

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

AARON C. BORING AND CHRISTINE
BORING, husband and wife respec-
tively,

CIVIL DIVISION

Plaintiffs,

CASE NO. 08-cv-694 (ARH)

v.

GOOGLE, Inc., a California cor-
poration,

Defendant.

PLAINTIFFS' FIRST SET OF INTERROGATORIES

Plaintiff, pursuant to Rule 33 of the Federal Rules of Civil Procedure ("F.R.C.P.", or the "Rules", as the context requires), by its undersigned attorney, hereby requests the Defendant to respond to the following requests by answering the same on or before thirty (30) days following the date of service.

**I.
INSTRUCTIONS**

Please follow these instructions and use the following definitions in responding to this request for discovery.

a. Each of the following requests for discovery shall be responded to separately and fully in writing. The responses shall be signed and verified by the person making them. Objections, if any, shall be signed by the attorney making them. Where the space provided is insufficient, please attach and refer to a separate sheet of paper, sufficient to complete said answer.

b. Once any person, document or other matter required to be identified has been identified properly, it shall be sufficient thereafter, when identifying that same person, document or other matter, to state the name of the person, title of the document or sufficient information to refer to the previous response in which a complete identification has been given.

c. Where knowledge or information in possession of a party is requested, such request includes knowledge of such party's agents, employees, servants, officers, directors, accountants, attorneys (except only to whatever extent privileged), and any other person acting or purporting to act on behalf of the party to whom these requests for discovery are addressed. You must make inquiries of your agents, employees, etc., whenever such inquiry is necessary to enable you to respond to this request for discovery completely and accurately.

d. When, after a reasonable and thorough investigation, you are un-

able to answer any request for discovery, or any part thereof, because of lack of information available to you, specify in full and complete detail the reason the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the request for discovery and set forth the facts upon which such knowledge or belief is based.

e. Where a request for discovery does not specifically request a particular fact, but where such fact or facts are necessary to make the response to discovery either comprehensible, or complete, or not misleading, you are required to include such fact or facts as part of the response, and the request shall be deemed specifically to require such fact or facts.

f. If, in responding to these requests for discovery, you encounter any ambiguity in a question, instruction, or definition, set forth the matter deemed ambiguous and the interpretation you used in responding.

g. If you assert a privilege, work product immunity, or decline to provide an answer on the basis of some other objection:

- i. identify and describe the document or communication in question;
- ii. describe the basis for the asserted privilege or objection;
- iii. identify every person to whom the document was sent, or every person present when the communication was made;
- iv. identify the present custodian of the document, if any; and
- v. Include sufficient facts for the Court to make a full determination of whether the claim or objection is valid.

h. Unless otherwise indicated, these requests for discovery refer to the time, places and circumstances of the occurrences mentioned or complained of in pleading. If the responding party has filed (or intends to file prior to responding to these requests for discovery) any responsive pleadings, then unless otherwise indicated, these requests for production refer to the times, places and circumstances of the occurrences mentioned or complained of in said responsive pleadings.

i. Unless otherwise specifically stated, the time period to which these requests for discovery pertain to is from January, 1999, to the date on which these requests for discovery are responded to, inclusive.

j. These requests for discovery are deemed to be continuing to the fullest extent provided in the Rules.

k. To the extent that any request for discovery made herein duplicates any other request for production made in another request for discovery otherwise fully responded to, then you may specifically identify such the other response in lieu of providing a response for the request made herein.

II.
DEFINITIONS

All definitions provided in this Section II of this request for discovery shall apply to the term so defined, and also to such term whether or not capitalized, and also to grammatical variations (including, without limitation, mood, tense, number) of such term. Such definitions shall be broadly construed so that the construction provides the broadest request for discovery permitted under the Rules. Specific requests are intended to supplement the following definitions.

a. "You" (including "your" and "yourself"), and "Company" refers to the party to whom the request for discovery is addressed, acting in any capacity, and any person, including agents, representatives, attorneys (except only to whatever extent privileged), and each person acting or purporting to act on behalf of the party to whom the request for discovery is addressed. Additionally, if "you" is a corporation or other business entity, then "you" refers to each parent, predecessor, subsidiary, affiliate, and each present and former officer, employee, agent, representative, and attorney of the party to whom this request for discovery addressed.

b. "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the principal in question.

c. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, limited liability company, business entity or association, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

d. "Document" means any medium in which information, data or intelligence can be contained, recorded or retrieved, and includes, without limitation, the original (or copy if the original is unavailable), electronically stored information with metadata, regardless of origin and location, and all tangible things of every type and description, however produced, copied or reproduced, whether draft or final, original or reproduction, signed or unsigned, approved, sent, received, re-drafted, executed, erased or otherwise defaced or mutilated, from whom-ever and wherever obtained, along with all non-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts, or versions thereof and all copies thereof containing any commentary, notations or markings, whatsoever, which is or was in your possession, custody or control, including, but not limited to: any book, pamphlet, periodical, email, letter, memorandum, (including any memorandum or report of a meeting or conversation), invoice, bill, magnetic media, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filed, or graphic materials.

e. The word "identify" (including, without limitation, "identification" and "identity") when used in reference to:

i. a natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;

ii. a corporation, requires you to state its full corporate name, and any names under which it does business, its state of incorporation, the address and telephone number of its principal place of business, and the name, address and telephone number for each and every officer;

iii. a business, other than a corporation, requires you to state the full name or style under which the business is conducted, the types of businesses in which it is engaged and the geographic areas in which it conducts those businesses, each business address, its telephone number, and the name, address and telephone number for each and every of person and/or business entity which owns, operates, and/or controls each such business;

iv. a document, requires you to state its title, its date, the names of its authors and/or recipients, number of pages and nature of the document, and its present or last known location and custodian, including any documents prepared subsequent to any time period; and

v. a communication, requires you: A) if any part of the communication was written, to identify the documents (as provided above) which refer to or evidence the communication; and B) to the extent that the communication is unwritten, to identify each and every person participating in, or otherwise present during, all or any part of the communication, and to describe the communication and to state the date, manner, place and substance of the communication. Where a communication occurs over the telephone, the location of such communication is requested, and state the location of the parties thereto.

f. "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, email, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings.

g. When request for discovery requests that you "describe," or to "state the basis of," or to "state the facts" on which you rely to support a particular claim, contention, or allegation, state in your answer each and every fact and legal theory, and identify each and every communication and/or document, which you contend supports, refers to, or evidences such claim, contention, or allegation. When request for discovery requires you otherwise to describe or state the facts relating to any particular set of circumstances, act, event, transaction, occurrence, meeting, purchase, sale, agreement, contract, venture, relationship, conversation, representation, communication, or other item of information, state in your answer the facts (including dates and places) relating to such transaction, occurrence, relationship, set of

circumstances, etc., as the case may be; and identify any persons who are or were parties thereto or have knowledge thereof; and identify any communications and documents relating to, or evidencing, such transaction, occurrence, relationship, set of circumstances, etc., as the case may be.

h. "Or" appearing in a request for discovery should not be read so as to eliminate any part of the request for discovery, but, whenever applicable, it should have the same meaning as the word "and." For example, a request for discovery stating "support" or "refer" should be read as "support and refer" if a response that does both can be made.

i. Unless otherwise specified, any reference to a judicial pleading, including, without limitation, complaint, answer, new matter, and counterclaim, affirmative defenses, refers to such pleading as served in the same action for which this request for discovery relates.

III. REQUESTS

1. Plaintiffs hereby request that for each request for admission in Plaintiffs' First Request for Request for Admissions which Google denies, in whole or in part, state:

- a. all facts, information and matters, including relevant dates, times and places, upon which your denial is based;
- b. the identity by name, address, phone number, and employment title of all persons with information or matters upon which your denial is based;
- c. a summary of the information or knowledge possessed by each such person; and
- d. the identity and description of all documents that refer or relate to the facts, information and matters upon which your denial is based.

ANSWER:

2. State whether or not any insurance policy or policies which afford coverage for any liability which Defendant may have in this action were in effect on the date of the incident referred to in the Plaintiffs' Amended Complaint.

ANSWER:

3. If the answer to Interrogatory No. 2 is in the affirmative, please state separately and for each policy:

- a. The name and principal place of business of the insurer;
- b. The name and address of the insured;
- c. The policy number for each such policy;
- d. The amounts of coverage for each such policy;
- e. The amounts of coverage and the classification of such coverage;
- f. The types of coverage;
- g. Whether the policy has a deductible to be paid by the insured, and, if so, the amount of the deductible; and
- h. The name, address and occupation of the person who presently has custody of the policy.

ANSWER:

5. Identify each person who:
 - a. was a witness to the events claimed to have occurred by the Plaintiffs in the Amended Complaint;
 - b. has knowledge of facts concerning the events claimed to have occurred by the Plaintiffs in the Amended Complaint;
 - c. identify the respective paragraph of the Amended Complaint when providing your answer.

ANSWER:

6. Identify each witness that you intend to present at trial and the nature and substance of their testimony.

ANSWER:

7. Identify each expert witness that you intend to present at trial and the nature and substance of their testimony. Please attach a copy of any expert report that they have provided along with all documentation which they were provided by Defendant.

ANSWER:

Dated: April 2, 2010

s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.
PA I.D. #52717

s/Dennis M. Moskal/
PA I.D. #80106

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CERTIFICATE OF SERVICE

The undersigned hereby certifies service of process of a true and correct copy of this document as follows:

The following person or persons were served by depositing the foregoing document in the United States mail, postage prepaid:

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