

20050708

07/08/2005

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

MARCIA RHODES,
HAROLD RHODES, INDIVIDUALLY,
HAROLD RHODES, ON BEHALF OF HIS MINOR
CHILD
AND NEXT FRIEND, REBECCA RHODES,
Plaintiffs,

CIVIL ACTION No.

v.

05-1360BLS

AIG DOMESTIC CLAIMS, INC.
(F/K/A AIG TECHNICAL SERVICES, INC.),
NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA
AND
ZURICH AMERICAN INSURANCE COMPANY,
Defendants.

ANSWERS OF AIG DOMESTIC CLAIMS, INC.
TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendant, AIG Domestic Claims, Inc. ("AIGDC"), hereby responds, in accordance with Mass. R. Civ P. 33 and Superior Court Rule 30, to the Plaintiffs' First Set of Interrogatories as follows.

GENERAL OBJECTIONS

1. AIGDC objects to the instructions and definitions set forth in the Plaintiffs' First Set of Interrogatories to the extent they impose upon AIGDC a burden greater than, or inconsistent with, the applicable Rules of Civil Procedure and by the proper scope and extent of discovery. AIGDC will respond to Plaintiffs' First Set of Interrogatories in accordance with the Massachusetts Rules of Civil Procedure and Rules of the Superior Court.
2. AIGDC objects to the instructions and definitions set forth in the Plaintiffs' First Set of Interrogatories to the extent that they are vague, ambiguous, and seek to

define terms in an expansive and overly broad manner beyond the meaning given to those terms in general usage.

3. AIGDC objects to the Plaintiffs' First Set of Interrogatories to the extent it seeks information protected from disclosure by the attorney-client, joint defense and common interest privileges, the work product doctrine, or other applicable privileges.
4. AIGDC objects to the Plaintiffs' First Set of Interrogatories to the extent it seeks information that is confidential, commercial and otherwise proprietary in nature.
5. AIGDC objects to the Plaintiffs' First Set of Interrogatories to the extent that it purports to define the term "AIGDC" to include AIGDC and its parent companies, subsidiaries and affiliates. This definition is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. AIGDC will respond to Plaintiffs' First Set of Interrogatories in accordance with the Massachusetts Rules of Civil Procedure and Rules of the Superior Court and will produce discoverable responsive documents in its possession, custody and control.
6. The answers below shall not be deemed to constitute a waiver of any claims of privilege or immunity AIGDC may have as to any response, document, or thing, or of any objection to competency, relevancy, materiality, or admissibility, or any other evidentiary objection AIGDC may assert.
7. Discovery in this matter is ongoing, and accordingly AIGDC reserves the right to modify, amend, or supplement any of the answers below.
8. The following answers and specific objections to the Interrogatories are made subject to these general objections.

INTERROGATORY NO. 1:

Please identify who is responding to these interrogatories and identify all individuals consulted in the preparation of your answers to these interrogatories. Include in your response the name, official title and job responsibilities of each such person.

ANSWER TO INTERROGATORY NO. 1:

Kenneth P. Horenstein, Esq. is responding to these interrogatories on behalf of AIGDC. Mr. Horenstein consulted with AIGDC's attorneys in this matter in preparing the interrogatory responses.

INTERROGATORY NO. 2:

Please identify by name, employer, address and qualifications, each person you and/or National Union retained and/or relied upon as an expert in connection with the Underlying Action, including but not limited to anyone called as an expert witness at the trial of the Underlying Action, and for each such person, state the subject matter of any opinions formed and/or advice given by such person, and provide a summary of the grounds and the materials relied upon for all such opinions and/or advice.

ANSWER TO INTERROGATORY NO. 2:

Objection. AIGDC objects to Interrogatory No. 2 to the extent that it attempts to elicit information which is protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) confidential information in documents containing impressions, opinions, conclusion, legal research, or theories of one or more of the attorneys for AIGDC. Subject to and without waiving these objections and the foregoing General Objections, upon information and belief Campbell & Associates and/or Nixon Peabody retained the services of: (a) Jane Mattson, Ph.D. (Life Care Planner); (b) Wendy Cummings (Life Care Planner); (c) Dr. Joseph A. Hanak, Psychiatrist; and (d) Richard A. Siegel, Ph.D. (economist). Pursuant to M.R.C.P. 33(c), AIGDC incorporates, as if fully set forth herein, the discovery and pleadings filed by the parties in the underlying matter, including the responses to interrogatories and pre-trial memoranda served upon the Plaintiffs by GAF, DLS, Zalewski, and Penske in the underlying matter.

INTERROGATORY NO. 3:

Please identify each individual who was assigned to or supervised anyone assigned to AIGDC File #169-151612 and any related files. Your response should include the official title and a description of the role each individual played with respect to AIGDC File #169-151612 and/or any related files.

ANSWER TO INTERROGATORY NO. 3:

The handling of the Rhodes claim was assigned by AIGDC at various times to the following claims examiners: (a) James Joanos; (b) Tracey Kelly; (c) E. Labanowski; (d) C. Patitucci; (e) Richard Mastronardo; (f) A. Strauss; (g) Nicholas Satriano; (h) Martin Maturine; and (i) Warren Nitti. The following individuals supervised the handling of the Rhodes matter at various times: (a) John Kurila; (b) B. Dolan; (c) Bryan Pedro; (d) Richard Mastronardo; and (e) Tracey Kelly.

INTERROGATORY NO. 4:

Please identify every person with knowledge or information concerning the Accident, the Plaintiffs and/or the Underlying Action. Your response should include the official title and a description of the role each individual played with respect to the Accident, the Plaintiffs and/or the Underlying Action.

ANSWER TO INTERROGATORY NO. 4:

Objection. Interrogatory No. 4 is overly broad and unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Further, the use of "every" is overly broad, unduly burdensome, and harassing. Interrogatory No. 4 also is too vague to form a reasoned response. AIGDC also objects to this discovery request insofar as it attempts to elicit information which is protected from disclosure by one or more of the following: (a) the attorney-client privilege; (b) the work product rule; (c) the confidentiality of materials prepared in anticipation of litigation; or (d) confidential information in documents containing impressions, opinions, conclusion, legal research, or theories of one or more of the attorneys for AIGDC.

Subject to and without waiving these objections and the foregoing General Objections, upon information and belief the following individuals may have discoverable knowledge about the underlying matter: (a) Marcia Rhodes; (b) Harold Rhodes; (c) Rebecca Rhodes; (d) Santos Ramirez; (e) Ramon DeBriac; (f) Carlo Zalewski; (g) Jane Mattson, Ph.D.; (h) Wendy Cummings; (i) Dr. Joseph A. Hanak; (j) Richard A. Siegel, Ph.D.; (k) Greg McDaniel; (l) John Hille; (m) Octavio Rankin; (n) Carlo Melia; (o) Jerry McMillan; (p) Sergeant William Boultenhouse; (q) Officer William Kingsbury; (r) Trooper Edward O'Hara; (s) Ronald Dolloff; (t) Greg Balukonis; (u) all of Plaintiffs' medical providers; (v) all experts retained and/or consulted by the plaintiffs in connection with the Rhodes matter. Pursuant to M.R.C.P. 33(c), AIGDC incorporates, as if fully set forth herein, the discovery and pleadings filed by the parties in the underlying matter, including the responses to interrogatories and pre-trial memoranda served upon the Plaintiffs by GAF, DLS, Zalewski, and Penske in the underlying matter.

INTERROGATORY NO. 5:

Identify by name, employer, address and qualifications, each person you expect to call as an expert witness at the trial of this action and for each such person:

- a. State the subject matter on which such person is expected to testify;
- b. State the substance of the facts and opinions to which each such person is expected to testify; and
- c. Provide a summary of the grounds and the materials relied upon for each such opinion.