

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

2017 SEP 22 PM 2:09

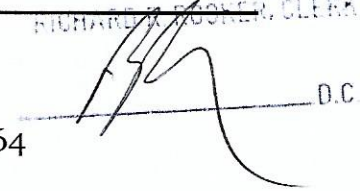
RICHARD A. BOONER, CLERK

JOSHUA CONWAY,)
)
Plaintiff,)
)
v.)
)
KUMARI S. FULBRIGHT, and)
KUMARI FULBRIGHT, INC.,)
)
Defendants.)

Case No. 16C-664

Judge Joseph P. Binkley

JURY DEMAND



PLAINTIFF'S MOTION FOR SANCTIONS

Comes now Plaintiff Joshua Conway, by and through undersigned counsel, and moves this Court to sanction Defendant Fulbright under Tenn. R. Civ. P. 34A.02 and Tenn. R. Civ. P. 11 for: (1) intentionally concealing highly significant, virtually outcome-determinative evidence during discovery; (2) failing to correct her false concealment in her pleadings; and (3) orchestrating a fraudulent interstate real estate scheme using a third-party accomplice in order to “get to” the Plaintiff’s wife.

Introduction

Beginning in July of 2016, and continuing until her June 2017 deposition, Defendant Fulbright actively concealed and falsely repudiated the existence of a critical police report—attached hereto as **Exhibit 1**—that she now acknowledges having filed with the Detroit Police Department in or about “May of 2016.”¹ In that report, Defendant Fulbright indicated that one of the pieces of jewelry that she has claimed that Mr. Conway

¹ Docket Entry #81 (Deposition of Kumari Fulbright), p. 96, lines 17–21.

stole from her Tucson, Arizona apartment² actually went missing while “she was staying at the Detroit Marriot hotel”³—a city that Mr. Conway has never even visited. Accordingly, it is not even theoretically possible that Mr. Conway could have stolen this item from her: a fact that Defendant Fulbright plainly knew from the beginning of this case and which Plaintiff can now prove conclusively based on a police report that she filed herself and actively concealed from him throughout this litigation. Compounding the violation, Defendant Fulbright lied about the existence of this police report in her pleadings, failed to correct the falsehood after notice, and then orchestrated a fraudulent interstate real estate scheme in order to “get to” the Plaintiff’s wife. See **Exhibit 2** (Fulbright Deposition Excerpt).

1. Defendant Fulbright’s Amended Answer falsely states that “no police report was filed.”

Believing that no police report had ever been filed regarding any of the jewelry that Mr. Conway supposedly “stole” from Defendant Fulbright, Mr. Conway’s Complaint alleged that Defendant Fulbright “never filed a police report concerning her purportedly ‘stolen’ jewelry, which was worth tens of thousands of dollars.”⁴

Without any qualification or reservation, in paragraph 24 of her Amended Answer (filed with this Court on December 21, 2016, roughly six months after the report was initiated), Defendant Fulbright answered this allegation by stating: “Admitted that no police report was filed.”⁵ As such, Mr. Conway was led to believe that no police report had ever been filed regarding the jewelry that Defendant Fulbright claims he “stole” from her.

² Docket Entry #81 (Deposition of Kumari Fulbright), p. 147, lines 16–18 (Q: “Was that one of the rings that was missing from your apartment?” A: “Yes.”).

³ See **Exhibit 1**.

⁴ See Docket Entry #1 (Plaintiff’s Complaint), ¶ 24.

⁵ See Docket Entry #70 (Defendant’s Amended Answer), ¶ 24.

2. Defendant Fulbright concealed the police report in her responses to multiple responsive discovery requests.

Throughout the fact discovery period, Mr. Conway also furnished several written discovery requests upon Defendant Fulbright that should have resulted in the disclosure of the police report at issue. For example, Mr. Conway instructed Defendant Fulbright to “produce all documents or things in Defendant’s possession relevant to Defendants’ response in Paragraph 41 of Defendants’ First Amended Answer,”⁶ in which Defendant Fulbright had denied Plaintiff’s allegations that: “At no point did Plaintiff ever steal jewelry from Defendant Fulbright. In fact, . . . at no point was Defendant Fulbright’s jewelry ever even stolen.”⁷ Defendant Fulbright did not produce the police report in response.

In a separate written discovery request, Plaintiff also instructed Defendant Fulbright to provide: “Copies of any and all correspondences between Defendant and any other individual regarding, referencing, *or in any way relating to* Defendant’s allegations that Plaintiff stole jewelry from her[.]”⁸ Defendant Fulbright did not produce or acknowledge the existence of the police report in response to this request, either.

Significantly, Defendant Fulbright also was not confused about whether the “stolen” ring referenced in her police report was relevant to this litigation. In her other discovery responses, and in her deposition,⁹ Defendant Fulbright identified the ring referenced in her police report as one of the items that Mr. Conway “stole” from her

⁶ See **Exhibit 3** (Defendants’ Supplemental and Amended Response to Plaintiff’s Second Set of Interrogatories and Requests for Production on Documents), Request for Production #13, p. 21.

⁷ See Docket Entry #70 (Defendant’s Amended Answer), ¶ 41 (“Denied.”), *contra* Docket Entry #1 (Plaintiff’s Complaint), ¶ 41.

⁸ See **Exhibit 4** (Defendant’s First Production Request Response), Response #7, pp. 6-7 (emphasis added).

⁹ Docket Entry #81 (Deposition of Kumari Fulbright), p. 147, lines 16–18 (Q: “Was that one of the rings that was missing from your apartment?” A: “Yes.”).

Tucson, Arizona apartment—an item that she has claimed was “not recovered.”¹⁰ Accordingly, her own statement to the Detroit Police Department that this item was actually “lost or stolen” while she was staying at the Detroit Marriot Hotel was directly responsive to Plaintiff’s discovery requests, and the content of that report was critical to her now provably false claim that Mr. Conway stole this item from her. Even so, Defendant Fulbright deliberately concealed this police report in her responses to a series of responsive discovery requests spanning well over a year.

3. During her deposition, Defendant Fulbright admitted that she did file a police report in this matter.

During her deposition, Plaintiff’s counsel had the following surprising exchange with Defendant Fulbright:

Mr. Horwitz: “Did you ever file a police report regarding your stolen jewelry?”

Ms. Fulbright: “No, but I did think about doing it and I made that known to a neighbor next door to me and also other people.”

Mr. Horwitz: “Repeat the question. Did you ever file a police report regarding your allegedly stolen jewelry?”

Ms. Fulbright: “No, I did not. Oh, I did, but not at the time. No, after the fact.”

Mr. Horwitz: “You filed a police report regarding the stolen jewelry?”

Ms. Fulbright: “I did.”

Mr. Horwitz: “When?”

Ms. Fulbright: “May of 2016.”¹¹

¹⁰ **Exhibit 3**, Interrogatory Response #9, p. 8.

¹¹ Docket Entry #81 (Deposition of Kumari Fulbright), p. 96, lines 8-21.

Accordingly, Plaintiff's counsel immediately directed Ms. Fulbright to make her police report a late-filed exhibit to her deposition, because it had never been provided in discovery, and because her Amended Answer claimed it did not exist.¹² Approximately six weeks later—and only after the fact discovery deadline had expired—Defendant Fulbright finally produced “1 of 2” pages of the police report that she had previously concealed from Mr. Conway. See **Exhibit 1**. The Plaintiff also received this report from Defendant Fulbright after the Plaintiff's pending Motion for Partial Summary Injunctive Relief had been filed. The missing second page of the report still has not been provided.

4. The evidence contained in the police report is damning.

The police report at issue contains a treasure trove of damning evidence that is all but outcome-determinative with respect to Defendant Fulbright's claim that Mr. Conway stole her jewelry. Most critically, the report indicates that Ms. Fulbright:

State[d] she was staying at the Detroit Marriot Hotel between the above listed dates. She states that she either lost or someone stole her ring. She states the last time she saw the ring it was on the bathroom sink.

Exhibit 1.

This admission is of surpassing importance, because: (1) Mr. Conway has never stayed at the Detroit Marriot Hotel; (2) Mr. Conway was not with Defendant Fulbright at the time that her ring went “missing”; and, most critically, (3) Mr. Conway has never even been to Detroit. As such, it simply is not possible that Mr. Conway could have stolen this ring from Defendant Fulbright—a fact that she was now demonstrably aware of as recently as May of 2016 and, presumably, for the past decade.

The report also contains a great deal of additional material evidence, all of which

¹² Docket Entry #81 (Deposition of Kumari Fulbright), p. 96, lines 22-23.

favors the Plaintiff's case. For example, the report indicates that Defendant Fulbright informed the Detroit Police Department that her ring may well have been "lost," rather than stolen. See **Exhibit 1**. The report also contains a disposition designating the matter as: "Not a Crime." *Id.* Dubiously, the report also indicates that it was filed by Ms. Fulbright only after Mr. Conway sued her and fully nine years after her ring (supposedly) went missing—facts that all significantly undermine Defendant Fulbright's credibility. *Id.*

Further compromising her credibility, the report also indicates that Ms. Fulbright is, in truth, a resident of Florida, and it reflects that she does, in fact, reside at 8350 Savannah Trace Circle, Tampa, FL, 33615, *see id.*—facts that she has repeatedly lied about during the instant litigation: (1) in her Notice of Removal,¹³ (2) in her Amended Answer,¹⁴ and (3) in a sworn affidavit filed in federal Court for the purpose of supporting her false claim (then pending in the Middle District of Tennessee) that she had been served at the wrong address.¹⁵ Defendant Fulbright has since admitted under oath during her deposition that her tax returns, her business filings, and her Driver's License all reflect that she actually does reside at the Florida address where process was served.¹⁶

5. Defendant Fulbright's concealment was both deliberate and strategic.

Stunningly, Defendant Fulbright also admitted during her deposition that her decision to conceal the information that precipitated her initiation of the police report was deliberate, and that she "recognize[d] that [disclosure of that information] ha[d] potential to have bearing on this case. . . ." ¹⁷ She further acknowledged that her

¹³ Docket Entry #10, ¶ 2 ("Defendant Kumari S. Fulbright is a citizen of the State of New York residing in New York City at all times relevant to this matter including before the filing of the state court Complaint.").

¹⁴ Docket Entry #70 (Defendant's Amended Answer), ¶ 7 ("Fulbright's address is incorrect.").

¹⁵ Docket Entry #81 (Deposition of Kumari Fulbright), p. 165, Exhibit #5, ¶ 3 ("I reside at 500 West 23rd Street, Apartment 11C, Manhattan, New York, New York 10011.").

¹⁶ Docket Entry #81 (Deposition of Kumari Fulbright), pp. 6–11.

¹⁷ Docket Entry #81 (Deposition of Kumari Fulbright), p. 156, lines 8–9.

concealment had been strategically designed to benefit her in the instant litigation by preventing Mr. Conway from reacting to the disclosure of discoverable information that she was legally obligated to provide him.¹⁸

6. Defendant Fulbright orchestrated a fraudulent interstate real estate scheme to “get to” Mr. Conway’s wife.

Four days before the Detroit Police Department designated Ms. Fulbright’s police report as “not a crime,” see **Exhibit 1**, Defendant Fulbright also admitted in her deposition that she had attempted to “get to” Mr. Conway’s wife by “orchestrat[ing]” a fraudulent interstate real estate scheme aimed at placing Mrs. Conway alone in a house with an accomplice of Ms. Fulbright’s in order to benefit Ms. Fulbright in this litigation.¹⁹

The full discussion of this extraordinary admission spans pages 44–53 of her deposition—attached hereto as **Exhibit 2**—and includes the following exchange:

Ms. Fulbright: “I was trying to orchestrate something to get information.”

Mr. Horwitz: “What did that orchestration entail?”

Ms. Fulbright: “It entailed her having Mr. Conway’s wife show her a house because she was a real estate agent and my girlfriend is very congenial and I thought maybe she could elicit some information that would help my case.”

Mr. Horwitz: “So you orchestrated a fake house showing for the purpose of interrogating Mr. Conway’s wife?”

Ms. Fulbright: “A fake house showing.”

....

Ms. Fulbright: “I knew my lawyer wouldn’t like it but I didn’t think it was illegal.”

....

¹⁸ Docket Entry #81 (Deposition of Kumari Fulbright), p. 156, lines 2–24.

¹⁹ Docket Entry #81 (Deposition of Kumari Fulbright), p. 45, line 19–p. 46, line 19; p. 48, lines 18–19; p. 53, lines 1–4.

Mr. Horwitz: “You were trying to get to someone who you thought might be a useful witness here; is that correct?”

Ms. Fulbright: “Yeah. . . .”

. . . .

Mr. Horwitz: “Was it ever your intent that Ms. Vasquez threaten Ms. Conway?”

Ms. Fulbright: “No. What good is that going to do?”

Mr. Horwitz: “Was it your intent to have anyone kidnap Ms. Conway?”

Ms. Fulbright: “No.”

Mr. Horwitz: “Have you ever had someone kidnapped before?”

Ms. Fulbright: “I have. But I’ve been rehabilitated.”²⁰

It goes without saying that such behavior is outrageous and quite possibly criminal.²¹ Defendant Fulbright has also admitted that she orchestrated the above-described fraudulent real estate scheme because she believed that Mr. Conway’s wife had information relevant to the initiation of her police report.²² Because the correspondences between Defendant Fulbright and the accomplice that she enlisted “got deleted” afterward,²³ however—a fact that independently justifies its own sanction, *see* Tenn. R. Civ. P. 34A.02 (governing spoliation)—the true purpose of her scheme is not knowable.

7. Defendant Fulbright’s willful concealment of her police report resulted in actual prejudice to the Plaintiff’s case. Defendants have also failed to correct their false statement in their pleadings.

Tenn. R. Civ. P. 34A.02 establishes that: “Rule 37 sanctions may be imposed upon

²⁰ Docket Entry #81 (Deposition of Kumari Fulbright), p. 45, line 19 – p. 53, line 15.

²¹ 18 U.S.C. § 1343 (Wire Fraud) (“Whoever, having devised or intending to devise any scheme or artifice to defraud, . . . causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.”).

²² Docket Entry #81 (Deposition of Kumari Fulbright), p. 147, line 3–line 18.

²³ Docket Entry #81 (Deposition of Kumari Fulbright), p. 50, line 18.

a party or an agent of a party who . . . conceals evidence.” *Id.* In appropriate cases, such sanctions expressly include “rendering a judgment by default against the disobedient party[.]” *See* Tenn. R. Civ. P. 37.02(C).

Our Court of Appeals has recognized that imposing a default judgment as a sanction “is a severe remedy, which can only be justified in the most serious cases.” *Cincinnati Ins. Co. v. Mid-S. Drillers Supply, Inc.*, No. M2007-00024-COA-R3-CV, 2008 WL 220287, at *4 (Tenn. Ct. App. Jan. 25, 2008). Even so, the Court of Appeals has made clear that “[s]uch cases include situations where a party has intentionally concealed or destroyed important evidence in order to suppress the truth.” *Id.* As a result, where, as here, a party willfully conceals evidence, our Court of Appeals has not hesitated to impose an adverse judgment as a sanction. *See, e.g., Alexander v. Jackson Radiology Assocs., P.A.*, 156 S.W.3d 11, 16–17 (Tenn. Ct. App. 2004) (imposing adverse judgment as a discovery sanction for “blatant, inexcusable, repeated lying, under oath”).

In the instant case, Defendant Fulbright’s concealment of the police report that she filed was knowing, willful, deliberate, and strategic. Her concealment spanned well over a year. Her false denial of the police report’s existence in her Amended Answer also was never corrected. And she repeatedly concealed the report in response to multiple responsive discovery responses that she signed under oath under penalty of perjury.

Because Defendant Fulbright only disclosed the police report at issue six weeks after her deposition was taken and only after the fact discovery deadline in this case expired, Defendant Fulbright’s concealment also succeeded in preventing Mr. Conway from meaningfully examining her about its contents (which, it should be noted, she severely misrepresented during her deposition). Her concealment further prevented Mr. Conway from obtaining critical additional information about the report from third party

witnesses who likely had information about it—such as Detroit Police Officer Ronald Lockhart, who took the report. See **Exhibit 1**. With respect to Defendant Fulbright’s efforts to procure information affecting the integrity of her report from Mr. Conway’s wife by orchestrating a fraudulent real estate transaction, the Plaintiff also notes that as a result of Defendant Fulbright’s delayed disclosure, the correspondences between Defendant Fulbright and the accomplice that she enlisted on her behalf “got deleted,”²⁴ so the Plaintiff can no longer obtain them.

Notably, in addition to issuing a default judgment against Defendant Fulbright for her willful concealment of her police report, this Court also enjoys discretion to compel her “to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.” Tenn. R. Civ. P. 37.02(E). Such sanctions are certainly warranted. The report establishes conclusively that Defendant Fulbright’s central claim in this litigation—that Mr. Conway stole the jewelry mentioned in her police report from her Tucson, Arizona apartment—was not only false, but that she *knew* it to be false. Consequently, there was no lawful justification at all for concealing the report—much less a “substantial” justification. See *id.*

Independently, pursuant to Tenn. R. Civ. P. 11, undersigned counsel informed Defendant Fulbright that she was obligated to bring her Amended Answer’s false factual claim that “no police report was filed”²⁵ to this Court’s attention and to correct the misstatement. See **Exhibit 5**, pp. 3–4. Specifically, on July 27, 2017, Plaintiff stated:

Ms. Fulbright’s Amended Answer—which you filed and signed on Ms. Fulbright’s behalf on December 21, 2016—states

²⁴ Docket Entry #81 (Deposition of Kumari Fulbright), p. 50, line 18.

²⁵ See Docket Entry #70 (Defendant’s Amended Answer), ¶ 24.

without qualification that it is: **“admitted that no police report was filed.”** Defendants’ Amended Answer, ¶ 24 (emphasis added). However, Ms. Fulbright has since testified that she “did” file a police report in “May of 2016.” See Deposition of Kumari Fulbright, p. 96, lines 17–21. Accordingly, it is has now become clear that Ms. Fulbright’s unqualified claim in her Amended Answer “that no police report was filed” was a false and material concealment of a critical fact of this litigation that you are obligated to bring to the Court’s attention. See Tenn. R. Civ. P. 11.²⁶

Tenn. R. Civ. P. 11.02—governing representations to the Court made in pleadings—requires that “factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.” *Id.* Because Defendant Fulbright’s false statement that “no police report was filed” was knowingly false and was not corrected after notice, sanctions are warranted under Tenn. R. Civ. P. 11.03 as well. Plaintiff shall withdraw the instant claim for Rule 11 sanctions if and when the false statement is corrected.


Conclusion

For the foregoing reasons, severe sanctions are warranted pursuant to both Tenn. R. Civ. P. 34A.02 and Tenn. R. Civ. P. 11 to punish Defendant Fulbright for her strategic concealment of evidence that was critical to Plaintiff’s case. As such, this Court should:

- (1) Issue a judgment against Defendant Fulbright as to Claim 1 (libel) governing Defendant Fulbright’s false claim that Mr. Conway stole her jewelry;
- (2) Award Mr. Conway his reasonable attorney’s fees associated with prosecuting Claim 1 (libel); and
- (3) Impose an appropriately severe monetary sanction against Defendant Fulbright to punish her for her misbehavior.

²⁶ See **Exhibit 5**, pp. 3–4.

Respectfully submitted,

By: 
Daniel A. Horwitz, BPR #032176
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daniel.a.horwitz@gmail.com
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Counsel for Plaintiff

NOTICE OF HEARING ON MOTION

A hearing on the above motion will be held on the 6th day of October, 2017 at 9:15AM CST at the Davidson County Courthouse, 1 Public Square, Nashville, TN. Failure to appear or respond to this motion may result in this motion being granted.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2017, a copy of the foregoing was sent via USPS, postage prepaid, and/or by email to the following:

William M. Leech, III
P.O. Box 198742
Nashville, TN 37219-8742
(615) 256-0138
wleech@tfmlawadr.com


By: 
Daniel A. Horwitz, Esq.

Exhibit 1

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 1607120176
 Report No. 1607120176.1
 Report Date: 7/12/2016 2:03:05 PM

1

Page 1 of 2

Subject: 11-11PDU-Lost or stolen propoerty

Case Report Status	A - APPROVED	Date Entered	7/12/2016 1:35:10 PM	Reporting Officer	230572 - LOCKHART, RONALD
County	82 - WAYNE	Entered By	230572 - LOCKHART, RONALD	Assisted By	
City/Township	99 - DETROIT	Date Verified	7/12/2016 2:05:20 PM	Assist Agency	
Occurred On (and Between)	11/1/2007 3:00:00 PM 11/2/2007 11:00:00 AM	Verified By	230572 - LOCKHART, RONALD		
Location	400 RENAISSANCE DRIVE	Date Approved	7/12/2016 2:05:37 PM		
CSZ	DETROIT, MI 48240	Approved By	230572 - LOCKHART, RONALD		
Census/Geo Code	5172	Connecting Cases			
Grid	C1 - 0101	Disposition	NOT A CRIME/OTHER SERVICE		
Call Source		Tactical Actions			
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	DETROIT POLICE DEPARTMENT		
Means		Division	1s/Central District		
Other Means		Notified			
Motive					
Other Motives					

Report Narrative: PHONE IN TO 11TH PRECINCT

PRO STATES SHE WAS STAYING AT THE DETROIT MARRIOT HOTEL BETWEEN THE ABOVE LISTED DATES. SHE STATES THAT SHE EITHER LOST OR SOMEONE STOLE HER RING. SHE STATES THE LAST TIME SHE SAW THE RING IT WAS ON THE BATHROOM SINK. THE LOST OR STOLEN RING IS DESCRIBED AS A: WOMEN'S CANARY YELLOW DIAMOND RING. THE RING HAS A CENTER STONE WITH A HALO OF DIAMONDS SURROUNDING IT. THE TOTAL WEIGHT OF THE RING IS TWO CARATS. THE VALUE OF THE RING IS \$17,500. PRO STATED SHE HAS NO INSURANCE.

Offense Detail: 9953 - MISCELLANEOUS - GENERAL ASSISTANCE

Offense Description	9953 - MISCELLANEOUS - GENERAL ASSISTANCE	Location	14 - HOTEL/MOTEL/ETC.	No. Prem. Entered	
IBR Code		Offense Completed?	YES	Entry Method	
IBR Group		Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	99008 - MISCELLANEOUS - GENERAL NON-CRIMINAL				
PACC					
Local Code					
Using					
Criminal Activity					
Weapons					

Other Entity: 01 - FULBRIGHT, KUMARI

Entity Code	01			
Entity Type	PRO - PERSON REPORTING OFFENSE			
Name	FULBRIGHT, KUMARI	DOB	5/17/1982	Place of Birth
AKA		Age	25	SSN
Alert(s)		Sex	F - FEMALE	DLN
Address	8350 Savannah Trace Cir	Race	B - BLACK	DLN State
		Ethnicity	O - OTHER	DLN Country
			ETHNICITY/NATIONAL ORIGIN	
CSZ	TAMPA, FL 33615	HI		Occupation/Grade
Home Phone	313 930-9005	WL		Employer/School
Work Phone		Eye Color		Employer Address
Email Address		Hair Color		Employer CSZ
		Facial Hair		Res County

Exhibit 2

Deposition of Kumari Fulbright.

1 A No.

2 Q If Mr. Storie testified that he was asked to
3 remove a gun, would that testimony be accurate?

4 A No.

5 Q Have you ever asked anybody to do something
6 illegal on your behalf?

7 A Probably.

8 Q Give me a couple of examples.

9 A I mean I've smoked weed before so, you know,
10 yeah, I've not --

11 Q Have you asked someone else to do something
12 illegal on your behalf?

13 A I can't think of every instance but I would
14 say yes, I've not followed every law. Clearly I'm a
15 convicted felon. I asked Robert to kidnap somebody.

16 Q Anything recent, by chance?

17 A Not anything that I can think of. Nothing
18 that stands out outside of maybe park my car in the
19 handicapped for a minute or something innocuous. But I
20 can't think of anything.

21 Q Do you know anyone by the name of Kio
22 Vasquez?

23 A Yes.

24 Q Who is Ms. Vasquez?

25 A Is a girlfriend of mine in Tampa.

Deposition of Kumari Fulbright.

1 Q She lives in Tampa?

2 A Yeah.

3 Q She doesn't live in Nashville; is that
4 correct?

5 A No, sir.

6 Q Any reason why she would be in Nashville, to
7 your knowledge?

8 A No.

9 Q Do you have any idea why Ms. Vasquez would be
10 contacting Mr. Conway's wife?

11 A I do, yeah. This was kind of towards the
12 beginning of the suit and I was just like, oh my God, I
13 can't believe this, you know, I knew he was getting
14 married.

15 I thought about the spousal privilege and I'm
16 like maybe his wife knows something, maybe he's
17 admitted to her he stole my jewelry, and it was a very
18 stupid thing to do, can you meet with her.

19 And so I was trying to orchestrate something
20 to get information.

21 Q What did that orchestration entail?

22 A It entailed her having Mr. Conway's wife show
23 her a house because she was a real estate agent and my
24 girlfriend is very congenial and I thought maybe she
25 could elicit some information that would help my case.

Deposition of Kumari Fulbright.

1 Q So you orchestrated a fake house showing for
2 the purpose of interrogating Mr. Conway's wife?

3 A A fake house showing.

4 Q Was Ms. Vasquez interested in buying a house
5 from Mr. Conway's wife?

6 A She was interested in -- be clear. I've been
7 clear and up-front.

8 Q I'm not done here.

9 A Okay.

10 Q You had Ms. Vasquez reach out to Mr. Conway's
11 wife; is that correct?

12 A Yes.

13 Q In the pretense of that was to show her a
14 house?

15 A Yes.

16 Q And the real reason that you wanted her to
17 contact Mr. Conway's wife is because you wanted to get
18 information from her about this case, is that correct?

19 A Yes.

20 Q Do you happen to know if Ms. Vasquez was
21 confronted about this by Mr. Conway's wife?

22 A I don't know the exact details but I know
23 that Ms. Conway put two and two together and realized
24 that Kio had a connection to me.

25 Q Did Ms. Vasquez acknowledge that the request

Deposition of Kumari Fulbright.

1 to have the house be shown to her was a pretense?

2 A I'm not sure.

3 Q If she lied about it, would that surprise
4 you?

5 MR. LEECH: Object to the form.

6 THE WITNESS: What do you mean, do I think
7 Ms. Vasquez is a liar? I don't know.

8 Q How did this correspondence come about? Did
9 you call her?

10 A I did call --

11 Q Ms. Vasquez.

12 A Call or text, I'm sure, yeah. Maybe call.

13 Q You think you might have texted her?

14 A Actually it was in-person. I was there in
15 Tampa.

16 Q Have you ever texted her about this
17 particular incident?

18 A No. It was always on the phone.

19 Q You're absolutely positive about that?

20 A I'm not positive.

21 Q Do you have your phone on you today?

22 A I do.

23 Q Will you produce it, please?

24 MR. LEECH: I'm going to object to that. You
25 can submit a request for an inspection, you can ask me

Deposition of Kumari Fulbright.

1 what you want to do. You do not have the right to go
2 through my client's phone.

3 MR. HORWITZ: I would like to inspect the
4 text message chain between Ms. Fulbright and Ms.
5 Vasquez.

6 MR. LEECH: What dates?

7 MR. HORWITZ: Between now and --

8 MR. LEECH: No, what dates. You don't get --
9 let's go off the record for a second.

10 (Discussion off the record)

11 THE WITNESS: Ms. Vasquez and I did.

12 MR. LEECH: I think this needs to be off the
13 record. We're getting into where we're testifying.
14 This is getting confusing. I'm not sure that it's at
15 all appropriate for you to just ask for my client to
16 bring up her phone.

17 MR. HORWITZ: Respectfully, your client just
18 said she orchestrated this scheme to get to my client's
19 wife, and that it was possible that there were text
20 messages involved in that scheme.

21 I would like to review those text messages.

22 MR. LEECH: Take a ten minute break. Let's
23 go in here. I need to do some research real quick.

24 MR. HORWITZ: I don't want the phone leaving
25 the room.

Deposition of Kumari Fulbright.

1 MR. LEECH: Is the phone with you right now?

2 THE WITNESS: No.

3 MR. LEECH: I'm going to go get it and give
4 to it Mr. Beres.

5 (11:20 a.m., a recess was had until 11:23 a.m.)

6 MR. LEECH: Just for the record, Ms. Horwitz,
7 I'm instructing my client not to let Mr. Horwitz just
8 go through her phone in this deposition.

9 If you want to submit a request in writing
10 under Rule 34, you can. Also, we at anytime don't know
11 if those text messages are even in there or not.

12 THE WITNESS: Because I got a new phone.

13 MR. LEECH: So, you know, I think it's highly
14 inappropriate for you to ask it here in the middle of a
15 deposition. If you want to submit an Interrogatory,
16 you can.

17 MR. HORWITZ: So I don't want to touch the
18 phone. I do want to instruct the witness to go through
19 it herself and read the text message chain between her
20 and Ms. Vasquez for the record as far as it goes back.

21 MR. LEECH: No. That's overbroad. You don't
22 get an entire personal conversations you have with
23 somebody.

24 MR. CONWAY: The date she texted Christy was
25 July 8th.

Deposition of Kumari Fulbright.

1 MR. HORWITZ: Go back to July, 2016.

2 MR. LEECH: I'll allow that. Go in your
3 phone and see if you still have it. I'll allow her to
4 do it to see if it's still in there.

5 MR. HORWITZ: I'd like to put in on the
6 record that I'm making an official request for
7 preservation.

8 MR. LEECH: How far back does it go?

9 THE WITNESS: Just to May of this year.

10 MR. LEECH: May of this year?

11 THE WITNESS: Yeah.

12 MR. LEECH: The record it goes to Tuesday,
13 May 2nd.

14 BY MR. HORWITZ:

15 Q Where would your phone from July, 2016 be?

16 A Like when you get a new phone you turn in the
17 old one. I had a software issue with my phone so a lot
18 of stuff got deleted.

19 Q Did you know that it was wrong to have Ms.
20 Vasquez contact Mr. Conway's wife at the time?

21 A I knew my lawyer wouldn't like it but I
22 didn't think it was illegal.

23 Q What was the specific request that you made
24 of Ms. Vasquez?

25 A I just told her that she knew the back story

Deposition of Kumari Fulbright.

1 of my history and I said I was being sued by Mr. Conway
2 over me saying that he stole my jewelry and I was
3 hoping that maybe he had admitted that to his wife or
4 his girlfriend at the time.

5 I said they're getting engaged, they're
6 probably going to get married and she'll have spousal
7 privilege, maybe she will say something to you, maybe
8 you can elicit something, maybe talk about boyfriends
9 or just maybe get anything that would help me prove
10 that he did take it and that he admitted it to somebody
11 like his girlfriend.

12 Q And she agreed?

13 A Yes.

14 Q Do you know Ms. Vasquez's husband?

15 A Yes.

16 Q Was he involved in this scheme as well?

17 A No.

18 Q Did you ever ask him to be involved in this
19 scheme?

20 A No.

21 Q To your knowledge, did she ever ask him to be
22 involved in this scheme?

23 A No.

24 Q And from your perspective, you believed that
25 Mr. Conway's wife might be a useful witness in this

Deposition of Kumari Fulbright.

1 case; is that correct?

2 A Yeah.

3 Q So you orchestrated a scheme to get to a
4 witness in this case; is that correct?

5 MR. LEECH: Object to the form.

6 THE WITNESS: I'm not sure. I mean scheme
7 and you're just --

8 Q You used the word "orchestrated" before, did
9 you not?

10 A Yeah.

11 Q The purpose of what you were orchestrating
12 was what, specifically?

13 A Just to get details and information that
14 would help for the case. An investigatory method. I
15 don't know the lingo. I feel like every word that I
16 say is being challenged to the exact definition of what
17 that would be and I don't know, I feel like I'm being
18 taken so literally it's hard for me to even communicate
19 candidly with you. I'm trying to answer truthfully and
20 give you what you want to know but --

21 Q Let's use colloquial terms.

22 A Let's do that.

23 Q You were trying to get to this witness.

24 A Is she a witness?

25 MR. LEECH: Object to the form.

Deposition of Kumari Fulbright.

1 Q You were trying to get to someone who you
2 thought might be a useful witness here; is that
3 correct?

4 A Yeah. I'm doing that in other regards as
5 well, you know what I mean? I'm looking for ways to
6 help my case, yeah, absolutely, I mean anybody that
7 would know anything, of course, I'm seeking out.

8 Q Was it ever your intent that Ms. Vasquez
9 threaten Ms. Conway?

10 A No. What good is that going to do?

11 Q Was it your intent to have anyone kidnap Ms.
12 Conway?

13 A No.

14 Q Have you ever had someone kidnapped before?

15 A I have. But I've been rehabilitated.

16 Q Does that rehabilitation including enlisting
17 colleagues of yours to orchestrate schemes to get to
18 witnesses?

19 MR. LEECH: Object to the form.

20 THE WITNESS: Are you asking if in prison
21 they had rehabilitation programs that addressed what
22 you just said?

23 Q No. I'm asking whether you believe that
24 having a colleague of yours orchestrate a scheme to get
25 to Mr. Conway's wife --

Exhibit 3

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

JOSHUA CONWAY,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 16C-664
)	
KUMARI S. FULBRIGHT, and)	JURY DEMAND
KUMARI FULBRIGHT, INC.,)	
)	
<i>Defendants.</i>)	

**DEFENDANT’S SUPPLEMENTAL AND AMENDED RESPONSE TO
PLAINTIFF’S SECOND SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

COMES now the Defendants, Kumari Fulbright and Kumari Fulbright Inc., and in accordance with the Tennessee Rules of Civil Procedure, responds to Plaintiff’s Second Set of Interrogatories and Request for Production of Documents.

GENERAL OBJECTIONS

1. Defendant objects to each discovery request to the extent that it seeks to impose duties or burdens on defendant that go beyond the requirements of the Tennessee Rules of Civil Procedure or the Local Rules of Court.
2. Defendant objects to each discovery request to the extent that it seeks discovery of matters protected by the attorney work product or attorney-client privileges.
3. Defendant objects to each discovery request to the extent that it seeks discovery of proprietary information, financial data, or trade secrets, in the absence of a mutually acceptable Protective Order dealing with the disclosure and handling of such

information, and protecting the sensitive and confidential nature of the information to be produced.

4. Defendant objects to each discovery request to the extent that it seeks the identification of information that is a matter of public record and is equally available to plaintiff.

5. Defendant reserves the right to supplement these responses as discovery progresses.

6. Subject to and without waiving the foregoing objections, defendant states that s he shall respond hereto in accordance with the Tennessee Rules of Civil Procedure and the Local Rules of Court.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES**

1. State the full name, address, and phone number or email address, if known, of each and every person responsible for providing information used in responding to any of the following interrogatories or requests for production of documents, and identify the particular discovery request that each such individual provided information for or used in responding to that particular request.

RESPONSE: Kumari Fulbright and her attorney of record, William M. Leech, III.

2. Identify the insurance company that carried the insurance policy referenced in Paragraph 25 of Defendant's First Amended Answer.

RESPONSE:

Defendant objects to the foregoing interrogatory to the extent it seeks information that is irrelevant and is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendant responds:

I do not recall. It has been almost ten years since I sought this renters insurance. I do remember that it was a small insurance firm in Ann Arbor, Michigan off State Street. I no longer have these records in my possession.

3. Identify the date that the insurance coverage referenced in Paragraph 25 of Defendant's First Amended Answer lapsed.

RESPONSE:

Defendant objects to the foregoing interrogatory to the extent it seeks information that is irrelevant and is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendant responds:

I do not know. Policy was rental insurance covering a dwelling in Michigan and did not cover the dwelling where items were stolen by Josh Conway.

4. Identify the insurance company that carried the Defendant's homeowner's and/or renter's insurance policy in 2007.

RESPONSE:

Defendant objects to the foregoing interrogatory to the extent it seeks information that is irrelevant and is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendant responds:

None. I was seeking a new policy via Josh Conway by and through this employer at Country Way Insurance. See emails between Josh Conway and Kumari Fulbright attached to Defendant's production of documents.

5. Identify the name and contact information of every person known to Defendant who has direct knowledge of the answers to Interrogatories 2, 3, and 4.

RESPONSE:

Defendant objects to the foregoing interrogatory to the extent it seeks information that is irrelevant and is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendant responds:

Josh Conway and co-workers at Country Insurance and Financial Services.

6. List all information relied upon by Defendant to support her allegation that Plaintiff stole money from her.

Furthermore, Mr. Conway stole Ms. Fulbright's money based on motive and opportunity.

Furthermore, Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

Plaintiff does not recall the exact details of what was discussed when due to the passage of time.

7. List all information relied upon by Defendant to support her allegation that Plaintiff drugged her.

RESPONSE:

Personal belief based on events and my abnormal physiological reactions on the evening in question.

Furthermore, Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

8. List all information relied upon by Defendant to support her allegation that Plaintiff stole jewelry from her.

RESPONSE:

Deductive Reasoning based on access and events

Josh Conway called me after the incident and arrest apologizing circa mid-late December 2007. Furthermore, Mr. Conway was the only person who the motive and opportunity to steal my jewelry.

Furthermore, Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other

documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

9. Identify all jewelry that Defendant claims Plaintiff stole from her.

RESPONSE:

4 rings, 1 watch. Not all items were recovered.

10. Identify all persons with direct knowledge of information relevant to Defendants' response in Paragraph 39 of Defendant's First Amended Answer.

RESPONSE:

Defendant objects to this interrogatory to the extent it calls upon her to assume the mental thoughts and impressions of others, or to the extent it calls upon her to speculate as to what certain persons have seen and/or heard. Without waiving said objection, Defendant responds:

The only persons whom I *believe* have direct knowledge is: Joshua Conway; Kumari Fulbright.

Furthermore, because discovery in this matter is ongoing, Defendant reserves the right to supplement and/or change her response as new facts and/or persons come to light.

11. Identify all persons with direct knowledge of information relevant to Defendants' response in Paragraph 40 of Defendant's First Amended Answer.

RESPONSE:

Defendant objects to this interrogatory to the extent it calls upon her to assume the mental thoughts and impressions of others, or to the extent it calls upon her to speculate as to what certain persons have seen and/or heard. Without waiving said objection, Defendant responds:

The only persons whom I *believe* have direct knowledge is: Joshua Conway; Kumari Fulbright.

Furthermore, because discovery in this matter is ongoing, Defendant reserves the right to supplement and/or change her response as new facts and/or persons come to light.

12. Identify all persons with direct knowledge of information relevant to Defendants' response in Paragraph 41 of Defendant's First Amended Answer.

RESPONSE:

Defendant objects to this interrogatory to the extent it calls upon her to assume the mental thoughts and impressions of others, or to the extent it calls upon her to speculate as to what certain persons have seen and/or heard. Without waiving said objection, Defendant responds:

The only persons whom I *believe* have direct knowledge is: Joshua Conway; Kumari Fulbright.

Furthermore, because discovery in this matter is ongoing, Defendant reserves the right to supplement and/or change her response as new facts and/or persons come to light.

13. List all information relied upon by Defendant to support Defendants' Affirmative Defense #2 (truth).

RESPONSE:

Defendant objects to this interrogatory to the extent that it seeks "all information relied upon". Discovery in this matter is still ongoing and Defendant reserves the right to amend this answer in accordance with the Tennessee Rules of Civil procedure. Without waiving said objection, defendant directs Plaintiff to its response to Interrogatories numbers 6,7,8.

Furthermore, Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

14. List all information relied upon by Defendant to support Defendants' Affirmative Defense #5 (substantial truth).

RESPONSE:

Defendant objects to this interrogatory to the extent that it seeks "all information relied upon". Discovery in this matter is still ongoing and Defendant reserves the right to amend this answer in accordance with the Tennessee Rules of Civil procedure. Without waiving said objection, defendant directs Plaintiff to its response to Interrogatories numbers 6,7,8.

Furthermore, Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely

to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

15. List all information relied upon by Defendant to support Defendants' Affirmative Defense #9 (comparative fault of plaintiff).

RESPONSE:

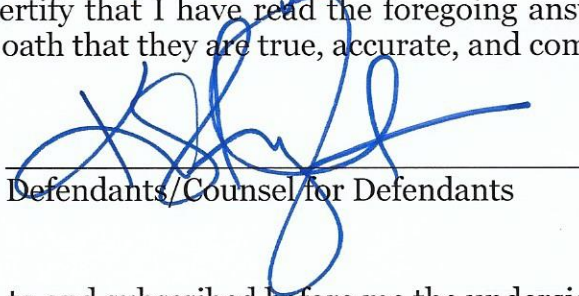
Defendant objects to this interrogatory to the extent that it seeks "all information relied upon". Discovery in this matter is still ongoing and Defendant reserves the right to amend this answer in accordance with the Tennessee Rules of Civil procedure. Without waiving said objection, Mr. Conway has appeared on television to discuss this issue, further bringing attention to this matter. Furthermore, Mr. Conway has not been a good steward of his own reputation, as evidenced by his answers to Defendants First Set of Interrogatories and request for Production of Documents Propounded to Plaintiff, Interrogatory number 6.

**VERIFICATION OF ANSWERS TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES**

STATE OF Tennessee

COUNTY OF Davidson

I, Kumari S. Fulbright, on behalf of the undersigned, upon personal knowledge, certify that I have read the foregoing answers to the Interrogatories, and I hereby make oath that they are true, accurate, and complete.



Defendants/Counsel for Defendants



Sworn to and subscribed before me the undersigned notary public this 14 day
of June, 2017.



NOTARY PUBLIC

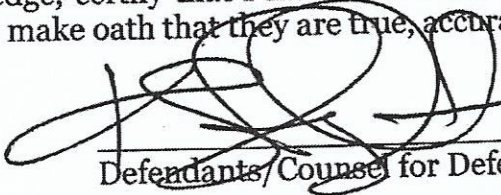
My commission expires: 3/10/19

**VERIFICATION OF ANSWERS TO PLAINTIFF'S SECOND SET OF
INTERROGATORIES**

STATE OF _____

COUNTY OF _____

I, _____, on behalf of the undersigned, upon personal knowledge, certify that I have read the foregoing answers to the Interrogatories, and I hereby make oath that they are true, accurate, and complete.



Defendants/Counsel for Defendants

Sworn to and subscribed before me the undersigned notary public this ____ day
of _____, 2017.

NOTARY PUBLIC

My commission expires: _____

DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND SET OF REQUESTS
FOR PRODUCTION

1. Produce copies of any document or thing referenced, used, or relied upon in responding to Interrogatory Numbers 2-15.

RESPONSE: See responses and objections to interrogatories 6,8,10, 13,14,15. There are no other documents known to Defendant at this time, but defendant will supplement its response to the Request for Production in accordance with the Tennessee Rules of Civil Procedure.

2. Produce a copy of the insurance policy referenced in Paragraph 25 of Defendant's First Amended Answer.

RESPONSE: I no longer have this in possession and do not remember the name of the insurance company.

3. Produce all documents or things referencing premium payments made to the carrier of the insurance policy referenced in Paragraph 25 of Defendant's First Amended Answer.

Response: I no longer have this in possession and do not remember the name of the insurance company.

4. Produce a copy of any homeowner's and/or renter's insurance policy carried by Defendant in 2007.

RESPONSE: I no longer have this in possession and do not remember the name of the insurance company.

5. Produce all documents or things in Defendant's possession relevant to Defendants' Affirmative Defense #2 (truth).

RESPONSE: Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

6. Produce all documents or things in Defendant's possession relevant to Defendants' Affirmative Defense #5 (substantial truth).

RESPONSE: Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

7. Produce all documents or things in Defendant's possession relevant to Defendants' Affirmative Defense #9 (comparative fault of plaintiff).

RESPONSE: None at this time. A copy of Josh Conway's interview is available online at <http://fox17.com/news/local/boyfriend-speaks-out-after-he-was-kidnapped-by-beauty-queen-and-accused-drug-dealer>.

8. Produce all documents or things in Defendant's possession relevant to Defendants' response to Plaintiff's First Set of Requests for Admission, No. 2.

RESPONSE: Defendant has within its possession a copy of the "One Bad Choice" Episode relied upon in responding to that Request for Admission. However, Defendant has been unable to copy the same and the Episode is no longer (and has not been available for some time) via the internet. Plaintiff's counsel may come view the same at Counsel for the Defendants office provided it is during normal business hours and reasonable notice is provided to Counsel for Defendant.

9. Produce all documents or things in Defendant's possession relevant to Defendants' response to Plaintiff's First Set of Requests for Admission, No. 4.

RESPONSE: Defendant has within its possession a copy of the "One Bad Choice" Episode relied upon in responding to that Request for Admission. However, Defendant has been unable to copy the same and the Episode is no longer (and has not been available for some time) via the internet. Plaintiff's counsel may come view the same at Counsel for the Defendants office provided it is during normal business hours and reasonable notice is provided to Counsel for Defendant.

10. Produce a copy of the Grand Jury transcript that was incorporated into the Defendant's plea colloquy to support the factual basis for the Defendant's guilty plea entered on December 8, 2009, in Pima County, Arizona, CR-2007 4823.

RESPONSE: I do not possess a copy of my Grand Jury testimony. Furthermore, under Arizona § 13-2812. Unlawful grand jury disclosure;, it may be unlawful for the same to be produced. Furthermore, Ms. Fulbright did not testify during the grand jury proceeding.

11. Produce all documents or things in Defendant's possession relevant to Defendants' response in Paragraph 39 of Defendant's First Amended Answer.

RESPONSE: Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

12. Produce all documents or things in Defendant's possession relevant to Defendants' response in Paragraph 40 of Defendant's First Amended Answer.

RESPONSE: Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

13. Produce all documents or things in Defendant's possession relevant to Defendants' response in Paragraph 41 of Defendant's First Amended Answer.

RESPONSE: Defendant refers Plaintiff to responses previously provided pursuant to Plaintiff's prior request for production of documents and interrogatories.

Additionally, Defendant points Plaintiff and Plaintiff's Counsel to any and all exhibits on file with the Pima County Superior Court, State of Arizona v. Robert Ergonis, No. CR-20074823.

Also, the parties and witnesses to the case of State of Arizona v. Robert Ergonis, No. CR-20074823, gave numerous statements to police and prosecutors. While not all of these statements will be admissible in the trial of this matter, such information is likely to lead to discoverable information. Specifically, Defendant would point Plaintiff and Plaintiff's Counsel to the statements of:

Josh Conway

Larry Hammond

Kumari Fulbright.

Defendant is providing copies of these statements and is also providing copies of all exhibits obtained and will supplement this Interrogatory/Request for Production as other documents are obtained. Counsel for Defendant requests that Counsel for Plaintiff extend the same courtesy.

**VERIFICATION OF RESPONSES TO PLAINTIFF'S SECOND SET OF
REQUESTS FOR PRODUCTION**

STATE OF _____

COUNTY OF _____

I, _____, on behalf of the undersigned, upon personal knowledge, certify that I have reviewed the foregoing responses, and I hereby make oath that they are true, accurate, and complete.

Defendants/Counsel for Defendants

Sworn to and subscribed before me the undersigned notary public this ____ day
of _____, 2017.

NOTARY PUBLIC

My commission expires: _____

Respectfully Submitted,



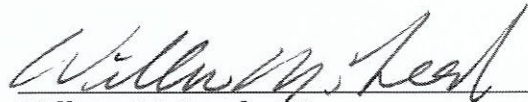
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wleech@minkdukelaw.com
john@johnrobertslaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April, 2017, a copy of the foregoing was sent via USPS, postage prepaid, and/or by e-mail to the following:

Daniel A. Horwitz, BPR #032176
1803 Broadway, Suite #531
Nashville, TN 37203
daniel.a.horwitz@gmail.com
(615) 739-2888

Counsel for Plaintiff



William M. Leech, III

Exhibit 4

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

JOSHUA CONWAY,)	
)	
Plaintiff,)	
)	
v.)	DOCKET NO. 16C-664
)	12 PERSON JURY DEMAND
KUMARI S. FULBRIGHT, and)	
KUMARI FULBRIGHT, INC.,)	
)	
Defendants)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Comes the defendants, Kumari S. Fulbright and Kumari Fulbright, Inc., and for response to the plaintiff's Requests for Production of Documents previously propounded in the matter would state and show as follows:

GENERAL OBJECTIONS

1. Defendants have prepared these responses in accordance with the instructions contained in the Tennessee Rules of Civil Procedure. To the extent that any instructions and definitions given by plaintiff enlarge, modify or extend those requirements, the requirements of the Tennessee Rules of Civil Procedure were followed in preparation of these responses.

2. Whenever a question seeks a list of "every" or "all" (or similar words) facts regarding a topic, defendants have responded with the information presently in defendants' knowledge or possession, but the response may not include "every" or "all" facts that exist with respect to the topic. Defendants object to any request seeking a list of "every" or "all" (or similar words) documents or facts regarding a topic, for the reason that such requests are unduly burdensome, overly broad, oppressive, unreasonable and are not calculated to lead to discovery

of admissible evidence.

3. Defendants prepared these responses in accordance with the Tennessee Rules of Civil Procedure, based on information available to the defendants at the present time. Defendants, however, reserve the right to offer additional evidence at trial based on knowledge or information not yet within the possession, custody or control of the defendants.

4. Supplemental responses and/or production of documents will be made as required by the Tennessee Rules of Civil Procedure.

5. Any documents produced are copies. If requested, reasonable opportunity will be given to inspect the originals at the offices of defendants' attorney, if defendants have possession or custody of such originals.

6. Defendants assume that plaintiff does not request any privileged or confidential documents. If plaintiff does seek privileged or confidential documents, defendants hereby object to any such request in reliance upon the attorney/client privilege and/or the work-product doctrine.

7. Defendants objects to requests that seek details of oral conversations or mental processes, on the grounds that such requests are overly broad, burdensome, unreasonable and oppressive.

8. Defendants reserves the right to present into evidence all documents, papers, writings and correspondence which have been produced to the plaintiff, or which are in the possession of or are known to the defendants, without regard to whether or not the same have been identified in these responses.

9. Defendants reserve the right to present into evidence all testimony by any parties who are or could have been deposed by the defendants on any subject contained in the plaintiff's Requests for Production of Documents.

10. Defendants expressly reserve the right to investigate, identify and discover any sources of information during the pendency of this case, and to use any such information at trial in support of the defendants' case.

11. Defendants object to each and every request, including any subject thereof, which inquiries about the substance of testimony which defendants will rely upon at trial, the identity of witnesses at trial, and the identity of documents which will be introduced at trial due to the attorney/client privilege and the work-product doctrine.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Copies of any document or thing referenced, used or relied upon in responding to Interrogatory Numbers 1-9.

RESPONSE: Defendants object to the foregoing Request for Production of Document, because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of "One Bad Choice". Please see the redacted Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

Without waiving said objection, Defendants are attaching statements given by defendant Fulbright to the Tucson Police Department, as well as the transcripts of two (2) free talks she gave in regards to *State of Arizona v. Robert Arthur Ergonis*, CR-20074823.

2. Copies of any document or thing relating in any way to Defendant's payment for participating in the Episode.

RESPONSE: Defendants object to the foregoing Request for Production of Document, because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of "One Bad Choice". Please see the redacted Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

3. Copies of any document, thing or correspondence made by Defendant on behalf of or for the benefit of Kumari Fulbright, Inc.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence.

4. Copies of any document or thing relating in any way to financial transactions between Defendant and Kumari Fulbright, Inc.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence.

Without waiving said objection, the defendants are willing to supply the tax returns for defendant, Kumari Fulbright, Inc., as well as defendant, Kumari Fulbright, subject to

an appropriate Protective Order limiting distribution/dissemination of the same. The proposed copy of said Protective Order is attached hereto for consideration of counsel for the plaintiff.

5. Copies of any and all correspondences of any kind, including but not limited to emails and text messages, between Defendant and Viacom, Inc., or any of its contractors or subsidiaries, at any time during or after December 2007.

RESPONSE: Defendants object to the foregoing Request for Production of Document, because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of “One Bad Choice”. Please see the redacted Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

6. Copies of any and all written communication or correspondence, including but not limited to emails, text messages, social media postings, private messages, and any other document or thing, between Defendants and any other individual or entity regarding or relating to the Episode at any time.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence. This Complaint is based on the publication of Ms. Fulbright’s version of events as the same appeared in the production, “One bad Choice.” Conversations about the episode are very different from

the manner in which the episode was produced and statements made in producing the same.

To the extent a response to this request for Production of Documents calls for documents and/or tangible things related to the production of “One Bad Choice,” defendants object to the foregoing Request for Production of Document because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of “One Bad Choice”. Please see the redacted Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

Without waiving said objection, defendant Fulbright will make her social media accounts available for inspection following an agreement by counsel as to the parameters and procedures regarding the same. Because this request is overbroad, irrelevant, unduly burdensome, time consuming, and expensive, the expense will be borne by Plaintiff.

7. Copies of any and all correspondences between Defendant and any other individual regarding, referencing, or in any way relating to Defendant’s allegations that Plaintiff stole jewelry from her, stole money from her, or drugged her.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence. This Complaint is based on the publication of Ms. Fulbright’s version of events, as the same appeared in the

production, “One bad Choice.”

Defendants object to the foregoing Request for Production of Document because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of “One Bad Choice”. Please see the redacted Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

Without waiving said objection, defendants are attaching statements given by defendant Fulbright to the Tucson Police Department, as well the transcripts of two (2) free talks she gave in regards to *State of Arizona v. Robert Arthur Ergonis*, CR-20074823.

8. All communications, documents and things of any kind, including but not limited to emails, text messages, social media postings, private messages, and diary entries, between Defendant and any other individual or in Defendant’s sole possession, during which Plaintiff is mentioned or referenced for any reason.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence. This Complaint is based on the publication of Ms. Fulbright’s version of events, as the same appeared in the production, “One bad Choice.”

Defendants object to the foregoing Request for Production of Document because the defendants are contractually precluded from disclosing documents containing the names of any persons associated with the production of “One Bad Choice”. Please see the redacted

Participant Release, attached hereto. However, the defendants will release these documents subject to an appropriate Protective Order agreed to by plaintiff, defendants and MTV.

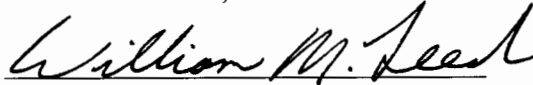
Without waiving said objection, defendants are attaching statements given by defendant Fulbright to the Tucson Police Department, as well the transcripts of two (2) free talks she gave in regards to *State of Arizona v. Robert Arthur Ergonis*, CR-20074823.

9. All financial records of Kumari Fulbright Inc., from January 1, 2015 until the present.

RESPONSE: Defendants object to the foregoing Request for Production of Document to the extent that it is overbroad and unduly burdensome, and is not calculated to lead to the discovery of relevant and admissible evidence. Defendants also object, as this is redundant and duplicative of previous Interrogatories and Requests for Production of Documents already asked. Specifically, see defendants' response to Interrogatory #7, and defendants' response to Request for Production of Document #'s 3&4.

Respectfully submitted,

MINK & DUKE, PLLC



Charles M. Duke, BPR # 23607

William M. Leech, III, BPR # 30515

P.O. Box 198742

Nashville, Tennessee 37219-8742

Phone: (615) 256-0138

Fax: (615) 730-5997

mduke@minkdukelaw.com

wleech@minkdukelaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via electronic mail ~~and U.S. Mail~~ to:

Daniel A. Horwitz
Attorney at Law
1803 Broadway, Suite 531
Nashville, Tennessee 37203
Daniel.a.horwitz@gmail.com

John W. Roberts
Law Offices of John W. Roberts, PLLC
1720 West End Avenue, Suite 530
Nashville, Tennessee 37203
john@johnrobertslaw.com

On this the 16th day of September, 2016.



Charles M. Duke

William M. Leech, III

Exhibit 5



1803 Broadway, Suite #531
Nashville, TN 37203
(615) 739-2888
daniel.a.horwitz@gmail.com

Mr. William M. Leech
219 2nd Ave. North, Suite 400
Nashville, TN 37201
wleech@minkdukela.com

Transmitted via electronic mail

**Re: Christy Conway's Notice of Objection to Subpoena
Conway v. Fulbright, Davidson County Case No. 16C-664**

7/27/2017

Dear Mr. Leech:

This objection is being transmitted on behalf of Mrs. Christy Conway, the wife of the Plaintiff in the above-captioned case, who was served with the attached subpoena on July 10, 2017. *See* Attachment #1. Please note that my present representation of Mrs. Conway extends only to the instant objection. As a result, if you opt to re-issue another subpoena to Mrs. Conway at a future date in an attempt to cure any of the defects noted in this correspondence, please be aware that I am unable to assist with any matter related to either service or scheduling.

Mrs. Conway was served with the attached subpoena on July 10, 2017. The subpoena directs her to appear for a deposition in your office on July 28, 2017. As a consequence, the subpoena violates Tenn. R. Civ. P. 45.07(1). It is void as a result.

Tenn. R. Civ. P. 45.07(1) unambiguously mandates that an attorney who serves a subpoena on a non-party witness "***shall provide*** the non-party witness at least twenty-one (21) days after service of the subpoena to respond, absent agreement of the non-party witness or a court order." *Id.* (emphasis added). Service having been made on July 10, 2017, and given the absence of either an agreement or court order related to the instant subpoena, the subpoena should have afforded Mrs. Conway until "at least" August 1, 2017 to respond. *See id.* *See also* Tenn. R. Civ. P. 6.01. However, it failed to do so, instead directing her to appear to be deposed even before her response deadline had elapsed. *See* Attachment #1. As such, it is void. All other objections are expressly reserved.

Please be aware, however, that in the event that you opt to re-issue the subpoena at issue and afford Mrs. Conway the legally mandated time period to lodge an objection to it, Mrs. Conway will likely renew her objection on several substantive grounds. In particular, the subpoena issued to Mrs. Conway is gravely improper for multiple reasons that include, but are not limited to, the defects detailed hereafter.

First, as you and your client know well, Mrs. Conway is Mr. Conway's wife. Consequently, Mrs. Conway is plainly protected from giving the requested testimony by the marital privilege. See Tenn. Code Ann. § 24-1-201(b) ("In a civil proceeding, confidential communications between married persons are privileged and inadmissible if either spouse objects."). See also Tenn. R. Civ. P. 26.02(1) (providing that parties "may obtain discovery regarding any matter, ***not privileged*** . . .") (emphasis added).

Second, Mrs. Conway is not remotely qualified to provide the medical testimony requested. See Tenn. R. Evid. 702.

Third, the ring pictured in the exhibits accompanying Mrs. Conway's subpoena—and the pictures are of the same ring, singular—has no relevance to this case whatsoever. Mrs. Conway came into possession of the engagement ring at issue through Mr. Conway when he proposed to her. Before that, Mr. Conway came into possession of the ring after purchasing it and having it delivered via FedEx in March of 2016—nearly nine years after the events giving rise to this lawsuit took place. A shipping confirmation of that purchase, which helpfully contains both an image of the ring and a shipping date of March 3, 2016, is attached to this correspondence for your review. See Attachment #2. The ring at issue being irrelevant, the designated matters upon which testimony is requested are similarly irrelevant. Accordingly, the subpoena is improper. See Tenn. R. Civ. P. 26.02(1).

Fourth, Ms. Fulbright could have requested the same documentary evidence and testimony sought by the instant subpoena in any of her written discovery requests to Mr. Conway or during Mr. Conway's deposition. See Tenn. R. Civ. P. 26.02(1) ("The frequency or extent of use of the discovery methods set forth in subdivision 26.01 and this subdivision shall be limited by the court if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative or is obtainable from some other source that is more convenient, less burdensome or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought[.]"). Instead, however, your client opted to conceal her (imagined) claim that Mrs. Conway's ring is relevant to this litigation—improperly saving it for the untimely, non-party subpoena at issue here. *Id.*

Fifth, there is significant and deeply troubling evidence in the record of this case that indicates that Ms. Fulbright has deliberately deceived both me and the Court regarding the matters about which you would have Mrs. Conway testify.

As you know, Ms. Fulbright testified during her deposition that the chain of relevance that she is claiming with respect to the ring at issue is as follows:

1. In or about December 2007, after being arrested for orchestrating Mr. Conway's kidnapping, Ms. Fulbright adopted the position that Mr. Conway "stole" her jewelry, including the ring at issue, in Tucson, Arizona.
2. Thereafter, Ms. Fulbright did not file a police report regarding the "stolen" jewelry. Nine years later, however, in May of 2016 (right after this lawsuit was filed), Ms. Fulbright filed a police report relating to her "stolen"

ring in Detroit, Michigan—a jurisdiction some 2,000 miles away—because she claims that she gained “a level of certainty that [she] felt like the police could become involved.” Deposition of Kumari Fulbright, p. 98, lines 6–19.

3. According to her deposition testimony, Ms. Fulbright’s supposed “level of certainty” specifically came about because she “discovered a photo of [Mrs. Conway] on Facebook wearing what appeared to be one of the rings that was stolen that was never recovered.” *Id.* at p. 147, lines 3–7.

4. Consequently, Ms. Fulbright now seeks to depose Mrs. Conway about the ring at issue.

Disturbingly, however, Ms. Fulbright has deliberately lied about and unlawfully concealed her claims regarding the above-described matter in multiple sworn discovery responses. She has also lied about it in her pleadings.

For example, Ms. Fulbright failed to name the Detroit Police Department in her response to an Interrogatory instructing her to: “identify the name and contact information of each and every person to whom the Defendant has ever stated that Plaintiff stole jewelry from her.” *See Defendant’s Responses to Plaintiff’s First Set of Interrogatories*, Interrogatory Response #2. **The accuracy of this response was affirmed by Ms. Fulbright under penalty of perjury on July 11th, 2016.**

Further, Ms. Fulbright failed to include a copy of the police report that she initiated in response to a Request for Production directing her to provide: “Copies of any and all correspondences between Defendant and any other individual regarding, referencing, or in any way relating to Defendant’s allegations that Plaintiff stole jewelry from her[.]” *See Defendants’ Responses to Plaintiff’s First Set of Requests for Production*, Production Request Response #7. **The accuracy of this response was affirmed by Ms. Fulbright under penalty of perjury on July 11th, 2016.**

Further still, Ms. Fulbright claimed during her deposition that seeing a picture of Mrs. Conway’s ring on Facebook in May of 2016 caused her to become so confident that Mrs. Conway’s ring had been stolen that it caused her to gain “a level of certainty” sufficient to cause her to initiate a police report regarding the matter. *See Deposition of Kumari Fulbright*, p. 98, lines 6–19; p. 147, lines 3–7. Critically, however, Ms. Fulbright omitted this purportedly supporting information in response to an interrogatory directing her to: “List all information relied upon by Defendant to support her allegation that Plaintiff stole jewelry from her.” *See Defendant’s Supplemental and Amended Response to Plaintiff’s Second Set of Interrogatories and Requests for Production*, Interrogatory Response #8. **The accuracy of this response was affirmed by Ms. Fulbright under penalty of perjury on June 14th, 2017.**

Finally, paragraph 24 Ms. Fulbright’s Amended Answer—which you filed and signed on Ms. Fulbright’s behalf on December 21, 2016—states without qualification that it is: **“admitted that no police report was filed.”** Defendants’ Amended Answer, ¶ 24 (emphasis added). However, Ms. Fulbright has since testified that she “did” file a police

report in “May of 2016.” See Deposition of Kumari Fulbright, p. 96, lines 17–21. Accordingly, it is has now become clear that Ms. Fulbright’s unqualified claim in her Amended Answer “that no police report was filed” was a false and material concealment of a critical fact of this litigation that you are obligated to bring to the Court’s attention. See Tenn. R. Civ. P. 11. Disturbingly, this also is not the only deliberately false statement that Ms. Fulbright made in her pleadings for strategic purposes about which she is obligated to alert the Court. For example, to support her prior claim that service was improper, Ms. Fulbright falsely claimed (in two courts) that the Florida address for Ms. Fulbright’s personal and business residence that is alleged in Mr. Conway’s Complaint “is incorrect.” See Defendants’ Answer, ¶ 7 (Middle District); Defendants’ Amended Answer; ¶ 7 (Davidson County Circuit Court). See also Middle District Case 3:16-cv-00858, Doc. 1-4, ¶ 3; Middle District Case 3:16-cv-00858, Doc. 1, ¶ 2. During her deposition, however, Mrs. Fulbright admitted repeatedly that as to both her own residence and her corporation’s residence, the Florida address stated in Mr. Conway’s Complaint is, indeed, “the correct address.” See Deposition of Kumari Fulbright, p. 8, lines 2–7 & 18–25.

Crucially—and stunningly—Mrs. Fulbright also admitted during her deposition that her repeated efforts to conceal her claim regarding Mrs. Conway’s ring were not accidental. See Deposition of Kumari Fulbright, p. 155, lines 4–8. Instead, she made clear that concealing the above information was both deliberate and strategically designed to benefit her in the instant litigation. *Id.* I also note, with grave concern, that your re-examination of Ms. Fulbright indicates that you were aware of this unlawful litigation strategy. *Id.*

It goes without saying that Ms. Fulbright’s decision to provide knowingly false statements in multiple sworn discovery responses and in her pleadings for the purpose of concealing her manufactured “claim” regarding Mrs. Conway’s ring is not acceptable. As you know, “Rule 37 sanctions may be imposed upon a party or an agent of a party who . . . conceals evidence.” See Tenn. R. Civ. P. 34A.02. Such sanctions also include—but are not limited to—“prohibiting [a] party from introducing designated matters in evidence.” Tenn. R. Civ. P. 37.02(B). Given Ms. Fulbright’s flagrant, deliberate, and repeated concealment of the facts supporting her “claim” that Mrs. Conway’s ring is relevant to the above-captioned case, such a sanction is warranted in the event that Ms. Fulbright seeks to pursue this spurious line of argument.

Sixth, I note my equally grave concerns about Mrs. Fulbright’s now openly-acknowledged efforts to “get to” Mr. Conway’s wife by “orchestrat[ing]” a fraudulent interstate real estate scheme aimed at placing Mrs. Conway alone in a house with an agent of Ms. Fulbright’s in order to benefit Ms. Fulbright in this litigation. See Deposition of Kumari Fulbright, p. 46, lines 1–3; p. 48, lines 18–19; p. 53, lines 1–4. Such behavior is outrageous and possibly criminal. Ms. Fulbright’s behavior in this regard, among other things, gives me great concern that the true purpose of the instant subpoena is to intimidate my client’s wife and harass her, *contra* Tenn. R. Civ. P. 26.07(2).

For all of these reasons, and for additional reasons reserved, Mrs. Conway registers the instant objection to the subpoena with which she was served on July 10, 2017 pursuant to Tenn. R. Civ. P. 45.07(2). Pursuant to Tenn. R. Civ. P. 45.07(4), “[t]he timely service of

this objection obviates the need for compliance with the deposition subpoena” pending further action. *Id.* Accordingly, Mrs. Conway shall not appear as demanded.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Horwitz', with a stylized flourish at the end.

Daniel A. Horwitz, Esq.

Cc: Mrs. Christy Conway

(enclosures)

Attachment #1

Copy

(W1)

0460

STATE OF TENNESSEE DAVIDSON COUNTY Circuit Court	SUBPOENA	CIVIL ACTION DOCKET NO. <u>16C-664</u>
<input checked="" type="checkbox"/> TESTIMONY/PRODUCTION REQUIRED, (SEE NOTICE BELOW) <input type="checkbox"/> MEDICAL RECORDS (SEE HIPAA REQUIREMENT BELOW)		

PLAINTIFF Joshua Conway	DEFENDANT vs. Kumari Fulbright
-----------------------------------	--

TO: (NAME, ADDRESS & TELEPHONE NUMBER OF WITNESS) Christy Conway 1036 St. Hubbins Dr., Spring Hill, TN 37174	Method of Service: <input type="checkbox"/> Davidson County Sheriff <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Out of County Sheriff
--	---

You are hereby commanded to appear at the time, date and place specified for the purpose of giving testimony. In addition, if indicated, you are to bring the items listed. Failure to appear may result in contempt of Court which could result in punishment by fine and/or imprisonment as provided by law.

TIME 10 am	DATE July 28, 2017	ITEMS TO BRING: See Attached "Matters on Which Examination is Requested and Items to Bring".
PLACE Circuit Court Clerk 1 Public Square, Room 302 Nashville, TN 37201 (OR) 219 2nd Ave., N Suite 400 Nashville, TN 37201		

This subpoena is being issued on behalf of

PLAINTIFF DEFENDANT

Attorney: (NAME, ADDRESS & TELEPHONE NUMBER)
 William M. Leech, III (615) 256-0138
 219 2nd Ave N
 Ste 400
 Nashville TN 37201

ATTORNEY'S SIGNATURE: *William M. Leech*

Additional List Attached

DATE ISSUED: 7/6/17

RICHARD R. ROOKER
Circuit Court Clerk

BY: *[Signature]*
DEPUTY CLERK

DESIGNEE:

DESIGNEE'S SIGNATURE:

To request an ADA accommodation, please contact Dart Gore at 880-3309.

Testimony/Production required.

TESTIMONY/PRODUCTION NOTICE

The failure to serve an objection to this Subpoena within twenty-one (21) days after the day of service of the Subpoena waives all objections to the Subpoena, except the right to seek the reasonable costs for producing books, papers, documents, electronically stored information, or tangible things.

Medical Records Requested – HIPAA notice required.

HIPAA NOTICE

A copy of this Subpoena has been provided to counsel for the patient or the patient by mail or facsimile on the _____ day of _____, 20__, so as to allow him/her twenty-one (21) days to:

(A) Serve the recipient of the Subpoena by facsimile with a written objection to the Subpoena, with a copy of the Notice by facsimile to the party that served the Subpoena, and

(B) Simultaneously file and serve a Motion for a Protective Order consistent with the requirements of T.R.C.P. 26.03, 26.07 and Local Rule §22.10.

If no objection is made within twenty-one (21) days of the above date, you shall process this Subpoena and produce the documents by the date and time specified in the Subpoena. The signature of counsel or party on the Subpoena is certification that the above Notice was provided to the patient.

SUBMIT: Original, Witness Copy & File Copy

RETURN ON SERVICE

Check one: (1 or 2 are for the return of an authorized officer or attorney; an attorney's return must be sworn to; 3 is for the witness who will acknowledge service and requires the witness' signature.)

1. I certify that on the date indicated below, I served a copy of this Subpoena on the witness stated above by:
*Personal Service on Christy Conway @ 1034 St. Hubert Dr. Spring Hill, TN
37174 @ 8:15 pm*

2. I failed to serve a copy of this Subpoena on the witness because:

3. I acknowledge being served with this Subpoena on the following date:

Sworn to and subscribed before me, this _____ day of _____, 20____.

DATE OF SERVICE:

10 July 2017

SIGNATURE OF WITNESS, OFFICER, ATTORNEY OR ATTORNEY'S DESIGNEE:

Signature of: Notary Public or Deputy Clerk

My Commission Expires:

Thomas K. Hester **Pvt Process Server**
P.O. Box 1169

Lawrenceburg, TN 38464
931-629-7384

x Christy Conway

Attachment #2



Daniel Horwitz <daniel.a.horwitz@gmail.com>

Fwd: Information about your order (#167568219)

Daniel Horwitz <daniel.a.horwitz@gmail.com>
To: Daniel Horwitz <daniel.a.horwitz@gmail.com>

Thu, Jul 27, 2017 at 10:18 AM

----- Forwarded message -----

From: **Overstock.com CustomerCare** <customercare@overstock.com>
Date: Fri, Mar 4, 2016 at 7:40 AM
Subject: Information about your order (#167568219)
To: conway.jt@gmail.com



FOR THE HOME FURNITURE BEDDING WOMEN MEN JEWELRY WATCHES **SALE**



Hello **Joshua**,
Thank you for being a Club O member.

Your Club O Balance
is:
\$0.00

Your order is on its way!

The following items from order #167568219 have shipped:

If there are additional items in your order, you'll receive an email when they have shipped. You can check the status of your order any time by visiting the [My Account](#) page and clicking 'Order Status'.

Shipping Information

Joshua Conway
1101 Laurel St Apt 201

Nashville, TN 37203

Tracking Information (Multiple items/quantities may ship separately)

Product	Status	Carrier	Quantity
 <p>14k Two-tone Gold Certified Double Halo 1 1/3ct TDW Yellow Diamond Ring (G-H, SI1-SI2)</p>	Shipped	FedEx	1
	Package shipped 03/03/16	782516989571	

- Items with multiple pieces or quantities may ship in separate packages.

- Tracking information may not be updated for 24 hours.
- Multiple items may be shipped in the same package.

Product specific return policies:
[Jewelry, Watches & Accessories](#)

- Orders with multiple items may arrive in separate packages.
- For frequently asked questions or further assistance, [click here](#).

[Mattresses](#)

[Computers and Electronics](#)

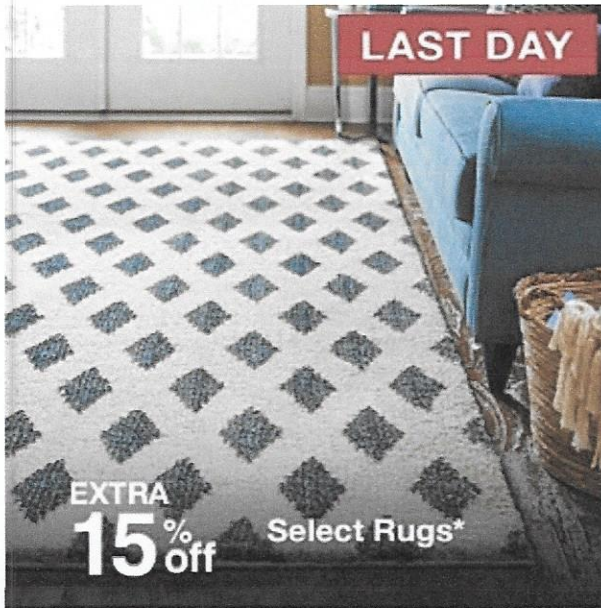
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Connect with us.



Shop site sales wherever you are.
Download our mobile Shopping App.



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****12% off Coupon** code (244005-2440052016030414570988191002628521220665855817-1-5bc910) included in this email can only be used once. Total discount limited to \$5,000. Offer excludes items in current site promotions.

Purchases of gift cards and products from the "Electronics", "Health & Beauty" and "Sports & Toys" stores, the "Designer Store" and "Housewares" departments and from the "Books, Movies, Special Sales, Minimum Advertised Priced products, Music & Games", and "Cars" categories are not included when calculating discount amount.

Discount will appear on the billing page before submitting the order. This coupon cannot be combined with any other offer or coupon. Coupon expires 1 day from the original receipt of this email.

Products and prices subject to change. Offer, products and prices may not be available for international customers.
[See website for details.](#)

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This message was sent to: conway.jt@gmail.com

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