V I R G I N I A:

IN THE CIRCUIT COURT OF

 \*

Plaintiff \*

 \*

vs. \* Case No.

 \*

 \*

Defendant \*

 FIRST SET OF INTERROGATORIES

**To: All Defendants**

Pursuant to the Rules of the Court, the undersigned propounds the following Interrogatories to be answered separately, under oath and in writing, in accordance with said Rules.

Guidelines for Answers to Interrogatories:

 (a) These Interrogatories are continuing in nature so as to require the filing of supplemental answers and responses without further request should additional information or information inconsistent with the information contained in the answers and responses to these Interrogatories become available to the party or parties to whom these Interrogatories are directed.

(b) Where information or knowledge in the possession of a party is requested, such request includes knowledge in the possession of the party's agent(s), employee(s), next friend(s), guardian(s), representative(s) and, unless privileged, the party's attorney(s).

(c) Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the events/incident mentioned or complained of in the pleadings (hereafter “the incident”).

(d) Where the name of a person or entity is requested, state the full name, home address, business address, and office and home telephone numbers.

(e) Where the identity of a document, whether in paper, electronic or other format, is requested, state (i) the date of the document; (ii) the author or identity of the document and addresses, if applicable; (iii) the present location of the document; and (iv) the person having custody of the document.

(f) The pronoun 'you' or 'your' refers to the party(ies) to whom these Interrogatories are addressed, and the persons and/or entities mentioned in clause (b) above. When appropriate, the masculine gender may be considered to be substituted for the feminine gender and vice versa, and the singular may be considered substituted for the plural and vice versa.

(g) When you are asked to disclose facts which support your position, state the source of those facts.

(h) The definitions and instructions contained in this party's First Request of Documents and Things are incorporated herein and made a part hereof.

**INTERROGATORY NO. 1**

Fully identify the individual answering these Interrogatories. If they are answered on behalf of an entity, your answer is to include title, job description, responsibilities and length of employment with this entity, and state whether you are acting as an agent of this party in responding to these Interrogatories.

**Answer:**

**INTERROGATORY NO. 2**

 Identify, in the manner described in paragraph (d) of the Guidelines, each person with knowledge of the facts relevant to the subject matter of this action. Separately, for each person, state a brief description of the information you contend is known by such persons.

**Answer:**

**INTERROGATORY NO. 3**

Identify each person who you expect to call as an expert witness at the hearing or trial of this matter and state the subject matter upon which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, and the qualifications and professional background of such expert.

**Answer:**

**INTERROGATORY NO. 4**

If you are aware of any statements, oral or written, made by the party propounding these Interrogatories relating to the incident or to the damages alleged to be caused by the incident, state the date and substance of such, whether such statement is in whole or in part in any documentary form, the name and address of the custodian of such statement, and the identity of the witnesses to such statement.

**Answer:**

**INTERROGATORY NO. 5**

If you have any facts indicating that any party to this lawsuit, or any person whose identity is called for in Interrogatory 1 or 2, or any other person identified as a potential witness at trial has been convicted of a felony or crime of moral turpitude, identify such person, the crime convicted of, and the date of such.

**Answer:**

**INTERROGATORY NO. 6**

If you have any facts to indicate that any party to this action has not been properly identified herein, lacks capacity to be a party or is improperly joined, state those facts.

**Answer:**

**INTERROGATORY NO. 7**

 State with as much detail as you can how you contend the incident happened. Your answer should include the date, time and location of the incident and the events relating thereto in their chronological order.

**Answer:**

**INTERROGATORY NO. 8**

With respect to any affirmative defense asserted in this case, state and identify:

(a) the facts which support such;

(b) the persons with knowledge of any facts concerning such, together with a brief description of the facts you contend to be known by such person; and

(c) the documents and things which contain, relate or refer to facts which prove or disprove that issue.

**Answer:**

**INTERROGATORY NO. 9**

If you suffered/incurred any injuries/damages relating to the incident which is the subject of this litigation then state in detail what those damages/injuries were.

**Answer:**

**INTERROGATORY NO. 10**

If you have any facts that the Plaintiff has not suffered/incurred the damages and/or injuries alleged in this litigation then state those facts.

**Answer:**

**INTERROGATORY NO. 11**

If you or anyone on your behalf has at any time after the incident posted anything on social media referring or relating to the incident or your physical or mental condition after the incident then state the name of the media, when the posting was made and the content of such.

**Answer:**

**INTERROGATORY NO. 12**

Describe in detail everything which any of the parties to this lawsuit did in an attempt to avoid the incident.

**Answer:**

**INTERROGATORY NO. 13**

If any person other than the parties to this lawsuit in any way caused or contributed to cause the happening of the inci­dent, fully identify such person and describe in detail how and in what manner such person caused or contributed in any way to the incident.

**Answer:**

**INTERROGATORY NO. 14**

If any party to this lawsuit consumed any alcohol, narcot­ic, hallucinogen, barbiturate, or marijuana at any time during the twenty four hour period preceding the incident, identify the

person using such, the type and amount of substance consumed, the location and time of consumption, and the names of any witnesses to such consumption.

**Answer:**

**INTERROGATORY NO. 15**

State whether any part of any judgment which might be rendered against you in this action may be subject to satisfac­tion by an insurance policy. If such an insurance policy exists, state the policy limits, the name of the insured on the policy and the name of the insurance company issuing the policy.

**Answer:**

**INTERROGATORY NO. 16**

State the date the product referenced in the suit papers (hereafter the product) was first placed on the market for use by the general public.

**Answer:**

**INTERROGATORY NO. 17**

If the product is no longer manufactured and/or distributed today, give the date from which the product was no longer manufac­tured and/or distributed, and all reasons why it was discontin­ued.

**Answer:**

**INTERROGATORY NO. 18**

If the product is no longer manufactured and/or distributed today and a similar product (a similar product as used herein is any product designed, manufactured, and distributed by the defendant for the same intended use as the product) is now being manufactured and/or distributed, identify such.

**Answer:**

**INTERROGATORY NO. 19**

Has the defendant conducted any recall campaigns, opera­tions, programs or activities for the product or similar products it has manufactured, designed, and/or distributed?

Yes \_\_\_\_\_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_\_\_\_\_\_

If your answer is in the affirmative, state and describe in detail each such recall campaign, operation, program, or activity. (Your answer is to include the exact date(s) of the announcement or beginning of the activity, the purpose of the activity in terms of potential or real defects sought to be corrected or checked, and whether the product was examined or corrected.)

**Answer:**

**INTERROGATORY NO. 20**

At any time did the defendant, or any of its agents or employees, have any knowledge of any adverse physical consequences allegedly caused by the product? If so, state the following:

(a) the date when the defendant or any agent or employee of the defendant first learned of such;

(b) how the defendant or any agent or employee of the defendant learned of such;

(c) the substance of any complaint (including specific injuries complained of) as to such; and

(d) what action or actions, if any, the defendant or any agent or employee of the defendant took to safeguard users.

**Answer:**

**INTERROGATORY NO. 21**

State in detail what precautions, if any, were taken by the defendant or any agent or employee of the defendant prior to the incident complained of herein to prevent injuries or damage to the users of the product and similar products. (Your answer is to include date and manner of each such precaution.)

**Answer:**

**INTERROGATORY NO. 22**

If the defendant at any time prior to the plaintiff's incident took any actions or precautions whatsoever to alert or warn the actual users of the product against possible damage or injuries that resulted or may result from the use of the product or similar product, set forth in detail all such actions or precautions. (Your answer is to include date and manner of each such action or precaution.)

**Answer:**

**INTERROGATORY NO. 23**

If the product was ever changed or modified in any manner or form from the date it was first marketed and sold, describe fully each such change or modification. (Your answer is to include the date on which the change or modification was made, the reason for the change or modification, and a complete description of each and every part or component that was eliminated, added or modified.)

**Answer:**

**INTERROGATORY NO. 24**

Fully identify each person or entity who conducted any tests, research, investigation or inquiry for, on behalf of, or for the benefit of the defendant to determine the safety of the product for its intended use and, for each person or entity disclosed, state in detail the purpose and results of all such tests.

**Answer:**

**INTERROGATORY NO. 25**

If the defendant has received any complaints of injury or unusual occurrences similar to those experienced by the plain­tiff as alleged, state the name, address and telephone number of the complainant, the date of the complaint, the substance of the complaint, whether a lawsuit has been filed relating to such, and, if so, the court, the name of the plaintiff's attorney, and the disposition of such.

**Answer:**

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*Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

***CERTIFICATE OF SERVICE***

I hereby certify that a true copy of the foregoing was sent this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ by: \_\_\_\_\_\_\_\_ regular mail, postage pre-paid

\_\_\_\_\_\_\_\_ facsimile

\_\_\_\_\_\_\_\_ electronic mail

\_\_\_\_\_\_\_\_ hand delivery

To:

 *Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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 Brien A. Roche, Esq.