

### **Additions/Revisions to the FINRA Discovery Guide**

- All communications with FINRA, SEC, or other regulators about any investigations
- Emails and text messages with Claimants or about Claimants
- Insurance policies / insurance coverage (at a minimum, declaration pages)
- Any telephone recordings regarding Claimants
- Full copies (as opposed to tables of contents, lists, and limited sections) of the firms' written supervisory procedures, manuals and bulletins should be produced. [this could be subject to a reasonable protective order].
- For product cases, documents relating to, among other things, a firm's: creation of a product; due diligence reviews of a product; training on or marketing of a product; or post-approval review of a product. [this is currently in the preamble, but it should be made a stand-alone list item].
- For product cases, emails to/from the advisor at issue concerning the product.
- If Respondent is going to demand a protective order, any draft of such order should be produced 14 days in advance of the due date for responses
- Ramifications for boilerplate objections
- Third party due diligence
- When possible, documents should be produced in Excel format
- The portion of the preamble stating that parties do not have an obligation to create documents should not apply to commissions. Firms should be required to run reports on commissions, if possible, even if it requires the creation of a document.