

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROBERT H. BRAVER, an individual,

Plaintiff,

v.

**AMERIQUEST MORTGAGE
COMPANY, INC. dba AMERIQUEST
MORTGAGE CORPORATION, INC. its
AGENTS, EMPLOYEES, and ASSIGNS;
et al**

Defendants.

CASE NO. CIV-04-1013-W

**AMERIQUEST MORTGAGE
COMPANY, a Delaware corporation,**

Cross-Complainant,

v.

**LEAD EXTREME, a Washington
corporation; VISIUM SOLUTIONS
CORPORATION, a Florida corporation;
and PROFESSIONAL EQUITY
MARKETING, a California corporation,
and ROES 1-50, inclusive,**

Cross-Defendant.

INITIAL DISCLOSURES OF DEFENDANT AND CROSS-COMPLAINANT

AMERIQUEST MORTGAGE COMPANY PURSUANT TO FRCP 26

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant and Cross-Complainant

Ameriqurest Mortgage Company (“Ameriqurest”) makes the following initial disclosures:

I. WITNESSES:

The individuals presently known to Ameriqurest as being likely to have discoverable

information that Ameriquest may use to support its defenses and cross-claims are:

1. Jennifer Egan, Ameriquest Mortgage Company, c/o Michael J. Cereseto, Buchalter, Nemer, Fields & Younger, 601 So. Figueroa, Suite 2400, Los Angeles, California 90017, (213) 891-0700. The subject of this information is Ameriquest's lead purchase program and the fact that the allegedly offending e-mails that are the subject of this action were not sent by Ameriquest. Ms. Egan will also testify about the Lead Purchase Agreements between Ameriquest and Cross-Defendants.

2. Michele Denton, Ameriquest Mortgage Company, c/o Michael J. Cereseto, Buchalter, Nemer, Fields & Younger, 601 So. Figueroa, Suite 2400, Los Angeles, California 90017. The subject of this information is generally Ameriquest's practices and procedures with respect to marketing contacts in connection with purchased leads and specifically Ameriquest's marketing contacts with Plaintiff (and/or others) in connection with purchased leads which are the subject of this action.

Ameriquest expressly reserves the right to identify and/or use additional witnesses to support its claims as such witnesses become known to Ameriquest during the course of this litigation and also expressly reserves the right to utilize any witness who has been identified by Plaintiff or any other Defendant or Cross-Defendant as part of their initial disclosures, or who might subsequently be identified or used by Plaintiff or any other Defendant or Cross-Defendant. This list does not include expert witnesses, who need not yet be disclosed.

II. DOCUMENTS:

Ameriquest, presently has in its possession, custody, or control, the following documents that it may use to support its claims or defenses in this action:

1. Loan Purchase Agreements with Cross-Defendants and any other third party lead

generator who may have sent one or more e-mails to Plaintiff or any person associated with Plaintiff.

2. Documents relating to Ameriquest's purchase of consumer leads from third party lead generators that relate to, or are associated with, Plaintiff.
3. Documents relating to Ameriquest's contacts with Plaintiff and/or others in connection with purchased leads that are the subject of this action.

Once the Court enters a Stipulated Protective Order between and among all parties to the main action and cross-complaint, all of the above documents, will be made available for inspection and copying at the law offices of Riggs, Abney, Neal, Turpen, Orbison & Lewis, 5801 Broadway Extension, Suite 101, Oklahoma City, OK 73118.

Ameriquest expressly reserves the right to identify and/or produce additional documents, data compilations and tangible things to support its claims as such items become known to Ameriquest during the course of this litigation and also expressly reserves the right to utilize any of the documents, data compilations and/or tangible things which have been identified and/or produced by Plaintiff or any other Defendant or Cross-Defendant as part of their initial disclosures, or as might subsequently be identified or produced by them.

III. DAMAGES:

Ameriquest has express indemnity agreements with Cross-Defendants and any other entities and/or individuals from whom it purchases leads. Ameriquest has filed a cross-complaint for indemnity against the Cross-Defendants.

IV. INSURANCE:

Ameriquest is not aware at this time whether it has insurance coverage for Plaintiffs' claims. When and if Ameriquest determines that it does have insurance coverage with respect to

the claims, it will supplement this disclosure accordingly.

DATED: April 25, 2005

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AMERIQUEST MORTGAGE COMPANY

CERTIFICATE OF SERVICE

This is to certify that on this 25th day of April, 2005, I electronically transmitted the attached documents to the Clerk of Court using the ECF system for filing the transmittal of a Notice of Electronic Filing to the following registrants:

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