

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

INJURED PERSON,)	
)	
Plaintiff,)	
)	
v.)	
)	No.
RESPONSIBLE PARTY)	
)	
Defendant.)	
)	
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)	
)	
)	

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT
RESPONSIBLE PARTY**

NOW COMES Plaintiff, INJURED PERSON, by and through his attorneys, [ROSENFELD INJURY LAWYERS](#), and propounds the following Interrogatories to be answered under oath by defendant RESPONSIBLE PARTY, pursuant to Rule 213 of the Rules of the Illinois Supreme Court, within 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 April 21, 2011, 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 facility located at 400 East 130th Street, in Chicago, Cook County, IL, known as the Calumet Water Reclamation Plant and within that area. The **subject premises includes** the general facility and specifically, the primary settling tank, number 2402, where this incident occurred, as referenced in Plaintiff's Complaint at Law.

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 entity or 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 entity or 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 overseeing construction, maintenance, alteration or repair whom you employed at the subject premises at the time of 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.

ANSWER:

7. Identify all personnel involved or participating in construction, maintenance, alteration or repair whom you employed at the subject premises on the date of 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.

ANSWER:

8. Do you have statements from any witness? 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:

9. Were there any reports submitted by any individual regarding the injuries to Plaintiff INJURED PERSON? 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:

10. Do you have any information tending to indicate:

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

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

ANSWER:

11. Was this 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:

12. Have you received any information with respect to either 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 either Plaintiff;
- (b) Statements obtained from any individuals relating to either Plaintiff's ability or inability to perform work and/or physical activities;
- (c) Photographs, motion pictures and/or videotapes depicting either Plaintiff's ability or inability to perform work and/or physical activities.

ANSWER:

13. 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 construction, alteration or repair at the subject premises, including anything pertaining to the use of ladders by employees, contractors, or other laborers working at the subject premises and any and all policies on maintenance and removal of debris or other policies pertaining to ground conditions at the subject premises when workers were present.

ANSWER:

14. 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 safety precautions and/or risk management for this defendant pertaining to construction, repair, alteration or the like at the subject premises.

ANSWER:

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

ANSWER:

16. Do you, or does any agent or employee of this defendant, including defendant's insurance company, have possession or control of, or know of the existence of, any maps, pictures, photographs, plats, drawings, diagrams, physical evidence, measurements or written descriptions of the 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 the person making or taking it.

ANSWER:

17. Within the past five years, has this defendant received or become aware of any claims resulting from injuries alleged to be suffered by any person while performing construction work, maintenance, repair, or alteration at the subject premises? For each claim:

- (a) State the date of alleged injury;
- (b) State the date the claim was received;
- (c) State the location where the alleged injury occurred;
- (d) Identify the injured claimant; and
- (e) Identify claimant's attorney (if any).

ANSWER:

18. Were you aware, before the filing of the complaint in this action, that Plaintiff alleges he was injured upon the subject premises on April 21, 2011? If so,

- (a) Identify who gave you notice;
- (b) State the date, time, and place you received notice;

- (c) State whether the notice was written or oral, and, if written, identify the person who now has custody of it.
- (d) State whether you received notice from any other person (if so, please answer subsections (a) through (c) with regard to that person.

ANSWER:

19. Do you contend that Plaintiff was not injured in the manner described and at the time and place alleged in the complaint? If so,

- (a) State each and every fact on which you base the contention;
- (b) Identify each witness whose testimony would support the contention; and
- (c) Identify with sufficient particularity to allow Plaintiff to frame a notice to produce, each and every writing that supports the contention.

ANSWER:

20. Was there ongoing construction, repair, alteration, or other maintenance work that was taking place at the subject premises prior to and on the date of the occurrence? If so, what type of work was being performed, where on the property the work was being performed, for what purpose, and what entities or individuals were hired to perform the work.

ANSWER:

21. Did you own, possess or have access to any lifts, hoists, ladders, scaffolding, tie offs or similar equipment at the subject premises prior to and on the date of the occurrence? If so, identify the equipment, its owner, who was allowed to use this equipment, and whether contractors or laborers at the subject premises were authorized to use the equipment and if so, by what means?

ANSWER:

22. State whether you entered into a contract with any firm or company for construction, erection, repair, alteration, rehabilitation, refurbishment, renovation, liquidation, delivery, moving, cleaning, and/or maintenance at the subject premises described in Plaintiffs' Complaint at Law prior to the date of the occurrence. If so, please state the name of all such

firm(s) or company (s) and the date on which you entered into the contract and attach copies of such contract(s) to your answer to these Interrogatories.

ANSWER:

23. Identify any and all entities, corporations, contractors, or other laborers not employed by RESPONSIBLE PARTY, and not employed by RESPONSIBLE PARTY who were present at the subject premises prior to and/or on the date of this occurrence.

ANSWER:

24. Identify the person employed by the RESPONSIBLE PARTY, who, on the date of the occurrence, and prior thereto, could explain the general conditions and specifications with regard to any contracts or agreements with RESPONSIBLE PARTY pertaining to work being done at the subject premises.

ANSWER:

25. 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).

ANSWER:

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).

Respectfully submitted,

ROSENFELD INJURY LAWYERS

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