

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. D-1-FM-25-000392

| | | |
|------------------------|---|-------------------------------------|
| IN THE MATTER OF | § | IN THE DISTRICT COURT |
| THE MARRIAGE OF | § | |
| | § | |
| MALENA MIDTOEY POLOM | § | 353 rd JUDICIAL DISTRICT |
| AND | § | |
| NICHOLAS MICHAEL POLOM | § | TRAVIS COUNTY, TEXAS |

**MALENA MIDTOEY POLOM'S RESPONSE TO
MOTION TO SEAL COURT RECORDS**

This *Response to Motion to Seal Court Records* is brought by Petitioner, MALENA MIDTOEY POLOM (hereinafter "MALENA"), who would respectfully show the Court the following:

I. RELEVANT BACKGROUND

The parties were married on or about September 25, 20215.

NICHOLAS MICHAEL POLOM (hereinafter "NICHOLAS") is an online streamer and influencer. NICHOLAS makes content online on various platforms, including but not limited to Twitch, YouTube, Instagram, etc. During the parties 'marriage, NICHOLAS made the parties ' relationship public and often published and shared videos involving both parties across the various platforms.

On January 16, 2025, MALENA filed her *Original Petition for Divorce*, which did not contain any sensitive information nor was it an aggressive or detailed pleading.

On February 3, 2025, NICHOLAS filed his *Original Answer and Denial and Counterpetition for Divorce*.

On February 18, 2025, NICHOLAS filed his *Motion to Seal Court Records*.

On February 24, 2025, MALENA filed her *First Amended Petition for Divorce and Request for Temporary Orders*. Again, MALENA continued to protect the privacy of the parties and any sensitive information concerning either of the parties 'business interest, despite grave concerns she has about actions taken by NICHOLAS and his actions taken to diminish the community estate.

On March 6, 2025, MALENA served her *Request for Disclosures, Request for Written Interrogatories, and Request for Production and Inspection of Documents* to NICHOLAS.

On April 4, 2025, NICHOLAS filed his *Motion for Confidentiality and Protective Order*.

On April 8, 2025, NICHOLAS served his *Response to Request for Disclosures, Objections to Petitioner's Written Interrogatories, and Objections to Petitioner's Request for Production and Inspection*. Notably, NICHOLAS only lodged objections and failed to provide any substantial response to the interrogatories and failed to provide any documents in response to the production.

At this time, MALENA has refrained from public filing details regarding the conduct of NICHOLAS, but the conduct will be outlined in any future hearing on NICHOLAS's request to seal the file and restrict public access.

II. LEGAL AUTHORITY

NICHOLAS MICHAEL POLOM's *Motion to Seal Court Records* is not the appropriate vehicle in a family law matter to restrict access to the Court's file. Under Rule 76a of the TEXAS RULES OF CIVIL PROCEDURE (Sealing Court Records), "court records" are defined as "all documents of any nature filed in connection with any matter before any civil court except...documents filed in an action originally arising under the Family Code." TEX. R. CIV. P. 76a(2)(a)(3). "Documents filed in an action originally arising under the Family Code are excepted from the definition of 'court records' as that term is used in Rule 76a." *In re Bain*, 144 S.W.3d 236, 241 (Tex.App.—Tyler 2004, no pet.). Thus, the *Motion to Seal Court* records in an incorrect motion to file.

Although Rule 76a does not apply to cases arising out of the Family Code, the Rule is instructive. *Boardman v. Elm Block Dev. Ltd. P ship*, 872 S.W.2d 297, 299 (Tex. App.—Eastland 1994, no writ) provides the following background to Rule 76a:

In 1989, the Texas Legislature enacted TEX. GOV'T CODE ANN. Sec. 22.010 (Vernon Supp. 1994), directing the Supreme Court to adopt rules "establishing guidelines for the courts of this state to use" in determining whether the records in a civil case, including settlements, should be sealed. In compliance with that statute, the Supreme Court adopted Rule 76a. That rule states the heavy burdens which a movant must satisfy in order to secure an order sealing court records. The rule starts with a presumption that court records are open to the general public. The definition of court records includes "documents of any nature filed" with any civil court subject to three exceptions, none of which apply to this appeal. Consequently, the entirety of plaintiff's original petition is presumptively open to the public unless appellees made a sufficient showing to the trial court of the following:

- (a) a specific, serious and substantial interest which *clearly outweighs*:
 - (1) this presumption of openness;
 - (2) any probable adverse effect that sealing will have upon the general public health or safety;

(b) no less restrictive means than sealing records will adequately and effectively protect the specific interest asserted.

Id. (Emphasis added.).

“If the record does not show ‘a specific, serious and substantial interest which clearly outweighs this presumption of openness, ‘we must find that the trial court abused its discretion in sealing this court record.” *Id.* at 299. “In the rare instances when closure should be authorized, a court must first satisfy certain substantive and procedural requirements.” *Burlington N. R.R. Co. v. Sw. Elec. Power Co.*, 905 S.W.2d 683, 684 (Tex. App.—Texarkana 1995, no writ) (emphasis added). Additionally, the movant seeking to seal records has the burden of proof to establish the standards by a preponderance of the evidence. *Wood v. James R. Moriarty*, P.C., 940 S.W.2d 359, 361 (Tex. App.—Dallas 1997, no writ). This burden has been described as “a heavy burden.” *See Volvo Car Corp. v. Marroquin*, No. 13-06-00070-CV, 2009 WL 3647348, at *4 (Tex. App.—Corpus Christi, 2009, pet denied).

Furthermore, Petitioner must show no less restrictive means exist that will adequately protect the specific interest asserted. TEX. R. CIV. P. 76(a)(1)(b); *see e.g., BP Prods. N. Am., Inc. v. Houston Chronicle Publ g*, 263 S.W.3d 31, 335 (Tex. App.—Houston [1st Dist.] 2006, no pet.). An appellate court has held that the fact that documents contain trade secrets was insufficient to establish the element of no other less restrictive means. *See Compaq Computer Corp. v. Lapray*, 75 S.W.3d 669, 674 (Tex. App.—Beaumont 2002, no pet.) Another appellate court has held that plaintiff’s interest in privacy did not outweigh the presumption of openness. *See Cortez v. Johnston*, No. 06-13-00120-CV, 2014 WL 1513306 (Tex. App.—Texarkana 2014, no pet.) (memo op.; 4-16-14).

Lastly, Rule 76a begins with the presumption that all “court records” are open to the public and it is the public policy of the State of Texas that “the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees... The people insist on remaining informed so that they may retain control over the instruments they have created.” TEX. GOV’T CODE § 552.001.

III. ARGUMENT

On or about June 2024, MALENA AND NICHOLAS traveled to Spain to care for her ailing mother who was battling cancer. While in Spain awaiting treatment for MALENA’s mother, NICHOLAS was unsatisfied with the parties’ online content and decided to travel to Amsterdam to a streamer convention and resided with other streamers, against MALENA’s will. Upon returning, MALENA found suspicious photos of another woman and messages between another woman and NICHOLAS on NICHOLAS’s phone. Shortly thereafter, MALENA deactivated all social media accounts and asked NICHOLAS for a divorce. While NICHOLAS did provide some financial support to MALENA for her mother’s cancer treatment, it was funds that she had also contributed to as any income she earned as a YouTube editor was deposited into an account held in NICHOLAS’s name.

During this time, NICHOLAS continued to publish videos and content on his platforms about the parties' relationship often alluding to being "abandoned" by MALENA in hopes of gaining public sympathy by pinning fault on her. Notably, neither party had filed for divorce or taken any steps towards formalizing or finalizing any sort of dissolution. It is also necessary to emphasize that MALENA did not publish or share videos during the time she was caring for her mother or respond to the comments and statements NICHOLAS had made public and remained without access to community funds.

Throughout the parties' marriage, NICHOLAS has maintained almost exclusive control over the parties' finances and unilateral decision making on spending and distribution of the funds. Any spending by MALENA had to be first requested and then approved by NICHOLAS. The majority of the financial accounts are in NICHOLAS's name, even though the parties made video content online together and profited from same. Since the parties' separation, NICHOLAS has requested that MALENA sign a *Non-Disclosure Agreement*, release a joint statement regarding their separation, and threatened to diminish the value of the community estate and any business interest if MALENA is unwilling to accept his terms for the dissolution of the estate. To date, NICHOLAS continues to control the majority of the parties' community estate without any transparency to MALENA—as evidenced by his failure to provide any documentation in response to discovery.

Lastly, MALENA has requested that the parties schedule mediation in lieu of a court hearing to attempt to resolve their disputes. MALENA continues to try to keep matters reasonably confidential while preserving her rights, including her rights concerning potential third parties and the right of openness. Again, MALENA has refrained from publicly filing details regarding the conduct of NICHOLAS, but the conduct will be outlined in the hearing on NICHOLAS's request to seal the file and restrict public access.

It is apparent that NICHOLAS's request to seal court records is another avenue to silence MALENA all while he continues to make videos and content online evidencing his spending, gambling, trips, and flaunting his new paramour.

IV. Prayer

MALENA MIDTOEY POLOM, prays that the Court consider the foregoing and deny NICHOLAS MICHAEL POLOM's *Motion to Seal Court Records*.

Respectfully submitted,

COLDWELL | BOWES, L.L.P.
Attorneys at Law
2801 Via Fortuna
Terrace 7, Suite 530
Austin, Texas 78746
(512) 4722040 Telephone

By: /s/D. Micah Royer, III
D. Micah Royer, III

State Bar No. 24056237
efiling.royer@coldwellbowes.com
Katherine L. Obando
State Bar No. 24097048
efiling.obando@coldwellbowes.com

Attorneys for MALENA MIDTOEY POLOM

Certificate of Service

By my signature above, I certify that a true copy of this *Response* was served in accordance with rule 21a of the *Texas Rules of Civil Procedure* on the following on April 8, 2025:

Stephen W. Payne (service@kirkerdavis.com) by electronic filing manager.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Edgington on behalf of Dale Royer

Bar No. 24056237

kim@coldwellbowes.com

Envelope ID: 99436493

Filing Code Description: RESPONSE

Filing Description: MALENA MIDTOEY POLOM'S RESPONSE TO
MOTION TO SEAL COURT RECORDS

Status as of 4/9/2025 7:52 AM CST

Associated Case Party: MALENAMIDTOEYPOLOM

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|----------------------------------|---------------------|--------|
| Katherine Obando | 24097048 | efiling.obando@coldwellbowes.com | 4/8/2025 8:27:53 PM | SENT |

Associated Case Party: NICHOLASMICHAELPOLOM

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|---------------------|--------|
| Stephen W. Payne | | service@kirkerdavis.com | 4/8/2025 8:27:53 PM | SENT |

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. D-1-FM-25-000392

**IN THE MATTER OF
THE MARRIAGE OF**

**MALENA MIDTOEY POLOM
AND
NICHOLAS MICHAEL POLOM**

§
§
§
§
§
§

IN THE DISTRICT COURT

353rd JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

MALENA MIDTOEY POLOM'S MOTION TO COMPEL DISCOVERY

This motion is brought by MALENA MIDTOEY POLOM, Petitioner, who shows in support:

PROCEDURAL HISTORY

This is a divorce suit filed by MALENA MIDTOEY POLOM on January 16, 2025. This case is proceeding pursuant to a Level 2 Control Plan.

On March 6, 2025, MALENA MIDTOEY POLOM propounded her *Request for Disclosures, Request for Written Interrogatories, and Request for Production and Inspection* on Respondent, NICHOLAS MICHAEL POLOM.

On April 7, 2025, NICHOLAS MICHAEL POLOM, served his *Objections and Responses to Petitioner's Request for Production and Inspection, Objections to Petitioner's Written Interrogatories Propounded to Respondent, and Responses to Request for Disclosures*, attached hereto as **Exhibit A, Exhibit B, and Exhibit C** respectively.

On April 8, 2025, counsel for NICHOLAS MICHAEL POLOM and counsel for MALENA MIDTOEY POLOM had a telephone conference conferring regarding the deficiencies in NICHOLAS MICHAEL POLOM's discovery responses.

NICHOLAS MICHAEL POLOM's production remains incomplete and fails to include documents solely in his possession and information that MALENA MIDTOEY POLOM does not have access to. Objections were made to every requests with minimal responses and zero documentation actually produced.

As of the date of filing this *Motion to Compel Discovery*, NICHOLAS MICHAEL POLOM has failed to produce additional, necessary documents in a sufficient manner and wholly failed to supplement her discovery responses.

SUMMARY

NICHOLAS MICHAEL POLOM's responses to MALENA MIDTOEY POLOM's *Request for Production and Inspection* are in violation of the *Texas Rules of Civil Procedure*, which impose a duty to make a complete response to discovery requests and impose an ongoing

duty to supplement a party's discovery responses. TEX. R. CIV. P. 193.1; TEX. R. CIV. P. 193.5. MALENA MIDTOEY POLOM requests a hearing in order for the Court to compel NICHOLAS MICHAEL POLOM to fully respond to the written discovery, and requests the Court impose attorneys' fees against NICHOLAS MICHAEL POLOM.

DEFICIENCIES, LEGAL ARGUMENT, AND SUPPORT

NICHOLAS MICHAEL POLOM's incomplete responses to discovery an avoidance of complying with the *Texas Rules of Civil Procedure*, prevent MALENA MIDTOEY POLOM from properly preparing for depositions, hearings, mediation, and trial, and withhold evidence which is both admissible at trial and which is expected to result in the production and disclosure of additional evidence also admissible at trial. MALENA MIDTOEY POLOM is unable to determine and solidify any potential claims to be brought in the pending case as well as whether expert witness(es) need to be hired in order to move this case towards a just resolution due to the actions of NICHOLAS MICHAEL POLOM.

For good cause shown herein below, MALENA MIDTOEY POLOM requests the Court to enter certain orders related to discovery as follows:

Request for Disclosures

Kirker Davis, LLP

NICHOLAS MICHAEL POLOM's *Responses to Request for Disclosures* designate Stephen W. Payne and Margaret C. Farrell of Kirker Davis as testifying experts and further state that "Redacted billing statements are being produced herewith electronically" and that the "legal services contract is being provided on this date electronically."

To date, no billing statements or legal contract for Kirker Davis, LLP, have been produced.

Request for Production and Inspection

NICHOLAS MICHAEL POLOM's responses to MALENA MIDTOEY POLOM's *Request for Production and Inspection* are inadequate and incomplete as it fails to include documents solely in his possession and information that MALENA MIDTOEY POLOM does not have access to. Objections were made to certain requests for production of documents. Those objections should be overruled, and NICHOLAS MICHAEL POLOM should be required to produce the requested documents as specifically set forth below:

Request No. 1 – Bank Statements. Documents pertaining to statements prepared by a bank, savings and loan, credit union, or other financial institution on a monthly, quarterly, annual, or other basis, on accounts and deposits, including without limitation savings accounts, checking accounts, money market accounts, and certificates of deposit, which accounts (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM and/or MALENA

MIDTOEY POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has signatory or withdrawal authority.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 2 – Check Images. True and correct copy of all written checks for any accounts that (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has signatory or withdrawal authority.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 3 – Canceled Checks, Deposit Slips, and Other Canceled Items. Canceled checks, deposit slips and check registers on accounts and deposits in a bank, savings and loan, credit union, or other financial institution, including without limitation savings accounts, checking accounts, money market accounts, and/or certificates of deposit, which accounts (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS MICHAEL POLOM has signatory or withdrawal authority.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 4 – Financial Statements. A true copy of any financial statement prepared

by or on behalf of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, including without limitation personal financial statements, business financial statements, statements presented to any financial institution or lending institution and/or securing financial assistance of any kind, whether nationally or internationally.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 5 – Notes and Other Accounts Receivable. Documents pertaining to notes receivable, accounts receivable, and other amounts receivable in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has or has had an interest, legal or equitable, including without limitation notes, loans, amortization schedules, records of payments received, records of amounts currently owing, advances, refunds, credit card advances, and/or lines of credit.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 6 – Bartering Records. Documents pertaining to goods and services earned or received from a source by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM in exchange for services performed or work done by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 7 – Currency, Digital Currency, Digital Money, and/or Electronic Money. Documents pertaining to any and all funds held by NICHOLAS MICHAEL POLOM or subject to NICHOLAS MICHAEL POLOM'S control and/or access related to electronic currency, digital currency, digital money, and/or electronic money, including but not limited to crypto currency, virtual currency, e-cash, Bitcoin, Ethereum, Ripple, Litecoin, Tether, Bitcoin Cash, Libra, Monero, EOS, or other form of electronically stored currency.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 8 – Records of Investments. Instruments (including bartering) of whatsoever nature showing investments that NICHOLAS MICHAEL POLOM has made or have been made for NICHOLAS MICHAEL POLOM, including agreements, documents, instruments, or other papers reflecting the ownership of any interest (legal or equitable) by NICHOLAS MICHAEL

POLOM in a corporation, partnership, joint venture, or other business enterprise or entity, including any interests in pension or retirement or tax deferred annuity accounts arising out of NICHOLAS MICHAEL POLOM's employment.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 9 – Stock Options, Restricted Stock Units and Other Stock-Based Employee Compensation. Documents pertaining to stock options, restricted stock, restricted stock units, phantom stock, stock appreciation rights, or other stock-based employee compensation plans, programs, and/or arrangements arising out of past or present employment, in which you and/or MALENA MIDTOEY POLOM have or have had an interest, including award agreements, letters, employment agreements that make reference to such plans, programs or awards, documents which evidence the exercise or maturity of such awards, IRS Code Section 83(6) elections, and other evidence of awards.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 10 – Retirement and Other Employment Benefits. Documents pertaining to a pension, profit sharing, deferred compensation, employee stock ownership, individual retirement account, IRA/SEP, Keogh, retirement, 401 (k), and/or other retirement and/or employment benefit plan in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has or has had an interest, whether vested or contingent, and for each such plan, account, or benefit, including without limitation documents which reflect the following:

- a. Standard plan description, book, booklet, and/or prospectus;
- b. Statements of employee and employer contributions from the date of employment to the present;
- c. Actuarial estimates of prospective, future benefits;
- d. Account statements and supporting documents issued during the course of the plan;
- e. Statements issued by a financial institution holding a retirement account, and documents reflecting contributions to and/or withdrawals from said account;
- f. Name and address of plan administrator; and
- g. Loans and/or other debts against which said retirement plan and/or account is pledged and/or secured.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 11 - Securities and Brokerage House Accounts. Documents pertaining to stocks, bonds, or other securities in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns, or has owned, an interest, legal or equitable, whether such securities are held individually or in a brokerage house account, and for each security so held, including without limitation documents which reflect the following:

- a. All such bonds, shares, or certificates;
- b. Brokerage house account statements, transaction receipts, and other documents pertaining to the nature and extent of the securities;
- c. Purchase receipts or other documents pertaining to purchase price and date of purchase of securities;
- d. Sales receipts or other documents pertaining to sale and date of sale of securities;
- e. Documents pertaining to any debts secured by the securities, including without limitation collateral pledge agreements;
- f. Buy-sell agreements; and/or
- g. Shareholder and stock ledgers.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 12 – Earning Records. Documents pertaining to monies earned or received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM from a source, including without limitation pay stubs, receipts, and statements of earnings, said earnings to include without limitation wages, salary, straight time earned, overtime earned, bonuses, contract labor, commissions, pending commissions and listings, fringe benefits, and/or unemployment compensation and benefits, and documents referable to deductions or withholdings from said earnings, including without limitation federal and state income tax withheld, social security (FICA) withheld, Medicare withheld, self-employment taxes, self-employment deductions, unemployment insurance, medical or other insurance deductions, stock options or purchase plans, retirement or pension plans, profit-sharing plans, employee savings plans, flexible spending accounts, day care deductions and/or credits, itemized deductions, and/or repayment of loans and/or debts.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 13 – Employment, Compensation, Bonuses, Deferred Compensation, Severance Pay. All documents relating to your employment compensation, including contracts and contract employment, and all documents relating to your overtime compensation, bonuses, deferred compensation, and severance pay that you have received or have been eligible to receive since January 1, 2020, including –

- h. The complete employer's personnel file maintained for NICHOLAS MICHAEL POLOM for the entire period of employment;
- i. The original employment contract or agreement for NICHOLAS MICHAEL POLOM;
- j. The payroll records showing the gross pay, including commissions, deferred bonus, and/or severance pay, withholding deductions, and net pay for all compensation paid to NICHOLAS MICHAEL POLOM for the period from January 1, 2020, to the date of production of the records;
- k. The expense-account records showing the nature and amount of all expenses reimbursed to NICHOLAS MICHAEL POLOM under the terms of employment for the period from January 1, 2020, to the date of production of the records;
- l. The original or official written health insurance plan, medical reimbursement plan, life insurance plan, employee stock ownership plan, stock option plan, stock appreciation plan, employee retirement plan, pension plan, profit-sharing plan, and/or savings plan or other employee benefit plan or official summary thereof, and any loan, withdrawal, or distribution information, together with the annual report of the interest of NICHOLAS MICHAEL POLOM in those plans, for the period from January 1, 2020, to the date of production of the records; and
- m. The travel records showing the date and place of destination and duration of all periods of travel of NICHOLAS MICHAEL POLOM for the period from January 1, 2020, to the date of production of the records.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 14 – Community Income. All documents reflecting community income since the date of marriage that are not otherwise requested herein.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 15 - Interest Income. Your 1099 forms, bank statements, and all documents evidencing all interest received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 16 - Dividend Income. Your 1099 forms, brokerage firm statements, and all documents evidencing all dividends received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM from all sources.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 17 - Deductions or Withholdings From, or Attributable To, Income.

Documents pertaining to deductions or withholdings from, or attributable to, a source of income of NICHOLAS MICHAEL POLOM, including, but not limited to, income tax withheld, social security (FICA), unemployment insurance, medical or other insurance, stock options or purchase plans, retirement or pension plans, profit-sharing plans, savings plans, repayment of debts and the like.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 18 - Income Tax Returns. Documents pertaining to personal federal and state income tax returns filed by or on behalf of you and/or MALENA MIDTOEY POLOM, including without limitation accompanying schedules and attachments, documents used in connection with the preparation of such returns (which are not already produced in response to another category herein), communications to and from the Internal Revenue Service relating to a filed or to be filed return, records of tax pre-payments made by you and/or MALENA MIDTOEY POLOM for the non-filed return, and worksheets of estimated taxes prepared by or on behalf of you and/or MALENA MIDTOEY POLOM for a non-filed return.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 19 - Communications with the Internal Revenue Service. All communications to and from the Internal Revenue Service, whether written or electronic, regarding tax filings, refunds, and liabilities of the parties **(no time limit)**.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 20 - Other Monetary Receipts. Documents pertaining to other monetary receipts received by, and/or paid to or on behalf of NICHOLAS MICHAEL POLOM, whether denominated as loans, gifts, tax refunds, cash payments, royalties, rental income, management fees, dividends, interest, interest refunds, proceeds from sale of property, accounts receivable collections and retainers, income from partnerships and/or joint ventures, distributions from business entities, distributions and/or income from trusts, social security benefits received, periodic payments made to a retirement and/or disability program or plan, and documents referable

to deductions or withholdings from said earnings, including without limitation federal and state income tax withheld, social security (FICA) withheld, Medicare withheld, self-employment taxes, self-employment deductions, business deductions, itemized deductions, and/or repayment of loans and/or debts *not otherwise requested herein*.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 21 - Notes and Other Amounts Receivable. Documents pertaining to notes receivable, accounts receivable, and other amounts receivable in which NICHOLAS MICHAEL POLOM has or has had an interest, legal or equitable, including without limitation notes, loans, amortization schedules, records of payments received, records of amounts currently owing, advances, refunds, credit card advances, and/or lines of credit.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 22 - Employment Records. Records of employment contracts, signing bonuses, incentive packages, termination agreements, letters of resignation and other indicia of the employment of NICHOLAS MICHAEL POLOM, including correspondence between you and any of your employers.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 23 - Education. Documents pertaining to your educational training, status, and progress, including formal or informal schooling, tutoring, counseling, and continuing education, whether public or private education, and including admittance applications, transcripts, report cards, school records, evaluations, test scores, course attendance and completion certificates, and disciplinary reports.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 24 - Other Sources of Income. All statements, reports, records, and other documents which reflect all other sources of income of NICHOLAS MICHAEL POLOM received since January 1, 2020 or anticipated to be received by either party within the foreseeable future, which have not heretofore been produced.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 25 - Payment Processing Accounts. Documents and statements that reflect transactions or pertain to payment processing and/or holding accounts used to transfer money and/or make or receive payments, including but not limited to PayPal, Google Wallet, Apple Pay Cash, Facebook, Square Cash, Stripe, Snapcash, Venmo and Zelle, which accounts are in your name or subject to your control.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 26 – Venmo. If you transfer, send, or receive money using “Venmo”, statements prepared by Venmo or a printout providing a detailed summary of your Venmo purchase history reflecting each transaction with Venmo within the time period as set out herein.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 27 – Amazon. If you have an account with "Amazon", statements prepared by Amazon or a printout providing a detailed summary of your Amazon purchase history reflecting each purchase and transaction with your Amazon account within the time period as set out herein.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 28 – Business Expense Records. Documents reflecting expenses paid on behalf of NICHOLAS MICHAEL POLOM, requested to be paid by or on behalf of NICHOLAS MICHAEL POLOM, and/or to be paid for or on behalf of NICHOLAS MICHAEL POLOM, whether reimbursed or not, in connection with a business or pursuit of gain or profit, and for each such expense, including without limitation claims and expense account vouchers, receipts for payments accompanying such claims and vouchers, receipts for reimbursements, and statements and receipts pertaining to credit cards used by NICHOLAS MICHAEL POLOM in connection with a business or pursuit of gain or profit.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 29 – Employment Records. Records of employment contracts, signing bonuses, incentive packages, termination agreements, letters of resignation and other indicia of the employment of NICHOLAS MICHAEL POLOM, including correspondence between you and any of your employers.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 30 – Closely-Held Corporations and/or Unincorporated Business Entities. Documents from January 1, 2020, to the present pertaining to corporations, partnerships, joint ventures, sole proprietorships, and/or other business organizations in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns, or has owned, an interest, legal or equitable, and for each such business entity, including documents which reflect the following, and documents reflecting amendments thereto:

- a. Membership agreements, partnership agreements, co-tenancy agreements, franchise agreements, shore transfer agreements, shareholder agreements, brokerage agreements, stock restriction agreements, and buy-sell agreements;
- b. Articles of Incorporation;
- c. Corporate charter;
- d. By-Laws, and amendments thereto;
- e. Minutes of the Board of Directors' meetings, shareholders' meetings, and minutes of committees of the Board of Directors, and including minutes of the first three directors' and shareholders' meetings;
- f. Stock ledgers, stock certificates, records of stock ownership, and the name and address of the stockholders, along with the number of shares owned;
- g. The name, address, and office held by the officers of the business;
- h. The capitalization of the business, and the source thereof;
- i. Documents and instruments detailing related-party receipts and/or payments (receipts from and/or payments to owners, any family members of owners, or other businesses with common ownership), including a description of the reason for each receipt and/or payment;
- j. Sales and other transfers of interest and/or stock in said business by an owner and/or shareholder, including without limitation the names and addresses of buyers and sellers, the amount of the interest and/or number of shares transferred, and the price paid for said transfer;
- k. Offers to purchase or sell stock in said business, or offers to invest in the business;
- l. List of subsidiaries and/or financial interests in other companies, with relevant financial statements, if any;
- m. Assumed names and/or "dba's";
- n. Future issues of stock and/or interest in the business, including without limitation stock options, warrants, subscription agreements, convertible securities, and/or employment contracts;
- o. Prospectuses or other writings used in connection with public offerings, or internal proposals within the business to make public offerings;

- p. The fair market value of the business, including prior valuations and/or appraisals of the business or an interest therein;
- q. Federal and State income tax returns and franchise tax returns, along with accompanying schedules and attachments thereto;
- r. Monthly, quarterly, and annual financial statements, including balance sheets, profit and loss statements, records of retained earnings, cash flow statements, income statements, budgets, financial projections, projections of capital expenditures, and business plans, and including interim financial statements for the current year;
- s. Back-up of electronic bookkeeping file (e.g., Quickbooks) with password(s) to access data;
- t. Financial statements prepared for the business' use and/or for submission to a lending institution and/or another entity, and/or prepared for another reason, including without limitation documents submitted with said financial statement;
- u. Bank statements, canceled checks, receipts, deposit slips, cash register tapes, and other documents pertaining to an account in a financial institution held by or on behalf of the business;
- v. Property inventories and depreciation schedules, including Documents related to leases of equipment;
- w. Deed records of real property owned by said business, and documents pertaining to debts secured by said property;
- x. Aged accounts receivable and accounts payable records;
- y. Salaries, bonuses, dividends, distributions, and/or other amounts paid by the business to the employees, contractors, owners, and/or shareholders;
- z. Employment contracts and contractor agreements, including without limitation employment and/or contractor contracts between NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM and the business, and a listing of employees and contractors by function performed;
- aa. List of prepaid expenses;
- bb. Creditor agreements and the names, addresses, and loan officers of institutions and/or individuals who have lent money to said business;
- cc. The amount of the credit lines which said business enjoys with a lending institution or individual with whom it has such credit lines, including without limitation the amount of the line of credit, the amount distributed from the line of credit, the amount owing on the line of credit, and the security proffered for the line of credit;
- dd. Leases, records of leasehold improvements, records of lease payments, records of fair rental value, and records of marketing of leased space;
- ee. Customer agreements, including Documents reflecting the five largest customers for each of the past three fiscal years, including annual billings or estimate of percentage of total revenues for each customer;
- ff. Supplier agreements, including Documents reflecting the five largest vendors/suppliers for each of the past three fiscal years, including annual purchases or estimate of percentage of total expenses for each vendor for each year;
- gg. Distributor agreements;
- hh. Contracts entered into by said business to furnish goods or services, and listings

- of products and/or services offered by the business; and
- ii. Documents related to intangible assets of the business and/or off-balance-sheet items, including but not limited to franchise rights.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 31 – Debts. Documents reflecting indebtedness owed or owing by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, including without limitation promissory notes, creditors' statements, bills, statements and invoices evidencing charges and debts incurred, mortgage documents, liens, debts, notes, pending or unexpected claims against secured property, money borrowed against said property, payment books, and documents pertaining to payments made on account for such debts.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 32 - Secured Debts. Records of debts or liens against any property owned by NICHOLAS MICHAEL POLOM, including liens, debts, notes, pending or expected claims against said property, money borrowed against said property and the like.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 33 - Monthly Expenses. Documents reflecting monthly expenses of NICHOLAS MICHAEL POLOM, whether paid monthly or otherwise, including without limitation house payments, rent, real property taxes, utilities (gas, electric, water, garbage), groceries and household items, meals away from home, medical or hospitalization expenses, dental orthodontic expenses, pharmaceutical expenses, laundry and dry cleaning, car and vehicle payments, gasoline, vehicle maintenance and repair, other transportation costs and expenses, clothing, insurance (e.g., life, home, fire and casualty, health, hospitalization, medical, dental, automobile, personal liability), haircuts, dues and donations, entertainment, monthly expenses or payments in reference to investments, professional fees or charges (e.g., lawyer, CPA, etc.), and other such expenses or costs.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 34 – Credit Card and Charge Accounts. Statements, receipts, and other documents pertaining to charges and payments on credit card and/or charge accounts held in the name of NICHOLAS MICHAEL POLOM, and/or accounts on which NICHOLAS MICHAEL POLOM has signatory authority.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 35 - Other Debts. Documents reflecting indebtedness owed or owing, other than credit card and charge accounts, by NICHOLAS MICHAEL POLOM, including without limitation promissory notes, creditors' statements, bills, statements and invoices evidencing charges and debts incurred, mortgage documents, loans, liens, lines of credit, debts, notes, pending or unexpected claims against secured property, money borrowed against said property, student loans, payment books, and documents pertaining to payments made on account for such debts.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 36 – Instruments of Guaranty. Documents pertaining to, or by which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM personally guaranteed or offered to personally guarantee, in whole or in part, the indebtedness of or payment owing by another person, regardless of whether the guaranty is presently in effect or was accepted, and including without limitation documents given to NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM by the lender(s) and/or principal(s) in connection with each said guaranty, the loan which was guaranteed or offered to be guaranteed, and documents reflecting the current status and balance of said debt which was guaranteed.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 37 – Notes Payable. Outstanding notes payable executed by NICHOLAS MICHAEL POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 38 - Accounts Payable. Books, records, documents and instruments pertaining to debts and liabilities owed by NICHOLAS MICHAEL POLOM including, but not limited to, open accounts, notes, mortgages and liens, pledges, payment books and records.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 39 - Gifts and Loans to Others by NICHOLAS MICHAEL POLOM.

Documents reflecting gifts and/or loans made by you exceeding \$800.00 to another person (other than MALENA MIDTOEY POLOM), including documents reflecting the date of such gifts, the amount of such gifts, expenditures made by you for the entertainment of another person, travel with another person, gifts to another person, loans to another person, and/or dinners and/or parties for or on behalf of another person other than MALENA MIDTOEY POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 40 – Gifts and Loans to NICHOLAS MICHAEL POLOM. Documents pertaining to gifts and/or loans of any kind made to you by another person exceeding \$800.00 (other than MALENA MIDTOEY POLOM).

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 41 - Motor Vehicles. Documents pertaining to motor vehicles, airplanes, farm equipment, boats, trailers, recreational vehicles, motorcycles, collector's cars and vehicles, and other modes of transportation in which NICHOLAS MICHAEL POLOM has, or has had, an interest, legal or equitable, and for each such vehicle, including without limitation the following:

- a. Documents of title;
- b. Bills of sale;
- c. Documents referable to a loan or other amount payable which is secured by the vehicle, including without limitation notes, security instruments, payment books, amortization schedules, indicia of amount current owed, and/or records of payments made;
- d. Appraisals; and
- e. Written offers to sell or purchase said vehicle.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 42 - Intellectual and Intangible Property or Property Rights. Documents, items or materials referable to intellectual property or intellectual property rights and/or legal entitlements owned by you and/or MALENA MIDTOEY POLOM or in which you or MALENA MIDTOEY POLOM have or may have any interest or right in relation to the intellectual property, whether established or in development, including copyrights, patents, trademarks, geographical indication, industrial design rights, trade secrets, related rights, trade names, domain names, database rights, mask work, plant breeders; rights, plant variety rights and supplementary protection certificates.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 43 - Safe Deposit Box Records. Documents pertaining to a safe deposit box held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, alone, or jointly with other persons, or in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has an interest or entrance authority.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 44 - Funds Held by Another. All documents that relate to funds, property, or accounts held by another for your benefit.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 45 - Funds for the Benefit of Another. All documents that relate to funds, property, or accounts held by you for the benefit of another.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 46 - Mineral and/or Oil and Gas Rights. Documents pertaining to any interest held by or on behalf of MALENA MIDTOEY POLOM in mineral leases, mineral rights, oil and gas leases, oil and gas rights, oil and gas royalties, mineral royalties, drilling rights, and/or other activity relating to the ownership and/or production of mineral and/or oil and gas interests.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 47 - Miles, Points, Rewards. Any and all documents reflecting any points, miles, or rewards from any and all credit card accounts you have in your name or for which you have control or any memberships you have such as a rewards program, hotel, travel, or airlines.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 48 - Valuable Tangible Personal Property. Documents pertaining to items of tangible personal property having a value of over \$500.00, such as furniture, cash, coins, collections, appliances, antiques, furs, clothing, jewelry, firearms, coin collections, stamp collections, heirlooms, collectibles, jewelry, painting and other artwork, and/or other collections or collectible pieces of property in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns or has owned an interest, legal or equitable, and for each item, documents which reflect the following:

- a. Documents of title;
- b. Source of payment;
- c. Bills of sale;
- d. Liens or other security instruments secured by said property, and payments made thereon;
- e. Appraisals, including without limitation insurance appraisals; and/or
- f. Offers to sell or purchase said property.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 49 - Separate Property. Documents which support your claims of separate property (including the inception of title and tracing evidence), regardless of whether these documents have been produced in response to another request for production herein, and for each separate property claim, documents which reflect the following (no time limit).

- a. Identification of each piece of alleged separate property;
- b. When and how each piece of property was obtained by you;
- c. The basis of your separate property claim(s);
- d. The value of said property; and
- e. The source of the funds used to purchase said property, if applicable.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 50 - Reimbursement. Documents pertaining to reimbursement claims you have against the community estate and/or against the separate estate of NICHOLAS MICHAEL POLOM, if any, regardless of whether such documents have been produced in response to other requests for production herein, and for such claims, documents which reflect the value and description of the claim, and the legal and factual basis of the claim (no time limit).

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 51 - Reimbursement Claims of NICHOLAS MICHAEL POLOM. Documents pertaining to claims you have that reimbursement claims of NICHOLAS MICHAEL POLOM are or are not valid, regardless of whether these documents have been produced in response to other requests for production herein (no time limit).

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 52 - Real Estate Presently Owned. Documents pertaining to real property in which NICHOLAS MICHAEL POLOM owns an interest, legal or equitable, including without limitation the following: a. Documents of title, including without limitation deeds, contracts for deeds, and/or contracts of purchase, sale, and/or other conveyances; b. Promissory notes payable and/or receivable, mortgage documentation, amortization schedules, end-of-the-year mortgage and escrow statements, deeds of trust, liens, security agreements, and other evidence of debt secured by the property and/or owing for purchase of the property; c. Leases and rental agreements; d. Written offers to purchase or sell, including earnest money contracts; e. Agreements among co-owners and/or co-tenants; f. Probate records, if applicable; g. Income and expense statements, if applicable; h. Closing statements relating to purchase, sale, loans, and/or refinancing of said property; i. Written appraisals; j. Tax assessor appraisals and statements, and documents used to support and/or challenge said appraisals; k. Title policy; l. Documents evidencing the source of the down payment or real property purchased, and the location of deposit for proceeds from real property sold; and m. Receipts and documents pertaining to maintenance of and/or improvements made to the property, including without limitation the source of the funds used for said maintenance and/or improvements.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 53 - Real Estate Sold. Books, records, documents and instruments pertaining to real property in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has sold an interest, whether legal or equitable, including, but not limited to, the following:

- a. Deeds, contracts of purchase and sale and other conveyances;
- b. Notes receivable in consideration of such sale;
- c. Deeds of trust, mortgages and other security agreements securing such notes;
- d. Agreements among co-owners relating to such sale;
- e. Closing statements relating to purchase, borrowing and sale of such property;
- f. Written appraisals made within three years of the date of such sale; and
- g. Documents evidencing where the proceeds of such sale were deposited.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 54 - Lease Agreements. Documents reflecting property leased by NICHOLAS MICHAEL POLOM, including without limitation leases, lease agreements, and/or documents pertaining to security deposits.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 55 - Real Estate Outside the United States. All deeds, purchase documents, titles, and any other documents reflecting the purchase of real property outside the United States (no time limit).

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 56 - Life Insurance and Annuities. Documents pertaining to annuities and to policies of life insurance insuring the life of NICHOLAS MICHAEL POLOM and for each annuity or life insurance policy, documents which reflect the following: a. Company; b. Policy or annuity number; c. Date purchased, and source of funds used for purchase; d. Type of policy or annuity; e. Amount of coverage; f. Cash value, if any; g. Name of insured; h. Name of owner, if different from insured; i. Name of beneficiary or beneficiaries; j. Amount and frequency of premium payments, and documents reflecting premium payments made; k. Amount and date of a loan secured by the annuity or policy, if any, and the current status and balance of such loan; l. Application of dividends; and m. Change of beneficiary forms which have been submitted, if applicable.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 57 - Health and Dental Insurance. Health and dental insurance policies, plan descriptions, statements of benefits, premiums owing and/or paid (if not a payroll deduction), billing statements, correspondence, explanations of coverage, reimbursements paid, records of uninsured expenses, the effective dates of policies in effect, policies available but not yet enrolled in, applications submitted (whether accepted or not), policies offered through NICHOLAS MICHAEL POLOM's and/or MALENA MIDTOEY POLOM's employment (whether enrolled or not), and other documents pertaining to health insurance policies insuring, or available to insure, MALENA MIDTOEY POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 58 - Health Savings Accounts. All documents regarding the Health Savings Accounts held in the name of NICHOLAS MICHAEL POLOM, or subject to NICHOLAS MICHAEL POLOM's control, including but not limited to a true and correct copy of the plan, 8889 tax forms, and the account history from January 1, 2020, to present.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 59 - Litigation. Except for documents pertaining to this cause, Documents pertaining to lawsuits, civil actions, bankruptcy proceedings, claims, and/or other litigation in which NICHOLAS MICHAEL POLOM, and/or entities in which NICHOLAS MICHAEL POLOM have or has had an interest has been a party, and for such claims, documents reflecting the following:

- a. The cause number and style of the case;
- b. The names of the parties; and
- c. The nature and disposition of the action.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 60 - Videotapes, Audio tapes, and Other Documentary Evidence. The originals of videotapes, audio tapes, photographs, computer images and/or files, and/or other documents relevant to issues in this cause, including out-takes therefrom, which videotapes, audio tapes, photographs, computer images and/or files, and/or other documents depict and/or record

NICHOLAS MICHAEL POLOM, and/or MALENA MIDTOEY POLOM, and/or persons listed in response to request for disclosure propounded by NICHOLAS MICHAEL POLOM.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 61 - Letters and/or Written Memoranda. Letters and/or written memoranda between you, MALENA MIDTOEY POLOM and/or persons listed in response to a request for disclosure and/or interrogatory propounded to NICHOLAS MICHAEL POLOM, and/or other persons which are relevant to issues in this cause.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 62 - E-Mail, Text & Other Electronic Communication. Electronic-mail and text correspondence (whether deleted or not deleted) and other electronic communication between you and MALENA MIDTOEY POLOM, between you and other persons not specifically requested elsewhere with relevant knowledge, and/or between MALENA MIDTOEY POLOM and other persons with relevant knowledge, via email transmission or text message or of an electronic nature regarding or pertaining to the parties. The information sought herein should be produced by the process of burning same to CD/DVD or removable drive, transmitting same electronically and/or by drive image.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 63 - ESI. Electronic mail, text messages, and any other electronically stored communications in NICHOLAS MICHAEL POLOM's possession or control, whether deleted or not deleted, produced in static format, between NICHOLAS MICHAEL POLOM and other persons with relevant knowledge, regarding or pertaining to the parties, the marriage, the property of either party, NICHOLAS MICHAEL POLOM's gifts or transfer of monies or property to any other person or entity and/or any romantic or sexual relationship either party has had with any person other than his or her spouse.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 64 - Travel Records. Documents pertaining to travel by NICHOLAS MICHAEL POLOM, including without limitation airline tickets, lodging receipts, meal receipts, itineraries, receipts, and other documents referable to travel and/or travel expenditures, together

with records of reimbursement received for such travel-related expenditures.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 65 - Current Credit Report. A current copy of your credit report from all of the following credit bureaus:

- a. Equifax Credit Information Services, Inc., P.O. Box 740241, Atlanta, GA 30374; 1-800-685-1111; www.equifax.com;
- b. Experian (TRW), P.O. Box 2002, Allen, TX 75013; 1-888-397-3742; www.experian.com; or
- c. TransUnion LLC, Consumer Disclosure Center, P.O. Box 1000, Chester, PA 19022; 1-800-888-4213; www.transunion.com.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 66 - Clubs and Organizations. Membership certificates, statements, and/or other documents pertaining to membership of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM's in clubs, associations, frequent flyer and/or other mileage or hotel clubs, and/or other organizations, including statements of privileges, accrued benefits, and/or other benefits received by ownership of membership in said club.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 67 - Trust Instruments. Trust instruments and other records pertaining to any trust for the benefit or support of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM including but not limited to, correspondence, withdrawals, account statements, and trustee information.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 68 - Inter Vivos Trust. Records relating to inter vivos trusts from which benefits have been received by NICHOLAS MICHAEL POLOM, are being received by NICHOLAS MICHAEL POLOM, or will be received by NICHOLAS MICHAEL POLOM, whether such trusts are revocable or irrevocable.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 69 - Inheritance or Expected Inheritance. No time limit: Documents reflecting any inheritance expected to be received by you or for which you have already received including documents which reflect the following:

- a. A description of such inheritance received or expected to be received (i.e. property, cash, stocks)
- b. The location of such inheritance received or expected to be received;
- c. The name and address of the trustee, custodian and/or the person holding such property;
- d. When & how such inheritance is/was received or expected to be received by you;
- e. The current gross & net value of any inheritance received or expected to be received by you;
- f. A description of and the amount of any and all withdrawals and/or distributions from any such inheritance since January 1, 2020 to current;
- g. The financial institution for any trust or custodial account held in a financial institution of any inheritance received or expected to be received by you.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 70 - Property Held in Trust. Documents pertaining to property being held in trust for NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, and/or held by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM as trustee, and for each such trust, documents reflecting the following:

- a. The location of such trust and/or property;
- b. A description of such trust and/or property;
- c. The name and address of the trustee and/or the person holding such property;
- d. The current value of such property;
- e. Withdrawals and/or distributions from said trust;
- f. Financial institution statements for a trust held in a financial institution;
- g. Trust agreements and amendments thereto;
- h. Assets and values of assets owned by the trust;
- i. Debts and liabilities, and the amount thereof, owed by the trust, and the property secured therefor;
- j. Income received by the trust, and distributions made therefrom;
- k. State and federal income tax returns prepared by or on behalf of the trust, including without limitation accompanying schedules and attachments thereto;
- l. inter vivos trusts; and

m. whether the trust is revocable or irrevocable.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 71 - Instagram, Facebook, Twitter or X, Reddit, Snapchat, and Any Other Social Networking Websites or Websites. A Copy of NICHOLAS MICHAEL POLOM's profile, photographs and any posts on any social networking websites and/or dating websites in NICHOLAS MICHAEL POLOM's name or to which NICHOLAS MICHAEL POLOM posts or has posted information, whether or not those sites are currently disabled.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 72 - Documents Used in Preparation of Answers to Interrogatories and Initial Disclosures. Documents used by NICHOLAS MICHAEL POLOM in preparing NICHOLAS MICHAEL POLOM's answers to interrogatories and/or NICHOLAS MICHAEL POLOM's initial disclosures in this cause, which are not already produced in response to other request for production herein.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 73 Documents Pertaining to NICHOLAS MICHAEL POLOM's Pleadings and Legal Claims. Documents which support any claims made by NICHOLAS MICHAEL POLOM in NICHOLAS MICHAEL POLOM's pleadings, or otherwise in this cause, which are not already produced in response to other requests for production herein.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 74 - Trial Exhibits. All documents, exhibits, demonstrative exhibits, and tangible things intended for use at the trial of this case or a hearing in this case.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 75 - Privilege Logs. Any and all privilege logs or other documents which describe any and all documents being withheld from production or request by subpoena duces tecum based upon a privilege.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request No. 76 - Correspondence with Others. Electronic-mail and text correspondence (whether deleted or not deleted) and other electronic communication between you and someone with whom you have had a sexual and/or romantic relationship with other than MALENA MIDTOEY POLOM since January 1, 2020 via email transmission or text message or of an electronic nature. The information sought herein should be produced by the process of burning same to CD/DVD or removable drive, transmitting same electronically and/or by drive image.

Deficiencies:

NICHOLAS MICHAEL POLOM has wholly failed to produce any documents responsive to this request.

Request for Written Interrogatories

NICHOLAS MICHAEL POLOM's responses to MALENA MIDTOEY POLOM's *Request for Interrogatories* are inadequate and incomplete as it fails to provide an actual response and only lodges objections. Objections were made to every single interrogatory. Those objections should be overruled, and NICHOLAS MICHAEL POLOM should be required to fully and adequately respond to Petitioner's *Request for Written Interrogatories*.

MALENA MIDTOEY POLOM requests the Court enter an order requiring NICHOLAS MICHAEL POLOM to answer the *Request for Written Interrogatories*, attached hereto as **Exhibit B**.

ATTORNEYS' FEES

It has been necessary for MALENA MIDTOEY POLOM to secure the services of the law offices of COLDWELL | BOWES, L.L.P., licensed attorneys, to prepare and defend this *Motion to Compel Discovery*. Attorneys' fees should be assessed against NICHOLAS MICHAEL POLOM in an amount that the Court determines to be reasonable, and NICHOLAS MICHAEL POLOM should be ordered to pay attorneys' fees and other expenses incurred by MALENA MIDTOEY POLOM in bringing this *Motion to Compel Discovery*.

REQUESTED RELIEF

MALENA MIDTOEY POLOM requests the Court, after notice and hearing, to make such orders with regard to the failure to comply with discovery procedures as are just and right, including the following:

- a. An order requiring NICHOLAS MICHAEL POLOM to produce documents set forth above to counsel for MALENA MIDTOEY POLOM in the offices of COLDWELL | BOWES, L.L.P., 2801 Via Fortuna, Terrace 7, Suite 530, Austin, Texas by a time and date certain;
- b. An order requiring NICHOLAS MICHAEL POLOM to answer MALENA MIDTOEY POLOM's Request for Written Interrogatories by a date and time certain to COLDWELL | BOWES, L.L.P., 2801 Via Fortuna, Terrace 7, Suite 530, Austin, Texas by a time and date certain;
- c. An admonishment by the Court that failure to answer discovery timely and fully, can result in progressive sanctions, including striking NICHOLAS MICHAEL POLOM's pleadings; and
- d. An order imposing NICHOLAS MICHAEL POLOM pay MALENA MIDTOEY POLOM's reasonable and necessary attorney's fees and costs in preparing and prosecuting this *Motion to Compel Discovery*.

PRAYER

MALENA MIDTOEY POLOM asks the Court, after notice and hearing, to grant this *Motion to Compel Discovery* and order all relief requested herein.

MALENA MIDTOEY POLOM prays for reasonable attorneys' fees.

MALENA MIDTOEY POLOM prays the Court enter such additional orders that are tailored to obtain NICHOLAS MICHAEL POLOM's compliance with the rules and such additional relief to which she may be entitled.

MALENA MIDTOEY POLOM prays for general relief.

Respectfully submitted,

COLDWELL | BOWES, L.L.P.
Attorneys at Law
2801 Via Fortuna
Terrace 7, Suite 530
Austin, Texas 78746
(512) 472-2040 Telephone

By: /s/D. Micah Royer, III

D. Micah Royer, III
State Bar No. 24056237
efiling.royer@coldwellbowes.com
Katherine L. Obando
State Bar No. 24097048
efiling.obando@coldwellbowes.com
Attorneys for MALENA MIDTOEY POLOM

Certificate of Conference

By my signature above, I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

Travis County Local Rule 2.2 Certificate

By my signature above, I certify that counsel has conferred with all parties about the date, time, and format of the setting, and I certify that counsel has conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve or narrow the issues raised.

Certificate of Service

By my signature above, I certify that a true copy of the above was served on the following attorney of record or party in accordance with the *Texas Rules of Civil Procedure* on April 8, 2025:

Stephen Payne
KIRKER | DAVIS LLP
8310 North Capital of Texas Highway,
Suite 1-350
Austin, Texas 78731

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. D-1-FM-25-000392

IN THE MATTER OF
THE MARRIAGE OF

MALENA MIDTOEY POLOM
AND
NICHOLAS MICHAEL POLOM

§
§
§
§
§
§

IN THE DISTRICT COURT

353RD JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**NICHOLAS MICHAEL POLOM'S OBJECTIONS TO
PETITIONER'S REQUEST FOR PRODUCTION AND INSPECTION**

To: **MALENA MIDTOEY POLOM**, by and through her attorneys of record, D. Micah Royer, III and Katherine L. Obando, COLDWELL BOWES, LLP, 2801 Via Fortuna, Terrace 7, Suite 530, Austin, Texas 78746, efiling.royer@coldwellbowes.com and efiling.obando@coldwellbowes.com.

NICHOLAS MICHAEL POLOM, Respondent, provides the attached *Objections to Petitioner's Request for Production and Inspection*.

CONDITIONS TO RESPONSE

1. NICHOLAS MICHAEL POLOM's responses are based on his present knowledge after a reasonable investigation and on her interpretation and construction of the request.
2. NICHOLAS MICHAEL POLOM reserves the right to redact any portions of otherwise responsive and non-privileged documents that contain irrelevant, nonresponsive, or privileged information.
3. NICHOLAS MICHAEL POLOM expressly reserves the right to supplement, revise, add to, clarify, or correct any answers or responses herein. NICHOLAS MICHAEL POLOM will supplement responses when, if, and as required by the Texas Rules of Civil Procedure.
4. Any response that NICHOLAS MICHAEL POLOM will produce certain documents is not a representation that such documents exists but, rather, an undertaking to produce them if and to the extent that they exist and are in NICHOLAS MICHAEL POLOM's possession, custody, or control.
5. NICHOLAS MICHAEL POLOM reserves the right to object to additional discovery covered by this discovery request, whether or not documents are furnished herein.

6. The answers of NICHOLAS MICHAEL POLOM are based upon NICHOLAS MICHAEL POLOM's understanding of the inquiries proposed by MALENA MIDTOEY POLOM's discovery requests and NICHOLAS MICHAEL POLOM assumes no responsibility for providing information or documents in the care, custody, or control of any entity other than NICHOLAS MICHAEL POLOM and to the extent the request for production attempts to impose such responsibility, objection is made thereto.
7. In answering these *Petitioner's Requests for Production and Inspection*, NICHOLAS MICHAEL POLOM has defined words as used in those responses and requests, as those words are used in common parlance.
8. NICHOLAS MICHAEL POLOM does not waive any of his objections by providing the information herein which is given as an accommodation and not otherwise.
9. NICHOLAS MICHAEL POLOM objects generally to the Instructions in the *Petitioner's Requests for Production and Inspection* and to the extent they seek to impose obligations beyond the scope of the Texas Rules of Civil Procedure and further objects generally to the Definitions to the extent they exceed the requirements of the Texas Rules of Civil Procedure. NICHOLAS MICHAEL POLOM will respond in compliance with the Texas Rules of Civil Procedure.

These conditions apply to each request and are incorporated by reference into all individual responses and objections set out below. Nothing herein shall be construed to constitute an agreement to produce any documents that are privileged, and such documents will not be produced.

Respectfully submitted,

KIRKER | DAVIS LLP
8310 North Capital of Texas Highway
Building 1-350
Austin, Texas 78731
Tel: 512.598.0010
service@kirkerdavis.com



By: _____
STEPHEN W. PAYNE
State Bar No. 24129623
Margaret C. Farrell
State Bar No. 24130333
Attorneys for NICHOLAS MICHAEL POLOM

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on April 7, 2025:

D. Micah Royer, III
Katherine L. Obando
COLDWELL BOWES, L.L.P.
2801 Via Fortuna
Terrace 7, Suite 530
Austin, Texas 78746
Tel: (512) 472-2040
Efiling.royer@coldwellbowes.com
Efiling.obando@coldwellbowes.com

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Hand Delivery |
| <input type="checkbox"/> | Certified Mail/RRR |
| <input type="checkbox"/> | Telephonic Document Transfer |
| <input type="checkbox"/> | Courier Receipted Delivery |
| <input checked="" type="checkbox"/> | E-mail |
| <input checked="" type="checkbox"/> | E-Service |



STEPHEN W. PAYNE
MARGARET C. FARRELL
Attorneys for NICHOLAS MICHAEL POLOM

**GENERAL ASSERTIONS OF PRIVILEGE, OBJECTIONS, AND RESPONSES TO
EXHIBIT “A” OF MALENA MIDTOEY POLOM’S FIRST REQUEST FOR PRODUCTION AND
INSPECTION OF DOCUMENTS AND TANGIBLE THINGS**

NICHOLAS MICHAEL POLOM objects to the production of records, documents and/or items which are not in NICHOLAS MICHAEL POLOM’s actual possession, custody or control, to the extent MALENA MIDTOEY POLOM request requires that she obtain documents not currently in her possession, but rather in the possession of another person or entity that is not directly under her control (e.g., medical providers, service providers, banks, lenders or other financial institutions).

NICHOLAS MICHAEL POLOM objects generally to the Instructions to the extent they seek to impose obligations beyond the scope of the Texas Rules of Civil Procedure and further objects generally to the Definitions to the extent they exceed the requirements of the Texas Rules of Civil Procedure. NICHOLAS MICHAEL POLOM will respond in compliance with the Texas Rules of Civil Procedure.

NICHOLAS MICHAEL POLOM objects generally to the use of the words “each,” “such,” “any,” “all,” and “other,” because they are too global, general, and do not adequately describe which information is requested or sought with reasonable particularity and they are so vague that NICHOLAS MICHAEL POLOM is, in good faith, unable to ascertain what information is requested.

NICHOLAS MICHAEL POLOM further reserves the right to object to additional discovery covered by this discovery request, whether or not documents are furnished herein. NICHOLAS MICHAEL POLOM expressly reserves the right to supplement, revise, add to, clarify, or correct any answers or responses herein. The answers and responses of NICHOLAS MICHAEL POLOM are based upon NICHOLAS MICHAEL POLOM’s understanding of the inquiries proposed by MALENA MIDTOEY POLOM’s Discovery Requests and NICHOLAS MICHAEL POLOM assumes no responsibility for providing information or documents in the care, custody, or control of any entity other than NICHOLAS MICHAEL POLOM and to the extent the request for production attempts to impose such responsibility, objection is made thereto.

In answering *Petitioner’s Request for Production and Inspection*, NICHOLAS MICHAEL POLOM has defined words as used in these responses and requests, as those words are used in common parlance.

NICHOLAS MICHAEL POLOM objects to producing requests which would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person’s possession, custody, or control. A document that does not exist is not within the party’s “possession, custody, or control.” The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* TEX. R. CIV. P. 192.3(b).

NICHOLAS MICHAEL POLOM objects to the discovery requests to the extent they subject NICHOLAS MICHAEL POLOM to an invasion of personal, constitutional, or property rights. TEX. R. CIV. P. 192.6(b).

NICHOLAS MICHAEL POLOM objects to the requests for production of data or information that exists in electronic or magnetic form which NICHOLAS MICHAEL POLOM cannot, through reasonable efforts, retrieve data or information requested. TEX. R. CIV. P. 196.4.

NICHOLAS MICHAEL POLOM does not waive any of her objections by providing the information herein which is given as an accommodation and not otherwise.

To the extent these requests for production request any information which constitutes or is a part of NICHOLAS MICHAEL POLOM's attorney work product, NICHOLAS MICHAEL POLOM objects.

These objections apply to each request and are incorporated by reference into all individual responses and objections set out below. Nothing herein shall be construed to constitute an agreement to produce any documents that are privileged, and such documents will not be produced.

Response on following page.

OBJECTIONS TO PETITIONER’S REQUEST FOR PRODUCTION AND INSPECTION

1. Bank Statements. Documents pertaining to statements prepared by a bank, savings and loan, credit union, or other financial institution on a monthly, quarterly, annual, or other basis, on accounts and deposits, including without limitation savings accounts, checking accounts, money market accounts, and certificates of deposit, which accounts (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has signatory or withdrawal authority.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

2. Check Images. True and correct copy of all written checks for any accounts that (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS

MICHAEL POLOM and/or MALENA MIDTOEY POLOM has signatory or withdrawal authority.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

3. Canceled Checks, Deposit Slips, and Other Canceled Items. Canceled checks, deposit slips and check registers on accounts and deposits in a bank, savings and loan, credit union, or other financial institution, including without limitation savings accounts, checking accounts, money market accounts, and/or certificates of deposit, which accounts (1) are held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM; (2) are held in the name of a business entity in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has, or has had, an interest and/or control (if not held in the name of either party); (3) are held in the name of an alias of NICHOLAS MICHAEL POLOM, nationally or internationally; and/or (4) are held in the name of another person in which NICHOLAS MICHAEL POLOM holds an interest in, in which NICHOLAS MICHAEL POLOM expects to receive an interest, and/or over which NICHOLAS MICHAEL POLOM has signatory or withdrawal authority.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is

unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

4. Financial Statements. A true copy of any financial statement prepared by or on behalf of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, including without limitation personal financial statements, business financial statements, statements presented to any financial institution or lending institution and/or securing financial assistance of any kind, whether nationally or internationally.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

5. Notes and Other Amounts Receivable. Documents pertaining to notes receivable, accounts receivable, and other amounts receivable in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has or has had an interest, legal or equitable, including without limitation notes, loans, amortization schedules, records of payments received, records of amounts currently owing, advances, refunds, credit card advances, and/or lines of credit.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

6. Bartering Records. Documents pertaining to goods and services earned or received from a source by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM in exchange for services performed or work done by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

7. Currency, Digital Currency, Digital Money, and/or Electronic Money. Documents pertaining to any and all funds held by NICHOLAS MICHAEL POLOM or subject to NICHOLAS MICHAEL POLOM'S control and/or access related to electronic currency, digital currency, digital money, and/or electronic money, including but not limited to crypto currency, virtual currency, e-cash, Bitcoin, Ethereum, Ripple, Litecoin, Tether, Bitcoin Cash, Libra, Monero, EOS, or other form of electronically stored currency.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

8. Records of Investments. Instruments (including bartering) of whatsoever nature showing investments that NICHOLAS MICHAEL POLOM has made or have been made for NICHOLAS MICHAEL POLOM, including agreements, documents, instruments, or other papers reflecting the ownership of any interest (legal or equitable) by NICHOLAS MICHAEL POLOM in a corporation, partnership, joint venture, or other business enterprise or entity, including any interests in pension or retirement or tax deferred annuity accounts arising out of NICHOLAS MICHAEL POLOM's employment.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

9. Stock Options, Restricted Stock Units and Other Stock-Based Employee Compensation. Documents pertaining to stock options, restricted stock, restricted stock units, phantom stock, stock appreciation rights, or other stock-based employee compensation plans, programs, and/or arrangements arising out of past or present employment, in which you and/or MALENA MIDTOEY POLOM have or have had an interest, including award agreements, letters, employment agreements that make reference to such plans, programs or awards, documents which evidence the exercise or maturity of such awards, IRS Code Section 83(6) elections, and other evidence of awards.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

10. Retirement and Other Employment Benefits. Documents pertaining to a pension, profit sharing, deferred compensation, employee stock ownership, individual retirement account, IRA/SEP, Keogh, retirement, 401 (k), and/or other retirement and/or employment benefit plan in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM

has or has had an interest, whether vested or contingent, and for each such plan, account, or benefit, including without limitation documents which reflect the following:

- a. Standard plan description, book, booklet, and/or prospectus;
- b. Statements of employee and employer contributions from the date of employment to the present;
- c. Actuarial estimates of prospective, future benefits;
- d. Account statements and supporting documents issued during the course of the plan;
- e. Statements issued by a financial institution holding a retirement account, and documents reflecting contributions to and/or withdrawals from said account;
- f. Name and address of plan administrator; and
- g. Loans and/or other debts against which said retirement plan and/or account is pledged and/or secured.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

11. Securities and Brokerage House Accounts. Documents pertaining to stocks, bonds, or other securities in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns, or has owned, an interest, legal or equitable, whether such securities are held individually or in a brokerage house account, and for each security so held, including without limitation documents which reflect the following:

- a. All such bonds, shares, or certificates;
- b. Brokerage house account statements, transaction receipts, and other documents pertaining to the nature and extent of the securities;
- c. Purchase receipts or other documents pertaining to purchase price and date of purchase of securities;
- d. Sales receipts or other documents pertaining to sale and date of sale of securities;
- e. Documents pertaining to any debts secured by the securities, including without limitation collateral pledge agreements;
- f. Buy-sell agreements; and/or
- g. Shareholder and stock ledgers.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

12. Earning Records. Documents pertaining to monies earned or received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM from a source, including without limitation pay stubs, receipts, and statements of earnings, said earnings to include without limitation wages, salary, straight time earned, overtime earned, bonuses, contract labor, commissions, pending commissions and listings, fringe benefits, and/or unemployment compensation and benefits, and documents referable to deductions or withholdings from said earnings, including without limitation federal and state income tax withheld, social security (FICA) withheld, Medicare withheld, self-employment taxes, self-employment deductions, unemployment insurance, medical or other insurance deductions, stock options or purchase plans, retirement or pension plans, profit-sharing plans, employee savings plans, flexible spending accounts, day care deductions and/or credits, itemized deductions, and/or repayment of loans and/or debts.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

13. Employment, Compensation, Bonuses, Deferred Compensation, Severance Pay. All documents relating to your employment compensation, including contracts and contract employment, and all documents relating to your overtime compensation, bonuses, deferred compensation, and severance pay that you have received or have been eligible to receive since January 1, 2020, including –
- a. The complete employer's personnel file maintained for NICHOLAS MICHAEL POLOM for the entire period of employment;
 - b. The original employment contract or agreement for NICHOLAS MICHAEL POLOM;
 - c. The payroll records showing the gross pay, including commissions, deferred bonus, and/or severance pay, withholding deductions, and net pay for all compensation paid to NICHOLAS MICHAEL POLOM for the period from January 1, 2020, to the date of production of the records;
 - d. The expense-account records showing the nature and amount of all expenses reimbursed to NICHOLAS MICHAEL POLOM under the terms of employment for the period from January 1, 2020, to the date of production of the records;
 - e. The original or official written health insurance plan, medical reimbursement plan, life insurance plan, employee stock ownership plan, stock option plan, stock appreciation plan, employee retirement plan, pension plan, profit-sharing plan, and/or savings plan or other employee benefit plan or official summary thereof, and

- any loan, withdrawal, or distribution information, together with the annual report of the interest of NICHOLAS MICHAEL POLOM in those plans, for the period from January 1, 2020, to the date of production of the records; and
- f. The travel records showing the date and place of destination and duration of all periods of travel of NICHOLAS MICHAEL POLOM for the period from January 1, 2020, to the date of production of the records.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

14. Community Income. All documents reflecting community income since the date of marriage that are not otherwise requested herein.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

15. Interest Income. Your 1099 forms, bank statements, and all documents evidencing all interest received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

16. Dividend Income. Your 1099 forms, brokerage firm statements, and all documents evidencing all dividends received by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM from all sources.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

17. Deductions or Withholdings From, or Attributable To, Income. Documents pertaining to deductions or withholdings from, or attributable to, a source of income of NICHOLAS MICHAEL POLOM, including, but not limited to, income tax withheld, social security (FICA), unemployment insurance, medical or other insurance, stock options or purchase plans, retirement or pension plans, profit-sharing plans, savings plans, repayment of debts and the like.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

18. Income Tax Returns. Documents pertaining to personal federal and state income tax returns filed by or on behalf of you and/or MALENA MIDTOEY POLOM, including without limitation accompanying schedules and attachments, documents used in connection with the preparation of such returns (which are not already produced in response to another category herein), communications to and from the Internal Revenue Service relating to a filed or to be filed return, records of tax pre-payments made by you and/or MALENA MIDTOEY POLOM for the non-filed return, and worksheets of estimated taxes prepared by or on behalf of you and/or MALENA MIDTOEY POLOM for a non-filed return.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

19. Communications with the Internal Revenue Service. All communications to and from the Internal Revenue Service, whether written or electronic, regarding tax filings, refunds, and liabilities of the parties **(no time limit)**.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

20. Other Monetary Receipts. Documents pertaining to other monetary receipts received by, and/or paid to or on behalf of NICHOLAS MICHAEL POLOM, whether denominated as loans, gifts, tax refunds, cash payments, royalties, rental income, management fees, dividends, interest, interest refunds, proceeds from sale of property, accounts receivable collections and retainers, income from partnerships and/or joint ventures, distributions from business entities, distributions and/or income from trusts, social security benefits received, periodic payments made to a retirement and/or disability program or plan, and documents referable to deductions or withholdings from said earnings, including without limitation federal and state income tax withheld, social security (FICA) withheld, Medicare withheld, self-employment taxes, self-employment deductions, business deductions, itemized deductions, and/or repayment of loans and/or debts *not otherwise requested herein*.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the

request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

21. Notes and Other Amounts Receivable. Documents pertaining to notes receivable, accounts receivable, and other amounts receivable in which NICHOLAS MICHAEL POLOM has or has had an interest, legal or equitable, including without limitation notes, loans, amortization schedules, records of payments received, records of amounts currently owing, advances, refunds, credit card advances, and/or lines of credit.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

22. Employment Records. Records of employment contracts, signing bonuses, incentive packages, termination agreements, letters of resignation and other indicia of the employment of NICHOLAS MICHAEL POLOM, including correspondence between you and any of your employers.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

23. Education. Documents pertaining to your educational training, status, and progress, including formal or informal schooling, tutoring, counseling, and continuing education, whether public or private education, and including admittance applications, transcripts, report cards, school records, evaluations, test scores, course attendance and completion certificates, and disciplinary reports.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or

expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

24. Other Sources of Income. All statements, reports, records, and other documents which reflect all other sources of income of NICHOLAS MICHAEL POLOM received since January 1, 2020 or anticipated to be received by either party within the foreseeable future, which have not heretofore been produced.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

25. Payment Processing Accounts. Documents and statements that reflect transactions or pertain to payment processing and/or holding accounts used to transfer money and/or make or receive payments, including but not limited to PayPal, Google Wallet, Apple Pay Cash, Facebook, Square Cash, Stripe, Snapcash, Venmo and Zelle, which accounts are in your name or subject to your control.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

26. Venmo. If you transfer, send, or receive money using “Venmo”, statements prepared by Venmo or a printout providing a detailed summary of your Venmo purchase history reflecting each transaction with Venmo within the time period as set out herein.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

27. Amazon. If you have an account with “Amazon”, statements prepared by Amazon or a printout providing a detailed summary of your Amazon purchase history reflecting each purchase and transaction with your Amazon account within the time period as set out herein.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P.

192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person’s possession, custody, or control. A document that does not exist is not within the party’s “possession, custody, or control.” The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

28. Business Expense Records. Documents reflecting expenses paid on behalf of NICHOLAS MICHAEL POLOM, requested to be paid by or on behalf of NICHOLAS MICHAEL POLOM, and/or to be paid for or on behalf of NICHOLAS MICHAEL POLOM, whether reimbursed or not, in connection with a business or pursuit of gain or profit, and for each such expense, including without limitation claims and expense account vouchers, receipts for payments accompanying such claims and vouchers, receipts for reimbursements, and statements and receipts pertaining to credit cards used by NICHOLAS MICHAEL POLOM in connection with a business or pursuit of gain or profit.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person’s possession, custody, or control. A document that does not exist is not within the party’s “possession, custody, or control.” The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex.

1998); *see also* Tex. R. Civ. P. 192.3(b).

29. Employment Records. Records of employment contracts, signing bonuses, incentive packages, termination agreements, letters of resignation and other indicia of the employment of NICHOLAS MICHAEL POLOM, including correspondence between you and any of your employers.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

30. Closely-Held Corporations and/or Unincorporated Business Entities. Documents from January 1, 2020, to the present pertaining to corporations, partnerships, joint ventures, sole proprietorships, and/or other business organizations in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns, or has owned, an interest, legal or equitable, and for each such business entity, including documents which reflect the following, and documents reflecting amendments thereto:
- a. Membership agreements, partnership agreements, co-tenancy agreements, franchise agreements, shore transfer agreements, shareholder agreements, brokerage agreements, stock restriction agreements, and buy-sell agreements;
 - b. Articles of Incorporation;
 - c. Corporate charter;
 - d. By-Laws, and amendments thereto;
 - e. Minutes of the Board of Directors' meetings, shareholders' meetings, and minutes of committees of the Board of Directors, and including minutes of the first three directors' and shareholders' meetings;
 - f. Stock ledgers, stock certificates, records of stock ownership, and the name and address of the stockholders, along with the number of shares owned;
 - g. The name, address, and office held by the officers of the business;
 - h. The capitalization of the business, and the source thereof;
 - i. Documents and instruments detailing related-party receipts and/or payments (receipts from and/or payments to owners, any family members of owners, or other businesses with common ownership), including a description of the reason for each receipt and/or payment;
 - j. Sales and other transfers of interest and/or stock in said business by an owner and/or shareholder, including without limitation the names and addresses of buyers and sellers, the amount of the interest and/or number of shares transferred, and the price paid for said transfer;
 - k. Offers to purchase or sell stock in said business, or offers to invest in the business;
 - l. List of subsidiaries and/or financial interests in other companies, with relevant financial statements, if any;
 - m. Assumed names and/or "dba's";

- n. Future issues of stock and/or interest in the business, including without limitation stock options, warrants, subscription agreements, convertible securities, and/or employment contracts;
- o. Prospectuses or other writings used in connection with public offerings, or internal proposals within the business to make public offerings;
- p. The fair market value of the business, including prior valuations and/or appraisals of the business or an interest therein;
- q. Federal and State income tax returns and franchise tax returns, along with accompanying schedules and attachments thereto;
- r. Monthly, quarterly, and annual financial statements, including balance sheets, profit and loss statements, records of retained earnings, cash flow statements, income statements, budgets, financial projections, projections of capital expenditures, and business plans, and including interim financial statements for the current year;
- s. Back-up of electronic bookkeeping file (e.g., Quickbooks) with password(s) to access data;
- t. Financial statements prepared for the business' use and/or for submission to a lending institution and/or another entity, and/or prepared for another reason, including without limitation documents submitted with said financial statement;
- u. Bank statements, canceled checks, receipts, deposit slips, cash register tapes, and other documents pertaining to an account in a financial institution held by or on behalf of the business;
- v. Property inventories and depreciation schedules, including Documents related to leases of equipment;
- w. Deed records of real property owned by said business, and documents pertaining to debts secured by said property;
- x. Aged accounts receivable and accounts payable records;
- y. Salaries, bonuses, dividends, distributions, and/or other amounts paid by the business to the employees, contractors, owners, and/or shareholders;
- z. Employment contracts and contractor agreements, including without limitation employment and/or contractor contracts between NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM and the business, and a listing of employees and contractors by function performed;
- aa. List of prepaid expenses;
- bb. Creditor agreements and the names, addresses, and loan officers of institutions and/or individuals who have lent money to said business;
- cc. The amount of the credit lines which said business enjoys with a lending institution or individual with whom it has such credit lines, including without limitation the amount of the line of credit, the amount distributed from the line of credit, the amount owing on the line of credit, and the security proffered for the line of credit;
- dd. Leases, records of leasehold improvements, records of lease payments, records of fair rental value, and records of marketing of leased space;
- ee. Customer agreements, including Documents reflecting the five largest customers for each of the past three fiscal years, including annual billings or estimate of percentage of total revenues for each customer;

- ff. Supplier agreements, including Documents reflecting the five largest vendors/suppliers for each of the past three fiscal years, including annual purchases or estimate of percentage of total expenses for each vendor for each year;
- gg. Distributor agreements;
- hh. Contracts entered into by said business to furnish goods or services, and listings of products and/or services offered by the business; and
- ii. Documents related to intangible assets of the business and/or off-balance-sheet-items, including but not limited to franchise rights.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

- 31. Debts. Documents reflecting indebtedness owed or owing by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, including without limitation promissory notes, creditors' statements, bills, statements and invoices evidencing charges and debts incurred, mortgage documents, liens, debts, notes, pending or unexpected claims against secured property, money borrowed against said property, payment books, and documents pertaining to payments made on account for such debts.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

32. Secured Debts. Records of debts or liens against any property owned by NICHOLAS MICHAEL POLOM, including liens, debts, notes, pending or expected claims against said property, money borrowed against said property and the like.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

33. Monthly Expenses. Documents reflecting monthly expenses of NICHOLAS MICHAEL POLOM, whether paid monthly or otherwise, including without limitation house payments, rent, real property taxes, utilities (gas, electric, water, garbage), groceries and household items, meals away from home, medical or hospitalization expenses, dental orthodontic expenses, pharmaceutical expenses, laundry and dry cleaning, car and vehicle payments, gasoline, vehicle maintenance and repair, other transportation costs and expenses, clothing, insurance (e.g., life, home, fire and casualty, health, hospitalization, medical, dental, automobile, personal liability), haircuts, dues and donations, entertainment, monthly expenses or payments in reference to investments, professional fees or charges (e.g., lawyer, CPA, etc.), and other such expenses or costs.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

34. Credit Card and Charge Accounts. Statements, receipts, and other documents pertaining to charges and payments on credit card and/or charge accounts held in the name of

NICHOLAS MICHAEL POLOM, and/or accounts on which NICHOLAS MICHAEL POLOM has signatory authority.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

35. Other Debts. Documents reflecting indebtedness owed or owing, other than credit card and charge accounts, by NICHOLAS MICHAEL POLOM, including without limitation promissory notes, creditors' statements, bills, statements and invoices evidencing charges and debts incurred, mortgage documents, loans, liens, lines of credit, debts, notes, pending or unexpected claims against secured property, money borrowed against said property, student loans, payment books, and documents pertaining to payments made on account for such debts.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

36. Instruments of Guaranty. Documents pertaining to, or by which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM personally guaranteed or offered to personally guarantee, in whole or in part, the indebtedness of or payment owing by another person, regardless of whether the guaranty is presently in effect or was accepted, and including without limitation documents given to NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM by the lender(s) and/or principal(s) in connection with each said guaranty, the loan which was guaranteed or offered to be guaranteed, and documents reflecting the current status and balance of said debt which was guaranteed.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is

unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

37. Notes Payable. Outstanding notes payable executed by NICHOLAS MICHAEL POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

38. Accounts Payable. Books, records, documents and instruments pertaining to debts and liabilities owed by NICHOLAS MICHAEL POLOM including, but not limited to, open accounts, notes, mortgages and liens, pledges, payment books and records.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

39. Gifts and Loans to Others by NICHOLAS MICHAEL POLOM. Documents reflecting gifts and/or loans made by you exceeding \$800.00 to another person (other than MALENA MIDTOEY POLOM), including documents reflecting the date of such gifts, the amount of such gifts, expenditures made by you for the entertainment of another person, travel with another person, gifts to another person, loans to another person, and/or dinners and/or parties for or on behalf of another person other than MALENA MIDTOEY POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

40. Gifts and Loans to NICHOLAS MICHAEL POLOM. Documents pertaining to gifts and/or loans of any kind made to you by another person exceeding \$800.00 (other than MALENA MIDTOEY POLOM).

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

41. Motor Vehicles. Documents pertaining to motor vehicles, airplanes, farm equipment, boats, trailers, recreational vehicles, motorcycles, collector’s cars and vehicles, and other modes of transportation in which NICHOLAS MICHAEL POLOM has, or has had, an interest, legal or equitable, and for each such vehicle, including without limitation the following:

- a. Documents of title;
- b. Bills of sale;
- c. Documents referable to a loan or other amount payable which is secured by the vehicle, including without limitation notes, security instruments, payment books, amortization schedules, indicia of amount current owed, and/or records of payments made;
- d. Appraisals; and
- e. Written offers to sell or purchase said vehicle.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P.

192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

42. Intellectual and Intangible Property or Property Rights. Documents, items or materials referable to intellectual property or intellectual property rights and/or legal entitlements owned by you and/or MALENA MIDTOEY POLOM or in which you or MALENA MIDTOEY POLOM have or may have any interest or right in relation to the intellectual property, whether established or in development, including copyrights, patents, trademarks, geographical indication, industrial design rights, trade secrets, related rights, trade names, domain names, database rights, mask work, plant breeders; rights, plant variety rights and supplementary protection certificates.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

43. Safe Deposit Box Records. Documents pertaining to a safe deposit box held in the name of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, alone, or jointly with other persons, or in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has an interest or entrance authority.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

44. Funds Held by Another. All documents that relate to funds, property, or accounts held by another for your benefit.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

45. Funds for the Benefit of Another. All documents that relate to funds, property, or accounts held by you for the benefit of another.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

46. Mineral and/or Oil and Gas Rights. Documents pertaining to any interest held by or on behalf of MALENA MIDTOEY POLOM in mineral leases, mineral rights, oil and gas leases, oil and gas rights, oil and gas royalties, mineral royalties, drilling rights, and/or other activity relating to the ownership and/or production of mineral and/or oil and gas interests.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the

request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

47. Miles, Points, Rewards. Any and all documents reflecting any points, miles, or rewards from any and all credit card accounts you have in your name or for which you have control or any memberships you have such as a rewards program, hotel, travel, or airlines.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

48. Valuable Tangible Personal Property. Documents pertaining to items of tangible personal property having a value of over \$500.00, such as furniture, cash, coins, collections, appliances, antiques, furs, clothing, jewelry, firearms, coin collections, stamp collections, heirlooms, collectibles, jewelry, painting and other artwork, and/or other collections or collectible pieces of property in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM owns or has owned an interest, legal or equitable, and for each item, documents which reflect the following:

- a. Documents of title;
- b. Source of payment;
- c. Bills of sale;
- d. Liens or other security instruments secured by said property, and payments made thereon;
- e. Appraisals, including without limitation insurance appraisals; and/or
- f. Offers to sell or purchase said property.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the

documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

49. Separate Property. Documents which support your claims of separate property (including the inception of title and tracing evidence), regardless of whether these documents have been produced in response to another request for production herein, and for each separate property claim, documents which reflect the following (no time limit).
- a. Identification of each piece of alleged separate property;
 - b. When and how each piece of property was obtained by you;
 - c. The basis of your separate property claim(s);
 - d. The value of said property; and
 - e. The source of the funds used to purchase said property, if applicable.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

50. Reimbursement. Documents pertaining to reimbursement claims you have against the community estate and/or against the separate estate of NICHOLAS MICHAEL POLOM, if any, regardless of whether such documents have been produced in response to other requests for production herein, and for such claims, documents which reflect the value and description of the claim, and the legal and factual basis of the claim (no time limit).

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

51. Reimbursement Claims of NICHOLAS MICHAEL POLOM. Documents pertaining to claims you have that reimbursement claims of NICHOLAS MICHAEL POLOM are or are not valid, regardless of whether these documents have been produced in response to other requests for production herein (no time limit).

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

52. Real Estate Presently Owned. Documents pertaining to real property in which NICHOLAS MICHAEL POLOM owns an interest, legal or equitable, including without limitation the following: a. Documents of title, including without limitation deeds, contracts for deeds, and/or contracts of purchase, sale, and/or other conveyances; b. Promissory notes payable and/or receivable, mortgage documentation, amortization schedules, end-of-the-year

mortgage and escrow statements, deeds of trust, liens, security agreements, and other evidence of debt secured by the property and/or owing for purchase of the property; c. Leases and rental agreements; d. Written offers to purchase or sell, including earnest money contracts; e. Agreements among co-owners and/or co-tenants; f. Probate records, if applicable; g. Income and expense statements, if applicable; h. Closing statements relating to purchase, sale, loans, and/or refinancing of said property; i. Written appraisals; j. Tax assessor appraisals and statements, and documents used to support and/or challenge said appraisals; k. Title policy; l. Documents evidencing the source of the down payment or real property purchased, and the location of deposit for proceeds from real property sold; and m. Receipts and documents pertaining to maintenance of and/or improvements made to the property, including without limitation the source of the funds used for said maintenance and/or improvements.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

53. Real Estate Sold. Books, records, documents and instruments pertaining to real property in which NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM has sold an interest, whether legal or equitable, including, but not limited to, the following:
- a. Deeds, contracts of purchase and sale and other conveyances;
 - b. Notes receivable in consideration of such sale;
 - c. Deeds of trust, mortgages and other security agreements securing such notes;
 - d. Agreements among co-owners relating to such sale;
 - e. Closing statements relating to purchase, borrowing and sale of such property;
 - f. Written appraisals made within three years of the date of such sale; and
 - g. Documents evidencing where the proceeds of such sale were deposited.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

54. Lease Agreements. Documents reflecting property leased by NICHOLAS MICHAEL POLOM, including without limitation leases, lease agreements, and/or documents pertaining to security deposits.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

55. Real Estate Outside the United States. All deeds, purchase documents, titles, and any other documents reflecting the purchase of real property outside the United States (no time limit).

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

56. Life Insurance and Annuities. Documents pertaining to annuities and to policies of life insurance insuring the life of NICHOLAS MICHAEL POLOM and for each annuity or life insurance policy, documents which reflect the following: a. Company; b. Policy or annuity number; c. Date purchased, and source of funds used for purchase; d. Type of policy or annuity; e. Amount of coverage; f. Cash value, if any; g. Name of insured; h. Name of owner, if different from insured; i. Name of beneficiary or beneficiaries; j. Amount and frequency of premium payments, and documents reflecting premium payments made; k. Amount and date of a loan secured by the annuity or policy, if any, and the current status and balance of such loan; l. Application of dividends; and m. Change of beneficiary forms which have been submitted, if applicable.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

57. Health and Dental Insurance. Health and dental insurance policies, plan descriptions, statements of benefits, premiums owing and/or paid (if not a payroll deduction), billing statements, correspondence, explanations of coverage, reimbursements paid, records of uninsured expenses, the effective dates of policies in effect, policies available but not yet

enrolled in, applications submitted (whether accepted or not), policies offered through NICHOLAS MICHAEL POLOM's and/or MALENA MIDTOEY POLOM's employment (whether enrolled or not), and other documents pertaining to health insurance policies insuring, or available to insure, MALENA MIDTOEY POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

58. Health Savings Accounts. All documents regarding the Health Savings Accounts held in the name of NICHOLAS MICHAEL POLOM, or subject to NICHOLAS MICHAEL POLOM's control, including but not limited to a true and correct copy of the plan, 8889 tax forms, and the account history from January 1, 2020, to present.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

59. Litigation. Except for documents pertaining to this cause, Documents pertaining to lawsuits, civil actions, bankruptcy proceedings, claims, and/or other litigation in which NICHOLAS MICHAEL POLOM, and/or entities in which NICHOLAS MICHAEL POLOM have or has had an interest has been a party, and for such claims, documents reflecting the following:
- a. The cause number and style of the case;
 - b. The names of the parties; and
 - c. The nature and disposition of the action.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

60. Videotapes, Audio tapes, and Other Documentary Evidence. The originals of videotapes, audio tapes, photographs, computer images and/or files, and/or other documents relevant to issues in this cause, including out-takes therefrom, which videotapes, audio tapes, photographs, computer images and/or files, and/or other documents depict and/or record NICHOLAS MICHAEL POLOM, and/or MALENA MIDTOEY POLOM, and/or persons listed in response to request for disclosure propounded by NICHOLAS MICHAEL POLOM.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

61. Letters and/or Written Memoranda. Letters and/or written memoranda between you, MALENA MIDTOEY POLOM and/or persons listed in response to a request for disclosure and/or interrogatory propounded to NICHOLAS MICHAEL POLOM, and/or other persons which are relevant to issues in this cause.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

62. E-Mail, Text & Other Electronic Communication. Electronic-mail and text correspondence (whether deleted or not deleted) and other electronic communication between you and MALENA MIDTOEY POLOM, between you and other persons not specifically requested elsewhere with relevant knowledge, and/or between MALENA MIDTOEY POLOM and other persons with relevant knowledge, via email transmission or text message or of an electronic nature regarding or pertaining to the parties. The information sought herein should be produced by the process of burning same to CD/DVD or removable drive, transmitting same electronically and/or by drive image.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

63. ESI. Electronic mail, text messages, and any other electronically stored communications in NICHOLAS MICHAEL POLOM’s possession or control, whether deleted or not deleted, produced in static format, between NICHOLAS MICHAEL POLOM and other persons with relevant knowledge, regarding or pertaining to the parties, the marriage, the property of either party, NICHOLAS MICHAEL POLOM’s gifts or transfer of monies or property to any other person or entity and/or any romantic or sexual relationship either party has had with any person other than his or her spouse.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the

documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

64. Travel Records. Documents pertaining to travel by NICHOLAS MICHAEL POLOM, including without limitation airline tickets, lodging receipts, meal receipts, itineraries, receipts, and other documents referable to travel and/or travel expenditures, together with records of reimbursement received for such travel-related expenditures.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

65. Current Credit Report. A current copy of your credit report from all of the following credit bureaus:
- a. Equifax Credit Information Services, Inc., P.O. Box 740241, Atlanta, GA 30374; 1-800-685-1111; **www.equifax.com**;
 - b. Experian (TRW), P.O. Box 2002, Allen, TX 75013; 1-888-397-3742; **www.experian.com**; or

- C. TransUnion LLC, Consumer Disclosure Center, P.O. Box 1000, Chester, PA 19022; 1-800-888-4213; www.transunion.com.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

66. Clubs and Organizations. Membership certificates, statements, and/or other documents pertaining to membership of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM's in clubs, associations, frequent flyer and/or other mileage or hotel clubs, and/or other organizations, including statements of privileges, accrued benefits, and/or other benefits received by ownership of membership in said club.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

67. Trust Instruments. Trust instruments and other records pertaining to any trust for the benefit or support of NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM including but not limited to, correspondence, withdrawals, account statements, and trustee information.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

68. Inter Vivos Trust. Records relating to inter vivos trusts from which benefits have been received by NICHOLAS MICHAEL POLOM, are being received by NICHOLAS

MICHAEL POLOM, or will be received by NICHOLAS MICHAEL POLOM, whether such trusts are revocable or irrevocable.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

69. Inheritance or Expected Inheritance. **No time limit:** Documents reflecting any inheritance expected to be received by you or for which you have already received including documents which reflect the following:

- a. A description of such inheritance received or expected to be received (i.e. property, cash, stocks)
- b. The location of such inheritance received or expected to be received;
- c. The name and address of the trustee, custodian and/or the person holding such property;
- d. When & how such inheritance is/was received or expected to be received by you;
- e. The current gross & net value of any inheritance received or expected to be received by you;
- f. A description of and the amount of any and all withdrawals and/or distributions from any such inheritance since January 1, 2020 to current;
- g. The financial institution for any trust or custodial account held in a financial institution of any inheritance received or expected to be received by you.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person’s possession, custody, or control. A document that does not exist is not within the party’s “possession, custody, or control.” The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

70. Property Held in Trust. Documents pertaining to property being held in trust for NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM, and/or held by NICHOLAS MICHAEL POLOM and/or MALENA MIDTOEY POLOM as trustee, and for each such trust, documents reflecting the following:
- a. The location of such trust and/or property;
 - b. A description of such trust and/or property;
 - c. The name and address of the trustee and/or the person holding such property;
 - d. The current value of such property;
 - e. Withdrawals and/or distributions from said trust;
 - f. Financial institution statements for a trust held in a financial institution;
 - g. Trust agreements and amendments thereto;
 - h. Assets and values of assets owned by the trust;
 - i. Debts and liabilities, and the amount thereof, owed by the trust, and the property secured therefor;
 - j. Income received by the trust, and distributions made therefrom;
 - k. State and federal income tax returns prepared by or on behalf of the trust, including without limitation accompanying schedules and attachments thereto;
 - l. inter vivos trusts; and
 - m. whether the trust is revocable or irrevocable.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

71. Instagram, Facebook, Twitter or X, Reddit, Snapchat, and Any Other Social Networking Websites or Websites. A Copy of NICHOLAS MICHAEL POLOM's profile, photographs and any posts on any social networking websites and/or dating websites in NICHOLAS

MICHAEL POLOM's name or to which NICHOLAS MICHAEL POLOM posts or has posted information, whether or not those sites are currently disabled.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

72. Documents Used in Preparation of Answers to Interrogatories and Initial Disclosures. Documents used by NICHOLAS MICHAEL POLOM in preparing NICHOLAS MICHAEL POLOM's answers to interrogatories and/or NICHOLAS MICHAEL POLOM's initial disclosures in this cause, which are not already produced in response to other request for production herein.

ASSERTION OF PRIVILEGE:

Withholding statement: Information or material responsive to the request has been withheld. NICHOLAS MICHAEL POLOM asserts the attorney-client privilege and work-product privilege. Tex. R. Evid. 503; Tex. R. Civ. P. 192.5.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the

documentation sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

73. Documents Pertaining to NICHOLAS MICHAEL POLOM's Pleadings and Legal Claims. Documents which support any claims made by NICHOLAS MICHAEL POLOM in NICHOLAS MICHAEL POLOM's pleadings, or otherwise in this cause, which are not already produced in response to other requests for production herein.

ASSERTION OF PRIVILEGE:

Withholding statement: Information or material responsive to the request has been withheld. NICHOLAS MICHAEL POLOM asserts the attorney-client privilege and work-product privilege. Tex. R. Evid. 503; Tex. R. Civ. P. 192.5.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

74. Trial Exhibits. All documents, exhibits, demonstrative exhibits, and tangible things intended for use at the trial of this case or a hearing in this case.

ASSERTION OF PRIVILEGE:

Withholding statement: Information or material responsive to the request has been withheld. NICHOLAS MICHAEL POLOM asserts the attorney-client privilege and work-product privilege. Tex. R. Evid. 503; Tex. R. Civ. P. 192.5.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

75. Privilege Logs. Any and all privilege logs or other documents which describe any and all documents being withheld from production or request by subpoena duces tecum based upon a privilege.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production to the extent that the request would require NICHOLAS MICHAEL POLOM to create a document(s) not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

76. Correspondence with Others. Electronic-mail and text correspondence (whether deleted or not deleted) and other electronic communication between you and someone with whom you have had a sexual and/or romantic relationship with other than MALENA MIDTOEY POLOM since January 1, 2020 via email transmission or text message or of an electronic nature. The information sought herein should be produced by the process of burning same to CD/DVD or removable drive, transmitting same electronically and/or by drive image.

OBJECTIONS:

NICHOLAS MICHAEL POLOM objects to this request for production to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the request for production in resolving the issues. Tex. R. Civ. P. 192.4(b).

NICHOLAS MICHAEL POLOM objects to this request for production on the basis that it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes "a fishing expedition." Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. D-1-FM-25-000392

**IN THE MATTER OF
THE MARRIAGE OF**

**MALENA MIDTOEY POLOM
AND
NICHOLAS MICHAEL POLOM**

§
§
§
§
§
§

IN THE DISTRICT COURT

353RD JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**NICHOLAS MICHAEL POLOM'S OBJECTIONS TO PETITIONER'S WRITTEN
INTERROGATORIES PROPOUNDED TO RESPONDENT**

To: **MALENA MIDTOEY POLOM**, by and through her attorneys of record, D. Micah Royer, III and Katherine L. Obando, COLDWELL BOWES, LLP, 2801 Via Fortuna, Terrace 7, Suite 530, Austin, Texas 78746, efiling.royer@coldwellbowes.com and efiling.obando@coldwellbowes.com.

NICHOLAS MICHAEL POLOM, Respondent, provides the attached *Nicholas Michael Polom's Objections to Petitioner's Written Interrogatories Propounded to Respondent*.

GENERAL OVERVIEW

- A. These responses are not intended to, nor should they be construed as, affecting waivers as to any objection that NICHOLAS MICHAEL POLOM may have in relation to the relevance, materiality, admissibility, privilege, or competence, either of the various interrogatories and discovery requests or the information or documents identified herein. These answers and responses are intended to preserve and do in fact preserve all of NICHOLAS MICHAEL POLOM's rights to object on any grounds at any time to the discovery itself or to the use of information gained through this discovery in this litigation.
- B. NICHOLAS MICHAEL POLOM further reserves the right to object to additional discovery matters covered by this discovery request, whether or not answers are furnished herein. NICHOLAS MICHAEL POLOM expressly reserves the right to supplement, revise, add to, clarify, or correct answers or responses herein. The answers and responses of NICHOLAS MICHAEL POLOM are based upon NICHOLAS MICHAEL POLOM's understanding of the inquiries proposed by MALENA MIDTOEY POLOM's discovery request, and NICHOLAS MICHAEL POLOM assumes no responsibility for providing information in the care, custody, or control of any entity other than NICHOLAS MICHAEL POLOM. To the extent that the interrogatories attempt to impose some responsibility, NICHOLAS MICHAEL POLOM cannot provide those answers.

NICHOLAS MICHAEL POLOM'S OBJECTIONS TO PETITIONER'S WRITTEN INTERROGATORIES PROPOUNDED TO RESPONDENT

In the Matter of the Marriage of Malena Midtoey Polom and Nicholas Michael Polom

Page 1 of 12

**GENERAL ASSERTIONS OF PRIVILEGE, OBJECTIONS, AND ANSWERS TO MALENA MIDTOEY
POLOM'S FIRST SET OF WRITTEN INTERROGATORIES TO NICHOLAS MICHAEL POLOM**

NICHOLAS MICHAEL POLOM objects to the production of records, documents and/or items which are not in NICHOLAS MICHAEL POLOM's actual possession, custody or control, to the extent MALENA MIDTOEY POLOM and/or MALENA MIDTOEY POLOM attorney's interrogatories requires that she obtain documents or answers not currently in her possession, but rather in the possession of another person or entity that is not directly under her control (e.g., medical providers, service providers, banks, lenders or other financial institutions).

NICHOLAS MICHAEL POLOM objects generally to the Instructions to the extent they seek to impose obligations beyond the scope of the Texas Rules of Civil Procedure and further objects generally to the Definitions to the extent they exceed the requirements of the Texas Rules of Civil Procedure. NICHOLAS MICHAEL POLOM will respond in compliance with the Texas Rules of Civil Procedure.

NICHOLAS MICHAEL POLOM objects to any interrogatory which calls for disclosure of information constituting communications protected by the attorney-client privilege, the work-product privilege, or any other applicable privilege as defined by the Texas Rules of Civil Procedure.

Objection is made to the terms, "each and every," "any and all," "all," and/or "any" in MALENA MIDTOEY POLOM's interrogatories on the grounds that such terms are global, overly broad, unduly burdensome, oppressive, and harassing. *See* TEX. R. CIV. P. 192.3(A); *In re CSX Corp.*, 124 S.W.3d 149, 152 (TEX. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (TEX. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (TEX. 1998). Furthermore, the request, as worded, places NICHOLAS MICHAEL POLOM at risk if NICHOLAS MICHAEL POLOM inadvertently fails to identify "any and all" documents, places, and amounts.

NICHOLAS MICHAEL POLOM further reserves the right to object to additional discovery covered by this discovery request, whether or not documents are furnished herein. NICHOLAS MICHAEL POLOM expressly reserves the right to supplement, revise, add to, clarify, or correct any answers or responses herein. The answers and responses of NICHOLAS MICHAEL POLOM are based upon NICHOLAS MICHAEL POLOM's understanding of the inquiries proposed by extent MALENA MIDTOEY POLOM's Discovery Requests and NICHOLAS MICHAEL POLOM assumes no responsibility for providing information or documents in the care, custody, or control of any entity other than NICHOLAS MICHAEL POLOM and to the extent the request for production attempts to impose such responsibility, objection is made thereto.

In answering *MALENA MIDTOEY POLOM's Written Interrogatories Propounded to Respondent*, NICHOLAS MICHAEL POLOM has defined words as used in these answers and interrogatories, as those words are used in common parlance.

NICHOLAS MICHAEL POLOM objects to answering interrogatories or producing documents which would require NICHOLAS MICHAEL POLOM to create an answer or document(s) not in existence. A party is not required to answer *Written Interrogatories* or produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within the party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or support data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* TEX. R. CIV. P. 192.3(b).

NICHOLAS MICHAEL POLOM objects to the interrogatories to the extent they subject NICHOLAS MICHAEL POLOM to an invasion of personal, constitutional, or property rights. TEX. R. CIV. P. 192.6(b).

NICHOLAS MICHAEL POLOM objects to the interrogatories for production of data or information that exists in electronic or magnetic form if NICHOLAS MICHAEL POLOM cannot, through reasonable efforts, retrieve data or information requested. TEX. R. CIV. P. 196.4.

NICHOLAS MICHAEL POLOM does not waive any of his objections by providing the information herein which is given as an accommodation and not otherwise.

To the extent these interrogatories request any information which constitute or is a part of NICHOLAS MICHAEL POLOM's attorneys' work product, NICHOLAS MICHAEL POLOM objects.

These objections apply to each Interrogatory and are incorporated by reference into all individual answers and objections set out below. Nothing herein shall be construed to constitute an agreement to produce any documents that are privileged, and such documents will not be produced.

Further objection is made to the interrogatories on the basis that they contain discrete unrelated subparts that should count as single interrogatories and violate the limit to 25 interrogatories in a Discovery Level 2 case. TEX. R. CIV. P. 190.3(b)(3); 190.4.

Signatures and Certificate of Service on following page.

Respectfully submitted,

KIRKER | DAVIS LLP

8310 North Capital of Texas Highway

Suite 1-350

Austin, Texas 78731

Tel: (512) 598-0010

service@kirkerdavis.com



By: _____

STEPHEN W. PAYNE

State Bar No. 24129623

Margaret C. Farrell

State Bar No. 24130333

Attorneys for NICHOLAS MICHAEL POLOM

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on April 7, 2025:

D. Micah Royer, III
Katherine L. Obando
COLDWELL BOWES, L.L.P.

2801 Via Fortuna
Terrace 7, Suite 530

Austin, Texas 78746

Tel: (512) 472-2040

Efiling.royer@coldwellbowes.com

Efiling.obando@coldwellbowes.com

_____ Hand Delivery
_____ Certified Mail/RRR
_____ Telephonic Document Transfer
_____ Courier Receipted Delivery
_____ ☒ E-mail
_____ ☒ E-Service



STEPHEN W. PAYNE

MARGARET C. FARRELL

Attorney for NICHOLAS MICHAEL POLOM

OBJECTIONS TO PETITIONER'S WRITTEN INTERROGATORIES
PROPOUNDED TO RESPONDENT

1. State your net and gross income, and all other monetary receipts and other receipts, including without limitation any loans, commissions, employee/employment benefits, bonuses, gifts, charge card advances, royalties, rental income, subsidized housing and transportation, retirement plans, management fees, dividends, and overtime pay which you have received, for each month from the date of marriage through the present, itemizing net and gross salary and any commissions, bonuses, management fees, overtime pay and rental income, tax refunds, cash payments, loans, dividends, gifts, charge card advances, stock and/or stock option grants, interest, refunds and other monetary or other type receipts, and on what date and from whom each item of income or other receipt was received for each receipt separately, to whom it was paid, and into what account each such item of income was deposited, and if the receipt of any such income was deferred, to what account or to whom it was deferred.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

2. State the name, address, and telephone number of any person who is expected to be called to testify at the trial of this lawsuit as well as a brief description of the testimony you expect to be provided by such person.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it requires NICHOLAS MICHAEL POLOM to marshal his evidence in response thereto. Tex. R. Civ. P. 192.3(j), 192 cmt.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

3. Have you audio/video/tape recorded any conversations in which MALENA MIDTOEY POLOM or any persons listed in response to *Initial Disclosures* were involved since January 1, 2020? If so, please identify all said recordings, when it was recorded, whose voices appear on the tape, what state you were in at the time of the recording, what state was the other person(s) in at the time of the recording, and the general substance of such conversations.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM'S OBJECTIONS TO PETITIONER'S WRITTEN INTERROGATORIES PROPOUNDED TO RESPONDENT

In the Matter of the Marriage of Malena Midtoey Polom and Nicholas Michael Polom
Page 5 of 12

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

4. If you have owned an interest in any entity since January 1, 2020, for each such entity state-
- a. the identity and location of the entity;
 - b. the form of the business organization (for example, corporation or partnership) of the entity;
 - c. the starting date of the entity or date you began your association with the entity;
 - d. how much you have contributed (for example, time, money, property, or other things of value) to the entity;
 - e. your ownership interest in the entity (in shares or percentage); and
 - f. the annual gross profits of the entity during each year since January 1, 2020.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

5. Identify all real, personal, or intangible property rights, whether legal or equitable, owned by you or any entity in which you own an interest.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

7. List all bank accounts, brokerage accounts, or financial accounts in which you, MALENA MIDTOEY POLOM, and/or any business entity owned in whole or in part by you and/or MALENA MIDTOEY POLOM have or have had any interest and/or signatory authority at any time since the date of marriage, including without limitation all checking accounts, savings accounts, money market accounts, brokerage house accounts, certificates of deposit, any accounts held offshore and/or outside the continental United States, and/or any other accounts held in any financial institution, and for each such account, identify (as that term is defined herein):

- a. the financial institution;
- b. the account number;
- c. the name in which the account is held;
- d. the identity of all authorized signatories, and
- e. the current balance and/or value of the account to your knowledge.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome,

or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

8. If you allege any property is your separate property, for each item of alleged separate property, state—

- a. a complete description of the property;
- b. the date you acquired the property;
- c. from whom you acquired the property (if you believe the property was a gift to you);
- d. what funds (if any) you used to purchase the property;
- e. what you believe the fair market value of the property to be; and
- f. the identity of any person(s) who can substantiate your separate property claim, if anyone.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it seeks to require NICHOLAS MICHAEL POLOM to state a legal conclusion.

9. State in detail the division of the community estate which you will be asking the Court to make in this case, listing for each item of community property its value and to whom you are requesting it be awarded, for each community liability, its amount and to whom you are requesting it be assigned for payment, and if you are requesting a disproportionate division of the property in your favor, please state in general the facts which you believe justify such a division.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is overly broad and seeks to require NICHOLAS MICHAEL POLOM to provide more than a basic statement of his legal contentions and the factual bases for those contentions. NICHOLAS MICHAEL POLOM is not required to marshal the evidence in response to a written interrogatory. Tex. R. Civ. P. 192.3(j), 192 cmt.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it seeks to require NICHOLAS MICHAEL POLOM to state a legal conclusion.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is

premature, as discovery in this matter is ongoing.

10. If you contend that one of the marital estate (that is, the community estate, your separate estate, or your spouse's separate estate) has a reimbursement claim against another marital estate, for each claim, state the marital estates affected, the nature of the claim (including but not limited to the elements in section 3.402 of the TEXAS FAMILY CODE on which you base the claim), and the amount of the claim.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is overly broad and seeks to require NICHOLAS MICHAEL POLOM to provide more than a basic statement of his legal contentions and the factual bases for those contentions. NICHOLAS MICHAEL POLOM is not required to marshal the evidence in response to a written interrogatory. Tex. R. Civ. P. 192.3(j), 192 cmt.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it seeks to require NICHOLAS MICHAEL POLOM to state a legal conclusion.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

11. If you have made or received any gifts of funds, money, property, or property rights in excess of a value of \$800.00 to or from any person other than MALENA MIDTOEY POLOM since the date of marriage, for each such gift or transfer state—

- a. the identity and location of each person;
- b. the date and nature of the gift or transfer; and
- c. the value of the gift or item transferred.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

13. If you propose that you be awarded more than fifty percent (50%) of the community estate, state in general the legal theories that support your proposal and identify facts of which you are specifically aware that establish, demonstrate, or prove that proposal.

NICHOLAS MICHAEL POLOM’S OBJECTIONS TO PETITIONER’S WRITTEN INTERROGATORIES PROPOUNDED TO RESPONDENT

In the Matter of the Marriage of Malena Midtoey Polom and Nicholas Michael Polom

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is overly broad and seeks to require NICHOLAS MICHAEL POLOM to provide more than a basic statement of his legal contentions and the factual bases for those contentions. NICHOLAS MICHAEL POLOM is not required to marshal the evidence in response to a written interrogatory. Tex. R. Civ. P. 192.3(j), 192 cmt.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it seeks to require NICHOLAS MICHAEL POLOM to state a legal conclusion.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

14. If you, or an entity in which you own an interest, own any motor vehicles, boats, recreational vehicles, watercraft, or aircraft, state:

- a. the make;
- b. model;
- c. year;
- d. license number/motor number/serial number/vehicle identification number;
- e. fair market value;
- f. name(s) in which item is titled; and
- g. present location.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

15. If any property is held for you or a business entity in which you hold an interest by another person or entity, for each property state—

- a. the identity and location of the person or entity holding the property;
- b. a description of the property being held; and
- c. the conditions and/or authority under which the property is being held for your benefit.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is

premature, as discovery in this matter is ongoing.

16. For each sum of money owed by either party to any person or entity, to your knowledge or belief, state-

- a. a description of the debt, including the identity and location of the creditor(s);
- b. the percentage that each estate (that is, the community estate, your separate estate, and your spouse's separate estate) is liable for the debt;
- c. the current balance of the debt;
- d. the balance of the debt on date of marriage;
- e. a description of each item of property that secures the debt, if any;
- f. the purpose(s) for which the debt was incurred; and
- g. in general the legal theories and factual bases that support your contention about liability for the debt and the purpose(s) for which the debt was incurred.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

17. If you contend that MALENA MIDTOEY POLOM is not entitled to a disproportionate division of the community estate, state in general the legal theories and factual bases that support your contention.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it requires NICHOLAS MICHAEL POLOM to marshal his evidence in response hereto. Tex. R. Civ. P. 192.3(j), 192 cmt.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it seeks to require NICHOLAS MICHAEL POLOM to state a legal conclusion.

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

18. If you have engaged in intimate sexual contact (including sexual intercourse, oral sex, fondling, or other sexual stimulation) with anyone other than MALENA MIDTOEY POLOM during this marriage, state—

- a. the identity and location of each person with whom you have had such contact; and
- b. the dates, times of day, and locations of each occurrence of intimate sexual contact.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is

global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it subjects NICHOLAS MICHAEL POLOM to undue burden, unnecessary expense, harassment, or annoyance. Tex. R. Civ. P. 192.6(b).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

19. With respect to each and every job or occupation you have had since January 1, 2020, whether full time or part time, including self-employment or at-home businesses, please answer the following questions:

- a. name and address of employer;
- b. job title or position;
- c. dates of employment;
- d. monthly salary or average monthly wages;
- e. description of reason for separation from employer (i.e. termination, lay-off, voluntary separation, etc.); and
- f. The explanation or facts surrounding the reason for separation from employer (as referenced in subsection (e))

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

21. If you have sold, transferred and/or gifted any personal or real property to another since January 1, 2020, including but not limited to a motor vehicle, state: (1) the date of the transaction; (2) a description of the property; (3) the name and contact information of the recipient; and (4) the amount the property was sold for, if anything.

OBJECTIONS: NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent it is

global, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence and therefore constitutes “a fishing expedition.” Tex. R. Civ. P. 192.3(a); *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003); *In re Dana Corp.*, 138 S.W.3d 298, 302 (Tex. 2004); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the information sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

NICHOLAS MICHAEL POLOM objects to this interrogatory to the extent the answer sought is premature, as discovery in this matter is ongoing.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. D-1-FM-25-000392

**IN THE MATTER OF
THE MARRIAGE OF**

**MALENA MIDTOEY POLOM
AND
NICHOLAS MICHAEL POLOM**

§
§
§
§
§
§

IN THE DISTRICT COURT

353RD JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

NICHOLAS MICHAEL POLOM'S RESPONSES TO REQUEST FOR DISCLOSURES

To: **MALENA MIDTOEY POLOM**, by and through her attorneys of record, D. Micah Royer, III and Katherine L. Obando, COLDWELL BOWES, LLP, 2801 Via Fortuna, Terrace 7, Suite 530, Austin, Texas 78746, efiling.royer@coldwellbowes.com and efiling.obando@coldwellbowes.com.

STEPHEN W. PAYNE and MARGARET C. FARRELL, Attorneys for Respondent, NICHOLAS MICHAEL POLOM, provides the attached *Responses to Request for Disclosures*.

Respectfully submitted,

KIRKER | DAVIS LLP

8310 North Capital of Texas Highway
Building 1-350

Austin, Texas 78731

Tel: 512.598.0010

service@kirkerdavis.com



By: _____

STEPHEN W. PAYNE

State Bar No. 24129623

Margaret C. Farrell

State Bar No. 24130333

Attorneys for NICHOLAS MICHAEL POLOM

Certificate of Service on following page.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on April 7, 2025:

D. Micah Royer, III
Katherine L. Obando
COLDWELL BOWES, L.L.P.
2801 Via Fortuna
Terrace 7, Suite 530
Austin, Texas 78746
Tel: (512) 472-2040
Efiling.royer@coldwellbowes.com
Efiling.obando@coldwellbowes.com

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Hand Delivery |
| <input type="checkbox"/> | Certified Mail/RRR |
| <input type="checkbox"/> | Telephonic Document Transfer |
| <input type="checkbox"/> | Courier Receipted Delivery |
| <input checked="" type="checkbox"/> | E-mail |
| <input checked="" type="checkbox"/> | E-Service |



STEPHEN W. PAYNE
MARGARET C. FARRELL
Attorney for NICHOLAS MICHAEL POLOM

RESPONSES TO REQUEST FOR DISCLOSURES

1. State the correct names of the parties to the lawsuit.

Response:

MALENA MIDTOEY POLOM is Petitioner.
NICHOLAS MICHAEL POLOM is Respondent.

2. State the name, address, and telephone number of each potential party.

Response:

No potential parties are known to NICHOLAS MICHAEL POLOM at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

3. State the legal theories and, in general, the factual bases for your claims or defenses.

Response:

The legal theories and factual bases of NICHOLAS MICHAEL POLOM's claims and defenses are contained in NICHOLAS MICHAEL POLOM's pleadings, motions, and other documents filed or exchanged in this cause, including but not limited to: NICHOLAS MICHAEL POLOM's *Original Counter-Petition for Divorce* filed on February 3, 2025, and any subsequent pleadings and motions that NICHOLAS MICHAEL POLOM has filed or will file, as well as his discovery responses and deposition testimony that MALENA MIDTOEY POLOM is entitled to take. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

4. State the amount and any method of calculating economic damages.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

5. State the name, address, and telephone number of persons having knowledge of relevant facts, and give a brief statement of each identified person's connection with the action.

Response:

NICHOLAS MICHAEL POLOM

Petitioner

MALENA MIDTOEY POLOM

Respondent

Stephen W. Payne

KIRKER | DAVIS LLP

8310 North Capital of Texas Highway, Suite 1-350

Austin, Texas 78731

Telephone: (512) 598-0010

Counsel for NICHOLAS MICHAEL POLOM

Margaret C. Farrell

KIRKER | DAVIS LLP

8310 North Capital of Texas Highway, Suite 1-350

Austin, Texas 78731

Telephone: (512) 598-0010

Counsel for NICHOLAS MICHAEL POLOM

Frank B. Schlueter

KIRKER | DAVIS LLP

8310 North Capital of Texas Highway, Suite 1-350

Austin, Texas 78731

Telephone: (512) 598-0010

Paralegal for NICHOLAS MICHAEL POLOM's counsel

D. Micah Royer, III

COLDWELL | BOWES L.L.P.

Attorneys at Law

2801 Via Fortuna

Terrace 7, Suite 530

Austin, Texas 78746

Telephone: (512) 472-2040

Counsel for MALENA MIDTOEY POLOM

Katherine L. Obando

COLDWELL | BOWES L.L.P.

Attorneys at Law

2801 Via Fortuna

Terrace 7, Suite 530

Austin, Texas 78746

Telephone: (512) 472-2040

Counsel for MALENA MIDTOEY POLOM

Robert Metz

WhitleyPenn

640 Taylor Street, Suite 2200

Fort Worth, Texas 76102

Telephone: (817) 259-9100

NICHOLAS MICHAEL POLOM's Rebuttal Expert

NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

NICHOLAS MICHAEL POLOM incorporates by reference and cross-designates all persons named by MALENA MIDTOEY POLOM's as persons with knowledge of relevant facts in her Response to Request for Disclosure.

6. For any testifying expert:

- (A) The expert's name, address, and telephone number;
- (B) The subject matter on which the expert will testify;
- (C) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for those impressions and opinions, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting that information; and
- (D) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (i) All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (ii) The expert's current resume and biography.

Response:

STEPHEN W. PAYNE

KIRKER | DAVIS LLP

8310 N. Capital of Texas Highway

Ste. 1-350

Austin, Texas 78731

Tel: (512) 598-0010

service@kirkerdavis.com

Mr. Payne may be called to testify regarding the fees incurred by NICHOLAS MICHAEL POLOM in connection with this case, and any fees that would be incurred by NICHOLAS

MICHAEL POLOM if this case were appealed.

Mr. Payne's opinion is that the fees incurred by NICHOLAS MICHAEL POLOM in connection with this case have been necessary and reasonable. Mr. Payne has knowledge pertaining to the work performed and the fees charged in connection with this case and knowledge of fees charged by other attorneys in and around Travis County, Texas, for providing similar services for a case of this type and complexity.

Mr. Payne's mental impressions and opinions regarding attorney's fees and expenses associated with the trial of this case and any appeal thereof are also based on Mr. Payne's knowledge and understanding of Rule 1.04 of the Texas Disciplinary Rules, which set forth the following non-exclusive list of factors to be considered in determining the reasonableness of fees charged by attorneys:

1. The time and labor involved, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly;
2. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
3. The fee customarily charged in the locality for similar services;
4. The amount involved, and the results obtained; and
5. The nature and length of the professional relationship with the client.

Mr. Payne is also familiar with the Supreme Court case of *Arthur Andersen & Co., v. Perry Equipment Corporation*, 945 S.W. 2d 812 and other similar cases which discuss the relevant factors to be considered in determining the reasonableness of attorney's fees.

Mr. Payne's mental impressions are based, in part, on his education and experience as an attorney licensed to practice law in the State of Texas, and Board Certified in Family Law by the Texas Board of Legal Specialization.

Redacted billing statements are being provided herewith electronically.

Mr. Payne does not maintain a *curriculum vitae* and Mr. Payne's expert qualifications may be found at the KIRKER | DAVIS LLP website: <https://www.kirkerdavis.com/>.

The legal services contract is being provided on this date electronically.

MARGARET C. FARRELL
KIRKER | DAVIS LLP
8310 N. Capital of Texas Highway
Ste. 1-350
Austin, Texas 78731
Tel: (512) 598-0010
service@kirkerdavis.com

Ms. Farrell may be called to testify regarding the fees incurred by NICHOLAS MICHAEL

POLOM in connection with this case, and any fees that would be incurred by NICHOLAS MICHAEL POLOM if this case were appealed.

Ms. Farrell's opinion is that the fees incurred by NICHOLAS MICHAEL POLOM in connection with this case have been necessary and reasonable. Ms. Farrell has knowledge pertaining to the work performed and the fees charged in connection with this case and knowledge of fees charged by other attorneys in and around Travis County, Texas, for providing similar services for a case of this type and complexity.

Ms. Farrell's mental impressions and opinions regarding attorney's fees and expenses associated with the trial of this case and any appeal thereof are also based on Ms. Farrell's knowledge and understanding of Rule 1.04 of the Texas Disciplinary Rules, which set forth the following non-exclusive list of factors to be considered in determining the reasonableness of fees charged by attorneys:

1. The time and labor involved, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly;
2. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
3. The fee customarily charged in the locality for similar services;
4. The amount involved, and the results obtained; and
5. The nature and length of the professional relationship with the client.

Ms. Farrell is also familiar with the Supreme Court case of *Arthur Andersen & Co., v. Perry Equipment Corporation*, 945 S.W. 2d 812 and other similar cases which discuss the relevant factors to be considered in determining the reasonableness of attorney's fees.

Ms. Farrell's mental impressions are based, in part, on her education and experience as an attorney licensed to practice law in the State of Texas, and Board Certified in Family Law by the Texas Board of Legal Specialization.

Redacted billing statements are being provided herewith electronically.

Ms. Farrell does not maintain a *curriculum vitae* and Ms. Farrell's expert qualifications may be found at the KIRKER | DAVIS LLP website: <https://www.kirkerdavis.com/>.

The legal services contract is being provided on this date electronically.

Robert Metz, CPA/ABV, CFE
WHITLEY PENN
3600 N. Capitol of Texas Highway
Building B
Austin, Texas 78746
(737) 931-8224

Mr. Metz may be called to testify as a rebuttal expert regarding any opinions of value

proffered by MALENA MIDTOEY POLOM as to any business interests owned by NICHOLAS MICHAEL POLOM. Mr. Metz may further be called to testify as a rebuttal expert relative to the following matters: accounting or taxation matters, characterization of property, valuation, financial dealings and other financial accounts and properties and entities owned by the Petitioner, Respondent or Petitioner and Respondent, tracing, reimbursement, valuation of benefits, budgets, and tax implications of any property division and other financial issues. Mr. Metz is expected to review relevant expert reports and financial records produced by MALENA MIDTOEY POLOM, as well as any relevant financial records and information provided by NICHOLAS MICHAEL POLOM.

Mr. Metz's mental impressions and opinions may be elicited through his deposition and or through any rebuttal report(s) he may prepare in this case. Mr. Metz will rely on his training, experience, skill and knowledge.

Documents provided and reviewed by or prepared by Mr. Metz will be made available in electronic format.

A copy of Mr. Metz's *curriculum vitae* and fee agreement are provided herewith in electronic format. A description of Robert Metz's qualifications can also be found at: <https://www.whitleypenn.com/robert-metz/>.

7. Produce any discoverable settlement agreement described by Rule 192.3(g), TEXAS RULES OF CIVIL PROCEDURE.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

8. Produce any discoverable witness statements described by Rule 192.3(h), TEXAS RULES OF CIVIL PROCEDURE.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

9. Produce all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

10. Produce all medical records and bills obtained by you through an authorization provided by the requesting party.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

11. Produce the name, address, and telephone number of any person who may be designated as a responsible third party.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

SCOTT WHEELER
Wheeler & Associates
6836 Bee Caves Road,
Austin, Texas 78746
Tel: (512) 329-0800

Mr. Wheeler may testify regarding the appraised value of the real property and improvements 311 Bella Montagna Circle, Austin, Texas 78734, which is owned by the parties. Mr. Wheeler may also testify in rebuttal to any opinion proffered by MALENA MIDTOEY POLOM on these subjects.

Mr. Wheeler's mental impressions are expected to be found in his Residential Appraisal report, which is being provided electronically herewith. Mr. Wheeler's additional mental impressions may also be contained in his deposition, which MALENA MIDTOEY POLOM is entitled to elicit and take. Mr. Wheeler is a Certified Residential Real Estate Appraiser and holds a Texas Real Estate Sales Agent license.

All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony will be included in Mr. Wheeler's report.

Mr. Wheeler's *curriculum vitae* is enclosed electronically herewith.

12. Any discoverable settlement agreement described by Rule 192.3(g), Texas Rules of Civil Procedure;

Settlement Agreements. A party may obtain discovery of the existence and contents of any relevant portions of a settlement agreement. Information concerning a settlement agreement is not by reason of disclosure admissible in evidence at trial.

Response:

NICHOLAS MICHAEL POLOM is unaware of any such agreements at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

13. Any discoverable witness settlement described by Rule 192.3(h), Texas Rules of Civil Procedure.

Statements of Persons with Knowledge of Relevant Facts. A party may obtain discovery of the statement of any person with knowledge of relevant facts - a "witness statement" - regardless of when the statement was made. A witness statement is (1) a written statement signed or otherwise adopted or approved in writing by the person making it, or (2) a stenographic, mechanical, electrical, or other type of recording of a witness's oral statement, or any substantially verbatim transcription of such a recording. Any person may

obtain, upon written request, his or her own statement concerning the lawsuit, which is in the possession, custody or control of any party.

Response:

NICHOLAS MICHAEL POLOM is unaware of any such statements at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

14. In an action alleging physical or mental injury and damages from the occurrence that is the subject of the action:

- a. All medical records and bills that are reasonably related to the injuries or damages asserted; or
- b. An authorization permitting the disclosure of the information described by Paragraph a.

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

15. In an action alleging physical or mental injury and damages from the occurrence that is the subject of the action, all medical records and bills obtained by the responding party through an authorization provided by the requesting party; and

Response:

None at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

16. The name, address, and telephone number of any person who may be designated as a responsible third party.

Response:

No third parties are known to NICHOLAS MICHAEL POLOM at this time. NICHOLAS MICHAEL POLOM reserves the right to supplement or amend this response in the future, up and until the close of the discovery period.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Edgington on behalf of Dale Royer

Bar No. 24056237

kim@coldwellbowes.com

Envelope ID: 99436493

Filing Code Description: RESPONSE

Filing Description: MALENA MIDTOEY POLOM'S RESPONSE TO
MOTION TO SEAL COURT RECORDS

Status as of 4/9/2025 7:52 AM CST

Associated Case Party: MALENAMIDTOEYPOLOM

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|----------------------------------|---------------------|--------|
| Katherine Obando | 24097048 | efiling.obando@coldwellbowes.com | 4/8/2025 8:27:53 PM | SENT |

Associated Case Party: NICHOLASMICHAELPOLOM

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|---------------------|--------|
| Stephen W. Payne | | service@kirkerdavis.com | 4/8/2025 8:27:53 PM | SENT |