

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

_____	)	
	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>NO.</b> _____
	)	
_____	)	
<b>Respondent/Defendant</b>	)	
	)	

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**DEFENDANT'S ANSWER TO FIRST SET OF INTERROGATORIES  
AND RESPONSE TO FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED BY PLAINTIFF**

Comes now Defendant, and files this its Answer to First Set of Interrogatories and Response to First Request for Production of Documents propounded by Plaintiff as follows:

INTERROGATORY NO. 1: With respect to the Defendant, please identify by stating:

- a. Defendant's corporate name and all names under which Defendant does business;
- b. names and addresses of all persons or corporations that own a controlling interest in Defendant;
- c. all subsidiary corporations in which Defendant has a controlling interest;
- d. state of incorporation;
- e. date of incorporation;
- f. name and title of each principal officer and each director of Defendant;
- g. states in which Defendant is licensed to do business.

ANSWER: Defendant objects to Interrogatory No. 1 as irrelevant to the issues in this action and outside the scope of discovery.

INTERROGATORY NO. 2: Identify all Persons that have, or claim to have, any personal knowledge of the facts of this lawsuit, or who have, or claim to have, knowledge of any other discoverable matter.

ANSWER: (1) \_\_\_\_\_;  
(2) \_\_\_\_\_;  
(3) \_\_\_\_\_;  
(4) \_\_\_\_\_.

INTERROGATORY NO. 3: With respect to each Person identified in Interrogatory No. 2, please provide the following:

- a. A detailed description of the matters about which such Person has knowledge;
- b. Each Person's occupation, relationship to the Defendant (e.g., employee, agent, independent contractor etc.), and number of years employed or associated with the Defendant; and
- c. If any such person is self-employed or employed by an entity other than the Defendant, provide the name under which such Person does business or the name, address and telephone number of the entity which employs such Person.

ANSWER:

- (a) Each person listed in Answer to Interrogatory No. 2 has general knowledge of the facts and circumstances surrounding the incident in question.
- (b) See Answer to Interrogatory No. 2 above.
- (c) See Answer to Interrogatory No. 2 above.

INTERROGATORY NO. 4: Identify any Person whom you may call as a witness at the trial of this cause. Please provide a detailed description of the matters about which such Person is expected to testify and, if any Person so named has not already been identified in response to prior interrogatories, please provide the following:

- a. Such Person's occupation and relationship to the Defendant (e.g., employee, agent, independent contractor, etc.); and
- b. If any such Person is self-employed or employed by an entity other than the Defendant, provide the name under which such Person does business or the name, address and telephone of the entity by which such Person is employed.

ANSWER: The Defendant states it may call;

- (1) \_\_\_\_\_;
- (2) \_\_\_\_\_;
- (3) \_\_\_\_\_;
- (4) \_\_\_\_\_;

The Defendant objects to the remainder of Interrogatory No. 4 as beyond the scope of discovery.

INTERROGATORY NO. 5: Identify all Persons that have been interviewed by you or someone acting on your behalf regarding the issues and facts in this lawsuit and identify any statement made by such Persons.

ANSWER: Any persons interviewed by this Defendant, or someone acting on its behalf, were done during the course of the Defendant's investigation of this matter and in anticipation of litigation, and is protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 6: State whether the facts and circumstances concerning the allegations of the Complaint have been investigated by this Defendant or anyone acting on its

behalf. If so, please identify each investigator, the date and purpose for each investigation, and identify any statements or Documents resulting from such investigation.

ANSWER: Any investigation of this incident by the Defendant was done in anticipation of litigation and is protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 7: Identify each Person whom you expect to call as an expert witness at the trial of this cause by providing the following information:

- a. His or her qualifications;
- b. Subject matter on which the expert is expected to testify;
- c. The substance of the facts and opinions to which the expert is expected to testify;
- d. A summary of the grounds for each opinion; and
- e. All Documents presented to or reviewed by such expert.

ANSWER: The Defendant has not determined which, if any, experts it may call at the trial of this matter.

INTERROGATORY NO. 8: State the name, address and telephone number of each Person who provided information used in answering these interrogatories or who participated in formulating said answers.

ANSWER: The Defendant's attorneys are; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_; and \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_.

INTERROGATORY NO. 9: State with particularity the facts that form the basis of each defense contained in your answer.

ANSWER: Any facts that form the basis of each defense contained in the Defendant's Answer are based on the Defendant's investigation of this matter and in anticipation of litigation, and are protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 10: Identify each policy of insurance, including excess insurance, that you had in effect at the time of the incident which is the subject of this lawsuit under which you, your insurance carrier, or any other Person may or could be required to satisfy all or part of any judgment which may or could be rendered in this action.

ANSWER: The Defendant is self-insured and no policy of insurance exists.

INTERROGATORY NO. 11: Please list and describe each Document which Defendant expects to use as evidence at trial.

ANSWER: The Defendant objects to this Interrogatory as beyond the scope of discovery. However, the Defendant agrees to make a mutual exchange of exhibits with the plaintiff prior to the trial of this matter.

INTERROGATORY NO. 12: With regard to your denial that Plaintiff, \_\_\_\_\_, slipped on some water that was on the floor adjacent to a cooler containing bags of ice, fell and was seriously injured, describe all the facts that support your denial and identify all persons who have knowledge thereof.

ANSWER: Any facts which support the denial of any allegations of Plaintiff's Complaint are based on the Defendant's investigation of this matter and in anticipation of litigation, and are protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 13: Describe in detail all facts which support your denial that you failed to remove the water from the floor and identify all persons that have knowledge thereof.

ANSWER: Any facts which support the denial of any allegations of Plaintiff's Complaint are based on the Defendant's investigation of this matter and in anticipation of litigation, and are protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 14: Describe in detail all facts which support your denial that you negligently failed to adequately warn the plaintiff of a concealed defect and identify all persons who have knowledge thereof.

ANSWER: Any facts which support the denial of any allegations of Plaintiff's Complaint are based on the Defendant's investigation of this matter and in anticipation of litigation, and are protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 15: Describe in detail all facts which support your denial that Plaintiff, \_\_\_\_\_, suffered personal injuries from the fall while in your place of business and identify all persons who have knowledge thereof.

ANSWER: Any facts which support the denial of any allegations of Plaintiff's Complaint are based on the Defendant's investigation of this matter and in anticipation of litigation, and are protected from discovery by the attorney work-product doctrine.

INTERROGATORY NO. 16: Describe all facts which support your contention that \_\_\_\_\_ injuries were proximately caused by a pre-existing condition or injury and identify all persons who have knowledge thereof.

ANSWER: The Defendant objects to Interrogatory No. 16 to the extent that it is premature in calling for a contention on the part of the Defendant when discovery has not been substantially completed to enable Defendant to adequately respond.

INTERROGATORY NO. 17: Describe in detail all facts upon which you base your contention that actions by others caused or contributed to the injuries of Plaintiff,

\_\_\_\_\_, and identify all persons who have knowledge thereof and identify all persons or entities whose actions caused or contributed to Plaintiff's injuries.

ANSWER: The Defendant objects to Interrogatory No. 17 to the extent that it is premature in calling for a contention on the part of the Defendant when discovery has not been substantially completed to enable Defendant to adequately respond.

INTERROGATORY NO. 18: Describe in detail all facts upon which you base your contention that Plaintiff's injuries were partly caused by plaintiff's negligence and identify all persons who have knowledge thereof.

ANSWER: The Defendant objects to Interrogatory No. 18 to the extent that it is premature in calling for a contention on the part of the Defendant when discovery has not been substantially completed to enable Defendant to adequately respond.

INTERROGATORY NO. 19: Identify all persons who were employees of Defendant at the time of the subject incident, who witnessed plaintiff's fall, talked with plaintiff subsequent to the fall or have any knowledge of the incident whatsoever.

ANSWER: \_\_\_\_\_, Manager, \_\_\_\_\_ talked with Plaintiff immediately following the alleged incident.

INTERROGATORY NO. 20: Describe in detail all incidents in the past five (5) years wherein Defendant has had a claim by any individual wherein that individual slipped and fell while in one of the Defendant's places of business.

ANSWER: Defendant objects to Interrogatory No. 12 in that it is protected from disclosure by the attorney-client privilege.

INTERROGATORY NO. 21: Describe in detail any incident reports prepared and completed with regard to the subject incident.

ANSWER: Defendant objects to this Interrogatory on the grounds the information sought constitutes work product.

INTERROGATORY NO. 22: Describe in detail any and all statements you allege Plaintiff has made against her interest or statements made by Plaintiff whether recorded or not.

INTERROGATORY NO. 23: Describe in detail the procedures, written or otherwise, that are used with regard to the cooler containing bags of ice, including the receipt of bags of ice, the manufacturer of the ice, the supplier of the ice, deliverer of the bags of ice, including the identity of the person or entity who supplied you with ice on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the \_\_\_\_\_ on \_\_\_\_\_ Drive, the owner of the ice cooler, and the manufacturer of the ice cooler.

ANSWER: This Answer will be supplemented.

#### RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Produce all Documents identified in Defendant's response to any Interrogatory above.

RESPONSE: The Defendant will produce all non-privileged documents that are responsive to this request.

REQUEST NO. 2: Produce any and all correspondence regarding Plaintiffs' claim which forms the subject matter of this litigation.

RESPONSE: The Defendant objects to Request No. 2 on the grounds that the documents sought constitutes work-product.

REQUEST NO. 3: Produce any and all written memoranda, minutes, etc. generated as a result of conversations or meetings regarding Plaintiffs' claim that forms the subject matter of this litigation.



RESPONSE: The Defendant objects to Request No. 3 on the grounds that the document sought constitute work-product.

REQUEST NO. 4: Produce any office file or interoffice correspondence or memoranda relating to Plaintiffs' claim which forms the subject matter of this litigation.

RESPONSE: The Defendant objects to Request No. 4 on the grounds that the documents sought constitutes work-product.

REQUEST NO. 5: Produce a copy of each Document not previously requested which in any way relates to the subject matter of this lawsuit.

RESPONSE: The Defendant objects to this Request on the grounds it is overly broad, unduly burdensome and has no date or time restriction.

REQUEST NO. 6: Produce all Documents, not previously requested, which relate in any way to any of your defenses in this lawsuit.

RESPONSE: The Defendant objects to this Request on the grounds it is overly broad, unduly burdensome and has no date or time restriction.

REQUEST NO. 7: Please produce a written report or opinion of any expert witness whom the Defendant intends to offer as a witness at trial and copies of all Documents reviewed, utilized or relied upon by such expert witness.

RESPONSE: The Defendant has not determined which, if any, expert it may call at trial. The Defendant will supplement this Request at such time, if any, it identifies an expert witness who may be called at trial.

REQUEST NO. 8: Please produce each Document which Defendant expects to use as evidence at trial.

RESPONSE: The Defendant objects to this Request as beyond the scope of discovery. However, the Defendant agrees to make a mutual exchange of exhibits with the plaintiff prior

to the trial of this matter.

REQUEST NO. 9: Please produce any and all documents which you expect to or may offer into evidence upon the trial of this matter.

RESPONSE: See Response to Request No. 8

REQUEST NO. 10: Please produce any and all statements given or affidavits executed by witnesses.

RESPONSE: The Defendant objects to this Request on the grounds that the document sought constitutes work-product.

REQUEST NO. 11: Please produce any and all photographs, motion pictures or videos taken of the incident scene or of any objects or persons involved in the incident, including any photos or videos taken at the subject store on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

RESPONSE: The Defendant has no such documents in its possession, custody or control at this time.

REQUEST NO. 12: Please produce any and all drawings, plats, or diagrams of the scene of the incident or of any object involved in the incident.

RESPONSE: The Defendant has no such documents in its possession, custody or control at this time.

REQUEST NO. 13: Please produce any and all documents which relate to any tests, inspections, or measurements made or taken with regard to the incident scene or any object involved in the incident above.

RESPONSE: The Defendant has no such documents in its possession, custody or control at this time.

REQUEST NO. 14: Please produce any and all documents or reports which relate to any investigation conducted concerning the incident and/or incident scene in question.

RESPONSE: The Defendant objects to this Request on the grounds that the documents sought constitute work-product.

REQUEST NO. 15: Please produce any and all correspondence, telephone notes or logs, memorandums, or other documents evidencing or relating to any communications between you and the Defendant, or anyone acting on its behalf.

RESPONSE: The Defendant objects to this Request on the grounds the document sought constitute work-product.

REQUEST NO. 16: Please produce all other documents identified in response to any of the foregoing interrogatories.

RESPONSE: The Defendant objects to Request No. 16 on the grounds it is overly broad and unduly burdensome.

\_\_\_\_\_  
BY: \_\_\_\_\_  
MANAGEMENT SAFETY DIRECTOR

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named, \_\_\_\_\_ who states on oath that the matters set forth in the above and foregoing Answer to Interrogatories and Response of Request for Production of Documents are true and correct as therein stated; that he is Risk Management Safety Director and  
is authorized to execute this document on behalf of \_\_\_\_\_.

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

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

My commission Expires: \_\_\_\_\_

\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE**

I do hereby certify that I have this date mailed, postage prepaid, a true and correct copy of the above and foregoing Defendant's Answer to First Set of Interrogatories and Requests for Production of Documents to \_\_\_\_\_ at the following address:

\_\_\_\_\_.

\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT