

January 25, 2021

VIA EMAIL & U.S. Mail

Jane Smith, Esq.
The Law Office of Jane Smith
432 Statute Drive
Cumming, Georgia 30040

RE: Elizabeth Anderson v. Johnny Anderson
Civil Action File Number: 20CV-4321-1
Superior Court of Forsyth County

Dear Ms. Smith,

We are in receipt of your client's discovery responses and thank you for the same. Upon evaluation, we have found them to be deficient in the ways stated below. Please allow this letter to serve as our good faith effort to resolve a potential discovery dispute.

INTERROGATORIES

Interrogatory Number 11: *Please give the following information with regards to each profit-sharing plan, pension plan, IRA account, 401(k) plans, 403(b) plans, stock ownership plans, or similar investments or other retirement plan: the name of such plan or account, the name and address of the trustee or administrator of such account, the date of your initial participation in to such plan or account, the amount of any withdraws taken during marriage, and the present value of the account.*

In response to Interrogatory Number 11, Mr. Anderson states he has a 401(k) through his current employer. Documentation has shown at some point during the course of the marriage there was an account through Fidelity. Please have Mr. Anderson supplement his response to include the above requested information as it relates to this account in response to the above requested Interrogatory.

Interrogatory Number 13: *List all debts, mortgages, and other liabilities including but not limited to equity loans, and/or lines of credit owed by you individually or jointly with another. With respect to each please provide the name of the creditor, the account number, if any, the current balance, the monthly payment thereon, the expected maturity date, and the purpose for which the obligation was created.*

In response to Interrogatory Number 13, Mr. Anderson stated that the only obligations he had was to Lowes and a mortgage with SunTrust. However, Mr. Anderson has failed to provide the above

requested information regarding these accounts, nor did he provide any documentation which would reflect the above requested information. Additionally, Mr. Anderson has listed a BB&T account with a balance of Two Thousand and 00/100 (\$2,000.00) Dollars on his Domestic Relations Financial Affidavit which he has failed to identify in response to this (or any other) Interrogatory. Please have Mr. Anderson supplement his responses to include a full response to the above requested Interrogatory.

Interrogatory Number 27: *Please identify each item of documentary, physical, tangible or demonstrative evidence, including, but not limited to, photographs, audio recordings, video recordings, letters, notes, memoranda and reports supporting or tending to support any claims or defenses which you raise in this litigation.*

In response to Interrogatory Number 27, Mr. Anderson has stated he has no documentary, tangible, physical, or demonstrative evidence supporting the claims he has raised in this litigation. This response is completely lacking, specifically, in light of the allegations which have been raised in this matter. Please have Mr. Anderson supplement his responses as appropriate to include the information which has been requested in the above Interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS AND NOTICE TO PRODUCE

Request Number 1: *All pay-stubs, social security check stubs, statements of earnings, W-2 forms, 1099 forms, K-1 forms, and any other documents given to you by any employer and/or any other person or other entity showing your income from any source from January 1, 2015, to the date of trial in the above-styled case.*

In response to Request Number 1, Mr. Anderson has failed to provide the above requested documents for January 2020 through present or January 2015 through December 2018. Please have Mr. Anderson supplement his response to include the above requested documentation.

Request Number 2: *All documents generated since January 1, 2015 reflecting all compensation, income, expense reimbursements, bonuses, distributions, monies and other remuneration earned by you or by any entity which you maintain an interest or owed to you or any entity in which you maintain and interest but not yet paid.*

In response to Request Number 2, Mr. Anderson failed to provide any documentation showing incentive pay or other forms of compensation despite stating same had been provided in his Responses to Petitioner's Request for Production of Documents and Notice to Produce to Respondent. Please have Mr. Anderson supplement his responses to provide the above requested documentation.

Request Number 3: *(a) Any and all copies of income tax records, including amended returns, filed by you individually and/or jointly with any other or others with Federal and State Governments and any and all of deficiency or proposed deficiency sent to you by the Internal Revenue Service for the years 2015 to the time of trial.*

(b) All W-4 forms which you have submitted to your employer since your date of original

employment; if none, produce a statement from your employer indicating the number of withholding exemptions which you are declaring for federal income tax purposes.

(c) Any and all copies of declaration of Estimated Income Tax Returns filed by you individually and/or jointly with any other or others with Federal and State Governments, for the years 2015 through the time of trial.

(d) Any and all copies of Intangible Tax Returns filed by you individually and/or jointly with any other or others with any State or Municipal Government for the years 2015 through the time of trial.

In response to Request Number 3, Mr. Anderson failed to provide his 2016 tax returns. Please have Mr. Anderson supplement his response to include the 2016 tax returns.

Request Number 4: *All records and other tangible evidence relating to any profit-sharing plan, pension plans, Keogh plans, Individual Retirement Accounts, stock ownership plans, 401-K plans, 403(b) plans, and any other deferred compensation, incentive or retirement plans of any nature in which you have any interest, whether or not any such plans qualified pursuant to the Internal Revenue Code of 1986, as amended, for the period from January 1, 2015 to the present, including but not limited to the following:*

(A) Any quarterly, semi-annual statements of your interest and account as participant of any such plan; and

(B) Any Summary Plan Description or similar document containing the terms and conditions under which the plan is maintained.

In response to Request Number 4, Mr. Anderson provided a screenshot of his Employee Benefits; however, failed to provide any additional documentation. Furthermore, Mr. Anderson has had a Fidelity account during the course of this marriage. Please have Mr. Anderson supplement his response to include all documents responsive to this Request.

Request Number 9: *For all motorized vehicles, please produce all loan applications, monthly loan statements, bills of sale, insurance documents, titles.*

In response to Request Number 9, Mr. Anderson has failed to provide any documentation responsive to this Request, this is including but not limited to, any documentation on the vehicle Mr. Anderson purchased with marital funds during the pendency of this divorce. Please have Mr. Anderson supplement his response to include same.

Request Number 10: *All records of bank checking accounts, savings accounts, cash management accounts, certificates of deposit, investment and money market accounts maintained by you, individually and/or jointly with others, or maintained by you as trustee or custodian for any other person or persons, including, but not limited to, monthly bank statements, canceled checks, deposit slips, check registers, passbooks, statements relating to savings accounts, certificates of deposit, and any other such records from January 1, 2015 to the date of trial of the above-styled case.*

In response to Request Number 10, Mr. Anderson only provided statements for his BB&T account ending in #1234 for October through December 2017. Please have Mr. Anderson supplement his response to include all documents responsive to said request.

Request Number 11: *Any and all monthly credit and charge statements and receipts showing all charges and payments made and the balance due on any credit cards or charge accounts maintained by you or regularly used by you, including, but not limited to, any accounts maintained in your name, the name of your spouse, or both you and your spouse, from January 1, 2015 to the present.*

Mr. Anderson has failed to provide any documents beyond a November 2020 credit card statement of BB&T account ending in #1111. According to Mr. Anderson's sworn Domestic Relations Financial Affidavit, he also has a Capital One Credit Card and Lowes account. Please have Mr. Anderson supplement his response to include all payments to creditors in response to said Request.

Request Number 18: *Any and all tangible evidence of any nature which is in the possession or control of you or your attorney, or which is being held for you by any person or entity for safe-keeping, which evidence relates, depicts or refers in any manner to the conduct of the Plaintiff in this action, including, but not limited to, notes, cards, letters, photographs, film, documents, tapes, voice recordings, clothes, or other such tangible evidence.*

In response to Request Number 18, Mr. Anderson stated none. We find it hard to believe, especially in light of his failure to provide a meaningful response to Ms. Anderson's Request for Production of Documents and Notice to Produce, that Mr. Anderson does not have any tangible evidence which relates to the conduct of Ms. Anderson. Mr. Anderson has made strong accusations regarding Ms. Anderson and Plaintiff demands any all evidence he possesses to support said claims. Please have Mr. Anderson supplement his response to provide a complete accounting of said documents.

Request Number 23: *A copy of your proposed Parenting Plan.*

In response to Request Number 23, Mr. Anderson has failed to provide a Parenting Plan in response to said Request. Please have Mr. Anderson provide his proposed Parenting Plan.

Request Number 28: *From January 1, 2017 to the date of trial in the above-styled case, any and all emails, text messages, and correspondences between you and the Minor Children subject to this action.*

In response to Request Number 28, Mr. Anderson has failed to provide any documents responsive to said Request. Please have Mr. Anderson supplement his response to include a complete and total response to same.

Please have the above requested information provided to our office no later than Monday, February 1, 2021. Should we fail to receive the requested information by that time we will have no other option but to file a Motion to Compel at which time we will seek attorneys' fees and costs of litigation. Thank you for your time and attention to this matter.

Sincerely,

JENNIFER D. PATTERSON
Attorney at Law

Cc: *Elizabeth Anderson (via electronic mail only)*