

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

19th JUDICIAL DISTRICT COURT

DEFENDANT DARREN,

Defendant

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

DEFENDANT'S LIST OF DISPUTED MATERIAL FACTS

NOW INTO COURT, through undersigned counsel, comes Douglas Defendant ("Defendant"), who submits the following Statement of Disputed Material Facts in opposition to the Patricia Plaintiff's Motion for Summary Judgment in this matter pursuant to Uniform Rules of District Courts Rule 9.10(b) as follows:

I. Disputed as Exhibit B is not admissible evidence pursuant to La. C.C.P. 966 and further, does not state this fact.

II. Disputed as Exhibit B is not admissible evidence pursuant to La. C.C.P. 966 and further, does not state this fact.

III. Disputed as Exhibit B is not admissible evidence pursuant to La. C.C.P. 966 and further, does not state this fact. Additionally, "at the same time" is not defined or specified. Subject to those objections and without waiving them, it is admitted that on September 4, 2017 Defendant was going west on Webster Street.

IV. Disputed as Exhibit B is not admissible evidence pursuant to La. C.C.P. 966 and further, does not state this fact. Additionally, "then" is not defined or specified.

V. Disputed as Exhibit B is not admissible evidence pursuant to La. C.C.P. 966 and further, does not state this fact. Subject to those objections and without waiving them, Defendant Darren did not strike Plaintiff Peter with his vehicle.

VI. Disputed as Plaintiff Peter is only relying on self-serving testimony and no medical records have been produced to date. Further, this fact is irrelevant for the instant motion for summary judgment.

VII. Disputed as VII is a genuine issue of material fact and calls for a legal conclusion that can only be determined by the trier of fact, which is not appropriate on summary judgment.

VIII. VIII is a recitation of Plaintiff's exhibits. Defendant cannot dispute that Plaintiff is attempting and filed the listed exhibits. However, Defendant, does object, oppose, and

concurrently makes a motion to strike those not in accordance with La. C.C.P. 966. That motion to strike is more fully briefed in Defendant's opposition.

RESPECTFULLY SUBMITTED,

/s/ Taylor Ashworth
TEAM DEFENDANT, LLC
Taylor Ashworth (#000001)
Ashley M. Caruso (#000002)
Joseph Dronet (#000003)
Monette M. Davis (#000004)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1st day of March 2023, served a copy of the foregoing to all parties to this proceeding by facsimile, electronic mail and/or depositing same in the United States Mail, properly addressed and postage prepaid.

/s/ Taylor Ashworth
Taylor Ashworth

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

DEFENDANT DARREN,

Defendant

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**DOUGLAS DEFENDANT’S OPPOSITION TO
PATRICIA PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

NOW INTO COURT, through undersigned counsel, comes Defendant Darren (“Defendant”), who hereby responds and opposes the Plaintiff Peter’s (“Peter”) Motion for Summary Judgment as follows:

I. BACKGROUND

Plaintiff filed Plaintiff filed a motion for summary judgment seeking partial summary judgment on the matter of Defendant’s liability. Defendant now opposes Plaintiff’s partial motion for summary judgment. Plaintiff cited no undisputed facts to support their position. Defendant asserts the following pertinent factual background.

On September 4, 2017, Darren was carefully and lawfully driving on Webster St., when, all of sudden, a motorcycle driven by Plaintiff darted into the street as Darren was attempting to park.¹ The motorcycle did not signal or otherwise indicate that it was about to enter traffic.² As a motorist on a public thoroughfare, Plaintiff owed Darren a duty of care.³ Plaintiff breached his duty of care by negligently existing a parking space, failing to have the vehicle under the proper control, failing to obey the rules of the road, failing to keep a proper look-out, failing to use a turn signal, failing observe the condition of the highway and the traffic thereon, failing to observe with reasonable care the traffic and road conditions including the location of Darren’s vehicle, failing to avoid the accident by changing the direction of the vehicle, failing to utilize mirrors or otherwise keep a lookout of vehicular traffic, and violating State of Louisiana traffic laws.⁴ Frankly put, Plaintiff pulled in front of Defendant on September 4, 2017.⁵ Further, as a result of the sudden braking, Darren sustained several cervical fractures and a closed head injury.⁶

¹ Counterclaim, ¶ 2; Exhibit E, Exhibit G, and Exhibit F.

² Counterclaim, ¶ 3. Exhibit E, Exhibit G, and Exhibit F.

³ Counterclaim, ¶ 4; La. R.S. § 32.

⁴ Counterclaim, ¶ 5; La. R.S. § 32.

⁵ Counterclaim, ¶ 6; Exhibit E, Exhibit F, Exhibit G.

⁶ Counterclaim, ¶ 7; Exhibit G.

In support of Defendant's opposition Defendant attaches Exhibit E, certified deposition transcript of Defendant Darren, Exhibit F, Affidavit of Defendant Darren, Exhibit G, Affidavit of Nat Romanov, Exhibit H, Defendant's Interrogatory Responses, and Exhibit I, Plaintiff's Interrogatory Responses. Defendant offers, files, and introduces the pleadings along with the above attached exhibits.

II. LAW AND ARGUMENT

Plaintiff's exhibits A and B are not properly authenticated. Plaintiff's Exhibit D is a self-serving affidavit after Plaintiff's deposition, which is not allowed. Therefore, Plaintiff's Exhibits A, B, and D should be stricken from the record and not considered. Further, genuine issues of material fact exist. As such, Plaintiff's motion for summary judgment should be denied.

a. MOTION TO STRIKE

In his Motion for Summary Judgment, Plaintiff attached Exhibit A, title certificate of Plaintiff's vehicle, Exhibit B, driver's accident report of September 4, 2017, Exhibit C, certified deposition transcript of Plaintiff, and Exhibit D, sworn affidavit of Plaintiff. Plaintiffs attached no other exhibits. While depositions and affidavits are allowed under La. C.C.P. art. 966(A)(4), Exhibits A and B are not. Plaintiff's late drafted affidavit, Exhibit D, is inadmissible for other reasons more fully briefed below.

La. Code of Civ. Proc. art. 966 was substantially overhauled in 2016. The Legislature specifically provided that for the documents to be submitted in support (or opposition to) a motion for summary judgment, they must be⁷ (1) pleadings, (2) memoranda, (3) affidavits, (4) depositions, (5) answers to interrogatories, (6) certified medical records, (7) written stipulations, and (8) admissions.⁸ La. C.C.P. art. 966(D)(2) specifically provides,

“The court may consider only those documents filed in support of or in opposition to the motion for summary judgment and shall consider any documents to which no objection is made. Any objection to a document shall be raised in a timely filed opposition or reply memorandum. The court shall consider all objections prior to rendering judgment. The court shall specifically state on the record or in writing which documents, if any, it held to be inadmissible or declined to consider.”

⁷ La. C.C.P. art. 966(A)(4).

⁸ *Id.*

Plaintiff's Exhibit A, the title certificate of his vehicle, is not one of the specifically identified documents to support summary judgment. Plaintiff's Exhibit B, the driver's accident report of September 4, 2017 is not one of the specifically identified documents to support summary judgment. As such, since these documents are not in conformity with La. C.C.P. art. 966(A)(4), this Court should strike them from the record and decline to consider them pursuant to La. C.C.P. art. 966(D)(2).

Plaintiff's Exhibit D attached to his motion for summary judgment should not be considered and should be stricken from the record. Plaintiff was deposed June 6, 2020.⁹ Plaintiff authored the attached affidavit February 15, 2023.¹⁰ Louisiana courts have long held that an inconsistent affidavit offered only after the motion for summary judgment was filed is not sufficient to create or defeat a genuine issue material fact where there is no explanation for such.¹¹ Plaintiff cannot use the affidavit to attempt to avoid a genuine issue of fact. As such, Plaintiff's Exhibit D should be stricken from the record and not considered.

b. THERE ARE GENUINE ISSUES OF MATERIAL FACT.

Despite the legislative mandate that summary judgments are now favored, factual inferences reasonably drawn from the evidence must be construed in favor of the party opposing the motion and all doubt must be resolved in the opponent's favor.¹² Plaintiff has filed a Motion for Summary Judgment on this issue of liability asserting inter alia that Defendant is 100% liable and solely at fault for any damages arising from the July 4, 2022, incident.

A motion for summary judgment will be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact, and that mover is entitled to judgment as a matter of law."¹³ A fact is "material" when its existence or nonexistence may be essential to plaintiff's cause of action under the applicable theory of recovery.¹⁴ Stated another way, material facts are those that

⁹ Exhibit C to Plaintiff's Motion for Summary Judgment

¹⁰ Exhibit D to Plaintiff's Motion for Summary Judgment.

¹¹ See *Douglas v. Hillhaven Rest Home*, 709 So.2d 1079 at 1083 (La. 1st Cir. App. 4/8/1998). *LeBlanc v. Dynamic Offshore Contractors, Inc.*, 626 So.2d 16 (La. App. 1 Cir. 1993); and *Christophe V. Washington*, 272 so.3d 106, (La. App. 1 Cir. 2/4/19).

¹² *Willis v. Medders*, 00-3507, p. 2 (La. 12/8/00), 775 So.2d 1049, 1050.

¹³ *Peironnet v. Matador Res. Co.*, 12-2292 (La. 6/28/13); 144 So.3d 791.

¹⁴ *Id.*

potentially insure or preclude recovery, affect the litigant's ultimate success, or determine the outcome of the legal dispute.

An issue is genuine “if reasonable persons could disagree.”¹⁵

In this case, the parties have very different versions of the events leading up to the accident and the accident itself. The only witnesses to the accident are the parties involved. Their respective credibility is very important to the trier of fact's determination of what took place. “The credibility of a witness is a question of fact.”¹⁶ “Although the standard for granting a motion for summary judgment no longer encompasses a presumption in favor of trial on the merits, a trial is designed to evaluate the facts when credibility is at issue.”¹⁷

At this stage, genuine disputes of material fact preclude even the application of a presumption of fault, let alone a summary determination that Defendant is 100% at fault for the incident. All doubts must be resolved in favor of Defendant. Granting Plaintiff's motion would require the Court to accept Plaintiff's version of events to the exclusion of Defendant, something that is not permitted under the summary judgment procedure.

III. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that Plaintiff's Partial Motion for Summary Judgment on Issue of Liability be denied.

RESPECTFULLY SUBMITTED,

/s/ Taylor Ashworth
TEAM DEFENDANT, LLC
Taylor Ashworth (#000001)
Ashley M. Caruso (#000002)
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¹⁵ *Peironnet*, 144 So.3d at ___; *Hines v. Garrett*, 04-0806 (La. 6/25/04); 876 So.2d 764; *Smith v. Our Lady of the Lake Hosp., Inc.*, 93-2512, p. 27 (La. 7/5/94); 639 So.2d 730.

¹⁶ *Kliebert v. Breaud*, 13-655 (La. App. 5 Cir. 01/31/14); 134 So.3d 23, 28 (citing *Hutchinson v. Knights of Columbus, Council No. 5747*, 2003-1533, p. 8 (La. 2/20/04); 866 So.2d 228, 234

¹⁷ *Id.*

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1st day of March 2023, served a copy of the foregoing to all parties to this proceeding by facsimile, electronic mail and/or depositing same in the United States Mail, properly addressed and postage prepaid.

/s/ Taylor Ashworth
Taylor Ashworth

1 **Deposition of Defendant Darren**

2 And now, this 11th day of June, 2019, Defendant Darren being duly sworn by the undersigned appeared
3 at the offices of the Swatkins Law Firm, for the purposes of deposition by oral questioning.

4 (Questioning by Luna Swatkins)

5 Q. Good afternoon Darren.

6 A. Hello.

7 Q. We are here today to take your deposition in the case involving Plaintiff Peter. Is this the first time
8 that you have given deposition testimony?

9 A. Yes, this is my first time I have had any legal troubles.

10 Q. Well, relax, you have insurance for a reason, right?

11 A. I guess so.

12 Q. How old are you?

13 A. I am 21.

14 Q. So you would have been 18 at the time this all happened?

15 A. Yes.

16 Q. Darren, where do you live?

17 A. Um...Baton Rouge.

18 Q. Okay, but what is your address?

19 A. Oh, 37 Silver Lane.

20 Q. Is this where you lived at the time you hit Peter?

21 A. Wait, Peter pulled out in front of me. You make it sound like I had a choice.

22 Q. Do you disagree that you hit Peter?

23 A. No, I don't disagree, but Peter darted out in front of me with no warning. I could not avoid it and I
24 ended up in pretty bad shape because of it.

25 Q. Okay, well, going back to my original question, where did you live at the time of the accident.

- 1 A. I lived at 37 Silver Lane. I was just getting ready to move.
- 2 Q. I thought you said you still lived there?
- 3 A. Well, I did, and I do. I lived there with my grandmother. My parents died in a motorcycle accident, so I
4 stayed with her until I was ready to go to school. Then, this past year, when the Corona virus broke out,
5 I moved back in to help her around the house, since all of my classes were virtual.
- 6 Q. Where are you going to school?
- 7 A. I am not anymore, I failed out, but I was going to University of Louisiana at Monroe.
- 8 Q. What happened?
- 9 A. I was partying a little too much. I had hope that if I moved back home, I might do better in my classes.
- 10 Q. I thought you said you moved back home to take care of your grandmother?
- 11 A. Well, I did, and that was part of it. I mean she got me around to help her out, and I got a free place to
12 stay with no distractions.
- 13 Q. I see. Were you working at the time of the accident?
- 14 A. No. I really wanted to focus on my schoolwork, plus, I could not find a job that paid more than
15 minimum wage. I mean, I was a college student. My time was certainly worth more than that.
- 16 Q. On the day of the accident, where were you going?
- 17 A. I was going to meet a friend at Montana Max's.
- 18 Q. And at that point, how long had you had your driver's license?
- 19 A. A little over a year. I think I got it a few months before my 17th birthday. I failed the test a couple of
20 times.
- 21 Q. Is the test still a written test, followed by a driving test?
- 22 A. Yes, it is.
- 23 Q. And which portion of the test did you fail?
- 24 A. I failed the written portion.
- 25 Q. You mean the one that tests you on the rules of the road?

- 1 A. Well, there were a lot of things on that test. Laws, rules and various driving situations. It is a tricky test.
- 2 Q. So am I to take it that you passed the driving portion of the exam all three times?
- 3 A. No, I only could take the driving portion of the exam if I passed the written test. So, when I could finally
4 take the driving test, I passed it with flying colors.
- 5 Q. Okay, so other than failing the written portion of your driving test twice, have you had any other problems
6 related to driving?
- 7 A. I am not sure what you mean.
- 8 Q. Have you ever had and tickets or been any other accidents?
- 9 A. Yes, I have.
- 10 Q. Which one?
- 11 A. Both.
- 12 Q. Okay, can you explain?
- 13 A. Well, about three months before the incident with Peter, I was involved in a minor fender bender, and I
14 got cited for, I think it was careless driving.
- 15 Q. Tell me what happened.
- 16 A. I was running late to pick up a friend, and I side-swiped a car when I was driving there. It wasn't my
17 fault, so I think that is why the judge did not find me guilty of that citation.
- 18 Q. What do you mean it was not your fault?
- 19 A. Well, the car was parked way out in the street, and the street was narrow. There was a car coming in the
20 opposite direction and I could not avoid hitting the parked car.
- 21 Q. Do you know why you were cited for not paying attention?
- 22 A. The other driver said I was fooling around with my stereo, but I was not. I think he just wanted me to get
23 blamed.
- 24 Q. And you said you were found not guilty of that citation, right?
- 25 A. Yes.

1 Q. Were you found guilty of anything?

2 A. Well, the officer agreed to lower the charge to failure to obey a traffic sign if I pled guilty. That way my
3 insurance rates would not go any higher.

4 Q. Do you remember the officer's name?

5 A. I do not.

6 Q. Okay, and any other citations or accidents?

7 A. No.

8 Q. What is Montana Max's?

9 A. It's this bar restauranty type of place.

10 Q. I thought you were only 18 at the time?

11 A. I was, but I did not drink. I was going to get some food. My friend Nat was at the bar and asked me to
12 come down. We were going to eat and play video games or something before I left for school.

13 Q. Does Nat have a last name?

14 A. Romanov.

15 Q. Okay. What time were you supposed to meet Nat?

16 A. Five.

17 Q. And I am correct, this accident happened at 5:30 p.m.?

18 A. Yes, I believe.

19 Q. So you were late?

20 A. Not really.

21 Q. But I thought you were meeting Nat at 5.

22 A. I was, but it's not like we were going on a date or had a job interview. Nat was with some friends and
23 they had some drinks, so I was not too concerned about the time.

24 Q. But, it is my understanding that one of Nat's friends wanted to talk with you about a job?

25 A. Well, yeah.

- 1 Q. And that person was leaving at 5:30 sharp, right?
- 2 A. Yes.
- 3 Q. So weren't you concerned you were going to miss out on a chance at a job?
- 4 A. Yes, but it was not a major concern. I was also starting school, remember, so I was not sure I could handle
5 a job and study.
- 6 Q. Okay, so what time did you leave your house?
- 7 A. About ten after five.
- 8 Q. And I guess it takes you about twenty minutes to get to Max's, right?
- 9 A. That is about right.
- 10 Q. And I take it that when you go to Max's, you end up on Webster St.?
- 11 A. Yes, about a block away.
- 12 Q. Are you familiar with Webster St.?
- 13 A. I am.
- 14 Q. How so?
- 15 A. Most of the restaurants in this area of town are located there. Ever since I was a kid, we have been coming
16 to this area of town for food or to hang out.
- 17 Q. What day was September 4, 2017?
- 18 A. It was Labor Day, so that would be a Monday.
- 19 Q. Can you describe what the traffic was like that day?
- 20 A. It was lighter than normal, by a lot. I would never have been able to get a spot that close to Max's, or
21 anywhere on that street for that matter, on a normal Monday.
- 22 Q. And the weather?
- 23 A. I remember it being a pretty nice day. It was still light out. I do know that.
- 24 Q. Tell us what you remember about driving down the street that day?
- 25 A. Well, like I said, it was nice day, and it was not busy. I saw a bunch of spots.

- 1 Q. Did you notice anything else before the accident?
- 2 A. Well, Nat was outside of the restaurant.
- 3 Q. Why did you notice that?
- 4 A. It looked like Nat was walking down the street pretty fast. I know Nat saw me because Nat looked right
5 at the car, and the next the thing I know a motorcycle pulled out in front of me.
- 6 Q. Well, wait a second, weren't you looking at Nat?
- 7 A. I was, briefly, and only because Nat was ahead and on my right walking in the same direction that I was
8 travelling.
- 9 Q. Why weren't you watching the road?
- 10 A. I was watching the road, I was looking ahead and to the right for a parking space. There were plenty, and
11 then this motorcycle that was parked in the space behind the one that I was going to park in just took off.
- 12 Q. It just took off?
- 13 A. Yes.
- 14 Q. You didn't turn into it?
- 15 A. No way. I had my turn signal on, and I was slowing down and then it shot out.
- 16 Q. So, you saw the motorcycle then?
- 17 A. Yes, right before it took off. There was a person on it without a helmet. It looked like somebody else was
18 close to the space, but it seemed like they were walking away.
- 19 Q. Are you sure that they were walking away?
- 20 A. It seemed that way to me. They certainly weren't facing me.
- 21 Q. So that person did not scream "look out" or something like it?
- 22 A. Not that I heard. And I had my windows down.
- 23 Q. How do you remember that you had your windows down?
- 24 A. My air conditioner in the car did not work, so I had them down. It was still warm that day.
- 25 Q. What happened next?

1 A. Well, I slammed on the brakes really hard, but there was nothing I could to stop in time. I guess I must
2 have stopped pretty hard, because I had to be taken to the hospital. The doctor told me that I had broken
3 some neck bones and a concussion from how quickly my head jerked forward.

4 Q. Okay, I have no further questions.

5 WHEREUPON the deposition was concluded.

6

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

19th JUDICIAL DISTRICT COURT

DEFENDANT DARREN,

Defendant

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

AFFIDAVIT OF DEFENDANT DARREN

STATE OF LOUISIANA
PARISH OF BATON ROUGE

Before me, the undersigned Notary Public, personally came and appeared DEFENDANT DARREN who, after first being duly sworn, did depose and state:

My name is Defendant Darren. I live at 37 Silver Lane, New Orleans, Louisiana. I make this Affidavit on personal knowledge, and it is true and correct to the best of my knowledge and belief. On July 4, 2022, I was going to meet my friend Nat Romano for 5:00PM to get something to eat before I left for school. I was running a little behind but I was not in a hurry.

I saw Ms. Romanov on the street as I was looking for a parking spot. Upon finding a spot and preparing to park, a motorcycle behind the spot I chose took off into the road. I noticed someone was standing by the motorcycle facing away from it shortly before it took off. I slammed on the breaks pretty hard but there was nothing I could do to stop in time.


Defendant Darren

SWORN TO AND SUBSCRIBED before me, Notary, on this the 28th day of February, 2023, in Baton Rouge, East Baton Rouge Parish, Louisiana.



NOTARY PUBLIC
Bar No: 00002
Commission for Life

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

19th JUDICIAL DISTRICT COURT

DEFENDANT DARREN,

Defendant

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

AFFIDAVIT OF NAT ROMANOV

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

Before me, the undersigned Notary Public, personally came and appeared NAT ROMANOV who, after first being duly sworn, did depose and state:

My name is NAT ROMANOV. I live at 178 Clay Street, New Orleans, Louisiana. I make this Affidavit on personal knowledge, and it is true and correct to the best of my knowledge and belief. On July 4, 2022, I was going to meet my friend Defendant Darren for 5:00PM at a new cantina type place for a meal. Darren was running late, and I walked my friend who we were supposed to eat with out. I then saw Darren and began to wave to him, as I was waving at Darren I heard a revving noise and then some screeching. I then saw a motorcycle on its side in front of Darren's car. I heard someone yell that the motorcycle drove out in front of the car. Additionally, I saw someone pick up and walk off with a helmet.


Nat Romanov

SWORN TO AND SUBSCRIBED before me, Notary, on this the 28th day of February, 2023, in Baton Rouge, East Baton Rouge Parish, Louisiana.



NOTARY PUBLIC
Bar No: 000002
Commission for Life

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

19th JUDICIAL DISTRICT COURT

DEFENDANT DARREN,

Defendant

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**DEFENDANT’S RESPONSES TO PLAINTIFF’S WRITTEN INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED ON
DEFENDANT DARREN**

To: Plaintiff Peter (hereinafter “Plaintiff”)
through his attorneys of record:
TEAM PLAINTIFF, LLC
Daniel Olivier | Kailey L. LeBoeuf | Clayton Christian | Bianca Moore
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Defendant Darren (hereinafter “Defendant”), through undersigned counsel, responds herein to the Plaintiff’s Written Interrogatories and Requests for Production propounded on Defendant, as follows:

GENERAL OBJECTIONS

1. Defendant objects on the grounds that the requests propounded, including subparts, exceed the amount permitted by the Louisiana Code of Civil Procedure.
2. To the extent that any discovery request may be construed to request expert testimony or any information subject to a claim of privilege or protected from production, including, without limitation, the attorney-client privilege, the work-product doctrine, or the joint defense privilege, Defendant claims such privilege or protection.
3. The dissemination of any information pursuant to the requests is without prejudice to the Defendant’s rights to later object that such information is protected by the attorney-client privilege, the work-product doctrine, the joint defense privilege, and/or any other applicable privilege, or that the dissemination of such information was inadvertent; nor shall the production of such information be construed as an admission that said information is relevant, material, or otherwise admissible.
4. Defendant objects to these requests to the extent they purport to require supplementation or response beyond which is required by the Louisiana Code of Civil Procedure. However,

Defendant reserves the right to supplement, revise, correct, or clarify these responses, and further specifically reserve the right to rely upon information, evidence, documents and witnesses in addition to those specified herein at the time of trial. Defendant makes no representation as to the extent, if any, to which the basis for its claims and/or defenses may change in the future.

5. Defendant objects to these requests to the extent that they are vague, ambiguous, overly broad, unduly burdensome or oppressive, or seek information that is relevant neither to the claims or defenses of any party nor the subject matter involved in this action, or to the extent that they seek information and documents beyond those permitted by the Louisiana Code of Civil Procedure.
6. Defendant objects to these requests to the extent that they seek information beyond that which is in its possession, custody, or control. Defendant further objects that these requests are not properly limited in time and scope and seek documents created after the incident giving rise to this litigation.
7. Defendant objects to these requests to the extent that they assume facts not in evidence.

These general objections apply to each and every answer provided hereafter, as if they were fully set forth in each specific response

INTERROGATORIES

INTERROGATORY NO. 1:

If you contend that the personal injuries of the Plaintiff were not caused by the collision with your insured's vehicle, state with particularity the facts upon which you base your contention.

RESPONSE TO INTERROGATORY NO. 1:

Defendant incorporates his general objections and further objects to *Interrogatory No. 1* because it is impermissibly vague. Defendant cannot properly answer this interrogatory because no injuries are identified. Further, Defendant refuses to answer this interrogatory because it seeks a legal conclusion pertaining to causation.

INTERROGATORY NO. 2:

Please identify all persons known to you to have personal knowledge of the facts pertaining to the occurrence, whether you plan to call them as a witness at trial or not, indicate those who were eyewitnesses and state the substance of their knowledge and articulate their expected testimony.

RESPONSE TO INTERROGATORY NO. 2:

Defendant incorporates his general objections and further objects to *Interrogatory No. 2* as seeking mental impressions of counsel and attorney work product. Subject to and without waiving the aforementioned objections, Plaintiff and Tony Stark were eyewitnesses to the event, as well as two unidentified witnesses. Nat Romanov was also a witness. Defendant reserves the right to supplement this response if or when identities become known.

INTERROGATORY NO. 3:

Please identify all persons (excluding attorneys) who investigated the cause and circumstances of this auto accident either by you or on your behalf.

RESPONSE TO INTERROGATORY NO. 3

Defendant incorporates his general objections and further objects to *Interrogatory No. 3* as it seeks information that equally available to Plaintiff. Subject to and without waiving the aforementioned objections, John Doe with the East Baton Rouge Parish Sheriff's Office issued a Driver's Accident Report.

INTERROGATORY NO. 4:

Please identify all persons who arrived at the scene of the auto accident within one (1) hour after the auto accident.

RESPONSE TO INERROGATORY NO. 4:

Defendant incorporates his general objections and further object to this interrogatory as it is over burdensome. Plaintiff has access to obtaining the requested information through public records requests and requests for Plaintiff's medical records. Subject to stated objections, see response to Interrogatory No. 2.

INTERROGATORY NO. 5:

Please state whether or not you or the Plaintiff's vehicle caused the accident which gives rise to this litigation.

RESPONSE TO INTERROGATORY NO. 5:

Defendant incorporates his general objections and further object to *Interrogatory No. 5* as it seeks a legal conclusion relating to causation.

INTERROGATORY NO. 6:

Please identify all persons giving signed statements regarding the auto accident, the date thereof, and the name of the person in whose custody each statement is at this time.

RESPONSE TO INTERROGATORY NO. 6:

Defendant incorporates his general objections and further object to *Interrogatory No. 6* as it seeks information easily obtainable from public records – namely the crash report. Additionally, Plaintiff is in possession of all relevant deposition testimony.

INTERROGATORY NO. 7:

Please state whether Defendant has within his possession or control photographs, plats, or diagrams, copies of any bills or estimates of repair done to either of the vehicles which forms the basis of this lawsuit or objects connected with said motor vehicle accident.

RESPONSE TO INTERROGATORY NO. 7:

Defendant incorporates his general objections and further objects to *Interrogatory No. 8* as it impermissibly vague as to time frame and what constitutes as an “estimate” or “repair.” Subject to and without waiving the aforementioned objections, none. Defendant reserves the right to supplement this response if or when additional information becomes available.

INTERROGATORY NO. 8:

Please give a concise statement of facts as to how Defendant contend the accident took place.

RESPONSE TO INTERROGATORY NO. 8:

Defendant incorporates his general objections and further objects to *Interrogatory No. 9* as it seeks the mental impressions of counsel, attorney-client privilege, and attorney work product.

Subject to and without waiving the aforementioned objections, Defendant avers that Plaintiff is solely responsible for any alleged collision.

INTERROGATORY NO. 9:

If Defendant contends that Plaintiff acted in such a manner as to cause or contribute to their personal injuries, state all facts and list all documents upon which Defendant rely to demonstrate this belief and/or defense.

RESPONSE TO INTERROGATORY NO. 9:

Defendant incorporates his general objections and further objects to *Interrogatory No. 10* as it seeks the mental impressions of counsel and attorney work product. Subject to and without waiving the aforementioned objections, see the Reconventional Demand and deposition testimony of Defendant.

INTERROGATORY NO. 10:

Please identify all fact AND expert witnesses who will be called at the trial of this case, the area of expertise of each, and a summary of the expected testimony of each.

RESPONSE TO INTERROGATORY NO. 10:

Defendants incorporates his general objections and further objects to this interrogatory as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is premature, and Defendants will supplement this answer when required pursuant to the Trial Court's scheduling order. Subject to and without waiving the aforementioned objections, no expert has been sought.

INTERROGATORY NO. 11:

Please list all insurance agreements Defendant has regarding the claims and/or instant lawsuit that would cover those damages claimed by Plaintiff in the instant litigation, including the name of the owner, the name of the insurance carrier, the policy number, the type of coverage, the amount of coverage (specifying its limits) and the effective dates of said policy.

RESPONSE TO INTERROGATORY NO. 11:

Defendants incorporates his general objections and further objects because *Interrogatory No. 12* seeks information based on the assumption that Defendants are responsible for any

supposed damages that were the result of the incident that Plaintiff alleges took place. Accordingly, this interrogatory requires no answer from Defendants.

INTERROGATORY NO. 12:

Please state, to your knowledge, whether the vehicle of the Plaintiff was moving at the time of the auto accident, and if so, state the direction and speed of said vehicle to the best of your recollection.

RESPONSE TO INTERROGATORY NO. 12:

Defendants incorporates his general objections and further objects to *Interrogatory No. 13* as it seeks the mental impressions of counsel and attorney work product. Subject to these objections and without waiving same, see the Reconventional Demand and deposition testimony of Defendant.

INTERROGATORY NO. 13:

If Defendant or anyone acting on his behalf, and the Plaintiff had any conversations immediately following the accident, or thereafter, then please state the exact nature of the conversation(s).

RESPONSE TO INTERROGATORY NO. 13:

Defendant incorporates his general objections and further objects to *Interrogatory No. 14* as it impermissibly vague and seeks information that is equally available to Plaintiff or within Plaintiff's possession. Subject to stated objections and without waiving same, the nature of any conversations would have been verbal communication regarding the incident that Plaintiff alleges to have occurred.

INTERROGATORY NO. 14:

Please list any and all exhibits, including but not limited to any medical reports, bills, records or otherwise, you intend to use or may use at the trial of this matter.

RESPONSE TO INTERROGATORY NO. 14:

Defendant incorporates his general objections and further objects to *Interrogatory No. 15* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is premature, and Defendants will supplement this answer when required pursuant to the Trial Court's scheduling order.

INTERROGATORY NO. 15:

Has Defendant or any person acting on his behalf, ever obtained or undertaken any surveillance films, investigatory activities, location checks, activity checks, or any surveillance activities of any kind whatsoever concerning plaintiff.

RESPONSE TO INTERROGATORY NO. 15:

Defendant incorporates his general objections and further objects to *Interrogatory No. 16* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is premature, as Louisiana's jurisprudence is clear that Plaintiff is entitled to no such material if it exists, until after Plaintiff has been deposed for trial. Subject to stated objections, none.

INTERROGATORY NO. 16:

For each and every paragraph of your Answer to the Petition, wherein defendant denies all or part of a paragraph of the Petition, please provide a list of each and every item of documentation or evidence in support of the denial, including whom the evidence is in possession of, including their name, address and telephone number; please describe how that person came into possession of said evidence; and please provide the name, address and telephone number of each person who provided the evidence to the person currently in possession of the evidence.

For purposes of answering this interrogatory, it is not considered sufficient to simply respond that "discovery is ongoing," or some such similar language. Plaintiff is requesting the above information that you currently possess, or are aware of, which supports any denials which you made in your answer to the petition; plaintiff understands that discovery is ongoing and that answers to this interrogatory will be supplemented as new information is received.

RESPONSE TO INTERROGATORY NO. 16:

Defendant incorporates his general objections and further objects to *Interrogatory No. 17* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is overly burdensome and compound. Therefore, no answer from Defendant is required.

INTERROGATORY NO. 17:

For each and every affirmative defense and/or exception that defendants list in their Answer to Petition, please provide a list of each and every item of documentation or evidence in support of the defense or exception, including whom the evidence is in possession of, including

their name, address and telephone number; please describe how that person came into possession of said evidence; and please provide the name, address and telephone number of each person who provided the evidence to the person currently in possession of the evidence.

For purposes of answering this interrogatory, it is not considered sufficient to simply respond that “discovery is ongoing,” or some such similar language. Plaintiff is requesting the above information that you currently possess, or are aware of, which supports any affirmative defenses and/or exceptions which you made in your answer to the petition; plaintiff understands that discovery is ongoing and that answers to this interrogatory will be supplemented as new information is received.

RESPONSE TO INTERROGATORY NO. 17:

Defendants incorporates his general objections and further objects to *Interrogatory No. 18* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is overly burdensome compound. Therefore, no answer from Defendant is required.

INTERROGATORY NO. 18:

Please describe all impeachment evidence, including without limitation, all documents which have been obtained by you or your insurance company, regarding Plaintiffs claims history, their credit history, and/or their past criminal history that Defendant or anyone acting on your behalf, intends to use and/or introduce at the trial of this matter.

RESPONSE TO INTERROGATORY NO. 18:

Defendants incorporates his general objections and further objects to *Interrogatory No. 19* as it seeks the mental impressions of counsel and attorney work product. This information is not required to be produced.

INTERROGATORY NO. 19:

Please state whether or not you were on the cell phone at the time of the collision involving Plaintiff.

RESPONSE TO INTERROGATORY NO. 19:

Defendant incorporates his general objections and further objects that *Interrogatory No. 20* calls for a legal conclusion and is impermissibly vague. Defendant does not know, and will not assume, what the phrase “on the cell phone” means.

INTERROGATORY NO. 20:

Please state Defendant's point of departure and destination at the time of the accident in question herein, giving the precise time of your departure, the time at which Defendant was expected to arrive at his destination; and the purpose of his travel.

RESPONSE TO INTERROGATORY NO. 20:

Defendant incorporates his general objections and further objects that *Interrogatory No. 21* seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 21:

Please state whether or not you admitted fault to the Plaintiff in causing this accident.

RESPONSE TO INTERROGATORY NO. 21:

Defendant objects to *Interrogatory No. 22* as it would more appropriately be formatted as a request for admission. Subject to and without waiving the aforementioned objection, Defendant did not and does not admit fault.

INTERROGATORY NO. 22:

Please state your cell phone number and the carrier for Defendant's cell phone. If Defendant has, uses, or owns a work cell phone, then state the number of the cell phone, the owner(s) of that cell phone and the carrier for that cell phone.

RESPONSE TO INTERROGATORY NO. 22:

Defendant incorporates his general objections and further object that *Interrogatory No. 23* seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the aforementioned objection, Defendant's phone number from Verizon was (225)555-5555.

INTERROGATORY NO. 23:

Please state whether Defendant has ever been involved in any other accidents, either prior to or subsequent to this accident. For each accident you were involved, state the following:

1. Date of the prior accident;
2. Insurance Company that provided coverage for you in the accident;

3. Item Number of the police report. If you do not have the item number, then provide the Parish(es) where the accident(s) took place and the intersection(s) or street(s) where the accident(s) took place.
4. Also provide any information, including the citation issued to you from any Parish in connection with the accident(s) explained above.

RESPONSE TO INTERROGATORY NO. 23:

Defendant incorporates his general objections and further objects that *Interrogatory No. 24* seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to stated objections, please see the deposition testimony of Defendant.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

All documents identified and/or relied upon in Answering your Answers to Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Defendant incorporates his general objections and further object that *Request for Production No. 1* seeks work product and mental impressions of counsel. Subject to stated objections, please see the attached documents.

REQUEST FOR PRODUCTION NO. 2:

All written reports of each person whom you expect to call as an expert witness at trial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Defendant incorporates his general objections and further object that since no expert has been sought, no such report exists. Defendant reserves the right to supplement this response if or when additional documentation becomes available.

REQUEST FOR PRODUCTION NO. 3:

All documents upon which any expert witness you intend to call at trial relied to form an opinion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Defendant incorporates his general objections and further object that since no expert has been sought, no such opinion exists. Defendant reserves the right to supplement this response if or when additional documentation becomes available.

REQUEST FOR PRODUCTION NO. 4:

All photographs, videotapes or audio tapes, x-rays, diagrams, medical records, surveys or other graphic representations of information concerning the subject matter of this action, the Plaintiff, or property damage.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Defendant incorporates their general objections and further object that Defendant has already provided all documents in their possession in Response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 5:

Any documents received pursuant to a subpoena request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Defendant avers their general objections and further object that *Request for Production No. 6* is impermissibly vague. Subject to and without waiving the aforementioned objection, Defendant responds as follows, none. Defendant reserves the right to supplement this response if or when additional documentation becomes available.

REQUEST FOR PRODUCTION NO. 6:

Copies of all photos and repair records of the vehicle(s), including Plaintiff and Defendant's vehicle involved in the accident and the work done to said vehicle.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Defendant incorporates their general objections and further object that *Request for Production No. 7* is impermissibly vague, seeks information that is in the possession of Plaintiff, seeks information that is equally available to Plaintiff, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the aforementioned objections, Defendant responds as follows, none, currently. Defendant reserves the right to supplement this response if or when additional documentation becomes available.

REQUEST FOR PRODUCTION NO. 7:

Any and all films, pictures, tapes, recordings or records of any kind whatsoever which may have been made or taken pursuant to any surveillance, activity checks, inspections, or investigatory activities of any kind whatsoever, in your possession or in the possession of any person or firm conducting such activities on your behalf, or in the possession of your attorneys, or anyone else on your behalf.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Defendant incorporates his general objections and further object to *Request for Production No. 8* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is premature, as Louisiana's jurisprudence is clear that Plaintiff is entitled to no such material if it exists, until after Plaintiff has been deposed for trial. Subject to and without waiving the aforementioned objections, none.

REQUEST FOR PRODUCTION NO. 8:

A copy of each and every document or other tangible item you anticipate introducing into evidence at the time of the trial in the captioned matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Defendant incorporates his general objections and further object to *Request for Production No. 9* as it seeks the mental impressions of counsel and attorney work product. Additionally, this request is premature, and Defendants will supplement this answer when required pursuant to the Trial Court's scheduling order.

REQUEST FOR PRODUCTION NO. 9:

A certified copy of your entire policy of insurance, including but not limited to its declarations page, which affords coverage to the Defendant for the accident which gives rise to this litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant incorporates their general objections and further object that *Request for Production No. 12* seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The Policy is not admissible at trial.

REQUEST FOR PRODUCTION NO. 10:

A copy of any and all recorded statements of any witness.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Please see Response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 11:

A copy of the citation issued to your insured.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Defendant avers their general objections and further object that *Request for Production No. 14* is impermissibly vague as Defendant will not assume which citation, if any exist, that Plaintiff is referring to.

REQUEST FOR PRODUCTION NO. 12:

A copy of the check(s) paid by your insured for the citation issued to him.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Defendant avers his general objections and further object that *Request for Production No. 15* is impermissibly vague as Defendant will not assume which citation, if any exist, that Plaintiff is referring to.

RESPECTFULLY SUBMITTED,

/s/ Joseph Dronet
TEAM DEFENDANT, LLC
Taylor Ashworth (#000001)
Ashley M. Caruso (#000002)
Joseph Dronet (#000003)
Monette M. Davis (#000004)
Candace B. Ford (#000005)
Conrad R. Huber (#000006)
Ashley U. Johnson (#000007)
1 Florida Street, Suite 000,
Baton Rouge, LA 70801
T: (225)555-5558
F: (225)555-5559
teamdefendant@defendant.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13th day of January 2023, served a copy of the foregoing to all parties to this proceeding by facsimile, electronic mail and/or depositing same in the United States Mail, properly addressed and postage prepaid.

/s/ Joseph Dronet
Joseph Dronet

PLAINTIFF PETER,

Plaintiff

DOCKET: C-0000001

SEC: 1

VERSUS

19th JUDICIAL DISTRICT COURT

DEFENDANT DARREN,

Defendant

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

PLAINTIFF PETER RESPONDES TO DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

NOW INTO COURT, through undersigned counsel, comes Plaintiff, PETER, who hereby submits the following responses to Defendant's Interrogatories and Requests for Production of Documents as follows:

GENERAL OBJECTIONS

The following General Objections apply to each and every one of the Interrogatories and Request for Production of Documents ("Discovery Requests") irrespective of whether the General Objections are expressly referred to in response to the specific request. The objections which are set forth herein following a response are intended to amplify the General Objections and neither limit the applicability of any of the General Objections nor waive any objections which may, in addition to those set forth in each Discovery Request, be applicable to each Discovery Request.

1. Any Objections and Responses to the Discovery Requests ("Responses") are based on information presently known to Plaintiff and are given without prejudice to Plaintiff's right to supplement and/or amend his Objections and Responses, or present additional evidence or contentions at a later date in accordance with the Louisiana Rules of Civil Procedure, but without affirmatively undertaking any obligations to supplement their Responses.
2. Plaintiff objects to the Discovery Requests to the extent Defendant seek privileged or confidential information that is protected by the attorney-client privilege, the work product doctrine, the joint or common defense privilege and/or otherwise immune from discovery.
3. Plaintiff objects to the Discovery Requests to the extent Defendant seek disclosure of confidential, sensitive and/or proprietary business information.
4. Plaintiff objects to the Discovery Requests to the extent Defendant seek information obtainable from documents and/or information in possession, custody or control of Defendant or which may be more readily available to Defendant from a more convenient, less burdensome and oppressive and/or less expensive source.
5. Plaintiff objects to the Discovery Requests to the extent Defendant seek information that is not in the possession, custody or control of Plaintiff or which otherwise exceeds the scope of permissible discovery as set forth in the Louisiana Rules of Civil Procedure and/or applicable jurisprudence.
6. Plaintiff objects to the Discovery Requests to the extent they are unlimited in time on grounds the Discovery Request are overly broad, burdensome, harassing and seek

information which is irrelevant to the subject matter of the captioned litigation and not reasonably calculated to lead to the discovery of admissible evidence.

7. Plaintiff objects to the Discovery Request to the extent Defendant seek information which is not within the scope of this action on grounds the Discovery Requests are overly broad, unduly burdensome, oppressive, and seeks information which is irrelevant to the subject matter of the captioned litigation and not reasonably calculated to lead to the discovery of admissible evidence.
8. Plaintiff objects to the Discovery Requests to the extent Defendant seek information relating to policies that are not at issue in the captioned litigation, on the grounds any such inquiry is overly broad, burdensome, oppressive, and irrelevant to the subject matter of the captioned litigation and not reasonably calculated to lead to the discovery of admissible evidence.
9. Plaintiff objects to the Discovery Requests to the extent Defendant seek information protected from disclosure under the Louisiana Rules of Civil Procedure and applicable jurisprudence, or to the extent such inquiries may be construed to impose on Plaintiff any obligations beyond those encompassed by the Louisiana Rules of Civil Procedure and applicable jurisprudence.
10. Plaintiff objects to the Discovery Requests to the extent Defendant seek information that is protected from discovery by the attorney-client privilege, the work product doctrine and/or any other applicable privilege.
11. Plaintiff objects to the Discovery Requests insofar as they are repetitive, redundant or overlapping as to subject matter. As such, they are unduly burdensome, oppressive and/or harassing.
12. Plaintiff objects to the Discovery Requests to the extent they are overly broad. As used herein, "overly broad" means the information requested is either irrelevant to the subject matter of the captioned litigation as a whole or is outside the scope of discovery permitted by the Louisiana Rules of Civil Procedure and applicable jurisprudence.
13. Plaintiff objects to the Discovery Requests to the extent they are burdensome and oppressive. As used herein, "unduly burdensome" or "burdensome and oppressive" means that the information sought requires an unreasonable expenditure of time and resources and is of little or no benefit to the lawsuit, such that the value of its disclosure is far outweighed by the burden of disclosing it.
14. Plaintiff objects to the Discovery Requests to the extent they use words or phrases which render them vague and ambiguous. As used herein, "vague" or "vague and ambiguous" means that a discovery request is drafted in a manner which does not with reasonable clarity convey what information is sought, so that Plaintiff is not able to ascertain with certainty the intended meaning of the Discovery Request.
15. Plaintiff's responses shall be made solely for this action. Any responsive statement given by Plaintiff is subject to all objections regarding relevance, materiality, propriety, admissibility and all other objections on any other grounds that would require excluding the statement if offered at trial. All such objections and grounds are hereby expressly reserved and may be interposed at the time of trial.
16. Plaintiff objects to the Discovery Requests to the extent he has not yet completed his investigation into the facts of this lawsuit, nor fully participated in discovery or prepared for trial and, therefore, reserves his right to amend, modify, or supplement his objections and any documents requested if he learns of new information and/or discovers additional documentation.

17. These General Objections are incorporated by reference into each Specific Objection and/or Response made herein or subsequently, as though fully set forth, regardless of whether any or all of these General Objections are repeated in any Specific Objection and/or Response. Notwithstanding any Specific Objection or Response, Plaintiff does not waive any of the General Objections made herein.
18. "Subject to the foregoing objections," or substantial language used in the following objections, means that Plaintiff will not search for or provide information that is subject of his Specific or General objections unless otherwise stated in the response, and that any information provided in response to the information or documents provided in response to the Discovery Requests or additional areas of inquiry may not be construed as a waiver of any objection.
19. Plaintiff objects to each discovery request to the extent the request requires Plaintiff to make legal conclusions or to determine whether documents have a certain legal effect in order to determine which documents to produce. Plaintiff is not required to make those determinations.
20. Plaintiff objects to each discovery request to the extent the request presumes factual bases which are untrue or contain contentions of fact or law that are contested or are argumentative or speculative. Plaintiff intends to respond in good faith to Defendant's requests, but such responses are made with the express understanding that they in no way constitute an admission, acquiescence or agreement as to the truth or validity of any of the statements contained in the discovery requests.

Without waiving any of the foregoing objections, and specifically subject thereto, Plaintiff further responds as follows:

INTERROGATORIES

INTERROGATORY NO.1:

For **PLAINTIFF PETER**, please state:

- A. Full name;
- B. Address;
- C. Social security number;
- D. Date of birth;
- E. Driver's license number (if any) and
- F. Occupation and current employer.

RESPONSE TO INTERROGATORY NO. 1:

- A. Plaintiff Peter
- B. 5064 Yoh Avenue, Baton Rouge, Louisiana
- C. XXX-XX-2258
- D. January 8, 1988;

E. LA #01534983

F. Advertising Agent at Dr. Googlay

INTERROGATORY NO.2:

Please describe in as much detail as possible, and in your own words how the alleged accident which is the basis of this suit occurred and state specifically and in detail what the claim or contention of the plaintiff will be regarding any cause or contributing cause of the occurrence.

RESPONSE TO INTERROGATORY NO. 2:

Objection. This question is overbroad, vague, and confusing. Plaintiff contends that the petition for damages filed in this subject matter reflects the plaintiff's recollection of the accident at issue in this lawsuit. Subject to and without waiving said objection, Plaintiff was sitting on his motorcycle in a parking space on Webster Street when suddenly and without warning, Defendant swerved into the parking lane and struck Plaintiff.

INTERROGATORY NO.3:

Please state the nature and extent of any injuries which you allege **PLAINTIFF PETER** sustained as a result of the accident in question and state fully and completely all parts of his body which you alleged were injured including each symptom, when you first became aware of the symptom and when the symptom ceased.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff objects as this request is vague, overbroad, compound, and Plaintiff is not a medical physician. Without waiving said objection, plaintiff suffered injuries including, but not limited to, a fractured right tibia, a fractured right femur, a fractured left tibia, a fractured pelvis, and a closed head injury. Please see the medical records as these are the best types of documents to consult regarding plaintiff's injuries.

INTERROGATORY NO.4:

With regard to any injuries or illnesses identified in the immediately preceding interrogatory, please state the name, address and telephone number of all health care providers that provided medical services to **PLAINTIFF PETER** for said injuries or illnesses.

RESPONSE TO INTERROGATORY NO. 4:

- KPC Promise of Baton Rouge | 5130 Mancuso Lane, Baton Rouge, LA 70809 | Dr. Helmit Winser

- Our Lady of the Lake Regional Medical Center | 5000 Hennessy Blvd, Baton Rouge, LA 70808 | Dr. Sarah Reggio

INTERROGATORY NO. 5:

Please state whether **PLAINTIFF PETER** missed any days of work as a result of this incident. If so, please provide each date he missed and the reason therefore.

RESPONSE TO INTERROGATORY NO. 5:

Objection. This question is overbroad and vague. Subject to and without waiving said objection, Plaintiff missed 9 weeks of work due to the injuries sustained in the accident.

INTERROGATORY NO.6:

Has **PLAINTIFF PETER** been hospitalized on or after the date of this accident for injuries received in the accident? If so, please state:

- A. The name and address of the treating facility;
- B. The dates of admission and discharge from each hospitalization; and
- C. The condition or injuries for which he was hospitalized.

RESPONSE TO INTERROGATORY NO. 6:

- A. Our Lady of the Lake Regional Medical Center | 5000 Hennessy Blvd, Baton Rouge, LA 70808 | Dr. Sarah Reggio
- B. October 10, 2017 – October 13, 2017
- C. Follow up surgery for injuries sustained in the subject accident.

INTERROGATORY NO.7:

Has any health care provider advised that **PLAINTIFF PETER** will require any future medical or psychiatric care of any nature or that he will have any permanent disability, impairment or limitations on his activities in the future? If so, please describe and state who informed you of such and the date when the statement was made.

RESPONSE TO INTERROGATORY NO. 7:

Objection. This question is premature, overbroad and vague. Subject to and without waiving said objection, Plaintiff is working with Dr. Sarah Reggio for a future care plan which will be provided to Defendant once available. Plaintiff reserves the right to supplement and/or amend this response.

INTERROGATORY NO. 8:

Did **PLAINTIFF PETER** seek any type of counseling, whether individually or as a family, as a result of this incident?

RESPONSE TO INTERROGATORY NO. 8:

At this time, Plaintiff has not seen any type of counseling professional as a result of this incident.

INTERROGATORY NO.9:

If **PLAINTIFF PETER** has been involved in any other accident, either before or after the one made the basis of this suit, including automobile accidents, home accidents, a slip and fall accident, or any other type of accident, please state when and where such accident took place, the general nature of such accident, and whether he received any injury or medical treatment as a result.

RESPONSE TO INTERROGATORY NO. 9:

Objection, vague, overbroad, confusing, not likely to lead to discoverable evidence. Without waiving said objection, Plaintiff does recall being in a motor vehicle accident in 2005 in which he was rear ended while waiting at a stop light. Plaintiff did not undergo any treatment regarding this 2005 accident as no injury was sustained.

INTERROGATORY NO.10:

Please state whether or not **PLAINTIFF PETER** has been hospitalized in the past five (5) years preceding the date of this accident, and if so, for each admission please state the following:

- A. Date of admission or discharge;
- B. Name of the hospital facility; and
- C. Nature of the treatment received.

RESPONSE TO INTERROGATORY NO. 10:

Objection, vague, overbroad, confusing, not likely to lead to discoverable evidence. Without waiving said objection, Plaintiff does not recall being hospitalized in the past five years preceding this subject accident.

INTERROGATORY NO. 11:

Please itemize each expense incurred by you as a result of the accident made the basis of this lawsuit, including any medical costs, medication costs, or other monetary costs that is alleged to have been suffered by you.

RESPONSE TO INTERROGATORY NO. 11:

Objection. This Interrogatory seeks information obtainable from documents and/or information in possession, custody, or control of Defendant or which may be more readily available to Defendant from a more convenient, less burdensome, and oppressive and/or less expensive source. Furthermore, this request is vague, overbroad and calls for a legal conclusion. Subject to and without waiving said objection, the special damages include medical bills from treatment of the injuries sustained from the subject accident. Plaintiff's general damages include the pain and suffering associated with the subject accident and recoverable under the law.

INTERROGATORY NO. 12:

If **PLAINTIFF PETER** has sustained any injuries or illnesses subsequent to the accident made the basis of this lawsuit, please identify the same and state the name, address, and telephone number of every practitioner of the medical arts or health care provider that has provided medical services for said injuries or illnesses.

RESPONSE TO INTERROGATORY NO. 12:

Objection, vague, overbroad, confusing, not likely to lead to discoverable evidence. Without waiving said objection, Plaintiff does not recall any injuries or illnesses subsequent to the subject accident.

INTERROGATORY NO. 13:

Please give the full name, correct address, telephone number and present employment of each person you may call as an expert witness at the trial of this matter. Also, please state the subject matter on which such expert is expected to testify, the substance of the facts and opinions

to which each expert is expected to testify, and a summary of the grounds for each opinion expected to be expressed by such expert.

RESPONSE TO INTERROGATORY NO. 13:

Objection. Plaintiff will submit all experts on the Witness List in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation and without waiving said objection, Plaintiff has not yet retained an expert witness in this subject matter.

INTERROGATORY NO. 14:

Please give the full name, correct address, telephone number and present employment of each lay person who you may call as a witness at the trial of this matter. Please state the subject matter on which such person is expected to testify.

RESPONSE TO INTERROGATORY NO. 14:

Objection. Plaintiff will submit a Witness List in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation and without waiving said objection,

Plaintiff states the following may be called as witnesses as follows:

1. Plaintiff Peter;
2. Defendant Darren;
3. Tony Stork;
4. Nat Romanav;
5. East Baton Rouge Sheriff/Police Officer who created the police report;
6. Family Member(s) of Plaintiff Peter;
7. Any witness who becomes known through discovery;
8. Any witness listed by any other party.

INTERROGATORY NO. 15:

With regard to the claims asserted for damages, including, but not limited to, the allegations of mental pain and anguish, psychological and emotional distress and medical expenses please itemize each element of damage for which you are suing, and state in dollars and cents the amount of money you are suing for each.

RESPONSE TO INTERROGATORY NO. 15:

Objection. This Interrogatory is vague, overbroad and calls for a legal conclusion as a finding of general damages is left to the finder of fact. Subject to and without waiving said objection,. Plaintiff's general damages include the pain and suffering associated with the subject

accident and recoverable under the law. Additionally, Plaintiff is still undergoing treatment for his injuries and general damages are increasing as Plaintiff's injuries have not fully resolved.

INTERROGATORY NO. 16:

Please provide that name and address for each pharmacy used by PLAINTIFF PETER in the last ten (10) years.

RESPONSE TO INTERROGATORY NO. 16:

- Walgreens | 205 Cedar Crest Ave, Baton Rouge, LA 70816

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce any and all documents used to respond to the interrogatories, including but not limited to the police report, any and all statements in your possession, medical records and medical bills.

RESPONSE TO NO. 1:

Please see attached.

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all photographs depicting the accident scene or yourself immediately prior to the accident or after the accident.

RESPONSE TO NO. 2:

Please see attached.

REQUEST FOR PRODUCTION NO. 3:

Please produce any and all photographs, negatives, motion pictures and/or x-rays displaying the injuries made the basis of this lawsuit, the instrumentality involved therein or the damages resulting therefrom.

RESPONSE TO NO. 3:

Please see attached medical records.

REQUEST FOR PRODUCTION NO. 4:

Please produce any and all documents or things you may or will introduce into evidence at the trial of this matter.

RESPONSE TO NO. 4:

Objection. Plaintiff will comply with the exchange of Exhibits in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation, Plaintiff states that she may use any of the following exhibits:

1. Any and all medical records and bills of any treating physician of Plaintiff;
2. Any other expert necessary to rebut any testimony;
3. Any other report done by an accident reconstructionist, biomechanical expert, or any other expert listed by any other party.
4. Medical records from all treating physicians and/or facilities;
5. Medical bill summary of plaintiff *in globo*;
6. Any documents obtained through discovery;
7. Any document introduced by any other party;
8. Any and all pleadings filed by any party for the accident;
9. Any and all incident reports regarding the subject incident and any past and subsequent accidents involving plaintiff;
10. All deposition transcripts obtained in this matter;
11. Any and all documents attached to any deposition taken in this matter;
12. Medical charts, diagrams, pictures, models of the surgeries;
13. Any and all documents introduced and/or relied upon by any experts identified in this matter;
14. *Curriculum Vitae* pertaining to any and all practitioners offering treatment to the plaintiffs, pre- and post-incident;
15. Any and all reports generated by any retained expert to the extent admissible;
16. Any and all post-incident pharmacy records pertaining to plaintiff;
17. Any and all documents attached to any deposition taken in this matter;
18. Any and all depositions taken or to be taken in this matter and the exhibits and/or attachments thereto for all purposes allowed under Louisiana Code of Civil Procedure;
19. Any and all medical records and bills of any and all physicians, nurses, therapists, aids or other medical providers;
20. Any and all documents or exhibits requested from defendant, but which have not yet been produced;
21. Any exhibits for impeachment purposes and any exhibit used by any other party.
22. Plaintiffs' future medical expenses/summaries;
23. Plaintiffs past medical expenses/summaries;
24. Any and all future medical providers and/or representatives relating to the treatment of the injuries Plaintiff sustained in this accident AND any and all medical facilities and/or surgical center in which future procedures and/or diagnostic tested are performed concerning the injuries of Plaintiffs in this case.
25. All radiological studies, diagnostic studies and other medical tests and the results thereof pertaining to the Plaintiff;
26. Any Photographs and/or diagrams of the scene and photographs of the Plaintiffs, if any;
27. Any and all videos pertaining to this accident;
28. Any and all documents, including accident reports; medical records, reports, bills, diagnostic studies and test results; and receipts and releases pertaining to prior or subsequent accidents, injuries, claims and/or lawsuits involving any party;
29. A certified copy of the insurance policy issued to Defendant pertaining to this case;
30. Any other insurance policies pertaining to this case;
31. Records and/or reports of independent medical examinations of the Plaintiffs,
32. Any records or reports reviewed by or on behalf of any expert witness;
33. Copies of pleadings, interrogatories, other discovery, and the responses thereto;
34. Any sketch, drawing or diagram made by a witness during the course of his or her

- testimony;
35. Any exhibits listed, offered, or introduced by any other party to this suit; and
 36. A determination of which visual and/or demonstrative exhibits to be used at trial has not yet been made

Plaintiff reserves the right to supplement this Interrogatory with the Exhibit List which will be exchanged in connection with the Order of the Court.

REQUEST FOR PRODUCTION NO. 5:

Please produce a copy of any and all insurance policies issued to you and/or which might provide coverage for the damages claimed by you.

RESPONSE TO NO. 5:

Please see attached.

REQUEST FOR PRODUCTION NO. 6:

Please attach a copy of the curriculum vitae for each person you may or will call as an expert witness at the trial of this matter.

RESPONSE TO NO. 6:

Objection. Plaintiff will comply with the exchange of expert reports/CV's in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation, Plaintiff states that he does not possess any expert reports at this time.

REQUEST FOR PRODUCTION NO. 7:

Please produce a copy of any and all expert reports which you may introduce at the trial of this matter.

RESPONSE TO NO. 7:

Objection. Plaintiff will comply with the exchange of expert reports in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation, Plaintiff states that he does not possess any expert reports at this time.

REQUEST FOR PRODUCTION NO. 8:

Please produce a copy of any and all non-privileged letters, correspondence, documents, memoranda, or reports to or from any expert which pertains in any manner to the factual allegations in this litigation.

RESPONSE TO NO. 8:

Objection. Plaintiff will comply with the exchange of expert reports/CV's in connection with the Scheduling Order of this Honorable Court. However, and in the spirit of cooperation, Plaintiff states that he does not possess any expert reports at this time.

REQUEST FOR PRODUCTION NO. 9:

Please produce a copy of any and all documents evidencing the salary or wages claimed to have been lost by you as a result of the subject accident.

RESPONSE TO NO. 9:

Please see attached Plaintiff's wage records from Dr. Googlay.

REQUEST FOR PRODUCTION NO. 10:

Please produce a copy of any and all documents evidencing the cost of services or goods incurred in connection with the examination, diagnosis, treatment, or prognosis of any injury allegedly sustained as a result of the accident which is the subject of this litigation.

RESPONSE TO NO. 10:

Please see attached medical records and bills.

REQUEST FOR PRODUCTION NO. 11:

Please produce any and all documents evidencing the out-of-pocket expenses incurred by you as a result of the alleged accident which is the subject of this litigation.

RESPONSE TO NO. 10:

Please see attached Walgreens receipts for medication costs.

REQUEST FOR PRODUCTION NO. 12:

Please execute the attached HIPPA Compliant medical authorization forms.

RESPONSE TO NO. 12:

Please see attached.

REQUEST FOR PRODUCTION NO. 13:

Please execute the attached Authorization to Obtain Employment Records form.

RESPONSE TO NO. 13:

Please see attached.

REQUEST FOR PRODUCTION NO. 14:

Please execute the attached Request for Copy of Tax Return form.

RESPONSE TO NO. 14:

Please see attached.

REQUEST FOR PRODUCTION NO. 15:

Please produce a copy of any document referenced in your answers to the foregoing interrogatories which has not previously been produced in response to any other request.

RESPONSE TO NO. 15:

Plaintiff has produced all documents in his possession at this time. Plaintiff reserves the right to supplement and/or amend his response as discovery is ongoing.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13th day of January 2023 served a copy of the foregoing pleading to all parties to this proceeding by facsimile, electronic mail and/or depositing same in the United States Mail, properly addressed and postage prepaid.



DANIEL M. OLIVIER