

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. <b>WMN05CV1297</b>
	)	
JOHN BAPTIST KOTMAIR, JR.,	)	
and SAVE-A-PATRIOT FELLOWSHIP,	)	
	)	
Defendants.	)	

**DEFENDANT KOTMAIR'S FIRST SET INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. Rule 26 et seq., the Defendant John Baptist Kotmair, Jr, *pro se*, requests that the Petitioner's produce the items below within twenty (20) days of service. Also, attached herewith, is the first set of Interrogatories for which response is required to be provided within twenty (20) days of service. This request incorporates by reference the definitions as set forth below. The production of documents may be effected by mailing copies of each to Respondent's address:

**DEFINITIONS**

The following definitions shall have the following meanings, unless the context requires otherwise:

1. Parties. The term "respondent" or "Petitioner" as well as a party's full or abbreviated name or pronoun referring to a party means the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.
2. Person. The term "person" is defined as any natural person or any business, legal or governmental entity, or association.
3. Document. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 7034(a) and include computer records in any format. A draft or non-identical copy is a separate document within the meaning of this term.
4. Communication. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries, or otherwise.
5. Identify (person). When referring to a person, "identify" means to give to the extent known the person's full name, present or last known address, and telephone number, and additionally, when referring to a natural person, the present or last known place of employment. Once a person has been identified in compliance with this paragraph, only the name of that person need be listed in response to later discovery requesting the identification of that person.
6. Identify (document). When referring to documents, "identify" means to give, to the extent known (a) the type of document; (b) the general subject matter; (c) the date of the document; (d) the authors, addressees, and recipients; (e) the location of the document; (f) the identity of the person or entity who has custody of the document; and (g) whether the document has been destroyed, and, if so, the (i) date of its destruction, (ii) reason for its destruction, and (iii) identity of the person who destroyed it.

7. Relating. The term "relating" means concerning, referring, describing, evidencing, or constituting, directly or indirectly.
8. All/Each. The terms "all" and "each" shall be construed as "and," "each," and "and/or."
9. Any. The term "any" should be understood in either its most or least inclusive sense as necessary to bring within scope of the discovery request all responses that context might otherwise be construed to be outside of its scope.
10. And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed outside of its scope.
11. Number. The use of the singular form of any word includes the plural and vice versa.

## **Request for Production of Documents**

### **Interrogatory #1.**

Please identify all prospective witnesses the government intends to call to testify in any trial or hearing in this matter, and please furnish a summary of the anticipated testimony of each witness.

### **Interrogatory #2.**

Please identify all witnesses known to the government who could supply exculpatory evidence, or evidence which might tend to be favorable to the defendants in this matter.

### **Interrogatory #3.**

Please identify all affidavits, documents, recordings and other tangible items which the government intends to introduce into evidence in this matter.

### **Request for Production #1.**

Please provide a copy of any items referred to in your response to interrogatory #3.

### **Interrogatory #4.**

Please identify all affidavits, documents, recordings, and other tangible items that government has knowledge of which may be exculpatory or favorable to defendants in this matter.

### **Request for Production #2.**

Please provide a copy of any items referred to in your response to interrogatory#4.

### **Interrogatory #5.**

Paragraph 11 of the Complaint states:

*“Both associate and full members are covered by the “Member Assistance Program,” also known as the “Victory Express,” which provides financial incentives for members to violate the internal, revenue laws.”*

Please identify any member or members of Save A Patriot Fellowship who the government claims to have been motivated to commit a crime subsequent to, and on account of, payment or promise of a “financial incentive” of the Membership Assistance Program and/or the Victory Express Program.

**Interrogatory #6.**

Paragraph 17 of the Complaint states:

*“For members who give Kotmair power of attorney over their tax matters, Kotmair staffers working at his direction respond to IRS notices of deficiency, liens, levies, and seizures, and other correspondence with letters making frivolous arguments about the internal revenue laws and indicating a refusal to cooperate with the IRS. Defendants charge an additional \$38 to \$48 per letter.”*

Please identify the particular letters or documents that the government claims to contain the “frivolous arguments about the internal revenue laws” referred to in Paragraph 17 of the original complaint.

**Request for Production #3.**

Please provide a copy of any items referred to in your response to interrogatory#6.

**Request for Production #4.**

Paragraph 18 of the Complaint states:

*“Kotmair and SAPF staffers working at his direction file frivolous Freedom of Information Act (FOIA) requests on behalf of members.”*

Please provide copies of the particular freedom of information requests that the government claims to contain “*frivolous Freedom of Information Act*” requests.

**Interrogatory #7.**

- A. List the specific “advice” given with respect to federal taxes alleged in paragraph 43 of the complaint.
- B. Identify the person or persons giving, or any document conveying, advice alleged in paragraph 43 of the complaint.
- C. Identify the person or persons to whom such advice was given alleged in paragraph 43 of the complaint.

**Request for Production #5.**

Please provide a copy of any documents referred to in your response to interrogatory #7.

**Interrogatory #8.**

Paragraph 15 of the Complaint has several subparts consisting of quotations from various sources. Please identify each of the quotes, including, but not by way of limitation, the person who authored each quote and/or the source of each quote.

**Request for Production #6.**

Please provide a copy of any items referred to in your response to Interrogatory #8.

**Request for Production #7.**

Paragraph 29 of the Complaint makes reference to the preparation of “documents understating their customers’ tax liabilities.” Please identify each of these documents and provide copies of any and every such documents that are referred to in your response to this paragraph.

**Interrogatory #9.**

With respect to Paragraph 22 of the complaint: Please identify the items that you are claiming contain “false commercial speech,” and what you are claiming in each identified item, to be false commercial speech.

**Request for Production #8.**

Please provide a copy of any items referred to in your response to Interrogatory #9.

**Interrogatory #10.**

With respect to the above cited paragraph 22 of the original Complaint: please identify THE individuals you are claiming that were “directed” and “incited” to violate internal revenue laws; as the result of the speech referred to.

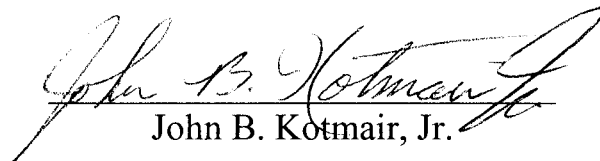
**Request for Production #9.**

Please provide a copy of any items referred to in your response to Interrogatory #10.

**Interrogatory #11.**

Paragraphs 29 and 32 of the complaint refer to the term, “tax benefit.” Please explain or define what is meant by the term “tax benefit” in the cited paragraphs.

Submitted this 19<sup>th</sup> day of September, 2005

  
John B. Kotmair, Jr.