

**IN THE CIRCUIT COURT OF                      COUNTY, MISSISSIPPI**

**PLAINTIFF**

**VS.**

**CAUSE NO.**

**DEFENDANTS**

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST  
FOR PRODUCTION FOR DOCUMENTS AND THINGS AND ENTRY UPON  
LAND FOR INSPECTION AND OTHER PURPOSES AND FIRST  
REQUEST FOR ADMISSIONS TO DEFENDANT**

The Plaintiff, \_\_\_\_\_, propounds the following Interrogatories, Request For Production and Request For Admissions to the Defendant, \_\_\_\_\_, to be answered in writing, under oath, pursuant to Rules 33, 34 and 36 of the Mississippi Rules of Civil Procedure, and within forty-five (45) days of service hereof.

**Definitions**

The terms "defendant" and/or "you" as used herein means Delta International Machinery Corp. and includes its employees, agents, representatives, and any and all other persons or entities acting for, on behalf of, or in affiliation with Defendant.

The terms "co-defendant", "distributor" or "dealer" means \_\_\_\_\_, Inc.

The terms "document", "writing", "communication" or "written communication" as used herein means all writings of any kind, including but not limited to, the original and all non-identical copies, whether different from originals by reason of notation made on such copies or otherwise; letters; books; telegrams; memoranda; computer printouts; tape recordings; reports; contracts; analyses; calendar or diary entries; notes; charts; graphs; drawings; photographs; tabulations; lists; schedules; forms; working papers; preliminary drafts; minutes and records of meetings and conferences and telephonic or other communication, and any other items from which intelligence can be perceived, with or without the use of detection devices in the possession, custody or control of defendant, its employees, agents, representatives, attorneys or other persons acting for or on behalf of defendant.

The term "identify" when used herein in connection with natural persons means to state their full names, titles, job descriptions, if applicable, and their present business and home addresses and telephone numbers. If their present business and home addresses are not known or available to you, then state the last known or available business and home addresses of such persons.

The term "identify" when used herein in connection with corporate entities means to state the corporate name and each of its present business addresses.

The term "identify" when used herein in connection with documents means to describe the documents, setting forth their dates, titles, authors, addresses, parties, and topics dealt with therein, with such reasonable particularity as is sufficient for a specific demand for production. Also state whether such documents are in your possession, and when, how, and from whom such documents were initially obtained. Documents to be identified shall include those documents in your possession, custody and control and all other documents of which you have knowledge.

The term "identify" when used herein in connection with oral statements and communications means to describe the statements and communications by (i) stating the date and place where they were made; (ii) identifying each of the makers and recipients thereof in addition to all the persons present; and (iii) indicating the medium of communication. NOTE: When identifying the date of an oral statement or communication, the precise date must be given. If only an approximate date is given, it will be presumed that you do not recall or have specific knowledge as to the exact date.

The terms "accident" and/or "incident" means the occurrence described in the complaint.

The terms " ", " " and/or " " means the No. , bearing identification No. equipped with a as described in the complaint.

#### INTERROGATORIES

Interrogatory No. 1: Please identify yourself, giving your name, state of incorporation, states qualified to do business in, manufacturing, sales, and business respectively.

Interrogatory No. 2: Did you manufacture the .

Interrogatory No. 3: Identify respectively:

- a) The date and address of manufacture.
- b) The date and to whom you sold .

Interrogatory No. 4: Identify who designed and developed this ?

Interrogatory No. 5: Identify the person who was in charge of the design and development of the .

Interrogatory No. 6: Identify the particular purpose for which the was designed and developed.

Interrogatory No. 7: Identify all engineering firms consulted by you in the design and development of the .

Interrogatory No. 8: State the steps followed in the design and development of the .

Interrogatory No. 9: Do you manufacture or market as a separate product the ?

Interrogatory No. 10: If any national or local engineering code set the standard for the design of the \_\_\_\_\_ and/or \_\_\_\_\_, then identify such codes by name, legal reference or other description.

Interrogatory No. 11: Please produce a copy of the design, plans or specifications of the \_\_\_\_\_ and \_\_\_\_\_ (\_\_\_\_\_).

Interrogatory No. 12: Was the \_\_\_\_\_ and/or \_\_\_\_\_ ever certified as being approved by any governmental agency, company, laboratory or person? If your response is yes, then identify such governmental agency, company, laboratory or person and attach a copy of such certification to your answer to this interrogatory.

Interrogatory No. 13: Did you sell the \_\_\_\_\_ to the co-defendant?

Interrogatory No. 14: For every complaint known to you about the design of the \_\_\_\_\_ and/or \_\_\_\_\_, identify the nature of the complaint and the person making such complaint.

Interrogatory No. 15: If you were aware of any defect in the \_\_\_\_\_ and/or \_\_\_\_\_ at the time you first sold and delivered it, then, identify the date you became aware of the defect, describe the defect and state whether anyone was advised by you of the defect.

Interrogatory No. 16: Please identify all signs of warning, caution or danger printed on the \_\_\_\_\_ and/or \_\_\_\_\_.

Interrogatory No. 17: Please attach a copy of all printed instructions you include with the \_\_\_\_\_ and/or \_\_\_\_\_ that is to be given to the ultimate purchaser and/or user.

Interrogatory No. 18: Have any other persons been injured or killed as a result of operating a product of this nature, design and model number?

Interrogatory No. 19: If so, for each injury or death, state:

- a) Identify each such person.
- b) The date it occurred.
- c) The circumstances of such injury or death.
- d) The particular defect in the product that caused such injury or death.
- e) How the injury or death was brought to your attention.

Interrogatory No. 20: Request is made to produce and attach a copy of each report and/or lawsuit of such injury and death to your answer to these interrogatories.

Interrogatory No. 21: Request is made to produce and attach a copy of each advertisement made by you of the \_\_\_\_\_ and/or \_\_\_\_\_ whereby you advertised such product in any advertising medium.

Interrogatory No. 22: If you contend that the plaintiff sustained damages resulting from improper operation or use of the \_\_\_\_\_, then, state each fact on which you rely to support such contentions.

Interrogatory No. 23: If the \_\_\_\_\_ or any part of it has ever been patented, then, attach as a part of your answer to these interrogatories a true and correct copy of all patent applications, research and patents.

Interrogatory No. 24: Identify each and every device which you installed on the \_\_\_\_\_ the primary purpose of which was to increase the safety for the operator at the point of operation of the product.

Interrogatory No. 25: \_\_\_\_\_ What is your net worth as of the date of these interrogatories.

Interrogatory No. 26: Identify each person whom you expect to call as an expert witness at the trial and state with respect to each such witness the following:

- a) The subject matter in which each witness is expected to testify.
- b) The substance of the facts and opinions to which each expert is expected to testify.
- c) A summary of the grounds for each opinion set out above.
- d) Attach a copy of each such experts curriculum vitae requested to be produced be attached to the answers hereto, and, the originals herein be so produced and inspected and copying be permitted at the office of \_\_\_\_\_, \_\_\_\_\_ Street, \_\_\_\_\_ County, Mississippi, at \_\_\_\_\_ a.m., forty-five days from the date of service hereof.

#### REOUEST FOR ADMISSIONS

Plaintiff, pursuant to Rule 36, Mississippi Rules of Civil Procedure requests the Defendant admit or deny within the time required by Law after service hereof, the truth of the following statements:

Request No. 1: The \_\_\_\_\_ was defectively designed and manufactured as to expose operator to unreasonable risks of injury.

Request No. 2: \_\_\_\_\_ designed, manufactured, sold, marketed and placed into the stream of commerce the product identified in the complaint.

Request No. 3: The product was defective in its design.

Request No. 4: The product was defective in its manufacture.

Request No. 5: The product was defective in its marketing.

Request No. 6: The \_\_\_\_\_ ( \_\_\_\_\_ ) was inherently dangerous to potential purchasers.

Request No. 7: The design of the \_\_\_\_\_ offered an accident hazard in itself.

Request No. 8: The \_\_\_\_\_ exposed the plaintiff to unreasonable risks of injury at the point of operation.

Request No. 9: The defendant knew, or should have known, that the Delta Shaper would be used in the manner as alleged in the complaint.

Request No. 10: The defendant expressly warranted that the \_\_\_\_\_ ( ) was a special safety guard for \_\_\_\_\_ that would provide adequate point of operation guarding to protect the operator's hands away from revolving cutterhead.

Request No. 11: The defendant expressly warranted that the \_\_\_\_\_ ( ) when mounted directly to spindle "keeps operators's hands away from revolving cutterhead".

Request No. 12: The defendant expressly warranted that the \_\_\_\_\_ ( ) "can be safely used on shapers with spindle speeds up to \_\_\_\_\_ .

Request No. 13: The defendant failed to warn plaintiff that the \_\_\_\_\_ ( ) could cause serious bodily injury.

Request No. 14: The defendant failed to warn plaintiff that the \_\_\_\_\_ ( ) when rotating at speeds of up to \_\_\_\_\_ could cause serious bodily injury.

Request No. 15: The defendant failed to warn plaintiff that the \_\_\_\_\_ ( ) when rotating at speeds of up to \_\_\_\_\_ was inherently dangerous.

Request No. 16: The defendant impliedly warranted that the \_\_\_\_\_ ( ) was a special safety guard for \_\_\_\_\_ that would provide adequate point of operation guarding to protect the operator's hands away from revolving cutterhead.

Request No. 17: The defendant impliedly warranted that the \_\_\_\_\_ ( ) when mounted directly to spindle "keeps operators's hands away from cutter".

Request No. 18: The defendant impliedly warranted that the \_\_\_\_\_ ( ) "can be safely used on shapers with spindle speeds up to \_\_\_\_\_ .

Request No. 19: The defendant impliedly warranted that the \_\_\_\_\_ when used with the \_\_\_\_\_ ( ) installed would keep the operator's hands away from the revolving cutterhead.

Request No. 20: The defendant impliedly warranted that the \_\_\_\_\_ when used with the \_\_\_\_\_ ( ) installed "can be safely used on shapers with spindle speeds up to \_\_\_\_\_ .

Request No. 21: The \_\_\_\_\_ when used with the \_\_\_\_\_ ( ) installed does not keep the operator's hands away from the revolving cutterhead.

Request No. 22: The \_\_\_\_\_ with the \_\_\_\_\_ ( \_\_\_\_\_ ) installed cannot safely be used with spindle speeds up to \_\_\_\_\_ .

Request No. 23: At the time of injury, Plaintiff was operating the product in a manner consistent with its intended and foreseeable use.

Request No. 24: The product was dangerous unreasonably.

Dated, this the \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

Respectfully submitted,

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Attorney for

Of Counsel:

Telephone:  
MSB #  
Attorney for

Miss. Bar No.