

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WORLD MISSION SOCIETY, CHURCH
OF GOD A NJ NONPROFIT
CORPORATION,

Plaintiff,

v.

MICHELLE COLON and
TYLER J. NEWTON

Defendants.

Case No. 2011-17163

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S
MOTION FOR A PROTECTIVE ORDER**

Plaintiff World Mission Society, Church of God a NJ Nonprofit Corporation ("Plaintiff" or "WMSCOG"), by counsel, and in support of Plaintiff's Motion for a Protective Order, states as follows:

I. FACTS AND INTRODUCTION

This cause comes before the Court upon the Plaintiff's Complaint alleging, *inter alia*, that Defendant, Tyler Newton ("Newton"), and former Defendant, Michele Colon ("Colon")¹, conspired to and did defame Plaintiff, conspired to injure Plaintiff's reputation, trade, business or profession, and engaged in trade libel against the Plaintiff on the Internet through postings to Newton's website, other Internet postings sites, and through other means. *See* Complaint, *passim*.

¹ Colon was dismissed as a party on jurisdictional grounds by the Court's March 16, 2012, Order Granting Defendant Colon's Motion to Dismiss.

Newton issued discovery requests on April 2, 2012 (*See* Defendant's First Set of Interrogatories (Exhibit ("Ex.") 1), Defendant's First Set of Requests for Production to Plaintiff ("Ex. 2")). These requests seek a great deal of varied information from Plaintiff, including, but not limited to, private, confidential, and proprietary information and documents such as financial information, lists of names, addresses, and other contact information for current members, former members, and Church leadership, and other such information. These requests seek information not only about the Church itself, but also about third parties, and about business and financial information including business ownership and unrelated employment of third parties and Church leadership. The parties agreed to a series of extensions of time to respond to discovery so that agreement to the terms of a protective order could be reached. Newton ultimately took the position that he was unwilling to agree to a protective order, but instead "fully intends to share with the public any information he receives about the church that he feels the public would benefit from hearing." May 11, 2012 email from Defense counsel to counsel for Plaintiff ("Ex. 4"). On May 16, 2012 Plaintiff filed a Motion for a Protective Order, expressing its concern that Newton will use information received in furtherance of his attacks against Plaintiff, including by dissemination of this information to like-minded individuals outside the jurisdiction of this Court, including, and especially, Colon. On that same day Plaintiff served responses to Newton's discovery, taking the position that much of the information is not reasonably calculated to lead to the discovery of admissible evidence, and is overbroad and unduly burdensome. *See* Plaintiff's First Objections and Responses to Defendant Tyler Newton's First Set of Interrogatories and Plaintiff's First Objections and Responses to Defendant Tyler Newton's First Set of Requests for Production, *collectively* ("Ex. 3"). This Motion was set for hearing and a briefing schedule by calendar control on May 30, 2012.

II. STANDARD OF REVIEW

Rule 4:1(c) of the Rules of the Supreme Court of Virginia provides that a court, upon a showing of good cause:

may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; ... (7) [or] that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way..."

Courts regularly issue protective orders barring the dissemination of such information as trade secrets, or the use of information received through discovery for purposes outside of that specific litigation. *See, e.g., Lacoste Alligator, S.A. v. Doe*, 81 Va. Cir. 412, 2010 Va. Cir. LEXIS 268 (Va. Cir. Ct., Arlington, December 17, 2010) (Protective order prohibiting dissemination of trade secrets and either contacting or using the information provided to file any lawsuits against those identified). The Virginia Supreme Court, citing the U.S. Supreme Court, has recognized both the broad, coercive nature of discovery, and the resulting need for broad discretion in granting protective orders to police abuse of that process:

Liberal discovery is provided for the *sole purpose* of assisting in the preparation and trial, or the settlement, of litigated disputes. Because of the liberality of pretrial discovery... it is necessary for the trial court to have the authority to issue protective orders.... It is clear from experience that pretrial discovery by depositions and interrogatories has significant potential for abuse. This abuse is not limited to matters of delay and expense; discovery also may seriously implicate privacy interests of litigants and third parties. The Rules do not distinguish between public and private information. Nor do they apply only to parties to the litigation, as relevant information in the hands of third parties may be subject to discovery.... The prevention of the abuse that can attend the coerced production of information under a state's discovery rule is sufficient justification for the authorization of protective orders.

Shenandoah Pub. House, Inc. v. Fanning, 235 Va. 253, 260-261; 368 S.E.2d 253, 257 (quoting *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 34-36 (1984)) (*emphasis added*). It is noteworthy that the *Rhinehart* opinion was in direct response to a First Amendment challenge to a protective order prohibiting dissemination of information received through discovery as a prior restraint of speech.

The Virginia Court of Appeals has recognized the right to privacy in the fruits of discovery in the context of both civil and criminal discovery:

While we recognize that there are some obvious differences between civil and criminal discovery, for purposes of our analysis of a constitutional right of access, they are the same. Discovery in a criminal case has traditionally been a private matter between the parties.... “*Discovery, whether civil or criminal, is essentially a private process because the litigants and the courts assume that the sole purpose of discovery is to assist trial preparation.* That is why parties regularly agree, and courts often order, that discovery information will remain private.”

In re Worrell Enterprises, Inc., 14 Va. App. 671, 678; 419 S.E.2d 271, 275-76 (Va. Ct. App. 1992), citing *United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986), *reh'g denied, en banc*, 805 F.2d 1043 (11th Cir. 1986), *cert. denied*, 480 U.S. 931 (1987); Richard Marcus, Myth and Reality in Protective Order Litigation, 69 Cornell L. Rev. 1, 15 (1983) (*emphasis added*).

III. ARGUMENT

A. The Court Should Take Under Advisement the Objections Raised in Plaintiff's Discovery Responses or Sustain Those Objections (See Ex. 3)

Newton issued 20 Interrogatories (Ex. 1) and 41 Requests for Production (Ex. 2) to which Plaintiff filed responses and objections (Ex. 3). Plaintiff's objections are plainly stated in those responses. *Id.* Plaintiff anticipates supplementing its discovery responses after the entry of a suitable protective order. Plaintiff respectfully requests that the Court sustain Plaintiff's objections, or, in the alternative, that this Court take Plaintiff's objections under advisement

pending a ruling on its Motion for a Protective Order, as any supplemental response will be dependent upon such protective order.

a. “Relevance,” “Overbreadth,” and “Undue Burden” Objections²

Plaintiff objected to a number of Newton’s discovery requests on the basis of “Overbreadth” and “Undue Burden” as defined in its responses because of issues regarding private, confidential, and proprietary information as well as on the basis that these requests sought the private information of uninvolved third parties, which argument is addressed below. In response to other discovery requests, Plaintiff raised the objections of Relevance, Overbreadth, or Undue Burden based either upon such information being otherwise available or in the possession of Defendant, or upon the sheer breadth and depth of many of Newton’s discovery requests. These include, *inter alia*, requests seeking “each person who [Plaintiff] believe(s) *may* have personal or hearsay knowledge of facts relating to” the complaint (Ex. 1, Interrogatory No. 1) (*emphasis added*), each individual who had been a member but left the church since 2009 (Ex. 1, Interrogatory No. 3), all branches and “senior leadership,” a term circuitously undefined (Ex. 1, Interrogatory No. 5), “all documents” reflecting compensation and business expenses (Ex. 2, Request for Production Nos. 8 and 9), “contracts, business ownership interests or employment” of “senior leadership” outside of the church (Ex. 1, Interrogatory No. 7, Ex. 2, Request for Production Nos. 25 and 26), as well as “[a]ll documents relating to *any* former members of WMSCOG” (Ex. 2, Request for Production No. 24) (*emphasis added*). *See* Ex. 3

² Plaintiff recognizes that “Relevance” in and of itself is not a basis for a discovery objection, but uses this term as defined in the Plaintiff’s General Objections to discovery (*See* Ex. 3): “Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents not relevant and not reasonably calculated to lead to the discovery of admissible evidence with respect to the claims or defenses of any party to this litigation,” defined later in that objection as “Relevance.”

As with “Relevance,” “Overbreadth” and “Undue Burden” are used as defined in the Plaintiff’s General Objections to discovery (*See* Ex. 3).

including, but not limited to, Interrogatories Nos. 1, 2, 3, 5, 7, 12, and 17, Requests for Production Nos. 1, 8, 9, 10, 11, 12, 13, 14, 16-19, 20, 23, 24, 29, 36, 40, and 41.

Having been involved in a conspiracy responsible for baseless, inflammatory, *per se* defamatory attacks on Plaintiff including accusing Plaintiff of, among other things, “laundering money” (Complaint at ¶ 33) and “destroy[ing] families” (Complaint at ¶¶ 39, 41, 43, 45, 46, 47 and 48), Newton now casts an impermissibly or even ridiculously broad net in the hopes of finding some means of turning these statements into “opinion” or otherwise arguing that he may now have, though he did not previously have, some basis for his claims. The Court should disallow such “fishing expeditions,” and police discovery accordingly.

B. The Risk of Discovery Abuse in This Case is Extraordinarily High

This is a case that was filed because Newton has *already* conspired to injure and injured Plaintiff’s reputation, trade, business or profession, and done harm to Plaintiff through defamation and trade libel. *See* Complaint, *passim*. In ending discussion of a jointly agreed upon protective order, Newton affirmatively stated his intention to “share with the public” information received through discovery (*See* Ex. 4), in violation of the basic precept stated by the Supreme Court in *Rhineheart, supra*, and cited by the Virginia Supreme Court in *Fanning, supra*, that “discovery is provided for the *sole purpose* of assisting in the preparation and trial, or the settlement, of litigated disputes.” *Fanning, supra* at 260-261, 257 quoting *Rhinehart, supra* at 34-36 (*emphasis added*). Information, once given to Newton, much less once Newton posts it to the Internet, cannot be “clawed back.” As a result, discovery in this case, given the breadth, depth, and inherent sensitivity of the information sought, is particularly susceptible to abuse by a Defendant already clearly inclined to do harm to Plaintiff by making public, negative, and false

statements against it. Given Newton's stated intention to publish discovery responses, this Court should craft a suitably restrictive protective order.

C. *United States ex rel. Davis v. Prince*, Claimed by Newton to Support his Position Opposing Entry of a Protective Order, is Inapposite.

When the parties performed their "meet and confer" in an effort to resolve their dispute regarding the need for a protective order, Newton's counsel cited *United States ex rel. Davis v. Prince*, 753 F. Supp. 2d 561, 2010 U.S. Dist. LEXIS 117849 (E.D. Va. 2010) (See email string including May 24, 2012 email from Defense counsel to Plaintiff's counsel "Ex. 5"). In that case a magistrate judge in federal court had issued an extremely broad protective order that effectively precluded the dissemination of *any* discovery product, and did not create categories of documents that could be protected based upon "good cause." Instead, that court deferred both the categorization of materials as "confidential" and the determination of good cause for protection to the parties: "Here, the protective order violates Rule 26(c) by delegating the good cause determination to the parties, thereby erasing the rule's requirement that there be a *judicial* determination of good cause." *Id.* at 567, 12. (*Emphasis in original*).

United States ex rel. Davis v. Prince does not support the proposition that Newton argues, namely that Newton has an unfettered right to "publish discovery information." Ex. 5. Contrary to Newton's position, not only did the *Prince* court not deny a protective order outright, but instead it remanded, directing that a "new protective order *will issue*." *Id.* at 568, 18. (*Emphasis added*).

D. Categories for Protection

Numerous Interrogatories and Requests for Production issued by Newton seek a broad range of business and financial information, third-party names, addresses, phone numbers and

other contact information regarding not only church leadership, but also entirely unrelated third parties. The Plaintiff's concern is, and the Court's concern should be, that this information may be disseminated to parties unrelated to the litigation who will then be free to use that information to harass, embarrass, and otherwise harm not only the Plaintiff, but Plaintiff's members and individuals totally unrelated to the Plaintiff. Given Newton's intention to "share with the public" (Ex. 4) information received through discovery, it is probable, not possible, that those associated with Plaintiff will find their personal information uploaded to the Internet and will be harassed by Defendant and by individuals outside the Court's jurisdiction, including Colon. Apart from the fact that there is no legitimate need for the production of much of this information, there is also no legitimate need for the information sought or received by either party to be disseminated beyond the parties, their counsel, and an extremely small group of potential experts, and Plaintiff further represents that there is no need to disseminate financial information or the contact information of potential witnesses beyond counsel.

Furthermore, the information sought includes literally *thousands* of names and identifying information for people who are either not involved in the day-to-day operation of the Plaintiff, or who may not or no longer be affiliated with the Plaintiff in any way³. See Ex. 1 through 3. Unfettered use of information provided to Newton will result in a "fishing expedition" constituted by thousands of "cold calls" to current and former church members with no articulable basis to believe that any admissible information will result. This Court should impose at least some level of cause for Newton to contact third parties identified in this matter through discovery.

³ Plaintiff disagrees fervently that such information is relevant in the traditional sense, much less "Relevant" as defined in its discovery objections, and such a request is plainly and obviously an "Undue Burden" and suffers from "Overbreadth," both under their traditional meanings and as defined in Plaintiff's discovery objections.

Some of the documents and information requested, if required by the Court to be produced, need not be disseminated to the parties, but only by counsel and through limited disclosure to experts. Plaintiff requests that the Court enter an Order permitting the parties to designate documents as “confidential” from disclosure beyond the parties and their experts, and “highly confidential – attorney’s eyes only” to preclude disclosure beyond counsel and experts to the extent justified by circumstances.

a. Privileged, Confidential, and Proprietary

Even apart from information relating to third parties, Newton seeks through several Interrogatories and Requests for Production, including, but not limited to Interrogatory Nos. 1, 4, 5, 6, 7, 9, 10, 12, 17, 20 and Requests for Production Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 38, 40, 41, information relating to the internal operations of the church, donations to, finances of, and revenues of the church, leadership (including non-employee “senior leadership”) and organization of the church and other similar information. Much of this information is not otherwise available to the public, and should not be made available to the public merely because the church is obliged to defend itself from defamation and malicious attempts to cause it financial and other harm. Newton also seeks documents exchanged with third parties, and expansively seeks in more than one request, “all documents” relating to this matter, which includes documents that are privileged or work-product. This Court should enter an Order permitting the parties to designate documents as “privileged,” “confidential,” and “proprietary” to prevent further disclosure.

b. Third Party Information

Numerous Interrogatories and Requests for Production issued by Newton, including Interrogatory Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 14, 15, 16, 17, and 19 and Requests for Production

Nos. 6, 7, 8, 9, 13, 14, 20, 24, 25, 26, 28, 38, 40, and 41, seek information from, relating to, or identifying third parties, ranging from current and former members of the church to donors, “senior members” and even separate entities owned by members and church officials (including “Big Shine Worldwide”). As indicated in Plaintiff’s discovery responses, much of this information appears neither to be relevant nor reasonably calculated to lead to the discovery of admissible evidence. Even to the extent that some of this information may lead to the discovery of relevant evidence, this Court should balance the interests of these individuals in their continued privacy against those of the Defendant in seeking information and impose some restraint on the dissemination of these individuals’ private information. This Court should also impose a requirement of some showing of cause for Newton to contact third parties identified through discovery.

c. Agents and Personnel of the Church

As with third parties not directly affiliated with the church, much of the church hierarchy is not involved with this lawsuit, did not elect to participate in this lawsuit, and should not be dragged unwittingly into this lawsuit as a result of Newton’s hopes to turn discovery into a weapon. Plaintiff respectfully requests that the Court extend protection to these non-party agents and church personnel through any protective order entered in this matter.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court enter a Protective Order:

- A) Providing that the discovery sought by Newton not be had or in the alternative ordering the narrowing of the scope of required responses to information reasonably calculated to lead to the discovery of admissible evidence;

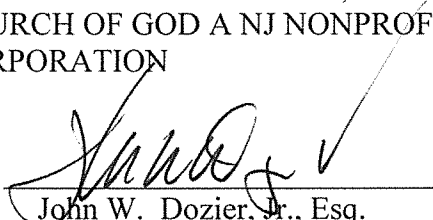
- B) Creating appropriate “categories” for the classification of information, including, but not limited to “Confidential” and “Highly Confidential - Attorney’s Eyes Only” and restricting dissemination of the discovery sought to the parties and their counsel and retained experts, and further restricting the release of financial information, business records and information, and names and contact information for prospective witnesses, only to counsel based on those categories;
- C) Specifically precluding dissemination of discovery responses to Michele Colon;
- D) Specifically precluding dissemination of discovery responses through publication including postings to the Internet; and
- E) Granting such other and further relief as this Court may deem proper and just.

Respectfully submitted,

Dated: 6/8/12

WORLD MISSION SOCIETY,
CHURCH OF GOD A NJ NONPROFIT
CORPORATION

By:



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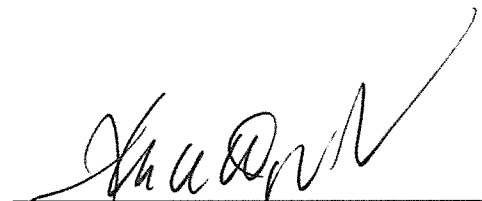
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*Attorneys for Plaintiff
World Mission Society,
Church of God
a NJ Nonprofit Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2012, the foregoing MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER was transmitted to Lee E. Berlik, Esquire, Counsel for Defendants, via email to lberlik@berliklaw.com and was deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Lee E. Berlik
BerlikLaw, LLC
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Exhibit 1

Defendant's First Set of Interrogatories

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 INTERROGATORIES TO PLAINTIFF

Defendant Tyler J. Newton ("Newton"), by counsel, pursuant to Rule 4:8 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") answer the following interrogatories fully, in writing, and under oath within 21 days of service, and thereafter supplement such answers as and when required by the Rules, to be updated through the date of any hearing and/or trial.

INSTRUCTIONS

1. If any interrogatory cannot be answered in full after exercising due diligence to secure the information to do so, please so state and answer the interrogatory to the extent possible, specifying any inability to answer the remainder of any such interrogatory, and stating whatever information or knowledge is presently available to you concerning the unanswered portion of said interrogatory.

2. To the extent that you consider any of the following interrogatories objectionable, answer so much of each interrogatory and each part thereof as is not objectionable in your view and separately state that part of each interrogatory as to which you raise objection and each ground for each such objection.
3. These interrogatories seek all knowledge and information within your possession or control. Therefore, each answer should be based not only on your own personal knowledge but also the knowledge of your agents, employees, representatives, experts, attorneys, and other persons you may have consulted concerning any of the facts or issues involved in this action.
4. With respect to any answer or portion of any answer to any of the following interrogatories, identify each person from whom information was obtained on which such answer or part thereof was based.
5. If you object to any interrogatory or part thereof on the claim of privilege, identify each statement or other information for which the privilege is claimed, together with the following information: (1) if the interrogatory elicits information about a meeting, event, or communication, with respect to each such occurrence, please state (a) the date, (b) the names of persons present or represented, (c) the subject matter of the occurrence, and (d) the basis on which the privilege is claimed; and (2) if the interrogatory elicits information relating to a document, please provide, with respect to each such document: (a) the date, (b) the sender, (c) the addressee, (d) the number of pages, (e) the subject matter, (f) the basis on which the privilege is claimed, (g) the names of all persons to whom copies of any part of the document were furnished, together with an identification of their employer and their job titles, (h) the present location of the document and all copies thereof, and (i) each person who has ever had possession, custody, or control of the documents.

6. These interrogatories are continuing in character. You are therefore requested to file supplementary answers if you obtain further or different information prior to any hearing or trial.
7. Whenever you are instructed to state a date or a dollar amount, if such date or amount is unknown to you, state your best estimate of such date or amount and indicate that it is an estimate.
8. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The word "including" shall be construed to mean "including but not limited to" or "including without limitation."
9. The use of the past tense shall include the present tense, and the use of the present tense shall include the past tense, so as to make the question inclusive rather than exclusive.
10. The singular includes the plural, and vice versa.
11. Each question is to be accorded a separate answer, and questions are not to be combined for the purpose of supplying a common answer thereto.
12. Unless otherwise indicated, the relevant time period for purposes of these interrogatories is the time period from January 1, 2009, to the date of the filing of your answers to these interrogatories, to be updated through the date of any hearing or trial.

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 AND 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.

INTERROGATORIES

INTERROGATORY NO. 1

Identify each person whom you believe may have personal or hearsay knowledge of facts relating to the allegations contained in the Complaint and/or the Answer thereto and describe generally the knowledge you impute to each person so identified.

INTERROGATORY NO. 2

Identify all known meetings, conversations, and correspondence between WMSCOG and Colon. Include in your answer an identification of who participated and what was said and discussed during such communications.

INTERROGATORY NO. 3

Identify each and every individual who was previously a member of WMSCOG but has left (for any reason) WMSCOG since 2009. For each individual, identify the date that individual became a member, the date they left WMSCOG and any agreements entered into between WMSCOG and each individual (whether a non-disclosure agreement or other agreement).

INTERROGATORY NO. 4

Describe, in detail, and any all business relationships, donative relationship or other relationship between WMSCOG and Big Shine Worldwide, Inc.

INTERROGATORY NO. 5

Identify each and every "branch" of the WMSCOG (including New Jersey), as described in paragraph 12 of the Complaint located within the United States. For each branch, provide the location, corporate formation information, number of members, annual budget and identify all senior leadership (pastors, missionaries, deacons/deaconesses, and any other senior leadership), and identify both the Korean and English names used by each such individual.

INTERROGATORY NO. 6

Describe, in detail, the relationship between the New Jersey Branch of WMSCOG and the main headquarters and/or central location of WMSCOG in South Korea as described in paragraph 61 of the Complaint, including any financial payments or transfers to/from between the branches and the South Korean location's role in doctrine and theology of the New Jersey Branch of WMSCOG.

INTERROGATORY NO. 7

For each senior leader as identified in Interrogatory No. 5 above, identify any contracts, business ownership interests or employment of those individuals outside WMSCOG. For each contract, ownership interest or position, identify the compensation received by the senior leader, the name and nature of the business, and describe any and all other relationship of the business to WMSCOG.

INTERROGATORY NO. 8

Identify any current or former member of WMSCOG that you contend has been harassed as a result of the actions of the Defendant, as alleged in Paragraph 19 of the Complaint, and identify whether the individual is still a member of WMSCOG, when they first became a member, when they left WMSCOG (if applicable) and describe any specific incidents of harassment, including witnesses thereto.

INTERROGATORY NO. 9

Identify any and all grounds for your contention, in Paragraph 19 of the Complaint, that WMSCOG is "losing prospective membership because of Defendants' conduct" and identify all lost business or members. Include in your answer an identification of (a) all persons with knowledge of the facts disclosed in your interrogatory answer; and (b) all documents (by Bates Number if applicable) referencing or reflecting such facts.

INTERROGATORY NO. 10

Identify any and all grounds for your contention, in Paragraph 20 of the Complaint, that WMSCOG "has lost prospective donative revenue from members, potential members and other benefactors." Include in your answer an identification of (a) all persons with knowledge of the facts disclosed in your interrogatory answer; and (b) all documents (by Bates Number if applicable) referencing or reflecting such facts.

INTERROGATORY NO. 11

Identify any lawsuit filed by or against any branch of WMSCOG since 2007. For each suit, describe the nature of the suit, the current status of the suit, the jurisdiction where the suit is/was pending and the case number of the suit.

INTERROGATORY NO. 12

Identify any donation in excess of \$1000 in a single donation or \$10,000 cumulative annually. For each donation(s), identify the member or benefactor providing the donation, the date(s) of the donation and, if any, the specific use of the donation by WMSCOG (e.g., mission fund, building fund, general operations, etc.).

INTERROGATORY NO. 13

Identify all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia: identify any expert witnesses you intend to call at trial; state the subject matter

on which the expert is expected to testify; identify the substance of the facts and opinions to which the expert is expected to testify; and provide a summary of the grounds for each opinion. Please also identify any correspondence or other communications to or from each such expert witness and identify any bibliographies or writings authored by or relating to each such expert witness.

INTERROGATORY NO. 14

Identify each person providing information used to answer these Interrogatories and identify any documents used by said persons to answer the Interrogatories.

INTERROGATORY NO. 15

Identify any and all oral, written, or recorded statements obtained by you or on your behalf from any individual in connection with any of the allegations or defenses in this case. For each statement indicate the name, address, and occupation of the person who made the statement; the name, address and occupation of the person who obtained the statement; the date the statement was obtained; whether the statement is written or oral; if written: state the name and address of the person who has custody of the statement; if oral: state the substance of the statement; and if recorded: state the date and substance of the recording.

INTERROGATORY NO. 16

If you contend that Newton or Colon has made any admissions or declarations against interest concerning the facts or circumstances involved in this lawsuit, identify the statement(s) made, to whom such statement(s) was made, when and where such statement(s) was made, and the name and address of each person who may have heard the statement(s).

INTERROGATORY NO. 17

Identify all persons with access to your Computer System, email system and software, backup system and software (including procedures, formats, and the location of backup storage

media), and document retention/destruction practices. Identify all persons with whom you have shared your passwords to access these devices.

INTERROGATORY NO. 18

Identify all electronic documents that relate to or reference the subject matter of this action that have been deleted or overwritten since this action was filed and state: (a) whether the deletion or overwriting was done through automation or by user action; and (b) what actions you have taken to restore the deleted or overwritten files.

INTERROGATORY NO. 19

Identify how you learned of the closed Facebook Group described in Paragraph 27 of the Complaint and how you learned of the private statements made within the confines of that Group. State whether you or anyone known to you is presently a member of the Group and identify the means and methods that person used to gain access to the Group. Identify all Facebook account names used to access the Facebook Group, and the names of the persons who used these accounts.

INTERROGATORY NO. 20

Please provide an itemized list of the particulars of every expense, financial loss, and/or other damage you contend you incurred as a result of the acts of Mr. Newton or for which you contend he is liable, including attorneys' fees incurred in connection with this case. Identify the total amount of damages claimed and explain how that amount was calculated.

TYLER J. NEWTON
By Counsel



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

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2012, a true and correct copy of the foregoing First Set of Interrogatories was served by facsimile on:

John W. Dozier, Jr.
Dozier Internet Law, P.C.
11520 Nuckols Road Ste 101
Glen Allen, VA 23059
Fax: 804-346-0800



Lee E. Berlik

Exhibit 2

Defendant's First Set of Requests for Production to Plaintiff

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.

TYLER J. NEWTON
By Counsel



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

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2012, a true and correct copy of the foregoing First Set of Requests for Production of Documents was served by facsimile on:

John W. Dozier, Jr.
Dozier Internet Law, P.C.
11520 Nuckols Road Ste 101
Glen Allen, VA 23059
Fax: 804-346-0800



Lee E. Berlik

Exhibit 3

Plaintiff's First Objections
and Responses to Defendant
Tyler Newton's First Set of
Interrogatories and Plaintiff's
First Objections and
Responses to Defendant
Tyler Newton's First Set of
Requests for Production,
collectively

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WORLD MISSION SOCIETY, CHURCH
OF GOD A NJ NONPROFIT
CORPORATION,

Plaintiff,

v.

MICHELLE COLON and
TYLER J. NEWTON

Defendants.

Case No. 2011-17163

**PLAINTIFF'S FIRST OBJECTIONS AND RESPONSES TO
DEFENDANT TYLER NEWTON'S
FIRST SET OF INTERROGATORIES**

Plaintiff World Mission Society Church of God, a New Jersey Non-Profit Corporation ("WMSCOG"), by counsel, responds to Defendant Tyler Newton's ("Newton") First Set of Interrogatories as follows:

GENERAL OBJECTIONS

1. Plaintiff asserts and expressly incorporates by reference the following General Objections to each of its responses. By providing a specific response to any Interrogatory or Request for Production, Plaintiff does not waive or otherwise limit these General Objections. Furthermore, reference to these General Objections in any specific response shall not waive or otherwise limit the applicability of these General Objections to each and every other response.

2. Plaintiff objects to each Interrogatory and Request for Production to the extent that it calls for information or documents protected by the attorney-client privilege or any other

privilege. Such information or documents will not be disclosed or produced. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Privilege”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

3. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents prepared by Plaintiff or its representatives in anticipation of litigation or for trial. Such information or materials will not be disclosed or produced. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Work Product”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

4. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents not relevant and not reasonably calculated to lead to the discovery of admissible evidence with respect to the claims or defenses of any party to this litigation. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Relevance”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

5. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents that are vexatious or unduly burdensome to obtain. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Undue Burden”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

6. Plaintiff objects to each Interrogatory and Request for Production to the extent that it is ambiguous, vague, or otherwise incomprehensible. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Vagueness”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

7. Plaintiff objects to each Interrogatory and Request for Production to the extent that it is overbroad and fails to set forth with reasonable particularity the information requested. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of “Overbreadth”) pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

8. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks private, confidential, trade secret, or proprietary information or documents of Plaintiff or third-parties. Defendant has specifically expressed intent to disseminate information

provided through discovery to the public, which will harm both Plaintiff and any third parties identified through discovery. Plaintiff will divulge such information or documents only pursuant to the terms of an appropriate Protective Order to be agreed to by the parties. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Proprietary Information") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

9. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information that is already in the possession, custody, or control of defendants or any of the defendants and/or counsel for same, or to the extent that it seeks information that is available to defendants from other sources with equivalent ease and expense.

10. Plaintiff objects to each Interrogatory and Request for Production as overly broad and unduly burdensome to the extent that it is unlimited in time. Plaintiff will interpret the Requests as restricted to information or materials created or obtained in or around the time periods relevant to the alleged acts and omissions reasonably related to the claims and defenses in the action.

11. An objection in response to any Interrogatory or Request for Production does not indicate the existence of any information or documents responsive to such Interrogatory or Request for Production.

12. Plaintiff's responses below are subject to all objections as to competence, relevance, materiality, admissibility, and all other objections that would require the exclusion of any statement contained herein if such statement were made by a witness present and testifying

in court. All such objections and grounds are reserved and may be interposed at any motion, hearing, or the time of trial.

13. Plaintiff objects to any request which requires it to answer, supplement answers, take any other action, or refrain from taking any action, not specifically required of it under the Rules of the Virginia Supreme Court.

14. Plaintiff has not yet completed its investigation and discovery or its preparation for trial. All responses are based only upon such information and documents as are presently available and specifically known to Plaintiff at this time. Further discovery, independent investigation, legal research, expert consultation and analysis may supply additional facts, and establish entirely new factual conclusions and legal contentions all of which may lead to substantial additions to, changes in, and variations from the responses set forth below. The following responses are given without prejudice to Plaintiff's right to produce evidence of additional information. Accordingly, Plaintiff reserves the right to change any and all responses given below. The responses below are made in a good faith effort to supply as much information as is presently known in accordance with the Rules of the Virginia Supreme Court, but should in no way be used to the prejudice of Plaintiff in relation to further discovery, research or analyses.

15. Plaintiff is the "World Mission Society, Church of God a NJ Nonprofit Corporation," an independent member of a larger organization, and therefore does not have information regarding other unrelated independent members of that larger organization, or information regarding that parent organization.

INTERROGATORIES

INTERROGATORY NO. 1

Identify each person whom you believe may have personal or hearsay knowledge of facts relating to the allegations contained in the Complaint and/or the Answer thereto and describe generally the knowledge you impute to each person so identified.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Privilege, Work Product, Overbreadth, and Undue Burden to the extent that it seeks anyone and anyone who may have any knowledge of this matter whatsoever, which may include hundreds of people unknown to Plaintiff as a result of Defendant's website.

RESPONSE:

Subject to and without waiving its objections, Plaintiff identifies: Tyler Newton and Michele Colon, *see the Complaint and Answer*. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 2

Identify all known meetings, conversations, and correspondence between WMSCOG and Colon. Include in your answer an identification of who participated and what was said and discussed during such communications.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth, and Undue Burden to the extent that it seeks information otherwise available to Defendant and to the extent that Colon was a member of WMSCOG, and therefore it is impossible to identify every responsive communication.

RESPONSE:

Subject to and without waiving its objections, Plaintiff identifies: *See* communications identified in the Complaint.

INTERROGATORY NO. 3

Identify each and every individual who was previously a member of WMSCOG but has left (for any reason) WMSCOG since 2009. For each individual, identify the date that individual became a member, the date they left WMSCOG and any agreements entered into between WMSCOG and each individual (whether a non-disclosure agreement or other agreement).

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Furthermore this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden.

RESPONSE:

Subject to and without waiving its objections, Plaintiff identifies: Michele Colon. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 4

Describe, in detail, and any all business relationships, donative relationship or other relationship between WMSCOG and Big Shine Worldwide, Inc.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

INTERROGATORY NO. 5

Identify each and every “branch” of the WMSCOG (including New Jersey), as described in paragraph 12 of the Complaint located within the United States. For each branch, provide the location, corporate formation information, number of members, annual budget and identify all senior leadership (pastors, missionaries, deacons/deaconesses, and any other senior leadership), and identify both the Korean and English names used by each such individual.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds and to the extent that it seeks information that is not within the possession, custody, or control of Plaintiff. Plaintiff is the “World Mission Society, Church of God a NJ Nonprofit Corporation,” an independent member of a larger organization, and therefore does not have information for each “branch” “located within the United States” as requested by Defendant. Plaintiff further objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects on the grounds that the term “senior leadership” is vague.

RESPONSE:

Subject to and without waiving its objections, Plaintiff identifies:

World Mission Society Church of God a NJ Nonprofit Corporation

Address: 305 Godwin Ave. Ridgewood, NJ 07450

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 456

Branch Churches

1. World Mission Society Church of God a NJ Nonprofit Corporation 2nd Branch

Address: 160 Palisades Ave. Bogota, NJ 07603

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 180

2. World Mission Society Church of God

Address: 160 Palisades Ave. Bogota, NJ 07603

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 180

3. World Mission Society Church of God

Address: 85 Winthrop Tr. Meriden, CT 06451

Corporate Formation Information: CT Business ID-0830507

Number of Members: 180

4. World Mission Society Church of God

Address: 7741 Baltimore Annapolis Blvd. Glen Burnie, MD 21060

Corporate Formation Information: MD Business ID-F14468540

Number of Members: 160

5. World Mission Society Church of God

Address: 700 A St. NE. Washington, DC 20002

Corporate Formation Information: DC Business ID-N0000001627

Number of Members: 65

6. World Mission Society Church of God

Address: 875 Fox Chase Rd. Jenkintown, PA 19046

Corporate Formation Information: PA Business ID - 4093343

Number of Members: 60

7. World Mission Society Church of God

Address: 128 South River Rd. Bedford, NH 03110

Corporate Formation Information: None

Number of Members: 51

8. World Mission Society Church of God

Address: 15 W 39th St. 5th Floor, NY, NY 10018

Corporate Formation Information: NY Business ID - 006806

Number of Members: 120

9. World Mission Society Church of God

Address: 125 Cedar St. New York, NY 10007

Corporate Formation Information: NY Business ID - 006806

Number of Members: 45

10. World Mission Society Church of God

Address: 70-02 Cypress Hills St. Ridgewood, NY 11385

Corporate Formation Information: NY Business ID - 006806

Number of Members: 120

11. World Mission Society Church of God

Address: 43 Moonachie Rd. Hackensack, NJ

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 74

12. World Mission Society Church of God

Address: 1440 How Ln. North Brunswick, NJ 08902

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 83

13. World Mission Society Church of God

Address: 5252 Lyngate Ct. Suite 100. Burke, VA 22015

Corporate Formation Information: VA Business ID-F188392-7

Number of Members: 130

14. World Mission Society Church of God

Address: 4646 Old Princess Anne Rd. Virginia Beach, VA

Corporate Formation Information: VA Business ID-F188392-7

Number of Members: 43

15. World Mission Society Church of God

Address: 115 River Rd. Edgewater, NJ Suite 103

Corporate Formation Information: EIN-26-3675159, NJ Business ID- 0400232791

Number of Members: 15

Church members also meet in the following cities, though they meet in the homes of a member and do not necessarily have a set meeting place or hierarchy.

- **Boston**
- **Long Island, NY**
- **Delaware**
- **Pittsburgh**
- **Kentucky**
- **Delaware**
- **Richmond, VA**
- **Puerto Rico**
- **Buffalo**
- **Wilmington, NC**

Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 6

Describe, in detail, the relationship between the New Jersey Branch of WMSCOG and the main headquarters and/or central location of WMSCOG in South Korea as described in paragraph 61 of the Complaint, including any financial payments or transfers to/from between the branches and the South Korean location's role in doctrine and theology of the New Jersey Branch of WMSCOG.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds and to the extent that it seeks information that is not within the possession, custody, or control of Plaintiff. Plaintiff is the "World Mission Society, Church of God a NJ Nonprofit Corporation," an independent member of a larger organization, and therefore does not have information for each "branch" "located within the United States" as requested by Defendant. Plaintiff further objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff

further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to and without waiving its objections, Plaintiff states: The NJ WMSCOG contacts the headquarters in South Korea for reasons including, but not limited to, Spiritual Guidance, overall direction in Church matters, and financial support.

The headquarters in South Korea provides Financial Support for such things as mortgages, rent payments, construction, certain item purchases, etc.

Tithes and Certain Special offerings are given to the head office in Korea via a bank account in the Woori bank located here in the United States. From these Tithes and Special offerings the Headquarters support the branch churches in the East Coast.

INTERROGATORY NO. 7

For each senior leader as identified in Interrogatory No. 5 above, identify any contracts, business ownership interests or employment of those individuals outside WMSCOG. For each contract, ownership interest or position, identify the compensation received by the senior leader, the name and nature of the business, and describe any and all other relationship of the business to WMSCOG.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of

uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects on the grounds that the term “senior leader” is vague.

RESPONSE

See response to Interrogatory #5. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 8

Identify any current or former member of WMSCOG that you contend has been harassed as a result of the actions of the Defendant, as alleged in Paragraph 19 of the Complaint, and identify whether the individual is still a member of WMSCOG, when they first became a member, when they left WMSCOG (if applicable) and describe any specific incidents of harassment, including witnesses thereto.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9

Identify any and all grounds for your contention, in Paragraph 19 of the Complaint, that WMSCOG is “losing prospective membership because of Defendants’ conduct” and identify all lost business or members. Include in your answer an identification of (a) all persons with

knowledge of the facts disclosed in your interrogatory answer; and (b) all documents (by Bates Number if applicable) referencing or reflecting such facts.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to and without waiving its objections, Plaintiff states: Attendance and the number of Baptisms performed by the Church have decreased since the opening of the Website www.examinethemwscog.com has opened. The Church's growth rate has slowed, and attendance at specific ceremonies has decreased. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 10

Identify any and all grounds for your contention, in Paragraph 20 of the Complaint, that WMSCOG "has lost prospective donative revenue from members, potential members and other benefactors." Include in your answer an identification of (a) all persons with knowledge of the facts disclosed in your interrogatory answer; and (b) all documents (by Bates Number if applicable) referencing or reflecting such facts.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an

appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to and without waiving its objections, Plaintiff states: see response to Interrogatory # 9. The Church's loss of members and reduced growth rate has resulted in a loss of donative revenue.

INTERROGATORY NO. 11

Identify any lawsuit filed by or against any branch of WMSCOG since 2007. For each suit, describe the nature of the suit, the current status of the suit, the jurisdiction where the suit is/was pending and the case number of the suit.

RESPONSE:

Plaintiff is not currently involved in any other lawsuits and has not been involved in any other litigation of any kind.

INTERROGATORY NO. 12

Identify any donation in excess of \$1000 in a single donation or \$10,000 cumulative annually. For each donation(s), identify the member or benefactor providing the donation, the date(s) of the donation and, if any, the specific use of the donation by WMSCOG (e.g., mission fund, building fund, general operations, etc.).

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of

Overbreadth and Undue Burden, as this Interrogatory seeks the private information of uninvolved, unrelated third parties, and therefore seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13

Identify all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia: identify any expert witnesses you intend to call at trial; state the subject matter on which the expert is expected to testify; identify the substance of the facts and opinions to which the expert is expected to testify; and provide a summary of the grounds for each opinion. Please also identify any correspondence or other communications to or from each such expert witness and identify any bibliographies or writings authored by or relating to each such expert witness.

OBJECTION:

Plaintiff objects to this Interrogatory as compound and constituting more than one Interrogatory.

RESPONSE:

Subject to and without waiving its objections, Plaintiff responds: Plaintiff has not yet obtained experts. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 14

Identify each person providing information used to answer these Interrogatories and identify any documents used by said persons to answer the Interrogatories.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

RESPONSE

Subject to and without waiving its objections, Plaintiff identifies: Victor Lozada and Tara Byrne and Dov M. Szego and John W. Dozier, Jr. as counsel.

INTERROGATORY NO. 15

Identify any and all oral, written, or recorded statements obtained by you or on your behalf from any individual in connection with any of the allegations or defenses in this case. For each statement indicate the name, address, and occupation of the person who made the statement; the name, address and occupation of the person who obtained the statement; the date the statement was obtained; whether the statement is written or oral; if written: state the name and address of the person who has custody of the statement; if oral: state the substance of the statement; and if recorded: state the date and substance of the recording.

OBJECTION:

Plaintiff objects to this Interrogatory on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory on the grounds of Privilege and Work Product.

INTERROGATORY NO. 16

If you contend that Newton or Colon has made any admissions or declarations against interest concerning the facts or circumstances involved in this lawsuit, identify the statement(s) made, to whom such statement(s) was made, when and where such statement(s) was made, and the name and address of each person who may have heard the statement(s).

RESPONSE

See Answer; see Affidavits provided by Michele Colon and Tyler Newton in support of Motion to Dismiss and Motion challenging jurisdiction.

INTERROGATORY NO. 17

Identify all persons with access to your Computer System, email system and software, backup system and software (including procedures, formats, and the location of backup storage media), and document retention/destruction practices. Identify all persons with whom you have shared your passwords to access these devices.

RESPONSE

Subject to and without waiving its objections, Plaintiff identifies Victor Lozada. The Church does not have a backup system. Plaintiff reserves the right to supplement this response.

INTERROGATORY NO. 18

Identify all electronic documents that relate to or reference the subject matter of this action that have been deleted or overwritten since this action was filed and state: (a) whether the deletion or overwriting was done through automation or by user action; and (b) what actions you have taken to restore the deleted or overwritten files.

RESPONSE

Upon information and belief, no data has been deleted. Plaintiff reserves the right to supplement its response.

INTERROGATORY NO. 19

Identify how you learned of the closed Facebook Group described in Paragraph 27 of the Complaint and how you learned of the private statements made within the confines of that Group. State whether you or anyone known to you - and identify the means and methods that person used to gain access to the Group. Identify all Facebook account names used to access the Facebook Group, and the names of the persons who used these accounts.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Interrogatory as compound and constituting more than one Interrogatory.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff was advised of the content of the Facebook Group by a Church member. Further response will be given following entry of an appropriate Protective Order. Upon information and belief no Church member is presently a member of the Facebook Group.

INTERROGATORY NO. 20

Please provide an itemized list of the particulars of every expense, financial loss, and/or other damage you contend you incurred as a result of the acts of Mr. Newton or for which you contend he is liable, including attorneys' fees incurred in connection with this case. Identify the total amount of damages claimed and explain how that amount was calculated.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

Plaintiff further states that its investigation in this matter is ongoing, and that it will supplement its response.

Dated: 5-16-12

WORLD MISSION SOCIETY,
CHURCH OF GOD A NJ NONPROFIT
CORPORATION

By: [Signature] USD 44586-10R

John W. Dozier, Jr., Esq.
VA Bar # 20559
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11520 Nuckols Road, Suite 101
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Fax: (804) 346-0800
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*Attorneys for Plaintiff
World Mission Society,
Church of God
a NJ Nonprofit Corporation*

STATE OF NJ)
COUNTY OF BERGEN)
VERIFICATION

I am an agent of the Plaintiff authorized to endorse these Interrogatory responses. I certify that I have read the foregoing responses to Interrogatories and believe them to be true and correct.

[Signature] 5.16.2012
Signature and date

VICTOR LOZADA MISSIONARY
Print Name and Title

SUBSCRIBED AND SWORN to me on this 16th day of MAY, 2012.

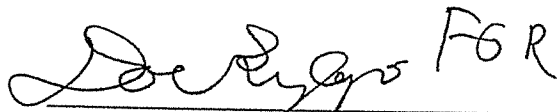
[Signature]
Signature of Notary
PAUL J. DUGGAN
NOTARY PUBLIC OF NEW JERSEY
ID # 2396758
My Commission Expires May 25, 2015
Print Name or Notary Stamp

NOTARY PUBLIC in and for the state of
NJ, residing at Glen Rock NJ

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2012, the foregoing PLAINTIFF'S FIRST OBJECTIONS AND RESPONSES TO DEFENDANT TYLER NEWTON'S FIRST SET OF FIRST SET OF INTERROGATORIES was transmitted to Lee E. Berlik, Esquire, Counsel for Defendants, via email to lberlik@berliklaw.com and was deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Lee E. Berlik
BerlikLaw, LLC
11710 Plaza America Drive, Suite 120
Reston, VA 20190



John W. Dozier, Jr., Esq.
Dozier Internet Law, P.C.
11520 Nuckols Road, Suite 101
Glen Allen, Virginia 23060
Phone: (804) 346-9770
Fax: (804) 346-0800
email: jwd@cybertriallawyer.com

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
WORLD MISSION SOCIETY, CHURCH)	
OF GOD A NJ NONPROFIT)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2011-17163
)	
MICHELLE COLON and)	
TYLER J. NEWTON)	
)	
Defendants.)	
_____)	

**PLAINTIFF'S FIRST OBJECTIONS AND RESPONSES TO
DEFENDANT TYLER NEWTON'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiff World Mission Society Church of God, a New Jersey Non-Profit Corporation ("WMSCOG"), by counsel, responds to Defendant Tyler Newton's ("Newton") First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Plaintiff asserts and expressly incorporates by reference the following General Objections to each of its responses. By providing a specific response to any Interrogatory or Request for Production, Plaintiff does not waive or otherwise limit these General Objections. Furthermore, reference to these General Objections in any specific response shall not waive or otherwise limit the applicability of these General Objections to each and every other response.
2. Plaintiff objects to each Interrogatory and Request for Production to the extent that it calls for information or documents protected by the attorney-client privilege or any other

privilege. Such information or documents will not be disclosed or produced. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Privilege") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

3. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents prepared by Plaintiff or its representatives in anticipation of litigation or for trial. Such information or materials will not be disclosed or produced. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Work Product") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

4. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents not relevant and not reasonably calculated to lead to the discovery of admissible evidence with respect to the claims or defenses of any party to this litigation. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Relevance") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

5. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information or documents that are vexatious or unduly burdensome to obtain.

Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Undue Burden") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

6. Plaintiff objects to each Interrogatory and Request for Production to the extent that it is ambiguous, vague, or otherwise incomprehensible. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Vagueness") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

7. Plaintiff objects to each Interrogatory and Request for Production to the extent that it is overbroad and fails to set forth with reasonable particularity the information requested. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Overbreadth") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

8. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks private, confidential, trade secret, or proprietary information or documents of Plaintiff or third-parties. Defendant has specifically expressed intent to disseminate information

provided through discovery to the public, which will harm both Plaintiff and any third parties identified through discovery. Plaintiff will divulge such information or documents only pursuant to the terms of an appropriate Protective Order to be agreed to by the parties. Where the applicability of this General Objection is readily apparent on its face from the text of the Interrogatory or Request for Production, Plaintiff may also make a specific objection (hereinafter, an objection on the ground of "Proprietary Information") pursuant to this paragraph, although the failure to make such a specific objection shall not be deemed to be a waiver of this General Objection.

9. Plaintiff objects to each Interrogatory and Request for Production to the extent that it seeks information that is already in the possession, custody, or control of defendants or any of the defendants and/or counsel for same, or to the extent that it seeks information that is available to defendants from other sources with equivalent ease and expense.

10. Plaintiff objects to each Interrogatory and Request for Production as overly broad and unduly burdensome to the extent that it is unlimited in time. Plaintiff will interpret the Requests as restricted to information or materials created or obtained in or around the time periods relevant to the alleged acts and omissions reasonably related to the claims and defenses in the action.

11. An objection in response to any Interrogatory or Request for Production does not indicate the existence of any information or documents responsive to such Interrogatory or Request for Production.

12. Plaintiff's responses below are subject to all objections as to competence, relevance, materiality, admissibility, and all other objections that would require the exclusion of any statement contained herein if such statement were made by a witness present and testifying

in court. All such objections and grounds are reserved and may be interposed at any motion, hearing, or the time of trial.

13. Plaintiff objects to any request which requires it to answer, supplement answers, take any other action, or refrain from taking any action, not specifically required of it under the Rules of the Virginia Supreme Court.

14. Plaintiff has not yet completed its investigation and discovery or its preparation for trial. All responses are based only upon such information and documents as are presently available and specifically known to Plaintiff at this time. Further discovery, independent investigation, legal research, expert consultation and analysis may supply additional facts, and establish entirely new factual conclusions and legal contentions all of which may lead to substantial additions to, changes in, and variations from the responses set forth below. The following responses are given without prejudice to Plaintiff's right to produce evidence of additional information. Accordingly, Plaintiff reserves the right to change any and all responses given below. The responses below are made in a good faith effort to supply as much information as is presently known in accordance with the Rules of the Virginia Supreme Court, but should in no way be used to the prejudice of Plaintiff in relation to further discovery, research or analyses.

15. Plaintiff is the "World Mission Society, Church of God a NJ Nonprofit Corporation," an independent member of a larger organization, and therefore does not have information regarding other unrelated independent members of that larger organization, or information regarding that parent organization.

RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS

Plaintiff responds as follows to Defendant's document requests:

1. All documents referenced in the Complaint and/or the Answer thereto.

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden and that all responsive documents are in the Defendant's possession or readily available to the Defendant through other means.

2. All documents identified or referenced in your answers to Defendant Newton's First Set of Interrogatories.

RESPONSE:

See all attached documents. Plaintiff reserves the right to supplement this response.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

4. All documents relating to the current financial status of WMSCOG, including balance sheets, bank statements, accounts receivable and accounts payable.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

5. All documents relating to all variances sought in and around Ridgewood, New Jersey.

OBJECTION

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6. All documents documenting any business relationship, whether contract or otherwise, with Big Shine Worldwide, Inc.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

RESPONSE:

7. All documents reflecting donations to WMSCOG from Big Shine Worldwide, Inc.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

8. All documents reflecting compensation of senior WMSCOG officials, including but not limited to pastors, directors, and trustees.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an

appropriate Protective Order. Plaintiff further objects to this request on the grounds of Relevance, Overbreadth, and Undue Burden on the grounds and to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. All documents reflecting business expenses of senior WMSCOG officials, including but not limited to pastors, directors, and trustees.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10. All documents showing the corporate and governance relationship of WMSCOG and affiliate, parent or subsidiary churches.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12. All documents reflecting expenses relating to mission work.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff was advised of the content of the Facebook Group by a church member. Further response will be given following entry of an appropriate Protective Order.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden, and on the basis that all responsive documents are in the Defendant’s possession or are readily available to Defendant.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff discerned the identity of “Hailey” from the content of her messages.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden, and on the basis that all responsive documents are in the Defendant’s possession or are readily available to Defendant.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff discerned the identity of “HaileyStevens10” from the content of her messages.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden, that it is duplicative, and on the basis that all responsive documents are in the Defendant’s possession or are readily available to Defendant.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden, and on the basis that all responsive documents are in the Defendant’s possession or are readily available to Defendant.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff discerned the identity of “James Newton” from the content of his messages.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden, and on the basis that all responsive documents are in the Defendant's possession or are readily available to Defendant.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff discerned the identity of "Wmscog Ex-Member" from the content of messages.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects on the grounds and to the extent that any responsive documents are already in Defendant's possession.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff reserves the right to supplement its response.

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.

RESPONSE:

Plaintiff is not aware of any responsive documents. Plaintiff has not been involved in any such lawsuits.

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

RESPONSE:

See attached documents.

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.

OBJECTION:

Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects on the grounds and to the extent that any responsive documents are already in Defendant's possession.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: See attached documents.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an

appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects on the grounds and to the extent that any responsive documents are already in Defendant's possession.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Overbreadth and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds and to the extent that Privilege and Work Product apply.

31. All documents supporting your claim for damages.

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order.

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

RESPONSE:

See the Complaint, Answer, and documents cited therein. Plaintiff further takes the position that it is Defendant's burden to prove truth as a defense, rather than for Plaintiff to prove a negative.

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

RESPONSE:

See the Complaint, Answer, and documents cited therein.

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

RESPONSE:

See the Complaint, Answer, and documents cited therein. Plaintiff further takes the position that it is Defendant's burden to prove truth as a defense, rather than for Plaintiff to prove a negative.

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

RESPONSE:

See the Complaint, Answer, and documents cited therein.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Proprietary Information. The information sought is sensitive, personal, and internal information that will be supplied only after entry of an appropriate Protective Order. Plaintiff further objects to this Request on the grounds of Relevance, Overbreadth, and Undue Burden to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff

further objects on the grounds and to the extent that any responsive documents are already in Defendant's possession.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff reserves the right to supplement its response.

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

RESPONSE:

See response to Request #23. Plaintiff reserves the right to supplement its response. Plaintiff further takes the position that it is Defendant's burden to prove truth as a defense, rather than for Plaintiff to prove a negative.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Undue Burden and Vagueness. Plaintiff further takes the position that it is Defendant's burden to prove truth as a defense, rather than for Plaintiff to prove a negative.

RESPONSE:

See response to Requests #22 and 23. Plaintiff reserves the right to supplement its response.

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.

OBJECTION:

Plaintiff objects to this Request on the grounds of Privilege and Work Product. Plaintiff further objects to this request on the grounds and to the extent that Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia permits discovery of “each person whom the other party *expects* to call as an expert witness at trial” (emphasis added), and the expansion of this request into experts who “*may*” be called to testify impermissibly invades Privilege and Work Product, and seeks counsel’s trial strategy.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Privilege and Work Product.

RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. No subpoenas have yet been issued in this matter. Plaintiff reserves the right to supplement its response.

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

OBJECTION:

Plaintiff objects to this Request on the grounds of Privilege and Work Product.

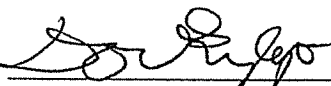
RESPONSE:

Subject to and without waiving its objections, Plaintiff states: Plaintiff is not aware of any responsive documents. Plaintiff reserves the right to supplement its response.

Dated: _____

WORLD MISSION SOCIETY,

CHURCH OF GOD A NJ NONPROFIT
CORPORATION

By:  USB44586 FOR

John W. Dozier, Jr., Esq.

VA Bar # 20559

Dozier Internet Law, P.C.

11520 Nuckols Road, Suite 101

Glen Allen, VA 23059

Tel: (804) 346-9770

Fax: (804) 346-0800

email: jwd@cybertriallawyer.com

Attorneys for Plaintiff

World Mission Society,


Church of God

a NJ Nonprofit Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2012, the foregoing PLAINTIFF'S FIRST OBJECTIONS AND RESPONSES TO DEFENDANT TYLER NEWTON'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was transmitted to Lee E. Berlik, Esquire, Counsel for Defendants, via email to lberlik@berliklaw.com and was deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Lee E. Berlik
BerlikLaw, LLC
1818 Library Street, Suite 500
Reston, VA 20190



John W. Dozier, Jr., Esq.

Dozier Internet Law, P.C.
11520 Nuckols Road, Suite 101
Glen Allen, Virginia 23060
Phone: (804) 346-9770
Fax: (804) 346-0800
email: jwd@cybertriallawyer.com

Exhibit 4

May 11, 2012 email from
Defense counsel to counsel
for Plaintiff

Dov M. Szego

From: Lee E. Berlik [lberlik@berliklaw.com]

Sent: Friday, May 11, 2012 11:44 AM

To: Dov M. Szego

Subject: Discovery

Dov: After further reflection and discussion with Mr. Newton, I do not believe I (or you) will be able to craft a protective order that will be agreeable to both our clients. WMS wants to keep information off of www.examinethewmscog.com, and Mr. Newton, as you know, fully intends to share with the public any information he receives about the church that he feels the public would benefit from hearing. Therefore, please plan on answering the pending discovery by the date we agreed on. If you have specific information you are concerned about disclosing, let me know and perhaps we can craft a narrow protective order that deals only with that information. My understanding, though, is that WMS wants something far broader than that, and Mr. Newton will not agree to it. I will write John separately and make it clear that Mr. Newton rejects the offer he made on May 4th.

With best regards,

Lee E. Berlik
BerlikLaw, LLC
1818 Library Street, Suite 500
Reston, VA 20190
(703) 722-0588
www.BerlikLaw.com

This electronic message contains information prepared by an attorney and may be confidential and/or privileged. If you are not the intended recipient, any disclosure, copying, or use of the contents is strictly prohibited. If you have received this e-mail in error, please notify us and delete the message without copying or disclosing it.

Exhibit 4

6/5/2012

Exhibit 5

May 24, 2012 email from
Defense counsel to Plaintiff's
counsel

Dov M. Szego

From: Jay McDannell [jmcdannell@berliklaw.com]
Sent: Thursday, May 24, 2012 3:35 PM
To: Dov M. Szego
Cc: Lee Berlik
Subject: RE: Calendar Control
Attachments: US ex rel Davis v Prince.pdf

Dov,

It was good to talk to you today. Just to confirm, we will "meet" (you, by telephone) for calendar control on Wednesday May 30th at 8:30a. We will set schedules for your pending motion for protective order and for our upcoming motion to declare your client a public figure for the purposes of defamation analysis.

Also, as we discussed, I'm attaching a case which we think is very instructive on the issue of our client's intent to publish discovery information relevant to the dispute.

If you have any questions, please don't hesitate to contact me.

Jay

Jay M. McDannell, Of Counsel
BerlikLaw, LLC
1818 Library Street, Suite 500
Reston, VA 20190
(703) 722-0588
www.BerlikLaw.com
www.VirginiaLitigationBlog.com

-----Original Message-----

From: "Jay McDannell" <jmcdannell@berliklaw.com>
Sent: Tuesday, May 22, 2012 5:16pm
To: dov@cybertriallawyer.com
Subject: RE: Calendar Control

Dov,

When we you thinking of meeting with calendar control on your motion? Tuesday or Wednesday next week would work for me, although I could conceivable squeeze it in this Thursday, if you are in a hurry.

As Lee mentioned, we will be doing a motion re your client as a "public figure" for the purposes of defamation analysis, but I think we can fit that in the normal 5 page requirements. I'll confer with you later to set a hearing date for that motion.

Jay

Jay M. McDannell, Of Counsel
BerlikLaw, LLC
1818 Library Street, Suite 500
Reston, VA 20190
(703) 722-0588
www.BerlikLaw.com
www.VirginiaLitigationBlog.com

-----Original Message-----

6/5/2012

Exhibit 5

From: "Lee E. Berlik" <lberlik@berliklaw.com>
Sent: Tuesday, May 22, 2012 1:27pm
To: "Dov@cybertriallawyer.com" <Dov@cybertriallawyer.com>
Cc: "Jay M. McDannell" <jmcdannell@berliklaw.com>
Subject: Calendar Control

Dov: Thanks for your voice mail. I am tied up with another case so you should expect to hear from Mr. McDannell (copied above) shortly about scheduling argument on our respective motions.

With best regards,

Lee E. Berlik
BerlikLaw, LLC
1818 Library Street, Suite 500
Reston, VA 20190
(703) 722-0588
www.BerlikLaw.com

This electronic message contains information prepared by an attorney and may be confidential and/or privileged. If you are not the intended recipient, any disclosure, copying, or use of the contents is strictly prohibited. If you have received this e-mail in error, please notify us and delete the message without copying or disclosing it.

6/5/2012

753 F.Supp.2d 561
United States District Court,
E.D. Virginia,
Alexandria Division.

UNITED STATES of America ex rel.
Melan DAVIS and Brad Davis, Plaintiffs,
v.
Erik PRINCE, et al., Defendants.

Case No. 1:08cv1244. | Nov. 5, 2010.

Synopsis

Background: Relators brought action under False Claims Act (FCA) against five corporate entities and individual who allegedly owned and controlled corporate entities, alleging that defendants submitted false claims in connection with government contracts to provide security services. Relators objected to magistrate judge's protective order, which authorized any party's counsel to designate any discovery materials as confidential and prohibited any party from making any public disclosure of that material.

[Holding:] The District Court, T.S. Ellis, III, J., held that protective order violated governing rule.

Order vacated.

West Headnotes (14)

[1] **United States Magistrates**

↔ Scope and extent in general

United States Magistrates

↔ Clear or manifest error

As a nondispositive matter, magistrate judge's discovery order is properly governed by the clearly erroneous or contrary-to-law standard of review. Fed.Rules Civ.Proc.Rule 72(a), 28 U.S.C.A.

[2] **Federal Civil Procedure**

↔ Protective orders

Party seeking a protective order has the burden of establishing good cause by demonstrating

that specific prejudice or harm will result if no protective order is granted. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[3] **Records**

↔ Court records

There is a presumption in favor of public access to judicial records, and a district court has the authority to seal court documents only if the public's right of access is outweighed by competing interests.

[4] **Records**

↔ Court records

Before granting a motion to seal any court document, a district court must follow a three-step process: (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives.

[5] **Federal Civil Procedure**

↔ Protective orders

Protective order that broadly prohibited public disclosure of any discovery materials designated as confidential by any party violated rule governing discovery protection orders by delegating good cause determination to the parties, thereby erasing rule's requirement that there be a judicial determination of good cause to support order. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[6] **Federal Civil Procedure**

↔ Protective orders

United States Magistrates

↔ Pretrial matters; discovery

Rule providing that district court may issue a protective order only upon a finding of good cause does not require district court

to determine good cause on a document-by-document, or transcript-page-by-transcript-page, basis, and, instead, a magistrate judge or district judge may issue an order protecting specifically delineated categories of documents upon a showing that good cause exists to protect each category. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[7] **Federal Civil Procedure**

⚡ Protective orders

If party's designation of a particular document as falling within scope of umbrella protection order is challenged by opposing party, party seeking to avoid disclosure has the burden of persuading the court that the designated material falls within a particular category for which cause for protection has been shown. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[8] **Federal Civil Procedure**

⚡ Protective orders

Stated intent of plaintiffs' counsel to publish on her website all non-confidential discovery materials obtained in action under False Claims Act (FCA), consistent with counsel's right to use such materials as she sought fit, did not provide good cause for protective order. 31 U.S.C.A. § 3729 et seq.; Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[9] **Federal Civil Procedure**

⚡ Protective orders

To show good cause warranting protective order, a party must demonstrate more than that an opposing party intends to disseminate discovery materials; rather, it must show that the disclosure of those materials will cause specific prejudice or harm, such as annoyance, embarrassment, oppression, or undue burden or expense. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[10] **Federal Civil Procedure**

⚡ Protective orders

That public disclosure of discovery materials will cause some annoyance or embarrassment is not sufficient to warrant a protective order; the annoyance or embarrassment must be particularly serious. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

[11] **Constitutional Law**

⚡ Publicity Regarding Proceedings

Broad gag orders are restraints on expression and raise First Amendment concerns. U.S.C.A. Const.Amend. 1.

[12] **Federal Civil Procedure**

⚡ Gag orders and similar restraints

District court may restrict extrajudicial statements by parties and counsel only if those comments present a reasonable likelihood of prejudicing a fair trial.

[13] **Federal Civil Procedure**

⚡ Gag orders and similar restraints

Blanket gag order was not warranted in action under False Claims Act (FCA) where nothing in the record suggested that extrajudicial statements by either party presented reasonable likelihood of tainting the jury pool. 31 U.S.C.A. § 3729 et seq.

[14] **Federal Civil Procedure**

⚡ Protective orders

Federal Civil Procedure

⚡ Gag orders and similar restraints

Court may prohibit extrajudicial statements revealing the substance of discovery materials that fall within a good cause category of a valid protective order. Fed.Rules Civ.Proc.Rule 26(c), 28 U.S.C.A.

Attorneys and Law Firms

*563 Susan L. Burke, Burke PLLC, Washington, DC, for Plaintiffs.

Richard L. Beizer, David William O'Brien, Crowell & Moring LLP, Washington, DC, for Defendants.

Opinion**MEMORANDUM OPINION**

T.S. ELLIS, III, District Judge.

In this False Claims Act¹ case, the magistrate judge issued a protective order that authorizes any party's counsel to designate any discovery materials² as confidential and then prohibits any party from making any public disclosure of that material. Plaintiffs filed an objection to the protective order, pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, arguing that the protective order is "clearly erroneous and contrary to law." For the reasons that follow, the magistrate judge's order must be vacated.

¹ 31 U.S.C. § 3729 (West 2010).

² As used in this Memorandum Opinion, "discovery materials" refers to all information obtained in the discovery process, including documents, deposition transcripts, interrogatory questions and responses, and the like.

I.

Plaintiffs, Melan and Brad Davis, are former employees of one of the corporate defendants. Of the six named defendants, five are corporate entities and one is an individual. The five corporate entities are: (1) Xe Services, LLC, a private security company that provides tactical training, *564 security services, logistics, and crisis management; (2) Blackwater Security Consulting, LLC, a private company that provides private security services; (3) U.S. Training Center, Inc., the corporate owner of a training facility in North Carolina that provides tactics and weapons training to military, security, and law enforcement professionals; (4) Greystone, Ltd., an international provider of security and support services; and (5) Prince Group LLC, a private holding company. The individual defendant, Erik Prince, allegedly owns and controls all of the corporate defendants. All six defendants are collectively referred to herein as "Xe."

Plaintiffs brought this suit alleging that defendants submitted false claims to the U.S. Government in violation of the False Claims Act. More specifically, plaintiffs allege that defendants were awarded two government contracts: (i) a Department of Homeland Security contract to provide security services in Louisiana in the aftermath of Hurricane Katrina; and (ii) a Department of State contract to provide security services in Iraq and Afghanistan. According to plaintiffs, defendants submitted false claims with respect to both contracts by inflating the number of hours worked by employees, falsifying personnel muster sheets, billing for needless expenses, and providing worthless services.

After plaintiffs filed suit, defendants filed a motion for a comprehensive protective order prohibiting the disclosure of all discovery materials and enjoining the parties from making any extrajudicial statements relating to the litigation. In support of their motion, defendants argued that plaintiffs' counsel had already made a number of prejudicial comments to the media, and that she had stated an intent to publish all non-confidential discovery materials on the internet. Defendants argued that this public disclosure would serve no purpose other than to taint the jury pool and to annoy, embarrass, and harass the defendants.

In response, plaintiffs argued that defendants' proposed protective order would be contrary to well-established law. Specifically, plaintiffs contended that a blanket order prohibiting public disclosure of all discovery documents would be inappropriate because it would prevent the public from learning about information of legitimate public concern, and it would hinder plaintiffs' ability to gather evidence from witnesses who heard about the case from media outlets and then contacted plaintiffs' counsel.

Defendants' motion was referred to a magistrate judge, who, after hearing argument, issued a protective order prohibiting the parties from publicly disclosing any discovery materials designated as "confidential" by either party, and further prohibiting any party from making extrajudicial statements relating to those materials designated as "confidential" by either party. Specifically, the protective order states as follows:

Until the court orders otherwise, no party or counsel for a party, or their agents or employees, may reveal or disseminate any information obtained through use of the discovery process in this action, which information has not also been gained through means independent of this court's processes, and which information has been designated as

"confidential" by counsel for any party in this action. Extrajudicial statements by the parties and counsel are also limited to this extent, but no [sic] otherwise.

No discovery materials may be filed with the court without prior order. No discovery material that has been designated "confidential" may be revealed in any motion, memorandum or exhibit thereto without prior order, and counsel *565 feeling the need to reference such material shall file a motion to seal that complies with Local Civil Rule 5.

Plaintiffs filed a Rule 72(a) objection to the magistrate judge's protective order. In their pleadings, the parties re-state many of the arguments made in their initial pleadings submitted to the magistrate judge. As the parties have fully briefed and argued their respective positions, the issues presented by plaintiffs' objection are ripe for determination.

II.

[1] Rule 72(a) of the Federal Rules of Civil Procedure permits a party to submit objections to a magistrate judge's ruling on nondispositive matters, such as discovery orders. Fed.R.Civ.P. 72(a); 28 U.S.C. § 636(b)(1)(A); see *Fed. Election Comm'n v. Christian Coalition*, 178 F.R.D. 456, 459–60 (E.D.Va.1998) (citing *Thomas E. Hoar, Inc. v. Sara Lee Corp.*, 900 F.2d 522, 525 (2d Cir.1990)). As a nondispositive matter, the magistrate judge's discovery order is properly governed by the "clearly erroneous or contrary to law" standard of review. See *Jesselson v. Outlet Assocs. of Williamsburg, LP*, 784 F.Supp. 1223, 1228 (E.D.Va.1991).

III.

In general, there are three ways in which parties may seek to prevent public disclosure of discovery materials developed during the course of a litigation. First, parties always have the option of entering into a private non-disclosure agreement. A district court plays no role in reviewing or approving such agreements unless one of the parties files suit for breach of the nondisclosure agreement. Because non-disclosure agreements protecting discovery materials are problematic for a number of reasons, parties rarely resort to this means of preventing public disclosure of such materials.

[2] The second means by which parties may protect discovery materials from disclosure is to seek a protective order, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure. Rule 26(c) states that "[t]he court may, for good

cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed.R.Civ.P. 26(c). The party seeking a protective order has the burden of establishing "good cause" by demonstrating that "specific prejudice or harm will result if no protective order is granted." *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir.2002).³

³ See also *Lathon v. Wal-Mart Stores East, LP*, No. 3:09cv57, 2009 WL 1810006, at *5 (E.D.Va. June 24, 2009) ("For good cause to exist the party seeking protection bears the burden of showing specific prejudice or harm that will result if no protective order is granted."); *Great Am. Ins. Co. v. Gross*, No. 3:05cv159, 2007 WL 1577503, at *12 (E.D.Va. May 30, 2007) ("Rule 26(c)'s good cause requirement indicates that 'the burden is upon the movant to show the necessity of its issuance, which contemplates a particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements.'") (quoting *SEC v. Dowdell*, No. 3:01cv00116, 2002 WL 1969664, at *2 (W.D.Va. Aug. 21, 2002)); *Brittain v. Stroh Brewery Co.*, 136 F.R.D. 408, 412 (M.D.N.C.1991) (holding that the party requesting the protective order "must make a particular request and a specific demonstration of facts in support of the request as opposed to conclusory or speculative statements about the need for a protective order and the harm which would be suffered without one").

[3] [4] The third means of preventing public disclosure of information in the course of litigation applies only to court documents (*i.e.*, documents filed in the court record). Under well-established Fourth Circuit precedent, there is a presumption *566 in favor of public access to judicial records and a district court has the authority to seal court documents only "if the public's right of access is outweighed by competing interests." See *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir.2000). Importantly, before granting a motion to seal any court document, a district court must follow a three-step process: (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object; (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.*

[5] In this case, the first and third means of preventing disclosure of litigation information are not in issue; there is no private non-disclosure agreement nor is there any sealing of court documents. Instead, at issue in this case is the magistrate judge's Rule 26(c) protective order, which broadly prohibits

public disclosure of any discovery materials designated as confidential by any party. Plaintiffs have the burden of proving that this order is contrary to Rule 26(c). Plaintiffs have met this burden.

[6] [7] Under Rule 26(c), a district court may issue a protective order only upon a finding of good cause.⁴ Yet, this does not mean that a district court must determine good cause on a document-by-document, or transcript-page-by-transcript-page, basis. Instead, a magistrate judge or district judge may issue an order protecting specifically delineated categories of documents upon a showing that good cause exists to protect each category.⁵ Such an order—commonly referred to as an “umbrella” order—is faithful to Rule 26(c)’s good cause requirement because a judge has made a determination in the first instance that there is good cause to protect documents falling into a particular category. Under this type of “umbrella” order, the parties are authorized to designate whether discovery materials fall within any of the enumerated good cause categories set forth in the protective order. Of course, the parties may disagree whether specific documents, transcripts, or other discovery materials fall within one of the good cause categories. In the event that a party’s designation of a particular document is challenged by the opposing party, the party seeking to avoid disclosure has the burden *567 of persuading the court that the designated material falls within a particular good cause category.

⁴ See Fed.R.Civ.P. 26(c); *In re Wilson*, 149 F.3d 249, 252 (4th Cir.1998) (holding that a court may enter a protective order governing trade secrets upon a showing of good cause).

⁵ See *Pearson v. Miller*, 211 F.3d 57, 73 (3d Cir.2000) (“[A] district court is empowered to issue umbrella protective orders protecting classes of documents after a threshold showing by the party seeking protection.”); *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 946 (7th Cir.1999) (holding that “[t]here is no objection to an order that allows the parties to keep their trade secrets (or some other properly demarcated category of legitimately confidential information) out of the public record”) (emphasis added); *Askew v. R & L Transfer, Inc.*, 3:08cv865, 2009 WL 5068633, at *1 (M.D.Ala. Dec. 17, 2009) (“Before entering any protective order, the Court must find that good cause warrants the entry of the order with respect to each category of documents or information sought to be included in the order.”) (quoting *In re Alexander Grant & Co. Litig.*, 820 F.2d 352, 355–57 (11th Cir.1987)); *Gwerder v. Besner*, No. 07–335–HA, 2007 WL 2916513, at *2 (D.Or. Oct. 5, 2007) (“The

court may issue protective orders that protect classes of documents upon a threshold showing of appropriate circumstances warranting such umbrella protection.”); *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y.1999) (“[A] party is more likely to be able to establish such good cause if it presents to the court a discrete category of documents and explains why those documents should be sealed.”).

Here, the protective order violates Rule 26(c) by delegating the good cause determination to the parties, thereby erasing the rule’s requirement that there be a *judicial* determination of good cause. The use of good cause categories in a protective order prevents this inappropriate delegation and instead limits the parties to determining whether a particular document or other discovery materials fits within a good cause category. To be sure, under the protective order at issue, a party may challenge a confidential designation, and the magistrate judge would then determine whether good cause exists to maintain the designation. This is not sufficient to comply with Rule 26(c), which requires a judicial finding of good cause in the first instance *i.e.*, before a protective order is granted.⁶

⁶ Some cases contain broad language suggesting that a court may delegate to the parties the responsibility to make a good faith determination of good cause in the first instance, and that the court will only make a good cause determination if a party’s good faith determination is challenged. See, e.g., *Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1307 (11th Cir.2001) (emphasizing that umbrella orders obviate “the need to litigate the claim to protection document by document, and postpone[] the necessary showing of ‘good cause’ required for entry of a protective order until the confidential designation is challenged”). These cases are unpersuasive; Rule 26(c) explicitly requires a court to make a good cause determination *before* issuing a protective order.

[8] [9] [10] Nor is the protective order rescued by defendants’ argument that there is good cause to prohibit public dissemination of all discovery materials because plaintiffs’ counsel has stated her intent to publish all non-confidential discovery materials on her website. Many circuits have sensibly held that where discovery materials are not protected by a valid protective order, parties may use that information in whatever manner they see fit. See *Jepson, Inc. v. Makita Elec. Works, Ltd.*, 30 F.3d 854, 858 (7th Cir.1994) (“Absent a valid protective order, parties to a law suit may disseminate materials obtained during discovery as they see fit.”).⁷ It cannot logically be the case that good

cause exists to prohibit the public disclosure of discovery materials because a party states an intent to disseminate those materials in accordance with the law. In other words, a party cannot lose the right to disseminate all discovery materials not protected by a protective order simply by stating an intent to exercise that very right. To show good cause, a party must demonstrate more than that an opposing party intends to disseminate discovery materials; rather, it must show that the disclosure of those materials will cause specific prejudice or harm, such as annoyance, embarrassment, *568 oppression, or undue burden or expense.⁸ And, importantly, the fact that public disclosure of discovery materials will cause some annoyance or embarrassment is not sufficient to warrant a protective order; the annoyance or embarrassment must be particularly serious.⁹

⁷ See also *San Jose Mercury News, Inc. v. United States Dist. Ct.*, 187 F.3d 1096, 1103 (9th Cir.1999) ("It is well-established that the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively public."); *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 780 (1st Cir.1988) ("Indeed, the Supreme Court has noted that parties have general first amendment freedoms with regard to information gained through discovery and that, absent a valid court order to the contrary, they are entitled to disseminate the information as they see fit."); *Oklahoma Hosp. Ass'n v. Oklahoma Pub. Co.*, 748 F.2d 1421, 1424 (10th Cir.1984) ("While it may be conceded that parties to litigation have a constitutionally protected right to disseminate information obtained by them through the discovery process absent a valid protective order, ... it does not follow that they can be compelled to disseminate such information."); *Exum v. U.S. Olympic Committee*, 209 F.R.D. 201, 206 (D.Colo.2002) ("In the absence of a showing of good cause for confidentiality, the parties are free to disseminate discovery materials to the public").

⁸ See *Glenmede Trust Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir.1995) (" 'Good cause' is established when it is specifically demonstrated that disclosure will cause a clearly defined and serious injury."); *Martinelli v. Petland, Inc.*, Nos. 10-407-RDR, 09-529-PHX-DGC, 2010 WL 3947526, at *10 (D.Kan. Oct. 7, 2010) ("A protective order may only issue if the moving party demonstrates the basis for the order falls into one of the categories listed in Rule 26(c): annoyance, oppression, undue burden or expense."); *Humboldt Baykeeper v. Union Pac. R.R. Co.*, 244 F.R.D. 560, 563 (N.D.Cal.2007) ("By definition, a protective order must protect against something—something negative.").

⁹ See *Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1121 (3d Cir.1986) ("[B]ecause release of information not intended by the writer to be for public consumption will almost always have some tendency to embarrass, an applicant for a protective order whose chief concern is embarrassment must demonstrate that the embarrassment will be particularly serious.").

[11] [12] [13] Finally, it is worth noting that defendants also sought a protective order prohibiting the parties from making any extrajudicial statements regarding this litigation on the ground that such statements risk tainting the jury pool. The magistrate judge appropriately denied the request for a blanket gag order. Broad gag orders are restraints on expression and raise First Amendment concerns. See, e.g., *United States v. Brown*, 218 F.3d 415, 424–25 (5th Cir.2000). In the Fourth Circuit, district courts may restrict extrajudicial statements by parties and counsel only if those comments present a "reasonable likelihood" of prejudicing a fair trial. *In re Russell*, 726 F.2d 1007, 1010 (4th Cir.1984); see also *Am. Science & Eng'g, Inc. v. Autoclear, LLC*, 606 F.Supp.2d 617, 625–26 (E.D.Va.2008) ("Courts may disallow extrajudicial statements by litigants that risk tainting or biasing the jury pool."). Here, nothing in the current record of this case supports defendants' contention that a blanket gag order is warranted because nothing presented thus far suggests that statements made by either party present a "reasonable likelihood" of tainting the jury pool.

[14] Yet, it is appropriate to prohibit extrajudicial statements revealing the substance of discovery materials that fall within a good cause category of a valid protective order. Omitting such a restriction renders a protective order toothless. Thus, it is appropriate in this case to enter a protective order that sets forth categories for which there is a judicial finding of good cause to protect information falling into those categories, and it is also appropriate to include in that order a prohibition on extrajudicial statements revealing the content of discovery materials falling into those categories.

IV.

Accordingly, the magistrate judge's protective order is vacated, and a new protective order will issue consistent with the principles outlined in this Memorandum Opinion.

An appropriate Order will issue.

Parallel Citations

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