

IN THE CIRCUIT COURT
FOR THE SEVENTH JUDICIAL CIRCUIT
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS

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Carl D. O.
Clerk of the Circuit Court

WILLIAM EBERT d/b/a American)
Auto Body,)
)
Plaintiff,)
)
v.)
)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Defendant.)

No. 93-L-58

TO: Mr. Gary Weakly
c/o Mr. Michael J. Bedesky
Reed, Armstrong, Gorman, Coffey,
Gilbert & Mudge
One Mark Twain Plaza
P.O. Box 368
Edwardsville, IL 62025

AMENDED NOTICE OF DISCOVERY DEPOSITION

YOU ARE HEREBY NOTIFIED, that the discovery deposition of Gary Weakly, will be taken on **Friday, December 20, 1996** at the hour of 10:00 o'clock A.M., at the Law Offices of BEEMAN LAW OFFICES, A Professional Corporation, 413 South Seventh Street, Springfield, Illinois 62701, before a Notary Public on oral interrogatories for use as discovery in the case.

The deponent is directed to bring with him and produce at the deposition the following documents:

1. All notes, letters, correspondence, memoranda or records of any and all oral interviews, oral statements or oral complaints made by defendant's agents, employees or representatives, which led to the investigation of the plaintiff by Sally Rubel and Gary Weakly between December, 1991, and February, 1992.

2. All notes, letters, correspondence, memoranda or records of any and all oral interviews, oral statements or oral complaints made by customers or prospective customers of American Auto Body which led to the investigation of the plaintiff by Sally Rubel and Gary Weakly between December, 1991, and February, 1992.

3. All notes, memoranda, records, or reports of any investigations of the plaintiff performed by Sally Rubel and Gary Weakly between December, 1991, and February, 1992, as authorized by Sally Rubel, Robert Swartz, Gary Weakly and Don Hartman, in response to complaints registered against the Plaintiff, his present or former agents, employees or representatives, involving alleged displays of or use of firearms by the plaintiff, alleged unprofessional or unethical conduct by the plaintiff, or alleged conduct by the plaintiff which caused the complaining party to fear for his or her safety.

4. All notes, memoranda, records, minutes, or reports from the meetings of February 24, 1992 and February 25, 1992, at which Robert Swartz, Sally Rubel and all claims representatives, estimators and secretaries at the Springfield Claims Service Office were present, which meetings concerned the defendant's instructions to its employees regarding the recommendations, policies, procedures or written directions to defendant's employees, agents or representatives concerning how to respond to or deal with the defendant's insureds or claimants who express an interest in, desire to, or intent to hire the plaintiff to do repair work for defendant's insureds or claimants.

5. Any and all communications, correspondence, memoranda, statements, notes of interviews with persons having knowledge of the circumstances, or other documents relating to Sally Rubel's and Gary Weakly's investigation, conducted on behalf of the defendant, in response to complaints made in relation to the plaintiff, William Ebert, individually or doing business as American Auto Body, including complaints in relation to the plaintiff's agents, employees, and representatives, made to the Defendant, its agents, employees, or representatives, or made to third parties, involving alleged displays of or use of firearms by the plaintiff, his agents, employees, or representatives.

6. Any and all communications, correspondence, memoranda, statements, notes of interviews with persons having knowledge of the circumstances, or other documents relating to Sally Rubel's and Gary Weakly's investigation conducted on behalf of the defendant, in response to complaints made in relation to the plaintiff, William Ebert, individually or doing business as American Auto Body, including complaints in relation to the plaintiff's agents, employees, and representatives, made to the Defendant, its agents, employees, or representatives, or made to third parties, involving alleged unprofessional or unethical conduct by the plaintiff, his agents, employees, or representatives.

7. Any and all communications, correspondence, memoranda, statements, notes of interviews with persons having knowledge of the circumstances, or other documents relating to Sally Rubel's and Gary Weakly's investigation conducted on behalf of the defendant, in response to complaints made in relation to the plaintiff, William Ebert, individually or doing business as American Auto Body, including complaints in relation to the plaintiff's agents, employees, and representatives, made to the Defendant, its agents, employees, or representatives, or made to third parties, involving alleged conduct by the plaintiff, his agents, employees, or representatives which caused the complaining party to fear for his or her safety.

8. Any and all lists, indexes, records, reports or computer generated printouts of all automobile body repair shops involuntarily removed from the Defendant's Repair Facility Reference Guide by the Springfield Claims Service Office, including the date said repair shop was removed from the Defendant's Repair Facility Guide, and the reasons for each facility being removed from the Defendant's Repair Facility Reference Guide.

9. Any and all lists, indexes, records, reports or computer generated printouts of all of defendant's insureds or claimants who expressed an interest in, desired to, or intended to hire the plaintiff to do repair work for defendant's insureds or claimants, and who were sent or delivered letters similar to "Exhibit A" and "Exhibit B", attached hereto and incorporated by reference, on or subsequent to February 25, 1992, as a result of the plaintiff's facility not appearing in the Defendant's Repair Facility Reference Guide.

10. Any and all interoffice memoranda, correspondence, notes, communications, policy statements, procedural guidelines or other writings which you received or sent relating to defendant's instructions to its agents, employees or representatives, including but not limited to its claims specialists, claims estimators, claims adjusters, claims representative and office support staff, in relation to how to respond to or deal with the defendant's insureds or claimants who express an interest in, desire to, or intent to hire the plaintiff to do repair work for defendant's insureds or claimants.

11. Any and all notes, letters, correspondence, notices or other writings sent to Bill Ebert or American Auto Body prior to his removal from the repair facility reference guide, which notes, letters, correspondence, notices or other writings detailed the problems which subsequently led to American Auto Body's removal from the defendant's repair facility reference guide, requested a prompt written acknowledgment addressing defendant's concerns and specific details as to plaintiff's plans to permanently correct the situation prior to his removal from the defendant's repair facility reference guide.

12. All notes, memoranda, records, minutes, or reports from the meetings of the defendant's repair facility committee during which the repair facility committee considered the documentation in support of removal of the plaintiff from the repair facility reference guide, during which the committee checked for notification to the repair facility and noted the sufficiency of the plaintiff's response.

13. All notes, memoranda, records, minutes, or reports from the meetings of the defendant's repair facility committee during which the repair facility committee considered and reached its decision to remove the plaintiff from the defendant's repair facility reference guide.

14. All notes, memoranda, records, minutes, or reports from the meetings of the defendant's repair facility committee during which the repair facility committee considered and reached its decision on the plaintiff's request for reinstatement in the defendant's repair facility reference guide.

WILLIAM EBERT, d/b/a American Auto Body
Plaintiff,

By: Stephen M. Osborn
His Attorneys

ATTORNEY'S CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of the above and foregoing instrument was served upon the attorneys of record and Defendants at their last known address by depositing the same in the U.S. Mail, Springfield, Illinois, in an envelope securely sealed, postage fully prepaid and legibly addressed to:

Mr. Michael J. Bedesky
Reed, Armstrong, Gorman, Coffey,
Gilbert & Mudge
One Mark Twain Plaza
P.O. Box 368
Edwardsville, IL 62025

on this 22nd day of November, A.D. 1996.



Stephen M. Osborne

PREPARED BY
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