**IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY**

**STATE OF OKLAHOMA**

JANE DOE, )

Plaintiff, )

v. ) Case No. CJ-2017-444

)

BILL SMITH and )

JIM DOE, )

Defendants. )

**PLAINTIFF’S FIRST DISCOVERY TO DEFENDANT SMITH**

To:

Bill Smith

c/o Joshua Bush

2601 N.W. Expressway,Suite 712 W

Oklahoma City, OK 73112

**INTERROGATORIES**

Pursuant to 12 O.S. 1989 Supp. §3233, plaintiff requests defendant to answer in writing and under oath, the following Interrogatories, within 30 days of service hereof.

All information is to be divulged which is in the possession of the individual party, counsel for said party and all agents, servants, employees, representatives and others who are in possession of, may have obtained information for, or on behalf of said party, relevant to these Interrogatories.

These Interrogatories are intended as continuing Interrogatories requiring you to answer by supplemental answer setting forth any information within the scope of these Interrogatories as may be required pursuant to 12 O.S. 1989 Supp. §3226(E).

**INTERROGATORY NO. 1:** State the name, address, and telephone number of each person known or believed to have any knowledge of facts or matters in this lawsuit, whether or not admissible, including anyone who supplies information upon which you base your answers to these Interrogatories. With respect to each such person state in detail the knowledge held by that person.

**INTERROGATORY NO. 2:** Were you driving a vehicle that was involved in a collision with Plaintiff’s vehicle on July 16, 2017, in Chandler, Oklahoma? If your answer is anything other than an unqualified “No,” please set forth the following information in detail:

(a) the name, address, and telephone number of the owner of the vehicle you were driving at the time of the collision and, if the owner is an individual, his or her driver’s license number;

(b) the present location of the vehicle, and the name, address, and telephone number of the person or entity who has custody of it.

**INTERROGATORY NO. 3**: Did you have a valid driver license at the time of the collision? If no, please explain why not. If yes, please provide your driver license number, state of issuance, date of issuance, expiration date, and all restrictions.

**INTERROGATORY NO. 4**: If your driver license was subject to any restrictions (such as for corrective lenses) at the time of the collision, were you in compliance with all such restrictions?

**INTERROGATORY NO. 5**: Describe your purpose for driving at the time of the collision, including where were you going and coming from.

**INTERROGATORY NO. 6**: Describe in detail your version of how the collision occurred, including the events leading up to and including the collision.

**INTERROGATORY NO. 7**: If you contend you did not cause the collision, please explain in detail who you believe caused or contributed to the collision, and how that or those persons or entities caused the collision.

**INTERROGATORY NO. 8**: In the past 10 years, have you been convicted of, or entered a plea of guilty or no contest to, a felony or misdemeanor? If so, state the charge, date, court name and case number for each felony or misdemeanor.

**INTERROGATORY NO. 9:** In the past 10 years, have you been a party to a civil suit? If so, state the dates, court names, and case numbers of all such suits.

**INTERROGATORY NO. 10**: Were you using a cell phone or any other mobile device at the time of the collision?

**Note:** For the purpose of this interrogatory, the term “using” includes: dialing; speaking into; composing or reading a message; engaging the internet, global positioning system (gps), or any other application; looking at and/or manipulating the device for any reason.

**INTERROGATORY NO. 11:** What was the name of your mobile telephone service provider on July 16, 2017? If you had more than one mobile phone, provide the names of all providers.

**INTERROGATORY NO. 12:** What was your mobile telephone number on July 16, 2017? If you had more than one mobile phone, provide all of your mobile phone numbers.

**INTERROGATORY NO. 13:** Set out in detail the name and address of your employer, your position with your employer, and anything you were doing at the time of the collision that may fall within the course and scope of your employment.

**INTERROGATORY NO. 14**: Please describe any specific instance(s) of negligent conduct on the part of Plaintiff or any other person that you believe contributed to the collision.

**INTERROGATORY NO. 15**: Please provide the name and address of all liability insurance companies and their liability policy limits, whether primary or excess, that insured you, or the involved vehicle, at the time of the collision.

**INTERROGATORY NO. 16:**  When did you first notice Plaintiff’s car prior to the collision.

**INTERROGATORY NO. 17:** Please explain, to the best of your knowledge and ability, how fast your vehicle was moving at the time of the collision.

**INTERROGATORY NO. 18:** Please explain why you did not yield to Plaintiff’s car.

**INTERROGATORY NO. 19:** Please explain any circumstances that distracted your or prevented you from devoting full attention to your driving at the time of the collision.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to 12 O.S. 1993 Supp. §3234, plaintiff requests that Defendant produce for inspection and copying, within 30 days of the date of service of this request, the following information. If, in responding to Plaintiff’s requests for production of documents, you withhold production of any document on the ground of a privilege not to disclose the document, please state with respect to each such document:

1. The type of document involved and a general description of its contents;

2. The name, business and residence addresses and telephone numbers, and position of the individual from whom the document emanated;

3. The name, business and residence addresses and telephone numbers, and position of each individual to whom the document or a copy of the document was sent;

4. The date of the document;

5. The privilege upon which Defendant relies in withholding the document;

6. The facts upon which Defendant relies in support of its claim that it is privileged to withhold the document;

7. The names, business and residence addresses and telephone numbers, and positions or occupations of individuals known or believed by Defendant to have knowledge concerning the factual basis for Defendant’s assertion of privilege with regard to the document.

**REQUEST FOR PRODUCTION NO. 1:** Produce copies all records, statements, reports, written or otherwise, made by any person, regarding the subject collision or any issue in this litigation.

**REQUEST FOR PRODUCTION NO. 2:** Produce copies of all exhibits Defendant may or will use at trial of this matter.

**REQUEST FOR PRODUCTION NO. 3:** Pursuant to 12 O.S. § 3226, please produce copies of any insurance agreement, whether primary or excess, under which any person carrying on an insurance business may be liable to satisfy part or all a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**REQUEST FOR PRODUCTION NO. 4**: Produce your cell phone records for July 16, 2017.

**REQUEST FOR PRODUCTION NO. 5:** Produce all documents or other things identified in the Interrogatories or in Defendant’s responses to the Interrogatories.

**REQUEST FOR PRODUCTION NO. 6:** Produce all photographs of vehicles involved in the subject collision and of the scene of the collision.

**REQUEST FOR PRODUCTION NO. 7:** Produce copies of all communications between you and Plaintiff regarding the collision**.**

**REQUEST FOR PRODUCTION NO.8:** Produce copies of all communications between you and any liability insurer following the wreck.

**REQUEST FOR PRODUCTION NO.9:** Produce copies of all recorded conversations between your insurance carrier, Geico, and Mr. or Ms. Doe.

**REQUEST FOR PRODUCTION NO.10:** Produce copies of all written communication between your insurance carrier, Geico, and Ms. Doe.

**REQUEST FOR PRODUCTION NO.11:** Produce copies of all reports of damage to, or estimates for repair of your car arising from the subject collision.

**REQUEST FOR PRODUCTION NO.12:** Produce copies of all reports of damage to, or estimates for repair of Plaintiff’s car arising from the subject collision.

**REQUESTS FOR ADMISSION**

Plaintiff submits, pursuant to 12 O.S. § 3236, the following Requests for Admission to be answered by defendant under oath. If objection is made, the reasons therefore shall be stated with particularity. The answer shall specifically deny the matter or set forth in detail the reasons why Defendant cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that Defendant qualify its answer or deny only a part of the matter of which an admission is requested, Defendant shall specify so much of it as is true and qualify or deny the remainder.

**REQUEST FOR ADMISSION NO. 1**: Admit that Plaintiff has named the correct party to this lawsuit.

**REQUEST FOR ADMISSION NO. 2:** Admit that you were involved in the subject auto collision.

**REQUEST FOR ADMISSION NO. 3:** Admit that you caused the collision.

**REQUEST FOR ADMISSION NO. 4**: Admit that Plaintiff suffered injuries in the subject collision.

**REQUEST FOR ADMISSION NO. 5**: Admit Plaintiff’s vehicle had the right of way.

**REQUEST FOR ADMISSION NO. 6**: Admit Plaintiff’s vehicle did not have a stop sign or other control at the intersection.

**REQUEST FOR ADMISSION NO. 7**: Admit you had a stop sign.

**REQUEST FOR ADMISSION NO. 8**: Admit you saw the stop sign prior to entering the intersection.

**REQUEST FOR ADMISSION NO. 9**: Admit you told the responding officer that you failed to yield to oncoming traffic.

**REQUEST FOR ADMISSION NO. 10**: Admit that you failed to yield to the car in which Plaintiff was riding.

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Paul Kouri, OBA# 20751

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**Attorney for Plaintiff**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing was served by email this 3rd day of May, 2018, upon:

Joshua B. Bush, OBA# 30508

**Law Office Of Michael H. Githens**

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JoBush@geico.com

**Attorney for Defendant**



Paul Kouri