers and account balances
8. We don't need a copy of the judgment
9. Searches are done "through the banking system"
10. We'll call you and email you the results
11. Our repeat customers include major law firms including (1) Baker & McKenzie, (2) Skadden, Arps, Slate, Meagher & Flom LLP, and (3) Baker & Botts LLP

DOCUMENT REQUESTS

- 1) Provide any and all documents that are specifically related to the search that I paid you to do for me. For example, records from ChoicePoint, Accurant, Pacer, etc. showing what queries were done and the date they were done, any notes of the researcher who performed the search, all records of payments made to the banking system that paid for this search or if not detailed, the monthly bill from the banking system for your searches.
- 2) Provide the "search results" returned from you from the "banking system" for the Javier Cuadra bank search I contracted with you for. I want the results that the "banking system" you referenced in our call sent to you telling you that "no results were found" for my search.
- 3) Provide any document showing the name and contact information for any person or organization ("the banking system") that I can send a subpoena to in order to obtain records of the search that was done in the banking system to find the records I requested. Basically, I want the contact in the banking system that either performed this search personally or handled this search for you. For example, the name and phone number of your contact in the banking system would suffice. I want to subpoena that person as a witness at trial because according to every other asset search firm I've contacted, no such person or method exists. If there is no name, but a computer interface, then provide copies of the result page from the search and the URL or phone number of the computer interface that was used to obtain that result.
- 4) Provide a document that explains how you are able to legally find account number and balances of Javier Cuadra's bank accounts and brokerage accounts nationwide legally.
- 5) You told me on the phone that your firm was one of only 10 firms in the country that can use the banking system to do searches. I want any documents from the banking system that give you this authorization.
- 6) You told me on the phone you had a \$2 million dollar bond. Provide a copy of your \$2 million dollar bond you claim that you have showing who the bonding company is and the amount of the bond.
- 7) Provide a copy of your insurance coverage that you claim on the website
- 8) Provide a list of all people and their contact information in July 2006 that you "successfully" located bank account numbers and balances. I believe that

there are no such names because everyone is unsatisfied. I want the list of each client in July 2006 who contracted with you for a search and their phone numbers.

- 9) Provide a document that explains how it is possible to obtain bank account numbers and balances using only “documents or information available from a public entity or public utility which are intended for public use.” Nobody seems to think that this is possible so you’ll need to explain to the court how you do that.
- 10) Provide any documents that substantiate the claim that you are “The nation's leader in searching for and locating assets.” On what basis do you make that claim? Or is this false advertising. I want to see any and all documents that substantiate the claim.
- 11) I’m sorry you make only \$20 on each search. Show me bank statements that prove you paid the banking system and invoices from the banking system that prove that the other \$475 of the money you took from me was sent to “the banking system” in Washington, DC to pay for my search. Cancelled checks, bank statements, and invoices, etc. would suffice.
- 12) Provide documents that give the names of the other 9 firms that are licensed to be able to do asset searches legally, like you claim you do. You represented there are 10 firms that able to do these kind of searches so I want to know who they other 9 are. I was pretty surprised you were unwilling to disclose this information when asked over the phone since because you advertise on your website that you are half the price of anyone else.
- 13) Provide a document that explains how to login to the “banking system” and enter your search. If done over the Internet, provide the URL where you login. If done via dialup, provide the phone number that you use to log into the banking system.
- 14) Provide the username and password and login instructions that you use to log into the banking system to enter a new search. Include this in the packet in a separate envelope and mark this “for in camera review only” as I’m sure that this is confidential information and I do not need to see it, but the judge does.
- 15) Provide a document from “the banking system” authorizing your usage and providing instructions on how to enter searches. The judge will need this for the previous step.
- 16) You said you were required by law to quote 15 to 20 days for the search. What law requires you to quote 15 to 20 days for the bank account asset search? Provide a copy of the statute or the legal citation.
- 17) Provide documents that you have 35 researchers working for you as you claimed. For example, payroll records, etc. Whatever you think is convincing and verifiable is fine. At a minimum, names and phone numbers for each of the 35 researches.
- 18) Show evidence that you called me within 20 days from the start of my search with my search results as you promised.
- 19) Since you have “half the price” of the competition and deal directly with the banking system and are one of only 10 firms that do this search legally, then I’m sure you’re just inundated with work. In fact, you told one of my

attorneys that (1) Baker & McKenzie, (2) Skadden, Arps, Slate, Meagher & Flom LLP, and (3) Baker & Botts LLP use your service regularly to do bank account searches. Provide documents that substantiate this for each of these 3 law firms, e.g., a recent check cleared from their account and the name of the partner at each of these law firms that ordered the search.

- 20) Similarly, all the major collection agencies in the US would use your service on a regular basis as well since you are ½ the price of your nearest competitor as you represent on your website. Supply the firm name and contact name for the top 3 collection agencies using your bank record asset search on a regular basis.
- 21) Provide a copy of all lawsuits that have been served upon you in the past 3 years and a document with the disposition of each case. This will help establish the punitive damage amount. If you won all the cases, for example, this will really help your case.
- 22) Provide a document showing the number of bank account asset searches you did in July 2006.
- 23) Provide a document showing the number of bank account asset searches you did in July 2006 which returned at least one account number and account balance.
- 24) You stated in your email to me “Please be advised that if you can provide us with a copy of any Court Documentation, (i.e. Money Judgment, Divorce or etc.), pertaining to this case, as prescribed by Federal Legislation, we can re-submit the search with no additional costs.” Please provide a copy of the Federal Legislation that you are referring to that allows you to do that.

NOTE: If you provide all the requested documents and the requested documents substantiate your claims, it’s likely you will win the case. Therefore, it is in your best interest to provide these documents without objection. If you do not, then it is highly likely you will lose and receive maximum punitive damages.

If you fabricate false evidence and submit that fabricated evidence to the court, you could be charged with a crime.

Good luck. You’ll need it.

Attachment 4 (SC-107)

These documents will establish whether Defendant’s representations were true or false and in the event they are false, help the court establish the appropriate level of punitive damages.