V I R G I N I A:

IN THE CIRCUIT COURT OF

 \*

Plaintiff \*

 \*

v. \* Case No.

 \*

 \*

Defendant \*

 ***FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS***

**To: ALL DEFENDANTS**

Pursuant to the Rules of the Court, the undersigned hereby requests the production for inspection and copying of the following documents and/or things, to be produced at the law offices of the undersigned within the time period prescribed by the Rules.

 Definitions and Instructions

A. As used herein, the word "document" and its cognates refer to all writings or other tangible or electronic records including, but not limited to, all copies of any written, printed or typed material, photostatic copies, photographic, and recorded matters of any kind or character, correspondence, notes, memoranda, studies, research, reports, test results, proposals, advertising brochures, memoranda, newspaper or magazine articles, press/news releases, drawings, labels, warnings, brochures, instructions, literature, package inserts, or any other type of writing or record that pertains in any way to the documents sought below.

B. As used herein, the word "document" includes all copies unless such copies (including notations and marks thereon) are exact duplicates of documents that are produced.

C. The term "defendant", as used herein, shall mean each and every defendant named in this cause of action and their respective employees, agents and representatives.

D. The term "product" means the product referenced in the suit papers initiating this action, which the plaintiff contends caused the injury in question in this lawsuit.

E. All documents produced should be numbered consecutively in the lower right-hand corner. Each paragraph of your response should state which numbered documents are being produced in response to that paragraph.

F. The guidelines for the Interrogatories sent with this Request for Documents are incorporated herein.

 DOCUMENTS AND THINGS TO BE PRODUCED

1. The recorded or transcribed statements of persons whose identity is called for in the Interrogatories propounded by this party and any such statement of the party propounding this discovery request.

2. The reports, letters or other documents prepared by any expert witness you expect to call at the trial of this matter.

3. The most recent curriculum vitae of any expert witness you expect to call as a witness at the trial of this matter.

4. The documents referring or relating to any criminal convictions of any parties to this action or persons that may be called as witnesses at trial.

5. The pictures, diagrams, drawings, images, videos or mockups, which you contend contain information relating to the facts of this case.

6. The documents referred to or identified by you in answering the Interrogatories served along with this Request for Documents and Things.

7. The documents or things received by you in response to any Subpoena issued by you.

8. The documents that contain any facts as to damages/injuries suffered/incurred by you as a result of the incident.

9. The documents and things containing facts that the Plaintiff has not suffered/ incurred the damages/injuries alleged herein.

10. The social media postings made by you or on your behalf referring or relating to the incident or your physical or mental condition after the incident.

11. The documents containing facts and/or opinions relied upon by any expert witness you expect to call at the trial/hearing of this matter. Statements made by Counsel containing opinions or impressions of Counsel may be excised.

12. The documents and things which contain facts as to how the incident in question occurred.

13. The documents or things containing facts as to the actions taken by any party to this lawsuit one hour before or one hour after the incident.

14. The documents and things referring or relating to the consumption of substances inquired into in the Interrogatories propounded by this party.

15. The policies of insurance providing coverage for you in regard to this incident, including the policy itself, the declaration sheet, and all endorsements thereto.

16. The documents and things referring or relating to any investigation of the incident, conducted in the ordinary course of business.

17. The reports or writings of any sort that you submitted to any governmental agency referring or relating to this incident.

18. The documents or writings of any nature which were disseminated to the media (radio, television, newspapers, magazines, etc.) regarding the possible risks to users of the product.

19. The documents or writings of any nature which evidence that plaintiff knew of the possible risks, dangers, hazards, or possible adverse experiences in using the product.

20. The documents or writings of any nature from any source which was prepared by, for the benefit of, or provided to the defendant evidencing any study, research or investigation on the possible or actual adverse experiences in the use of the product.

21. The documents or writings of any nature (including warnings) which were provided or disseminated to educate the public or the ultimate user of the product concerning any hazards or risks in using the product.

22. The reports or other documents or writings which have been submitted to any state or Federal agency reporting an alleged adverse experience by a user, associated with the use of the product from the date the product was first made available for use by the general public to the date of your response hereto.

23. The documents or writings of any nature which evidence all steps taken by the defendant to alert or warn the ultimate user of the product of any possible hazards, risks, and or adverse experiences with the product.

24. The documents or writings of any nature which evidence the length of time the product was tested prior to being manufactured and made available to the general public for use.

25. If not produced in response to another request, all documents or writings of any nature which evidence the results of all testing done on the product prior to it being made available to the general public for use.

26. The documents or writings of any nature which evidence submission to any state or Federal agency regarding the results of said testing referred to in the two prior paragraphs.

27. If not produced in response to the three prior para­graphs, all documents or writings evidencing any flaws in the product during the testing stage, and defendant's notification to any state or Federal agency of each such flaw.

28. The newspaper, press releases, advertising material, or other documents or writings of any nature which were released for advertisement purposes informing the general public of the availability of the product and the uses to which the product could be put.

29. The documents or writings of any nature which pertain in any way to defendant's decision to remove the product from the market.

30. The documents or writings of any nature from every person who notified the defendant, by letter or otherwise, of any personal injury in connection with the use of the product.

31. The approval by any state or Federal agency of the use of the product for public use together with copies of any communications from such agencies regarding such approval, including any subsequent approvals for the product and any changes or modifications made thereto.

32. The documents or writings of any nature between the defendant and any state or Federal agency regarding the safety of the product.

33. The marketing proposals for the product.

34. The warnings, proposed or otherwise, which were prepared by the defendant or anyone acting on its behalf for possible or actual use on pamphlets, instructional material, packaging, etc. for dissemination to users of the product regarding the possible risks in using the product.

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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.