

Report of KCBA Pattern Interrogatory Subcommittee

Overview

This Report is presented by the Pattern Interrogatory Subcommittee of the King County Bar Association's Judiciary and the Courts Committee. The Subcommittee has been meeting regularly since October of 2005 to develop proposed pattern interrogatories for use in motor vehicle accident cases. The proposed interrogatories were posted for public comment on the KCBA website from approximately June 1 through July 15, 2006, and were also sent directly to numerous discrete constituencies. Based on the comments received, a number of additions and changes were made.

In addition to the proposed interrogatories, the Subcommittee's initial report, which was also posted on the KCBA website, suggested that the LMARs should be amended to create a presumption that these pattern interrogatories can be used in mandatory arbitration proceedings involving motor vehicle accidents. No specific feedback was received on that proposal; however, the Subcommittee believes that such amendment would be beneficial, especially given the higher damages limits now available in such proceedings.

Attached as appendices, and further supplementing this Report, are the following:

- A. KCBA Bar Bulletin article further describing the genesis of these proposals.
- B. A summary of the comments received.
- C. A redline of the "Plaintiff to Defendant" interrogatories that shows generally what changes were made in response to public comments.
- D. A redline of the "Defendant to Plaintiff" interrogatories that shows generally what changes were made in response to public comments.
- E. The relevant local rules.

Background

In fall 2003, the King County Bar Association (KCBA) Judiciary & Courts Committee was asked by then King County Superior Court Presiding Judge Richard Eadie to examine ways to improve how the Superior Court was handling its civil caseload. From September 2003, to June 2004, the Committee (with the active participation of a number of King County Superior Court Judges) worked to develop proposals aimed at setting some reasonable limits on discovery. In August 2004, the KCBA Board of Trustees made modest changes to the Committee's product, and submitted the Committee's proposals to the King County Superior Court's Local Rules Committee chaired by Judge Helen Halpert. The Superior Court likewise made some modest changes and in January 2005, the full

King County Superior Court approved the proposals and published them for comment.

The King County Superior Court adopted KCLR 26(d) dealing with discovery limits effective September 1, 2005, for all cases filed on or after that date. That rule in Subsection (B) limits interrogatories to 40. Subsection (A) provides that if pattern interrogatories were adopted by the King County Superior Court, a party could choose to use the pattern interrogatories plus up to an additional 15 “non-pattern” interrogatories. At the same time the Court adopted KCLR 33 dealing with pattern interrogatories. KCLR 26(d) and KCLR 33 are set out in the Appendix to this Report. In a comment to the KCLR 33(a) “Pattern Interrogatories for Specific Areas of Practice: Reserved”, the Court noted that it “will adopt a process for approving Pattern Interrogatories for use in discrete practice areas. The process and the pattern interrogatories will be available for the KSCS website: <http://www.metrokc.gov/kcsc/>, as well as through the office of the King County Clerk.”

In September 2005, Brian Esler, Chair of the KCBA Judiciary & Courts Committee appointed Morris Rosenberg to chair a subcommittee to draft proposed pattern interrogatories for automobile tort cases, a “discrete practice area” that was viewed as most likely lending itself to the development of pattern discovery because of the similarity of issues often presented in such cases. While certainly there can be very complex issues, substantial sums at risk, and other unique reasons for pattern interrogatories not working in a particular automobile case, it was felt that the majority of automobile tort cases have more similarities and a more limited “universe” of discovery needs than other practice areas and that automobile tort cases would be a good practice area in which to first try to develop a set of pattern interrogatories.

The Subcommittee’s Work

In the Fall of 2005, the Judiciary & Courts Committee solicited practitioners whose practice emphasized automobile tort litigation to serve on the subcommittee. An even split between those primarily representing plaintiffs and those primarily representing defendants was sought and achieved. The members of the plaintiff’s group (chaired by Morris Rosenberg) were: Robert Green, Alan Funk, Patrick LePley, Katherine Mason, Evy McElmeel, and Marc Silverman. The members of the defense group (chaired by Stacy Plotkin-Wolff) were: Anamaria Gil, Caryn Jorgensen, Randy McCaskill, Suzanne Parisien, Tom Richards, and Jim Van Damme. In addition, Brian Esler served and actively participated throughout the process.

The first meeting of the Pattern Subcommittee was October 19, 2005. The Subcommittee decided to have each group (plaintiff and defense) work separately to develop a pattern set of interrogatories comfortable to that group and vetted

informally to a reasonable extent among the group's natural constituencies. The full subcommittee would then meet to see if the two sets of interrogatories could be "melded" into one set that both sides could use or, alternatively, whether it would be better to maintain separate plaintiff and defense pattern sets. As part of the drafting process, we looked at what other states such as California (accessible at www.courtinfo.ca.gov/forms/documents/fi120.pdf), Illinois (accessible at <http://www.isba.org/CourtsBull/defendant.html>) and <http://www.isba.org/CourtsBull/plaintiff.html>) and other jurisdictions had done. Both groups would also attempt to draft pattern instructions, definitions and certifications.

Through November and December 2005, and into January 2006, the two groups worked independently to develop their respective draft pattern set. At the KCBA CLE JAMBOREE on December 16, 2005, an early draft of the Plaintiff to Defendant set of Pattern Interrogatories was provided to the participants who were invited to provide comments. By the end of January, the plaintiff and defense groups had shared their draft products with each other.

Beginning in March a "drafting" group started meeting to continue the process. The entire pattern subcommittee was invited to all the "drafting" meetings but the core group doing the drafting work were Brian Esler, Anamaria Gil, Robert Green, Caryn Jorgensen, Tom Richards, Morris Rosenberg and Marc Silverman. This group met six times between March 7, and May 3, 2006. Among items to be considered and the ultimate view of the subcommittee were:

1. How should the product look? Check off boxes as used in California vs. a more traditional look? Answer: *The traditional look.*
2. Can both sides use one form set? Answer: *No, the differences in their needs for discovery are such that there needs to be a defense set and a plaintiff set although there will be a number of common questions and those will read the same.*
3. Can we come up with uniform introduction, instructions, definitions and verifications? Answer: *Yes. There was criticism of the ever more common practice by attorneys to add lengthy introduction, instructions, and definitions to interrogatories. Often these "discourses" attempt to modify and significantly alter the requirements of the civil rules and thus are not valid. The subcommittee felt the shorter and more straightforward the better. Only a few words appeared often enough in the interrogatories to merit a definition under the belief that "defining" these words would constructively shorten those interrogatories where the terms appeared.*
4. In MAR cases pursuant to MAR 4.2 no interrogatories are allowed once the case is assigned to an arbitrator except by stipulation or

order of the arbitrator. MAR in King County is now at \$50,000. Should the King County Superior Court Judges be urged to adopt a presumption in KCLMAR 4.2 in favor of allowing pattern interrogatories? Answer: Yes. *The pattern interrogatories, which we believe are not onerous, are appropriate in MAR cases. The judges should be encouraged to make a rule change or include a comment to LMAR 4.2 to the effect that MAR arbitrators should presumptively allow the pattern interrogatories in automobile accident MAR cases while reminding the parties of the duty under LR 33(b) to only include interrogatories "appropriate to the facts of the case." Alternatively or in addition, such a presumption could be set forth in a modified version of the Mandatory Arbitration Notice that the Arbitration Department provides to MAR arbitrators.*

The drafting group attempted to be consistent in word usage and in the use of narrative questions versus lengthy subparts, and tried to use narrative questions unless the use of subparts added to the clarity of the interrogatory. While it was believed that automobile accident cases would have a rather low number of *pro se* litigants, there was a conscious effort to use language that would not be too "legalistic" where there was a choice of wording available. It was agreed that because of the need for the defense to inquire into damages and to secure more background information on the plaintiff than a plaintiff would typically need regarding a defendant that the "defendant to plaintiff" set would have more interrogatories than the "plaintiff to defendant" set.

There was an excellent spirit of professionalism, cooperation and give and take between the plaintiff and defense practitioners. No one dug "their heels in" as to needing to keep in the pattern interrogatories subjects or language that was contentious or controversial. Such interrogatories were viewed as belonging in the fifteen non-pattern interrogatories, if at all.

The product ultimately developed by the committee has a "Plaintiff to Defendant" set consisting of 28 pattern interrogatories and a "Defendant to Plaintiff" set consisting of 36 pattern interrogatories. KCLR 33(b) puts on the parties and/or counsel the obligation to ask only the pattern interrogatories that "are appropriate to the facts of the case." For clarity of organization and to assist parties/counsel in eliminating pattern interrogatories that are not appropriate for a particular case, the interrogatories are grouped by subject matter headings.

KCLR 33(c) requires that pattern interrogatories must be contained in a separate document and therefore they cannot be combined with non-pattern interrogatories or with requests for production in one document. KCLR 33 (c) allows "minor variations" to accommodate the particular case but identifying them as Pattern Interrogatories is a "warranty" by the submitting attorney/party that interrogatories are "identical in substance" to the approved patterns. The committee has included

a certification for the submitting party/counsel that recites the interrogatories are in compliance with KCLR 33(b) and (c).

Comments Were Solicited by KCBA and Modifications Made

The King County Superior Court expects that KCBA would have widely vetted the Proposed Pattern Interrogatories before they are submitted to the Court. The subcommittee members have individually solicited comments and suggestions from colleagues in coming up with the two proposed sets of interrogatories. The KCBA Judiciary & Courts Committee solicited comments prior to submitting the final proposals to the KCBA Board of Trustees. The proposals were available for review and comment at the KCBA Website at <http://www.kcba.org/scriptcontent/KCBA/4lawyers/pattern.cfm> and at the "What's New" section at www.kcba.org. Notice of the proposals and where they could be reviewed was published in the King County Bar Bulletin, and a full article was published in the Bulletin regarding the proposals (see Appendix). In addition, the Subcommittee sent the proposals for comment to WSTLA, WDTL, WSBA's Litigation Section, WSBA Court Rules and Procedures Committee, Washington Association of Prosecuting Attorneys, and the Northwest Justice Project, Northwest Women's Law Center. No formal responses were received from any of the organizations that were directly solicited, but presumptively each made its constituents aware of the proposals and individuals from those groups had an opportunity to, and did, comment.

The appendices to this Report include all the written comments received. The appendices also contain two redline documents that show generally what changes were made to the original proposals as a result of those comments. (The redlines do not show the revised numbering, typographical corrections or other minor corrections that were made once final language was agreed upon.)

Changes Were Made As A Result Of the Comments

In addition to "wordsmithing", highlights of significant changes that flowed from the comments are:

1. An inquiry into cell phone usage at or immediately before the incident was added to both sets after much discussion about how common cell phone usage has become and how such information is analogous to seeking information about drug or alcohol use at the time of the incident, weather conditions, and similar surrounding circumstances.
2. While there were several requests to include an interrogatory inquiring as to whether surveillance was conducted of the plaintiff, this proposal generated much controversy and the subcommittee did not view it as being within its purview to

research the law as to whether such an inquiry was clearly permissible and as to the scope of what, if anything, regarding surveillance would have to be disclosed. It was decided to steer clear of clearly controversial pattern interrogatories and leave it to practitioners to construct their own as a non-pattern interrogatory when they felt it an appropriate area of inquiry.

3. An interrogatory seeking the identity of plaintiff's health care providers before the incident was inadvertently overlooked initially except for Defendant to Plaintiff No. 32, which was insufficient and vague. That interrogatory was completely rewritten with five years being agreed upon as a reasonable timeframe.

4. The defense has a legitimate need for the plaintiff's social security number in order to secure medical records and/or prepare stipulations, but the plaintiff has a legitimate interest in privacy and possible identity theft concerns. Therefore, in Interrogatory No. 1, Defendant to Plaintiff, requires the plaintiff to provide his/her social security number but notes that a response could be provided separately from the answers, most commonly by side letter to defense counsel.

5. Defendant to Plaintiff Interrogatories Nos. 20 and 30 dealing with health care treatment, both related and not related, were a source of much discussion. The defense has a legitimate reason for details as to the injuries sustained in the incident and the treatment secured and even to know how the plaintiff him/herself feels about those injuries. But finding reasonable language that balanced the right to know against unnecessarily burdensome demands upon the plaintiff and plaintiff's counsel was the subject of much back and forth. This pitted the defense practitioners frustration at the "see records" response they often get against the plaintiff practitioners frustration at being asked to "describe in detail" every visit and treatment by a health care practitioner. The subcommittee tried to reach a reasonable middle ground in Defendant to Plaintiff Interrogatories Nos. 20 and 30. Similarly in Defendant to Plaintiff Interrogatory Nos. 23 seeking discovery regarding medication expenses incurred, the defense practitioners felt that a "see medical records" response did not fairly point out to the defense the information sought. While the interrogatory calls for an "itemized list," the subcommittee agreed there was nothing precluding the plaintiff from attaching printouts from pharmacies that showed the cost so long as the plaintiff noted, by circling or highlighting, those medication expense that plaintiff believed were related.

6. There were a number of comments calling for a more expansive definition of Health Care Provider or for using the definition in RCW 7.70 relating to medical negligence. The subcommittee felt that its definition would be generally understood and was actually more expansive by referring to persons "licensed, certified, registered, or otherwise authorized by law to provide health care. . . ." Additionally, the definition would not need to be changed as the statute changed, which would not be true if a statutory definition were adopted.

What Happens Next

The proposed Pattern Interrogatories as the KCBA Board of Trustees adopts them will then be submitted to the King County Superior Court Judges Rules Committee along with copies of the comments received, and this report. The Judges Rules Committee will review them and make recommendations to the full King County Superior Court bench. Although adoption of these interrogatories is not a rule change that requires public comment, the Court may also want to publish these for comment as they are the first set proposed for adoption under the new local rules. If the Court chooses to have a comment period, we expect them to be published for comment in the same manner as the court has used in recent years, including posting at the Superior Court website, <http://www.metrokc.gov/kcsc/>, and through the Clerk's office. Thereafter, the Court will approve the final version that results from this process as King County Superior Court's first Pattern Interrogatories. If they are well received by practitioners, it is fair to assume that they will become the "template" for future pattern interrogatories in other discrete practice areas, and perhaps also form the standard against which non-pattern interrogatories will be judged.

Respectfully submitted,

KCBA JUDICIARY & COURTS PATTERN INTERROGATORY SUBCOMMITTEE

APPENDIX A

Pattern Interrogatories: An Exercise In Civility

By Brian W. Esler,
Morris Rosenberg and
Stacy Plotkin-Wolff

Civility is a wonderful aspirational goal, but in the real world of litigation, disputes are inevitable! And at least in the world of civil litigation, the most acrimonious disputes often arise in discovery.

In the fall of 2003, the King County Bar Association's Judiciary and the Courts Committee decided to tackle discovery reform in the hopes of reducing discovery disputes. From September 2003 to June 2004, the Committee, with the active participation of a number of Superior Court judges, worked to develop proposals aimed at setting some reasonable limits on discovery. Those efforts ultimately led to changes to KCLR 26 and 33, the modified versions of which went into effect in September 2005.

One of the rule changes opened the door for the adoption of pattern interrogatories for discrete practice areas. KCLR 26(d) now imposes a presumptive limit of 40 interrogatories (including all discrete subparts) per party. However, in cases where court-approved pattern interrogatories have been adopted, a party that propounds such pattern interrogatories will be entitled to 15 further interrogatories.¹ Like requests for admission, such court-approved pattern interrogatories must be contained in a separate document.²

Adopting a rule allowing for use of pattern interrogatories was the easy part. Following the enactment of those rules, the Committee worked with the Superior Court to create a process to propose and adopt the pattern interrogatories. The court asked the Committee to act as gatekeeper to review and develop proposals for pattern interrogatories, which then could be considered for adoption by the court. The results of the Committee's first efforts — pattern interrogatories for motor vehicle accident (MVA) cases — are now available for comment on the King County Bar Association Web site (www.kcba.org). The public comment period closes on July 15.

The process of arriving at such proposals demonstrates that civility is not the enemy of effective

and passionate advocacy. At the Committee's first meeting in September, Committee Chair Brian Esler led a discussion regarding the practice areas that might benefit from the use of pattern interrogatories. After much animated debate, a consensus developed that MVA cases would be a likely candidate.

Past Chair Morris Rosenberg, who exclusively represents injured plaintiffs, volunteered to chair a drafting subcommittee. Stacy Plotkin-Wolff, an attorney for State Farm Mutual Insurance Company, volunteered to serve as co-chair. Together they enlisted a group of 12 attorneys, evenly divided between plaintiff and defense-focused counsel.

The Committee chose MVA cases as an initial endeavor because of the similar issues such cases usually present. While some MVA cases certainly deviate from the norm, most share many common factors and present a more limited

universe of discovery needs than in other areas of civil litigation. On average, about 500 MVA cases are filed in King County Superior Court each year, many of which end up in mandatory arbitration.

The subcommittee then faced the daunting task of actually drafting discovery requests that not only could be generally agreed upon by a group of plaintiff and defense lawyers, but that might also receive the court's blessing. The subcommittee took comfort from the fact that many other jurisdictions had gone through this process, recognizing that pattern interrogatories improve practice, cut down on discovery disputes and promote civility. Hence, the subcommittee began by looking at the pattern interrogatories already in use in states such as Pennsylvania, Illinois, Colorado, California and Arizona.

It was felt, perhaps naively in retrospect, that the best way to approach the drafting process was to have the plaintiffs' group draft its dream interrogatories and the defense group similarly draft its wish list, after which the two groups would swap proposals and begin the editing process in earnest. Hence, the plaintiff group (Rosenberg, Robert Green, Aileen Funk, Patrick LePley, Katherine Mason, Eve McElmeel and Mark Silverman) formed a plaintiff sub-subcommittee and submitted a proposal set by the end of the year. At the same time, the defense group (Plotkin-Wolff, Anamaria Gil, Caryn Jorgensen, Randy McCaskill, Suzanne Panisten, Tom Richards and Jim Van Damme) met separately to draft its proposals.

To be mild, neither group was happy with the other group's first pro-

posals. Each group had pages of definitions preceding the interrogatories, and the interrogatories themselves were lengthy, exquisitely detailed and hence viewed by the other side as "unduly burdensome." With subparts, both initial sets numbered well over 100 questions. It quickly became obvious to both groups that, for pattern interrogatories to work, a less "kitchen sink" approach had to be adopted.

Thus began the serious drafting work, which led to as fine an example of civility as can be found in this county. The various members of the subcommittee got together for two- to three-hour lunch meetings as often as once a week beginning in late March to craft the proposals now out for comment by the bar. Along the way, numerous issues were debated and re-debated:

- The question of definitions: Did we need them at all?
- Instructions: Too often they are at variance with the civil rules and does anyone read them anyhow?
- Subparts: How do we define them, and should they be used at all?

Many interrogatories for both sides were considered and dropped, with the conclusion that the particular interroga-

tion, though perhaps appropriate sometimes, was too contentious or unique for any pattern set of interrogatories. The interrogatories that remained were edited, streamlined, reorganized, and then compared to pattern interrogatories adopted by other states.

Although strong opinions were expressed throughout the process, both plaintiff and defense counsel acknowledged a striking similarity of purpose. Plaintiff counsel recognized that defense counsel needed certain core information to even consider settling the case, and it was actually in the plaintiffs' best interest to provide that expeditiously. Defense counsel recognized that injured plaintiffs in personal injury actions were unlikely to have or remember all of the information on defense counsel's "wish list."

Both sides also recognized that creating a core group of questions, with similar wording and purpose, would probably make discovery easier. To the best of our limited abilities as lawyers, we also tried to write the interrogatories in as "plain English" as possible, in part so that they would be more user-friendly for *pro se* litigants.

The process of creating the first draft sets was exhausting, time-consuming and, at times, contentious, but never unprofessional or mean-spirited. The

effort has been worth it. The authors of this article truly believe that such pattern discovery requests will improve the practice, lead to fewer discovery disputes and help create a more streamlined approach to discovery.

Undoubtedly, every practitioner has his or her own standard set of interrogatories that they feel are entirely appropriate. However, the problem most of us face is that our opinion of what is "appropriate" is rarely shared by the other side. Pattern interrogatories eliminate that dispute, since they represent the consensus — and court-approved — version of appropriate discovery requests. Pattern interrogatories will cut down on expense for both sides, and hopefully lead to earlier and more efficient resolution of these cases.

Indeed, the Committee by the end was sufficiently enthusiastic about the pattern sets that the members of both the plaintiff and defense subcommittees unanimously suggested that such interrogatories should be presumed to be appropriate in mandatory arbitration cases (which will require the further modification of the court rules). We now look forward to receiving your comments on the final product. ■

¹ KCLR 26(d)(1)(a)
² KCLR 33(c).

From July
Bar Bulletin

APPENDIX B

Comments Received by KCBA -- Proposed Pattern Interrogatories
May 29, to July 15, 2006

Responses as of 2:00 pm. 6/2/06

Received week of May 29:

A quick read leads me to identify two items that are not in these pattern interrogatories, and which I routinely seek.

First is whether the other motorist or passengers has a cell phone, identify the number and provider, and ask about use at the time of (immediately prior and after) the collision.

Second is the identification of any repair estimates on the vehicles involved.

Perhaps more important, yet, is that these interrogatories do not have accompanying Requests for Production of Documents. I want the photos of the cars, the repair estimates, medical bills or records, etc. The longer I practice law, the less interest I have in lawyer talk, i.e., the interrogatory answers that the lawyer crafts. I want the documents, the pictures and the testimony of the people who were there. When someone runs a red light or rear ends my client's car, I want to know what the other driver says, rather than what her/his lawyer has to say.

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I have reviewed the two sets of proposed interrogatories. I offer the following comments:

1. Plaintiff to Defendant # 2 and Defendant to Plaintiff #5 both involve marriage. Defendants have to identify only their spouse at the time of the incident, whereas plaintiffs have to identify all spouses and divorces over the course of their lives. Why the difference? Why do plaintiffs have to disclose previous spouses? I think both should only have to identify their spouse at the time of the incident or subsequent spouses. Even if there was an interrogatory about prior spouses, shouldn't it be limited in time (for example last 5 years). Plaintiff and defendants should have to disclose equal information on this topic. This is especially true in MAR cases, where discovery should be limited. I once had a 90+ year old client who had been married for one week when he was 18 or 19 years old. He could not even remember her name. This kind of information is generally irrelevant and should not be part of a stock set of interrogatories.

2. Defendant to Plaintiff #6 asks about independent children. Why is this relevant? Is it because the plaintiff may have talked to the independent children about injuries or damages? The defendant may have talked to his or her independent children about liability, but there is no requirement that the defense provide information on children at all. Defendant to Plaintiff #6 should be deleted or at limited to only children who depend on the plaintiff for support.
3. Plaintiff to Defendant # 18 and Defendant to Plaintiff # 17 both deal with the issue of witnesses who have information regarding plaintiff's injuries and damages; however, they have slight differences in wording. They should have the exact same wording.
4. Defendant to Plaintiff #20 asks about treatment. Plaintiff should only have to identify what treatment was received. It should be answered by providing the names, addresses, and telephone numbers of medical providers. Alternatively, the plaintiff should be allowed to simply produce copies of records and bills in lieu of providing further answers. What is the justification for making the plaintiff describe the treatments? The plaintiff may not have an accurate description or understand the nature of the treatments. A plaintiff may not effectively distinguish between diagnostic procedures and treatments. Plus, what is the answer going to look like for an x-ray? "The doctor told me to enter a room and stand behind some big metal contraption. He said to hold some heavy gown-like thing in front of part of me. He said to hold my breath and not move. There was an audible tone. Then he said that I could move again." What is the justification for making the plaintiff identify why they received care? What is the justification for making the plaintiff answer as to the diagnosis? This is a medical opinion or could be found in the written records, but a plaintiff is not necessarily going to know or understand the nature of a medical diagnosis. This portion of the interrogatory simply invites a plaintiff to guess as to what a diagnosis is. The plaintiff may be incomplete or inaccurate in addressing this medical question. What is the justification for making a plaintiff provide information on the recommendations of the health care providers as far as future care. This, again, is essentially a medical question. The plaintiff probably has even less understanding of future medical procedures than medical procedures that have been performed in the past.
5. Defendant to Plaintiff #23 should state that this interrogatory may be answered by simply producing billing statements (similar to Plaintiff to Defendant # 15 and # 26.
6. Defendant to Plaintiff #24 is duplicative of portions of Defendant to Plaintiff #20 because future care is additional care. I have a problem with expecting the plaintiff to describe essentially expert medical opinions regarding future care. If anything, a plaintiff should only be required to identify the name, address, and telephone number of any doctors that will testify regarding future or additional care at trial.
7. Defendant to Plaintiff #31 is overly broad in that it is not limited to time frame. A reasonable time period, such as five years, should be added.
8. Defendant to Plaintiff #35 is overly broad in that it is not limited to time frame. A reasonable time period, such as five years, should be added.
9. I also think that the set for Plaintiff to Defendant needs an interrogatory regarding whether the health care expenses are (1) reasonable, (2) necessary, and (3) causally related to the motor vehicle collision. If the defense is going to claim that any treatments were unreasonable, unnecessary, or unrelated to the collision, they should have to specify. If the defense is claiming that a health care charge was too high, then they should identify the charge that the defense believes is reasonable.

Please let me know if I can clarify any of these issues. Thank you.

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I have not thoroughly studied the proposed pattern interrogatories, but I have taken an initial look at them and a few comments come to mind. Regarding the plaintiff to defendant interrogatories, I have the following comments:

1. The interrogatories presume an individual defendant. There is no question that addresses an employer that might be named as a defendant and there is no question that goes to the issue of the employer being liable under the theory of respondeat superior. Interrogatory No. 9 does ask if you were performing services for another, but it does not go far enough. It would be nice to have a question or subpart related to whether at the time of the incident, you were acting within the course and scope of your employment or agency for another and who that other person/entity was.
2. Also in Interrogatory No. 9, it should say "for any person or entity...any such person or entity..."
3. I would like to see an interrogatory related to any surveillance that the defense may have conducted on plaintiff

As for the defendant to plaintiff interrogatories:

1. Interrogatory No. 13, it seems odd asking the plaintiff if there is some other factor that contributed to the incident or caused it. If the plaintiff answers that another factor (i.e. Weather) caused the incident, then the lawsuit is arguably frivolous. We ask these questions of defendants because they would have alleged affirmative defenses that most certainly would cover these factors and this question would merely be exploring these defenses further. Plaintiff is not alleging these possible contributing factors. Another concern I have is that this could be misconstrued as asking plaintiff for a legal conclusion of whether there were other factors that caused or contributed to the incident. If this question remains, it should be modified to make it clear that the plaintiff is being asked for any factual basis for believing that other factors contributed to or caused the incident.

Thank you for all your work and the committee's work in putting this together. I think they are very helpful.

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In the Plaintiff's Interrogatories, Rog 20 should be modified to include pictures, photos, motion pictures, videos of the Plaintiff as well as all other subjects listed. We also like to ask whether they have done any surveillance of the Plaintiff, and to identify that and produce the name of who did it, when it was done, and produce the surveillance log and other documents as well as pictures and videos done of Plaintiff. This practice has become more commonplace and it behooves Plaintiff's counsel to find out if it has been done and what it has found. The contents of surveillance can affect settlement negotiations as well.

In the Defendants Interrogatories, Interrogatory 27 asks about noneconomic damages. These should be identified by adding a sentence like: "Noneconomic damages include pain and suffering, loss of the ability to enjoy life, disability, and disfigurement."

Thanks.

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I am opposed to the following defense interrogatory because of its unlimited scope re time:

INTERROGATORY NO. 31 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:

- (a) a description of the complaint or injury;
- (b) the dates it began and ended; and
- (c) the name, address, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you

ANSWER:

I would prefer something limited to the range of 5-10 years pre-MVA. In my 26 years of doing plaintiff's PI work, I am continually amazed how many people do not honestly remember injuries to the same body part more than ten years prior to their MVA.

By the way, I am strongly in favor of the pattern interrogatory concept and feel the remaining questions are appropriate. I appreciate the Committee's work on this project. Thanks

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Thanks for all the good work in drafting the proposed pattern interrogatories for auto accident cases. Just a couple suggestions for the rogs from defendant to plaintiff:

Definition of Health Care Provider: Expand on the definition to state that it includes mental health care providers, and allied health and alternative health care providers so that the party does not only think it means doctors. My typical definition is:
“Health Care Provider(s)” means physicians, chiropractors, dentists, dental surgeons, physical therapists, massage therapists, occupational therapists, counselors, psychiatrists, psychologists, neuropsychologists, mental health counselors, hospitals, clinics and any other health care practitioner of any kind from whom you have sought or received examination, consultation or treatment.

Pre-accident health care providers: The pattern rogs do not require the plaintiff to identify health care providers she saw before the accident, except those she thinks are for injuries to the same areas of the bodies. Please include an interrogatory asking for the identity of all health care providers seen during the five years before the accident. If it isn't asked in interrogatories, we know a long time will be spent on the same question during plaintiff's deposition with incomplete results.

Rog 32: Increase the time to cover the 5 years before the accident. I think that is a happy medium between none and 10 years before the accident.

Income during prior 10 years: The rogs do not request disclosure of a plaintiff's prior earned income. If he is claiming a large wage loss or any future impaired earning capacity, then a defendant should be able to know his earnings history without waiting the six months and paying the large fee to obtain tax returns from the IRS. Please include a request to state a plaintiff's earned income during the 10 years prior to answering the rogs, or some reasonable period of time. Perhaps this can be added to rog 25.

Thanks. Mark

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Dear KCBA

I previously objected to the concept of limiting discovery requests and of creating pattern discovery requests. I now write in to address the new proposed MVC pattern interrogatories.

1. The initial problem is that the interrogatories to defendant are geared towards an individual person. They do not encompass the employer, corporate or governmental defendant. If you remain committed to insisting that people use pattern interrogatories (or make it impossible for them not to), then it is only fair that you propound interrogatories that are usable and not overly simplistic. In my opinion you need to have a separate set of pattern interrogatories for non-individual defendant entities.
2. If you are taking the time to craft a pattern set with the hope it will raise the bar, it would seem to be a good idea to make them as lean, intelligible yet comprehensive as possible. Here are several examples of items to consider fixing:

- a. If “please” is a word that has meaning in the context of discovery requests, then why isn’t it used uniformly each time a question is asked. The better practice is to delete extraneous words.
 - b. Instead of asking the responder to “name all persons” and later asking for information such as address and telephone, in the preamble or identification section of the interrogatories. The same would apply for identification of documents. Also the word specify should be used and defined. The following examples are taken from the definition section of my general interrogatory preamble
 - i. The term "identify" as used in these interrogatories with reference to a document means to state the date, author, type of document or some other means of identifying it and its present location or custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it.
 - ii. The terms "identify" or "identity" as used in these interrogatories with reference to an individual person means to state his or her full name, present address, telephone number, present or last known position and business affiliation and his or her position and business affiliation at the time in question.
 - iii. The term "specific" and "specifically" as hereinafter used in these interrogatories means precisely, exactly or definitely, setting forth in detail the precise and exact sequence of events or transactions entailed in the occurrence which is the subject of the interrogatory. If you are unable to be specific, then you should provide a general answer.
 - c. Then, for example you could replace your proposed interrogatory 18 with the simple question: Identify each person having knowledge of any facts regarding the incident and specify the nature of each person’s knowledge.
 - d. There is no need to boldface and highlight defined terms. It is distracting.
 - e. There is no need to use the word “subject” before incident as incident is already defined.
 - f. There should be a question regarding cell phone use and identify of cell phone carrier.
 - g. There should be a question asking for identification of property damage information (see corresponding interrogatory 28 in interrogatories to plaintiff set)
3. Regarding discovery to plaintiff:
- a. Interrogatory 9 is superfluous – it is designed to apply to individual defendants who may have been driving in the course and scope of employment which would then result in suit against the employer.
 - b. Interrogatory 20 is overly burdensome. Plaintiffs are not medical doctors yet this asks Plaintiff to summarize medical records and prepare medical analysis for the defense. Like the property damage and insurance questions, the option should be provided that Plaintiff can produce copies of relevant medical records.
 - c. Interrogatory 21c is an unfair question. Many plaintiffs have symptoms that wax and wane and this would require potentially daily supplementation.

- d. Interrogatory 22 is an unfair and unnecessary question. The information regarding prescribed medication is easily obtained from medical records. There is no point to making plaintiff go through the effort of listing prescribed medications and then matching the prescribing physician with each medication.
- e. Interrogatory 25 has unnecessary convoluted subparts. By trying to be so specific, the overall question (what is the wage loss claimed and the basis for such claim) breaks down. For example paragraphs d and e ask the date plaintiff returned to work and for dates plaintiff did not work but claims lost income. Often plaintiffs return part time to work yet the questions posed will not adequately flush this out. The better approach is to ask a more universal question.
- f. Interrogatory 32 includes the term "disabilities" which is a loaded term and should either be defined, or different terminology used, i.e. "illness or condition."

Thank you for your consideration.

Karen Koehler
Stritmatter Kessler Whelan Withey Coluccio
200 2nd Ave West
Seattle, WA 98119
206.448.1777
Karen Koehler [karenk@SKWWC.com]

5-31-06 The pattern rogs look OK to me (38 yrs King County trial/litigation experience), but unless I missed something (and maybe I did) I did not see a provision specifically stating that the answers are to be typed right after the interrogatory itself----in recent years, I often saw just the "answers" cryptically typed sans questions, which often made them hard to understand. Maybe the pattern rogs will be avl on discs--we used to voluntarily furnish discs, which was mostly very much appreciated. Don Gulliford WSBA 1825 dongulliford@comcast.net

Pattern Discovery is a terrible idea. It is a solution in search of a problem. However, if you want to do it, please heed the suggestions of Karen Koehler, and others.....

Kenneth R. Friedman [kfriedman@friedmanrubinwhite.com]

Ken Friedman
Friedman, Rubin & White
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I just reviewed the endless report regarding these pattern interrogatories. I think King County should let lawyers use their skills and refuse to adopt pattern interrogatories. There are too many flaws in the pattern rogs to list. I want my bar association to please, please stop trying to interfere with the way I practice law.

Jeffrey L. Herman
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Received week of June 5

Pattern Interrogatories, Volume II – as of Friday, June 9, 2006

Hi,

I am a paralegal at Rovang Fong & Associates in Port Orchard, where I have worked the past 2 years. Prior to coming to Washington, I worked for State Farm house counsel for 9 years and for private firms for a year. During that time, I prepared responses to form interrogatories hundreds of times, as well as reviewing many responses from plaintiffs. I am happy to see that Washington is coming up with form interrogatories, as they are definitely needed.

I have reviewed the proposed form interrogatories and think they look very good. I like the fact that there are two sets, defendant to plaintiff and visa versa, although I like the California format with the boxes to check better, because a particular attorney or particular case may not require or desire responses to all of the questions. The CA form rogs take less paper and they're answered on a separate document (I'm not a fan of the "insert the answers" interrogatories and always respond on a separate document).

Overall, I say good job and it's about time!

Julie duChene
Paralegal

Mail to: duchene@rovangfong.com

Received week of June 12:

Pattern Interrogatories, Volume III – as for Friday, June 16, 2006.

The committee did a very thorough job.

After reviewing the interrogatories, maybe interrogatories nos. 5 and 6 can be combined to include all crimes, since the CR 26(b)(1) allows for the discovery of information that is reasonably calculated to lead to the discovery of admissible evidence, both sides like to know whether the other party has a criminal history.

Defendant's interrogatories to Plaintiff no.s 21, 30, and 31 may not be very effective at eliciting a true and accurate response without qualifying what physical, mental, and emotional disability means. It may be worth putting these terms in the definition section.

Thank you to everyone who assisted in developing a very concise set of interrogatories.

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Morgan,Michael T [MTMORGAN@stpaultravelers.com]

The draft sets of interrogatories to Plaintiff and to Defendant appear to be comprehensive for most typical tort actions arising from automobile accidents from my experience. While there are some interrogatories that I generally ask in addition, those can be included in the 15 non pattern questions allowed. Most of my comments are not substantive, but point out recommended proof reading type edits. However, a few substantive comments are also included below.

Plaintiff to Defendant Set:

p. 2, line 7 - "organizations" should be singular as all other nouns are singular p.3, line 4 - insert comma between "address" and "date" p. 3, lines 15-17- I question whether the defendant's educational history is relevant p.7, lines 23- I presume that just because an interrogatory is pattern, nothing prevents defendants from objecting to the extent information protected by attorney-client privilege or work product doctrine is applicable. I recommend clarifying this point in the rules. However, if there is a presumption that the interrogatory is not objectionable on these grounds, the language should be limited to exclude seeking privileged information. These objections may be applicable to other interrogatories as well. p. 11, line 14.5 - insert commas before and after "in whole or in part" p.12, line 3 - strike "to testify" as it is repetitive p. 13, line 17.5 - should be Defendant

Defendant to Plaintiff Set

p. 1, lines 24-26 - strike " unless ... through (40) days" because it does not make sense that a defendant would be serving plaintiff with a summons and complaint p. 4, line 9 - "previously" should be "previous" p. 15, line 4 - should be "Plaintiff Pro Se or Plaintiff's attorney" p. 15, line 18 - should be Plaintiff Again, I recommend clarifying that just because pattern interrogatories are propounded, the responding plaintiff is not prohibiting from asserting applicable objections, such as those based upon attorney client privilege or work product doctrine. Or, the scope of some interrogatories should be appropriately narrowed so as to exclude seeking such information.

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COMMENTS RECEIVED WEEK OF JUNE 19

PLAINTIFF TO DEFENDANT:

No. 13: I suggest omitting this Interrogatory. The question begs for the defendant to point the finger elsewhere. I believe the subject, liability of others, is sufficiently covered in Interrogatory No.'s 24 & 25.

No. 26: The defendant should be required to produce a certified copy of the declarations page AND the policy itself. As currently drafted, they need only produce the dec. page.

DEFENDANT TO PLAINTIFF:

No.8: Change "Before to INCIDENT" to "At the time of the INCIDENT."

No. 11: Add subpart (e) "Identify the person or persons who furnished the alcohol or drugs to you."

No. 31: The scope should be limited to some reasonable time frame, such as 10 years before the incident.

Thank you for your effort and consideration.

Scott P. Carness

Donchez Law Firm

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Edmonds, WA 98026-7614

Tel: 425-744-1184

Fax: 425-744-1250

scott@donchezlaw.com

In Interrogatory No. 1 could you also ask their Social Security #? We need this for medical records requests.

Tami L. Foster

Legal Assistant to

Michael Taylor & Earle Bravo

Murray Dunham & Murray

P.O. Box 9844

200 W. Thomas Street, Suite 350

Seattle, Washington 98109

(206) 622-2655; (206) 684-6924 Facsimilejavascript:void(0)

COMMENTS RECEIVED JUNE 26 TO JULY 13

Gary,

I think these pattern interrogatories are well-written. Though PI is not my usual area of practice, I do have a few comments on form:

P to D, Rog 1: Missing comma: "... your present address[,] date of birth ..."

P to D, Rog 19 (also D to P, Rog 18): I think we should studiously avoid using words like "herein" as a matter of principle, especially since the committee sought to avoid overly legalistic terms. And in this case, the term is actually grammatically ambiguous, more than it is usually, as it could refer either to the case or the interrogatories. It could read instead as "... by any witnesses to the INCIDENT or parties to this lawsuit?"

P to D, Rog 20 (also D to P, Rog 19): "List any and all photographs ... depicting the INCIDENT scene, the vehicles, any property damage, and any injuries." It should be "... any property damage, [or] any injuries."

P to D, Rog 28: Repeated words: "... expect to testify to testify at trial ..."

P to D, Rog 30: Wow. The rest of these rogs read so well. This run-on sentence should be at least three separate ones. Either that or subparts. And could you avoid using the word "therefore?"

As one who's spent a purgatory in discovery disputes, I say "Good work, folks!"

Jeff Bean
The Bean Law Firm PLLC
206 791 5585
jeff@beanlawfirm.com

These are my comments on the proposed pattern interrogatories.

Interrogatories to Defendant

I would suggest adding an interrogatory regarding cell phone use at the time of the collision or in the 5 minutes before the collision and requesting that the defendant identify the name of his/her cell phone carrier and the account number. Cell phone use is increasing as a cause of collisions. The State Patrol added that to their list of causes of collisions on the standard police report this year. Cell phone use is common enough that it should be included in pattern interrogatories.

Interrogatories to Plaintiff

My primary concerns are with Interrogatories 20 and 22.

Interrogatory 20 is extremely difficult for most plaintiffs to answer. Most plaintiffs have no medical knowledge. Their doctors often do not communicate with them well about their diagnoses and recommendations for care. Plaintiffs often misunderstand what their doctors tell them for whatever reasons. Most plaintiffs simply have no ability to answer

this type of question, and if they do try to answer it honestly, they may very well provide incorrect information because they do not understand what their doctors told them. An adequate response to this interrogatory should be to refer the defendant to the medical records. If the doctor has not stated a diagnosis and recommended treatment in the records, it is very unlikely the plaintiff will have that information. It puts a very difficult burden on plaintiffs to answer this type of question calling for medical knowledge.

The same problem is true of Interrogatory 22. It should be an adequate response to refer to prescription records. Many plaintiffs do not know the names of medications they take. It is often hard to remember the unusual names that are used for prescription medications. Maybe it can be argued that they should know what medications they take, but they often do not know. It would be better to allow referring to prescription records as an acceptable response to this, just like Interrogatory 15 to the Defendant says that it can be responded to by producing copies of property damage estimates and invoices.

Ray Kahler

July 31, 2006

VIA E-MAIL

King County Bar Association
Pattern Jury Instruction Committee

Dear Committee:

Thank you for the opportunity to comment on the Pattern Jury Instructions. I have the following comments.

Plaintiff Form Interrogatories to Defendant

Rather than putting your own definition of health care provider you should use the definition found in RCW 7.70, the medical malpractice statute.

Interrogatory No. 5 is limited to defendant's felonies or misdemeanors involving dishonesty. Those are the standards for admissibility, but interrogatories are part of discovery. Discovery of other crimes, even if not admissible, may lead to the discovery of admissible evidence, and it is certainly relevant as part of discovery.

Interrogatory No. 6 asks for any other lawsuits during the last ten years. Why is there any limit on time? Prior lawsuits from years ago may provide important information. Whether it is admissible will be up to the trial court judge, but limiting the interrogatory to lawsuits within the last ten years is too short a time period.

Interrogatory No. 19 asks for statements of witnesses or parties. This is too narrow. There may be other interviews or statements by persons with knowledge that should be discoverable. The question should not be limited to just “witnesses.”

Defendant’s Interrogatories to Plaintiff

Same comments as above and additionally:

Interrogatory No. 27 asks for the basis of any claimed past, present or future non-economic damages and appropriately does not ask for an amount claimed. That is not the subject of discovery.

Interrogatory No. 29 asks for any other damages including the amount. This is a bit unclear whether this includes non-economic damages or not. It should not include non-economic damages and should merely ask for any other damages claimed.

Thank you for considering these comments.

Very truly yours,

REED P. SCHIFFERMAN

RPS/mab

APPENDIX C

1 | *New matter as a result of reviewing the*
2 | *comments is underlined and material deleted is*
3 | *noted by strike outs.*

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9 _____,
10 Plaintiff,
11 v.
12 _____,
13 Defendant.

Case No. _____
PATTERN INTERROGATORIES
PLAINTIFF TO DEFENDANT

14 TO: _____, Defendant;
15 AND TO: _____, Counsel of Record.

16 The following interrogatories are pattern interrogatories, which the undersigned
17 certifies are in compliance with King County Local Rule 33. In accordance with Washington
18 Superior Court Rules 26 and 33, please answer each of the following interrogatories separately,
19 fully, in writing and under oath. Each answer must be as complete and straightforward as the
20 information reasonably available to you permits after reasonable inquiry, including the information
21 possessed by your attorneys or agents. If an interrogatory cannot be answered completely, answer it
22 to the extent possible.

23 The answers are to be signed by the person to whom they are addressed and must be
24 served on all parties within thirty (30) days after the service of the interrogatories unless these
25 interrogatories were served upon you along with the service of the summons and complaint in which
26 case the answers must be served within forty (40) days.

1 **INTERROGATORIES**

2 **BACKGROUND - GENERAL**

3 **INTERROGATORY NO. 1:** State your full name and any other names you have
4 been known by during the last ten years, your present address, date of birth, and place of birth. In
5 addition to your present address, state all other addresses at which you have resided for the past ten
6 years and the dates you resided at each address.

7 **ANSWER:**
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10 **INTERROGATORY NO. 2:** Were you married at the time of the **INCIDENT**? If
11 so, please state the name and current address of that spouse.

12 **ANSWER:**
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15 **INTERROGATORY NO. 3:** Please state your educational history beginning with
16 high school, including the name of each institution attended, any degrees and honors received, and
17 dates of attendance.

18 **ANSWER:**
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21 **INTERROGATORY NO. 4:** Please state your employment history beginning five
22 years before the date of the **INCIDENT** through to the present, including the name and address of
23 each employer and the dates of employment.

24 **ANSWER:**
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1 **INTERROGATORY NO. 5:** Have you ever been convicted of or pled guilty to a
2 felony? And, have you ever been convicted of or pled guilty to a misdemeanor involving dishonesty
3 or false statement? If so, state for each:

- 4 (a) The name of the crime charged and the crime convicted of;
- 5 (b) The date of the charge and conviction;
- 6 (c) The date and place of the conviction and sentence imposed; and
- 7 (e) The court and case number.

8 **ANSWER:**

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11 **INTERROGATORY NO. 6:** Have you been a party to any lawsuits, including
12 bankruptcy and/or divorce proceedings, in the past ten years? If so, provide:

- 13 (a) a description of the nature of lawsuit;
- 14 (b) the names of parties (or case name);
- 15 (c) the court and cause number;
- 16 (d) the name of the attorney representing you;
- 17 (e) the name of any insurance company involved; and
- 18 (f) the outcome of lawsuit.

19 **ANSWER:**

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1 **BACKGROUND - INCIDENT**

2 **INTERROGATORY NO. 7:** Please state your driver's license number, the date and
3 state of issuance. Please describe any restrictions on your driver's license from the date of the
4 **INCIDENT** to the present. Additionally, if your driver's license has ever been suspended or
5 revoked, please state the date and the reason for any suspension or revocation.

6 **ANSWER:**

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9 **INTERROGATORY NO. 8:** *At the time of the INCIDENT*, did you have normal
10 vision without the use of corrective lenses? If not, state:

Deleted: Before

- 11 (a) Whether or not you were wearing corrective lenses at the time of the
12 **INCIDENT**;
- 13 (b) The name, address, and telephone number of the individual prescribing
such lenses; and
- 14 (c) A description of the nature of your visual difficulties.

15 **ANSWER:**

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18 **INTERROGATORY NO. 9:** Were you performing activities, work or services for
19 any **PERSON** at the time of the **INCIDENT**? If so, provide the name, address, and phone number
20 for each such **PERSON**.

21 **ANSWER:**

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1 **INTERROGATORY NO. 10:** Was the vehicle you were driving at the time of the
2 **INCIDENT** owned by you? If not, state: the owner's name, address and telephone number; and
3 whether you were authorized to use the vehicle and any restrictions on such authorization.

4 **ANSWER:**

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7 **INTERROGATORY NO. 11:** Did you during the 24 hours prior to the **INCIDENT**
8 consume *any* alcoholic beverage, *any* drug, or *any* medication of *any* kind? If so, state:

- 9 (a) The type or types of alcoholic beverage, drug, or medication;
10 (b) The amount of each;
11 (c) The time at which and the location where you took the alcoholic beverage,
12 drug, or medication; and
13 (d) If you took a prescribed drug or medication, describe the condition for
14 which it was taken and name and address of the **HEALTH CARE**
 PROVIDER who prescribed it.

15 **ANSWER:**

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18 **INCIDENT**

19 **INTERROGATORY NO. 12:** Describe the **INCIDENT**, including a description of
20 the location of the **INCIDENT**, where your trip began and your intended destination, the
21 circumstances leading up to the **INCIDENT**, and any facts or circumstances you believe contributed
22 to cause the **INCIDENT**.

23 **ANSWER:**

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1 **INTERROGATORY NO. 13:** Do you believe that any weather condition, road
2 condition, lighting or visibility problem, or any other physical characteristic of the **INCIDENT**
3 scene or the conditions that existed at the time of the **INCIDENT** contributed to or caused the
4 **INCIDENT**? If yes, describe each such condition in detail and explain the reason why it contributed
5 to or caused the **INCIDENT**.

6 **ANSWER:**

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8 **INTERROGATORY NO. ___:** *At or within five minutes before the **INCIDENT** were*
9 *you using a cell or mobile telephone? If your answer is "yes", state the name, address, and*
10 *telephone number of the person to whom you were speaking and indicate when the conversation*
11 *concluded.*

12 ***ANSWER:***

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15 **INTERROGATORY NO. 14:** Was anyone cited for a traffic offense as a result of
16 the **INCIDENT**? If so, please state who was cited, and state the charge, the disposition, and the
17 court.

18 **ANSWER:**

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22 **INTERROGATORY NO. 15:** Identify each property damage estimate or invoice
23 pertaining to any vehicle damaged as a result of this **INCIDENT**. Note: This interrogatory may be
24 responded to by producing copies of any such property damage estimates and invoices.

25 **ANSWER:**

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INVESTIGATION/WITNESSES

INTERROGATORY NO. 16: Did any law enforcement personnel, insurance companies, or any other **PERSON**, *other than your attorney*, investigate the **INCIDENT**? If so, provide:

- (a) The identity of each **PERSON** investigating the **INCIDENT**;
- (b) The date or dates on which the investigation occurred; and
- (c) At whose request the investigation was performed.

ANSWER:

INTERROGATORY NO. 17: Please name all persons who were eyewitnesses to the **INCIDENT**, were at the scene of the **INCIDENT**, or who have first-hand knowledge regarding the facts and circumstances of the **INCIDENT** and provide a brief description of the person's relevant knowledge. As to each such person in addition to their name, please provide their address and telephone number.

ANSWER:

INTERROGATORY NO. 18: *Aside from Plaintiff's **HEALTH CARE PROVIDERS***, please name all persons who have knowledge regarding the plaintiff's injuries and damages and provide a brief description of each person's relevant knowledge. As to each such person in addition to their name, please provide their address and telephone number.

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INTERROGATORY NO. 19: Are you aware of any written and/or recorded

statements made by any witness *to the INCIDENT* or any party *to the lawsuit*? If so, *for each statement*, please state:

- (a) The name, address and telephone number of the person making the statement;
- (b) The name, address and telephone number of the person taking the statement;
- (c) The date on which the statement was taken or given;
- (d) The form of the statement (e.g., written, recorded, transcribed, etc.); and
- (e) Provide the name, address, and telephone number of the present custodian of each statement.

ANSWER:

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INTERROGATORY NO. 20: List any and all photographs, motion pictures,

videos, slides, drawings, diagrams, maps, or other graphic or electronic representations depicting the **INCIDENT** scene, the vehicles, any property damage, *or* any injuries. For each such item state the name, address and telephone number of the custodian of the item, the date it was created, and who created the item.

ANSWER:

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COMPLAINT & ANSWER

INTERROGATORY NO. 21: Please state whether any parties, including you and

your spouse, are named incorrectly in the Complaint and provide the correct name.

ANSWER:

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INTERROGATORY NO. 22: Do you allege insufficiency of process or of service of process? If so, please state the facts upon which you base your allegations.

ANSWER:

INTERROGATORY NO. 23: Does your answer to plaintiff's complaint set forth any affirmative defenses? If so, please state the facts upon which each affirmative defense is based.

ANSWER:

INTERROGATORY NO. 24: Do you deny liability? If so, please state the facts supporting that denial.

ANSWER:

INTERROGATORY NO. 25: Do you allege some other **PERSON** caused or contributed to the **INCIDENT**, and is therefore liable for its proportionate share of fault under RCW 4.22.070? If so, please state the name, address, and telephone number of each such **PERSON** and state the facts upon which you base your allegation that such **PERSON** caused or contributed to the **INCIDENT**.

ANSWER:

1 **INSURANCE**

2 **INTERROGATORY NO. 26:** Do any insurance or indemnification policies exist
3 that may satisfy part or all of a judgment that may be entered in this action; or to indemnify or
4 reimburse for payments made to satisfy such judgment? If so, please state as to each insurance
5 agreement or policy its complete contents, including:

- 6 (a) Name, address and telephone number of insurer or indemnitor;
- 7 (b) Name, address and telephone number of each named insured or
8 indemnitee;
- 9 (c) Each type of coverage provided;
- 10 (d) Limits of each type of coverage provided;
- 11 (e) Amount of deductible as to each coverage;
- 12 (f) Policy period coverage;
- 13 (g) Policy number.

14 **NOTE:** This interrogatory may be responded to by producing a complete copy of the declaration
15 page of each insurance agreement or policy.

16 **ANSWER:**

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19 **INTERROGATORY NO. 27:** Have any of the insurers or indemnitors identified in
20 your response to the preceding interrogatory denied, in whole or in part, coverage or indemnification
21 for any of plaintiff's claims, or accepted defense of this action upon a reservation of rights? If so,
22 please state as to each:

- 23 (a) Name, address and telephone number of the insurer or indemnitor;
- 24 (b) Contract language upon which the insurer or indemnitor bases its denial of
25 coverage, indemnification or reservation of rights;
- 26 (c) Reasons for the insurer or indemnitor's denial of coverage,
indemnification or reservation of rights.

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ANSWER:

1 **EXPERT WITNESSES**

2 **INTERROGATORY NO. 28:** Identify each person you or your attorneys expect to
3 testify at trial as an expert witness and for each such witness, state:

Deleted: to testify

- 4 (a) The subject matter on which the expert is expected to testify;
- 5 (b) The substance of the facts and opinions to which the expert will testify;
6 and
- 7 (c) A summary of the grounds for each such opinion;

8 **ANSWER:**

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1 ANSWERS AND OBJECTIONS DATED this ____ day of _____,
2 200__, in conformance with CR 26(g).

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Defendant Pro Se or Defendant's Attorney
WSBA No. _____

Typed Name: _____
Address: _____

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DECLARATION OF RESPONDING PARTY

I declare under the penalty of perjury under the laws of the State of Washington that
I am the Defendant in this action OR I am the _____ of
_____ and am authorized to make the foregoing answers. I
declare that I have read the foregoing answers, know the contents thereof, and believe them to be
true and correct.

Dated this _____ day of _____, _____ at _____,
Washington.

Defendant Pro Se or *Defendant's* Attorney
WSBA No. _____

Typed Name: _____
Address: _____

Deleted: Plaintiff
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APPENDIX D

1 | *New matter as a result of reviewing the*
2 | *comments is underlined and material stricken*
3 | *is lined through.*

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

9 _____,
10 Plaintiff,
11 v.
12 _____,
13 Defendant.

Case No. _____
PATTERN INTERROGATORIES
DEFENDANT TO PLAINTIFF

14 TO: _____, Plaintiff;
15 AND TO: _____, Counsel of Record.

16 The following interrogatories are pattern interrogatories, which the undersigned
17 certifies are in compliance with King County Local Rule 33. In accordance with Washington
18 Superior Court Rules 26 and 33, please answer each of the following interrogatories separately,
19 fully, in writing and under oath. Each answer must be as complete and straightforward as the
20 information reasonably available to you permits after reasonable inquiry, including the information
21 possessed by your attorneys or agents. If an interrogatory cannot be answered completely, answer it
22 to the extent possible.

23 The answers are to be signed by the person to whom they are addressed and must be
24 served on all parties within thirty (30) days after the service of the interrogatories. **NOTE:** Answers
25 must be in compliance with the Civil Rules, Local Rules, and Washington State case law, including
26 the duty set forth in CR 26(e).

Deleted: unless these interrogatories were served upon you along with the service of the summons and complaint in which case the answers must be served within forty (40) days.¶

1 **DEFINITIONS**

2 Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

3 1. **INCIDENT** includes the circumstances and events surrounding the alleged
4 accident, injury, or other occurrence giving rise to this action lawsuit.

5 2. **PERSON** includes a natural person, firm, association, organization,
6 partnership, business, trust, limited liability company, corporation, or public entity.

7 3. **HEALTH CARE PROVIDER** means a person who is licensed, certified,
8 registered, or otherwise authorized by the law to provide health care in the ordinary course of
9 business or practice of a profession.

10 **SUBMITTING PARTY’S CERTIFICATION**

11 The undersigned pro se defendant, or attorney for the defendant, certifies pursuant to
12 KCLR 33(b) and (c) that these interrogatories are appropriate to the facts of this case and are identical in
13 substance to the Pattern Interrogatories approved by the King County Superior Court.

14 Dated this _____ day of _____, 200__.

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16 _____
17 Defendant Pro Se or Defendant’s attorney
18 WSB No. _____
19 Typed Name: _____
20 Address: _____
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1 **INTERROGATORIES**

2 **BACKGROUND - GENERAL**

3 **INTERROGATORY NO. 1:** State your full name and any other names you have
4 been known by during the last ten years, your present address, date of birth, place of birth, *and*
5 *Social Security number.* In addition to your present address, state all other addresses at which you
6 have resided for the past ten years and the dates you resided at each address. *[NOTE: To protect*
7 *privacy concerns, the Social Security number may be provided separately from the Answers to these*
8 *Interrogatories.]*

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9 **ANSWER:**

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12 **INTERROGATORY NO. 2:** Please state your educational history beginning with
13 high school, including the name of each institution attended, any degrees and honors received, and
14 dates of attendance.

15 **ANSWER:**

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18 **INTERROGATORY NO. 3:** Please state your employment history beginning five
19 years before the date of the **INCIDENT** through to the present, including the name and address of
20 each employer and the dates of employment.

21 **ANSWER:**

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24 **INTERROGATORY NO. 4:** Have you ever been convicted of or pled guilty to a
25 felony? And, have you ever been convicted of or pled guilty to a misdemeanor involving dishonesty
26 or false statement? If so, state for each:

- 1 (a) The name of the crime charged with and the crime convicted of;
2 (b) The date of the charge and conviction;
3 (c) The date and place of the conviction and sentence imposed; and
4 (d) The court and case number.

5 **ANSWER:**

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8 **INTERROGATORY NO. 5:** If you currently or have previously been married state
9 for each marriage; your spouse or former spouse's full name, date of birth, and maiden name (if
10 any); present residence address; date and place of your marriage(s); and the date, place, and manner
11 in which any previous marriage was terminated and the county and state in which the legal
12 documents terminating the marriage were filed.

13 **ANSWER:**

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16 **INTERROGATORY NO. 6:** Please state: The names and dates of birth of your
17 children; whether they are currently dependent upon you for support; and if independent, their
18 present residence address and telephone numbers.

19 **ANSWER:**

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22 **BACKGROUND - INCIDENT**

23 **INTERROGATORY NO. 7:** Please state your driver's license number, the date and
24 state of issuance. Please describe any restrictions on your driver's license from the date of the
25 **INCIDENT** to the present. Additionally, if your driver's license has ever been suspended or
26 revoked, please state the date and the reason for any suspension or revocation.

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1 **ANSWER:**

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4 **INTERROGATORY NO. 8:** *At the time of the INCIDENT*, did you have normal
5 vision without the use of corrective lenses? If not, state:

- 6 (a) Whether or not you were wearing corrective lenses at the time of the
7 **INCIDENT**;
- 8 (b) The name, address and telephone number of the individual prescribing
9 such lenses; and
- 9 (c) A description of the nature of your visual difficulties.

10 **ANSWER:**

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13 **INTERROGATORY NO. 9:** Were you performing activities, work or services for
14 any **PERSON** at the time of the **INCIDENT**? If so, provide the name, address and phone number
15 for each such **PERSON**.

16 **ANSWER:**

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19 **INTERROGATORY NO. 10:** Was the vehicle you were driving (or a passenger in)
20 at the time of the **INCIDENT** owned by you? If not, state: the owner's name, address and telephone
21 number; and whether you were authorized to use the vehicle and any restrictions on such
22 authorization.

23 **ANSWER:**

1 **INTERROGATORY NO. 11:** Did you during the 24 hours prior to the **INCIDENT**
2 consume *any* alcoholic beverage, *any* drug, or *any* medication of *any* kind? If so, state:

- 3 (a) The type or types of alcoholic beverage, drug, or medication;
4 (b) The amount of each;
5 (c) The time at which and the location where you took the alcoholic beverage,
6 drug, or medication; and
7 (d) If you took a prescribed drug or medication, describe the condition for
8 which it was taken and name and address of the **HEALTH CARE**
9 **PROVIDER** who prescribed it.

10 **ANSWER:**

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INCIDENT

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INTERROGATORY NO. 12: Describe the **INCIDENT**, including a description of
the location of the **INCIDENT**, where your trip began and your intended destination, the
circumstances leading up to the **INCIDENT**, and any facts or circumstances you believe contributed
to cause the **INCIDENT**.

ANSWER:

INTERROGATORY NO. 13: Do you believe that any weather condition, road
condition, lighting or visibility problem, or any other physical characteristic of the **INCIDENT**
scene or the conditions that existed at the time of the **INCIDENT** contributed to or caused the
INCIDENT? If yes, describe each such condition in detail and explain the reason why it
contributed to or caused the **INCIDENT**.

1 **ANSWER:**

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3 **INTERROGATORY NO. ___:** *At or within five minutes before the **INCIDENT** were*
4 *you using a cell or mobile telephone? If your answer is "yes", state the name, address, and*
5 *telephone number of the person to whom you were speaking and indicate when the conversation*
6 *concluded.*

7 **ANSWER:**

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10 **INTERROGATORY NO. 14:** Was anyone cited for a traffic offense as a result of
11 the **INCIDENT**? If so, please state who was cited, and state the charge, the disposition, and court.

12 **ANSWER:**

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15 **INVESTIGATION/WITNESSES**

16 **INTERROGATORY NO. 15:** Did any law enforcement personnel, insurance
17 companies, or any other **PERSON**, *other than your attorney*, investigate the **INCIDENT**? If so,
18 provide:

- 19 (a) The identity of each **PERSON** investigating the **INCIDENT**;
20 (b) The date or dates on which the investigation occurred; and
21 (c) At whose request the investigation was performed.

22 **ANSWER:**

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25 **INTERROGATORY NO. 16:** Please name all persons who were eyewitnesses to
26 the **INCIDENT**, were at the scene of the **INCIDENT**, or who have first-hand knowledge regarding

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1 the facts and circumstances of the **INCIDENT** and provide a brief description of the person's
2 relevant knowledge. As to each such person in addition to their name, please provide their address
3 and telephone number.

4 **ANSWER:**

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7 **INTERROGATORY NO. 17:** *Aside from Plaintiff's **HEALTH CARE***
8 **PROVIDERS**, please name all persons who have knowledge regarding the plaintiff's injuries and
9 damages and provide a brief description of each person's relevant knowledge. As to each such
10 person in addition to their name, please provide their address and telephone number.

11 **ANSWER:**

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15 **INTERROGATORY NO. 18:** Are you aware of any written and/or recorded
16 statements made by any witness *to the **INCIDENT** or any party to the lawsuit?* If so, for each
statement, please state:

- 17 (a) The name, address and telephone number of the person making the
18 statement;
- 19 (b) The name, address and telephone number of the person taking the
statement;
- 20 (c) The date on which the statement was taken or given;
- 21 (d) The form of the statement (e.g., written, recorded, transcribed, etc.); and
- 22 (e) Provide the name, address, and telephone number of the present custodian
23 of each statement.

24 **ANSWER:**

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Deleted: Please name all persons who have first-hand knowledge regarding the plaintiff's damages. As to each such person in addition to their name, please provide their address and telephone number.*

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1 **INTERROGATORY NO. 19:** List any and all photographs, motion pictures,
2 videos, slides, drawings, diagrams, maps, or other graphic or electronic representations depicting the
3 **INCIDENT** scene, the vehicles, any property damage, *or* any injuries. For each such item state the
4 name, address and telephone number of the custodian of the item, the date it was created, and who
5 created the item.

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6 **ANSWER:**

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9 **PHYSICAL, MENTAL OR EMOTIONAL INJURIES CLAIMED**

10 **INTERROGATORY NO. 20:** Did you seek treatment or receive services from any
11 **HEALTH CARE PROVIDER** or any other person for your injuries after the **INCIDENT**? If so,
12 for each, please state: the name and address of each; *the type of* treatment provided, and any
13 recommendations as to additional care.

Deleted: the reason you sought treatment or care; and
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Deleted: the diagnosis rendered.
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14 **ANSWER:**

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17 **INTERROGATORY NO. 21:** Are you claiming any physical, mental or emotional
18 injuries, disability, or disfigurement due to the **INCIDENT**? If so, please

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- 19 (a) Describe your understanding of each injury, disability or disfigurement,
20 and for each, identify the area of your body affected;
- 21 (b) State those from which you have recovered and the approximate date of
22 your recovery; and
- 23 (c) For all continuing complaints, state whether the complaint is subsiding,
24 remaining the same or becoming worse; and state the frequency and
25 duration of the complaint.

24 **ANSWER:**

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1 **INTERROGATORY NO. 22:** List all medications you have taken, including non-
2 prescription and prescription medications, as a result of the **INCIDENT**, and provide the name,
3 address, and telephone number of the pharmacy or other facility that provided the medication and, if
4 a prescription, the prescribing **HEALTH CARE PROVIDER**.

5 **ANSWER:**

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8 **INTERROGATORY NO. 23:** Please provide an itemized list of all medical
9 expenses claimed in this lawsuit to the present.

10 **ANSWER:**

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13 **INTERROGATORY NO. 24:** Has any **HEALTH CARE PROVIDER** advised
14 you that you may require future care or additional treatment for any injuries related to the
15 **INCIDENT**? If so, for each injury state: the name of each such health care provider; the injury
16 complained of; and the nature, duration, and estimated cost of future care or additional treatment.

17 **ANSWER:**

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21 **LOSS OF INCOME OR EARNING CAPACITY**

22 **INTERROGATORY NO. 25:** Do you attribute any loss of income or earning
23 capacity to the **INCIDENT**? If so, then provide the following:

- 24 (a) The nature of your work, your job title at the time of the **INCIDENT**, and
25 the date your employment began;
- 26 (b) The date you last worked for compensation before the **INCIDENT**;

- 1 (c) The amount of monthly income at the time of the **INCIDENT** and how
2 the amount was calculated;
- 3 (d) The date you returned to work at each place of employment following the
4 **INCIDENT**;
- 5 (e) The dates you did not work and for which you claim lost income as a
6 result of the **INCIDENT**; and
- 7 (f) The total income you claim to have lost to date as a result of the
8 **INCIDENT** and how the amount was calculated.
- 9 (g) *State your income from employment or self-employment for each year
10 beginning three years prior to the INCIDENT until the present.*

11 **ANSWER:**

12 **INTERROGATORY NO. 26:** Will you lose income in the future as a result of the
13 **INCIDENT**? If so, please state: the reason you will lose future income; an estimate of the amount; an
14 estimate of how long you will not be able to work; and how you calculated your future income loss.

15 **ANSWER:**

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17 **INTERROGATORY NO. 27:** Are you claiming past, present or future non-
18 economic damages? If so, describe the basis for your claims, including a description of how your
19 injuries have affected or affect you or your life.

20 **ANSWER:**

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1 **OTHER DAMAGES**

2 **INTERROGATORY NO. 28:** Identify each property damage estimate or invoice
3 pertaining to any vehicle damaged as a result of this **INCIDENT**. Note: This interrogatory may be
4 responded to by producing copies of any such property damage estimates and invoices.

5 **ANSWER:**

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8 **INTERROGATORY NO. 29:** Are there any other damages that you attribute to the
9 **INCIDENT**? If so, please state for each item of damage state:

- 10 (a) The nature;
- 11 (b) The date it occurred;
- 12 (c) The amount; and
- 13 (d) The name address and telephone number of each person with knowledge
14 of the claimed damage.

15 **ANSWER:**

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18 **OTHER INJURIES, CLAIMS OR LAWSUITS**

19 **INTERROGATORY NO. 30:** Identify all medical conditions, injuries, and
20 illnesses, including physical, mental, emotional, or behavioral conditions, that you have suffered
21 since the date of the **INCIDENT** but that you do not attribute to the **INCIDENT**. Include a
22 description of the condition, injury or illness: *describe the treatment you had and the medications*
23 *you took or were prescribed; and state the name and address of all HEALTH CARE*
24 **PROVIDERS.**

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1 **ANSWER:**

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INTERROGATORY NO. 31: At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:

7

(a) a description of the complaint or injury;

8

(b) the dates it began and ended; and

9

(c) the name, address, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.

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ANSWER:

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INTERROGATORY NO. 32: *As to each **HEALTH CARE PROVIDER** from whom you secured care or treatment during the five (5) years before the **INCIDENT**, please state: the name and address of each; the type of treatment provided; and state whether the care or treatment was continuing at the time of the **INCIDENT**.*

Deleted: List all physical, mental and emotional disabilities you had for the two-year period before the **INCIDENT**.

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ANSWER:

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INTERROGATORY NO. 33: In the past ten years have you made a claim for workers' compensation benefits including for the **INCIDENT**? If so, for each claim please: describe the events and the injury giving rise to the claim providing the date and place; provide the name of your employer at the time; and provide the claim number and name and address of workers' compensation insurer if other than the State of Washington.

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ANSWER:

INTERROGATORY NO. 34: Have you been a party to any lawsuits, including bankruptcy and/or divorce proceedings, in the past ten years? If so, provide:

- (a) a description of the nature of lawsuit;
- (b) the names of parties (or case name);
- (c) the court and cause number;
- (d) the name of the attorney representing you;
- (e) the name of any insurance company involved; and
- (f) the outcome of lawsuit.

ANSWER:

INTERROGATORY NO. 35: Have you ever asserted a claim for personal injuries that did not or has not resulted in a lawsuit? If so, provide:

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Deleted: or property damage

- (a) the date, time, and location of events giving rise to the claim;
- (b) the nature of injury or damages;
- (c) the name and address of each **PERSON** against whom claim was made;
- (d) the name of any insurance company involved; and
- (e) the outcome of the claim.

ANSWER:

1 **EXPERT WITNESSES**

2 **INTERROGATORY NO. 36:** Identify each person you or your attorneys expect to
3 testify at trial as an expert witness and for each such witness, state:

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- 4 (a) The subject matter on which the expert is expected to testify;
- 5 (b) The substance of the facts and opinions to which the expert will testify;
6 and
- 7 (c) A summary of the grounds for each such opinion;

8 **ANSWER:**

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ANSWERS AND OBJECTIONS DATED this ____ day of _____,
200__, in conformance with CR 26(g).

Plaintiff Pro Se or Plaintiff's Attorney
 WSB# No. _____
 Typed Name: _____
 Address: _____

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DECLARATION OF RESPONDING PARTY

I declare under the penalty of perjury under the laws of the State of Washington that I am the Plaintiff in this action OR I am the _____ of _____ and am authorized to make the foregoing answers. I declare that I have read the foregoing answers, know the contents thereof, and believe them to be true and correct.

Dated this _____ day of _____, _____ at _____, Washington.

Plaintiff Pro Se or Plaintiff's Attorney
WSB No. _____
Typed Name: _____
Address: _____

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APPENDIX E

APPENDIX

KCLR 26 (d), effective September 1, 2005, provides:

Discovery Limits.

(1) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to KCLR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to KCLR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(2) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(3) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(4) Modification.

(A) Stipulation of the parties: These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order: If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by KCLR 37(f) shall be filed with the motion.

(5) Discovery requests in violation of rule

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LR 26(d). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the

manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(6) These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LR 69(b) or other post-judgment proceedings.

KCLR 33, effective September 1, 2005, provides:

(a) Pattern Interrogatories for Specific Areas of Practice: (Reserved)

Comment: The King County Superior Court will adopt a process for approving Pattern Interrogatories for use in discrete practice areas. The process and the pattern interrogatories will be available from the KSCS website: <http://www.metrokc.gov/kcsc/>, as well as through the office of the King County Clerk.

(b) Appropriate Use of Pattern Interrogatories. It is not required nor recommended that all interrogatories contained in a pattern set be used in every case. It shall be the obligation of counsel or a party to determine which interrogatories are appropriate to the facts of the case.

(c) Format. All Pattern Interrogatories should be contained in a separate document. Although minor variations may be made to these interrogatories to fit the circumstances of a particular case, identifying the document as Pattern Interrogatories is a warranty by the attorney or party signing the interrogatories that such interrogatories are identical in substance to the Pattern Interrogatories approved by the court.