

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

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

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT _____**

The Plaintiff, _____, pursuant to _____. R. Civ. P. ____ and all other applicable rules, propounds her First Set of Interrogatories and Request for Production of documents to Defendant, _____.

INSTRUCTIONS

1. Capitalized terms used throughout are defined in the Definitions section below. In accordance with the provisions of the _____ Rules of Civil Procedure, each of the interrogatories should be answered separately and fully in writing and answers to these interrogatories should be signed under oath by an authorized representative of Defendant.

2. Answers to the following interrogatories should be based upon facts, evidence, information, and written materials known or possessed by or available to the Defendant.

3. All Documents should be produced within _____ (____) days from service of this request at the offices of _____ or with the answers to these interrogatories.

4. If it is maintained in response to any of these interrogatories and document requests that requested interrogatory responses or documents are subject to the work product privilege, attorney-client privilege, or any other confidentiality or privilege claim, then provide a concise statement of the grounds upon which such claim of privilege is asserted, and if such a claim involves a Document, then identify the general nature of any such Document, the identity and position of its author; the date it was written, and the identity and positions of all recipients

5. Your obligation to supplement your response to these interrogatories and document requests continues until the date of trial.

DEFINITIONS

As used in these interrogatories and document requests, the following terms are defined as follows:

1. "Defendant," "it," "you" or "your," unless otherwise indicated, refers to _____ and its officers, directors, volunteer workers, employees, affiliates, servants, attorneys, agents and others who are in possession of, or may have information for or on behalf of the Defendant.

2. "Plaintiff" refers to _____.

3. "Person" refers to any individual, public or private corporation, proprietorship, partnership, association, government agency, political subdivision, group or other business, public, private or semi-private organization.

4. To "identify a Person" shall mean to provide:

- a. His, her or its name and last known complete address, including zip code and last known complete phone number, including area code;

- b. If other than a natural person, the name of a contact person and that person's position with the identified entity; and
- c. If a natural person, the current occupation and business address and telephone and the last known business address of his or her employer at the time referred to by you in your response.

5. To "identify a statement" shall mean to provide a copy of any written statement and, to the extent that the statement is verbal or the following information is not contained in the written statement, to provide:

- a. The name of each person who participated in the communication, and the name of each person who was present at the time it was made;
- b. By whom each person was employed;
- c. The nature and substance of the communication;
- d. The date upon which such communication occurred; and
- e. Where the original statement was made.

6. To "identify a Document" shall mean to provide the following information:

- a. The type of document (e.g., letter, memorandum, telegram, chart, etc.);
- b. The date the document was prepared or the date shown on that document;
- c. Title of the document;
- d. The person who prepared the document;
- e. The person for whom the document was prepared;
- f. The subject matter covered by the document; and
- g. The present location of the document

7. If an interrogatory or document request is phrased in the singular or plural and a plural or singular response respectively is required, make the appropriate change.

8. All definitions provided apply in pertinent part to each interrogatory and document request propounded and are incorporated by reference as is fully set forth in each individual interrogatory or document request.

9. The term "Documents" means any instructions, manuals, booklets, diagrams, models, written opinions, reports, records, documents, instruments, letters, memoranda, notes, summaries, statements, correspondence, assignments, logs, agreements, contracts, telegrams, notices, proofs, forms, cards, charts, drawings, graphs, graphic representations, work sheets, time sheets, bills, statements, invoices, books, ledgers, accounts, tape recordings, microfilms, computer printouts, papers, or other written, typed, printed or recorded material of any kind whatsoever (including diskettes, writings, drawings, graphs, charts, videotapes, films, photographs, CDS, records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form) in the possession, custody or control of Defendant, regardless of, by or for whom the document was prepared, regardless of the addressor(s) and addressee(s)¹ and regardless of whether it is an original or a copy and regardless of how the Defendant acquired possession, custody or control thereof.

FIRST SET OF INTERROGATORIES

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.

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.

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.

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.

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.

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

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.

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.

INTERROGATORY NO. 9:

State with particularity the facts that form the basis of each defense contained in your answer.

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.

INTERROGATORY NO. 11:

Please list and describe each Document which Defendant expects to use as evidence at trial.

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.

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.

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.

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.

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.

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.

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

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.

INTERROGATORY NO. 20:

Describe in detail all incidents in the past _____ (____) 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.

INTERROGATORY NO. 21:

Describe in detail any incident reports prepared and completed with regard to the subject incident.

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.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1:

Produce all Documents identified in Defendant's response to any Interrogatory above.

REQUEST NO. 2:

Produce any and all correspondence regarding Plaintiffs' claim which forms the subject matter of this litigation.

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.

REQUEST NO. 4:

Produce any office file or interoffice correspondence or memoranda relating to Plaintiffs' claim which forms the subject matter of this litigation.

REQUEST NO. 5:

Produce a copy of each Document not previously requested which in any way relates to the subject matter of this lawsuit.

REQUEST NO. 6:

Produce all Documents, not previously requested, which relate in any way to any of your defenses in this lawsuit.

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

REQUEST NO. 8:

Please produce each Document which Defendant expects to use as evidence at trial.

REQUEST NO. 9:

Please produce any and all documents which you expect to or may offer into evidence upon the trial of this matter.

REQUEST NO. 10:

Please produce any and all statements given or affidavits executed by witnesses.

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__.

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.

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.

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.

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.

REQUEST NO. 16:

Please produce all other documents identified in response to any of the foregoing interrogatories.

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____.
