

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

_____,)
)
Plaintiff,)
)
Vs.) Cause No. _____
)
) Division No. _____
_____,)
)
Defendant.)

PLAINTIFF'S APPROVED INTERROGATORIES DIRECTED TO DEFENDANT

Comes now plaintiff, by and through plaintiff's attorney of record, pursuant to Rule 32.2.2 of the Local Rules of the Circuit Court of the Twenty-Second Judicial Circuit and propounds the following Interrogatories to defendant to be answered in writing, under oath, within the time provided by the Missouri Rules of Civil Procedure:

1. Please state the date that plaintiff was first employed by defendant and set forth all periods of plaintiff's absences from work (other than rest days, vacation and holidays) since the date of the occurrence alleged in plaintiff's Petition.

ANSWER:

2. For each preemployment physical examination, return to work physical examination special examination or any other employment related physical examination or evaluation of plaintiff while plaintiff was employed by defendant state:
 - (a) The name and address of the physician performing the examination; and
 - (b) The date of the examination.

ANSWER:

3. Set forth and describe the physical restrictions, if any, defendant imposed upon plaintiff with regard to plaintiff performing work of plaintiff's craft within three (3) years prior to the date of the occurrence alleged in plaintiff's Petition.

ANSWER:

4. Did defendant impose any physical limitations or restrictions upon plaintiff with regard to plaintiff performing the work of plaintiff's craft for defendant at any time after the date of the occurrence alleged in plaintiff's Petition?
If so, set forth in detail and to the best of defendant's ability the nature of and content of the limitations or restrictions and when they were in effect.

ANSWER:

5. Do defendant's records indicate that plaintiff every sustained injuries while employed by defendant?
If so, state the following:
 - (a) The date or dates of the injures.
 - (b) The nature of the injuries.
 - (c) Did defendant authorize or permit plaintiff to return to work subsequent to the injuries? If so, state the following:
 - (1) The names and addresses of the persons who participated in making the decision permitting or authorizing plaintiff to return to work.
 - (2) The date or dates the permission or authorization was given.
 - (3) Are there any documents with regard thereto?
If so,
 - (i) State the name and address of the person having possession, custody or control of those documents.

ANSWER:

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6. Please set forth and describe any disability, injury, illness, disease or symptomatology plaintiff experience while employed by defendant prior to the occurrence alleged in plaintiff's Petition.

ANSWER:

7. Identify by name and address the physicians, chiropractors, clinics, hospitals and/or medical care providers from whom defendant has received any reports, writings, written correspondence or memoranda regarding any examination or treatment concerning this plaintiff.

ANSWER:

8. State the name and address of plaintiff's direct foreman or supervisor on the date of the occurrence alleges in plaintiff's Petition.

ANSWER:

9. Have any motion pictures, videotape recordings or photographs of plaintiff been taken by you or anyone acting on your behalf: If so, state for each:

- (a) The date(s) each photograph, videotape recording or motion picture was taken;
- (b) The name and address of each person taking the photograph, videotape recording or motion picture;
- (c) The location where each photograph, videotape recording or motion picture was taken; and
- (d) The present location of each photograph, videotape recording or motion picture.

ANSWER:

10. Identify all persons who have followed and in any way conducted surveillance of the plaintiff on behalf of the defendant since the date of the incident(s) described in plaintiff's Petition. For each such person:

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

ANSWER:

11. State the names, addresses and occupations of any and all individuals known to defendant, its representatives, or its attorneys, to have been present at the scene of the occurrence alleged in plaintiff's Petition within one hour before, at the time of, or within one hour after the occurrence.

ANSWER:

12. State the name, address and occupation of any person known to defendant, its representatives, or its attorneys, to have witnessed the occurrence alleged in plaintiff's Petition.

ANSWER:

13. Describe in detail and to the best of defendant's ability the work or employment duties that defendant assigned plaintiff to perform at the time of the occurrence alleged in plaintiff's Petition.

Also, state the following:

- (a) Does defendant have any documents setting forth those assigned duties?
 - (1) If so, state the name and address of the person having possession of those documents.

ANSWER:

14. State the name, job title or position and address of each and every person (including foremen and supervisors) who were assigned to work with plaintiff at the time of the occurrence alleged in plaintiff's Petition.

ANSWER:

15. If defendant communicated any warning to plaintiff about using the (PIECE OF EQUIPMENT) plaintiff was working with at the time of the alleged occurrence, describe in detail and to the best of this defendant's ability the content of such warning and the name of the person who communicated the warning to plaintiff.

ANSWER:

16. During the 3 years prior to the incident referred to in plaintiff's Petition, did defendant hold or conduct any safety meetings with members of plaintiff's craft at (WORK LOCATION)?
- (a) If your answer is yes, does defendant have any records, minutes or notes pertaining to those meetings?
- (1) If so, state the name and address of the person having possession of those records, minutes or notes.

ANSWER:

17. During the 3 years prior to the incident referred to in plaintiff's Petition, did defendant perform any routine safety audits or routine safety inspections with regard to (INSERT TYPE OF WORK/LOCATION OF INJURY)?
- If your answer is yes:
- (a) State the names and addresses of the persons who performed those safety audits or inspections; and
- (b) Identify by title the reports prepared as a result of those routine safety audits and routine safety inspections and state the name and address of the person who has custody of those audits or inspections.

ANSWER:

18. State the name and address of the person who assigned plaintiff to perform the task he was engaged in at the time of the alleged occurrence.

ANSWER:

19. During the 3 years immediately prior to the incident described in plaintiff's Petition had any of defendant's employees advised defendant, its foremen or supervisors, of (DESCRIBE TYPE OF DEFECT OR PROBLEM WITH WORK AREA/PIECE OF EQUIPMENT INVOLVED IN INCIDENT DESCRIBED IN PLAINTIFF'S PETITION)?

If so, state the following:

- (a) The names and addresses of the person so informing defendant, its foremen or supervisors.
- (b) The date or approximate date defendant, its foremen or supervisors, were so informed.
- (c) The names of the foremen and supervisors so informed.
- (d) Are there any documents with regard thereto?

(1) If so, state the name and address of the person having possession, custody or control of those documents.

ANSWER:

20. Please identify by name, address, occupation, place of employment and qualifications to give an opinion, or if such information is available on the expert's curriculum vitae, attach same, regarding each person you expect to call as an expert witness at the trial of this matter and state the general nature of the subject matter on which the expert is expected to testify, and the expert's hourly deposition fee.

ANSWER:

21. Identify each non-retained expert witness, including a party, you expect to call at trial who may provide expert witness opinion testimony by providing the expert's name, address and field of expertise. State also any opinions the expert will testify to at trial.

ANSWER:

22. Prior to the alleged occurrence, had defendant received any recommendations, standards, specifications or regulations pertaining to inspecting, maintaining, repairing and/or performing preventive maintenance or repairs to the (IDENTIFY SPECIFIC PIECE OF EQUIPMENT INVOLVED IN THE INCIDENT MENTIONED IN PLAINTIFF'S PETITION) from the manufacturer/reseller of the (IDENTIFY PIECE OF EQUIPMENT), the FRA, the AAR or OSHA?

If your answer is yes, identify the recommendations, standards, specifications and regulations by number and/or title and state the name of the defendant's employees who have custody of those documents.

ANSWER:

23. State the name and address of all employees of or consultants to the defendant who participated in or reviewed any decision concerning whether plaintiff should be allowed to return to work for the defendant with or without restrictions on plaintiff's physical activities or job assignments.

ANSWER:

24. State the name and address of defendant's employees who have custody of each of the following:

- (a) Defendant's personnel file concerning plaintiff.
- (b) Defendant's earning records concerning plaintiff.
- (c) Defendant's medical director's file concerning plaintiff.
- (d) Defendant's vocational rehabilitation file concerning plaintiff.

ANSWER:

25. Set forth the titles of the training manuals, books, texts, brochures, posters, pamphlets, videotapes, movies, slide presentations and film strips defendant has used to train its employees about (IDENTIFY THE PIECE OF EQUIPMENT OR TYPE OF WORK INVOLVED IN PLAINTIFF'S INCIDENT) during plaintiff's employment with defendant and state the name and address of the person having custody of each such item.

ANSWER:

26. State the name, address and employer of those persons known to defendant to have inspected the (PIECE OF EQUIPMENT/SCENE OF ACCIDENT) since the occurrence. Note: This does not include inspections done at the request of counsel.

ANSWER:

27. State the name, address and employer of all persons who inspected the scene of the accident or the equipment, tools or appliances involved in the accident during the period of 72 hours before or after the accident.

ANSWER:

28. Except for claim or legal department personnel, state the name and address of each one of defendant's employees who prepared a report concerning the occurrence alleged in plaintiff's Petition.

ANSWER:

29. Did defendant obtain any photographs, movies or videotapes of the scene of the alleged occurrence which depict the scene and/or equipment in the condition it was in at the time of or immediately after the time of the occurrence alleged in plaintiff's Petition?

If your answer is yes, state the following:

- (a) The date and time such photograph, movies or videotapes were taken.
- (b) The number of photographs, movies or videotapes that were taken.

ANSWER:

30. Does defendant have any diagrams, drawings or blueprints of defendant's (DESCRIBE WORK LOCATION) which were in existence prior to or at the time of the accident?

If your answer is yes, state the following:

- (a) Identify by title and/or number all such diagrams, drawings and blueprints.
- (b) State the name and address of the person having possession of those diagrams, drawings and blueprints.

ANSWER:

31. If plaintiff was unable to complete the work he was performing at the time of plaintiff's injury, state the name and address of those persons who subsequently were assigned to that task on that shift/run.

ANSWER:

32. With regard to the (PIECE OF EQUIPMENT) involved in the alleged occurrence mentioned in the Petition, state the following:

- (a) The name and address of the manufacturer of the (PIECE OF EQUIPMENT).
- (b) The name and address of the supplier from whom defendant purchased or otherwise acquired the (PIECE OF EQUIPMENT).
- (c) The Model Name of the (PIECE OF EQUIPMENT).
- (d) The Model Number of the (PIECE OF EQUIPMENT).
- (e) The Model Year of the (PIECE OF EQUIPMENT).
- (f) The date defendant purchased or otherwise acquired the (PIECE OF EQUIPMENT).
- (g) The serial number of the (PIECE OF EQUIPMENT).

ANSWER:

33. State whether the defendant is sued in its full and correct name. If not, please state the full and correct name of the defendant.

ANSWER:

34. State the total wages or earnings of the three persons listed above and below the plaintiff on the applicable seniority roster for the three years prior to the date of the incident up through the present date.

ANSWER:

35. State whether you or anyone acting on your behalf is in possession of or have obtained any written or recorded statements from anyone who witnessed the occurrence mentioned in plaintiff's Petition or who has any knowledge concerning the incident or the injuries or disabilities suffered by plaintiff. With respect to each statement provide the following information:

- (a) The name and address of each person from whom a statement was taken;
- (b) The name and address of the person presently having control or custody of each statement.

ANSWER:

36. With respect to plaintiff, please state the following:

- (a) The total amount of Productivity Fund payments to plaintiff each year for the last three years payments were made;
- (b) The total amount of Tier I taxes paid by the defendant to the Railroad Retirement Board on behalf of plaintiff each year for the last three years payments were made;
- (c) The total amount of Tier II taxes paid by the defendant to the Railroad Retirement Board on behalf of plaintiff each year for the last three years payments were made;
- (d) The yearly premiums and the face value of any life insurance and accidental death or dismemberment insurance policies on plaintiff which were paid by defendant for the last three years;
- (e) The yearly premiums and the face value of any disability insurance policy on plaintiff which were paid by defendant for the last three years;
- (f) The yearly amount paid by defendant for plaintiff's health and dental care insurance or coverage for the last three years;
- (g) The yearly amount paid by defendant for plaintiff's dependent health and dental care insurance or coverage for the last three years;
- (h) The hourly or daily wage rate as well as any supplemental or special wages or allowances which defendant paid to plaintiff for the last three years;
- (i) If plaintiff is not currently working for defendant, the hourly or daily wage rate as well as any supplemental or special wages or

allowances during the past three years had he worked for defendant;

- (j) The amount of any scheduled increases in the hourly or daily wage or the amount of any scheduled increases in the cost of fringe benefits for members of plaintiff's craft in the next two years;
- (k) The amount of any RRB, SSB, insurance, wage continuation, advancements or other payments which defendant claims as a lien or offset against any settlement or judgment in this case.

ANSWER:

37. State whether plaintiff was formally charged with a violation of a rule, order or directive concerning the incident described in plaintiff's petition and, if so, state:

- (a) The date of the charge;
- (b) The rules, orders or directives allegedly violated;
- (c) The date and location of each investigation or hearing concerning the violation;
- (d) Whether a transcript was prepared of any such investigation or hearing;
- (e) Whether any discipline was assessed against plaintiff as a result of the violation; and
- (f) The nature of the discipline so assessed.

ANSWER:

38. State the name, address, employer and job title or position of the person signing the answers to these interrogatories on behalf of defendant.

ANSWER: