

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X

EROS INTERNATIONAL PLC,

Plaintiff,

- against -

MANGROVE PARTNERS, NATHANIEL H. AUGUST,
MANUEL P. ASENSIO, ASENSIO & COMPANY,
INC., MILL ROCK ADVISORS, INC.,
GEOINVESTING, LLC, CHRISTOPHER IRONS,
DANIEL E. DAVID, FG ALPHA MANAGEMENT,
LLC, FG ALPHA ADVISORS, FG ALPHA, L.P.,
CLARITYSPRING INC., CLARITYSPRING
SECURITIES LLC, NATHAN Z. ANDERSON AND
JOHN DOES NOS. 1-30,

Index No. 653096/2017

Defendants.

----- X

**EROS' SECOND SET OF REQUESTS FOR
THE PRODUCTION OF DOCUMENTS TO
DEFENDANT MANUEL P. ASENSIO**

PLEASE TAKE NOTICE that pursuant to Sections 3101 and 3120 of the New York Civil Practice Law and Rules (“CPLR”), and in accordance with the Definitions and Instructions below, Plaintiff Eros International Plc (“Eros”), by and through its undersigned counsel, hereby demands that Defendant Manuel P. Asensio, produce the requested documents (each a “Request,” and collectively the “Requests”) in his possession, custody or control, or in the possession, custody or control of his employees, attorneys, accountants, agents, representatives, subsidiaries, affiliates, or others acting with them or on their behalf for examination, inspection and copying at the offices of Kasowitz Benson Torres LLP, 1633 Broadway, New York, New York 10019, within twenty (20) days after service hereof.

DEFINITIONS

As used in these Requests, the following terms shall have the definitions listed below. Terms not defined herein shall have the meanings assigned to them, if any, by the CPLR; the Rules of Practice of the Supreme Court of the State of New York, New York County; and the Honorable Joel M. Cohen's Practices for Part 3.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary so as to bring within the scope of the Requests all responses that might otherwise be construed to be outside of their scope.

2. The terms "any," "all," and "each" shall be construed broadly, and shall mean each, any, and all as necessary so as to bring within the scope of the Requests all responses that otherwise could be construed to be outside of their scope.

3. The term "Apartment" shall mean 400 East 54th Street, Apartment 29B, New York NY 10022.

4. The term "communication" means transmitted information of any kind, in any form, whether draft or actual (including voicemail recordings, transcripts, phone records, and communication logs) and by any means, and includes any documents concerning or reflecting communications.

5. The term "Complaint" means the complaint Eros filed in the above-captioned action on September 29, 2017 (Dkt. No. 3).

6. The term "concerning" means comprising, consisting of, concerning, referring to, reflecting, regarding, supporting, evidencing, relating to, prepared in connection with, used in preparation for, or being in any way legally, logically, or factually concerned with the matter or document described, referred to, or discussed.

7. The term “Defendant” means any Defendant mentioned in the Complaint, including any named or John Doe Defendant and any of their employees or agents.

8. The term “document” means the original and all drafts, versions and copies (including copies bearing notations or marks not found on the original) of any communications, writings or printed, graphic, digitally or Electronically Stored Information (as defined below), including e-mails, text messages, instant messages (“IM”), correspondence, records, reports, memoranda, notes, calendar or diary entries, letters, envelopes, telegrams, telexes, other communications (as defined below), messages (including reports of telephone conversations, meetings and conferences), studies, summaries, tabulations, analysis, printed matter, minutes, photographs, film, tapes and recordings (electronic, audio and visual), computer diskettes, hard drives, personal digital assistants, data files, financial statements, contracts, agreements, other legal documents and instruments, journals, ledgers, other accounting records, canceled or returned checks, manuals, orders, statements, confirmations, bills, receipts, vouchers, notebooks, data sheets and records kept by any other means. In all cases where originals and/or non-identical copies are not available, the term “document” also means identical copies of original documents and copies of non-identical copies.

9. The term “Doorman” shall mean the person or persons who are stationed at or near the entrance to the Apartment Building, and which are responsible for providing security and courtesy services for the Apartment Building, including monitoring and controlling which guests may enter into the Apartment Building.

10. The term “Electronically Stored Information” means and includes the following:

- a. information that is generated, received, processed, and recorded by computers, and other electronic devices;

- b. internal or external websites;
 - c. output resulting from the use of any software program, including, but not limited to, word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, Skype records, WhatsApp messages, Google Chat (or similar messaging programs) or bulletin board programs, operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all miscellaneous media on which they reside and regardless of whether said electronic data exists in an active file, a deleted file, or file fragment;
 - d. activity listings of electronic mail receipts and/or transmittals; and any and all items stored on computer memories, hard disks, floppy disks, CORaM, magnetic tape, microfiche, or on any other media for digital data storage or transmittal, including a personal digital assistant, *e.g.*, a Blackberry, or similar device, and file folder tabs, or containers and labels appended to, or relating to, any physical storage device associated with each original or copy of all documents requested herein.
11. The term “Eros” means Eros International Plc and includes its current and former subsidiaries, affiliates, directors, shareholders, employees or officers.
12. The term “including” means including without limitation, and is otherwise used in the broadest sense of the term so that the specification of a particular matter in a Request is not intended to exclude any other documents or categories of documents that might be responsive to the Request.

13. The term “person” means all natural persons, corporations, partnerships or other business associations, other legal or governmental entities or associations, and any juridical entity of whatever form.

14. The term “Utility Bills” means any electrical, telephone, cable, gas, water, heat or other bill of similar nature addressed to Manuel P. Asensio during the Relevant Time Period.

15. The terms “You,” “Your,” and “Asensio” mean Manuel P. Asensio, and any of your employees, agents, or attorneys, including Mitchell Cantor.

16. The term “Your Address” shall mean the apartment, house, condominium, or other structure where you were residing during the Relevant Time Period.

INSTRUCTIONS

1. Unless otherwise noted, each reference to a natural person shall be deemed to include that person’s agents.

2. The singular shall include the plural, and the plural shall include the singular, the conjunctive shall include the disjunctive, and the disjunctive shall include the conjunctive, as necessary so as to bring within the scope of the Requests all responses that might otherwise be construed to be outside of its scope.

3. In producing documents and other materials, You are to furnish all documents or things in Your possession, custody, or control, regardless of whether such documents or materials are possessed directly by You or Your employees, agents, investigators, representatives, or by Your attorneys or their employers or investigators. Without limiting the term “control,” a document is deemed to be within Your control if You have ownership,

possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

4. Pursuant to CPLR 3122(a), if a Request is objected to, the reason for the objection must be stated, with reasonable particularity, in lieu of the document. If any part of a Request is objected to, then documents responsive to any unobjectionable portion must be produced.

5. Pursuant to CPLR 3122(b), if You contend that any document called for by these Requests is subject to any privilege (such as attorney/client) or protection (such as attorney work-product) and You intend to assert such privilege or protection, You are required to set forth a sufficient factual basis to establish that such privilege or protection is applicable to the requested document. With respect to a requested document that is being withheld, the following information shall be provided in Your response:

- i. the type of document;
- ii. the general subject matter of the document;
- iii. the date of the document; and
- iv. such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where appropriate, the author of the document, the addressee of the document, and where not apparent, the relationship of the author and addressee to each other, and the name(s) and address(es) of each person who viewed or has or has had custody of the document or of any copies of the document.

If You fail to set forth a sufficient factual basis for the assertion of any claim of privilege or protection, then any arguable claim of privilege or protection shall be waived. Compliance with the above instructions is not to be construed as an admission by Eros that such privilege or

protection is valid, and Eros reserves the right to challenge any purported claim of privilege or protection.

6. Each Request should be interpreted broadly, so as to include all documents that could be responsive to each Request. The fact that one document may be responsive to more than one Request shall in no way limit the scope of any Request.

7. If no documents exist that are responsive to a particular Request, state so in writing.

8. In the event that You object to the production of any document(s) responsive to a particular Request by asserting that a portion of the Request is overbroad, irrelevant, or burdensome, You are requested to produce those documents that are responsive to the portion(s) of the Request to which You do not object.

9. Each and every non-identical duplicate of a document within the scope of any Request, whether different from the original because of stamps, indications of recipient, handwritten notes, marks, comments, or attachment to different documents, or for any other reason, is a separate document to be produced in response hereto.

10. Any document that is attached by staple, clip, or otherwise to a document requested herein shall also be produced (attached in the same manner as the original) regardless of whether the production of that document is otherwise requested herein.

11. In the event that any document responsive to any Request was, but is no longer, in Your possession, custody, or control, or has been lost, destroyed, discarded, or otherwise disposed of, You are requested to identify such document as completely as possible, including the following information:

- i. the nature of the document;
- ii. the person who prepared or authorized the document and, if applicable, the person to whom the document was sent;
- iii. the date on which the document was prepared or transmitted; and
- iv. if possible, what has happened to the document and where it or any copies of it may be located, or if the document was lost or destroyed, the date on which the document was lost or destroyed, and, if destroyed, the conditions of and the reasons for such destruction and the persons requesting and performing the destruction.

12. Your response to these Requests should not be delayed if they cannot be fully complied with by the date set herein for the presentation of documents for any reason, including the assertion of any privilege, interposition of any objection, ongoing investigation, or current unavailability of documents. All available documents should be produced on the date set herein for presentation, and any unavailable documents should be produced on a rolling basis as soon as they become available.

13. Pursuant to CPLR 3122(c), documents produced in response to these Requests either shall be produced as they are kept in the regular course of business or shall be organized and labeled to correspond to the categories in these Requests.

14. All documents produced should be Bates numbered sequentially, with a unique number on each page, and with a prefix identifying the party producing the document.

15. These Requests specifically contemplate the production of all electronic or magnetic data.

16. Pursuant to CPLR 3101(h), these Requests are deemed to be continuing in nature so as to require supplementation by You if You obtain or discover additional information or documents between the time of initial response and the time of hearing or trial herein. This paragraph shall not be construed to alter any obligation to comply with all other instructions in these Requests.

17. Except where otherwise noted, the Relevant Time Period applicable to documents to be produced in response to the Requests is from **September 1, 2017 until December 31, 2017**.

18. Unless otherwise indicated, these Requests call for all documents created, sent, received, or otherwise possessed during the Relevant Time Period.

19. Eros specifically reserves the right to supplement, modify and/or add additional requests for documents and to make other discovery and disclosure requests at any time.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Any and all evidence You intend to introduce or use at the traverse hearing in support of Your contention that Manuel P. Asensio was never served.

REQUEST NO. 2:

Any and all evidence You intend to introduce or use at the traverse hearing in support of Your contention that service on Manuel P. Asensio was improper.

REQUEST NO. 3:

Documents sufficient to demonstrate the address of Your Apartment during the Relevant Time Period.

REQUEST NO. 4:

All Utility Bills addressed to the Apartment, with Your name on them, during the Relevant Time Period.

REQUEST NO. 5:

All lease documents related to the Apartment, during the Relevant Time Period.

REQUEST NO. 6:

All communications between You and any other Defendant in the above captioned matter during the Relevant Time Period.

REQUEST NO. 7:

Documents sufficient to identify any visitors to the Apartment during the Relevant Time Period, including but not limited to any log books maintained by the Doorman on Your behalf.

REQUEST NO. 8:

Documents sufficient to identify the name of the Doorman of the Apartment during the Relevant Time Period.

Dated: New York, New York
May 20, 2019

KASOWITZ BENSON TORRES LLP



By: _____

Michael J. Bowe (mbowe@kasowitz.com)
Stephen W. Tountas (stountas@kasowitz.com)
1633 Broadway
New York, New York 10019-6022
(212) 506-1700

Attorneys for Plaintiff Eros International Plc

To:

Mitchell Cantor
The Law Offices of Mitchell Cantor
355 Lexington Avenue, Suite 401
New York, NY 10017

Terry A. Brostowin
111 John Street Suite 800
New York, NY 10038
Attorneys for Defendant Manuel P. Asensio.