

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TRADEMARK PROPERTIES, )  
INC., a South Carolina corporation; )  
RICHARD C. DAVIS, an individual )

Plaintiffs, )

vs. )

A&E TELEVISION NETWORKS, )  
a joint venture of the Hearst )  
Corporation, ABC INC. and NBC )  
UNIVERSAL; DEPARTURE FILMS )  
an entity of unknown origin; and )  
DOES 1-20, inclusive )

Defendants. )

\_\_\_\_\_  
A&E TELEVISION NETWORKS, )

Counterclaim Plaintiff, )

vs. )

TRADEMARK PROPERTIES, INC.)  
and RICHARD C. DAVIS, )

Counterclaim Defendants. )  
\_\_\_\_\_

Civil Action No.2:06-CV-2195-CWH

THE PLAINTIFFS' MOTION TO  
COMPEL DISCOVERY RESPONSES  
OF THE DEFENDANTS AND  
COUNTERCLAIM PLAINTIFF

Pursuant to Rule 26 and 37 of FRCP, the Plaintiffs through their undersigned counsel do move for an order compelling the Defendants/Counterclaim Plaintiff to fully respond to the Plaintiffs' discovery requests. In support of this motion and in accordance with Local Rule 7.04, the Plaintiffs show the Court as follows:

The Plaintiffs served the Plaintiffs First Set of Interrogatories and First Request for Production of documents on the Defendants and Counterclaim Plaintiff by letter dated December 7, 2006.

The Defendant, A&E Television Networks, (“AETN”) served responses and objections to the Plaintiffs’ First Set of Interrogatories by letter dated January 9, 2007. AETN’s Responses are attached as Exhibit “A”. The Defendant, Max Weissman d/b/a Departure Films (“Departure Films”) served responses and objections to the Plaintiffs’ First Set of Interrogatories by letter dated January 9, 2007. Departure Films’ Responses are attached as Exhibit “B”.

AETN and Departure Films collectively served responses and objections to the Plaintiffs’ First Request for Production by letter dated January 9, 2007. Their Responses are attached as Exhibit “C”.

**AETN’S RESPONSES AND OBJECTIONS TO THE PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

With respect to AETN’s Responses to Interrogatories numbers 2, 3, 4, 5 and 6 the Plaintiffs’ request that Defendant, AETN, be required to fully respond to Plaintiffs’ interrogatories.

As to interrogatory number 2, the Plaintiff seeks an itemization of the damages sought by the Defendant AETN in its Counterclaim. The Defendant answered by stating that it objected to interrogatory number 2 on the ground that it is premature. The Plaintiff is entitled to know what damages AETN seeks from the Plaintiff in its Counterclaim.

As to interrogatories numbers 3, 4, 5 and 6 the Plaintiffs seek an itemization of all revenues generated by the Defendant, AETN, from the first and second season of the subject

television series as well as an itemization of all expenses incurred relative to the subject television series from the first and second season. AETN objects on the grounds that the information is not relevant to the subject matter of the pending action and it is not reasonably calculated to lead to the discovery of admissible evidence.

The Plaintiff seeks a full response to its interrogatories as the Plaintiff contends in the subject lawsuit that they are entitled to fifty (50%) percent of the net revenues generated by AETN from the subject series. The Plaintiffs allege that they are entitled to fifty (50%) percent of the net revenues in paragraphs 7, 8, 31, 35 and 42 of the Complaint. The Plaintiffs cannot prove their actual damages if the Defendant, AETN, does not fully and completely respond to the Plaintiffs' interrogatories.

**THE DEFENDANTS, DEPARTURE FILMS' OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

With Respect to Departure Films Responses to Interrogatories numbers 3, 4, 5 and 6 the Plaintiffs request that the Defendant, Departure Films, be required to fully respond to the Plaintiffs' interrogatories.

In these interrogatories the Plaintiffs seek an itemization of all revenues generated by Departure Films from the first and second season of the subject television series as well as an itemization of all expenses incurred relative to the subject television series for the first and second season.

The Plaintiffs in its eighth cause action for constructive trust and accounting allege that the Defendants have derived and received income and profits from the sale, distribution and exploitation of the series and request that the Defendants be require to pay the Plaintiffs all said

amounts. The Plaintiffs cannot determine the amount of profits and expenses generated by Departure Films without receiving the information concerning the revenues and expenses of Departure Films.

**THE DEFENDANTS OBJECTIONS AND RESPONSES TO THE PLAINTIFFS' FIRST  
REQUEST FOR DOCUMENTS**

The Defendants make general objections to each of their responses. Based upon the Defendants general objections, the Plaintiffs cannot determine if the Defendants are objecting, and if so, on what basis or if the Defendants have fully responded to the discovery request.

As to Plaintiffs request number 20 the Plaintiffs seek the production of all documents and communications concerning any damages claimed by the Defendant AETN. AETN responds that the production request is premature. The Plaintiffs are entitled to know the extent of the Defendant, AETN, damages claimed against the Plaintiffs are entitled to any documents which support the damages claim.

As to request numbers 30 and 31 the Plaintiffs again seek all documents concerning all revenues generated from the series "Flip This House" as well as all the expenses incurred by the Defendants relative to the series "Flip This House". The Plaintiffs in the subject lawsuit claim fifty (50%) of the net revenues generated by the Defendant, AETN, from the subject series as well as accounting and constructive trust as profits generated by Departure Films from the subject series.

**CISA & DODDS, LLP**

s/Frank M. Cisa

Frank M. Cisa (Federal ID No. 138)

Charleston, SC  
January 24, 2007

*Cisa & Dodds, LLP*  
622 Johnnie Dodds Blvd.  
Mt. Pleasant, SC 29464  
Phone: (843) 881-3700  
Fax: (843) 881-2511  
E-Mail: [frank@cisadodds.com](mailto:frank@cisadodds.com)

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a  
South Carolina corporation; RICHARD C.  
DAVIS, an individual,

Plaintiffs,

vs.

A&E TELEVISION NETWORKS, a joint  
venture of the Hearst Corporation, ABC,  
Inc. and NBC Universal; DEPARTURE  
FILMS, an entity of unknown origin; and  
DOES 1-20, Inclusive,

Defendants.

A&E TELEVISION NETWORKS,

Counterclaim Plaintiff,

vs.

TRADEMARK PROPERTIES, INC. and  
RICHARD C. DAVIS,

Counterclaim Defendants.

Civil Action No. 2:06-cv-2195-CWH

**RESPONSES AND OBJECTIONS OF**  
**DEFENDANT/COUNTERCLAIM**  
**PLAINTIFF A&E TELEVISION**  
**NETWORKS TO PLAINTIFFS' FIRST SET**  
**OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, A&E Television Networks ("AETN"), by its attorneys, hereby responds and objects to the First Set of Interrogatories ("Interrogatories") of plaintiffs Richard C. Davis and Trademark Properties, Inc. (collectively, "Plaintiffs"), dated December 7, 2006.



These responses are based on the information currently available to AETN. AETN reserves the right to amend, supplement or modify its responses and objections at any time in the event that it obtains additional or different information.

### **GENERAL OBJECTIONS**

All of the General Objections set forth herein apply to and are incorporated into each of the specific responses to the Interrogatories set forth below and have the same force and effect as if fully set forth therein, whether or not expressly incorporated by reference in such specific responses. Without waiving any of these General Objections to the extent they apply to each of the Interrogatories, AETN may specifically refer to certain General Objections in responding to certain Interrogatories.

A. AETN objects to each Interrogatory to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Any inadvertent disclosure of information or documents protected by the attorney-client privilege, the work product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver of such privilege, immunity or protection.

B. AETN objects to each Interrogatory to the extent that it seeks information or the production of documents that are not in the possession, custody or control of AETN.

C. AETN objects to each Interrogatory to the extent that it is vague, ambiguous, confusing or otherwise incomprehensible.

D. AETN objects to each Interrogatory to the extent that it is overly broad or seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

E. AETN objects to each Interrogatory to the extent that it is unduly burdensome.

F. AETN objects to each Interrogatory to the extent that it is unreasonably cumulative or duplicative.

G. AETN objects to each Interrogatory to the extent that it seeks information or documents already in Plaintiffs' possession, custody or control.

H. AETN objects to each Interrogatory to the extent that it seeks information or documents to which Plaintiffs have equal or better access, or for which the burden on AETN is equal to, or greater than, that of Plaintiffs in obtaining the requested information or documents.

I. AETN objects to each Interrogatory to the extent that it is premature.

J. AETN objects to the Definitions and Instructions and each Interrogatory to the extent that they seek to impose duties and obligations on AETN in excess of those



imposed by the Federal Rules of Civil Procedure, the Local Civil Rules and decisional law construing such rules.

K. The failure of AETN to object to any specific Interrogatory on a particular ground shall not be construed as a waiver of its rights to object on any additional ground(s). AETN reserves the right to amend and/or supplement its objections and responses at any time consistent with further investigation and discovery.

L. AETN does not concede the relevance, materiality, or admissibility of any information or documents sought in these Interrogatories. AETN's responses are without waiver or limitation of its right to object on grounds of relevance, privilege, admissibility of evidence for any purpose, or any other ground to the use of any information or documents provided or referred to in its responses, in discovery or in any proceeding, or at the trial of this or any other action.

M. AETN objects to each Interrogatory to the extent that it seeks information beyond the time period relevant to this action.

N. AETN objects to each Interrogatory to the extent that it seeks information reflected in documents that have been requested by, and that will be produced in response to, Plaintiffs' First Requests for Production of Documents and Things.

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **INTERROGATORY NO. 1**

Identify all persons known to Defendants or their counsel who have knowledge

concerning the factual allegations set forth in the Complaint and any responsive pleading to the Complaint, including the general nature of each person's knowledge.

RESPONSE TO INTERROGATORY NO. 1

AETN objects to Interrogatory No. 1 to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, AETN has identified the following persons as those who have knowledge concerning the information sought in Interrogatory No. 1: Thomas Moody, AETN; Michael Morrison, AETN; Dina Ganz Traugot, formerly of AETN; Nancy Dubuc, AETN; Charles Nordlander, formerly of AETN.

INTERROGATORY NO. 2

Itemize all damages the Defendants seeks [sic] to recover in this lawsuit.

RESPONSE TO INTERROGATORY NO. 2

AETN objects to Interrogatory No. 2 on the grounds that it is premature. AETN's damages cannot be determined at this time, and will be established during the course of these proceedings.

INTERROGATORY NO. 3

Itemize all revenues generated by each of the Defendants from the television series known as "Flip This House" during the first season including but not limited to sponsorship revenues, product placement revenues, ad sales, syndication fees and video sales.

#### RESPONSE TO INTERROGATORY NO. 3

AETN objects to Interrogatory No. 3 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 3 is not relevant unless and until Plaintiffs have proven that AETN is liable and that Plaintiffs have suffered damages. AETN also objects to Interrogatory No. 3 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 4

Itemize all revenues generated by each of the Defendants from the television series known as "Flip This House" during the second season including but not limited to sponsorship revenues, product placement revenues, ad sales, syndication fees and video sales.

#### RESPONSE TO INTERROGATORY NO. 4

AETN objects to Interrogatory No. 4 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 4 is not relevant unless and until Plaintiffs have proven that AETN is liable and that Plaintiffs have suffered damages. AETN also objects to Interrogatory No. 4 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 5

Itemize all expenses and costs incurred by each Defendant relative to the television series known as "Flip This House" for the first season.

#### RESPONSE TO INTERROGATORY NO. 5

AETN objects to Interrogatory No. 5 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 5 is not relevant unless and until Plaintiffs have proven that AETN is liable and that Plaintiffs have suffered damages. AETN also objects to Interrogatory No. 5 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 6

Itemize all expenses and costs incurred by each Defendant relative to the television series known as "Flip This House" for the second season.

#### RESPONSE TO INTERROGATORY NO. 6

AETN objects to Interrogatory No. 6 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 6 is not relevant unless and until Plaintiffs have proven that AETN is liable and that Plaintiffs have suffered damages. AETN also objects to Interrogatory No. 6 on the grounds that the information requested is confidential.

INTERROGATORY NO. 7

State the precise relationship between the Defendant A&E Television Networks and the Defendant Max Weissman Production, Inc. [sic]

RESPONSE TO INTERROGATORY NO. 7

Subject to and without waiving the foregoing General Objections, AETN states that the relationship between AETN and Departure Films is contractual.

INTERROGATORY NO. 8

Identify all persons who were present at any meetings, or who were on any telephone calls between Plaintiffs and Defendants either during which any firm agreement was reached as alleged in paragraph 77 of the Answer and Counterclaims.

RESPONSE TO INTERROGATORY NO. 8

AETN objects to Interrogatory No. 8 to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, AETN has identified the following persons as those who have knowledge concerning the information sought in Interrogatory No. 8: Dina Ganz Traugot, formerly of AETN; Nancy Dubuc, AETN.

INTERROGATORY NO. 9

Set forth the name of the individual or entity who was credited as being the creator of the television series known as "Flip This House" during the first season.

RESPONSE TO INTERROGATORY NO. 9

Subject to and without waiving the foregoing General Objections, AETN has

identified the following individuals or entities as those who received "created by" credits during the first season of the television series known as "Flip This House": Charles Nordlander (as to episodes 5-13), Departure Films (as to episodes 1-13) and Richard C. Davis (as to episodes 1-13).

INTERROGATORY NO. 10

Set forth the name of the individual or entity who was credited as being the creator of the television series known as "Flip This House" during the second season.

RESPONSE TO INTERROGATORY NO. 10

Subject to and without waiving the foregoing General Objections, AETN states that no individuals or entities have received "created by" credits during the second season of the television series known as "Flip This House."

INTERROGATORY NO. 11

Identify all persons who were present at any meetings, or who were on any telephone calls, between Plaintiffs and Defendants at or during which any alleged agreements or contracts were reached or discussed relating to the series known as "Flip This House".

RESPONSE TO INTERROGATORY NO. 11

AETN objects to Interrogatory No. 11 to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, AETN has identified the following persons as those who have knowledge concerning the information sought in Interrogatory

No. 11: Thomas Moody, AETN; Michael Morrison, AETN; Dina Ganz Traugot,  
formerly of AETN; Nancy Dubuc, AETN; Charles Nordlander, formerly of AETN.

NELSON-MULLINS RILEY & SCARBOROUGH LLP

By: 

Robert H. Jordan  
Federal Bar No. 6986  
Liberty Building, Suite 600  
151 Meeting Street  
Post Office Box 1806 (29402)  
Charleston, SC 29401  
(843) 853-5200

*Attorneys for Defendant/Counterclaimant AETN*

Charleston, South Carolina  
January 9, 2007

Of Counsel:


Bruce P. Keller  
Jeremy Feigelson  
S. Zev Parnass  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

*Admitted Pro Hac Vice*

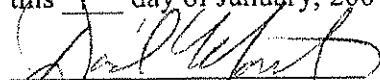
VERIFICATION

STATE OF NEW YORK       )  
                                      :     ss.:  
COUNTY OF NEW YORK    )

Thomas Moody, being duly sworn, deposes and says that he is Vice President, Program Planning, of Defendant/Counterclaim Plaintiff A&E Television Networks ("AETN"); that he verifies the foregoing Responses and Objections of AETN to Plaintiffs' First Set of Interrogatories ("Interrogatories") for and on behalf of AETN; that he is duly authorized to do so; that he has personal knowledge of the facts, or that the facts stated therein are based upon information obtained from officers or employees, or upon the books and records of AETN; and to the best of his knowledge, information and belief, the answers to the Interrogatories are true and correct.

  
Thomas Moody

Sworn to and subscribed before me  
this 4<sup>th</sup> day of January, 2007

  
Notary Public

**DAVID MARTINEZ**  
Notary Public, State of New York  
No. 02MA6008907  
Qualified In Queens County  
Commission Expires 3/9/10



## CERTIFICATE OF SERVICE

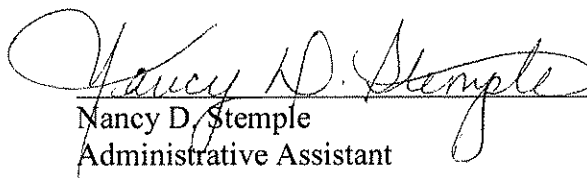
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendants A&E Television Networks ("AETN") and Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**Responses and Objections of Defendant/Counterclaim Plaintiff  
A&E Television Networks to Plaintiffs' First Set of  
Interrogatories**

Counsel Served:

Frank M. Cisa, Esquire  
Cisa & Dodds, LLP  
622 Johnnie Dodds Boulevard  
Mt. Pleasant, SC 29464

  
Nancy D. Stemple  
Administrative Assistant

Jan 9, 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a	)	Civil Action No. 2:06-cv-2195-CWH
South Carolina corporation; RICHARD C.	)	
DAVIS, an individual,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b><u>RESPONSES AND OBJECTIONS OF</u></b>
	)	<b><u>DEFENDANT MAX WEISSMAN</u></b>
	)	<b><u>PRODUCTIONS, INC. D/B/A DEPARTURE</u></b>
A&E TELEVISION NETWORKS, a joint	)	<b><u>FILMS TO PLAINTIFFS' FIRST SET OF</u></b>
venture of the Hearst Corporation, ABC,	)	<b><u>INTERROGATORIES</u></b>
Inc. and NBC Universal; DEPARTURE	)	
FILMS, an entity of unknown origin; and	)	
DOES 1-20, Inclusive,	)	
	)	
Defendants.	)	
	)	
_____	)	
A&E TELEVISION NETWORKS,	)	
	)	
Counterclaim Plaintiff,	)	
	)	
vs.	)	
	)	
TRADEMARK PROPERTIES, INC. and	)	
RICHARD C. DAVIS,	)	
	)	
Counterclaim Defendants.	)	
_____	)	

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Max  
Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"), by its attorneys,  
hereby responds and objects to the First Set of Interrogatories ("Interrogatories") of



plaintiffs Richard C. Davis and Trademark Properties, Inc. (collectively, "Plaintiffs"), dated December 7, 2006.

These responses are based on the information currently available to Departure Films. Departure Films reserves the right to amend, supplement or modify its responses and objections at any time in the event that it obtains additional or different information.

### **GENERAL OBJECTIONS**

All of the General Objections set forth herein apply to and are incorporated into each of the specific responses to the Interrogatories set forth below and have the same force and effect as if fully set forth therein, whether or not expressly incorporated by reference in such specific responses. Without waiving any of these General Objections to the extent they apply to each of the Interrogatories, Departure Films may specifically refer to certain General Objections in responding to certain Interrogatories.

A. Departure Films objects to each Interrogatory to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Any inadvertent disclosure of information or documents protected by the attorney-client privilege, the work product doctrine or any other applicable privilege, immunity or protection from disclosure is not intended and should not be construed to constitute a waiver of such privilege, immunity or protection.

B. Departure Films objects to each Interrogatory to the extent that it seeks information or the production of documents that are not in the possession, custody or control of Departure Films.

C. Departure Films objects to each Interrogatory to the extent that it is vague, ambiguous, confusing or otherwise incomprehensible.

D. Departure Films objects to each Interrogatory to the extent that it is overly broad or seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

E. Departure Films objects to each Interrogatory to the extent that it is unduly burdensome.

F. Departure Films objects to each Interrogatory to the extent that it is unreasonably cumulative or duplicative.

G. Departure Films objects to each Interrogatory to the extent that it seeks information or documents already in Plaintiffs' possession, custody or control.

H. Departure Films objects to each Interrogatory to the extent that it seeks information or documents to which Plaintiffs have equal or better access, or for which the burden on Departure Films is equal to, or greater than, that of Plaintiffs in obtaining the requested information or documents.

I. Departure Films objects to each Interrogatory to the extent that it is premature.

J. Departure Films objects to the Definitions and Instructions and each Interrogatory to the extent that they seek to impose duties and obligations on Departure Films in excess of those imposed by the Federal Rules of Civil Procedure, the Local Civil Rules and decisional law construing such rules.

K. The failure of Departure Films to object to any specific Interrogatory on a particular ground shall not be construed as a waiver of its rights to object on any additional ground(s). Departure Films reserves the right to amend and/or supplement its objections and responses at any time consistent with further investigation and discovery.

L. Departure Films does not concede the relevance, materiality, or admissibility of any information or documents sought in these Interrogatories. Departure Films' responses are without waiver or limitation of its right to object on grounds of relevance, privilege, admissibility of evidence for any purpose, or any other ground to the use of any information or documents provided or referred to in its responses, in discovery or in any proceeding, or at the trial of this or any other action.

M. Departure Films objects to each Interrogatory to the extent that it seeks information beyond the time period relevant to this action.

N. Departure Films objects to each Interrogatory to the extent that it seeks information reflected in documents that have been requested by, and that will be

produced in response to, Plaintiffs' First Requests for Production of Documents and Things.

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **INTERROGATORY NO. 1**

Identify all persons known to Defendants or their counsel who have knowledge concerning the factual allegations set forth in the Complaint and any responsive pleading to the Complaint, including the general nature of each person's knowledge.

#### **RESPONSE TO INTERROGATORY NO. 1**

Departure Films objects to Interrogatory No. 1 to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, Departure Films has identified the following persons as those who have knowledge concerning the information sought in Interrogatory No. 1: Max Weissman, Departure Films; Matt Levine, Departure Films; Liz Tracey, Departure Films; Steve Kantor, Departure Films.

#### **INTERROGATORY NO. 2**

Itemize all damages the Defendants seeks [sic] to recover in this lawsuit.

#### **RESPONSE TO INTERROGATORY NO. 2**

Departure Films is not seeking to recover damages in this lawsuit.

### INTERROGATORY NO. 3

Itemize all revenues generated by each of the Defendants from the television series known as "Flip This House" during the first season including but not limited to sponsorship revenues, product placement revenues, ad sales, syndication fees and video sales.

### RESPONSE TO INTERROGATORY NO. 3

Departure Films objects to Interrogatory No. 3 on the grounds that it is unduly burdensome. Departure Films further objects to Interrogatory No. 3 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 3 is not relevant unless and until Plaintiffs have proven that Departure Films is liable and that Plaintiffs have suffered damages. Departure Films also objects to Interrogatory No. 3 on the grounds that the information requested is confidential.

### INTERROGATORY NO. 4

Itemize all revenues generated by each of the Defendants from the television series known as "Flip This House" during the second season including but not limited to sponsorship revenues, product placement revenues, ad sales, syndication fees and video sales.

### RESPONSE TO INTERROGATORY NO. 4

Departure Films objects to Interrogatory No. 4 on the grounds that it is unduly burdensome. Departure Films further objects to Interrogatory No. 4 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically,

and without limitation, the information requested in Interrogatory No. 4 is not relevant unless and until Plaintiffs have proven that Departure Films is liable and that Plaintiffs have suffered damages. Departure Films also objects to Interrogatory No. 4 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 5

Itemize all expenses and costs incurred by each Defendant relative to the television series known as "Flip This House" for the first season.

#### RESPONSE TO INTERROGATORY NO. 5

Departure Films objects to Interrogatory No. 5 on the grounds that it is unduly burdensome. Departure Films further objects to Interrogatory No. 5 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 5 is not relevant unless and until Plaintiffs have proven that Departure Films is liable and that Plaintiffs have suffered damages. Departure Films also objects to Interrogatory No. 5 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 6

Itemize all expenses and costs incurred by each Defendant relative to the television series known as "Flip This House" for the second season.

#### RESPONSE TO INTERROGATORY NO. 6

Departure Films objects to Interrogatory No. 6 on the grounds that it is unduly burdensome. Departure Films further objects to Interrogatory No. 6 on the grounds that it



seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Interrogatory No. 6 is not relevant unless and until Plaintiffs have proven that Departure Films is liable and that Plaintiffs have suffered damages. Departure Films also objects to Interrogatory No. 6 on the grounds that the information requested is confidential.

#### INTERROGATORY NO. 7

State the precise relationship between the Defendant A&E Television Networks and the Defendant Max Weissman Production, Inc. [sic]

#### RESPONSE TO INTERROGATORY NO. 7

Subject to and without waiving the foregoing General Objections, Departure Films states that the relationship between AETN and Departure Films is contractual.

#### INTERROGATORY NO. 8

Identify all persons who were present at any meetings, or who were on any telephone calls between Plaintiffs and Defendants either during which any firm agreement was reached as alleged in paragraph 77 of the Answer and Counterclaims.

#### RESPONSE TO INTERROGATORY NO. 8

Departure Films objects to Interrogatory No. 8 to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, Departure Films

has identified the following persons as those who have knowledge concerning the information sought in Interrogatory No. 8: Max Weissman, Departure Films.

INTERROGATORY NO. 9

Set forth the name of the individual or entity who was credited as being the creator of the television series known as "Flip This House" during the first season.

RESPONSE TO INTERROGATORY NO. 9

Subject to and without waiving the foregoing General Objections, Departure Films has identified the following individuals or entities as those who received "created by" credits during the first season of the television series known as "Flip This House": Charles Nordlander (as to episodes 5-13), Departure Films (as to episodes 1-13) and Richard C. Davis (as to episodes 1-13).

INTERROGATORY NO. 10

Set forth the name of the individual or entity who was credited as being the creator of the television series known as "Flip This House" during the second season.

RESPONSE TO INTERROGATORY NO. 10

Subject to and without waiving the foregoing General Objections, Departure Films states that no individuals or entities have received "created by" credits during the second season of the television series known as "Flip This House."

INTERROGATORY NO. 11

Identify all persons who were present at any meetings, or who were on any telephone calls, between Plaintiffs and Defendants at or during which any alleged agreements or contracts were reached or discussed relating to the series known as "Flip This House".

RESPONSE TO INTERROGATORY NO. 11

Departure Films objects to Interrogatory No. 11 to the extent it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, other than attorneys or legal assistants operating under the direction of an attorney, Departure Films has identified the following persons as those who have knowledge concerning the information sought in Interrogatory No. 11: Max Weissman, Departure Films; Matt Levine, Departure Films.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Robert H. Jordan  
Federal Bar No. 6986  
Liberty Building, Suite 600  
151 Meeting Street  
Post Office Box 1806 (29402)  
Charleston, SC 29401  
(843) 853-5200

*Attorneys for Defendant Departure Films*

Charleston, South Carolina  
January 9, 2007

Of Counsel:

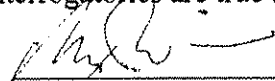
Bruce P. Keller  
Jeremy Feigelson  
S. Zev Parnass  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

*Admitted Pro Hac Vice*

VERIFICATION

STATE OF NEW YORK       )  
                                      :    ss.:  
COUNTY OF NEW YORK    )

Max Weissman, being duly sworn, deposes and says that he is President of Defendant Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"); that he verifies the foregoing Responses and Objections of Departure Films to Plaintiffs' First Set of Interrogatories ("Interrogatories") for and on behalf of Departure Films; that he is duly authorized to do so; that he has personal knowledge of the facts, or that the facts stated therein are based upon information obtained from officers or employees, or upon the books and records of Departure Films; and to the best of his knowledge, information and belief, the answers to the Interrogatories are true and correct.



\_\_\_\_\_  
Max Weissman

Sworn to and subscribed before me  
this 4th day of January, 2007



\_\_\_\_\_  
Notary Public

JUN JING LIU

Notary Public, State of New York

No. 01LI6102094

Qualified in New York County

Commission Expires November 24, 2007

## CERTIFICATE OF SERVICE

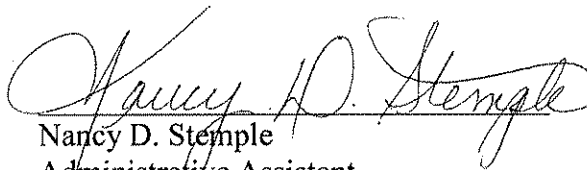
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendants A&E Television Networks ("AETN") and Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**Responses and Objections of Defendant Max Weissman Productions, Inc. d/b/a Departure Films to Plaintiffs' First Set of Interrogatories**

Counsel Served:

Frank M. Cisa, Esquire  
Cisa & Dodds, LLP  
622 Johnnie Dodds Boulevard  
Mt. Pleasant, SC 29464

  
Nancy D. Stemple  
Administrative Assistant

Jan 9, 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TRADEMARK PROPERTIES, INC., a	)	Civil Action No. 2:06-cv-2195-CWH
South Carolina corporation; RICHARD C.	)	
DAVIS, an individual,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b><u>RESPONSES AND OBJECTIONS OF</u></b>
	)	<b><u>DEFENDANTS/COUNTERCLAIM</u></b>
	)	<b><u>PLAINTIFF TO PLAINTIFFS' FIRST</u></b>
A&E TELEVISION NETWORKS, a joint	)	<b><u>REQUESTS FOR PRODUCTION OF</u></b>
venture of the Hearst Corporation, ABC,	)	<b><u>DOCUMENTS AND THINGS</u></b>
Inc. and NBC Universal; DEPARTURE	)	
FILMS, an entity of unknown origin; and	)	
DOES 1-20, Inclusive,	)	
	)	
Defendants.	)	
	)	
A&E TELEVISION NETWORKS,	)	
	)	
Counterclaim Plaintiff,	)	
	)	
vs.	)	
	)	
TRADEMARK PROPERTIES, INC. and	)	
RICHARD C. DAVIS,	)	
	)	
Counterclaim Defendants.	)	

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, A&E Television Networks ("AETN") and Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films") (collectively, "Defendants"), by their attorneys, hereby respond and object to the First Requests for Production of Documents and Things



("Requests") of plaintiffs Richard C. Davis and Trademark Properties, Inc.

("Trademark") (collectively, "Plaintiffs"), dated December 7, 2006.

Subject to the following general and specific objections, and subject to the entry of an appropriate confidentiality order, Defendants will voluntarily produce documents in response to the Requests, at such time and place upon which counsel may mutually agree.

These responses are based on the information currently available to Defendants. Defendants reserve the right to amend, supplement or modify their responses and objections at any time in the event that they obtain additional or different information.

#### **GENERAL OBJECTIONS**

All of the General Objections set forth herein apply to and are incorporated into each of the specific responses to the Requests set forth below and have the same force and effect as if fully set forth therein, whether or not expressly incorporated by reference in such specific responses. Without waiving any of these General Objections to the extent they apply to each of the Requests, Defendants may specifically refer to certain General Objections in responding to certain Requests.

A. Defendants object to each Request to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Any inadvertent disclosure of information or documents protected by the attorney-client privilege, the work product doctrine or any other applicable privilege, immunity or

protection from disclosure is not intended and should not be construed to constitute a waiver of such privilege, immunity or protection.

B. Defendants object to each Request to the extent that it seeks information or the production of documents that are not in the possession, custody or control of Defendants.

C. Defendants object to each Request to the extent that it is vague, ambiguous, confusing or otherwise incomprehensible.

D. Defendants object to each Request to the extent that it is overly broad or seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

E. Defendants object to each Request to the extent that it is unduly burdensome.

F. Defendants object to each Request to the extent that it is unreasonably cumulative or duplicative.

G. Defendants object to each Request to the extent that it seeks information or documents already in Plaintiffs' possession, custody or control.

H. Defendants object to each Request to the extent that it seeks information or documents to which Plaintiffs have equal or better access, or for which the burden on



Defendants is equal to, or greater than, that of Plaintiffs in obtaining the requested information or documents.

I. Defendants object to each Request to the extent that it is premature.

J. Defendants object to the Definitions and Instructions and each Request to the extent that they seek to impose duties and obligations on Defendants in excess of those imposed by the Federal Rules of Civil Procedure, the Local Civil Rules and decisional law construing such rules.

K. The failure of Defendants to object to any specific Request on a particular ground shall not be construed as a waiver of their rights to object on any additional ground(s). Defendants reserve the right to amend and/or supplement their objections and responses at any time consistent with further investigation and discovery.

L. Defendants do not concede the relevance, materiality, or admissibility of any information or documents sought in these Requests. Defendants' responses are without waiver or limitation of their right to object on grounds of relevance, privilege, admissibility of evidence for any purpose, or any other ground to the use of any information or documents provided or referred to in their responses, in discovery or in any proceeding, or at the trial of this or any other action.

M. Defendants object to each Request to the extent that it seeks information beyond the time period relevant to this action.

## **SPECIFIC OBJECTIONS AND RESPONSES**

### **REQUEST NO. 1**

Documents sufficient to describe the corporate structure and organization of A&E Television Networks.

### **RESPONSE TO REQUEST NO. 1**

Defendants object to Request No. 1 on the grounds that it seeks documents that are neither relevant to the subject matter of the Complaint nor reasonably calculated to lead to the discovery of admissible evidence. Defendants also object to Request No. 1 on the grounds that the information requested is confidential. Subject to these and the foregoing General Objections, AETN states that it is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business located in New York, New York. The interests in the partnership are held by three entities -- Hearst Communications, Inc., Disney/ABC International Television, Inc. and NBC-A&E Holding, Inc. -- each of which is a citizen of Delaware and of New York, *i.e.*, a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business located in New York. Departure Films states that it has no documents or materials responsive to Request No. 1.

### **REQUEST NO. 2**

Documents sufficient to describe the corporate structure and organization of Max Weissman Production, Inc. [sic]

### **RESPONSE TO REQUEST NO. 2**

Defendants object to Request No. 2 on the grounds that it seeks documents that are neither relevant to the subject matter of the Complaint nor reasonably calculated to

lead to the discovery of admissible evidence. Defendants also object to Request No. 2 on the grounds that the information requested is confidential. Subject to these and the foregoing General Objections, Departure Films states that it is an S corporation organized and existing pursuant to the laws of the State of New York, with its principal place of business located in New York, New York. The sole shareholder of Departure Films is Max Weissman. AETN states that it has no documents or materials responsive to Request No. 2.

#### REQUEST NO. 3

All documents, materials, "digital video pilots," videos, DVDs or demo tapes submitted to or registered by Defendants with the Writers Guild of America or any of its affiliates, together with any forms or correspondence exchanged between Defendants and the Writers Guild.

#### RESPONSE TO REQUEST NO. 3

Defendants object to Request No. 3 on the grounds that it is overly broad and seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to these and the foregoing General Objections, Defendants state that they have no documents or materials responsive to Request No. 3.

#### REQUEST NO. 4

Documents sufficient to show Defendants' financial condition at year-end for every year from 2003 to the present, including revenues and profits or losses generated.

#### RESPONSE TO REQUEST NO. 4

Defendants object to Request No. 4 on the grounds that it is overly broad and

seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to these and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 4.

#### REQUEST NO. 5

All documents and communications concerning any communications between Plaintiffs and Defendants concerning the claims, counterclaims or defenses asserted in this lawsuit.

#### RESPONSE TO REQUEST NO. 5

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 5.

#### REQUEST NO. 6

All documents and communications concerning any communications by and between the Defendants and any other person or entity concerning the claims, counterclaims or defenses asserted in this lawsuit.

#### RESPONSE TO REQUEST NO. 6

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 6.

#### REQUEST NO. 7

All documents and communications concerning communications between the Defendants A&E Television Networks and any other person or entity concerning the claims, counterclaims, or defenses asserted in this lawsuit.

RESPONSE TO REQUEST NO. 7

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 7.

REQUEST NO. 8

Any documents and communications concerning any communications between the Defendant, Max Weissman Production, Inc. [sic] and any other person or entity concerning the claims, counterclaims, or defenses asserted in this lawsuit.

RESPONSE TO REQUEST NO. 8

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 8.

REQUEST NO. 9

All documents and communications concerning communications between either or both of the Defendants and any other person or entity, other than Plaintiffs concerning the television series known as "Flip This House".

RESPONSE TO REQUEST NO. 9

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 9.

REQUEST NO. 10

All documents and communications concerning Plaintiffs' claims in [the] Complaint that Plaintiff, Davis, "is the creator and owner of the unique concept, format and treatment of a reality based television program which features Davis and certain staff

members of Trademark going through the process of locating, requiring, refurbishing and selling houses.”

RESPONSE TO REQUEST NO. 10

Defendants object to the characterization that plaintiff Davis “is the creator and owner of the unique concept, format and treatment of a reality based television program which features Davis and certain staff members of Trademark going through the process of locating, requiring, refurbishing and selling houses.” Subject to and without waiving this and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 10.

REQUEST NO. 11

All documents and communications concerning any television shows that have a concept or format similar to that of “Flip This House”.

RESPONSE TO REQUEST NO. 11

Subject to the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 11.

REQUEST NO. 12

All documents and communications concerning the Defendants['] claim of ownership of the concept, format and treatment of the television series known as “Flip This House”.

RESPONSE TO REQUEST NO. 12

Subject to and without waiving the foregoing General Objections, Defendants will

produce non-privileged documents in their possession, custody or control, if any,  
responsive to Request No. 12.

REQUEST NO. 13

All documents and communications concerning the Defendants' claim that the first season of "Flip This House" was produced under an agreement between the Defendants and a separate agreement between the Defendant, Max Weissman Production, Inc. [sic], and the Plaintiff Davis as alleged in paragraph 76 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 13

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any,  
responsive to Request No. 13.

REQUEST NO. 14

All documents and communications which concern the ratings of the television series known as "Flip This House" from the time that it was first televised until the present.

RESPONSE TO REQUEST NO. 14

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any,  
responsive to Request No. 14.

REQUEST NO. 15

All documents and communications concerning the Defendants['] claim that Davis requested an agreement directly with A&E Television Networks as alleged in paragraph 77 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 15

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 15.

REQUEST NO. 16

All documents and communications concerning the Defendants['] claim that negotiations resulted in a firm agreement the ("Season Two Contract") as alleged in paragraph 77 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 16

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 16.

REQUEST NO. 17

All documents and communications concerning the Defendants['] claim that the Plaintiff Davis acknowledged, a. via-email, b. in phone conversations and c. through his lawyer, that he agreed to those terms and all that remained was to prepare and sign a written form of the "Season Two Contract" as alleged in paragraph 78 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 17

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 17.

REQUEST NO. 18

All documents and communications concerning the Defendants['] claim that A&E



Television Networks proceeded to make arrangements for season two and began taping at A&E Television Networks' expense all in the expectation that Davis would continue to participate as agreed as alleged in paragraph 79 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 18

Defendants object to Request No. 18 to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other applicable privileges, immunities or protections from disclosure. Subject to and without waiving these and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 18.

REQUEST NO. 19

All documents and communications concerning the Defendant, A&E Television Networks' efforts to locate new talent and restart taping on season two of the series known as "Flip This House" as referred to in paragraph 80 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 19

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 19.

REQUEST NO. 20

All documents and communications concerning any damages claimed by the Defendant, A&E Television Networks, as referred to in paragraphs 85 and 90 of the Answer and Counterclaims.

#### RESPONSE TO REQUEST NO. 20

Defendant AETN objects to Request No. 20 on the grounds that it is premature. AETN's damages cannot be determined at this time, and will be established during the course of these proceedings. Departure Films is not claiming any damages in this lawsuit.

#### REQUEST NO. 21

All documents and communications concerning the negotiations between the Plaintiffs and either of the Defendants relative to an agreement with the Plaintiffs to produce and televise the television series known as "Flip This House".

#### RESPONSE TO REQUEST NO. 21

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 21.

#### REQUEST NO. 22

All documents and communications concerning the Plaintiffs['] desire to enter into an agreement with either of the Defendants whereby the Plaintiffs would be equal 50/50 owners of the project known as the television series "Flip This House".

#### RESPONSE TO REQUEST NO. 22

Defendants object to the characterization that "Plaintiffs would be equal 50/50 owners of the project known as the television series 'Flip This House.'" Subject to and without waiving this and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 22.

REQUEST NO. 23

Any and all documents or communications concerning the “firm agreement” as referred to in paragraph 77 of the Answer and Counterclaims.

RESPONSE TO REQUEST NO. 23

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 23.

REQUEST NO. 24

Any and all documents or communications concerning Charles Norlander’s [sic] relationship with the Defendants during the year 2003 to the present.

RESPONSE TO REQUEST NO. 24

Defendants object to Request No. 24 on the grounds that it is overly broad and seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to these and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 24.

REQUEST NO. 25

Any [and] all documents or communications by and between Charles Norlander [sic] and any of the Defendants’ principals, agents, employees, servants and representatives concerning the Plaintiffs and/or the television series known as “Flip This House”.

RESPONSE TO REQUEST NO. 25

Subject to and without waiving the foregoing General Objections, Defendants will

produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 25.

REQUEST NO. 26

All business plans, financial models, risk analyses, financial pro formas, financial projections, business growth projections, marketing studies, marketing plans and/or market potential projections relation [sic] to the series known as “Flip This House”.

RESPONSE TO REQUEST NO. 26

Defendants object to Request No. 26 on the grounds that it is overly broad and seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to these and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 26.

REQUEST NO. 27

All drafts of any agreements or contracts between the Plaintiffs and either of the Defendants.

RESPONSE TO REQUEST NO. 27

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 27.

REQUEST NO. 28

Any and all documents or communications concerning the Defendant, A&E Television Networks['], claim that the Plaintiffs conveyed any rights to the series known as “Flip This House” to the Defendant, A&E Television Networks.

RESPONSE TO REQUEST NO. 28

Defendants object to the characterization that “Plaintiffs conveyed any rights to the series known as ‘Flip This House’ to the Defendant, A&E Television Networks,” as Defendants dispute that Plaintiffs ever had any such rights to convey. Subject to and without waiving this and the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 28.

REQUEST NO. 29

Any and all documents or communications concerning the budget for each episode of the series known as “Flip This House”.

RESPONSE TO REQUEST NO. 29

Subject to and without waiving the foregoing General Objections, Defendants will produce non-privileged documents in their possession, custody or control, if any, responsive to Request No. 29.

REQUEST NO. 30

Any and all documents or communications concerning all revenues generated from the series known as “Flip This House” including but not limited to sponsorship revenues, product placement revenues, ad sales, syndication fees and video sales both for each episode and each season.

RESPONSE TO REQUEST NO. 30

Defendants object to Request No. 30 on the grounds that it is unduly burdensome. Defendants further object to Request No. 30 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated

to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Request No. 30 is not relevant unless and until Plaintiffs have proven that Defendants are liable and that Plaintiffs have suffered damages. Defendants also object to Request No. 30 on the grounds that the information requested is confidential.

#### REQUEST NO. 31

All documents and communications concerning all expenses and costs incurred by the Defendants relative to the series “Flip This House” both for each episode and for each season.

#### RESPONSE TO REQUEST NO. 31

Defendants object to Request No. 31 on the grounds that it is unduly burdensome. Defendants further object to Request No. 31 on the grounds that it seeks information that is not relevant to the subject matter of the pending action and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the information requested in Request No. 31 is not relevant unless and until Plaintiffs have proven that Defendants are liable and that Plaintiffs have suffered damages. Defendants also object to Request No. 31 on the grounds that the information requested is confidential.

#### REQUEST NO. 32

Any and all documents concerning the amount of money paid to the Plaintiffs concerning the television series known as “Flip This House”.

#### RESPONSE TO REQUEST NO. 32

Subject to and without waiving the foregoing General Objections, Defendants will

produce non-privileged documents in their possession, custody or control, if any,  
responsive to Request No. 32.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Robert H. Jordan  
Federal Bar No. 6986  
Liberty Building, Suite 600  
151 Meeting Street  
Post Office Box 1806 (29402)  
Charleston, SC 29401  
(843) 853-5200

*Attorneys for Defendant/Counterclaimant AETN and Defendant  
Departure Films*

Charleston, South Carolina  
January 9, 2007

Of Counsel:

Bruce P. Keller  
Jeremy Feigelson  
S. Zev Parnass  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

*Admitted Pro Hac Vice*

## CERTIFICATE OF SERVICE

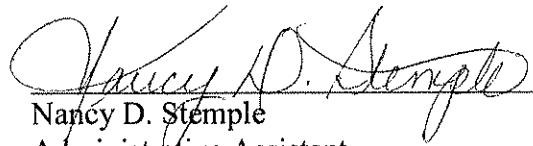
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendants A&E Television Networks ("AETN") and Max Weissman Productions, Inc. d/b/a Departure Films ("Departure Films"), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

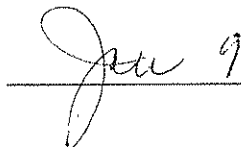
Pleadings:

**Responses and Objections of Defendant/Counterclaim Plaintiff  
A&E Television Networks to Plaintiffs' First Requests for  
Production of Documents and Things**

Counsel Served:

Frank M. Cisa, Esquire  
Cisa & Dodds, LLP  
622 Johnnie Dodds Boulevard  
Mt. Pleasant, SC 29464

  
Nancy D. Stemple  
Administrative Assistant

 , 2007