

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

INJURED PERSON,)	
)	
Plaintiff,)	
)	
v.)	Case No.:
)	
))	
RESPONSIBLE PARTIES)	
)	
Defendants.)	

PLAINTIFF’S FIRST SET OF INTERROGATORIES TO DEFENDANTS

NOW COMES the Plaintiff, INJURED PERSON, by and through his attorneys, [ROSENFELD INJURY LAWYERS](#), and requests the Defendants, RESPONSIBLE PARTIES, answer the following Interrogatories, to be answered, under oath, within the next twenty-eight (28) days.

DEFINITIONS

Identify When used with regard to a person, “identify” shall mean to state the person’s (a) full name; (b) title or position; (c) present or last known business and home address and telephone numbers; (d) present or last known employer; (e) Social Security Number; and (f) date of birth.

You or Your As used herein, the words “you” and “your” include, but are not limited to, your attorneys, insurance carrier and its agents/employees, insurance broker, representatives, agents, assigns, partners, owners, shareholders, employees, agents, anyone acting on your behalf, and any other related persons or entities.

Document As used herein, “document” or “documents” shall mean every original and every copy of any original or copy which differs in any way from any original of every writing or recording of every kind or description, whether handwritten, typed, drawn sketched, printed or recorded by any physical, mechanical, electronic or electrical means whatever, including without limitation letters, book, records, reports, papers, pamphlets, brochures, circulars, advertisements, specifications, blueprints, tabulations, bulletins, press releases, computer programs, data contained in computer programs, data contained in computers, data sheets, analyses, summaries, ledgers, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, minutes, stock ledgers, stock certificates, licenses, permits, calendars, appointment books, diaries, telephone bills and toll agendas, payroll records, checkbooks, cancelled checks, receipts, applications, offers, acceptances, proposals,

financing statements, documents of title, forecasts or appraisals, purchase orders, invoices, orders of acknowledgement, bills of lading, written memorials of oral communications, forecasts, photographs, photographic slides or negatives, films, filmstrips, tapes and records, diskette, compact disc, maps, plats, surveys, drawings, sketches, graphs, charts, plans, state and federal governmental hearings and reports, laboratory or engineering reports, correspondence, communications, telegrams, telexes, cables, memoranda, notes, notebooks, work sheets, reports, lists, note charts, summaries or records of telephone conversations, summaries or records or personal conversations, interviews, records or minutes of meetings or negotiations, opinions or reports of consultants, accountings of any kind, work papers and transcripts. "Documents" shall also refer to all data maintained electronically, digitally, whether in computers or otherwise.

Visual Representation As used herein, the words "visual representation" include, but are not limited to, blueprints, drawings, photographs, slides, motion pictures, films, videotapes, drawings, sketches, x-rays, radiological studies, medical imaging, microfiche, microfilm, any retrievable image in computer storage including images stored on CD ROM, or any other recordings of the physical appearance of any subject by any means.

Statement As used herein, the word "statement" includes, but is not limited to, any statement, or notes or summaries of any statements, given by any person, whether a party or non-party, that is written (whether signed or unsigned), oral, recorded (whether transcribed or not), or held in any other medium, including, but not limited to, information in computer storage.

Witness(es) or Witnessed As used herein, the word words "witness," "witnesses," and "witnessed" mean and relate to any person who has knowledge of, claims to have knowledge of, or that you believe may have knowledge of the occurrence, the injuries, the damages alleged, or any other matter in issue.

Defendant(s) For the purpose of these Interrogatories, the term "Defendant(s)" shall encompass all those Defendants listed in the case caption, even if the person answering is not answering for all Defendants, but only has such knowledge or information of, for or relating to any other Defendant(s).

Occurrence As used herein, "occurrence" refers to the occurrence of January 28, 2012, as mentioned and described in Plaintiff's Complaint at Law or any other pleading which makes reference to same.

Subject Premises As used herein, "subject premises" refers to the parking lot adjacent to the ice rink, as well as the ice rink itself, open to the public located on a parking lot at 1101 West Waveland Avenue in the City of Chicago, County of Cook, State of Illinois.

Non-Disclosure: With respect to any information and/or documents which the respondent withholds, does not disclose, or exerts a claim of privilege of non-disclosure, a statement shall be provided by the respondent's counsel, in accordance with Illinois Supreme Court Rule 201(n), which states as follows:

Claims of Privilege When information or documents are withheld from disclosure or discovery on a claim that they are privileged pursuant to a common law or statutory privilege, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced or disclosed and the exact privilege which is being claimed.

* * *

1. Identify the individual answering and signing these Answers to Interrogatories.

ANSWER:

2. Identify each person who prepared, consulted, or assisted in the preparation of the responses to these interrogatories.

ANSWER:

3. Identify all persons who witnessed the occurrence. If they are employees of your company, state:

- (a) Whether they are currently employed by you;
- (b) Their present employment position with you;
- (c) Their employment position with you at the time of the occurrence.

ANSWER:

4. Identify all persons who you believe to have been at the scene of the occurrence immediately before, at the time of, or immediately subsequent to the occurrence. If they are employees of your company, state:

- (a) Whether they are currently employed by you;
- (b) Their present employment position with you;
- (c) Their employment position with you at the time of the occurrence.

ANSWER:

5. Identify all persons who you believe to have knowledge of the facts of the occurrence and/or injuries described in the Complaint.

ANSWER:

6. Identify all supervisory personnel whom you employed at the subject premises, specifically any supervisory personnel or management, employed or in charge of overseeing the operation of the parking lot and the ice rink at the subject premises at the time of the occurrence, and for one year prior, and subsequent to the occurrence, and state:

- (a) Whether they are currently employed by you;
- (b) Their present employment position with you;
- (c) Their employment position with you at the time of the occurrence.
- (d) A description of their employment task(s) on the date of the occurrence.

ANSWER:

7. Identify all personnel whom you employed at the subject premises on the date of the occurrence, specifically anyone employed in the day to day operation of the parking lot and the ice rink at the subject premises, at the time of the occurrence, for one year prior, and subsequent to the occurrence, and state:

- (a) Whether they are currently employed by you;
- (b) Their present employment position with you;
- (c) Their employment position with you at the time of the occurrence.
- (d) A description of their employment task(s) on the date of the occurrence.

ANSWER:

8. Identify all personnel responsible for safety and planning on the subject premises, including but not limited to those personnel responsible for drafting safety protocols.

ANSWER:

9. Identify the owner(s) and property managers(s) of the subject premises at the time of the occurrence and presently.

ANSWER:

10. State whether you entered into a contract with any firm or company for property management, repair, alteration, landscaping, snow removal, ice removal, and/or maintenance at the subject premises and site of the occurrence described in the Complaint. If so, please state the name of all such firm(s) or company (s), the date on which you entered into the contract, the duration of the work performed, and the nature and purpose of the work performed there.

Attach any corresponding documents, contracts or agreements as part of your answer to this interrogatory.

ANSWER:

11. State whether any inspection was made of the area surrounding the place where the Plaintiff was injured on the date of the occurrence or within a ten (10) day period of time prior or subsequent thereto. If your answer is in the affirmative,

- (a) Identify the person(s) making such inspection;
- (b) Identify the employer of any such person(s);
- (c) State whether a written or oral report was made;
- (d) Identify to whom a report made.

ANSWER:

12. Were any visual representations taken of the scene of the occurrence or of Plaintiff? If the answer is in the affirmative,

- (a) Identify the person taking said visual representations;
- (b) State the date on which said visual representations were taken;
- (c) Identify all persons who presently have copies of said visual representations;
- (d) Please produce any and all visual representations with your answers to these Interrogatories.

ANSWER:

13. Do you have statements from any witnesses or persons with knowledge? If so,

- (a) Identify each such witness;
- (b) The date of said statement; and
- (c) State whether such statement was written or oral.

If this defendant possesses or has knowledge of statements by witnesses, but asserts such witnesses are within defendant's "control group,"

- (a) Identify the person from whom each statement was obtained;

- (b) Their current title and title at the time the statement was provided;
- (c) The date the statement was given;
- (d) To whom the statement was given;
- (e) Who was present when the statement was given; and
- (f) Provide an affidavit in support of your contention that this person is part of the “control group.”

Please attach a copy of any statement(s) to your answers to these Interrogatories.

ANSWER:

14. Were there any reports submitted by any individual regarding the injury to the Plaintiff or the condition of the subject premises on the date of the occurrence? If the answer is in the affirmative,

- (a) Identify the person or persons or company who presently has possession of said reports;
- (b) Identify each individual submitting said reports;
- (c) Attach a copy of each such report hereto.

ANSWER:

15. Do you have any information tending to indicate:

- (a) The Plaintiff was, within five years immediately prior to said occurrence, confined in a hospital, treated by a physician or x-rayed for any reason other than personal injury? If so, give the name and address of each such hospital, physician, technician, or clinic, the approximate date of such confinement or service and state, in general, the reason for such confinement;
- (b) The Plaintiff had suffered serious personal injury prior to the date of said occurrence? If so, state when, where and in general how he or she was injured and describe in general the injuries suffered;
- (c) The Plaintiff has suffered either (1) any personal injury or (2) serious illness, since the date of said occurrence? If so, for (1) state when, where and in general the injuries suffered; and for (2) state when he or she was ill and describe in general the illness;

- (d) The Plaintiff has filed any other suit for his or her own personal injuries? If so, give the Court in which filed, the year filed and the title and docket number of said case.

ANSWER:

16. Was the defendant named or covered under any policy or policies of liability insurance (including excess coverage and umbrella policies) effective on the date of the occurrence, and, if so, state the named insured(s) under each such policy, the name of each insurance company underwriting the risk, the policy number(s), the effective period(s) and the maximum liability limits for each person and each occurrence under each policy.

ANSWER:

17. Have you received any information with respect to Plaintiff's ability or inability to perform work and/or physical activities of any nature? If your answer is in the affirmative, please attach to your Answers to these Interrogatories the following:

- (a) Photocopies of any reports, memoranda, correspondence and/or any such other documents relating to surveillance of the Plaintiff;
- (b) Statements obtained from any individuals relating to Plaintiff's ability or inability to perform work and/or physical activities;
- (c) Photographs, motion pictures and/or videotapes depicting Plaintiff's ability or inability to perform work and/or physical activities.

ANSWER:

18. Identify any and all manuals, rules, regulations, directives, training programs, videos, or the like that were in place on the date of the occurrence regarding the maintenance and inspection of the subject premises, including, but not limited to, (i) the procedure for removing snow and ice from the ice rink located on the subject premises, (ii) the procedure for removing snow and ice from places of ingress or egress on the subject premises, and (iii) the procedure for dumping or depositing the removed snow and ice from the ice rink at the subject premises.

ANSWER:

19. Identify any and all manuals, rules, regulations, directives, training programs, videos, or the like that were in place on the date of the occurrence regarding safety precautions and/or risk management at the subject premises, including, but not limited to, (i) the procedure for removing snow and ice from the ice rink located on the subject premises, (ii) the procedure for removing snow and ice from places of ingress or egress on the subject premises, and (iii) the procedure for dumping or depositing the removed snow and ice from the ice rink at the subject premises.

ANSWER:

20. Identify any and all manuals, rules, regulations, directives, training programs, meeting minutes, videos, or the like that were in place on the date of the occurrence regarding methods to provide protection or warning for pedestrians on Clark Street, adjacent to the subject premises, from snow and ice removed from the ice rink and deposited elsewhere on the subject premises.

ANSWER:

21. If it is the defendant's contention that the Plaintiff's injuries were caused by some entity, person or persons other than you, any agent, or employee of the defendant, or any person over whom the defendant has control, please identify such other person or entity fully, giving name and address.

ANSWER:

22. Was the parking lot adjacent to the ice rink at the subject premises a private or public parcel of land at the time of the occurrence? If private, what signs or postings were present to advise pedestrians or the public at large of the nature of the subject premises.

ANSWER:

23. What warning signs, if any, were located at the subject premises at the time of the occurrence, to give notice to pedestrians and the public at large that were present at the subject premises that an unnatural accumulation of snow and ice was present adjacent to the sidewalk on Clark Street at the subject premises?

ANSWER:

24. What lighting, if any, was provided at the subject premises at evening hours on the date of the occurrence that would help pedestrians and the public at large who were present at the subject premises see that unnatural accumulations of snow and ice were present at the subject premises.

ANSWER:

25. Do you, or does any agent or employee of the defendant, including defendant's insurance company, have possession or control of, or know of the existence of, any maps, pictures, photographs, videos, plats, drawings, diagrams, physical evidence, measurements or written descriptions of the subject occurrence, or of the areas or persons involved? If so,

- (a) Identify the person(s) in possession of the same and its nature and/or specific subject matter;

- (b) State the date and time it was made or taken; and
- (c) Identify making or taking it.

ANSWER:

26. Within the past five years, has the defendant received or become aware of any complaints regarding the subject premises, or nearby, including any complaints of accumulations of snow and ice deposited by your employees or agents on or nearby the subject premises? For each complaint, please:

- (a) state the date of the complaint;
- (b) state the nature of the situation complained of; and
- (c) identify the person so complaining.

ANSWER:

27. Within the past five years, has the defendant received or become aware of any claims resulting from injuries alleged to be suffered by any person(s) at the subject premises or nearby due to injuries sustained on the subject premises, including any claims for customers or pedestrians slipping on snow and ice located on or nearby the subject premises? For each claim:

- (a) state the date of alleged injury;
- (b) state the date claim was received;
- (c) identify the injured claimant; and
- (d) identify claimant's attorney (if any).

ANSWER:

28. Identify the person(s) or entity that owned and operated the Zamboni, which is the subject of this occurrence as described in the complaint? Also, identify the following, and attach any corresponding documents, contracts or agreements as a part of your answer to this interrogatory:

ANSWER:

29. Do you contend that the snow and ice on which Plaintiff fell on the subject premises at the place and time alleged in the complaint had accumulated naturally? If so,

- (a) state each and every fact on which you base the contention;

- (b) identify each witness whose testimony would support the contention;
- (c) identify with sufficient particularity to allow Plaintiff to frame a notice to produce, each and every writing that supports the contention.

ANSWER:

30. Identify all persons who have followed and/or in any way conducted surveillance of Plaintiff INJURED PERSON on behalf of defendant since the date of the occurrence described in Plaintiff's Complaint at Law. For each such person:

- (a) State under whose direction the person was acting; and
- (b) State the date and location where the surveillance was conducted.

ANSWER:

Finally, please identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each such statement or document, specify the legal basis for the claim as required by Supreme Court Rule 201(n).

The requesting Plaintiffs also call upon the persons to whom these interrogatories are directed to seasonably supplement the answers to interrogatories as additional information become available in accordance with Supreme Court Rule 213 (i).

ROSENFELD INJURY LAWYERS

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