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Brooks v UCC

STATE OF INDIANA) IN THE TIPPECANOE CIRCUIT COURT
COUNTY OF TIPPECANOE) SS: *Copy*
PAPERs

JOYCE M. BROOKS, as)
Administratrix of the Estate)
of Paul Lynn Martin,)
Deceased,)

Plaintiff,)

v.)

CAUSE NO. 79C01-8905-CP-222

UNION CARBIDE CORPORATION,)
Defendant.)

DEFENDANT'S FIRST INTERROGATORIES
TO PLAINTIFF

Pursuant to Rules 26 and 33 of the Indiana Rules of Trial Procedure, defendant Union Carbide Corporation ("Union Carbide") propounds the following interrogatories to plaintiff to be answered within thirty (30) days after service hereof:

INTERROGATORY NO. 1: State your name, present address, and date of birth.

ANSWER:

INTERROGATORY NO. 2: State the full name of the decedent, his date of birth and the address(es) where he lived from January 1, 1972 to the date of his death, including the names of each individual with whom he resided.

ANSWER:

INTERROGATORY NO. 3: If you are or have been married, state the date on which you were married, your spouse's name, address and age.

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ORDER"

ANSWER:

INTERROGATORY NO. 4: If Paul Lynn Martin was ever married, state the date on which he was married, his spouse's name, address and age.

ANSWER:

INTERROGATORY NO. 5: State whether Paul Lynn Martin had any children. If so, please state for each child his or her name, present address and age.

ANSWER:

INTERROGATORY NO. 6: List all medical and other expense or losses for which recovery is sought by you herein, stating as to each the following:

- a. The amount of the expense;
- b. The full name and present address of the person or entity to whom the expense was incurred;
- c. A brief description of what each item of expense is for, including an explanation of how any sum or total was computed.

ANSWER:

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INTERROGATORY NO. 7: For each person who has knowledge of any of the matters alleged in your complaint, state the following:

- a. His or her full name and address;
- b. The substance of his or her knowledge and relationship to you.

ANSWER:

INTERROGATORY NO. 8: State whether or not Paul Lynn Martin or you, as Administratrix of the Estate of Paul Lynn Martin, have ever claimed any compensation for damages for personal injury to or illness of Paul Lynn Martin (including any other claims which he or you have made against a person other than defendant, arising out of the matters alleged in the complaint); if so, state the following:

- a. The dates on which such personal injuries or illnesses occurred or the dates which such claims were made;
- b. Full name and address of the person or company against whom such claim was made;
- c. Describe the nature of the injury or illness;
- d. If suit was filed, the name of the court(s) and the cause number(s);
- e. The resolution of such claim, including whether any money was paid to Paul Lynn Martin, deceased, or to you as Administratrix of the Estate of Paul Lynn Martin, and if so, how much.

ANSWER:

INTERROGATORY NO. 9: State the full name, address and subject of expected testimony of each witness whom you expect to call to testify in connection with the trial of this cause.

ANSWER:

INTERROGATORY NO. 10: Identify completely each person who has been retained by you or on your behalf, or whom you expect to call as an expert witness at the trial of this cause and state as to each the following:

- a. Full name;
- b. Current address;
- c. Present employer;
- d. Present position or title;
- e. Subject matter about which such expert is expected to testify.

ANSWER:

INTERROGATORY NO. 11: State the details of any other civil or criminal case in which you or Paul Lynn Martin have been a party at any time.

ANSWER:

INTERROGATORY NO. 12: State what, if any, sums Paul Lynn Martin or you have received from any person, company or other entity relative to the alleged illness and death of Paul Lynn Martin alleged in the Complaint, whether in the form of workman's compensation benefits, medical insurance payments,

disability income insurance payments, or payments from any other person or company. State, as to any and all such amounts, whether there are any liens, whether by contract or common law right of subrogation, in favor of any payor on any recovery which you or Paul Lynn Martin may obtain in this lawsuit. Describe completely any and all such liens and all such payments already received.

ANSWER:

INTERROGATORY NO. 13: Regarding the medical history of Paul Lynn Martin from through the date of his death, state the following:

- a. The full name and address of each physician, osteopath, chiropractor or other medical practitioner (hereinafter all such persons are included in the reference "physician") he saw for consultation, examination, treatment, surgery or any other reason;
- b. The dates from which and to which he saw or was treated by each such physician;
- c. Why he went to that physician;
- d. The nature and extent of his illness, injury or ailment as diagnosed by each such physician;
- e. Describe the course of treatment prescribed by the physician for each illness or ailment diagnosed, including but not limited to any hospitalization, surgery, drugs or medication; and, (1) if he was hospitalized or underwent surgery on account of such injury, illness or ailment, state the full name and address of the place where he was hospitalized, the full name and address of the place where he underwent the surgery, and the full name and address of any operating physicians and all attending physicians; and (2) if he took drugs or medication on account of such illness, injury or ailment, state the brand name and

generic name of each, the dates from which and to which each was taken, the full name(s) and address(es) of the persons or companies from whom each was obtained, and the prescribing physician;

f. The physician's prognosis with respect to any illness, ailment or injury thus treated;

g. Whether or not there exist written reports or records recording the treatment of each such illness, injury or ailment.

ANSWER:

INTERROGATORY NO. 14: State whether or not any diagnostic x-rays of Paul Lynn Martin were made in the last five years of his life; if so, state as to each the following:

- a. The full name and address of the place where the x-rays were made;
- b. The reason the x-rays were made;
- c. The results of these x-rays;
- d. The name(s) and address(es) of the physician ordering the x-rays.

ANSWER:

INTERROGATORY NO. 15: State whether or not at any time Paul Lynn Martin was in any way physically or otherwise partially or totally incapacitated or disabled, either temporarily or permanently, prior to his death. If so, state the nature and degree of such incapacitation or disability.

ANSWER:

INTERROGATORY NO. 16: As to each employment of Paul Lynn

Martin, please state the following:

- a. The name, address and telephone number of his employer;
- b. The nature and description of his job title and/or job responsibilities;
- c. The amount of his wages.

ANSWER:

INTERROGATORY NO. 17: State the total earnings of the decedent for each for 1980 to and including 1987.

ANSWER:

INTERROGATORY NO. 18: State the date on which Paul Lynn Martin first began to experience any symptoms of leukemia and describe each symptom in detail.

ANSWER:

INTERROGATORY NO. 19: List each and every chemical, including polyvinyl chloride to which Paul Lynn Martin was occupationally ^{or regularly} exposed ^{since} to the date of his death, including the name of the chemical, the amount to which he was exposed, the manufacturer or seller of the chemical, the means by which he was exposed to such chemical, and the dates of exposure.

ANSWER:

INTERROGATORY NO. 20: With regard to your allegations in rhetorical paragraph 7 of your First Cause of Action, state specifically how defendant Union Carbide "negligently, recklessly, unlawfully and carelessly manufactured, inspected, tested, labeled, handled, distributed, marketed, promoted and sold" polyvinyl chloride, including the facts upon which you base such allegations.

ANSWER:

INTERROGATORY NO. 21: With regard to your allegations in rhetorical paragraph 7 of your First Cause of Action, state specifically how Union Carbide "negligently warn[ed] or failed to warn" about the use of polyvinyl chloride, including the facts upon which you base such allegations.

ANSWER:

INTERROGATORY NO. 22: With regard to your allegations in rhetorical paragraph 9 of the First Cause of Action, state specifically how Union Carbide failed to adequately warn users of the dangerous nature of polyvinyl chloride, including the facts upon which you base such allegation and what you contend was inadequate about the warning and should have been contained therein.

ANSWER:

INTERROGATORY NO. 23: With regard to your allegations in rhetorical paragraph 2 of your Second Cause of Action, state specifically how polyvinyl chloride and its breakdown products were "unsafe, defective and unreasonably dangerous for use", including all facts upon which you base such contention.

ANSWER:

INTERROGATORY NO. 24: State specifically how the warnings about polyvinyl chloride were defective as alleged in rhetorical paragraph 4 of your Second Cause of Action, including the facts upon which you base such contention.

ANSWER:

William P. Wooden

Katherine L. Shelby

Attorneys for Defendant
Union Carbide Corporation

WOODEN McLAUGHLIN & STERNER
1600 Capital Center South
Indianapolis, Indiana 46204
317-639-6151