

IN THE TENTH JUDICIAL CIRCUIT COURT OF TAZEWELL COUNTY, ILLINOIS

SMITH & WEER, P.C., Plaintiff, vs. STEPHEN BOLIN, Defendant.	CASE NO.: 2024-LM-205
DEFENDANT’S REQUEST FOR DISCOVERY	

Pursuant to the Illinois Rules of Civil Procedure, Defendant Stephen Bolin hereby requests that Plaintiff Smith & Weer, P.C., answer the following interrogatories and produce the documents as specified below. The Plaintiff is requested to respond within thirty (30) days of service of this request.

DEFINITIONS

For the purposes of these Interrogatories and Requests for Production of Documents, the following definitions apply:

Access Logs:

"Access Logs" refers to any and all records, in any format, that track, log, or otherwise record the access, use, or interaction with a computer system, network, or electronic device. This includes, but is not limited to, date and time of access, the identity of the individual accessing the system, the IP address used for access, the type of access (such as read, write, modify, delete), and the specific files or systems accessed.

Metadata:

"Metadata" refers to any and all underlying information provided within a digital file that describes or pertains to the nature, characteristics, origin, or history of the file. This includes, but is not limited to, the date and time the file was created, modified, and last accessed, the author of the file, the location on the network where the file is stored, file size, and file format. This includes the user who deleted the file if applicable.

Electronic Communications:

"Electronic Communications" includes all forms of communication facilitated by electronic means, comprising, but not limited to, emails, instant messages, text messages, voice over internet protocol (VoIP) calls, and entries in electronic calendars.

Documents:

"Documents" are to be construed in the broadest sense and include writings, drawings, graphs, charts, photographs, sound recordings, images, and other data compilations from which information can be obtained or translated into a usable form. This includes electronically stored information (ESI), both printed and stored in any electronic form.

Electronic Files:

"Electronic Files" refers to any files that contain data or information, which are stored electronically on any computer system, network, or electronic storage medium. This definition includes, but is not limited to, word processing documents, spreadsheets, emails, databases, backup files, and the data contained therein.

Plaintiff and Defendant:

"Plaintiff" refers to Smith & Weer, P.C., and "Defendant" refers to Stephen Bolin, unless specifically stated otherwise in individual interrogatories or requests.

Personal Matters:

"Personal Matters" refers to any use of company resources, including electronic communications and equipment, for purposes unrelated to the business or operational functions of Smith & Weer, P.C., such as personal emails, personal financial transactions, or personal travel arrangements.

Business Emails:

"Business Emails" refers to emails sent or received in connection with the official business activities of Smith & Weer, P.C.

These definitions are intended to clarify the terms used in the discovery requests to ensure precise and accurate responses from the Plaintiff in accordance with the Illinois Rules of Civil Procedure.

INTERROGATORIES TO SMITH & WEER, P.C.:

1. Please state the full names, job titles, and contact information of all employees and outside counsel who helped in any way respond to this request for discovery.
2. Please state the full names, job titles, and contact information of all employees who had access to the email accounts and electronic files referred to in the Complaint.
3. Describe in detail the process and protocols in place at Smith & Weer, P.C., regarding the handling, storage, and deletion of electronic files and emails, including but not limited to the employee handbook signed by the defendant at the the commencement of employment.

4. Provide a detailed description of any and all communication, including date and content, between Smith & Weer, P.C. management and the Defendant concerning the transfer or handling of client files and bankruptcy notices.
5. Identify any and all instances where Attorney W. Edgar Weer and Office Manager Cecilia Weer of Smith & Weer, P.C., have used company email accounts for personal matters, including but not limited to personal travel arrangements or personal bill payments.
6. State whether Smith & Weer, P.C., has ever disciplined or warned any employee for the improper handling or deletion of electronic files or emails. If so, provide the details of each instance.
7. In regards to the office manager's email to the defendant on Thursday, August 15th, 2024 at 12:00 PDT asking why the Defendant deleted over 26,675 files before the defendant left Smith & Weer, were these files or "many emails" deleted before or after August 9, 2024?
8. In her email to the defendant dated Thursday, August 15th, 2024 at 12:40 PDT stating, "PLEASE, STOP LYING." and stating "No explanation or excuses for what you did. Admitting what you did, I think will be the best way to do", what specifically did the office manager want the defendant to admit to and what was the defendant lying about?
9. Regarding the office manager's email to the defendant on Thursday, August 15th, 2024 at 14:06 PDT, she asked, "Did you access our system remotely?"; please provide any and all evidence of such remote access by the Defendant.
10. Please summarize what you allege the defendant did that entitles you to relief.
11. Did the defendant routinely delete and/or otherwise manage files on the computers to save space?

12. What specific damages are you alleging?
13. Please describe any contact you had with the Pekin Police Department, prosecutors, and/or any other law enforcement agency regarding this case including any response the agency gave to you.
14. Please describe the damage to the Plaintiff's reputation as alleged in the complaint.

REQUESTS FOR PRODUCTION OF DOCUMENTS TO SMITH & WEER, P.C.:

1. All documents, including electronic communications, policies, and memos, relating to the protocols for handling and securing client files and emails.
2. All communications between the Defendant and any employees of Smith & Weer, P.C. regarding the handling, storage, and deletion of client files and bankruptcy notices.
3. Any documents showing access logs to the email accounts and network drives in question for the six months preceding the filing of the Complaint.
4. All documents or communications that demonstrate the use of company email accounts for any personal matters by any employee, including the management, of Smith & Weer, P.C.
5. Any previous complaints or legal actions taken against Smith & Weer, P.C., regarding the handling or misuse of client files or confidential information.
6. Documentation or evidence of any disciplinary actions taken against any employee for the mishandling or unauthorized deletion of client files or emails.
7. The metadata of all files that were alleged to have been deleted on or before August 9, 2024, by the Defendant.
8. The metadata of all files that were alleged to have been deleted after August 9, 2024, by the Defendant.

9. All exhibits that the Plaintiff intends to introduce at trial.
10. A complete witness list, including the full name and contact details of each witness the Plaintiff intends to call at trial.
11. The name, address, email address, and qualifications of the computer technician cited in the Complaint.

CERTIFICATION

I certify that the requests made herein are made in good faith, are relevant to the claims and defenses in this action, and are not intended to be oppressive or cause unnecessary delay.

Respectfully Submitted,

/s/ Stephen Bolin

Stephen Bolin

101 Bartlett St

Reno, Nevada 89512

stephen@thestephenbolin.com

CERTIFICATE OF SERVICE

The undersigned hereby declares under penalty prescribed by law, that this Discovery Request was served by email on October 2, 2024 to the following parties:

W. Edgar Weer ed@smithandweer.com

Maury Barry maury@smithandweer.com

Respectfully Submitted,

/s/ Stephen Bolin

Stephen Bolin

101 Bartlett St

Reno, Nevada 89512

stephen@thestephenbolin.com