

Mary K. Cummins, Defendant pro se
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PHILADELPHIA COUNTY COURT OF COMMON PLEAS
TRIAL DIVISION

FREDERICK RITTEREISER, and ASHTON)	April Term, 2001
TECHNOLOGY GROUP, INC.,)	
)	No. 0104 002722
Plaintiffs,)	
)	
v.)	
)	
MARY CUMMINS, JOHN DOE #1, and JOHN)	
DOES #2 through #5,)	
)	
Defendants.)	

DEFENDANT CUMMINS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
ON PLAINTIFF ASHTON TECHNOLOGY GROUP, INC.

Pursuant to Pa.R.C.P. 4009.11 through 4009.12, and Pa.R.C.P. 4003.1 through 4003.5,

you are hereby required to permit Defendant to inspect and copy all of the documents and tangible

things, as defined in Pa.R.C.P. 4009.1 and as described below, on July 24, 2001, at 9:30 A.M. at

Two Commerce Center, 2001 Market Street, Philadelphia, Pennsylvania, 19103. Pursuant to

Pa.R.C.P. 4009.12, an answer to this Request must be served by Plaintiff no later than thirty days from the date of service of this request.

THIS REQUEST IS A CONTINUING ONE. IF YOU SHOULD DISCOVER ADDITIONAL DOCUMENTS AND TANGIBLE THINGS FALLING WITHIN THE TERMS OF THIS REQUEST, THE ADDITIONAL ITEMS MUST BE PRODUCED IMMEDIATELY.

Definitions

A. As used in the following requests for production of documents, the term "document" means any document in the possession, control or custody of Plaintiff (including Plaintiff's attorneys, independent contractors, consultants, agents and associates) or of which Plaintiff (including Plaintiff's attorneys, independent contractors, consultants, agents and associates) has knowledge, including without limitation the following items, whether printed, recorded, microfilmed, microfiched, or reproduced by any process, or written or produced by hand, and whether or not claimed to be privileged, confidential or personal: letters; correspondence; memoranda; reports; agreements; working papers; communications (including intra-departmental and inter-departmental communications); tapes; stenographic or handwritten notes; studies; pamphlets; manuals; circular reports; surveys; minutes or records of meetings; minutes or records of conferences; procedures; instructions; statistical compilations; summaries of records or of personal conversations; telephone messages; diaries; forecasts; graphs; charts; plans; drawings; expressions or statements of policy; lists of persons attending meetings or conferences; reports of, or summaries of, interviews; reports of, or summaries of, investigative opinions; reports, summaries or opinions of others (including consultants); books; instruments; accounts; tapes; videotapes; maps; photographs; flowcharts; data sheets; notebooks; hollerith cards; paper or punch tapes; magnetic storage media, including but not limited to, disks, diskettes, tapes and drums; laser disks; print-outs; every copy of such writing or record where the original is not in the possession, custody or control of Plaintiff and every copy of every such writing or record where such copy is not an identical copy of an original or where such copy contains any commentary or notation whatsoever that does not appear on the original.

B. The terms "person" and "individual" include a corporation, partnership, other business association or entity, any natural person, and any domestic or foreign governmental body, commission, board, agency, branch, department or component or element thereof.

C. The term "communication" means the expression of any statement, question, command, idea, knowledge, information, or other matter, whether by speech, writing, sign, or otherwise.

D. The term "Plaintiff", except as otherwise indicated, shall apply to Ashton Technology Group, Inc., and its predecessor, and will include all present and past employees, agents, or representatives, including counsel, who would reasonably be expected to have personal knowledge that would affect the completeness and accuracy of responses made to any interrogatory or request for production of documents.

E. The term "Defendant" shall mean Mary K. Cummins, and the other John Doe defendants in this case.

F. The term "Affiliated entity" means any corporation, partnership, joint venture, or other business entity or any trust (whether formed for the purpose of conducting business or not), that is owned or controlled, in whole or in part, by either plaintiff.

Instructions

A. If documents responsive to these requests come to plaintiff's attention or possession after the date of this document, they must be produced within 30 days afterward by service.

B. Pursuant to Pa.R.C.P. 4009.12, if a particular category of requested documents has never existed, plaintiff must serve in its written answer on defendants stating that the specified documents do not exist.

C. If a particular category of requested documents does exist, but the documents are not within the possession or control of either plaintiff, plaintiff must serve in its written answer on defendant identifying the documents and stating where they may be found.

D. If any requested documents are withheld on any claim of a privilege, plaintiff must serve in its written answer on defendant providing the following information for each document that is withheld: (1) the identity of the document, (2) the date of the document, (3) the author and addressee of the document, (4) a brief description of the subject matter of the document, (5) the name of each person who was sent or furnished with the document, a copy thereof or has knowledge of the contents thereof, or who has received, viewed or has had custody of the document, and an identification of each such person by employment and title; (6) the number of pages of the document; (7) whether there are any attachments, appendices, enclosures or exhibits to the document, and if so, the number of pages of each; (8) the paragraph of these discovery requests to which the document(s) relates and the specific privilege which it believes justifies the withholding of the specified document(s).

E. In the event that any document falling within these discovery requests has been destroyed or cannot be located, Plaintiff will provide in its answer a list identifying each such document together with the following information for each such document: (1) the identity of the document, (2) the date of the document, (3) the author and addressee of the document, (4) a brief description of the subject matter of the document, (5) the name of each person who was sent or furnished with the document, a copy thereof or has knowledge of the contents thereof, or who has received, viewed or has had custody of the document, and an identification of each such person by employment and title; (6) the number of pages of the document; (7) whether there are any attachments, appendices, enclosures or exhibits to the document, and if so, the number of pages of each; (8) the paragraph of these discovery requests to which the document(s) relate; (9) the date the document(s) was destroyed; (10) the manner of destruction; (11) the reason for destruction; (12) the identity of the person(s) who authorized the destruction; and (13) the name of the person(s) who destroyed the document.

F. You are expected to make all reasonable efforts to locate all documents and information described in these requests for production of documents. Any document furnished in answer hereto will be reduced to such forms as may be had and understood without the aid of extrinsic codes, formats or devices. Each non-identical copy, draft, or reproduction of a document is a separate "document" and shall be produced. As used herein, the word "and" and the word "or" shall be construed conjunctively or disjunctively as necessary to make a request inclusive rather than exclusive. As used herein, the terms "Plaintiff", "Plaintiffs" or "you", "Your" or any synonym thereof or derivatives therefrom are intended to and shall include Plaintiffs and each of them, their attorneys and accountants, and all their respective, servants, associates, employees, representatives, officers, directors and other persons acting on either of their behalves.

G. An answer made be prepared by Plaintiff by writing after each Request for a document or category of documents in the space provided on Schedule A, and by signing a written verification

and returning the answered Schedule A to Defendant; or Plaintiff may respond in writing on separate pieces of paper.

Dated this 22nd Day of June, 2001.

By: Mary K. Cummins, Defendant pro se

SCHEDULE A – Requests

1. The Articles of Incorporation, and any amendments thereto, of Plaintiff and its predecessors, from 1993 to the present.

2. All securities transfer records of Plaintiff and its predecessors, from 1993 to the present, for all classes of securities.

3. All documents relating to “pilot testing” and approval by the SEC of product called eVWAP as alleged in Paragraph 3 of Plaintiff’s complaint.

4. All reports, documents, memos, and references, to the FBI and SEC news reports as alleged in Paragraphs 10 through 14 of Plaintiff’s complaint, not already produced in response to Defendant’s First Request for Interrogatories.

5. Minutes of all meetings of the Ashton Technology Group, Inc. (“ASTN”) Board of Directors, and its predecessor’s Board of Directors prior to its initial public offering (“IPO”), from 1993 to the present, which mention, refer to, or relate to the following documents, persons, or matters:
 - (a) The FBI;

(b) the SEC;

(c) approval by the SEC of a product called eVWAP;

(d) First United Equities Corporation (“FUEC”) or any of its officers, directors, employees, agents, or consultants;

(e) the Dept. of Justice;

(f) NASD or any of its subsidiaries or related entities;

(g) any other state or federal investigative agency or investigative action;

(h) Plaintiff Rittereiser

(i) Defendant Cummins

(j) Any stock message board posters

(k) any matters relating to ASTN's IPO

(l) The Dover Group, Inc. ("Dover")

1. All securities transfer records relating to Plaintiff Rittereiser, including entities in which Plaintiff Rittereiser holds beneficial interests, of ASTN securities, from the time of the IPO to the present.

2. All securities transfer records relating to Dover, of ASTN securities, from the time of the IPO to the present, not already produced above.

3. All public communications relating to Plaintiff ASTN or ASTN securities, issued, printed, authored, edited, posted, or otherwise published by Plaintiff Rittereiser on behalf of himself or any other person.

4. All documents, not already produced, between Plaintiff, and any other person, relating to Defendant Cummins or this case, including any private emails to or from persons using an anonymous alias. If any documents in this category are privileged, disclose a listing of documents, giving their date and time, the scope of the subject matter, and an explanation as to why they are privileged.
5. All documents, not already produced, relating to ASTN's IPO, and any involvement Plaintiff Rittereiser had as a consultant relating to the IPO.
6. Each and every message allegedly published by Defendant Cummins which Plaintiff alleges is defamatory or which otherwise allegedly injured Plaintiff.
7. All documents which will prove the truthfulness or falsity of the alleged statements made by Defendant Cummins produced under Request 11 above.
8. All communications from any investors, shareholders, employees, partners, clients, or vendors of ASTN, relating to, or commenting on, the public messages allegedly published by Defendant Cummins.
9. All other documents, not already produced, which would otherwise identify, either by natural name or alias, any and all persons who have viewed or read the public messages

allegedly published by Defendant Cummins.

10. All employment, consulting, and/or agency agreements between Plaintiff and Dover, from 1993 to the present.
11. All agreements, contracts, business transactions, security transfers, or other activities, between Dover, and ASTN or its predecessor, from 1993 to the present.
12. All documents, not already produced above, relating to Dover.
13. All documents received as a result of any inquiry relating to this case by Plaintiff, whether said inquiry was formally noticed or subpoenaed through discovery, or informally requested of any non-party in this case, which has not already been produced above.

CERTIFICATE OF SERVICE

I do hereby verify that service of a true and correct copy of the within Defendant Cummins' First Request For Production Of Documents On Plaintiff Ashton Technology Group, Inc. was made on the 22nd Day of June, 2001, to the counsel below-named, by United States Mail, postage pre-paid :

Alan L. Frank
1835 Market St., #320
Philadelphia, PA 19103

Mary Cummins, Defendant pro se