

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

, et ux., *
Plaintiffs, *
v. * CASE NO.:
*
*
Defendants. *
* * * * *

PLAINTIFF'S ANSWERS TO DEFENDANT'S INTERROGATORIES

Now comes Plaintiff, _____, by and through his attorneys, Laura G. Zois, and Miller & Zois, LLC and hereby answers Interrogatories propounded upon him by Defendant _____ as follows:

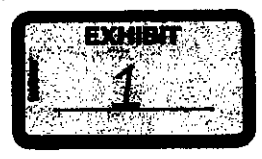
- (a) The information supplied in these Answers is not based solely on the knowledge of the executing party, but includes the party's agents, representatives and attorneys unless privileged.
- (b) The word usage and sentence structure is that of the attorney and does not purport to be the exact language of the executing party.

INTERROGATORY NO. 1: State your full name, address, social security number, date and place of birth, marital status, name of spouse, date of marriage(s) and occupation.

Answer to Interrogatory No. 1: Full Name: _____; Address: _____; D.O.B.: _____; Place of birth: Baltimore, Maryland, Spouse: _____; Date of Marriage: June 25, 1994; Occupation of Plaintiff: HVAC Tech; Occupation of Spouse: Dental Assistant.

INTERROGATORY NO. 2: Identify each and every individual who has given you a statement of any kind, whether verbal, written, signed, unsigned, recorded, or otherwise, concerning the facts and allegations contained in the Complaint, and for each state the date thereof, by whom the statement was obtained, subject matter thereof and, if recorded or memorialized, in whose possession, custody and/or control the statement is at this time.

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recommendations (and refuse to continue if recommendations were not accepted) to the Owner that included installing additional stacks. Plaintiff reserves the right to supplement this answer as discovery is ongoing.

INTERROGATORY NO. 6: Identify all documents (in accordance with the definitions stated above) that have been reviewed or relied upon to any extent by any expert witness whom you intend to call at the trial of this matter.

Answer to Interrogatory No. 6: The Plaintiff's medical experts have relied on all of his medical records and bills. [redacted] has reviewed all available documentation regarding the boiler and its explosion.

INTERROGATORY NO. 7: Identify each known written statement, report or transcript of testimony relative to any of the facts or matters alleged in the Complaint, including the name of the person who gave the statement, report or testimony, the date of each such statement, report or testimony, and the name and address of the present custodian of each such report, statement or testimony.

Answer to Interrogatory No. 7: The Plaintiff is not aware of any testimony arising out of this incident other than the testimony involving the worker's compensation claim.

INTERROGATORY NO. 8: If you contend that [redacted] negligently designed the boiler system at [redacted], identify and set forth in detail a precise description of each alleged design defect and how that defect contributed to your injuries on or about September 25, 2001.

Answer to Interrogatory No. 8: The design of the boiler unnecessarily created the circumstances for an unstable combustion envelope in the boiler that was likely to cause and an accident of the kind suffered by Plaintiff in this case. Specifically, the fact that the boiler was utilizing the old stack and damper and that the Defendants should have made the necessary modifications to the system to stabilize the ratio of oil to fuel ratio in light of that information and the details of this system. Failing to do so created draft conditions that altered the appropriate fuel to air ratio and created a dangerous overpressurized system ripe for an accident. Defendant also should have properly inspected the old damper, ducts and chimney, made specifications and design parameters that were appropriate given the system, properly tested the system, and made recommendations (and refuse to continue if recommendations were not accepted) to the Owner that included installing additional stacks. See also designation of Plaintiff's expert

INTERROGATORY NO. 9: If you contend that the Defendants should have taken some action not taken, or should have refrained from taking some action taken, set forth in detail what you would have done differently or not done.

Answer to Interrogatory No. 9: See answer to Interrogatory #8.

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INTERROGATORY NO. 10: Describe in detail the nature of the work that you were performing on the subject boiler system on or about September 25, 2001, including services the services that you were hired to perform, a detailed description of all the work you actually performed on the subject boiler system prior to the explosion, and a detailed description of the steps and/or actions taken to perform that work.

Answer to Interrogatory No. 10: The boilers at _____ were installed in phases by demolition of one and installation of a new boiler. When the new boiler was installed and started up by the EMS contractor, the next boiler would be removed. After each boiler was started, the customer, _____ had flame failure and continuous problems with the new boilers. The _____ company employed their service department to go to the job site and attempt to correct the problem with the boiler. Plaintiff attempted to adjust controls on the boiler to make it operate smoother and without flame failure. This work was performed from about the end of July 2001 and beginning of August 2001, when the third boiler was finally installed and started. At the end of September, Plaintiff returned to the job to attempt to adjust the boiler to run as trouble free as possible. At this time, _____ was beginning to use the boiler for heating and not just for hot water thus causing more than one boiler to operate at a time. Boiler #1 and #3 were on line and running and Plaintiff was instructed by _____ to test boiler #2 and make a recommendation. On September 25, 2001, Plaintiff arrived on the job site and took his hand tools into the boiler room. Plaintiff turned on the power switch to boiler #2 and watched the pilot light. Plaintiff has no memory of what happened after turning on the power switch.

INTERROGATORY NO. 11: If you contend that you suffered damages as a proximate result of any acts, errors or omissions on the part of any of the Defendants, identify and set forth in detail a precise description of each alleged act, error or omission, specifically itemizing the elements of such damages including the nature and amount of any such damage, the date it was sustained, the method of computation, the specific Defendant you contend is responsible for the damage, and the identity of all persons who have personal knowledge thereof. Include in your Answer the details of any damages related to additional costs, expenses and/or attorneys fees allegedly incurred in your attempt to mitigate damages allegedly suffered.

Answer to Interrogatory No. 11:

The following damages were incurred as a direct and proximate result of the Defendants negligence:

1.	BALTIMORE CITY FIRE DEPARTMENT	9/25/01	\$250.00
2.	UMMS	9/25/01-10/15/01	\$70,942.36
		10/26/01	\$113.34
		12/14/01	\$2,831.57
		1/17/01	\$140.44
		1/24/02	\$238.44
		1/31/02	\$17,423.00
		4/11/02	\$130.45

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The Plaintiff will be required to take medication for the rest of his life as a result of the injuries sustained in this accident, the plaintiff has also been told that he needs 3 to 4 additional follow-up surgeries which will take him out of work for one month for each surgery. The Plaintiff will supplement this answer for future medical expenses and lost wage information.

INTERROGATORY NO. 12: If you have received workers' compensation benefits as a result of your injuries, provide your disability rating and the dates for the period in which you received workers' compensation benefits.

Answer to Interrogatory No. 12: The Plaintiff objects to this request as to relevance and the discovery of which is not likely to lead to information that would be admissible at the trial of this matter. However, without waiving said objection, the Plaintiff received a disability rating

INTERROGATORY NO. 13: How long did you remain out of work after the occurrence on September 25, 2001?

Answer to Interrogatory No. 13: Plaintiff was out of work for approximately two years due to the accident.

INTERROGATORY NO. 14: Provide all of the dates in which you serviced the boiler system at _____ and the nature of the work performed.

Answer to Interrogatory No. 14: Plaintiff worked at _____ approximately six months before the accident on various occasions.

INTERROGATORY NO. 15: Describe in detail your experience and qualifications as a HVAC Technician and/or contractor. Include in you answer your relevant employment history, educational history, and any relevant certifications that you possess (including the date in which they were obtained).

Answer to Interrogatory No. 15: Plaintiff has a journeyman's HVAC license and twenty years of experience working on boilers and all types of heating systems.

INTERROGATORY NO. 16: State whether you have been involved in any other claim, lawsuit or other proceeding in any way relating to incidents alleged in the Complaint. If so, provide the names of all such opposing parties, the captions of all such cases (with case numbers), and the dates of those matters.

Answer to Interrogatory No. 16: The Plaintiff did file a Workers Compensation Claim as a result of the incident of September 25, 2001, claim Number _____

INTERROGATORY NO. 17: If you intend to rely on any documents or other tangible things to support a position that you have taken or intend to take in the action, including any claim for damages, provide a brief description, by category and location, of all such documents

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about September 25, 2001, you have sustained any accidental injury for which you received medical care or treatment. If so, describe the date and circumstances of the accidental injury and identify all health care providers, including hospitals and other institutions that furnished care to you.

Answer to Interrogatory No. 21: None.

INTERROGATORY NO. 22: If you contend that a person not a party to this action acted or erred in such a manner as to cause or contribute to any of the injuries or damages alleged in your Complaint, set forth in detail all facts upon which you rely.

Answer to Interrogatory No. 22: Plaintiff makes no such contention.

INTERROGATORY NO. 23: State whether you or any other person has entered into any release, settlement or other agreement, formal or informal, whether reduced to writing or not, pursuant to which the liability or the liability of any other person for damages arising out of the occurrences described in the Complaint has been limited, reduced, released or modified in any manner whatsoever, and if so, state the person(s) with whom such agreement was made, the date each such agreement was made, describe the terms of each such agreement, and identify any documents constituting, referring to or reflecting each such agreement.

Answer to Interrogatory No. 23: The Plaintiff has settled his Worker's Compensation Claim.

INTERROGATORY NO. 24: Describe in detail all safety precautions and/or equipment you utilized in servicing the subject boiler system on or about September 25, 2001.

Answer to Interrogatory No. 24: Plaintiff followed all proper HVAC procedures when servicing the boiler at _____ on September 25, 2001.

INTERROGATORY NO. 25: Do you contend that _____ sold and/or built the subject boiler system? If so, identify all facts and documents supporting that contention.

Answer to Interrogatory No. 25: See answer #8.

INTERROGATORY NO. 26: State the names and addresses of all persons not previously listed in your Answers to these Interrogatories having personal knowledge of facts and matters relevant to your claims or this cause of action, and for each specify the area of personal knowledge.

Answer to Interrogatory No. 26: Plaintiff is unaware of anyone how is not mentioned in these Answers or in the documents produced by Plaintiff and Defendant. Plaintiff will supplement this answer as necessary.

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