

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

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Robert S. Larson,

Plaintiff,

Index No.
151749/2016

-against-

Wesley Smith a/k/a
Wesley A. Smith,

Defendant.

Notice to Take
Deposition Upon
Oral Examination

and

Kirsten Larson,

Additional Counterclaim Defendant.
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PLEASE TAKE NOTICE, that pursuant to CPLR Article 31, the testimony upon oral examination will be taken of defendant Wesley Smith, whose address is 8 Peter Cooper Road, Apt. 1A, New York, NY 10010, before a notary public who is not an attorney or employee of an attorney for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the Courthouse located at 26 Central Avenue, Staten Island, NY 10301 at 10:00 a.m. on April 27, 2017, with respect to evidence material and necessary in the prosecution or defense of this action; and

PLEASE TAKE FURTHER NOTICE that the said person to be examined is required to produce at such examination the items set forth on the annexed Rider.

Dated: Staten Island, New York
March 23, 2017

TO: Borg Law LLP
Attorney for Defendant
370 Lexington Avenue - Ste. 800
New York, NY 10017
917-495-4790

Robert S. Larson
Attorney for Plaintiff,
Counterclaim Defendant and
Plaintiff Pro Se
803 Jewett Avenue
Staten Island, NY 10314
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**RIDER TO AND MADE A PART OF NOTICE TO
TAKE DEPOSITION UPON ORAL EXAMINATION**

Note: You are designated as the "witness" herein.

Note: All of the following requested items are for the period beginning January 1, 2005 and ending on the date of the deposition or any adjourned date, unless otherwise noted:

1. All federal, state and city income, gift, estate, fiduciary tax returns and declarations prepared and/or filed by or on behalf of the witness and for all businesses, trusts, partnerships, corporations and ventures in which the witness has or has had an interest, together with all IRS W-2 and 1099 forms, schedules and work sheets thereof and all papers, documents and records pertaining to any changes, audits and amendments thereof.
2. Records of all earnings, receipts of money and income (tax reportable or not) in which the witness has or had an interest, including but not limited to salaries, wages, drawings, commissions, capital distributions, bonuses, pensions, retirement funds, reimburse and reimbursable expenses, partnership and venture income and distributions.
3. All passbooks, certificates, statements and records for all funds in which the witness has or has had an interest and held by a financial, savings and loan or banking institution, credit union, insurance company, securities broker, investment house or any other entity, within the United States or elsewhere, irrespective of whether the same are current or closed.
4. All checkbook stubs, checkbook registers, cancelled checks, bank statements and duplicate deposit tickets for all accounts for which the witness has or has had the power to sign checks (singly or with others) or in which the witness has or has had an interest, irrespective of whether said accounts are current or closed.
5. Stock certificates, bonds, notes and other securities and statements and other records pertaining thereto (including but not limited to tax-exempt bonds and securities and foreign bonds and securities) purchased, sold, traded or held by the witness (singly or with others) or in which the witness has or has had an interest.
6. All current, past and proposed employment contracts and agreements for providing services of the witness and of any other business, partnership, corporation or other entity in which the witness has or has had an interest.
7. Deeds, contracts, closing statements, leases, agreements and papers of all kinds

State of New York or elsewhere.

8. Statements, agreements, tax returns, records and papers relating to all retirement, profit-sharing, pension and savings plans, 401-K plans, stock options, annuities, IRA's and tax shelters and any form of deferred income in which the witness has or has had an interest, irrespective of whether the same are current or terminated.
9. All policies of insurance covering the witness or in which the witness has or has had an interest, including but not limited to life, endowment, annuity, homeowners', theft, floater, personal property, liability and automobile policies, and all records showing payment of premiums and values thereof, irrespective of whether the same are current or expired.
10. Records and papers relating to all loans, obligations and indebtedness of any kind for which the witness has or has had a direct or contingent liability, including but not limited to loan and credit applications and financial statements, disclosure statements and payment records.
11. Records, Vouchers and statements for all charge and credit accounts in the name of the witness or for which the witness has charge or credit privileges or any liability within the United States or elsewhere.
12. Records and diaries of family and personal living expenses of the witness.
13. Books and records of all businesses and enterprises in which the witness has or has had an interest.
14. Copies of all balance sheets and operating statements of any corporation in which the witness was or is an owner or holder of more than ten percent of the outstanding stock or was or is entitled to more than ten percent of the profits or revenues.
15. With respect to such corporation, partnership, venture, business or syndicate:
 - (a) all agreements to which the witness is a party,
 - (b) all loan, personal expense, disbursement and receipt accounts and ledgers with respect to the witness;
 - (c) cash receipts journal;
 - (d) cash disbursement journal;
 - (e) general ledger;
 - (f) accounts payable ledger;
 - (g) accounts receivable ledger;

- (i) copies of all sales tax returns, including amendments and changes;
 - (j) records of all insurance policies owned or maintained by such entity.
16. All records of membership in and contributions and payments to any charitable organization or association, including but not limited to private and professional clubs or associations, in which the witness has or has had any interest or dealings.
 17. Leases, contract, bills and any other record pertaining to any safe deposit box or vault and other depositories in the name of the witness, singly or with others, or for which the witness has or has had power of entry.
 18. Personal and business diaries of the witness and any business enterprise or venture in which the witness has or has had an interest.
 19. All bill for carrying charges (mortgage, rent, taxes, etc.) and all utility bills for the marital residence/and or residence of the defendant and counterclaim defendant, past and present, and, if different, the present residence of the witness, including but not limited to telephone, cable, electric, heating fuel and gas bills. Bills of sale, invoices, cancelled checks, statements, receipts and any other records pertaining to goods and merchandise purchased for resale or for use by the witness in excess of \$1,000, in which the witness has or has had an interest.
 20. Receipts, statements, invoices, bills of sale and all other records reflecting the sale of goods or services by the witness or by any partnership, business or venture in which the witness has or has had an interest.
 21. Contracts, receipts, tickets, itineraries and all other records reflecting vacations and travel by the witness, for business or for pleasure, singly or with others.
 22. Copies of all judgments, pleadings, complaints, summonses and all other records and papers concerning or pertaining to lawsuits in which the witness was or is a witness or a party (other than the within action).
 23. Copies of all powers of attorney to which the witness was or is a principal or agent.

Note: All of the following requested items are for the period beginning January 1, 2005 and ending on the date of the deposition or any adjourned date, unless otherwise noted.

24. All income, gift, estate, fiduciary, sales and other tax returns with attachments filed by or on behalf of the witness in any foreign country.
25. An itemized listing of al jewelry, stamps, furnishings, coins, china, silverware, glassware, collections, gold and other precious metals of the witness or in which the witness has or has had an interest, together with all appraisals.

26. Records of all patents and copyrights, granted or applied for, in which the witness has or has had an interest, including but not limited to applications, copyrights, patents, royalties, payments, records of expenses relating thereto, agreements, correspondence, memoranda, notes, drawings, sketches, manuscripts and grants of rights therein.
27. Copies of all trust agreements, statements and accountings regarding any property or money held in trust for the benefit of the witness at any time or for which the witness was or is a trustee or a beneficiary.
28. The current and prior Last Will and Testament of the witness.
29. Copies of all written agreements between the parties.
30. All writings, documents and papers evidencing the defendant's right to occupy the premiss known as 8 Peter Cooper Road, Apt. 1A, New York, NY 10010, including but not limited to, leases, applications for leases, renewal leases, and all other communications with the owner of "Smith's premises", beginning with the first occupancy of "Smith's premises" to the date of the response to this Notice.

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