



Three part videos explaining the details:

[Part 1](#)

[Part 2](#)

[Part 3](#)



**Note:** To know how to enforce these, watch the video that goes along with this file and read *Federal Rules of Civil Procedure FRCP 26(b)(5)(A) and 26(b)(B)* or its *State equivalence*.

## 1. Affirmative Defenses to Discovery and Disclosure:

- a) **The king of them all:** The Fifth Amendment of the United States Constitution and the respective State equivalence.
  - i. Even if you are in a State venue, the fifth Amendment to the United States Constitution can still be evoked. This also allows for the pushing up of the case to the United States Supreme Court level since federal law was evoked in the State venue.
  - ii. What makes the Fifth Amendment right to not incriminate yourself the king of them all is that you don't have to provide a reason. All other forms of objection by their nature are already reasons. This is very important to know as a distinguishing factor. Pleading the fifth is self serving and is probably the only amendment that is self executing because your

explanation of the reason why you choose not to answer a thing may very well defeat the purpose of you pleading the fifth amendment. Therefore no reason is required to justify pleading the fifth, but attorneys will attempt to push you though, so be aware of the fact that pleading the fifth requires no burden on your end to prove why you plead the fifth, it is a secured right for you not to speak or disclose shit.

iii. This often does not allude to guilt, but can be strategic as a right being evoked in fact. This 5th Amendment is what separate "dictatorship" from "republican form of government" as it is tied to the 1st Amendment right of speech which not include the ability to speak but also the ability to not speak.

**b) Privileged information.**

**c) Trust affairs**

i. Trade secret/confidential business information, trust minute agreement and requirements to be held (no third parties can annul the terms and conditions between trust members who are required to perform certain things before disclosure of trust matters as presented in the trust minute titled "Trust Minute (Restrictions of Member and Preservation of Seal).

**d) Clergy-Penitent Privilege**

i. This refers to spiritual instructions and beliefs which ties back to the 1st Amendment, and the sacred relationship between God and man. But it requires someone in the role of a spiritual act to evoke this. Your mere association with a religious is not enough. This is why it is also mentioned sometimes that the Express Trust's affairs can be intertwined with the 508's and its members can play roles in the 508 by ministry. Thereby compounding reasons and rights to evoke in any circumstance.

e) **Attorney-client privilege**

f) **Medical records that could be irrelevant and or embarrassing.**

g) **Spousal Privilege /Personal relationship**

- i. Have you seen one of those crime videos on T.V. or on YouTube and people begin spouting nonsense from their mouths about their personal relationships that is eventually used against them? 7/10 of those are unlawful, but if one's right is not known then it does not exist. The exception to this defense against discovery is that, if there is a crime and one of the spouse is suspected to be the perpetrator, then this defense is not evocable. But the others such as the fifth amendment exists.

h) **Doctor-patient privilege:**

- i. This is different from medical records as it relates to the actual role of a doctor, similar to that of a clergy in spiritual rights.

i) .

2. **Other:**

a) Discovery can be done without asking the acting judge, this is by Subpoena and setting the date of the Oral Examination with the Clerk via Notice of Oral Examination (without Motion).

i. **Subpoena:** Rule 35

b) **Discovery with the request of the acting judge involves when you think or know that certain matters to be discovered will require limitation of questions and scope or frequency of questions such as privileged matters being discovered.**

- i. All these can be done via Motion in Limine **or** a separate motion for hearing on Discovery per Rule 30(a)(2) or the State equivalence.

3. **Reasons / Thing considered if a Leave for Oral Examination is made (Motion for Leave for Oral Examination Rule 26 (b)(1) and Rule 30(a)(2):**

4. The importance of the issue at stake ( constitutional matter or other similarly situation events where the people are affected by the acts of the other party to their detriment as a culture of the other party to whom discovery is sought)

5. The amount (must be significant)
6. The party's relative access to relevant information (There are no other means for you to access such information absent its retrieval from the possession of the party the information should be sought from)
7. The party's resource (It is the most cost efficient way to obtain the information for both sides and does no damages to the other party, it saves judicial economy and time)
8. The importance of resolving the issue to which the discovery hinges on (The discovery of facts are necessary in the cause of action and claims asserted in order for procedural due process to be done)
9. The burden or expense of the discovery ought weighs its likely benefit (self explanatory, state just that)
10. It needs not be admissible to be discoverable (self explanatory, state just that, pair it with item e).

SUBTLE SUBSTANCE

**11. The only thing that the acting judge can limit in your discovery or intervene before discovery is initiated (Rule 30) are:**

- a) Privileged information, which must be proven by the other party in their response to your leave for oral examination.
- b) The number and the amount of questions that can be asked in order to prevent repetitive items.
- c) The frequency of deposition sessions to be taken is more than 10 separate times.
- d) If one of the party intends to take deposition earlier than scheduled time as a result of the respondent leaving the country
- e) If the respondent is a prisoner.
- f) If remote means are used for the deposition, it likely will require a leave to do so.

**12. Claw-back(Withdrawal) of Discovery Statements**

- a) **Retroactively/Equity:** Rule 26(b)(5)(B)
- b) **Pre-emptively:** Rule 26(b)(5)(A)

### **13. Notice of Motion and Motion For Claimed Privilege Hearing Rule 26(b)(5)(A), Rule 26(b)(5)(B)**

- a) Used to retract anything disclosed during discovery or preemptively claim objection based on privilege a.k.a private right (see video on this titled “Trust and Contract 102: (P1) This is How To Be Private This Is How You Do It Right”).

SUBTLE SUBSTANCE

### **14. Subpoena, Rule 45**

- a) Always pair it up with Discovery in order to speed things up. Any sensible party that receives discovery and disclosure will drag their feet. Hasten them up with subpoena.
  - i. Complete the form for the sake of ease on the eyes of the peons behind the table.
  - ii. The clerk’s representatives places their seal on it. Nothing more.
  - iii. Get sheriff(county case) or Marshall (Federal case) to serve it
    - i. This is because a non party in the action has to serve it.
  - iv. If you have a granted order limiting the number of depositions to be taken, add this to the discovery disclosure.

### **15. Notice of Deposition, Rule 30:**

- a) In the notice to the other party regarding the deposition, you must tell them the method in which you intend to record the deposition.
- b) You should hire your own stenographer.
- c) If any other method besides using the formal court stenographer or yours is used, you must provide this inside the notice you gave to them regarding the deposition. This can be a simple clause/sentence in the discovery request.

- d) Always record the entire thing just in case. You can provide them a notice that a video record of the deposition will also take place.

**16. Non oral –physical—deposition. Deposition by Written Questions, Rule 31**

- a) The exact steps to be taken if an oral deposition is taken. With addition of a “Notice of Filing of Written Deposition” on the docket and to other parties that may be involved in the action.
- b) This “Notice of Filing of Written Deposition” has to then be sent to all opposing parties in the case, this includes both the one you directed the written deposition to and the ones you did not – fit he case has more than one defendants or plaintiffs in it.
  - i. The way this is done is that when you file the “Notice of Filing of Written Deposition” with the courthouse, you will do a certificate of service/proof of service and within it will have the names of all parties in the case, this certificate of satisfies item a and b immediately above. Do make sure you actually send the “Notice of Filing of Written Deposition” to them. The actual written deposition itself is only directed at and sent to the one you intend to depose/interrogate.



SUBTLE SUBSTANCE