

IN THE CIRCUIT COURT OF MARYLAND FOR BALTIMORE CITY

Plaintiff

v.

et al.

Defendants

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* Case No:

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RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS

Comes now the Defendant, ., by and through its attorneys, , and

, in accordance with the State of Maryland Rules of Civil Procedure in Response to the Request for Production of Documents filed by the Plaintiff herein and states:

GENERAL OBJECTIONS AND REFUSALS

A. The Defendant objects to the Plaintiff's Request for Production of Documents, as the requests call for information which is protected from disclosure by the attorney-client privilege and the doctrine of work product immunity and any other privilege or immunity. To the extent that the Requests seek the production of documents not only in possession of the Defendant but those in possession of the Defendant's counsel, which documents are protected by the attorney-client privilege and the doctrine of work product, immunity and any other privilege or immunity, the Defendant refuses and objects to the Request for Production of Documents.

B. The Defendant objects to the Plaintiff's Request for Production insofar as they seek the production of documents in possession of the Plaintiff or which are matters of **public record** and which are as accessible to the Plaintiff as to the Defendant on the grounds that the Maryland Rules do not require the Defendant to produce such information.

C. The Defendant objects to the Plaintiff's Request for Production of Documents on the grounds that the request(s) as framed is so broad that the information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and it would be unduly burdensome, oppressive, and costly to search for and/or produce such information to the extent that it exists.

D. The Defendant objects to and refuses to produce documents sought in the Request for Production of Documents in that the request is so broad in scope and duration that it constitutes a fishing expedition on which requestor seeks to embark at the expense of Defendant. The requests are not sufficiently limited to the instant cause of action or in any way related to the specific allegations contained in the pleadings and seeks the production of documents which are not relevant to any issue in the instant litigation and the production of all items requested in view of the overbreadth of the request(s) would be unduly burdensome, costly, and time consuming.

E. The Defendant objects to the Request(s) for Production of Documents insofar as it seeks information with respect to an unlimited period of time, except where otherwise indicated, on the grounds that such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and that it would be unduly burdensome, oppressive and costly to search for, collect and produce information with

respect to any period prior or subsequent thereto. The request(s) as framed seek the production of documents over a period of time unlimited in duration. The phrase "the relevant period" will refer to [a period of three (3) years prior to the date of the occurrence as alleged in the Complaint]. The Defendant will produce documents not otherwise subject to other objections for the relevant period.

F. The Defendant objects and refuses to produce any documents prepared in anticipation of litigation or during the course of the litigation on the grounds of the applicable rules of procedure do not require such production and on the grounds that the requestor may easily obtain any and all non-privileged information elsewhere without undue hardship.

G. Nothing contained in any Response hereto shall be deemed to be an admission, concession or waiver by Defendant of any contention with regard to the production of documents or the discovery sought.

H. The information and documents supplied or to be supplied or derived from any documents produced pursuant to the applicable rules shall be subject to the stipulation of confidentiality entered into among the parties or to any Order of the Court with respect thereto.

I. The Defendant objects to the Request(s) for Production of Documents of communications seeking the disclosure of theories, mental impressions, postulations, priority information, business planning information, operational information, administrative and financial information, theory of operation(s), configurations, confidential internal information, market and sales analysis, profitability reports, customer lists, production cost analysis, contracts with other customers and all information requesting internal

documents of a highly confidential nature and refuses to produce them.

J. The Defendant objects to the Request(s) calling for the production of documents not under the control, directly or indirectly of the Defendant.

K. The Defendant further objects to the production of the requested information on the grounds that such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and constitutes a gross fishing expedition. It would be unduly burdensome, oppressive, and costly to search for/or provide any such information to the extent that it exists.

L. The Defendant objects to the definitions and instructions set forth in the Request for Production of Documents insofar as (i) such definitions and instructions exceed in scope, detail and specificity the requirements imposed by applicable rules of Procedure, and (ii) the information called for pursuant to such definitions and instructions is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and (iii) it would be unduly burdensome and oppressive to provide such information.

The Defendant will provide full, complete and detailed responses to proper Request(s) for Production of Documents filed by the Plaintiff(s) in accordance with the requirements of the Maryland Rules of Procedure.

In particular, the Defendant objects to the definitions and instructions insofar as they seek to impose on the Defendant an obligation which exceeds the requirements of the applicable rules of civil procedure, to serve responses to specific Requests for Production of Documents.

The Defendant, objects further to the definitions and instructions insofar as they request the production of documents on the grounds that such instructions and definitions are not sufficiently particular and do not comply with the other requirements and procedures set forth under applicable rules of civil procedure.

M. The Defendant objects to the Request for Production of Documents on the grounds that the definitions and instructions are vague, incomprehensible and incapable of responses and do not seek documents which are either relevant nor reasonably calculated to lead to the discovery of admissible evidence.

N. That Defendant objections in its answers and objections to the [Plaintiff's] set of Interrogatories to the identification of various documents requested is correspondingly incorporated by reference herein.

O. The Defendant objects to definition(s) and instruction(s) of the first Request for Production of Documents filed by the Plaintiff to the Defendant, as it purports to request the production of documents over an **excessive period of time** and is not sufficiently limited in **temporal duration**. The Defendant will produce documents which are otherwise within the proper scope of discovery for a period of three (3) years prior to the date of occurrence.

P. Nothing contained in any production herein shall be deemed to be an admission, concession or waiver by the Defendant, of any contention with regard to the defense of any and all claims to the Complaint as filed or the validity of any claim asserted by the Plaintiffs or to Plaintiffs' understanding or capacity to assert such claims.

Q. The foregoing responses, refusals and objections and those set forth infra, shall be considered as made, to the extent applicable, in each response to each of the

Plaintiff's Requests as if the objections, responses and refusals were fully set forth in such response.

R. The Defendant will provide responses to the Plaintiff's Request for Production of Documents in accordance with the requirements of the applicable rules of procedure.

DOCUMENTS PRODUCED

When a particular response states that the documents are "produced" the response means that the non-privileged documents in Defendant's possession which are responsive to the particular request are available for inspection upon reasonable notice at the Offices of Counsel for the Defendant,

To the extent that requesting party is requesting Defendant to re-organize its documents and classify them according to various legal theories or to duplicate them, many times to produce them in categories responsive to requestor's redundant requests Defendant objects to requestor's requests as beyond the scope of the applicable rules of procedure.

DOCUMENTS REQUESTED

Request Number 1: Any contracts between this Defendant and any other party regarding indemnification agreement or contracts.

Response Number 1: The Defendant objects to the Request as it contains no reasonable temporal limitations and is unreasonable as it seeks information for an unreasonable length of time. Without waiving said objections, see attached.

Request Number 2: All written reports of each person whom you expect to call as an expert witness at trial.

Response Number 2: To date, the Defendant has not yet selected expert witnesses to testify at trial. To the extent such reports exist or shall exist, the documents will be produced after designation of the Defendant's expert witnesses in conformance with the applicable scheduling order.

Request Number 3: All documents reviewed by or relied upon by any expert witness you intend to call at trial.

Response Number 3: To date, the Defendant has not yet selected expert witnesses to testify at trial. To the extent such documents exist or shall exist, the documents will be produced after designation of the Defendant's expert witnesses in conformance with the applicable scheduling order.

Request Number 4: The most recent resume or curriculum vitae of each expert whom you expect to call as a expert witness at trial.

Response Number 4: To date, the Defendant has not yet selected expert witnesses to testify at trial. To the extent such documents exist or shall exist, the documents will be produced after designation of the Defendant's expert witnesses in conformance with the applicable scheduling order.

Request Number 5: All notes, reports correspondence, memoranda, worksheet, test data, diagram, photographs, x-rays, radiological films or other documents prepared or reviewed by each by each person you expect to call as an expert witness at the trial of this matter, and each of the experts opinions and conclusions.

Response Number 5: To date, the Defendant has not yet selected expert witnesses to testify at trial. To the extent such documents exist or shall exist, the documents will be produced after designation of the Defendant's expert witnesses in conformance with the applicable scheduling order.

Request Number 6: All invoices, fee schedules and/or retainer agreements generated by all expert witnesses services to this Defendant including, but not limiting to, the fees or any medical examination, site investigation, records review, pretrial preparations, telephone conferences and/or anticipated testimony and any other fee paid by this Defendant to an expert.

Response Number 6: To date, the Defendant has not yet selected expert witnesses to testify at trial. To the extent such documents exist or shall exist, the documents will be produced after designation of the Defendant's expert witnesses in conformance with the applicable scheduling order.

Request Number 7: All written, recorded and/or signed statement of any person including Plaintiff, any Defendant, witness, investigators or any agents, representative or employee of the parties, concerning the subject matter of this action.

Response Number 7: The Defendant objects to the Request as posed on the

grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of counsel, and seeks material generated in preparation for trial. The Defendant objects on the grounds that the Request exceeds the scope of discovery under Rule 2-402(d) and (e). Notwithstanding said objections, the Defendant is not in possession of any statement made by the Plaintiff other than what may be contained in his medical records or other documentation produced by the Plaintiff, all of which are already in the possession of the Plaintiff.

Request Number 8: All documents which afforded liability insurance or self insured status for the incident which is the subject matter of the Plaintiff's Complaint.

Response Number 8: See attached.

Request Number 9: Any documents received pursuant to the subpoena request.

Response Number 9: No such documents exist as of this date. In the event Defendant receives any documentation pursuant to a subpoena it may serve in the future, such documents will be produced.

Request Number 10: Any documents prepared during the regular course or business as a result of the incident complained of in the Plaintiff's Complaint.

Response Number 10: The Defendant is not in possession, custody, or control

of any documents responsive to this Request.

Request Number 11: Copies of any treatises, standards in the industry, legal authority, rule, case, statute or code that will be relied upon in the defense of this case.

Response Number 11: The Defendant objects to this Request on the grounds it seeks legal opinions, legal interpretations, legal conclusions, and material protected by the attorney work-product privilege. The Defendant objects to this Request on the grounds it seeks expert testimony and expert opinions. The Defendant objects to this Request on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive. The Defendant objects to this Request on the grounds that it improperly attempts to shift the burden of proof from the Plaintiff to the Defendant and asks the Defendant to perform legal and periodical research for the Plaintiff. The Defendant reserves the right to supplement this response.

Request Number 12: All maintenance records or repair records concerning the road case/cart in question or any similar or identical road case/cart.

Response Number 12: The Defendant is not in possession, custody, or control of any document responsive to this Request.

Request Number 13: The tour schedule and all itineraries or schedules for this Defendant regarding the traveling production of before and after the date of the occurrence complained of in Plaintiff's Complaint.

Response Number 13: This Request does not apply to this Defendant, and no

such documents exist.

Request Number 14: All documents, policies, memorandum and correspondence regarding this Defendant's policy regarding documentation that is required when an incident as been reported.

Response Number 14: The Defendant objects to the Request as posed on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of counsel, and seeks material generated in preparation for trial. The Defendant's first notice or report of the subject accident was Plaintiff's Amended Complaint. The Defendant has no documentation of this accident predating service of process in this case, and therefore, its policy regarding generation of such documentation is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Request Number 15: Any and all documents or correspondence that in any way relate to the occurrence complained of in Plaintiff's Complaint.

Response Number 15: The Defendant objects to the Request as posed on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of

counsel, and seeks material generated in preparation for trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, the Defendant is not in possession, custody, or control of any documentation responsive to this request.

Request Number 16: All documents, memoranda, notes, directives and/or telephone messages between the Plaintiff and any employee, agent and/or representative of this Defendant.

Response Number 16: The Defendant is not in possession, custody, or control of any documentation responsive to this request.

Request Number 17: Any documents or list, including the names and addresses, of each employee, either full time or part time, and each independent contractor, who was involved in the breaking down the set of as of the date of the occurrence.

Response Number 17: The Defendant is not in possession, custody, or control of any documentation responsive to this request.

Request Number 18: Any documents or list, including the names and addresses, of each employee, either full time or part time, and each independent contractor, who was involved in the traveling production of as of the date of the occurrence.

Response Number 18: The Defendant is not in possession, custody, or control of any documentation responsive to this request.

Request Number 19: Any and all documents, manuals, policies, memoranda, letters or the like setting forth proper standards, policies and/or procedures, concerning the breaking down of a set.

Response Number 19: The Defendant objects to the Request as posed on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, is not reasonably calculated to lead to the discovery of admissible evidence, and improperly attempts to shift the burden of proof from the Plaintiff to the Defendant. The Defendant objects to this Request on the grounds that the term "proper" calls for expert opinions. The Defendant further objects on the grounds that "breaking down a set" is not defined, calls for speculation, could relate to any number of venues such as movie sets, television sets, Broadway sets, on-location sets, could relate to any number of actions taken with respect to the set itself. Without waiving said objections, the Defendant is not in possession, custody, or control of documents responsive to this request as posed.

Request Number 20: Any and all documents, manuals, policies, memoranda letters or the like setting forth proper standards, policies and/or procedures, concerning the loading dock at the

Response Number 20: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 21: Any and all documents, manuals, policies, memoranda, letters or the like setting forth proper standards, policies, and/or procedures, concerning the loading of trucks to transport a set.

Response Number 21: The Defendant objects to the Request as posed on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, is not reasonably calculated to lead to the discovery of admissible evidence, and improperly attempts to shift the burden of proof from the Plaintiff to the Defendant. The Defendant objects to this Request on the grounds that the term "proper" calls for expert opinions. The Defendant further objects on the grounds that "the loading of trucks to transport a set" is not defined, calls for speculation, could relate to any number of venues such as movie sets, television sets, Broadway sets, on-location sets, a variety of types of trucks, and various types of destinations. Without waiving said objections, the Defendant is not in possession, custody, or control of documents responsive to this request as posed.

Request Number 22: Any and all documents relating to any cause or circumstance this Defendant contends may have contributed to the occurrence.

Response Number 22: The Defendant objects to the Request as posed on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of counsel, seeks material generated in preparation for trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, the Defendant is not presently in possession, custody, or control of any documentation responsive to this request, but reserves the right to supplement this

response pending further discovery and investigation. The Defendant specifically reserves the right to rely upon all document production, responses to interrogatories, deposition transcripts and all other discovery materials exchanged and generated by the parties in this case.

Request Number 23: Any and all documents relating to any complaint regarding the road case/cart in question or any identical or similar road case/cart.

Response Number 23: The Defendant is not in possession, custody, or control of any documentation responsive to this Request.

Request Number 24: Any and all videotape or footage regarding the incident complained of in the Plaintiff's Complaint.

Response Number 24: The Defendant is not in possession, custody, or control of any documentation responsive to this Request.

Request Number 25: Any and all photographs, slides, motion pictures, diagrams, maps, schematics, graphs, models and other illustrative representations pertaining to the occurrence, the Plaintiff or the road case/cart in question.

Response Number 25: The Defendant is not in possession, custody, or control of any documentation responsive to this Request.

Request Number 26: Any and all reports made as a result of any inspections, examination or investigation by any person acting on behalf of any party as a result of the occurrence complained of in Plaintiff's Complaint.

Response Number 26: The Defendant objects to the Request on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of counsel, seeks material generated in preparation for trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Any report prepared by this party's expert witnesses intended to be called as a witness at trial will be produced.

Request Number 27: All insurance policies which cover, or may cover, the occurrence or any matter alleged in Plaintiff's Complaint.

Response Number 27: The document is attached.

Request Number 28: Any and all documents identified, sought or referred to the this Defendant's Answers to Plaintiff's Interrogatories.

Response Number 28: The documents are attached.

Request Number 29: A copy of any surveillance movies or photographs which have been made of the Plaintiff.

Response Number 29: The Defendant is not in possession, custody, or control

of any documents responsive to this Request.

Request Number 30: Any documents or other tangible evidence which may be used at the trial of this matter and may have a bearing on this cause of action.

Response Number 30: The Defendant objects to the Request on the grounds that it is vague, overly broad, ambiguous, unduly burdensome and oppressive, and exceeds in scope the proper intendment of the applicable discovery rules. The Defendant further objects to the Request on the grounds that it is intrusive to attorney work product and attorney-client privileges, seeks the thoughts and impressions of counsel, seeks material generated in preparation for trial, and is not reasonably calculated to lead to the discovery of admissible evidence. The Defendant reserves the right to use at trial any and all documents and tangible evidence produced and exchanged by any party in discovery.

Request Number 31: Any documents concerning the purchase, invoice, sales receipt or delivery of the road case/cart involved in the occurrence.

Response Number 31: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 32: Any equipment list showing the road case/cart involved in the

occurrence.

Response Number 32: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 33: Any photographs depicting the road case/cart involved in the occurrence or depicting an identical road case/cart.

Response Number 33: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 34: Any literature, service manual, written instructions, or operator's manual, or handbook regarding the road case/cart involved in the occurrence.

Response Number 34: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 35: Any engineering literature, drawings, diagrams, schematics or models of the road case/cart involved in the occurrence.

Response Number 35: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 36: Any written warnings posted on the road case/cart involved in the occurrence.

Response Number 36: The written warning posted on the product at issue, upon information and belief, remains posted on the product at issue. The photograph already produced by Defendant depicts the warning sign on the product.

Request Number 37: Any written warranties covering the road case/cart involved in the occurrence.

Response Number 37: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 38: Any repair orders regarding the road case/cart involved in the occurrence.

Response Number 38: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 39: Any employment applications from the Plaintiff,

Response Number 39: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 40: Any employee file for the Plaintiff,

Response Number 40: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 41: Any pay stubs for the Plaintiff,

Response Number 41: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 42: Any payroll documents for the Plaintiff,

Response Number 42: The Defendant is not in possession, custody, or control of any documents responsive to this Request.

Request Number 43: Any and all documents that relate to the engineering of the road case/cart involved in the occurrence complained of in Plaintiff's Complaint.

Response Number 43: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 44: Any and all documents that relate to the design of the road case/cart involved in the occurrence complained of in the Plaintiff's Complaint.

Response Number 44: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 45: Any and all documents that relate to the production of the road case/cart involved in the occurrence complained of in Plaintiff's Complaint.

Response Number 45: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 46: Any and all documents that relate to the manufacturing of the road case/cart involved in the occurrence complained of in Plaintiff's Complaint.

Response Number 46: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Request Number 47: Any and all documents that relate to the schematics of the road case/cart involved in the occurrence complained of in Plaintiff's Complaint.

Response Number 47: Whereas the Defendant has never had an opportunity to view, inspect, observe, or visualize the product involved in this occurrence, it cannot identify with any certainty the product nor any documents related to the product. Without admitting that it produced the subject product, the Defendant attaches documents which may or may not relate to the product at issue in this case.

Respectfully submitted,

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**Attorneys for the Defendant, Hudson Scenic
Studio, Inc.**



Liability Insurance

Declarations

Chubb Group of Insurance Companies
15 Mountain View Road
Warren, NJ 07059

Named Insured and Mailing Address

Policy Number

Effective Date MAY 8, 2005

Issued by the stock insurance company
indicated below, herein called the company.

**PACIFIC INDEMNITY
COMPANY**

Producer No.

Incorporated under the laws of
WISCONSIN

Producer

Policy Period

From: MAY 8, 2005 To: MAY 8, 2006
12:01 A.M. standard time at the Named Insured's mailing address shown above.

Liability Coverage

Limit Of Insurance

GENERAL LIABILITY

GENERAL AGGREGATE LIMIT	\$ 2,000,000
PRODUCTS/COMPLETED OPERATIONS AGGREGATE LIMIT	\$ 2,000,000
EACH OCCURRENCE LIMIT	\$ 1,000,000
ADVERTISING INJURY AND PERSONAL INJURY AGGREGATE LIMIT	\$ 1,000,000
DAMAGE TO PREMISES RENTED TO YOU LIMIT	\$ 1,000,000
MEDICAL EXPENSES LIMIT	\$ 10,000

