

FILED
WOOD COUNTY CLERK
COMMON PLEAS COURT

2010 OCT 21 P 2:09

CINDY A. HOFNER

IN THE COMMON PLEAS COURT OF WOOD COUNTY, OHIO

CINDY PECK
P.O. Box 34
Helena, OH 43435

Plaintiff,

v.

TRAVELCENTERS OF AMERICA, LLC
C/O CSC-Lawyers Incorporating
Service, Statutory Agent
50 West Broad Street, Suite 1800
Columbus, OH 43215

and

TACO BELL OF AMERICA, INC.
C/O CT Corporation System, Statutory
Agent
1300 East 9th Street, Suite 1010
Cleveland, OH 44114

and

PHIL DOE, Last Name and Address
Currently Unknown

and

JOHN DOES I, II, III, IV AND V
Names and Addresses Currently
Unknown

Defendants.

Case No.:

2010 CV 10 13

Judge

JUDGE MAYBERRY

**COMPLAINT WITH JURY DEMAND
AND ATTACHED DISCOVERY REQUESTS**

Charles E. Boyk (0000494)
Michael A. Bruno (0033780)
Charles E. Boyk Law Offices, LLC
405 Madison Ave., Suite 1200
Toledo, Ohio 43604
Phone: (419) 241-1395
Facsimile: (419) 241-8731
boykdiscovery@gmail.com

Attorneys for Plaintiff

Now comes the Plaintiff, by and through counsel, and for her Complaint against the above named Defendants, state as follows:

1. Plaintiff is a resident of Helena, Sandusky County, Ohio.
2. Defendant TravelCenters of America, LLC is a corporation or other business entity doing business in the State of Ohio and having a business outlet at 3483 Libbey Road, Perrysburg, Wood County, OH.
3. Defendant Taco Bell of America, Inc. is a corporation or other business entity doing business in the State of Ohio and having a business outlet at 3483 Libbey Road, Perrysburg, Wood County, OH.
4. Defendant Phil Doe, last name and address currently unknown, was an employee acting in the course and scope of his employment with Defendant TravelCenters of America, LLC, Defendant Taco Bell of America, Inc., and/or a franchisee of one of said defendants, whose name and address is currently unknown to Plaintiff despite the due diligence of Plaintiff.
5. Defendants John Doe I, II, III, IV and V are persons, organizations, business entities, or others who despite the due diligence of Plaintiff, are unknown and could not be discovered as of the filing of this Complaint, and whom owed a duty of care to

Plaintiff as owners, maintainers, lessors, lessees, franchisors, franchisees, and/or employees, of the subject premises.

FIRST CAUSE OF ACTION

6. Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
7. On or about October 26, 2008, Plaintiff Cindy Peck was a business invitee on the premises at 3483 Libbey Road, Perrysburg, Wood County, OH.
8. While Plaintiff Cindy Peck was eating dinner, Defendant Phil Doe was acting within the course and scope of his employment, stacking metal chairs on top of one another in Plaintiff Cindy Peck's vicinity.
9. Defendant Phil Doe was stacking said metal chairs in a negligent fashion such that one of said chairs slipped from his hand and fell, striking Plaintiff Cindy Peck on the back of the head and causing her to lose consciousness.
10. As a direct and proximate result of Defendant Phil Doe's negligence, Plaintiff Cindy Peck was injured. Plaintiff Cindy Peck sustained injuries to her head, neck, spine, teeth, and entire body. Plaintiff Cindy Peck was required to undergo medical care, incurred medical care costs, as well as lost wages, incurred great pain, suffering, severe mental anguish, and emotional

distress. Plaintiff believes that these injuries are permanent in nature and will require future medical care, future medical care costs, and Plaintiff will continue to endure great pain, suffering, mental anguish and emotional distress.

SECOND CAUSE OF ACTION

11. Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
12. Defendant Phil Doe, was an employee acting in the course and scope of his employment with Defendant TravelCenters of America, LLC, Defendant Taco Bell of America, Inc., and/or a franchisee of one of said defendants whose name and address is currently unknown to Plaintiff. As such, Defendant TravelCenters of America, LLC, Defendant Taco Bell of America, Inc., and/or a franchisee of one of said defendants whose name and address is currently unknown to Plaintiff is/are liable to Plaintiff for her injuries via the doctrine of *respondeat superior*.

THIRD CAUSE OF ACTION

13. Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
14. Defendant TravelCenters of America, LLC, Defendant Taco Bell of America, Inc., and/or a franchisee of one of said defendants whose name and address is currently unknown to Plaintiff

despite due diligence was/were negligent in failing to protect Plaintiff from the dangers posed by the stacking of the chairs in question, either by negligently employing, retaining, or supervising its employees, by negligently failing to keep the premises in a reasonably safe condition, and/or by negligently failing to warn of known dangers.

FOURTH CAUSE OF ACTION

15. Plaintiff incorporates by reference the allegations contained in the above paragraphs as though fully restated herein.
16. Defendants John Doe I, II, III, IV and V are persons, organizations, business entities, or others who despite the due diligence of Plaintiff, are unknown and could not be discovered as of the filing of this complaint, and whom owed a duty of care to Plaintiff as owners, maintainers, lessors, lessees, franchisors, franchisees, and/or employees, of the subject premises.
17. Defendants John Doe I, II, III, IV and V breached their respective duties owed to Plaintiff and said breach directly and proximately resulted in injury to Plaintiff.

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with interest, costs and reasonable attorney fees associated herewith.



Charles E. Boyk, Esq.
Attorney for Plaintiff

JURY DEMAND

Now comes the Plaintiff, by and through counsel, and hereby demands jury trial on all issues triable by right herein.



Charles E. Boyk, Esq.
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve summons and complaint upon Defendants by certified mail, return receipt requested at their addresses listed on the caption.

Please serve defendants Phil Doe and John Doe I through V personally with summons (indicating "name unknown") and complaint at the location of each respective defendant.



Charles E. Boyk, Esq.
Attorney for Plaintiff

TO THE DEFENDANT TRAVELCENTERS OF AMERICA, LLC:

The plaintiff hereby requests that Defendant TravelCenters of America, LLC, pursuant to Rules 26, 33 and 34 of the Ohio Rules of Civil Procedure, respond to the following Request for Production of Documents and Interrogatories within twenty-eight (28) days of service hereof. Defendant is required to produce said documents and tangible evidence hereinafter described by mailing same to Plaintiff's counsel of record: Charles E. Boyk, 405 Madison Ave., Suite 1200, Toledo, Ohio 43604-1304 within twenty-eight (28) days of the date of service. Pursuant to Rule 26(e) of the Ohio Rules of Civil Procedure, Plaintiff requests that the Defendant, reasonably supplement the responses after date of return or before the time of trial.

INSTRUCTIONS FOR RESPONDING

- A. In answering the Request for Production, you are required not only to furnish such documents and tangible evidence as you possess personally, but also documents and tangible evidence which are in the possession of your relative or other who are holding those documents or that tangible evidence on your behalf, your attorneys, your agents, or your employees.
- B. When after a reasonable and thorough investigation using due diligence, you are unable to provide a document because of lack of availability, identify said document and specify in full and complete

detail the reason the document is not available to you and what has been done to locate and obtain such document.

- C. Where the Request for Production calls for the production of a document as to which you claim a privilege as a ground for non-production, please set forth with respect to the document, in addition to any other information requested, its date, author, addressee if any, title, type of tangible thing (letter, memorandum, telegram, chart, report, tape recording), subject matter (without revealing the information as to which privilege is claimed), and with sufficient specificity to permit the Court to make a full determination whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege.
- D. If any document called for by this discovery is not available or accessible, or does not provide information in the full detail requested, this discovery shall be deemed to call for the best documents available on the subject matter.
- E. This Request for Production and answers to interrogatories is deemed to be continuing and to require the furnishing of additional documents and reasonable supplementation of responses whenever additional, updated or revised documents or information become available to you.

DEFINITION OF TERMS USED IN THESE INTERROGATORIES

A. As used herein, the term "document" means any writing or any other tangible thing of any kind and description, however produced or reproduced, whether draft or final, original or reproduction, in your actual or constructive possession, including, but not limited: letters, correspondence, resumes, memoranda, notes, films, transcripts, contracts, agreements, licenses, memoranda of telephone or personal conversations, microfilm, microfiche, telegrams, books, magazines, newspapers, brochures, press releases, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, reports, rules, regulations, directive, teletype, or telefax messages, communications, minutes of records of meeting, expression of or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions or reports of consultations, appraisals, reports or summaries of negotiations, interoffice communications, financial statements, ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes for visual or audio reproduction, recordings, or materials similar to any of the foregoing, however, denominated, and including drawings, graphs, charts, photographs, phone-records, data-processing paper results, data

print-outs, data computations (both in existence and in memory components), and other data compilations from which information can be obtained and translated, if necessary, by you through devices into reasonably usual form. The term "document" also includes any copies of each document if the copies are in any way whatsoever not identical copies of the original, by reason of additional writing or notations or otherwise.

B. Person includes natural persons, corporations, trusts, partnerships, joint venture, associations and any other business or legal entity.

C. Identify means the following:

1. If referring to a person it means a statement as to:

a. The full name, business affiliation, and business title of such person;

b. The last known business and home address of such persons;

c. The last known business and home telephone number of such person; and

d. If such person is not a natural person, state:

i. Its name;

ii. Its last known business address;

iii. Its character, e.g.: corporation, partnership;

iv. The name(s) and last known residence address(es) of its officers, directors, partners, and/or principals.

2. If referring to a writing, it means a statement as to:

- a. The nature of such writing and the date it bears;
- b. The title or designation of such writing;
- c. The date or dates of preparation of such writing;
- d. The name of the person or persons who prepared such writing;
- e. The name of the person or person who executed such writing;
- f. The name of the person or persons to whom such writing is addressed;
- g. Any file number used in connection with such writing;
- h. The portion of such writing, described by page and line number, which bears upon the subject inquired of this interrogatory;
- i. The present location of such writing and each copy thereof;
- j. The name and address of the person(s) presently possessing or having custody or control of such writing;

- k. A description of the means and circumstances by which you came into possession of such writing;
 - l. The date upon which you came into possession of such writing;
 - m. A description of the means and circumstances by which you first became aware of such writing;
 - n. The date upon which you first became aware of such writing; and
 - o. A brief summary of the contents of such writing; in lieu thereof, a true and complete copy of the writing may be appended to your answers to these interrogatories.
3. If referring to an oral communication, it means a statement as to:
- a. The nature of such oral communication and the date it occurred;
 - b. Whether such oral communication was made by person or telephone;
 - c. The name of the person(s) who participated in or had knowledge of such oral communication;
 - d. The geographical location of each such person at the time of such communication;

- e. The precise words used in the communication by each person present when such communication took place, or if the precise words cannot be stated, what was said by each person in words of substance or effect, or if this cannot be stated, a general description of the subject matter of the communication;
- f. A description of the means and circumstances by which you became aware of such oral communication; and
- g. The date upon which you first became aware of such oral communication.

INTERROGATORY NO. 1: State the name, address and title or capacity of each person participating in answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2: With respect to the incident alleged in the Complaint, state the date, time and location of the occurrence.

ANSWER:

INTERROGATORY NO. 3: Identify by name and address all those persons who Defendant knows has information concerning the subject matter of the claims asserted in this lawsuit.

ANSWER:

INTERROGATORY NO. 4: State the name, address and telephone number of each and every witness to the subject incident in question, known to you, your attorney or any agent or employee of you or your attorney.

ANSWER:

INTERROGATORY NO. 5: State the name, address and telephone number of each person known to you, your attorney or any agent or employee of you or your attorney who observed the area of the incident referred to in the Complaint on the date of the subject incident (whether before or after the occurrence).

ANSWER:

INTERROGATORY NO. 6: Please state the name, address and telephone number of each and every employee of Defendant TravelCenters of America, LLC who was working on October 26, 2008 at the location at 3483 Libbey Road, Perrysburg, Wood County, OH, and for each such employee, state his/her job title and hours of work on said date.

ANSWER:

INTERROGATORY NO. 7: Identify by name and address each person who Defendant expects to call to testify as a fact witness at trial.

ANSWER:

INTERROGATORY NO. 8: Identify by name and address each person who Defendant expects to call as an expert witness at trial.

- (a) The subject matter upon which the expert is expected to testify;
- (b) The substance of the facts to which the expert is expected to testify;
- (c) The opinions to which the expert is expected to testify;
- (d) Whether any written or recorded report was made by him or her; and
- (e) Please attach a copy of each report to your answers to these Interrogatories pursuant to Civil Rule 34.

ANSWER:

INTERROGATORY NO. 9: State the name, address and telephone number of each person whom you intend to call to testify at trial and, for each such person, summarize the nature of the anticipated testimony.

ANSWER:

INTERROGATORY NO. 10: Describe any documents which Defendant intends to offer into evidence or otherwise make reference to at trial. Please attach copies of each such document pursuant to Civil Rule 34.

ANSWER:

INTERROGATORY NO. 11: State whether you, your attorney, your insurance carrier or anyone acting on your or their behalf have or know of the existence of any photographs, videos, drawings, diagrams, measurements, surveys or other alleged descriptions concerning:

- (a) the events and happenings alleged in the Complaint;
- (b) the scene of the incident which is the subject of the Complaint; and
- (c) any persons or items of property involved, whether made before, after or at the time of the events in question, including any photographs or videotapes made of Plaintiff herein at any time since the incident referred to in the Complaint and, if so, describe the date and nature of each item and attach a copy of each item to your answers hereto in accordance with Civil Rule 34.

ANSWER:

INTERROGATORY NO. 12: State whether or not you are an insured under any policy of insurance which may provide you liability coverage with respect to the claims set forth in the Complaint and, if your response is in the affirmative, state:

- (a) The type of policy under which you are an insured;
- (b) The name of the insurer which provided said policy of insurance;
- (c) The policy number of each such policy of insurance;
- (d) The named insured under each such policy of insurance;
- (e) The limits of liability coverage provided by each such policy of insurance;
- (f) Whether any of the insurers listed in your response to subsection "b" of this Interrogatory have advised you and/or your agents that it is denying coverage to you with respect to Plaintiff's claims or is defending you in this action upon a reservation of rights.

ANSWER:

INTERROGATORY NO. 13: State the name and address of any person known to Defendant who obtained a statement from Plaintiff at the scene of the incident or otherwise interviewed, spoke with, and/or assisted Plaintiff on the date of incident alleged in the Complaint.

ANSWER:

INTERROGATORY NO. 14: Please identify by name and last known address all persons, entities, businesses and/or partnerships who had any interest in the property located at 3483 Libbey Road, Perrysburg, Wood County, OH, including improvements, owners, maintainers, lessors, lessees, franchisors, and/or franchisees as of October 26, 2008. As to each disclosure, please include the nature of the interest held.

ANSWER:

REQUEST FOR PRODUCTION NO. 1: Any statement, whether written or recorded by videotape or audiotape means, made by either Plaintiff to Defendant or any person acting on behalf of Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Any and all photographs, diagrams, floor plans, and/or other documents or things which depict the interior and exterior of Defendant's location at 3483 Libbey Road, Perrysburg, Wood County, OH as of the date of the incident alleged in the Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Any and all personnel manuals, instruction documents, training documents, or other materials, whether written or recorded by videotape, audiotape or electronic means, employed by Defendants for the purpose of training and/or instructing employees.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: As to any person, entity, business, partnership, improvements, owners, maintainers, lessors, lessees, franchisors, and/or franchisees disclosed in Interrogatory No. 14, please produce a duplicate of any written instrument evidencing the interest held in the property located at 3483 Libbey Road, Perrysburg, Wood County, OH.

RESPONSE:

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Boyk', written over a horizontal line.

Charles E. Boyk, Esq.

TO THE DEFENDANT TACO BELL OF AMERICA, INC.:

The plaintiff hereby requests that Defendant Taco Bell of America, Inc., pursuant to Rules 26, 33 and 34 of the Ohio Rules of Civil Procedure, respond to the following Request for Production of Documents and Interrogatories within twenty-eight (28) days of service hereof. Defendant is required to produce said documents and tangible evidence hereinafter described by mailing same to Plaintiff's counsel of record: Charles E. Boyk, 405 Madison Ave., Suite 1200, Toledo, Ohio 43604-1304 within twenty-eight (28) days of the date of service. Pursuant to Rule 26(e) of the Ohio Rules of Civil Procedure, Plaintiff requests that the Defendant, reasonably supplement the responses after date of return or before the time of trial.

INSTRUCTIONS FOR RESPONDING

- A. In answering the Request for Production, you are required not only to furnish such documents and tangible evidence as you possess personally, but also documents and tangible evidence which are in the possession of your relative or other who are holding those documents or that tangible evidence on your behalf, your attorneys, your agents, or your employees.
- B. When after a reasonable and thorough investigation using due diligence, you are unable to provide a document because of lack of availability, identify said document and specify in full and complete

detail the reason the document is not available to you and what has been done to locate and obtain such document.

- C. Where the Request for Production calls for the production of a document as to which you claim a privilege as a ground for non-production, please set forth with respect to the document, in addition to any other information requested, its date, author, addressee if any, title, type of tangible thing (letter, memorandum, telegram, chart, report, tape recording), subject matter (without revealing the information as to which privilege is claimed), and with sufficient specificity to permit the Court to make a full determination whether the claim of privilege is valid, each and every fact or basis on which you claim such privilege.
- D. If any document called for by this discovery is not available or accessible, or does not provide information in the full detail requested, this discovery shall be deemed to call for the best documents available on the subject matter.
- E. This Request for Production and answers to interrogatories is deemed to be continuing and to require the furnishing of additional documents and reasonable supplementation of responses whenever additional, updated or revised documents or information become available to you.

DEFINITION OF TERMS USED IN THESE INTERROGATORIES

A. As used herein, the term "document" means any writing or any other tangible thing of any kind and description, however produced or reproduced, whether draft or final, original or reproduction, in your actual or constructive possession, including, but not limited: letters, correspondence, resumes, memoranda, notes, films, transcripts, contracts, agreements, licenses, memoranda of telephone or personal conversations, microfilm, microfiche, telegrams, books, magazines, newspapers, brochures, press releases, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, reports, rules, regulations, directive, teletype, or telefax messages, communications, minutes of records of meeting, expression of or statements of policy, lists of persons attending meetings or conferences, reports and/or summaries of investigations, opinions or reports of consultations, appraisals, reports or summaries of negotiations, interoffice communications, financial statements, ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes for visual or audio reproduction, recordings, or materials similar to any of the foregoing, however, denominated, and including drawings, graphs, charts, photographs, phone-records, data-processing paper results, data

print-outs, data computations (both in existence and in memory components), and other data compilations from which information can be obtained and translated, if necessary, by you through devices into reasonably usual form. The term "document" also includes any copies of each document if the copies are in any way whatsoever not identical copies of the original, by reason of additional writing or notations or otherwise.

B. Person includes natural persons, corporations, trusts, partnerships, joint venture, associations and any other business or legal entity.

C. Identify means the following:

1. If referring to a person it means a statement as to:

a. The full name, business affiliation, and business title of such person;

b. The last known business and home address of such persons;

c. The last known business and home telephone number of such person; and

d. If such person is not a natural person, state:

i. Its name;

ii. Its last known business address;

iii. Its character, e.g.: corporation, partnership;

iv. The name(s) and last known residence address(es) of its officers, directors, partners, and/or principals.

2. If referring to a writing, it means a statement as to:

- a. The nature of such writing and the date it bears;
- b. The title or designation of such writing;
- c. The date or dates of preparation of such writing;
- d. The name of the person or persons who prepared such writing;
- e. The name of the person or person who executed such writing;
- f. The name of the person or persons to whom such writing is addressed;
- g. Any file number used in connection with such writing;
- h. The portion of such writing, described by page and line number, which bears upon the subject inquired of this interrogatory;
- i. The present location of such writing and each copy thereof;
- j. The name and address of the person(s) presently possessing or having custody or control of such writing;

- k. A description of the means and circumstances by which you came into possession of such writing;
 - l. The date upon which you came into possession of such writing;
 - m. A description of the means and circumstances by which you first became aware of such writing;
 - n. The date upon which you first became aware of such writing; and
 - o. A brief summary of the contents of such writing; in lieu thereof, a true and complete copy of the writing may be appended to your answers to these interrogatories.
3. If referring to an oral communication, it means a statement as to:
- a. The nature of such oral communication and the date it occurred;
 - b. Whether such oral communication was made by person or telephone;
 - c. The name of the person(s) who participated in or had knowledge of such oral communication;
 - d. The geographical location of each such person at the time of such communication;

- e. The precise words used in the communication by each person present when such communication took place, or if the precise words cannot be stated, what was said by each person in words of substance or effect, or if this cannot be stated, a general description of the subject matter of the communication;
- f. A description of the means and circumstances by which you became aware of such oral communication; and
- g. The date upon which you first became aware of such oral communication.

INTERROGATORY NO. 1: State the name, address and title or capacity of each person participating in answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2: With respect to the incident alleged in the Complaint, state the date, time and location of the occurrence.

ANSWER:

INTERROGATORY NO. 3: Identify by name and address all those persons who Defendant knows has information concerning the subject matter of the claims asserted in this lawsuit.

ANSWER:

INTERROGATORY NO. 4: State the name, address and telephone number of each and every witness to the subject incident in question, known to you, your attorney or any agent or employee of you or your attorney.

ANSWER:

INTERROGATORY NO. 5: State the name, address and telephone number of each person known to you, your attorney or any agent or employee of you or your attorney who observed the area of the incident referred to in the Complaint on the date of the subject incident (whether before or after the occurrence).

ANSWER:

INTERROGATORY NO. 6: Please state the name, address and telephone number of each and every employee of Defendant Taco Bell of America, Inc. who was working on October 26, 2008 at the location at 3483 Libbey Road, Perrysburg, Wood County, OH, and for each such employee, state his/her job title and hours of work on said date.

ANSWER:

INTERROGATORY NO. 7: Identify by name and address each person who Defendant expects to call to testify as a fact witness at trial.

ANSWER:

INTERROGATORY NO. 8: Identify by name and address each person who Defendant expects to call as an expert witness at trial.

- (a) The subject matter upon which the expert is expected to testify;
- (b) The substance of the facts to which the expert is expected to testify;
- (c) The opinions to which the expert is expected to testify;
- (d) Whether any written or recorded report was made by him or her; and
- (e) Please attach a copy of each report to your answers to these Interrogatories pursuant to Civil Rule 34.

ANSWER:

INTERROGATORY NO. 9: State the name, address and telephone number of each person whom you intend to call to testify at trial and, for each such person, summarize the nature of the anticipated testimony.

ANSWER:

INTERROGATORY NO. 10: Describe any documents which Defendant intends to offer into evidence or otherwise make reference to at trial. Please attach copies of each such document pursuant to Civil Rule 34.

ANSWER:

INTERROGATORY NO. 11: State whether you, your attorney, your insurance carrier or anyone acting on your or their behalf have or know of the existence of any photographs, videos, drawings, diagrams, measurements, surveys or other alleged descriptions concerning:

- (a) the events and happenings alleged in the Complaint;
- (b) the scene of the incident which is the subject of the Complaint; and
- (c) any persons or items of property involved, whether made before, after or at the time of the events in question, including any photographs or videotapes made of Plaintiff herein at any time since the incident referred to in the Complaint and, if so, describe the date and nature of each item and attach a copy of each item to your answers hereto in accordance with Civil Rule 34.

ANSWER:

INTERROGATORY NO. 12: State whether or not you are an insured under any policy of insurance which may provide you liability coverage with respect to the claims set forth the Complaint and, if your response is in the affirmative, state:

- (a) The type of policy under which you are an insured;
- (b) The name of the insurer which provided said policy of insurance;
- (c) The policy number of each such policy of insurance;
- (d) The named insured under each such policy of insurance;
- (e) The limits of liability coverage provided by each such policy of insurance;
- (f) Whether any of the insurers listed in your response to subsection "b" of this Interrogatory have advised you and/or your agents that it is denying coverage to you with respect to Plaintiff's claims or is defending you in this action upon a reservation of rights.

ANSWER:

INTERROGATORY NO. 13: State the name and address of any person known to Defendant who obtained a statement from Plaintiff(s) at the scene of the incident or otherwise interviewed, spoke with, and/or assisted Plaintiff on the date of incident alleged in the Complaint.

ANSWER:

INTERROGATORY NO. 14: Please identify by name and last known address all persons, entities, businesses and/or partnerships who had any interest in the property located at 3483 Libbey Road, Perrysburg, Wood County, OH, including improvements, owners, maintainers, lessors, lessees, franchisors, and/or franchisees as of October 26, 2008. As to each disclosure, please include the nature of the interest held.

ANSWER:

REQUEST FOR PRODUCTION NO. 1: Any statement, whether written or recorded by videotape or audiotape means, made by either Plaintiff to Defendant or any person acting on behalf of Defendant.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Any and all photographs, diagrams, floor plans, and/or other documents or things which depict the interior and exterior of Defendant's location at 3483 Libbey Road, Perrysburg, Wood County, OH as of the date of the incident alleged in the Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Any and all personnel manuals, instruction documents, training documents, or other materials, whether written or recorded by videotape, audiotape or electronic means, employed by Defendants for the purpose of training and/or instructing employees.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: As to any person, entity, business, partnership, improvements, owners, maintainers, lessors, lessees, franchisors, and/or franchisees disclosed in Interrogatory No. 14, please produce a duplicate of any written instrument evidencing the interest held in the property located at 3483 Libbey Road, Perrysburg, Wood County, OH.

RESPONSE:

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'CMB', written over a horizontal line.

Charles E. Boyk, Esq.