

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

_____)	
)	
)	
Petitioner/Plaintiff,)	
)	
Vs.)	NO. _____
)	
_____)	
Respondent/Defendant)	
)	

RESPONSE TO DEFENDANT'S FIRST SET OF INTERROGATORIES

The Plaintiffs, Estate of _____, responds to the Defendant's Interrogatories as follows:

INTERROGATORY NO. 1: Identify all persons or entities that you or your representatives know or believe:

- (a) were a witness to the accident;
- (b) were present at the scene of the accident immediately preceding the accident;
- (c) were present at the scene of the accident immediately following the accident;
- (d) have or claim to have any knowledge of any facts of the accident, how the accident physically occurred, why the accident occurred, or the damage or injuries allegedly arising therefrom;
- (e) have knowledge of any discoverable matter; and for each person or entity identified above, describe the facts which you or your representatives know or believe are known by such person or entity concerning the accident, the cause of the accident, or damages or injuries arising therefrom. This interrogatory does

not request that you state under oath what each of the persons or entities you identify will testify to under oath but only what you know or believe is known by these persons or entities concerning the accident, the cause of the accident, or damages arising therefrom.

RESPONSE: The following is what _____ knows.

_____ purchased a mobile home from _____ on or about the _____ day of _____, 20____. As part of the sale, _____ was to install the mobile home. _____ delivered the mobile home and installed the steps at some point thereafter.

The decedent, _____, and his son, _____, were supposed to have breakfast on or about the _____ day of _____, 20____. However, _____ was late arriving at his son's house. When he did arrive, _____ noticed that his father's head was bleeding and that he was dirty. _____ told _____ that he had fallen from the steps of his new trailer while he was trying to enter the trailer. He fell because the steps had been installed so that there was a large gap at the top of the steps, which _____ had to jump over in order to enter the trailer. _____ does not know whether anyone witnessed the fall. When his father arrived around _____ a.m./p.m., he was in great pain and having trouble breathing. _____ immediately took his father to _____'s Hospital to receive medical treatment, where he was admitted on or about the _____ day of _____, 20____. He stayed in the hospital until the _____ day of _____, 20____. While in the hospital, several doctors attended to him, including, _____ and _____. _____ doctors knew the extent of the injuries _____ suffered and the pain that he was in. According to the medical reports of his doctors, _____ sustained multiple rib fractures and a broken clavicle as a

result of the fall. In addition, the strain and stress from those and other injuries caused him to have trouble breathing and caused him to be in great pain.

Shortly after the accident, _____ visited his father's trailer and found the steps installed in the manner set forth in the Complaint. He later took the pictures attached as Exhibit A to the Complaint.

After he was discharged from _____'s, _____ condition worsened. He was in great pain and again had trouble breathing so he was readmitted to _____ the following day and remained in the hospital until the ____ day of _____, 20____. He was again hospitalized at _____ Hospital on or about the ____ day of _____, 20____, and stayed in the hospital until the ____ day of _____, 20____. In addition, _____ examined _____ while he was at _____.

_____ contacted _____ and spoke with someone whom _____ believes was named "_____. " _____ asked " _____ " if he was aware that his father had fallen from the steps. " _____ " said that he was aware of the fall. " _____ " further stated that the installers could not put the stairs perpendicular to the house because it would be too "wobbly" since the end of the steps would have been over the edge of the concrete walkway that went around the trailer. _____ asked " _____ " why they did not put the stairs perpendicular to the house and put a block or support under the end of the stairs to stabilize them, and " _____ " replied that he didn't know, or words to that effect.

Before the accident, _____ had been an active and vivacious man for his age and physical condition. He was not the same after the accident. He spent over three weeks in the hospital for the injuries he sustained from the fall. While his father was in the hospital, _____ moved to _____, _____. After he was discharged from

_____ for the last time, _____ had to take his father back to _____, _____ because his father was no longer able to care for himself. _____ never did recover from the fall and died on or about the _____ day of _____, 20____.

INTERROGATORY NO. 2: As to each person or entity identified in response to the preceding Interrogatory, identify from whom a written or tape recorded statement has been taken and for each person state the date the statement was taken, the name and address of the person taking the statement, whether the statement is in writing or was tape recorded, and the name and address of the person who presently has possession of the statement or tape.

RESPONSE: As of the date of these responses no written or tape recorded statements have been taken from any witness.

INTERROGATORY NO. 3: Identify all oral or written statements of any party or witness, at the scene of the accident or otherwise, which in any way relate to the cause of the accident or the injuries allegedly sustained as a result of the accident.

RESPONSE: None.

INTERROGATORY NO. 4: Identify all witnesses you expect to testify on behalf of the Plaintiffs, giving for each such witness a summary of the facts you generally expect to elicit from such witness by his testimony.

RESPONSE: The Plaintiffs object to this interrogatory to the extent that it seeks information which the Plaintiffs, pursuant to the _____ Rules of Civil Procedure, do not have to provide. Subject to this objection, the Plaintiffs have not determined who will testify on behalf of the Plaintiffs. This response will be supplemented when such a determination is made.

INTERROGATORY NO. 5: Describe and identify all documents, photographs, videos, and other physical evidence which you expect to offer as evidence on behalf of the Plaintiffs.

RESPONSE: The Plaintiffs have not determined what evidence be offered at trial. This response will be supplemented such a determination is made.

INTERROGATORY NO. 6: Identify each person you expect to call as an expert witness at trial [including physicians or generally employed expert(s) whose information was not acquired will when in preparation for this particular trial] and for each give their qualifications, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each such opinion.

RESPONSE: The Plaintiffs object to this interrogatory to the extent that it is beyond the scope of Rule _____ of the _____ Rules of Civil Procedure. Subject to this objection, the Plaintiffs have not yet determined whom they will call as an expert in this case. This response will be supplemented when, and if such a determination is made.

INTERROGATORY NO. 7: Describe in specific factual detail how and how you contend the accident occurred, including the actions of the person involved, including efforts to avoid the accident; physical location of all witnesses to the accident; the time of day; weather conditions; premises conditions; what part of the premises made contact with _____ in the accident, and; the physical location where any impact(s) occurred.

RESPONSE: See Response to Interrogatory No. 1.

INTERROGATORY NO. 8: Please give a detailed description of every witness, fact, opinion, document and other physical evidence which supports your answer to the preceding interrogatory.

RESPONSE: See Response to Interrogatory No. 1.

INTERROGATORY NO. 9: Describe in specific factual detail what you contend _____ did or failed to do which caused or contributed to the accident.

RESPONSE: _____, its agents, employees or other representatives negligently installed the stairs to create a dangerous condition when _____ tried to enter his trailer. _____ knew that _____ was aged and overweight, knew that it had installed the stairs improperly, and knew or should have known that _____ was in danger if he tried to enter the mobile home. Even though _____ had this knowledge, _____ installed the stairs in the way described in callous disregard for the rights of _____.

INTERROGATORY NO. 10: Please give a detailed description of every witness, fact, opinion, document and other physical evidence which supports your answer to the preceding interrogatory

RESPONSE: See Response to Interrogatory No. 1.

INTERROGATORY NO. 11: Identify and describe any and all pictures, photographs, drawings, diagrams, plats, maps measurements, reports, recordings, statements, calculations, invoices, payroll records receipts or other documents or copies thereof of any kind or nature concerning the accident, the cause of the accident or the alleged injuries or damages arising therefrom made either before, after, or at the time of the events in question.

RESPONSE: The photographs attached to the Complaint as Exhibit A depict the position of the steps when _____ fell from the steps. There are additional photographs, not attached to the Complaint, which depict the same scene from different distances and angles. There are also medical records, an autopsy report, and certificate of death which relate to the injuries and damages suffered by the Plaintiffs. All of the above will be produced to the defendant.

INTERROGATORY NO. 12: Describe in detail the nature, location, and extent of each and every abrasion, laceration, cut, bruise, sprain, strain, contusion, fracture, dislocation, or any

other ailment or injury sustained by the deceased, _____, as a result of the accident and identify and describe in detail every witness, fact, opinion, document or other physical evidence which supports your answer to this Interrogatory.

RESPONSE: The Plaintiffs object to this interrogatory because it is overly broad, unduly burdensome, and beyond the scope of _____'s knowledge and ability. Subject to this objection, _____ knows that his father suffered a cut to his head, broken ribs and a broken clavicle. _____ also knows that his father suffered other injuries which caused his father to have trouble breathing and otherwise be in great pain. _____ treating physicians are better able to describe in detail the nature and extent of his injuries.

INTERROGATORY NO. 13: If you contend that _____ underwent any conscious pain and suffering prior to his death, describe in detail the time, length, place, and source of all such pain and suffering; and describe in detail every witness, fact, opinion, document and other evidence which supports your contention that _____ underwent conscious pain and suffering.

RESPONSE: The Plaintiffs object to this interrogatory as overly broad, unduly burdensome, and beyond the knowledge and ability of _____ to identify and quantify. Subject to this objection, _____ knows that his father suffered pain and suffering from the date of the accident continuously to the date of his death, with some intermittent periods of relative peace.

INTERROGATORY NO. 14: Please categorize and describe each element of damages for which you are seeking recovery, specify the amount you are seeking for each element of damages, the manner in which you calculated each element, and identify each person whom you

believe may have information relating to or pertaining to the same and identify any documents pertaining to the same.

RESPONSE: The Plaintiffs are seeking damages for past medical expenses, the pain and suffering of _____, loss of consortium and/or support, and punitive damages. The medical expenses incurred are contained in the medical records of _____, which have been produced. The Plaintiffs will produce an itemized summary of such damages. The remaining damages cannot be calculated with precision and will be determined by the jury. Persons with knowledge of these damages include _____, _____'s wife, _____ health care providers, and _____.

INTERROGATORY NO. 15: For the deceased, _____, please state full name; date of birth; all residence addresses for the last five years; names and addresses of any former spouses; names, ages and addresses of any children; social security number; and the driver's license number for each state in which _____ was licensed to drive prior to his death.

RESPONSE: _____

DOB: _____

Address: _____

Spouse: _____, deceased

Children: _____

Address: _____

_____'s SS#: _____

_____'s D.L.#: _____

INTERROGATORY NO. 16: Please describe in detail all income earned or received by _____ during the five year period preceding his death, including in your description:

- (a) name and address of each employer or other source of income;
- (b) job title or description with each employer;
- (c) rate of pay with each employer;
- (d) total weekly, monthly, or annual earnings with each employer;
- (e) time(s) of employment with each employer;
- (f) reason for termination with each employer; and
- (g) immediate supervisor with each employer.

RESPONSE: The Plaintiffs object to this interrogatory to the extent that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, at the time of his death, _____ was retired. He was formerly employed as a part owner in a wire rope manufacturing business named _____. See the resume of _____, which has been produced. _____ is not in the possession, custody or control of the other documents and information requested by this interrogatory. Such documents and information may be obtained from _____'s former employer, _____.

INTERROGATORY NO. 17: Describe in detail the educational history of _____, including in your description:

- (a) the names, addresses, and dates of all schools or courses attended;
- (b) all degrees, certificates, awards, and scholarships received;
- (c) date of graduation from any institution or curriculum; and
- (d) grade or grade point average for all schools or curriculum attended after the ___th grade.

RESPONSE: _____ attended the University of Wisconsin. He was a Registered Professional Engineer in Illinois. See the resume of _____, which has been produced.

INTERROGATORY NO. 18: Please describe in detail the medical history of _____, including in your description:

- (a) the names, addresses, and dates of all physicians who treated or attended _____ during the five years preceding his death;
- (b) the names and addresses of all hospitals or institutions where _____ was hospitalized or confined for treatment of any kind during his lifetime, and the dates and purpose of each such treatment or confinement;
- (c) any and all serious or continuing diseases or ailments suffered by _____ during his lifetime;
- (d) any medication regularly taken by _____ during the year preceding his death; and
- (e) any recommended restriction of activity or recommended activity given for _____ by any physician or other medical provider during his lifetime.

RESPONSE: The Plaintiffs do not have knowledge sufficient to answer this interrogatory. _____ was under the regular care of _____. _____ medical records have been or will be produced.

INTERROGATORY NO. 19: Describe in detail any and all financial or monetary contributions made by or through _____ during his lifetime to any of the Plaintiffs herein, including a description of dates, amounts, source, and purpose of such contributions.

RESPONSE: The Plaintiffs object to this interrogatory because it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20: For each plaintiff named herein, describe all services, assistance and support given or obtained through _____ during his lifetime.

RESPONSE: None.

INTERROGATORY NO. 21: State whether the deceased, _____, had taken any type of medication or had anything to drink with alcoholic content within a 24-hour period prior to the time of the accident, state the name, type and amount of drinks _____ had, and, if on medication or drugs, the type and amount taken.

RESPONSE: The Plaintiffs do not know whether _____ had taken any medication prior to the fall.

INTERROGATORY NO. 22: If _____ had ever been arrested or charged with any criminal activity during his lifetime, describe in detail each and every arrest including, the place, date, arresting department, jurisdiction, and final result of the charge.

RESPONSE: The Plaintiffs object to this interrogatory because it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

MEDICAL AUTHORIZATION

Rules _____, _____ Rules of Evidence, state that:

Any party to an action or proceeding subject to these rules who by his or her pleadings places in issue any aspect of his or her physical, mental or emotional condition thereby and to that extent only waives the privilege otherwise recognized by this rule.

Attached hereto is a Medical Authorization authorizing _____ to obtain medical records, etc., pertaining to the Plaintiff's injuries and treatment, etc., alleged to have been sustained as a result of the negligence of the Defendant. Please execute the Medical Authorization and return to the attention of the undersigned.

RESPONSE: Attached to these responses is a Medical Authorization which _____ executed before his death.

Respectfully submitted,

Dated: _____

Name: _____

Title: _____

Address: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-Mail: _____

Attorney No.: _____

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed, U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to _____, at the following address;

THIS the ____ day of _____, 20____.
