

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROBERT H. BRAVER, an individual)
)
Plaintiff,)
)
v.)
)
AMERIQUEST MORTGAGE COMPANY,)
INC., et al.)
)
Defendants.)

Case No. CIV-04-1013-W

**DEFENDANT LEAD2NET.NET, INC.'S
SUPPLEMENTAL/AMENDED RESPONSES
TO PLAINTIFF'S INTERROGATORIES**

Defendant Lead2net.Net, Inc. ("Lead2") hereby submits supplemental/amended responses to Plaintiff's Interrogatories.

GENERAL OBJECTIONS

1. Lead2 hereby responds to plaintiff's discovery subject to and without waiving the assertions in its Motion to Dismiss. Specifically, Lead2 lacks sufficient minimum contacts with the State of Oklahoma to justify the Court's exercise of personal jurisdiction. Neither specific nor general jurisdiction exists over Lead2.

2. Lead2 objects to plaintiff's definitions and instructions to the extent that they attempt to impose upon it obligations beyond those required by the Federal Rules of Civil Procedure, the local rules of this Court, or the Court's Order regarding jurisdictional discovery.

3. Lead2 objects to plaintiff's definition of "you", "your" and "this Defendant" as over broad, and apparently intended to obligate Lead2 to respond to plaintiff's discovery requests on behalf of other persons or entities.

Exhibit
#3

4. Lead2 objects to the discovery to the extent it calls for the production of information or documents protected by the attorney-client privilege or work product doctrine.

5. Lead2 objects to the discovery to the extent it calls for proprietary or confidential information.

6. Lead2 objects to the time frame of the discovery requests. The instructions and definitions state that unless specified otherwise, “the time period referred to herein is the time period specified in Plaintiff’s Petition [sic]” This is vague and ambiguous as no “time period” is specified in the Complaint.

SPECIFIC OBJECTIONS AND RESPONSES

Subject to the foregoing General Objections and any additional objections made in response to specific discovery requests, Lead2 responds as follows:

INTERROGATORIES

INTERROGATORY NO. 1: State the domain name of every website you used to generate business.

RESPONSE TO INTERROGATORY NO. 1: Objection. This Interrogatory is over broad in time frame. Subject to and without waiving the foregoing objection and subject to the discussion between counsel regarding what this interrogatory is seeking, the only websites which Lead2 recalls ever utilizing to generate business are www.emortgagetree.com (for the period of June 20 to August 8, 2005 to generate leads) and www.lead2net.net (to sell leads). The www.emortgagetree.com website has not been utilized by any person or company to generate any business other than during the June 20 to August 8, 2005 period.

INTERROGATORY NO. 2: Provide the name and contact information of the lead supplier identified in paragraph 17 of the Affidavit of Nicholas Passalacqua.

RESPONSE TO INTERROGATORY NO. 2: After a search of its business records, Lead2 does not have any information from which to answer this Interrogatory.

INTERROGATORY NO. 3: State your knowledge related to the identity of the sender of the email identified in paragraph number 16 of the Affidavit of Nicholas Passalacqua.

RESPONSE TO INTERROGATORY NO. 3: Lead2 has no knowledge of the identity of the sender of the email.

INTERROGATORY NO. 4: State what updated information was provided on April 3, 2006 to the Registrar related to the domain www.emortgagetree.com.

RESPONSE TO INTERROGATORY NO. 4: This is a website owned by Mr. Passalacqua. He does not recall providing any "updated information" on April 3, 2006. From looking at directNIC.com on the internet, Mr. Passalacqua recalls that he renewed or updated the purchase of the domain name on-line on April 3, 2006. He believes that the registrant and contact information was not changed. Mr. Passalacqua has listed Lead2 as the registrant and himself as the administrative and technical contact with Lead2's address so that he would not receive any mail or phone calls at his residence.

INTERROGATORY NO. 5: Identify all documents which relate to claims in paragraph 6 of the Affidavit of Nicholas Passalacqua that the www.emortgagetree.com website is owned by Nicholas Passalacqua.

RESPONSE TO INTERROGATORY NO. 5: Objection. This Interrogatory is over broad in seeking the identification of “all documents which relate to.” Subject to and without waiving the foregoing objection, *see* Exhibit A attached hereto which was recently retrieved from directNIC.com.

INTERROGATORY NO. 6: Provide the name and contact information of the person or entity to whom you sold the lead identified in paragraph 17 of the Affidavit of Nicholas Passalacqua.

RESPONSE TO INTERROGATORY NO. 6: Upon information provided by Ameriquest in this litigation: Ameriquest.

INTERROGATORY NO. 7: Identify your shareholders by providing the name and contact information for each.

RESPONSE TO INTERROGATORY NO. 7: Nicholas Passalacqua, 7700 Congress Ave., Suite 3216, Boca Raton, FL 33487.

INTERROGATORY NO. 8: State the number of leads you purchased from the source identified in your Response to Interrogatory No. 2.

RESPONSE TO INTERROGATORY NO. 8: *See* Response to Interrogatory No. 2. After a search of its business records, Lead2 does not have any information from which to answer this Interrogatory.

INTERROGATORY NO. 9: State whether you had a written agreement with the source you identified in Response to Interrogatory No. 2 and identify the parties who signed the agreement.

RESPONSE TO INTERROGATORY NO. 9: *See* Response to Interrogatory No. 2. After a search of its business records, Lead2 no longer possesses a “written agreement” responsive to this interrogatory, nor does it have any other information from which to answer this Interrogatory.

INTERROGATORY NO. 10: State the name and contact information of the owners of www.emortgagetree.com.

RESPONSE TO INTERROGATORY NO. 10: Nicholas Passalacqua, 7700 Congress Ave., Suite 3216, Boca Raton, FL 33487.

INTERROGATORY NO. 11: Explain why you chose to begin on June 20th and end on August 8, 2005, to generate your own leads through www.emortgagetree.com.

RESPONSE TO INTERROGATORY NO. 11: Objection. This Interrogatory seeks information which is not relevant and which is not likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Lead2 began to generate its own leads because it thought the use of this website would be a productive business tool. Lead2 ceased generating its own leads because it was not cost effective.

INTERROGATORY NO. 12: State the number of leads you have sold since your inception for which a person in Oklahoma provided information.

RESPONSE TO INTERROGATORY NO. 12: As stated in the Affidavit of Nicholas Passalacqua, from September 9, 2005 to April 26, 2006, 425 of 47,845 leads were sold by Lead2 for which a person in Oklahoma provided information. With respect to April 27, 2006 to July 25, 2006, 3 of 826 leads were sold for which a person in Oklahoma provided information. Lead2 does not have records for the period prior to September 9, 2005 from which to answer this Interrogatory. Prior to September 9, 2005 Lead2 manually entered lead information into a computer system and Lead2 no longer has that computer.

INTERROGATORY NO. 13: Provide a complete description of all marketing you have conducted and state with specificity any geographic limitations or exclusions (i.e., state by state) you placed on the marketing.

RESPONSE TO INTERROGATORY NO. 13: Objection. This Interrogatory is over broad in time frame. Subject to and without waiving the foregoing objections, Lead2 runs radio commercials in Florida, conducts telemarketing but does not call Oklahoma in that regard, purchases leads, and has its www.Lead2net.net website which was last updated in late 2005. In the past Lead2 has run television commercials but no longer does so. No television commercials were run in Oklahoma. From June 20 to August 9, 2005 advertisements were run on Google. A printout of the final results of this marketing is attached as Exhibit B. This report does show one lead regarding Oklahoma. Advertisements may have also been run on Yahoo prior to the time that the Google advertisements were run. Lead2 has not located any documents or information regarding the Yahoo advertisements. The Google advertisements, and possibly the Yahoo advertisements, if any, were purchased on-line and Lead2 has not located any advertising agreements, contracts or other reports.

INTERROGATORY NO. 14: Identify every website hosted or sponsored by you.

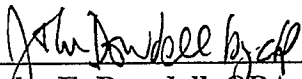
RESPONSE TO INTERROGATORY NO. 14: Objection. This Interrogatory is vague and ambiguous. There is no definition provided of "hosted" or "sponsored". This Interrogatory is also over broad in time frame. Subject to and without waiving the foregoing objections, and based upon the explanation of counsel that plaintiff is seeking the identification of the domains or websites owned by Lead2, Mr. Passalacqua, or any related company or person, *see* Exhibit A attached hereto which lists the domains. Mr. Passalacqua also owns remaxlistings.com and preconstructionhomes.com. Of these domains, websites have been constructed by (i) Lead2 or Mr.

Passalacqua for lead2net.net and emortgagetree.com and (ii) by Mr. Passalacqua for remaxlistings.com, bocasbesthomes.net, buyahomeinboca.net, floridasfinesthomes.biz, bocainvestmentproperties.com and bocasbestlistings.com. These latter 6 websites are for an inactive business called Fortune Realty and have nothing to do with the mortgage lead industry.

INTERROGATORY NO. 15: Identify every website hosted or sponsored by www.emortgagetree.com.

RESPONSE TO INTERROGATORY NO. 15: Objection. This Interrogatory is vague and ambiguous. There is no definition provided of “hosted” or “sponsored”. This Interrogatory is also over broad in time frame. Subject to and without waiving the foregoing objections, and based upon the explanation of counsel that plaintiff is seeking the identification of domains or websites owned by www.emortgagetree.com, none.

Respectfully submitted,



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