

**OBJECTIONS TO DISCOVERY REQUESTS
REVISED (3/22/06)**

**1.
GENERAL OBJECTION**

This is a personal injury suit to which the plaintiff files the following objections to defendants' discovery. While the scope of discovery is broad, it is, however, limited by the legitimate interest of an opposing party and requires a balancing of the probative value of the information sought with the burden placed upon the respondent. Plaintiff objects to this discovery for it is a violation of this standard.

**2.
INTERROGATORIES EXCEED ALLOWABLE NUMBER**

The interrogatories and subparts exceed the limitations contained in Louisiana Code of Civil Procedure, Article 1457. There has been no application for leave of court to exceed interrogatory numbers as limited by L.A. C.C.P. Article 1457.

Plaintiff objects to the entirety of defendants discovery because the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under La.C.C.P., Article 1457 and violates both the spirit and the rule limiting the number of interrogatory questions.

W.C. - EXCESSIVE INTERROGATORIES

Plaintiff objects to the entirety of defendants discovery because the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the Office of Worker's Compensation Hearing Officer Rules and violates both the spirit and the rule limiting the number of interrogatory questions.

**3.
DEFINITIONS ARE OBJECTIONABLE**

Plaintiff objects to the defendants adding definitions to their discovery requests. There is no provision to do this under the LA.C.C.P. The definitions attempt to modify what terms mean under the LA Code of Civil Procedure and commonly accepted English language interpretations. Plaintiff objects to the definitions and will not answer in accordance with defendants illegal definitions. The defendants seek to expand the discovery requests to be over broad, burdensome, unreasonable and misleading. The definitions are an illegal attempt to evade the limitation of La. C.C.P. article 1457.

Louisiana Code of Civil Procedure provides that during an entire proceeding written interrogatories served in accordance with C.C.P. 1457 shall not exceed 35 in number, including subparts. The definitions also cause a multiplier effect making each

interrogatory a multiple question which means that the entire set of written discovery is objectionable under C.C.P. 1457.

4.

DEFENDANT MUST PAY THE COST OF PRODUCING THIS DISCOVERY

Plaintiff objects to this discovery request unless the defendants agree to pay for the cost of the time and to obtain the answers and/or documents and the cost of the reproduction of obtaining the answers and/or documents prior to these being produced for the defendant,

5.

REQUEST MORE PROPERLY ADDRESSED BY WAY OF DEPOSITION

Plaintiff objects to this discovery request because it is unduly burdensome and oppressive and would more appropriately be addressed by way of deposition testimony. Interrogatories are only designed to list the basic facts of the case.

6.

REQUESTS ADMISSION OF FACT

Plaintiff objects to this request. It is unduly burdensome and oppressive. An interrogatory propounded and answer made in response to that party is not meant to perform the function of or have the effect of an admission of fact

7.

EXCESSIVE REQUESTS/DISCOVERY

Plaintiff objects to this discovery request in that it is unreasonable, unduly burdensome, oppressive, and expensive. Given the need for the discovery in this case, the discovery already had or in the discovery scheduled and the fact that plaintiff will be fully subjected to deposition and the amount in controversy and the importance of the issues at stake in this litigation; plaintiff objects to this discovery. LA.C.C.P. 1420(3).

8.

OBJECTION TO DUPLICATE DISCOVERY AND DEPOSITION

Plaintiff objects to these discovery requests. Plaintiff has been or will be fully and exhaustively examined by deposition on all issues involved in this case. Defendant seeks lengthy discovery which would largely duplicate matters either already covered in other forms of discovery or will duplicate matters that have been or will be covered by deposition. Defendant's sole purpose in propounding this burdensome discovery is to cause annoyance, burden his counsel, cause unnecessary expense and to otherwise discourage the plaintiff from vigorous prosecution of this cause of action.

9.

INFORMATION ALREADY SUPPLIED

Plaintiff objects no this discovery request because the information requested by the defendant has already been supplied to the defendant by other methods.

10.

INFORMATION ALREADY SUPPLIED (ALTERNATIVE)

Plaintiff objects to this discovery request because this information has already been supplied to the defendants. This request calls for the plaintiff to have to produce duplicate materials at plaintiff's cost.

Plaintiff objects to defendant's request because it would require the plaintiff to create documents not now in existence. A proper request only requires a party to produce designated tangible documents already in existence and within the possession of the plaintiff.

11. 1

REQUIRES PLAINTIFF TO PRODUCE DOCUMENTS NOT NOW IN EXISTENCE

1 2.

ALREADY WITHIN THE KNOWLEDGE OF DEFENDANTS

This information is already within the knowledge or control of the defendants,

13.

INFORMATION AVAILABLE TO REQUESTING PARTY

Plaintiff objects to this discovery request. This information is readily or equally available to the defendants as it is to the plaintiff. If a moving party can obtain documents or information without resort to discovery no cause exists for requesting the discovery.

14.

REQUESTS DOCUMENTS THAT WILL NOT BE CREATED UNTIL TRIAL

Plaintiff objects to this discovery request because it requests the plaintiff to produce documents that would not be created by witnesses until they are on the stand.

15.

BROAD WHOLESALE DISCOVERY REQUEST WITH NO SPECIFIC DESIGNATION

Plaintiff objects to defendant's wholesale request pertaining to the plaintiff. The discovery rules do not permit a general inspection of an adversary's records and materials or production of plaintiff records as this constitutes nothing more than a "fishing" expedition. Defendant's request is too general and comprehensive to be allowed by law,

16.

REQUEST FOR PRODUCTION TOO BROAD AND IS NONSPECIFIC

This request for production of documents fails to comply with Louisiana Code of Civil Procedure, Article 1462. A request for production shall set forth the items to be inspected either by individual item or by category, and described each item and category with reasonable particularity. Further the request shall specify a reasonable time, place and manner of making the inspection which this request does not, (L.A. C.C.P. 1462.)

17.

NOT WARRANTED BY LAW,

Plaintiff objects to the defendants request because the request is not consistent with the Rules of Discovery and is not warranted by existing law. (La. C.C.P. 1420 S(1))
18.

ANNOYANCE OF PLAINTIFF

Plaintiff objects to this discovery request because this request is made to cause annoyance, embarrassment, oppression, undue burden or expense to plaintiff or his counsel, (La. C.C.P. 1426.)

19.

PURPOSE TO HARASS

Plaintiff objects to this request because this discovery is interposed to harass and to cause unnecessary and needless increase of the cost of litigation to plaintiff or his counsel. (La. C.C.P. 1429 (B)(2))

20.

VIOLATION OF SCOPE OF DISCOVERY

This request is in violation of the scope of discovery. (L.A. C.C.P. 1422.)

21.

IMPROPER PURPOSE

Plaintiff objects to this discovery request. It is interposed for an improper purpose. (LA. C.C.P. 1420))

22.

REPETITIVE REQUEST

Plaintiff objects to this discovery request because it is repetitive and covered by other discovery requests.

23,

DOCUMENTS NOT IN POSSESSION OF PLAINTIFF

Plaintiff objects to this discovery request because it calls for the plaintiff to produce documents and/or information which are not currently within the possession, custody, or control of plaintiff.

24.

OBJECTION - PLAINTIFF WILL PRODUCE BUSINESS RECORDS

The answer to this discovery request can be derived or ascertained from the business records of plaintiff or from an examination or inspection of such records, The burden of deriving or ascertaining the answer to this discovery request is substantially the same for the party requesting the discovery as it is for the plaintiffs. Under L.A. C.C.P. 1460, it is a sufficient answer to this discovery request for the plaintiff to afford the party serving the

discovery request a reasonable opportunity to inspect the records from which ascertaining the answer can be derived.

25.

REQUEST FOR SIGNED AUTHORIZATION

Request for signed authorization not in compliance with Law, The only authorization a defendant may compel a plaintiff to sign is a medical authorization, Please see decision of Louisiana Second Circuit Court in Mayo we Casco Const. Co., Inn., 2nd Cir. 28519-CW (writ granted 12/22/95)

26.

NO NEED FOR REPEATING MEDICAL

Plaintiff objects to this discovery request as being unduly burdensome. Medical witnesses have obviously made entries in medical records. It is patently burdensome and oppressive to require plaintiff to list the health care providers, dates of reports, the contents of their reports, Lists given and other matters which defendants seek in this discovery, Medical records available to the defendant, fully and completely fulfill plaintiff's obligation to supply this type of discovery to the defendant..

27.

OBJECTION TO SEEKING MEDICAL RECORDS BY MULTIPLE METHODS AND OBJECTION TO MEDICAL RELEASES

The defendants in this case are requesting multiple responses to multiple different types of discovery concerning medical records of the plaintiff. It is unduly burdensome for the plaintiff to have to respond to multiple discovery methods that duplicate requests concerning medical records. The defendants should be limited to requesting or obtaining the medical records by one method only. This is a violation of the principles of the Louisiana Code of Civil Procedure on discovery. It is a request that is unreasonable, burdensome, expensive, and causes other difficulties whenever the defendant, seeks medical records by written discovery requests, medical authorizations, records only depositions, subpoena, of Plaintiff objects to producing medical records or signing authorizations until an agreement is reached with the other parties as to exactly which method is going to be used.

This request which causes this party and their treating physicians to be subject to multiple repetitive discovery requests is not consistent with all the rules of discovery and not warranted by existing law. This request is interposed for an improper purpose to harass and to cause unnecessary and needless increase in the cost of litigation to plaintiff. It unreasonably and unduly burdens plaintiff and plaintiff's treating physicians. Plaintiff is entitled to limit the defendants to using only one discovery method to obtain plaintiff's medical records. Plaintiff and plaintiff's physicians should not be subjected to having to comply with requests for production for medical records, subjecting physicians to records only depositions, subjecting physicians to subpoena duces tecum for the production of medical records, subjecting the physicians to production of the medical records at their

depositions, request. for production to plaintiff, in addition to the signing of medical authorizations. The defendant must choose one method to prevent undue burden to plaintiff. And prejudice and undue burden and expense to plaintiffs physicians.

29.

OBJECTION TO PRODUCING W.C. MEDICAL

It is unreasonable to require a worker's compensation claimant to produce medical records which defendants have or have access to. It is the employer's and insurance company's duty to supply all medical records to claimants.

30.

IRRELEVANT INQUIRY

Plaintiff objects to this discovery request because it is not relevant to the subject matter in the pending action and is an irrelevant, useless and vain inquiry.

31.

WILL NOT LEAD TO ADMISSIBLE EVIDENCE

This request is not designed to obtain information reasonably calculated to lead to the discovery of admissible evidence. (La. C.C.P. 1422.)

32,

IRRELEVANT EVIDENCE

This discovery is objected to because it is not designed to lead to any matter which may be introduced into evidence. The Louisiana Code of Evidence provides that relevant evidence is evidence having a tendency to make the existence of a fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence, Further, this request would be excluded because its probative value is substantially outweighed by unfair prejudice, confusion of the issues or, the danger of misleading the court a jury, undue delay and is a waste of time,

33.

WILL NOT LEAD TO DISCOVERABLE EVIDENCE

Plaintiff objects to this discovery request because the information sought will be inadmissible at the trial and the information sought does not appear calculated to lead to the discovery of admissible evidence. (La. C.C.P. 1422.)

34.

NOT RELEVANT.

This calls for matters which are not relevant to the subject matter involved in the pending action, This discovery request does not relate to the claim or defense of the parties seeking discovery or to the claim or defense of any other party. (La. C.C.P. 1422.)

35.

INVESTIGATIVE PRIVILEGE

Plaintiff objects to this request, in that it requires information obtained in the course of an investigation and/or requests communications between agents and parties. Plaintiff claims investigative privilege.

Plaintiff objects to this request, in that it violates the investigation privilege. The information requested was obtained after there was good cause to believe suit would be filed and, as such, the information concerns post-incident investigation in anticipation of litigation and enjoys privilege.

36.

REQUIRES PLAINTIFF TO PRODUCE INFORMATION IMPEACHMENT/CROSS/REBUTTAL

This request calls for the plaintiff to produce his impeachment, cross-examination and rebuttal exhibits and evidence which is not in compliance with law.

37.

DISCOVERY NOT COMPLETE - CANNOT PRODUCE TRIAL EXHIBITS

Discovery in this matter is not complete and plaintiff can not know nor anticipate in advance of trial what exhibits he will or will not produce attempt to introduce or have created.

38,

TRIAL PREPARATION

Plaintiff objects to this discovery request because it seeks the production or inspection of materials obtained or prepared by an adverse party his attorney, expert, or agent in anticipation of litigation or in preparation for trial. (La. C.C.P., 1424 & La. Code of Evid. 509.)

39.

ATTORNEYS WORK PRODUCT

Plaintiff objects to this request because it calls for his attorney's work product and trial preparation, theories of the case and other privileged matters, La. C.C.P. 1422 and Louisiana Code of Evidence Article 509.

40,

EXPERT NOT DISCOVERABLE

This discovery request calls for information concerning an expert who has been retained or specially employed in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial. This is outside the scope of discovery. (La. C.C.P. 1425.)

41.

OUTSIDE SCOPE OF DISCOVERY CONCERNING EXPERTS

This is objected to as calling for discovery outside the scope of La. C.C.P. 1425, concerning experts. If the defendant wishes this discovery the defendant can make arrangements under La. C.C.P. 1425(3) to pay the expert the fees for the time spent for the expert to respond. The defendant will also have to pay the fees and expenses incurred

by plaintiff and his counsel in obtaining facts and other information from the expert. (LA.C.C.P. 1425(3).)

42.

OUTSIDE SCOPE OF DISCOVERY ON EXPERTS (ALTERNATIVE)

Before this discovery request will be answered, the requesting party must obtain an order from the court in accordance with La.C.C.P. 1424. Further, under Louisiana Code of Civil Procedure article 1474, the court shall require the party seeking this discovery to pay the expert from whom it is requested a reasonable fee for time spent in responding to discovery. And require the party seeking this discovery to pay this party a fair portion of the fees and expenses incurred in obtaining facts from the expert.

43.

CANNOT REQUEST EXPERT REPORT WITHOUT PAYMENT (ALTERNATIVE).

Plaintiff objects to this discovery request because it requests that a report or other work be prepared by plaintiff's expert. La. C.C.P. 1425(3) requires that the parties seeking this discovery pay the expert his fees and expenses for the time spent in responding to this requested discovery. Defendant will have to make financial arrangements before plaintiff will respond.

44.

OPINIONS OF ATTORNEY OR EXPERT

This discovery response calls for production that is prohibited by and is outside the scope of discovery. A court shall not order and a defendant can not obtain production of inspection of any part of a writing that reflects the mental impression, conclusion, opinions, or theories of an attorney or expert. (La. C.C.P. 1424.)

45,

CANNOT REQUEST LEGAL THEORY OF CASE

Plaintiff's counsel is not required to disclose his legal research, opinions, or theory of the case to defendants.

46.

ASKS FOR WRITING PREPARED IN ANTICIPATION OF LITIGATION

This calls for the production or inspection of a writing obtained or prepared by the adverse party, his attorney, an expert, or agent in anticipation of litigation or in preparation for trial and is therefore outside the scope of discovery. (La. C.C.P. 1424.)

47.

OUTSIDE SCOPE OF DISCOVERY ON EXPERTS

Plaintiff objects to this discovery request because it is outside the scope of discovery of expert witnesses. (La. C.C.P. 1425.)

48.

OUTSIDE SCOPE OF DISCOVERY ON EXPERTS (ALTERNATIVE)

This is outside the scope of discovery concerning experts. Discovery concerning experts is limited by La. C.C.P. Article 1425 only to expert witnesses expected to be called as witnesses at trial. The scope of discovery is limited to the statement of the subject matter on which the expert is expected to testify and a statement to the substance of facts to which the experts is expected to testify. (La.C.C.P. 1425)

49.

QUESTIONS MORE PROPERLY ADDRESSED TO EXPERT

Plaintiff objects to this discovery request as these type of questions would more properly be addressed to an expert. (La. C.C.P. 1425(3))

50.

WITNESS STATEMENTS

The defendant's inquiry is directed to the existence and content of statements made by potential witnesses and parties. Communications passing between a party and his agents made in connection with the investigation of an incident to which a claim has arisen are exempt from discovery.

51.

MEDICAL OPINIONS OF PARTY

Plaintiff objects to this request in which he is asked to state the nature and effect of the injury. IL requires plaintiff to express medical opinions and/or conclusions of fact and law. Plaintiff is not an expert in medical matters.

52.

OBJECTION TO DISCOVERY ASKING FOR CRIMINAL CONVICTION

Plaintiff objects to this request because the Louisiana Code of Evidence provides that evidence concerning a criminal conviction in a civil case cannot be introduced into evidence unless the crime was punishable by death or imprisonment in excess of six months, i.e., that it was a felony. And that the Court determine that the probative value of admitting that evidence outweighs its prejudicial effect to plaintiff and that the conviction involved dishonesty or false statement. There is a time limit in that a criminal conviction is not admissible if a period of more than 10 years has elapsed since the date of conviction. The defendant's request does not meet this test.

53.

DEFENDANTS MUST PAY COST OF PRODUCTION

The Law firm making this discovery request takes the position that plaintiff and its law firm must pay reproduction expenses when plaintiff or his law firm requests similar information. Plaintiff will respond when the requesting law firm makes financial arrangements for the cost of producing this discovery.

54..

CALLS FOR TRIAL PREPARATION OR EVIDENCE

Plaintiff objects to this broad request for plaintiff to produce his evidence for trial.

55.

DEFENDANTS MUST FILE SIMULTANEOUSLY

The plaintiff requests a protective order in accordance with Louisiana Code of Civil Procedure, Article I426. Plaintiff will only produce this discovery if the parties simultaneously file the specified documents of information concerning the subject area at the same time and exchange it at the same time.

56.

OBJECTION TO SUPPLEMENTATION OF ANSWERS

Plaintiff objects to any supplementation of responses. Specifically any supplementation outside the scope of La. C.C.P. 1426. Plaintiff will not supplement these responses unless ordered by the Court. (La. C.C.P. 1423(3))

57.

CALLS FOR WORK PRODUCT OR TRIAL STRATEGY AND CONTENTIONS

Plaintiffs respectfully object to this discovery request on the basis of vagueness, overbreadth, and the fact that defendant has equal or greater access to the information requested, In addition, Plaintiffs object on the basis of the Work Product Doctrine, as the Interrogatory seeks to discover the mental impressions and/or trial strategy of Plaintiffs' experts and/or attorneys. FED. RULE CIV. PRO. 26(b)(3). Finally, Plaintiffs submit that such contention interrogatories, if proper at all, should be answered after the completion of discovery, rather than during these early stages of the proceedings. FED. RUL CIV. PRO. 33(c); M.A. Everett v. U.S. Air Group, Inc., 165 F.R.D. 1, 3 (D.D.C. 1995); B. Braum Medical v. Abbott Labs, 155 F.R.D. 525, 527 (E.D.Pa. 1994); In re Convergent Technologies Securities Litigation, 108 F.R.D. 328, 334 (N.D. Cal. I985).

58.

CALLS FOR CONTENTIONS PREMATURELY

Finally, Plaintiffs submit that such contention interrogatories, if proper at all, should be answered after the completion of discovery, rather than during these early stages of the proceedings. FED. RUL CIV. PRO. 33(c); M.A. Everett v. U.S. Air Group. Inc., 165 F.R.D. I, 3 (D.D.C. 1995); B. Braum Medical v. Abbott Labs, 155 F.R.D. 525, 527

(E.D.Pa. 1994); *In re Convergent Technologies Securities Litigation*, 108 F.R.D. 328, 334 (N.D. Cal. 1985).

59.

REQUESTS DEFENDANTS' OWN DOCUMENTS AND WORK PRODUCT

Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. In addition, Plaintiffs submit to that the request is beyond the scope of permissible discovery. Because a party does not need to be made aware of the contents of its own documents, the only purpose for the request is to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiffs and/or their attorneys is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. FED. RULE CIV. PRO. 26(b)(1). See, for example: *Smith v. BIC Corp.*, 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the Attorney Work Product Doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of Plaintiffs attorneys. See La. C.C.P. articles 1424 and 1425, and also FED. RULE CIV. PRO. 26(b)(3). See, for example: *Gould v. Mitsui Mining & Smelthing*, 825 F.2d 676, 680 (2nd Cir. 1987); *Shelton v. American Motors*, 805 F.2d 1323, 1328-1329 (8th Cir. 1986); *Sporck v. Pell*, 759 F.2d 312, 316 (3rd Cir. 1985); *James Julian v. Raytheon*, 93 F.R.D. 138, 144 (D.Del. 1982); *Smith v. Florida Power & Light*, 632 So.2d 696 (Fla. App. 3rd Dist. 1994).

"This mental selective process [i.e. selecting . . . documents . . . reflects . . . , legal theories and thought processes, which are protected as work product." *Shelton v. American Motors*, 805 F.2d at 1329. "We believe that the selection and compilation of documents by counsel in this case in preparation for pretrial discovery falls within the highly-protected category of opinion work product," *Sporck v. Pail* , 759 F.2d at 316. "In selecting and ordering . . . documents . . . counsel could not help but reveal important aspects of his understanding of the case, Indeed, in a case such as this, involving extensive document discovery, the process of selection and distillation is often more critical than pure legal research. There can be no doubt that at least in the first instance the binders were entitled to protection as work product. *James Julian v. Raytheon*, 93 F.R.D. at 144. "[T]he group of documents sought would reveal the attorney's assessment of the relative importance of each of those documents, and of their significance as a collection . . . [E]ven if the individual documents sought are not attorney work product, 'the selection process itself represents defense counsel's mental impressions and legal opinions...'" *Smith*, 632 So.2d at 698.

60.

SEEKS TO DISCOVER WHAT PLAINTIFF'S COUNSEL KNOWS

The defendant seeks to discover all of the documents in the possession of plaintiff and plaintiffs counsel. The only purpose for such a request can either be: (a) To discover the attorneys' mental impressions or trial strategy, which are protected by the Work Product

Doctrine, and/or (b) to evade the production of other defendant's documents containing critical evidence without fear of detection. Such purposes run contrary to the underlying aims and goals of the discovery process, and are certainly not "reasonably calculated to lead to the discovery of admissible evidence" by the defendants. See La. C.C.P. articles 1422 and 1424 and also Fed. Rule Civ. Pro. 26(b)(1).

61.

CAN'T REQUEST DOCUMENTS TO REVEAL ATTORNEY'S IMPRESSIONS OR STRATEGY

It is inappropriate to request the production of documents in the possession of the opposing party which might reveal the mental impressions or trial strategy of the attorneys or experts involved.

62.

INVADES RIGHT TO PRIVACY

Plaintiff objects to the discovery request because it seeks to invade the Plaintiff's right to privacy. Further, the information sought is not relevant to the subject matter of the pending action, or if so, does not outweigh the prejudice to Plaintiff's constitutional right to privacy,

63.

STATEMENTS BY POTENTIAL WITNESSES OR PARTIES

Plaintiff objects in that Defendant's inquiry is directed to the existence and content of statements made by potential witnesses and parties. (La, C.C.P. articles 1424 and 1425, and also FED. R. CIV. P. 20(b)(3) exempts from discovery communications passing between a party and its agent subsequent to the occurrence upon which the suit is based and in connection with investigation of the suit, or in anticipation of the prosecution of the claims made a part of the pending litigation.

64.

EXCESSIVE BURDEN

While the scope of discovery is broad, it is, however, limited by the legitimate interests of an opposing party and requires a balancing of the probative value of the information sought with the burden placed upon the respondent, Plaintiff objects to this request.

05,

INTERROGATORY REQUESTING PRODUCTION

Interrogatories are not the proper procedure to procure documents. Plaintiff objects to the extent that it requests or requires Plaintiff to produce a document or tangible item.

66.

IRRELEVANT INQUIRY

Plaintiff objects in that this discovery request is not relevant to the subject matter in the pending action, and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence,

67.

IRRELEVANT DOCUMENTS

Plaintiff objects to this discovery request because it is so broad on its face that it requires production of irrelevant documents.

68,

PRIVILEGE - WORK PRODUCT

Plaintiff objects to this request in that it invades the attorney's work product. Such information is protected in that it constitutes the mental impressions, conclusions, opinions, or legal theories of an attorney. See *Hickman v. Taylor*, 329 U.S. 495, 67 S. Ct. 385, 91 L.Ed. 451 (1946)

Plaintiff objects to this request in that it invades the attorney's trial strategy and it is work product. Such information is protected.

69.

PRIVILEGE - WORK PRODUCT - PHOTOGRAPHS

Plaintiff objects on the grounds that it seeks to obtain copies of photographs which were obtained by Plaintiffs counsel for the purpose of forming mental impressions or legal theories in this action, Said photographs are thus attorney work product exempt from discovery.

70.

PRIVILEGE - ATTORNEY-CLIENT

Plaintiff objects to this request in that it inquires into matters protected from disclosure by the attorney-client privilege.

71.

PRIVILEGE - CONSULTING EXPERT

Plaintiff objects to this request to the extent that it seeks the identity and/or mental impressions and opinions of consulting expert witnesses whose opinions or impressions have not been reviewed by a testifying expert.

72.

DOCUMENT NOT IN EXISTENCE

Plaintiff objects to Defendant's request in that it would require the Plaintiff to create a document not in existence, A proper request for production only requires a party to produce designated and tangible documents already in existence.

73.

MEDICAL RECORDS AUTHORIZATIONS

Plaintiff objects to the Defendants' authorization to release medical records form submitted to Plaintiff for signature for the following reasons:

1. The authorization purports to authorize the release of information to anyone in possession of it. C.C.P. Art. 1465.1 only contemplates such information being made available to the requesting party.

2. The authorization contains no provision which prevents the requesting party from disseminating this information to third parties in spite of its confidential nature.

3. Plaintiff has no assurance that the copies to be provided by the requesting party pursuant to C.C.P. Art. 1465.1 are complete unless a formal certification of the documents is made, including consecutive page numbering. Plaintiff has no protection from being surprised by documents omitted by the requesting party, nor any means of proving that they were not provided without a formal discovery response.

3. The authorization should be limited to information about medical conditions occurring within three years prior to the date of the injury. Other medical reports have no possible relation to the injuries at issue in this case, The requesting party has shown no good cause for requesting records prior to throe years before the date of the injury.

4. The authorization contains no time period for the submission of the authorization to the health care provider. Initial requests should be made substantially before trial to permit defendant to prepare for formal response to be reviewed by plaintiff before the end of discovery. Authorizations should be submitted to health care providers no less than ninety days prior to discovery cutoff.

5. The authorization contains no provision for the notification of plaintiff whenever a health care provider is actually contacted. Plaintiff should be notified of every health cure provider that the requesting party actually contacts, whether a report is received or not.

7, The authorization is too broad. Thera are no limitations on they type of information or the time period for which information is desired. Discovery of unrelated medical conditions is not warranted.

8. Plaintiffs counsel has provided significant information to the health care provider in anticipation of trial. The health care provider is to testify as a medical expert at trial and the authorization is outside the scope of discovery of experts.

9. The authorization makes no provision to pay the medial expert for the time spent in responding to the discovery as mandated by C.C.P. Art. 1425.

10. The authorization does not contain nay time period after which the authorization is no longer effective and, thus, could be utilized after discovery deadlines have passed or after litigation is complete.

11. The authorization authorizes the release of information concerning medical conditions which are not at issue in the instant litigation and are, therefore, not relevant. The requesting party is not entitled to such information.

12. The authorization provided to plaintiff for signature does not contain a copy of the cover letter or any attachment-which the requesting party intends to sand to the health care provider, Plaintiff should be provided copies of these at least thirty day: before they are submitted to the health care provider so that plaintiff may nook a Protective Order from the Court if necessary

13. The defendant should not be allowed to request that plaintiff sign a medical authorization for any medical care provider for which a medical records depositions was scheduled,

14. The defendant should not be allowed to harass plaintiff, plaintiffs counsel, nor plaintiffs physicians by using requests for: production of documents, records only depositions, interrogatories, or subpoenaing medical records to be attached to the depositions of medical cure providers as cumulative; repetitive, and burdensome discovery.

74.

W.C. - MEDICAL RECORDS

"While providing that an employer may obtain medical information and records of a claimant by written release, this statute does not expressly authorize a hearing officer to suspend benefits upon an employee's refusal to sign a written release. If the employee refuses to sign a written release, the employer still has access to the appropriate records by subpoena." *Dresser Industries v. Reese*, 673 So.2d 1151 (La.App. 3 Cir. 1996

75.

PROTECTIVE ORDER

As answer to this discovery, plaintiff moves for a Protective Order in accordance with Article 1426 of the La.C.C.P. Plaintiff requests that the Court enter an Order in this matter to protect plaintiff from annoyance, embarrassment, oppression, undue burden, and expense, including the following:

1. That the discovery not be had;
2. That the discovery may be only had an specified terms and conditions including a time and place to be designated by plaintiff;

3. That the discovery be had only by a method of discovery other than that selected by the defendants;

4. That certain matters not be inquired into and that the scope of the discovery be limited to certain matters;

5. That the defendants be ordered to pay the costs of plaintiff, his attorney, and experts to respond.

76.

OBJECTION TO PRODUCE TRIAL PREPARATION

This is a personal injury suit to which the plaintiff files the following objections to defendants' discovery. While the scope of discovery is broad, it is, however, limited by the legitimate interest of an opposing party and requires a balancing of the probative value of the information sought with the burden placed upon the respondent. Plaintiff objects to this discovery for it is a violation of this standard.

Plaintiff objects to this discovery request unless the defendants agree to pay for the cost of the time and to obtain the answers and/or documents and the cost of the reproduction of obtaining the answers and/or documents prior to these being produced for the defendant.

Plaintiff objects to this discovery request in Clint it is unreasonable, unduly burdensome, oppressive, and expensive.

Plaintiff objects to defendants request because it would require the plaintiff to create documents not now in existence. A proper request only requires a party to produce designated tangible documents already in existence and within the possession of the plaintiff.

Plaintiff objects to this discovery request because it requests the plaintiff to produce documents that would not be created by witnesses until
Plaintiff objects to defendants wholesale request pertaining to the plaintiff. The discovery rules do not permit a general inspection of an adversary's records and materials or production of plaintiff records as this constitutes nothing more than a "fishing" expedition. Defendant's request is too general and comprehensive to be allowed by law. This request for production of documents fails to comply with Louisiana Code of Civil Procedure, Article 1462. A request for production shall set forth the items to be inspected either by individual item or by category, and described each item and category with reasonable particularity. Further the request shall specify a reasonable time, place and manner of making the inspection which this request does not. (L.A.C.C.P. 1462.)
Plaintiff objects to the defendants request because the request is not consistent with the Rules of Discovery and is not warranted by existing law. (La.C.C.P. 1420 B(1))
Plaintiff objects to this discovery request because this request is made to cause annoyance, embarrassment, oppression, undue burden or expense to plaintiff or his counsel. (La.C.C.P. 1426.)

Plaintiff objects to this request because this discovery is interposed to harass and to cause unnecessary and needless increase of the cost of litigation to plaintiff or his counsel. (La.C.C.P. 1429 (13)(2))

This request is in violation of the scope of discovery. (L.A.C.C.P. 1422.)

Plaintiff objects to this discovery request. It is interposed for an improper purpose. (LA.C.C.P. 1420(2))

Plaintiff objects to this discovery request because it calls for the plaintiff to produce documents and/or information which are not currently within the possession, custody, or control of plaintiff.

Plaintiff objects to this discovery request as being unduly burdensome. Medical witnesses have obviously made entries in medical records. It is patently burdensome and oppressive to require plaintiff to list the health care providers, dates of reports, the contents of their reports, tests given and other matters which defendants seek in this discovery. Medical records available to the defendant, fully and completely fulfill plaintiff's obligation to supply this type of discovery to the defendant.

This request is not designed to obtain information reasonably calculated to lead to the discovery of admissible evidence. (La.C.C.P. 1422.)

Plaintiff objects to this request, in that it requires information obtained in the course of an investigation and/or requests communications between agents and parties. Plaintiff claims investigative privilege.

They are on the stand.

Plaintiff objects to this request, in that it violates the investigation privilege. The information requested was obtained after there was good cause to believe suit would be filed and, as such, the information concerns post-incident investigation in anticipation of litigation and enjoys privilege.

This request calls for the plaintiff to produce his impeachment, cross-examination and rebuttal exhibits and evidence which is not in compliance with law.

Discovery in this matter is not complete and plaintiff can not know nor anticipate in advance of trial what exhibits he will or will not produce, attempt to introduce or have created.

Plaintiff objects to this discovery request because it seeks the production or inspection of materials obtained or prepared by an adverse party, his attorney, expert, or agent in anticipation of litigation or in preparation for trial. (La.C.C.P. 1424 & La. Code of Evid. 509.)

Plaintiff objects to this request because it calls for his attorney's work product and trial preparation, theories of the case and other privileged matters. La. C.C.P. 1422 and Louisiana Code of Evidence Article 509. V

This discovery request calls for information concerning an expert who has been retained or specially employed in anticipation of litigation or preparation for trial and who is not

expected to be called as a witness at trial. This is outside the scope of discovery. (La. C.C.P. 1425.)

This is objected to as calling for discovery outside the scope of La.C.C.P. 1425, concerning experts. If the defendant wishes this discovery the defendant can make arrangements under La.C.C.P, 1425(3) to pay the expert the fees for the time spent for the expert to respond. The defendant will also have to pay the fees and expenses incurred by plaintiff and his counsel in obtaining facts and other information from the expert. (LA.C.C.P. 1425(3).)

Before this discovery request will be answered, the requesting party must obtain an order from the court in accordance with La.C.C.P. 1424. Further, under Louisiana Code of Civil Procedure article 1474, the court shall require the party seeking this discovery to pay the expert from whom it is requested a reasonable fee for time spent in responding to discovery, And require the party seeking this discovery to pay this party a fair portion of the fees and expenses incurred in obtaining facts from the expert.

Plaintiff objects to this discovery request because it requests that a report or other work be prepared by plaintiff's expert. La.C.C.P. 1425(3) requires that the parties seeking this discovery pay the expert his fees and expenses for the time spent in responding to this requested discovery. Defendant will have to make financial arrangements before plaintiff will respond.."

This discovery response calls for production that is prohibited by and is outside the scope of discovery. A court shall not order and a defendant can not obtain production of inspection of any part of a writing that reflects the mental impression, conclusion, opinions, or theories of an attorney or expert. (La.C.C.P. 1424.)

Plaintiff's counsel is not required to disclose his legal research, opinions, or theory of the case to defendants.

This calls for the production or inspection of a writing obtained or prepared by the adverse party, his attorney, an expert, or agent in anticipation of litigation or in preparation for trial and is therefore outside the scope of discovery. (La.C.C.P. 1424.)

This is outside the scope of discovery concerning experts. Discovery concerning experts is limited by La. C.C.P. Article 1425 only to expert witnesses expected to be called as witnesses at trial. The scope of discovery is limited to the statement of the subject matter on which the expert is expected to testify and a statement to the substance of facts to which the expert is expected to testify. (La.C.C.P. 1425.)

The plaintiff requests a protective order in accordance with Louisiana Code of Civil Procedure, Article 1426. Plaintiff will only produce this discovery if the parties simultaneously file the specified documents of information concerning the subject area at the same time and exchange it at the same time.

Plaintiffs respectfully object to this discovery request on the basis of vagueness, overbreadth, and the fact that defendant has equal or greater access to the information requested. In addition, Plaintiffs object on the basis of the Work Product Doctrine, as the Interrogatory seeks to discover the mental impressions and/or trial strategy of Plaintiffs' experts and/or attorneys. FED. RULE CIV. PRO. 26b(3). Finally, Plaintiff's submit that such contention interrogatories, if proper et all, should be answered after the completion of discovery, rather than during these early stages of the proceedings. FED. RUL CIV. PRO. 33(e); M.A. Everett v. U.S. Air Group Inc., 165 F.R.D. 1, 3 (D.D.C. 1995); B. Braum Medical v. Abbott Labs, 155 F.R.D. 525, 527 (E.D.Pa. 1994); In re Convergent Technologies Securities Litigation, 108 F.R.D. 328, 334 (N.D. Cal. 1985).

Plaintiffs submit that such interrogatories, if proper at all, should be answered after the completion of discovery, rather than during these early stages of the proceedings. FED. RUL CIV. PRO. 33(e); M.A. Everett v. U.S. Air Group. Inc., 165 F.R.D. 1, 3 (D.D.C. 1995); B. Braum Medical v. Abbott Labs, 155 F.R.D. 525, 527 (E.D.Pa. 1994); In re Convergent Technologies Securities Litigation, 108 F.R.D. 328, 334 (N.D. Cal. 1985).

Plaintiffs object to this discovery request on the basis of vagueness and overbreadth. In addition, Plaintiff's submit to that the request is beyond the scope of permissible discovery. Because a party does not need to be made aware of the contents of its own documents, the only purpose for the request is to determine what information the Plaintiffs have discovered. Because the second-hand knowledge of the plaintiffs and/or their attorneys is not relevant nor reasonably calculated to lead to admissible evidence, it is beyond the scope and objectives of legitimate discovery. FED. RULE CIV. PRO. 26(b)(1). See, for example: Smith v. BIC Corp., 121 F.R.D. 235, 244-245 (E.D.Pa. 1988). In addition, Plaintiffs object to this request on the basis that the defendant has equal or greater access to the information sought. Furthermore, Plaintiffs object on the basis of the Attorney Work Product Doctrine, insofar as the selection of the documents requested would reveal the mental impressions, opinions, and/or trial strategy of Plaintiffs attorneys. See La. C.C.P. articles 1424 and 1425, and also FED. RULE CIV. PRO. 20(b)(3). See, for example: Gould v. Mitsui Mining & Smelthing, 825 F.2d 676, 680 (2nd Cir. 1987); Shelton v. American Motors, 805 F.2d 1323, 1328-1329 (8th Cir, 1986); Sporeck v. Peil, 759 F.2d 312, 316 (3rd Cir. 1985); James Julien v. Raytheon, 93 F.R.D. 138, 144 (D.Del. 1982); Smith v. Florida Power & Light., 632 So.2d 696 (Fla. App. 3rd Dist. 1994).

"This mental selective process [i.e. selecting . . . , documents . . . reflects . . . legal theories and thought processes, which are protected as work product." Shelton v. American Motors, 805 F.2d at 1329. "We believe that the selection and compilation of documents by counsel in this case in preparation for pretrial discovery falls within the highly-protected category of opinion work product." Sporeck v. Peil, 759 F.2d at 316. "In selecting and ordering . . . documents . . . counsel could not help but reveal important aspects of his understanding of the case. Indeed, in a case such as this, involving extensive document discovery, the process of selection and distillation is often more critical than pure legal research. There can be no doubt that at least in the first instance the binders were entitled to protection as work product. James Julien v. Raytheon, 93

F.R.D. at 144. "[T]he group of documents sought would reveal the attorney's assessment of the relative importance of those documents, and of their significance as a collection ... [E]ven if the individual documents sought are not attorney work product, 'the selection process itself represents defense counsel's mental impressions and legal opinions...' Smith, 032 So.2d at 698.

The defendant seeks to discover all of the documents in the possession of plaintiff and plaintiff's counsel. The only purpose for such a request can either be: (a) to discover the attorneys' mental impressions or trial strategy, which are protected by the Work Product Doctrine, and/or b) to evade the production of other defendant's documents containing critical evidence without fear of detection. Such purposes run contrary to the underlying aims and goals of the discovery process, and are certainly not "reasonably calculated to lead to the discovery of admissible evidence" by the defendants, La. C.C.P. articles 1422 and 1424 and also Fed. Rule Civ. Pro, 26(b)(1).

It is inappropriate to request the production of documents in the possession of the opposing party which might reveal the mental impressions or trial strategy of the attorneys or experts involved.

Plaintiff objects in that Defendant's inquiry is directed to the existence and content of statements made by potential witnesses and parties. (La C.C.P. articles 1424 and 1425, and also FED. R. CIV. P. 26(b)(3) exempts from discovery communications passing between a party and its agent subsequent to the occurrence upon which the suit is based and in connection with investigation of the suit, or in anticipation of the prosecution of the claims made a part of the pending litigation.

While the scope of discovery is broad, it is, however, limited by the legitimate interests of an opposing party and requires a balancing of the probative value of the information sought with the burden placed upon the respondent. Plaintiff objects to this request.

Plaintiff objects to this request in that it invades the attorney's work product. Such information is protected in that it constitutes the mental impressions, conclusions, opinions, or legal theories of an attorney. See *Hickman v. Taylor*, 329 U.S. 495, 67 S. Ct. 385, 91 L.Ed. 451 (1946)

Plaintiff objects to this request in that it invades the attorney's trial strategy and it is work product. Such information is protected.

Plaintiff objects on the grounds that it seeks to obtain copies of photographs which were obtained by Plaintiff's counsel for the purpose of forming mental impressions or legal theories in this action. Said photographs are thus attorney work product exempt from discovery.

Plaintiff objects to Defendant's request in that it would require the Plaintiff to create documents not in existence. A proper request for production only requires a party to produce designated and tangible documents already in existence.

As an answer to this discovery, plaintiff moves for a Protective Order in accordance with Article 1426 of the La.C.C.P. Plaintiff requests that the Court enter an Order in this

matter to protect plaintiff from annoyance, embarrassment, oppression, undue burden, and expense, including the following:

1. That the discovery not be had;
2. That the discovery may be only had on specified terms and conditions including a time and place to be designated by plaintiff;
3. That the discovery be had only by a method of discovery other than that selected by the defendants;
4. That certain matters not be inquired into and that the scope of the discovery be limited to certain matters;
5. That the defendants be ordered to pay the costs of plaintiff, his attorney, and experts to respond.