

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

**CABELL COUNTY BOARD
OF EDUCATION,**

Plaintiff,

v.

**Civil Action No. 22-C-327
Hon. Gregory L. Howard, Jr., Judge**

**ERIC A. MORRISON and
E T ADVISOR SERVICES, LLC,**

Defendants,

v.

**CABELL COUNTY BOARD
OF EDUCATION,**

Counterclaim Defendant.

**PLAINTIFF'S FIRST COMBINED DISCOVERY REQUESTS
TO DEFENDANT E T ADVISOR SERVICES, LLC**

NOW COMES Plaintiff, by and through counsel, and hereby propounds the following Requests for Admission, Interrogatories and Requests for Production of Documents to Defendant E T Advisor Services, LLC. Pursuant to the West Virginia Rules of Civil Procedure, each request shall be answered separately and fully, in writing, under oath, and be signed by the person making them. You shall serve a copy of the answers, and objections if any, within 30 days after the service of these Combined Discovery Requests.

DEFINITIONS AND INSTRUCTIONS

1. When used in these Combined Discovery Requests, the terms "Defendant E T," "You," "Defendant," or any synonym thereof, are intended to and shall embrace and include the Defendant at whom these requests are directed, employees of Defendant, insurer for Defendant, counsel for Defendant, and/or others who are in possession of or may have obtained information for, or on behalf of, Defendant E T Advisor Services, LLC.

2. When used in these Combined Discovery Requests, the terms "Eric Morrison," "Defendant Morrison," or any synonym thereof, refers to Defendant Eric A. Morrison and his agents, employees, successors in interest, counsel for Defendant Eric A. Morrison and/or others who are in possession of or may have obtained information for, or on behalf of, Defendant Eric A. Morrison.

3. When used in these Combined Discovery Requests, all references to the Barboursville and/or Milton Middle Schools' 2020 Eighth Grade Trip, or any similar reference, refers to the Washington D. C. Trips which are detailed in Plaintiff's Complaint in this matter.

4. Pursuant to Rule 26 of the West Virginia Rules of Civil Procedure, these Combined Discovery Requests are to be considered continuing in character, and therefore, Defendant's answers and responses shall be supplemented or modified as Defendant acquires or discovers further information or documents. In this regard, Defendant is to supplement his answers and responses as soon as possible after receipt or discovery of such additional information or documents, or of information relating to such documents.

5. The singular form of a word should be interpreted as the plural as necessary to bring within the scope of this request to Produce any documents which might otherwise be construed to be outside the scope. Likewise, "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request to Produce any documents which might otherwise be construed to be outside the scope.

6. When requested to "identify" a document, state the author's full name and address, the date the document was prepared, the type of document, the general subject matter of the document and the recipient of the document. Please also state the document's present location and provide the name, address and telephone number of the person having possession of same.

7. When requested to "identify" a person, i.e. any natural person or any business, legal or governmental entity or association, please state the person's full name and present or last known address. Please also state the person's present or last known telephone number.

8. For purposes of these Combined Discovery Requests, the term "communications" shall be defined as the transmittal of information in the form of facts, ideas, inquiries, or otherwise. Accordingly, the term "communications" means all inquiries, discussions, conversations, negotiations, understandings, meetings, telephone conversations, letters, notes, emails, telegrams, advertisements, or other forms of exchange, whether oral or written.

9. When requested to "identify" a communication, state the substance of the communication, identify the persons between or among whom the

communication was made, identify each person present when the communication took place, state the date, time and place (including exact address) when the communication was made and the manner in which it occurred (e.g., "meeting," "telephone," and the like), and identify each document in which such communication was recorded, described, or memorialized, in whole or part.

10. For purposes of these Combined Discovery Requests, the term "document" shall be synonymous in meaning and equal in scope to the usage of this term in Rule 34(a) of the West Virginia Rules of Civil Procedure. Accordingly, the term "document" shall include all writings, drawings, graphs, memoranda, reports, financial reports, notes, letters, envelopes, telegrams, phone records, messages (including reports, notes, e-mails and memoranda of telephone conversations and conferences), studies, analyses, employee files, announcements, press releases, contracts, agreements, desk calendars, books, articles, magazines, periodicals, newspapers, booklets, circular, bulletins, notices, instructions, minutes of all other communications of any type (including inter-office and intra-office communications), purchase orders, questionnaires and surveys, charts, recordings, magnetic tapes, discs, data cells, drums, print-outs and other data compilations from which information can be obtained (translated, if necessary, by the defendant into usable form), or material similar to any of the foregoing, however designated, that are in the possession, custody, or control of the parties upon whom this discovery request is served, or to which said party can obtain access. Importantly, for purposes of these Interrogatories and Requests for Production of Documents, "document" shall include e-mail or any other similar form of electronic communication. Any documents that

are in computer readable format are to be tendered, if possible, on compact disc or DVD-ROM in Portable Document Format (.pdf), unless otherwise requested in its native format. The term "document" also includes an original, master, copy, draft of preliminary notes for any other document, or any marginal comments appearing on any document. Any audio recording(s) should be produced in ".mp3" format and any video recording(s) should be produced in ".mp4" format.

11. Each Interrogatory or Request refers to all information or documents that are either known by Defendant to exist or that can be located or discovered by reasonably diligent efforts by the Defendant or its employees, agents, independent contractors or attorneys.

12. With respect to any document, which is withheld on a claim of privilege or immunity, or pursuant to the work product doctrine, provide a privilege log in compliance with *State ex rel. Nationwide Mut. Ins. Co. v. Kaufman*, 658 S.E.2d 728 (W. Va. 2008).

COMBINED DISCOVERY REQUESTS

REQUEST FOR ADMISSION NO. 1: Admit that Defendant Morrison is the "Managing Partner/Director & Director of Travel Services" of Defendant E T.

RESPONSE:

INTERROGATORY NO. 1: If Defendant's response to Request for Admission No. 1, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 1: If Defendant's response to Request for Admission No. 1, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that Defendant Morrison is the only member of Defendant E T.

RESPONSE:

INTERROGATORY NO. 2: If Defendant's response to Request for Admission No. 2, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 2: If Defendant's response to Request for Admission No. 2, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that this Defendant received \$76,500.00 from Barboursville Middle School as payment toward the Barboursville Middle School 2020 Eight Grade Trip.

RESPONSE:

INTERROGATORY NO. 3: If Defendant's response to Request for Admission No. 3, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 3: If Defendant's response to Request for Admission No. 3, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEUST FOR ADMISSION NO. 4: Admit that this Defendant received \$60,000.00 from Milton Middle School as payment toward the Milton Middle School 2020 Eight Grade Trip.

RESPONSE:

INTERROGATORY NO. 4: If Defendant's response to Request for Admission No. 4, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 4: If Defendant's response to Request for Admission No. 4, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEUST FOR ADMISSION NO. 5: Admit that Defendant Morrison, in his role as "Managing Partner/Director & Director of Travel Services" of Defendant E T) made affirmative representations to Cabell County Board of Education personnel that E T had made expenditures to third-party vendors which could not be refunded.

RESPONSE:

INTERROGATORY NO. 5: If Defendant's response to Request for Admission No. 5, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 5: If Defendant's response to Request for Admission No. 5, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEUST FOR ADMISSION NO. 6: Admit that Defendant Morrison, in his role as "Managing Partner/Director & Director of Travel Services" of Defendant E T) knew that any expenditures made toward the Barboursville and Milton Middle Schools' 2020 Eighth Grade Trips would be, and indeed were, entirely refunded.

RESPONSE:

INTERROGATORY NO. 6: If Defendant's response to Request for Admission No. 6, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response.

ANSWER:

REQUEST FOR PRODUCTION NO. 6: If Defendant's response to Request for Admission No. 6, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEUST FOR ADMISSION NO. 7: Admit that this Defendant was fully refunded for any expenditures made toward the Barboursville and/or Milton Middle Schools' 2020 Eighth Grade Trips.

RESPONSE:

INTERROGATORY NO. 7: If Defendant's response to Request for Admission No. 7, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response, including the amount, recipient, date and purpose for each claimed unrefunded expenditure.

ANSWER:

REQUEST FOR PRODUCTION NO. 7: If Defendant's response to Request for Admission No. 7, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Admit that this Defendant has not returned any of the \$76,500.00 it received from Barboursville Middle School for the 2020 Eighth Grade Trip.

RESPONSE:

INTERROGATORY NO. 8: If Defendant's response to Request for Admission No. 8, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response, including the amount, recipient, date and purpose for each claimed unrefunded expenditure.

ANSWER:

REQUEST FOR PRODUCTION NO. 8: If Defendant's response to Request for Admission No. 8, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

REQUEUST FOR ADMISSION NO. 9: Admit that this Defendant has not returned any of the \$60,000.00 it received from Milton Middle School for the 2020 Eighth Grade Trip.

RESPONSE:

INTERROGATORY NO. 9: If Defendant's response to Request for Admission No. 9, above, is anything except an unqualified admission, please state all facts and identify all evidence upon which Defendant bases each part of its response, including the amount, recipient, date and purpose for each claimed unrefunded expenditure.

ANSWER:

REQUEST FOR PRODUCTION NO. 9: If Defendant's response to Request for Admission No. 9, above, is anything except an unqualified admission, produce all documents or other evidence upon which Defendant bases its response.

RESPONSE:

INTERROGATORY NO. 10: Identify and specify all payments, distributions, transfers and/or any other remuneration whatsoever made by Defendant E T to, or on behalf of, Defendant Morrison at any time since August 26, 2019.

ANSWER:

REQUEST FOR PRODUCTION NO. 10: Produce any and all documents or other record of any and all payments identified in Interrogatory No. 10, above.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all banking or other account statements, from each and every financial institution of any type, for this Defendant since August 26, 2019.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all income statements, member equity statements, balance sheets, statements of financial position or other financial report which reflects all income, expenses and payments made by this Defendant since August 26, 2019.

RESPONSE:

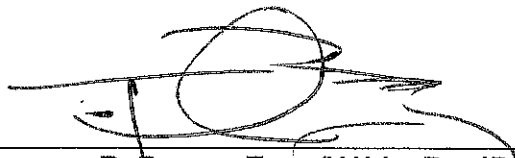
REQUEST FOR PRODUCTION NO. 13: Produce all articles of incorporation, operating agreements, member contracts, annual reports, meeting minutes, and/or any other document regarding, or in any way related to, Defendant E T.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce any document, including text messages, social media messages, emails or other evidence of any communication or correspondence between Defendant E T (including its agents and/or employees), along with any audio or video recordings, with any third party regarding, or in any way related to, the Barboursville and/or Milton Middle Schools' 2020 Eighth Grade Trips

RESPONSE:

**CABELL COUNTY BOARD
OF EDUCATION,
By Counsel**



Thomas P. Boggs, Esq. (W.Va. Bar ID #10681)
DUFFIELD, LOVEJOY & BOGGS, PLLC
P.O. Box 608
Huntington, WV 25710-0608
(304) 522-3038
TBoggs@DuffieldLovejoy.com
(Counsel for Plaintiff)

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CERTIFICATE OF SERVICE

The undersigned, counsel for Plaintiff, does hereby certify that service of the foregoing "PLAINTIFF'S FIRST COMBINED DISCOVERY REQUESTS TO DEFENDANT E T ADVISOR SERVICES, LLC" has been completed by mailing a true and exact copy thereof, first-class postage prepaid, this 31st day of July, 2023, as follows:

Clinton W. Smith, Esquire
LAW OFFICE OF CLINTON W. SMITH
Mezzanine Suite 4
405 Capitol Street
Charleston, WV 25301

David E. Rich, Esquire
OXLEY RICH SAMMONS, PLLC
P. O. Box 1704
Huntington, WV 25718



Thomas P. Boggs, Esq. (W.Va. Bar ID #10681)
DUFFIELD, LOVEJOY & BOGGS, PLLC
P.O. Box 608
Huntington, WV 25710-0608
(304) 522-3038
TBoggs@DuffieldLovejoy.com
(Counsel for Plaintiff)