

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

---

WORLD MISSION SOCIETY CHURCH )  
OF GOD, A NEW JERSEY NON-PROFIT )  
CORPORATION, )

Plaintiff, )

v. )

TYLER J. NEWTON )

Defendant. )

---

Case No. 2011-17163

**DEFENDANT'S FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO PLAINTIFF**

Defendant Tyler J. Newton ("Newton"), by counsel, pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, hereby requests that Plaintiff World Mission Society Church of God, a New Jersey Non-Profit Corporation ("WMSCOG") respond to these requests for production of documents ("Document Requests") by producing the documents, electronically stored information, and tangible things called for by these requests to the offices of BerlikLaw, LLC, c/o Lee E. Berlik, 11710 Plaza America Drive, Suite 120, Reston, VA 20190, within 21 days of the date of service hereof, and thereafter supplementing such responses as and when required by the Rules, to be updated through the date of any hearing and/or trial.

**INSTRUCTIONS**

Unless the terms of a particular Document Request specifically indicate otherwise, the following instructions and definitions are applicable throughout the Document Requests and are

incorporated into each specific Document Request. These instructions and definitions are for the purposes of these Document Requests only.

1. These Document Requests seek documents in your possession, custody or control, including documents in the possession of your counsel.

2. These Document Requests are deemed to be continuing, and should you locate additional responsive documents subsequent to your initial production, you are requested to produce such documents to the undersigned attorney promptly upon your discovery or receipt of the documents.

3. If any document or portion of a document called for by a particular request is withheld on grounds of privilege or otherwise, then provide a log with the following information relating to each document or portion of a document withheld:

- (a) the kind of document (e.g., memorandum, letter, note, etc.);
- (b) the date of the document or, if no date appears thereon, the approximate date the document was prepared;
- (c) the identity of the author;
- (d) the identity of the person(s) to whom the document is addressed;
- (e) the identity of any other recipients of the document that appear on the document as having received a copy (e.g., as “cc” or “bcc”);
- (f) the identity of all recipient(s) of the document whose names do not appear on the face of the document;
- (g) the claim of privilege providing the grounds for withholding the document (e.g., attorney-client); and
- (h) a general description of the subject matter and contents of the document.

4. Each Document Request shall be deemed to call for the production of the original document or documents. If the original is not available, then a copy shall be produced. In addition, any copy of a document shall be produced if it differs in any respect from the original

(*e.g.*, by reason of handwritten notes or comments having been added to the copy which do not appear on the original or otherwise).

5. Prior to producing the documents, please organize and label them to correspond with the numbered categories in these Document Requests.

6. Electronically stored information (“ESI”), including e-mail, e-mail attachments, database, spreadsheet, and word-processing files, should be produced in its native format.

Production of ESI is not limited to emails and their attachments but includes all electronically-stored files and data.

7. The past tense shall be construed to include the present tense, and vice versa, to make the request inclusive rather than exclusive.

8. The singular shall be construed to include the plural, and vice versa, to make the request inclusive rather than exclusive.

### **DEFINITIONS**

1. “Date” shall mean the exact day, month and year if ascertainable, or, if not, the best approximation thereof.

2. “You” and “WMSCOG” mean Plaintiff World Mission Society Church of God, a New Jersey Non-Profit Corporation, “WORLD MISSION SOCIETY, CHURCH OF GOD A NJ NONPROFIT CORPORATION,” their agents, representatives, directors, trustees and/or employees exercising discretion, discharging duties or making policy, in addition the corporate predecessors and successors, any affiliates, subsidiaries and parent organizations or corporations.

3. “Newton” means Defendant Tyler J. Newton and any agents or representatives.

4. “Colon” means Michele Colon, as identified and described in Plaintiff’s Complaint.

5. The term “Computer System” shall mean and refer to your entire computing environment. The Computer System includes all hardware (the actual computers themselves), peripherals (e.g., terminals, printers, modems, and data storage devices), and software (e.g., program applications) used in your household and/or office or store. This environment may consist of one large computer serving many users or one or more personal computers working individually or linked together through a network or group of networks.

6. The term “document” shall mean any written or any other tangible thing of every kind and description, including electronically stored information, whether in draft or final form, original or reproduction, in your actual or constructive possession, custody or control, including but not limited to: letters, correspondence, notes, films, transcripts, telegrams, teletype messages, contracts and agreements including drafts, proposals, and any and all modifications thereof, licenses, memoranda, transcripts and recordings of telephone conversations or personal conversations, microfilm, microfiche, books, newspapers, magazines, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, memoranda (including inter- and intra-office memoranda, memoranda for file, pencil jotting, expense accounts, recorded recollections and any other written form of notation of events thereto, draft minutes, resolutions and agendas), expressions and/or statements of policy, lists of persons attending meetings and conferences, reports, rules, regulations, directions, communications, reports, financial statements, tax returns, ledgers, books of account, proposals, prospectuses, offers, orders, receipts, analyses, audits, working papers, computations, projections, tabulations, financial records, blueprints, plans, writings, drawings, graphs, charts, photographs, phono-records, invoices, receipts, working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes for visual audio reproduction, recordings, magnetic computer tapes and discs, reports and/or

summaries of investigations, opinions and/or reports of consultants, appraisals, reports and/or summaries of negotiations, computer punch cards, electronic mail (a.k.a. “e-mail” or “email”) (including e-mail saved on computers, e-mail in hard copy form, and any deleted messages which may be retrieved from backup systems or from your Internet Service Provider), voice mail, any other data compilations from which information can be obtained (translated, if necessary, into reasonably usable form), and/or all material similar to any of the foregoing, however denominated. The term “document” shall also include copies containing additional writing or marks not present on the originals and copies that are otherwise not identical copies of the originals. Additionally, the term “document” shall include any meta-data associated with the underlying document.

7. (a) “Identify” or “identity,” when used in reference to a natural person, means to state his or her full name, home and office telephone number and address, business title, business affiliation or, if the above are not known, such information as was last known. If such person has, or at any time in question had, any relationship to you or to any other party to this action, “identify” also means to state what the relationship is or was.

(b) “Identify” or “identity,” when used in reference to a corporation, partnership or any legal entity other than a natural person, means to state its full name, form of organization, jurisdiction of any incorporation, current or last known address, and its principal place of business.

(c) “Identify” or “identity,” when used in reference to a document, means to state the Bates-label number for the document (if applicable) and to state the type of document (*e.g.*, letter, memorandum, contract, telegram, etc.), its date, author or authors, addressee or addressees, if any, a summary of its contents, and its present location or custodian. If any such

document is no longer in your possession or subject to your control, “identify” also means to state what disposition was made of it and the date of such disposition.

(d) “Identify” or “identity,” when used in reference to any act, means to describe in substance the event or events constituting such act, what transpired, the place and date thereof, and to identify the persons present, the persons involved, and all documents relating to the act.

(e) “Identify” or “identity,” when used in any other context, means to state and describe in complete detail.

8. Information “relating” to a given subject matter, as used herein, means information that constitutes, embodies, comprises, reflects, identifies, states, refers to, deals with, comments on, responds to, describes, analyzes, contains information containing, or is in any way pertinent to that subject matter, including, without limitation, documents concerning the preparation or presentation of other documents.

9. Unless otherwise specified, the terms “person” or “persons” as used herein mean natural persons, corporations, associations, partnerships, joint ventures, proprietorships, governmental agencies, departments or offices or other legal entities, whether foreign or domestic.

10. The “Complaint” means and refers to the Complaint filed in this case on or about December 6, 2011, as well as any amendments thereto. “Answer” shall refer to the Answer filed in response to the Complaint as well as any amendments thereto.

11. Unless otherwise defined, all words and phrases used herein shall be accorded their usual meaning in plain and ordinary usage.

12. Unless otherwise defined, the applicable time period for the requests herein shall be January 1, 2009 to present.

### **DOCUMENT REQUESTS**

Defendant hereby requests that WMSCOG produce the following documents:

1. All documents referenced in the Complaint and/or the Answer thereto.
2. All documents identified or referenced in your answers to Defendant Newton's First Set of Interrogatories.
3. All documents relating to the revenue of WMSCOG from 2009 to date, including but not limited to balance sheets, bank statements, tax returns and audits of WMSCOG.
4. All documents relating to the current financial status of WMSCOG, including balance sheets, bank statements, accounts receivable and accounts payable.
5. All documents relating to all variances sought in and around Ridgewood, New Jersey.
6. All documents documenting any business relationship, whether contract or otherwise, with Big Shine Worldwide, Inc.
7. All documents reflecting donations to WMSCOG from Big Shine Worldwide, Inc.
8. All documents reflecting compensation of senior WMSCOG officials, including but not limited to pastors, directors, and trustees.
9. All documents reflecting business expenses of senior WMSCOG officials, including but not limited to pastors, directors, and trustees.
10. All documents showing the corporate and governance relationship of WMSCOG and affiliate, parent or subsidiary churches.

11. All documents showing the financial relationship of WMSCOG and affiliate, parent or subsidiary churches, including but not limited to payments, donations, fees or other costs paid to or from any affiliate, parent or subsidiary church.

12. All documents reflecting expenses relating to mission work.

13. All documents relating to membership of WMSCOG from 2005 to date.

14. All documents relating to how you gained access to the Facebook Group described in paragraphs 26-33 of the Complaint.

15. All documents reflecting the identity of “Hailey” as described in paragraphs 52-60 of the Complaint.

16. All documents reflecting the identity of “HaileyStevens10” as described in paragraphs 98-101 of the Complaint.

17. All documents reflecting the identity of “Hailey” and “HaileyStevens” as described in paragraphs 35-48 of the Complaint.

18. All documents reflecting the identity of “James Newton” as described in paragraphs 32-33 of the Complaint.

19. All documents reflecting the identity of “Wmscog Ex-Member” as described in paragraphs 29-31 of the Complaint.

20. All documents relating to or reflecting complaints of WMSCOG members (or former members) regarding the activities of WMSCOG, the intrusion of WMSCOG into the personal and/or family lives of members (or former members), or the financial condition, activities or donative requests of WMSCOG.



21. All documents relating to lawsuits identified in response to Interrogatory No. 11, including but not limited to pleadings, documents received in discovery and documents produced in discovery.

22. All documents relating to WMSCOG's application and award of the Presidential Volunteer Service Award.

23. All documents reflecting the doctrine, practices and beliefs of WMSCOG, including but not limited to books, pamphlets, educational material (internal and external) and sermons.

24. All documents relating to any former members of WMSCOG, as identified pursuant to Interrogatory 3, including but not limited to donation records and any proposed or executed contract or agreement (non-disclosure or otherwise) between WMSCOG and the individual.

25. All documents reflecting or relating to the business relationship or donative relationship between WMSCOG and any of the corporations or entities identified pursuant to Interrogatory No. 7.

26. All documents reflecting the compensation (including salary, expenses or other forms of compensation) paid by WMSCOG to individuals identified in response to Interrogatory No. 5.

27. All documents reflecting donative income lost as a result of the actions described in the Complaint.

28. All documents reflecting or relating to members who have left WMSCOG as a result of the actions described in the Complaint.

29. All computer-stored data and electronically stored information, including but not limited to, program files, log files, cache files, cookies, deleted files, back-up files, e-mails, drafts of e-mails, documents, drafts of documents, calendars, travel schedules, schedules, voice mail transcriptions, spreadsheets, and database files, from anywhere on your Computer System, that refer or relate to the allegations contained in the Complaint.

30. All documents that support your claim for attorneys' fees in this action and all documents that substantiate the amount sought, including copies of all invoices received from Dozier Internet Law, P.C., and any other law firm rendering legal services to you in connection with this case.

31. All documents supporting your claim for damages.

32. All documents supporting your contention that Defendant made false statements knowing them to be false.

33. All documents supporting your contention that Defendant acted with a purpose of harming Plaintiff's business or reputation.

34. All documents that demonstrate the falsity of any statements made by Defendant or Ms. Colon.

35. All documents supporting your contention that Defendant acted with malice.

36. All documents relating to defamatory statements about you that were made by persons other than Defendant or Ms. Colon.

37. All documents relating to your contention that WMSCOG is not a cult.

38. All documents relating to your contention that WMSCOG does not "destroy families."

39. All reports, correspondence, notes, and/or any other materials sent to, received from, or prepared by any expert witnesses whom you may call to offer testimony in this case or whose opinions you may otherwise present at trial or at any hearing in this case.

40. All documents obtained from any third party, by subpoena or otherwise, relating to this case or its underlying facts.

41. All documents you provided to any third party relating to this case or its underlying facts.



---

Lee E. Berlik (VSB# 39609)  
BERLIKLaw, LLC  
11710 Plaza America Drive  
Suite 120  
Reston, Virginia 20190  
Tel: (703) 722-0588  
Fax: (888) 772-0161

TYLER J. NEWTON  
By Counsel