

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

, A MINOR, BY AND THROUGH PARENTS,  
and , PLAINTIFF

VS.

NO.

DEFENDANT

ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES  
PROPOUNDED TO DEFENDANT

COMES NOW (hereinafter "this Defendant") and files this his/her Answers to Plaintiff's First Set of Interrogatories Propounded to the Defendant, as follows:

INTERROGATORY NO. 1: State your full name, home and business address, telephone number, date of birth, driver's license and social security number.

ANSWER TO INTERROGATORY NO. 1: , Mississippi, ;  
telephone number: ; date of birth: ; driver's license and social security  
number: .

INTERROGATORY NO. 2: Please state each and every address where you have resided for the past ten (10) years, the dates of such residence, the occupants of your household, whether you were renting or owned the property, and the disposition of the property.

ANSWER TO INTERROGATORY NO. 2: I have resided at , Mississippi,  
, for approximately ( ) years, and I own a mobile home on this site.

INTERROGATORY NO.3: Please state your present occupation and describe your responsibilities and duties therein, your job title and immediate supervisor's name, address and telephone number.

ANSWER TO INTERROGATORY NO. 3: I am presently retired.

INTERROGATORY NO 4: Please state the names, addresses and telephone numbers of all experts you intend to call as expert witnesses at the trial of this civil action. Further, please state the subject matter of which the expert(s) is expected to testify; state the substance of the facts and opinions to which the expert(s) is expected to testify; and give a summary for the grounds of each opinion.

ANSWER TO INTERROGATORY NO. 4: This Defendant has not decided which experts, if any, which may be called as expert witnesses at the trial of this said civil action. Therefore, this Defendant objects to this interrogatory until a decision is made as to whether it will call expert witnesses at the trial of this matter.

INTERROGATORY NO. 5: Please state and identify any persons and witnesses known to you that have knowledge of the subject accident; give their full names, addresses, and telephone numbers.

ANSWER TO INTERROGATORY NO. 5:

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INTERROGATORY NO 6: Please list the names, addresses and telephone numbers of all persons who you intend to call as witnesses to this civil action and state the substance of their expected testimony.

ANSWER TO INTERROGATORY NO. 6: This Defendant objects to Interrogatory No. 6 inasmuch as the inquiry is outside the scope of the Mississippi Rules of Civil Procedure. Without waiving said objection and without prejudice to this Defendant, this Defendant would show that it may call ; ; and , as witnesses at the trial of this case. Moreover, this Defendant would show that it might call any of the physicians who have treated, examined and/or consulted because of said injury. This Defendant reserves the right to amend and/or supplement this answer as additional information is developed during discovery in this matter.

INTERROGATORY NO. 7: Describe in detail exactly how you contend that the accident occurred, including your rendition of the facts and circumstances which existed prior to, during and subsequent to the accident at issue; each and everything you did or failed to do to prevent the accident.

ANSWER TO INTERROGATORY NO. 7: This Defendant states that was keeping and at his/her mobile home in , Mississippi on the day before . asked , if he/she could clean the patio glass door.

was cleaning the glass door when the injury occurred. I did not know \_\_\_\_\_ was on the bar stool and did not ask him/her to climb on this stool to clean the windows. I knew he/she was cleaning, but I thought he/she was on a chair cleaning the window. As he/she was cleaning the glass door, and I did tell him/her that he/she needed to reach a little higher, because I saw a spot right above his/her head. Shortly thereafter, the accident occurred.

INTERROGATORY NO 8: Please state in full detail each and every step defendant took to contact emergency personnel immediately after the accident; and steps taken by defendant to ensure that the plaintiff received proper care.

ANSWER TO INTERROGATORY NO. 8: I did not contact emergency personnel, but I contacted my \_\_\_\_\_ (and \_\_\_\_\_'s mother), \_\_\_\_\_, for he/she worked only a short distance from my house. \_\_\_\_\_ came to my house, and a decision was made that \_\_\_\_\_ should see a doctor. \_\_\_\_\_ did not call emergency personnel, but he/she drove \_\_\_\_\_ to \_\_\_\_\_.

INTERROGATORY NO. 9: Please state in full detail the conversation that lead plaintiff to begin cleaning the upper portion of the glass door; any instructions by defendant to plaintiff on what method to use to reach the upper portion of the glass patio door.

ANSWER TO INTERROGATORY NO.9: \_\_\_\_\_ was cleaning the glass door, and at one point I did inform him/her to get a little higher, for I saw a spot on the glass door. I did not specifically tell him/her how to clean the door, because he/she had cleaned this door in the past. I did not instruct or even inform him/her to reach the very upper portion of the glass patio door, but I only told him/her to clean a little higher because of the' spot. His/Her arm was not fully extended then, and it is still my opinion that even when cleaning the spot his/her arm would not have to be fully extended, but he/she only had to move up a little bit to get to the spot.

INTERROGATORY NO 10: Identify and describe any and all drawings, diagrams, plats, maps, measurements, reports, recordings, statements or other documents or copies thereof of every kind or nature concerning the accident, the cause of the accident, or the injuries or damages described arising there from made either before, after, or at the time of the events in question.

ANSWER TO INTERROGATORY NO. 10: This Defendant objects to Interrogatory No. 10 because such material is not discoverable pursuant to the Mississippi Rules of Civil Procedure. Without waving said objection and without prejudice to this defendant, this defendant would show that the recorded statement of \_\_\_\_\_ will be made available to plaintiff. Any other documents available pursuant to the Mississippi Rules of Civil Procedure will be produced accordingly.

INTERROGATORY NO. 11: List your total gross income for the years and . Attach to your answer to these interrogatories a copy of your and tax income and/or W-2 form.

ANSWER TO INTERROGATORY NO. 11: This Defendant has not filed any income tax returns for and because he/she did not make enough money to be required to file such tax returns. This Defendant is now retired, and lives off social security and some interest generated on a small certificate of deposit.

INTERROGATORY NO. 12: Please list any and all policies of insurance which provide liability coverage; their limits, policy numbers, and insurance providers; including umbrella and homeowners policies.

ANSWER TO INTERROGATORY NO. 12: This Defendant has a policy of insurance through , and the Policy No. is , and the limits of liability is \$ .

INTERROGATORY NO. 13: Please state all records or information defendant bases a denial that plaintiff suffered severe injuries.

ANSWER TO INTERROGATORY NO. 13: This Defendant objects to Interrogatory No. 13 inasmuch as the Plaintiff has to prove his/her case and this Defendant can deny all allegations of the Complaint as phrased, and then the Plaintiff has to prove said allegations. Moreover, this Defendant is bound to plead all defenses, and if he/she does not do so, he/she waives such defenses. Without waiving said objection and without prejudice to this Defendant, this Defendant would show that the Plaintiff is presently attending school and presently has no residual problems from the accident. This Defendant would show that all the medical records generated by all the treating, consulting and examining physicians as well as the Plaintiff's permanent record at his/her school are recited as a response to Interrogatory No. 13.

INTERROGATORY NO. 14: Please identify and state each and every fact, person, document, or thing upon which you rely or otherwise adopt as the basis of which you contend that "instrumentalities" may have caused the accident.

ANSWER TO INTERROGATORY NO. 14: This Defendant objects to Interrogatory No. 14 inasmuch as discovery is continuing and this Defendant is attempting to develop all the requisite information about the accident and/or damages in this matter. The Plaintiff should note that this defense was pled in the alternative, and it was relating to damages as well as the accident, and this Defendant desired to insure that if another person, entity or

item is responsible for any of the injuries or damages, such would be pled so as not to waive said defense.

INTERROGATORY NO. 15: Please identify and state each and every fact, person, document, or thing upon which you contend that persons other than the defendant are responsible for the negligent care of the plaintiff on \_\_\_\_\_, \_\_\_\_\_, at the time of the accident.

ANSWER TO INTERROGATORY NO. 15: This Defendant objects to Interrogatory No. 15 inasmuch as this interrogatory is not based on any of the affirmative defenses presented in the Answer of \_\_\_\_\_ to Complaint filed herein.

INTERROGATORY NO. 16: Please identify and state each and every fact, person, document, or thing upon which you base that the plaintiff, a minor, \_\_\_\_\_ years of age, could "freely and voluntarily assume certain risks."

ANSWER TO INTERROGATORY NO 16: This Defendant objects to Interrogatory No. 16 as phrased, inasmuch as the Plaintiff can freely and voluntarily assume certain risks in fact even though the law in Mississippi may find that he/she could not assume certain risks at law. Without waiving said objection and without prejudice to this Defendant, this Defendant would show that \_\_\_\_\_ asked his/her \_\_\_\_\_ if he/she could clean the glass patio door and had cleaned this same door in the past. The parents of the \_\_\_\_\_ and any other person who know this child will be able to document whether or not this child could freely and voluntarily assume certain risks.

INTERROGATORY NO. 17: Please identify and state each and every fact, person, document, or thing upon which you rely that plaintiff's injuries are speculative and does not warrant recovery.

ANSWER TO INTERROGATORY NO. 17: This Defendant objects to Interrogatory No. 17 inasmuch as same misstates the affirmative defense allegedly recited herein. This Defendant would show that it alleged that the claim against the Defendant was speculative and did not affirmatively recite that Plaintiff's injuries are speculative. This Defendant further objects to said interrogatory inasmuch as Plaintiff has made a claim that Plaintiff will continue to suffer with much pain and will continue to incur hospital, medical and drug expenses, and these are all speculative.

INTERROGATORY NO. 18: Please identify and state each and every fact, person, document, or thing upon which you contend the accident to be an "unavoidable accident."

ANSWER TO INTERROGATORY NO. 18: This Defendant objects to Interrogatory No. 18 inasmuch as he/she asserted as a matter of law that the accident was unavoidable and thus there was no basis for liability to be imposed upon this Defendant. Without waiving said objection and without prejudice to this Defendant, this Defendant would show that the Response to Interrogatory No. 7 hereinabove recites the facts of this accident, and the trier of fact will have to determine predicated on the facts herein as to whether or not liability will be imposed on this Defendant after all the facts are presented to a jury.

INTERROGATORY NO. 19:

ANSWER TO INTERROGATORY NO. 19:

INTERROGATORY NO. 20:

ANSWER TO INTERROGATORY NO. 20:

INTERROGATORY NO. 21: information, if any, to Attorney within days after such information comes into your possession or prior to the trial, whichever is first.

ANSWER TO INTERROGATORY NO. 21: This Defendant states that it will amend and supplement this its answers as required pursuant to the Mississippi Rules of Civil Procedure and pursuant to the laws of the State of Mississippi.

Respectfully submitted this the day of , .

BY: \_\_\_\_\_

His/Her Attorney

STATE OF MISSISSIPPI

COUNTY OF

PERSONALLY APPEARED BEFORE ME the undersigned notary public in and for the county and state aforesaid, the within named \_\_\_\_\_, who states on his/her oath that the facts set forth in the above and foregoing Answers are true and correct to be of his/her knowledge.

\_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, hereby certify that I have this day mailed, by United States mail, postage prepaid, a true and correct copy of the above and foregoing Answers of Plaintiff's First Set of Interrogatories Propounded to Defendant to:

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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