

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

AND PLAINTIFFS

VS. NO.

DEFENDANTS

**SEPARATE RESPONSES OF DEFENDANTS
SCHOOL DISTRICT AND THE BOARD OF TRUSTEES
OF THE SCHOOL DISTRICT
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

COME the Defendants, School District and The Board of Trustees of School District, responding to the First Set of Interrogatories and Requests for Production of Documents propounded by Plaintiffs, and say:

INTERROGATORY NO. 1: Identify each person whom you expect to call as an expert witness at the trial of this matter, providing his/her name, address and telephone number, and:

- (a) State the subject matter on which each person identified above is expected to testify;
- (b) State the substance of the facts and opinions to which each expert is expected to testify;
- (c) State a summary of the grounds for each opinion set out above; and
- (d) State the educational background, training and experience of each person above which qualifies him as an expert, and identify the field of such expertise;

RESPONSE: .

INTERROGATORY NO. 2: For each denial and affirmative defense that you have pleaded (sic) in this action, detail the factual basis therefore, the source of such information, and the name, address, telephone number and employers of each person providing the information.

RESPONSE: .

INTERROGATORY NO. 3: State the name, address and telephone number of each person who has any knowledge of or any information regarding any facts or circumstances in this case.

RESPONSE: .

INTERROGATORY NO. 4: Identify each and every person that has been injured or killed in connection with the use of the _____.

RESPONSE: _____.

INTERROGATORY NO. 5: For each and every person identified by you in response to the preceding interrogatory, specify the following:

- (a) Name and address of each person:
- (b) Date of injury and/or death;
- (c) The component part involved; and
- (d) Describe the nature and extent of the injuries sustained.

RESPONSE: _____.

INTERROGATORY NO. 6: Please state in detail every function you performed in regard to the manufacture and/or distribution and/or sale and/or delivery of _____. Please include in your answer references to chemical formulas and compositions, and the name, address and telephone number of each person who participated in the development and distribution and/or sale and/or delivery of this product.

RESPONSE: _____.

INTERROGATORY NO. 7: Please state whether you ever applied to the United States Patent and Trademark Office, the Environmental Protection Agency (EPA), and/or any other governmental agency or regulatory body for approval of the sale and/or distribution of _____.

RESPONSE: _____.

INTERROGATORY NO. 8: If you have had, or if you know, of any complaints about _____, similar to those set forth in plaintiff's Complaint, please list each such complaint, and state the date made, by whom (name and address), and the nature of the complaints about the product.

RESPONSE: _____.

INTERROGATORY NO. 9: Has suit ever been brought against you alleging injuries and/or deaths as a result of use of your product. If so, please provide the name of the Court in which suit was brought, the names of the parties involved, and the name, address and telephone number of all attorneys involved.

RESPONSE: _____.

INTERROGATORY NO. 10: _____ If you were aware of any defect (including lack of adequate warnings) in the _____ at the time it was sold or delivered, or you became aware of

any defect between the time the product was sold and delivered and the time the plaintiff was injured, please state the date you became aware of the defect, a description of the defect, and whether anyone was advised by you of the defect, and if so, on what date.

RESPONSE: .

INTERROGATORY NO. 11: If tests or checks were ever performed to determine the chemical composition of and/or the propensity of to produce toxic fumes if mixed with any other solution, please state the date of each test, a detailed description of each test or check, a detailed statement of the results of each test, and the implication or meaning of these results, whether any changes in the chemical composition and/or packaging of this product and/or warnings were instituted because of such result, indicating specifically which change was instituted because of which result, and, if so, a detailed description of such changes including which; if any, were incorporated into the product and the effective date of each change.

RESPONSE: .

INTERROGATORY NO. 12: With respect to your safety division, please state:

- (a) The date the department was created;
- (b) The name, address and telephone number of all persons who have been in charge of the department; and
- (c) The name, address and telephone number of each person in such department who inspected or otherwise passed upon the product in issue.

RESPONSE: .

INTERROGATORY NO. 13: If any notice was given to anyone by any means in which you intend to use as basis to deny or limit your liability for damage resulting from the use of his product, please state the date the notice was given, the name and address of the person who gave notice, the name and address of the person to whom the notice was given, a detailed description of the manner in which the notice was given and a full explanation of the notice.

RESPONSE: .

INTERROGATORY NO. 15: Please state the name, address and telephone numbers of all persons interviewed by the defendant and/or its attorneys or representatives concerning the incident that is the basis of this suit, and provide the name, address and telephone number of all persons from whom any written, audio or recorded statements have been taken.

RESPONSE: .

INTERROGATORY NO. 16: Please provide:

RESPONSE:

a. the date and place of safe, delivery and distribution of _____, to the defendant,

RESPONSE: _____.

b. the date and place of delivery and/or sale and distribution of _____, to the defendant, _____;

RESPONSE: _____.

c. the date and place of delivery and/or sale and distribution of _____ to the defendant, _____;

RESPONSE: _____.

d. the date and place of sale and distribution of _____ to the defendants, _____, and The Board;

RESPONSE: _____.

e. the name, Address and telephone number of the person(s) and/or company(ies) that designed the packaging of _____ as it existed and was sold to the defendants _____ and The Board as used by the plaintiff;

RESPONSE: _____.

f. all matter taken into consideration in the design of _____ package and the use of warnings thereon;

RESPONSE: _____.

g. in what manner _____ was packaged and sold to the defendants, _____ and _____.

RESPONSE: _____.

INTERROGATORY NO. 17: Please describe all instructions, warnings, or cautions of any nature which you directed to users of your product concerning precautions, misuses of the product, hazards, or dangers, specifying the location, contents, method of communication and all characteristics thereof.

RESPONSE: _____.

INTERROGATORY NO. 18: From the time that this product was first manufactured and/or sold by you up to the present time, had you attempted to ascertain the existence of complaints associated with the product or with similar products? If so, please state:

- a. If this was done in the usual and ordinary course of business;
- b. The name, job title and relationship to you of the person whom performs this functions or the name of any agency that performs this function for you; and
- c. When and how this activity is conducted.

RESPONSE: .

INTERROGATORY NO. 19: State the purpose for this product.

RESPONSE: .

INTERROGATORY NO. 20: State the date and place at which the manufacture of the product was completed immediately prior to placing it in the stream of commerce, and provide the cost at the Time it was finally completed as a finished product to you of manufacturing a product.

RESPONSE: .

INTERROGATORY NO. 21: What warnings concerning the product were provided by you to the salesman; distributor, seller and/or consumer?

RESPONSE: .

INTERROGATORY NO. 22: Please provide the educational background of and and provide the name, address and telephone number of his previous employers from , to the present.

RESPONSE: .

INTERROGATORY NO.23: Please provide your EPA registration number for the subject product.

RESPONSE: .

REOUEST FOR PRODUCTION OF DOCUMENTS

REOUEST NO. 1: Please produce the curriculum vitae of each expert you expect to call at the trial of this matter.

RESPONSE: .

REOUEST NO. 2: Please produce a copy of each insurance policy that provides coverage for this lawsuit.

RESPONSE: .

REOUEST NO. 3: Please produce all designs, plans, specifications, formulas, and chemical compositions of the product.

RESPONSE: .

REOUEST NO. 4: Please produce a copy of any complaints that you have had, or that you are aware of, about the chemical composition of the product and/or the manner in which the product was made and/or with respect to the representations made by the sales representative concerning the product.

RESPONSE: .

REOUEST NO. 5: Please produce all inspection instructions you furnished to the quality control inspection personnel pertaining to this product.

RESPONSE: .

REQUEST NO. 6: Please produce a copy of all production instruments pertaining to this product.

RESPONSE: .

REQUEST NO. 7: Please produce all instruction manuals or booklets, owner's manuals and/or bulletins with respect to this product.

RESPONSE: .

REQUEST NO. 8: Please produce all research gathered prior to manufacture of this product relating to the manufacture and use warnings of the product.

RESPONSE: .

REQUEST NO. 9: Please produce each and every memorandum, report, note or other writing made with respect to any tests or checks which were ever performed to determine the chemical composition of and/or the propensity of to produce toxic fumes if mixed with another product.

RESPONSE: .

REQUEST NO. 10: Please produce all articles of incorporation with respect to the defendants.

RESPONSE: .

REQUEST NO. 11: Please produce the historical records of the product.

RESPONSE: .

REQUEST NO. 12: Please produce any memorandums, reports, notes or other writings which were made by any safety department and/or division concerning this type of model of product in question.

RESPONSE: .

REQUEST NO. 13: Please produce a copy of any and all financial statements.

RESPONSE: .

REQUEST NO. 14: Please produce any instructional and safety warnings associated with the subject product, either attached to the said product, or published and maintained separately.

RESPONSE: .

REQUEST NO. 15: Please produce the safety manual for the product.

RESPONSE: .

REQUEST NO. 16: Please produce the layout drawings and specifications of the product.

RESPONSE: .

REQUEST NO.17: Please produce the packaging or container this product was in when sold to the defendants, (now) and .

RESPONSE: .

REQUEST NO. 18: Please produce a copy of all warnings taken into consideration by you prior to the sale and/or delivery of the product.

RESPONSE: .

REQUEST NO. 19: Please produce the personnel file of the defendant, .

RESPONSE: .

REQUEST NO. 20: Please produce all safety data sheets, by whatever name evidencing the chemical properties of the product and all hazards and/or dangers associated with it.

RESPONSE: .

REQUEST NO. 21: Please produce all sales materials such as manuals and/or brochures provided to any of the Defendants.

RESPONSE: .

REQUEST NO. 22: Please provide all training instructions, manuals, warnings and/or other materials provided to _____ concerning the subject product.

RESPONSE: _____ .

REQUEST NO. 23: Please produce all documents in your possession and/or about which you had knowledge prior to _____ , _____ , concerning the hazards and/or dangers associated with the use of the subject product.

RESPONSE: _____ .

REQUEST NO. 24: Please produce any and all applications you have made to the Environmental Protection Agency (EPA) concerning this product.

RESPONSE: _____ .

REQUEST NO. 25: Please produce all training instructions, manuals, warnings and/or other materials provided by _____ , now _____ , _____ School District and _____ of _____ concerning this product.

RESPONSE: _____ .

Respectfully submitted this the _____ day of _____, 20____.

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

BY: _____

STATE OF MISSISSIPPI
COUNTY OF

PERSONALLY APPEARED BEFORE ME, the undersigned authority for and within the jurisdiction aforesaid, _____, who being duly sworn states on oath that he/she is Superintendent of _____ School District; that as such, affiant is custodian of the books, records and accounts of said school district and Executive Secretary of The Board of Trustees, School District; and, having been first duly authorized so to do, he executed the foregoing Responses to Interrogatories and Requests for Production of Documents for and on behalf of said school district and its Board of Trustees. Further, Affiant states that, he/she having been apprised thereof in his capacity aforesaid and to the best of his/her knowledge and belief, the matters of fact made are true and correct as therein stated and which facts he/she well and truly believes to be true and correct.

WITNESS MY SIGNATURE AND SEAL OF OFFICE, this the _____ day of _____,

My Commission Expires:

Notary Public

CERTIFICATE OF SERVICE

I, _____, certify that a true and correct copy of the above and foregoing Response to First Set of Interrogatories and Production of Documents has this day been placed in the United States mail, postage prepaid, to _____, Counsel of record for the plaintiffs _____ and _____, at the stated regular business and mailing address of Post Office Box _____, _____, Mississippi,

Dated this the _____ day of _____, _____.
