

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

\_\_\_\_\_,  
Plaintiff, )  
vs. ) Case No.: CJ-2011-  
\_\_\_\_\_, )  
Defendant. )

**PLAINTIFF'S INTERROGATORIES  
AND REQUESTS FOR PRODUCTION TO DEFENDANT**

TO:

COMES NOW the Plaintiff, pursuant to Title 12 Okla.Stat. §3233 and hereby requests the Defendant to answer the following Interrogatories no later than thirty (30) days after the receipt of these Interrogatories.

**DEFINITIONS**

- A. "You" or "your" shall refer to the named Defendant, answering these Interrogatories.
- B. "Writing" shall refer to any written material, whether typed, handwritten, printed or otherwise, or any photograph, photostat, microfilm, or any other reproduction thereof, and including, without limitation, each note, memorandum, letter, telegram, circular, release, article, report, analysis, chart, account, book, draft, summary, diary, transcript, agreement, contract, deposit slip, bank statement, receipt, stock certificate, bond coupon, purchase and/or sale confirmation, monthly securities and/or commodities statements.
- C. "Person" shall refer to any natural person, firm, association, partnership, corporation or other form of legal business entity.
- D. "Communication" shall refer to telephonic conversations, oral conversations other than telephonic conversations, any and all types of writings and printed information.
- E. "Identify" or "identification", when used in reference to an individual, means to state his/her full name, residential address and his present or last known position and business affiliation.  
"Identify" or "identification", when used in reference to a corporation, firm or other entity

means its full name, form or organization, and its present or last known address.

"Identify" or "identification", when used in reference to a writing, means a description of that writing in a manner sufficient for a Subpoena Duces Tecum or for production pursuant to §3211 of the Oklahoma Discovery Code. Also give its present location or custodian. If any such writing was, but no longer is, in your possession or control, state when disposition was made of it, the date thereof, the person responsible for making the decision as to such disposition, and the person responsible for carrying out such disposition.

"Identify" or "identification", when used in reference to a telephonic conversation, means to state the full name, business affiliation and business address at the time, present or last known position and business affiliation and residential address of each party to the telephonic conversation, the location of each such party at the time the telephonic conversation took place, which of the parties initiated the telephonic call, and when such telephonic conversation took place.

"Identify" or "identification", when used in reference to an oral conversation other than a telephonic conversation, means to state when such conversation took place, where such conversation took place, and the full name and present or last known position and business affiliation and residential address of each party to such conversation.

F. "Document", "communications" or "writings" as used herein, include but are not limited to the original and all copies with or without notations of all contracts, agreements, understandings, commitments, proposals and other business dealings, recordings, telegrams, telexes, transcriptions and memoranda or notes or summaries made of any telephone communication or face-to-face oral conversation between or among any persons; dictated tapes or records or other sound recordings, computer print-outs and/or reports, and the applicable program or programs therefore; tapes, cards, or any other means by which data are stored or preserved electronically, electrically, magnetically or mechanically and the applicable programs therefore (from which one may reproduce or cause to be reproduced such data in written form); memoranda, notes, shorthand notations, stenographic notations, correspondence, letters and telegrams, whether received or sent; instruments of assignment, transfer or conveyance; pictures, drawings, photographs or other graphic

representation and documents of title, notes of summaries of meetings, studies files; summaries or reports of investigations; working draft papers (in whatever form taken); lists, compilations intra or inter-office memorandum or communications in any form, notes, reports, confirmation slips, agreements, ledgers, books of accounts, vouchers, bank checks, invoices, purchase orders, charge slips, receipts, working papers, cost sheets, desk calendars, appointment books, diaries, time sheets, or logs; expense vouchers, travel logs, travel receipts and records; and papers similar to any of the foregoing.

G. "Relating to" or "with reference to" means concerned with, showing or indicating knowledge of, mentioning, or in any manner referring to, either directly or indirectly.

### **INSTRUCTIONS**

1. These Interrogatories shall be deemed continuing pursuant to §3226(E) of the Oklahoma Discovery Code as to require additional answers if Defendant acquires additional information between the time the answers are served and the time of trial. Such additional answers shall be served reasonably, but not later than forty-five (30) days after such further information is received.

2. Each Interrogatory is to be considered as having been asked individually of Deponent, and Deponent shall file separate answers, first giving the question, followed by the Deponent's response.

3. Wherever used herein, the singular shall be deemed to include the plural and the feminine shall be deemed to include the masculine, the disjunctive ("or") shall be deemed to include the conjunctive ("and"), the conjunctive ("and") shall be deemed to include the disjunctive ("or"), and each of the functional words, ("each", "every", "any", and "all") shall be deemed to include each of the other functional words.

4. Interrogatories which cannot be answered in full shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer, as well as by a statement of whatever knowledge, information or belief you possess with respect to each unanswered or incompletely answered Interrogatory.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** State the name, address, telephone number and relationship to you of each person who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply types or reproduced the responses).

**INTERROGATORY NO. 2:** State whether you have a copy of any statement which the Plaintiff, Defendant, witnesses or any other individuals have previously made concerning this action or its subject matter and which is in your possession, custody or control. If so, as to each such statement and as to each such individual, state the name of the individual taking the statement, the date of the statement, the form of the statement and the verbatim content of the statement, or alternatively, attach a copy thereof to your answers to Interrogatories.

(NOTE: For the purpose of this question, a statement previously made is: 1) a written statement signed or otherwise adopted or approved by the person making it; or 2) a stenographic, mechanical, electrical or other recording or transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded. In answering this Interrogatory, it is not sufficient to merely claim "work product" status for such statement. Statements made that are not in anticipation of litigation are not privileged. If, however, you intend to claim a work product privilege, you must, nevertheless, answer all portions of this Interrogatory except that asking the content of such statements.)

**INTERROGATORY NO. 3:** State the full name and anticipated testimony of all witnesses, including expert witnesses, which you reasonably anticipate may be called as witnesses.

(NOTE: This Interrogatory is intended to identify all persons whom you reasonably anticipate may be called as witnesses even though your attorneys have not made a final determination as to what witnesses will be called.)

**INTERROGATORY NO. 4:** Fully describe the type of floor and floor covering, including brand names, that were in the area where Plaintiff was injured and state when, prior to the date of Plaintiff's accident the floor covering was installed and its condition at the time of the accident.

**INTERROGATORY NO. 5:** State what procedures you follow in inspection, repairing and cleaning the area where Plaintiff's injuries occurred. If such procedures are in writing,

please quote the exact language of the written procedures, give the name and location of the documents containing them and the dates any such procedures were in effect from a period dating from three years prior to Plaintiff's injuries to the present time. Further, state what inspections and corrective actions had been taken before Plaintiff was injured and the date(s) and times(s) of each.

**INTERROGATORY NO. 6:** Fully describe what warnings you gave to Plaintiff before the accident about the condition(s) that caused or contributed to its cause and when you gave them.

**INTERROGATORY NO. 7:** Give the brand name of the floor wax, polish or other finish that was on the floor in the area when Plaintiff was injured, fully describe when it had been applied to the floor before the accident and the exact method you utilized in applying and buffing it. State any deviations in your application or buffing of the finish from what was recommended by the manufacturer.

**INTERROGATORY NO. 8:** State fully all the efforts you made prior to Plaintiff's accident to learn about the general hazards of people slipping or tripping and falling and what you did to try to prevent accidents similar to Plaintiff's.

**INTERROGATORY NO. 9:** Give the names and addresses of the persons and organizations who designed the premises in question and the dates that the design plans for said premises were formulated and approved.

**INTERROGATORY NO. 10:** Within the past five (5) years, has the Defendant received or become aware of any claims resulting from injuries alleged to have been suffered in a slip and fall or trip and fall incident at the restaurant where Plaintiff alleges the fall occurred? If so, state:

- a. The date of the alleged injury;
- b. The date the claim was received; and
- c. Name and address of allegedly injured claimant.

**INTERROGATORY NO. 11:** Identify, with sufficient particularity to allow Plaintiff to frame a Request for Production, all procedure manuals, letters, memos, instruction manuals and

other writings that pertain to or concern in any way the cleaning and maintenance of the restaurant where Plaintiff alleges she was injured.

**INTERROGATORY NO. 12:** Was any abrasive or non-skid material in use on the floor surface where Plaintiff alleges the accident occurred? If so, what type?

**INTERROGATORY NO. 13:** Did any employee of Atlanta Bread Company prepare or fill out an accident or incident report. If so, who prepared it and who has custody of it?

**INTERROGATORY NO. 14:** State the name, address and telephone number of each individual:

- a. who witnessed the incident or the events occurring immediately before or after the incident;
- b. who heard any statements made about the incident by any individual at the scene;
- c. who you or anyone acting on your behalf claim has knowledge of the incident.

**INTERROGATORY NO. 15:** Have you or anyone acting on your behalf interviewed any individual concerning the incident? If so, for each individual state:

- a. the name, address and telephone number of the individual interviewed; and
- b. the name, address and telephone number of the person who conducted the interview.

**INTERROGATORY NO. 16:** Do you or anyone acting on your behalf know of any photographs, films or videotapes depicting any place, object or individual concerning the incident or Plaintiff's injuries? If so, state:

- a. the places, objects or persons photographed, filmed or videotaped;
- b. the date the photographs, films or videotapes were taken;
- c. the name, address and telephone number of the individual taking the photographs, films or videotapes;
- d. the name, address and telephone number of each person who has the original or a copy.

**INTERROGATORY NO. 17:** Was a report made by any person concerning the incident? If so, state:

- a. the name, title, identification number and employer of the person who made the report;

- b. the date and type of report made;
- c. the name, address and telephone number of the person for whom the report was made.

**INTERROGATORY NO. 18:** What is the name and address of each person who on **date of accident**, was the owner of the business and/or real property known as **name of business**, located at **address of business**?

### **REQUEST FOR PRODUCTION**

#### **DEFINITIONS AND INSTRUCTIONS**

A. The word "document" means any kind of written, recorded or graphic matter, whether produced, reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other media, of any kind or description, whether sent or received or neither, including without limitation, originals, copies (with or without notes or changes thereon) and drafts, including without limitation: papers, books, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, microfilms, all other records kept by electronic, photographic or mechanical means, and things similar to any of the foregoing however denominated by Plaintiff, in the possession, custody or control of Defendant or any officer, employee, consultant, agent or counsel of or for the Defendant.

B. In the event that any document called for by this Request is to be withheld on the basis of a claim of privilege that document is to be identified by stating: (1) each addressor and addressee; (2) each indicated or blind copy; (3) the document's date, subject matter, number of pages, and attachments or appendices; (4) all persons to whom the document was distributed, shown or explained; (5) its present custodian; and (6) the nature of the privilege asserted.

C. This request shall be deemed continuing to the extent required by §3226 of the

Oklahoma Discovery Code, and covers materials subsequently located, prepared, or coming into the custody or control of the Defendant.

D. In the event that any document called for by this Request has been destroyed or discarded, that document is to be identified by stating: (1) each addressor or addressee; (2) each indicated or blind copy; (3) the document's date, subject matter, number of pages, and attachments or appendices; (4) all persons to whom the document was distributed, shown or explained; (5) its date of destruction or discard, manner of destruction or discard, and reason for destruction or discard; and, (6) the person who authorized such destruction or discard.

### **DOCUMENTS REQUESTED**

**REQUEST NO. 1:** Any accident or incident report, investigation reports or statements from witnesses or any persons claiming to have knowledge concerning the accident which is the subject matter of this action.

**REQUEST NO. 2:** Any and all maps, pictures, photographs, building plans or building specifications of the accident site in question that is the subject matter of this action.

**REQUEST NO. 3:** Any and all written, oral, stenographic or mechanically recorded instructions, policies or procedures, including, but not limited to Safety Manuals, Management Training Manual, Employee Manuals or Maintenance Manuals presently in your custody or control.

**REQUEST NO. 4:** Any and all photographs, films, videotapes depicting any place, object or individual concerning the incident or Plaintiff's injuries.

**REQUEST NO. 5:** That the premises, known as \_\_\_\_\_, located at \_\_\_\_\_, be made available for inspection by Plaintiff and her attorney.

### **PROPOSAL FOR INSPECTION**

Plaintiff requests, pursuant to 12 Okla. Stat. §3234, that copies of the requested documents be mailed to Plaintiff's attorney within forty-five (45) days from service of this request on Defendant.

Plaintiff also requests, pursuant to 12 Okla. Stat. §3234, that Plaintiff and her attorney be

allowed to inspect the premises, known as \_\_\_\_\_, within forty-five (45) days from service of this request on Defendant.

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T. David Hasbrook,  
Clayton T. Hasbrook  
HASBROOK & HASBROOK  
2700 First National Center  
120 N. Robinson Avenue  
Oklahoma City, OK 73102  
405-235-1551  
405-604-7503 - Facsimile  
Email: [tdh@hasbrooklaw.com](mailto:tdh@hasbrooklaw.com)  
Email: [cth@hasbrooklaw.com](mailto:cth@hasbrooklaw.com)

**CERTIFICATE OF MAILING**

This will certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, a true and correct copy of the foregoing document was mailed by regular United States mail, with sufficient postage thereon to the following:

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