

# EXHIBIT A

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HEALTHCARE ADVOCATES, INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 05-03524
	:	
HARDING, EARLEY, FOLLMER &	:	
FRAILEY; et al,	:	
	:	
Defendants.	:	
	:	

**RESPONSES TO PLAINTIFF’S DOCUMENT REQUEST**

Pursuant to Federal Rule of Civil Procedure 34, Defendant Harding, Earley, Follmer & Frailey [“Harding Earley” or “HEFF”] hereby responds to Plaintiff Healthcare Advocates, Inc.’s [“Healthcare Advocates”] First Set of Requests for Production of Documents and Things as set forth below.

**GENERAL OBJECTIONS**

1. Harding Earley objects to each Request as unduly burdensome and oppressive to the extent that it purports to require Harding Earley to search Harding Earley facilities and inquire of Harding Earley employees other than those facilities and employees that would reasonably be expected to have responsive information. Harding Earley’s responses are based upon: (1) a reasonable search, given the time allocated to Harding Earley to respond to the requests, of facilities and files that could reasonably be expected to contain responsive information; and (2) inquiries of Harding Earley’s employees and/or representatives who could reasonably be expected to possess responsive information. The subject matter of these requests is under continuing investigation. Harding Earley expressly reserves the right to use or rely upon

documents not produced in response to these requests, if such documents are uncovered during the course of its ongoing investigation.

2. Harding Earley objects to each Request to the extent that it purports to impose any requirement or discovery obligation on Harding Earley other than those set forth in the Federal Rules of Civil Procedure and the applicable rules of this Court.

3. Harding Earley objects to each Request to the extent that it seeks confidential business information and/or trade secrets. Harding Earley will produce such information only upon entry of a suitable Protective Order regarding confidential information by the Court in this case.

4. Harding Earley objects to each Request to the extent that it seeks documents that are protected by the attorney/client privilege, the work product doctrine and/or any other applicable privilege or immunity.

5. Harding Earley objects to each Request to the extent it calls for materials or information protected by any third party's rights of privacy.

6. Harding Earley objects to each Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation of nondisclosure to a third party. Harding Earley will not produce such documents without either the consent of the relevant third party or an order by the Court compelling production.

7. Harding Earley objects to each and every "Definition" and "Instruction" contained in the Document Requests to the extent that it is inconsistent with or seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure or the Civil Local rules of the Eastern District of Pennsylvania, or this Court's Standing Order.

8. Harding Earley objects to HCA's instruction that data and information stored in electronic form be produced in its native format.

9. Harding Earley objects to the definition of "Document" as overly broad, unduly burdensome and oppressive. Harding Earley further objects to that definition as vague and ambiguous.

10. By stating in these responses that Harding Earley will produce documents, Harding Earley does not intend to represent that any responsive documents actually exist, but rather that Harding Earley has made and will continue to make a reasonable, good faith search and attempt to ascertain whether responsive documents do in fact exist.

11. Harding Earley will respond to these Document Requests with current knowledge and reserves the right to supplement these responses if any additional information is identified at a later time and to make any additional objections that may become apparent. Harding Earley also reserves the right to make any use of, or introduce at any hearing or at trial, any documents or information not known of or thought to be responsive at the time of response.

12. Harding Earley objects to Healthcare Advocates' Request that Harding Earley produce documents at the offices of McCarter & English, LLP, Mellon Bank Center, 1735 Market Street, Suite 700, Philadelphia, Pennsylvania. Harding Earley will produce or make documents available for inspection and copying at a mutually agreeable time and place.

13. Harding Earley objects to plaintiff's fourteenth instruction with respect to a privilege log as requesting more detail than required under Fed.R.Civ.P. 26(b)(5).

**RESPONSES TO REQUESTS FOR PRODUCTION**

Harding Earley expressly incorporates each of the above General Objections as though set forth fully in response to each of the following individual requests, and, to the extent that they are not raised in any particular response, Harding Earley does not waive these objections.

**REQUEST NO. 1**

Documents sufficient to demonstrate, for the period January 1, 2000 to the present, the form and nature of the HEFF legal entity.

**RESPONSE TO REQUEST NO. 1**

Harding Earley objects to this request on the grounds that it is irrelevant.

**REQUEST NO. 2**

Documents sufficient to demonstrate, for the period January 1, 2003 to the present, the names, positions and job responsibilities of all persons employed by, receiving a salary from, deriving a percentage of the profits of and/or responsible for the liabilities of HEFF.

**RESPONSE TO REQUEST NO. 2**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 3**

Documents sufficient to demonstrate, for the period January 1, 2003 to the present, the guidelines, formulae and/or protocols by which the profits and liabilities of HEFF are allocated, the identity of all persons to whom such profits and liabilities are allocated, and the amounts and percentages of such allocations to such persons on an annual basis

**RESPONSE TO REQUEST NO. 3**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 4**

All documents relating to revenue generated and expenses and liabilities incurred by HEFF by virtue of its representation of any and all defendants in the Underlying Action and the disbursement of such revenue and satisfaction of such expenses and liabilities, including retainer agreements, time sheets, client bills, accounts receivable records, accounts payable records, agreements concerning the distribution of profits to representatives of HEFF, agreements

concerning satisfaction of expenses and liabilities incurred by HEFF, and financial disbursement records.

**RESPONSE TO REQUEST NO. 4**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 5**

Documents constituting a sample of any and all advertising and promotional material of HEFF for the period January 1, 2000 to the present.

**RESPONSE TO REQUEST NO. 5**

Harding Earley objects to this request on the grounds that it is irrelevant. Subject to and without waiving its objection, Harding Earley responds that it does not have any documents responsive to this request.

**REQUEST NO. 6**

All documents incorporating all iterations of the entire content of any Internet websites, blogs, online forums or any other Internet presence established or authorized by HEFF.

**RESPONSE TO REQUEST NO. 6**

Harding Earley objects to this request on the grounds that it is irrelevant. Subject to and without waiving its objection, Harding Earley responds that it has no documents responsive to this request.

**REQUEST NO. 7**

Documents sufficient to demonstrate membership and participation in and nature, level and extent of involvement with all professional, civic and not-for-profit groups and corporate boards by all persons employed by, receiving a salary from, deriving a percentage of the profits of and/or responsible for the liabilities of HEFF from January 1,2003 to the present.

**RESPONSE TO REQUEST NO. 7**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 8**

All documents incorporating and relating to statements made during all public speaking events, articles or papers written, and press interviews granted by all persons employed by, receiving a salary from, deriving a percentage of the profits of and/or responsible for the liabilities of HEFF from January 1, 2003 to the present.



**RESPONSE TO REQUEST NO. 8**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objection, Harding Earley responds that it will produce all non-privileged documents responsive to this request.

**REQUEST NO. 9**

Documents sufficient to identify all clients of HEFF and the general nature of all professional services rendered by HEFF for each of these clients for the period January 1,2000 to the present.

**RESPONSE TO REQUEST NO. 9**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to

a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 10**

All patents and copyrights concerning Internet applications, Internet protocols, computer databases, computer source code, computer software and any other Internet-related or computer-related inventions, business methods, and original works of authorship for and on behalf of which HEFF rendered professional services.

**RESPONSE TO REQUEST NO. 10**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 11**

Documents sufficient to identify HEFF's Internet service provider ("ISP"), the services provided to HEFF by this ISP, and the manner by which HEFF connected to the Internet for all Internet connections from January 1, 2003 to the present.

**RESPONSE TO REQUEST NO. 11**

Subject to and without waiving any of its objections, Harding Earley responds that it will produce non-privileged documents sufficient to identify its internet service provider during the

time period in question as raised by the complaint, amended complaint and second amended complaint.

**REQUEST NO. 12**

Documents sufficient to identify HEFF's DNS address, reverse DNS address, originating Internet protocol ("IP") address, and ISP connection settings for all Internet connections from January 1,2003 to the present.

**RESPONSE TO REQUEST NO. 12**

Harding Earley also objects to this Request to the extent that it seeks information for any time period other than for the time period which is the subject of the Complaint on the basis of relevancy. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of its objections, Harding Earley's search in response to this request has not revealed any responsive documents but a search is continuing and if such documents, if any, are found, they will be supplied.

**REQUEST NO. 13**

All web logs and firewall logs relating to HEFF access to the Internet web sites [www.healthcareadvocates.com](http://www.healthcareadvocates.com) and [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 13**

Harding Earley objects to this Request to the extent that it seeks information for any time period other than for the time period which is the subject of the Complaint on the basis of relevancy. Harding Earley also objections to the request for web logs and firewall logs, if any,

that don't relate to the subject time period in question. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of its objections, Harding Earley's search in response to this request has not revealed any responsive documents but a search is continuing and if such documents, if any, are found, they will be supplied.

**REQUEST NO. 14**

The hard drives of any and all computers through which HEFF accessed the Internet web sites [www.healthcareadvocates.com](http://www.healthcareadvocates.com) and [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 14**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Specifically, the hard drive contains work product privileged, attorney-client privileged and/or confidential information of third parties who are clients of the law firm.

**REQUEST NO. 15**

All documents, including Internet web site content, course materials, reference works, guides, instructions and notes, relating to the technique and/or method employed by HEFF to access archived content of the Internet web site [www.healthcareadvocates.com](http://www.healthcareadvocates.com) through the Wayback Machine at [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 15**

Harding Earley responds that it does not have documents relating to the technique and/or method employed by it to access archived content of the internet website [www.healthcareadvocates.com](http://www.healthcareadvocates.com) contained on the [www.archive.org](http://www.archive.org) website with the exception of instructions contained on the [www.archive.org](http://www.archive.org) website that it will produce, if it has them.

**REQUEST NO. 16**

All documents incorporating and relating to communications between and among representatives of HEFF concerning the technique and/or method employed by representatives of HEFF to access archived content of the Internet web site [www.healthcareadvocates.com](http://www.healthcareadvocates.com) through the Wayback Machine at [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 16**

Harding Earley objects to this Request to the extent that it seeks information for any time period other than for the time period which is the subject of the Complaint on the basis of relevancy. Harding Earley also objections to the request for documents, if any, that don't relate to the subject time period in question. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery

of admissible evidence. Subject to and without waiving its objections, Harding Earley responds that it has no documents that incorporate or relate to communications between and among representatives concerning the technique and/or method employed by representatives of Harding Earley to access archived content of the internet website [www.archive.org](http://www.archive.org) on the [www.archive.org](http://www.archive.org) website.

**REQUEST NO. 17**

All documents incorporating and relating to communications between and among representatives of HEFF and any defendant in the Underlying Action, or representative thereof, and any other person concerning the technique and/or method employed by representatives of HEFF to access archived content of the Internet web site [www.healthcareadvocates.com](http://www.healthcareadvocates.com) through the Wayback Machine at [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 17**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Harding Earley responds that it has no documents incorporating and relating to communications between it and any defendant in the underlying action, or representative thereof, and any other person concerning the technique and/or method

employed by representatives of Harding Earley to access archive content of the internet website [www.healthcareadvocates.com](http://www.healthcareadvocates.com) contained on the [www.archive.org](http://www.archive.org) website.

**REQUEST NO. 18**

All documents incorporating and relating to communications concerning access to and the substance of the archived content of the Internet web site [www.healthcareadvocates.com](http://www.healthcareadvocates.com).

**RESPONSE TO REQUEST NO. 18**

Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Harding Earley responds that there was communication between representatives of Harding Earley as counsel for certain parties in *Kevin Flynn, et al v. Health Advocate, Inc., et al*, Civil Action No. 03-3764, United States District Court for the Eastern District of Pennsylvania [“underlying lawsuit”]. These will not be produced because plaintiff already has a copy of these documents. Moreover, documents were filed of record in the underlying lawsuit concerning access to and the substance of the archive content of the internet website [www.healthcareadvocates.com](http://www.healthcareadvocates.com) contained on the website of [ww.archive.org](http://www.archive.org). These documents will be produced.

**REQUEST NO. 19**

All documents obtained by HEFF at or through access to the Internet web sites [www.healthcareadvocates.com](http://www.healthcareadvocates.com) and [www.archive.org](http://www.archive.org).

**RESPONSE TO REQUEST NO. 19**

Harding Earley objects to this Request to the extent that it seeks information for any time period other than for the time period which is the subject of the Complaint on the basis of relevancy. Harding Earley also objects to the request for web logs and firewall logs, if any, that don't relate to the subject time period in question. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. To the extent that plaintiff seeks production of any documents obtained by Harding Earley from [www.archive.org](http://www.archive.org) that do not relate to [www.healthcareadvocates.com](http://www.healthcareadvocates.com), Harding Earley objects to this request in addition to the other objections previously raised on the basis of relevancy. Subject to and without waiving its objections, Harding Earley responds that it will produce copies of web pages of the archive internet website [www.healthcareadvocates.com](http://www.healthcareadvocates.com) acquired on the internet website [www.archive.org](http://www.archive.org) and any documents obtained, if any, from the internet web site [www.healthcareadvocates.com](http://www.healthcareadvocates.com).

**REQUEST NO. 20**

All versions of all "access denial screen[s]," as identified in paragraphs 37 and 40 of HEFF's answer, that were confronted by representatives of HEFF through accessing the Wayback Machine at [www.archive.org](http://www.archive.org).



**RESPONSE TO REQUEST NO. 20**

Subject to and without waiving its objections, Harding Earley responds that it will produce all versions of “access denial screen[s]” as identified in paragraph 37 and 40 of its answer in its possession that were confronted of representatives of Harding Earley through accessing the Way Back Machine at [www.archive.org](http://www.archive.org).

**REQUEST NO. 21**

For each and every date and time set forth in paragraphs 37 through 43 and paragraphs 48 through 29 of the Complaint, documents sufficient to identify the representative of HEFF who directly participated in the conduct alleged therein.

**RESPONSE TO REQUEST NO. 21**

Subject to and without waiving its objections, Harding Earley responds that it has found no documents in its possession that identify the representatives of it who directly participated in the conduct alleged in plaintiff’s complaint.

**REQUEST NO. 22**

All documents incorporating and relating to statements and communications made by HEFF concerning the Action.

**RESPONSE TO REQUEST NO. 22**

Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents incorporating and relating to statements and communications made by it concerning the Action.

**REQUEST NO. 23**

All documents provided *in camera* to the Court by HEFF in the Underlying Action.

**RESPONSE TO REQUEST NO. 23**

Subject to and without waiving its objections, Harding Earley will produce all documents provided *in camera* to the Court by it in the Underlying Action.

**REQUEST NO. 24**

All pleadings and other documents filed and served in the Underlying Action.

**RESPONSE TO REQUEST NO. 24**

Subject to and without waiving its objections, Harding Earley responds that all pleadings and other documents filed and served in the underlying matter with the exception of the *in camera* submission are already in plaintiff's possession and/or are equally accessible to plaintiff.

**REQUEST NO. 25**

All personnel and human resource records relating to John F.A. Earley, III, Esq., Charles L. Riddle, Esq., Frank Bonini, Esq. and Kimberly Titus, a temporary employee hired through Careers USA, 301 East Lincoln Highway, Exton, Pennsylvania

**RESPONSE TO REQUEST NO. 25**

Harding Earley objects to this request on the grounds that it is irrelevant and not calculated to lead to the discovery of admissible evidence.

**REQUEST NO. 26**

All documents sufficient to identify the last known address and home telephone number for Kimberly Titus, a temporary employee hired through Careers USA, 301 East Lincoln Highway, Exton, Pennsylvania.

**RESPONSE TO REQUEST NO. 26**

Subject to and without waiving its objections, Harding Earley responds that it has no documents in its possession that identifies the last known address and/or home telephone number for Kimberly Titus.

**REQUEST NO. 27**

All documents incorporating and relating to communications between HEFF and Defendant Internet Archive.

**RESPONSE TO REQUEST NO. 27**

Subject to and without waiving its objections, Harding Earley responds that, to the extent that “communications” means communications with any human being affiliated with defendant Internet Archive, it has no documents responsive to this request. To the extent that “communications” means access to the Internet Archive website, and to the extent that this seeks communications not related to [www.healthcareadvocates.com](http://www.healthcareadvocates.com), Harding Earley objects to this Request on the grounds that it seeks documents containing irrelevant information. Harding Earley also objects to this Request on the grounds that it is vague and ambiguous. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Harding Earley also objects to this Request to the extent that it purports to require Harding Earley to produce documents in violation of a legal or contractual obligation to non-disclosure to a third party. Harding Earley further objects to this Request to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Harding Earley responds that it will produce all non-privileged documents incorporating and relating to communications between it and defendant Internet Archive that relates to [www.healthcareadvocates.com](http://www.healthcareadvocates.com).

**REQUEST NO. 28**

All documents relating to the claims, defenses and legal positions in this Action of Defendant Internet Archive.

**RESPONSE TO REQUEST NO. 28**

Harding Earley objects to this Request on the grounds that it is overly broad, unduly burdensome and oppressive. Harding Earley also objects to this Request to the extent that it is premature. Harding Earley further objects to this Request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents supporting any of its affirmative defenses in its answer to the Complaint.

**REQUEST NO. 29**

All documents relating to Defendant Internet Archive.

**RESPONSE TO REQUEST NO. 29**

Harding Earley objects to this request on the grounds that it is irrelevant and overly broad. Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents relating to defendant Internet Archive that relate to [www.healthcareadvocates.com](http://www.healthcareadvocates.com).

**REQUEST NO. 30**

All documents incorporating and relating to communications between HEFF and Healthcare Advocates

**RESPONSE TO REQUEST NO. 30**

Subject to and without waiving its objections, Harding Earley responds that it will produce copies of two letters received from Kevin Flynn to Harding Earley.

**REQUEST NO. 31**

All documents relating to Healthcare Advocates.

**RESPONSE TO REQUEST NO. 31**

Harding Earley objects to this request on the grounds that it is irrelevant. Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents relating to Healthcare Advocates with the exception of documents generated in the underlying matter.

**REQUEST NO. 32**

All documents relating to Alexa Internet and any of its parents or subsidiaries.

**RESPONSE TO REQUEST NO. 32**

Harding Earley objects to this request on the grounds that it is irrelevant. Subject to and without waiving its objections, Harding Earley responds that it has no documents relating to Alexa Internet and/or any of its parents or subsidiaries.

**REQUEST NO. 33**

All documents relating to any of the factual allegations in the Complaint.

**RESPONSE TO REQUEST NO. 33**

Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents relating to any of the factual allegations in the Complaint with the exception of documents generated in the underlying matter.

**REQUEST NO. 34**

All documents supporting any of HEFF's affirmative defenses in its answer to the Complaint.

**RESPONSE TO REQUEST NO. 34**

Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents supporting its affirmative defenses in its answer to the Complaint.

**REQUEST NO. 35**

All documents relating to any of the allegations or affirmative defenses in Defendant Internet Archive's answer to the Complaint.

**RESPONSE TO REQUEST NO. 35**

Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents, if any, supporting the affirmative defenses stated in defendant Internet Archive's answer to the Complaint.

**REQUEST NO. 36**

All documents relating to investigations, inquiries, reports and analyses concerning the factual allegations in the Complaint and the legal causes of action alleged in the Complaint.

**RESPONSE TO REQUEST NO. 36**

Harding Earley objects to this request based upon work product and attorney-client privilege. Subject to and without waiving its objections, Harding Earley responds that it will produce any non-privileged documents responsive to this request.

**REQUEST NO. 37**

All expert reports prepared by or on behalf of HEFF relating to the allegations in the Complaint.

**RESPONSE TO REQUEST NO. 37**

Harding Earley objects to this request on the grounds that it is overly broad. Harding Earley also objects to this request to the extent that it is premature. Harding Earley further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product privilege. Harding Earley also objects to this request on the ground that it seeks documents relating to consulting experts, which are not discoverable pursuant to the applicable rule of civil procedure.

**REQUEST NO. 38**

All documents disclosed to any expert on whose report HEFF intends to rely in this Action.

**RESPONSE TO REQUEST NO. 38**

Harding Earley objects to this request on the grounds that it is vague and ambiguous. Harding Earley objects to this request on the grounds that it is overly broad. Harding Earley also objects to this request to the extent that it is premature. Harding Earley further objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product privilege. Harding Earley also objects to this request on the ground that it seeks documents relating to consulting experts, which are not discoverable pursuant to the applicable rule of civil procedure.

**REQUEST NO. 39**

All documents upon which HEFF intends to rely at trial in this Action.

**RESPONSE TO REQUEST NO. 39**

Harding Earley objects to this request to the extent that it is premature. Harding Earley also objects to this request to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work product privilege.

**REQUEST NO. 40**

Documents sufficient to demonstrate the architecture and configuration of HEFF's computer network.

**RESPONSE TO REQUEST NO. 40**

Harding Earley objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Harding Earley also objects to this request to the extent that it seeks information not relevant to the subject matter involved in the pending action and not reasonably calculated to lead to the discovery of admissible evidence. Harding Earley further objects to this request to the extent that it seeks confidential business information or trade secrets. Harding Earley also objects to this request to the extent that it seeks attorney-client privileged matters involving third parties. Harding Earley also objects to the extent that it seeks discovery subject to the work product privilege. Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents, if any, in the nature of server books and software that demonstrate the architecture and configuration of Harding Earley's computer and network.

**REQUEST NO. 41**

All documents relating to any and all maintenance and/or service of HEFF's computer network and the nature and substance of that maintenance and/or service from January 1, 2003 to the present.



**RESPONSE TO REQUEST NO. 41**

Harding Earley objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Harding Earley also objects to this request to the extent that it seeks information not relevant to the subject matter involved in the pending action and not reasonably calculated to lead to the discovery of admissible evidence. Harding Earley further objects to this request to the extent that it seeks confidential business information or trade secrets. Harding Earley also objects to this request to the extent that it seeks attorney client privileged matters involving third parties. Harding Earley also objects to the extent that it seeks discovery subject to the work product privilege. Subject to and without waiving its objections, Harding Earley responds that it has found no documents relating to any and all maintenance and/or service of Harding Earley's computer network.

**REQUEST NO. 42**

All documents relating to HEFF's electronic document retention policies, practices, procedures, guidelines, rules and protocols from January 1, 2003 to the present.

**RESPONSE TO REQUEST NO. 42**

Harding Earley objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Harding Earley also objects to this request to the extent that it seeks information not relevant to the subject matter involved in the pending action and not reasonably calculated to lead to the discovery of admissible evidence. Harding Earley further objects to this request to the extent that it seeks confidential business information or trade secrets. Harding Earley also objects to this request to the extent that it seeks attorney client privileged matters involving third parties. Harding Earley also objects to the extent that it seeks discovery subject to the work product privilege. Subject to and without waiving its objections, Harding Earley

responds that it has no documents that relate to its electronic document retention policies, practices, procedures, guidelines, rules and protocols.

**REQUEST NO. 43**

All documents relating to possession, custody and control of HEFF business records by any third party.

**RESPONSE TO REQUEST NO. 43**

Harding Earley objects to this request on the grounds that it is irrelevant. Subject to and without waiving its objections, Harding Earley has no documents in its possession relating to possession, custody and control of its business records by any third party that relates to this case or the underlying matter.

**REQUEST NO. 44**

A complete copy of Westport Insurance Corporation policy No. PLL-433430-1.

**RESPONSE TO REQUEST NO. 44**

Subject to and without waiving its objections, Harding Earley will produce a copy of Westport Insurance Corporation's policy No. PLL-433430-1.

**REQUEST NO. 45**

All documents identified by HEFF in response to Plaintiffs First Set of Interrogatories to Defendant Harding, Earley, Follmer & Frailey.

**RESPONSE TO REQUEST NO. 45**

Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents, if any, identified by it in response to plaintiff's first set of interrogatories addressed to it.

**REQUEST NO. 46**

All documents to which HEFF referred or upon which HEFF relied in preparing responses to Plaintiff's First Set of Interrogatories to Defendant Harding, Earley, Follmer & Frailey.

**RESPONSE TO REQUEST NO. 46**

Harding Earley objects to this request on the grounds of attorney-client and work product privileges. Subject to and without waiving its objections, Harding Earley responds that it will produce non-privileged documents, if any, relied upon it in preparing responses to plaintiff's first set of interrogatories to it.

**MCKISSOCK & HOFFMAN, P.C.**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HEALTHCARE ADVOCATES, INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 05-03524
	:	
HARDING, EARLEY, FOLLMER & FRAILEY; et al,	:	
	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

JEFFREY P. LEWIS, ESQUIRE, attorney for defendants, Harding, Earley, Follmer & Frailey, certifies that a true and correct copy of the foregoing Responses to Plaintiff's Document Request has been forwarded to all parties listed below, as indicated, on June 5, 2006 as follows:

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