

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMIE HERNANDEZ,

Plaintiff,

vs.

THOMAS DART, et al.,

Defendants.

09-cv-661

Honorable Judge
Robert W. Gettleman

CERTIFICATE OF SERVICE

To: Jaime Hernandez

I, Michael D. Jacobs, Assistant State's Attorney, hereby certify that on December 9, 2009, I mailed an exact copy of the *Defendant's First Set of Interrogatories and First Document Production Request to Plaintiff* to the individual listed above by depositing such copy in the U.S. mail depository located at 500 Richard J. Daley Center, Chicago, Illinois, 60602, prepaid postage on or before 5:00 p.m.



Michael D. Jacobs
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602
312-603-3401

5. Related/Relating: The phrases "related to" and "relating to" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, concerning or reflecting upon the stated subject matter.

6. Document: shall have the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure and shall include all writings and recording as defined by Federal Rule of Evidence 1001. Specific examples of such documents include, but are not limited to, every original (and every copy of any original or copy which differs in any way from the original) correspondence, memorandum, recordation, audio or visual tape, message, notation, report, ledger, summary, written notes, analysis, audit, inventory, survey, map, blueprint, model, book, passbook, security, diary, appointment book, photograph, photographic slide or negative, film, filmstrip, tape, computer disk, facsimile, telephone message, and record.

7. Identification/Identify: The words "identification" and "identify" shall mean:

(a) Individual: As to an individual, stating: (i) his or her full name and customarily used names; (ii) present or last known residential address; (iii) present or last known business address; and (iv) residential and business address during the relevant time period.

(b) Document: As to a document, stating: (a) the date of its creation, execution, and receipt, (ii) its author or signatory; (iii) its addressee and every other recipient; (iv) the type or nature of the document (e.g., letter, memorandum, etc.); (v) the subject matter; and (vi) the address of its present location and the name of its custodian. In lieu of identifying a document, the document may be produced for inspection and copying.

(c) Event/Occurrence: As to an event or occurrence, stating: (i) its date; (ii) the place where it took place; (iii) the manner of its occurrence (e.g., telephone conversation, meeting, eyewitness, etc.); (iv) the identification of all its participants and eyewitnesses; and (v) a concise description of what transpired.

8. Continuing Obligation: In accordance with Rule 26(e) of the Federal Rules of Civil

Procedure, these document requests are to be regarded as continuing, and you are to provide, by way of supplementary answers thereto, such additional information as may hereafter be obtained by you, or any person on your behalf, which augment or modify the answers given.

9. Disposed of Documents: If any document requested to be identified or produced by these interrogatories is no longer in your possession, custody or control, state: (i) the nature of such document, including but not limited to a description of the document, its author, date and recipient(s); (ii) the location of the document and its present custodian, if any; (iii) the nature of its disposition; and (iv) the reason why the document is no longer in your possession, custody or control.

10. If any document or information is withheld because such document or information is stored electronically, please identify fully its subject matter and the location where it is stored, and provide a suitable program or method of retrieving such document or information.

11. Each request should be responded to separately. However, a document which is the response to more than one request, if the relevant portion is so marked or indexed, may be produced and referred to in a later response.

12. Each request shall extend to all documents which are or have been in the possession of or subject to the control of Plaintiff, his assigns, agents, employees, representatives or any other person(s) authorized by Plaintiff to possess or exercise control over such documents.

13. Identify by name and position of each and every person who supplied directly or indirectly Plaintiff and/or his attorney with the information requested in this production request.

DOCUMENT REQUESTS

1. All documents which support any and all other allegations in the complaint.
2. All documents identified or used in answering Defendant's First Set of Interrogatories
3. All grievances and responses filed by or on behalf of Plaintiff.
4. All documents supporting Plaintiff's request for relief and alleged damages.
5. Signed release for medical records for each physician who has treated Plaintiff in the last five years. *N/A*
6. All oral and written statement(s) pertaining to this lawsuit, or the location of the alleged occurrence in general, of all parties given or transferred to some other person or entity other than the attorney(s) for the aforesaid parties or insurer.
- ✓ 7. All oral and written statement(s) of any other witness(es). *Adams*
8. All photographs, slides, or motion pictures taken prior to or subsequent to the alleged occurrence of the plaintiff, other objects involved, or the scene of the alleged occurrence. *N/A*
- ✓ 9. All medical records, reports, hospital records, correspondence and documents from all, and to all health care providers; hospitals, clinics, rehabilitation centers and any other medical personnel concerning the health, physical, and mental condition of the plaintiff, including injuries sustained in other accidents.
10. Any "client record book" or any other record, journal or notes of your injuries or pain experience from the alleged occurrence. *N/A*
11. All memoranda and documents made by investigators including all documents,

reports, photographs and statements obtained by investigators or other personnel acting as agents of the plaintiffs and defendants relative to this case.

12. Every written statement and document obtained in court authorized discovery in preparation of this lawsuit.

13. All statements, reports and documents of all opinion witnesses.

14. All tax returns filed on by the Plaintiff or on behalf of the Plaintiff for the years 2004, 2005, 2006, 2007, and 2008.


15. All documents to include drafts, bills, money orders, invoices, receipts or memoranda of any kind which support any claim of economic loss by you.

16. Any and all accident reports, investigative reports, and inspection reports pertaining to the injuries sustained by and party to this lawsuit, except those documents which fall under the protection of privilege or attorney work product, containing factual material concerning the date of the occurrence which is the subject matter of this lawsuit. (Please note that for all documents that you are claiming to be privileged, you must provide a privilege log describing said documents).

17. Any and all insurance policies and/or agreements, both primary and excess, and any and all insurance certificates in force and effect for a ninety (90) day period of time prior to the date of the occurrence, and for thirty (30) day period of time subsequent thereto, or provide the policy limits for all policies and/or agreements both primary and excess that were in effect on the date of the alleged occurrence. N/A

18. All diaries, calendars or other records of any kind that indicate activities or pain

experienced by the plaintiff since the date of alleged occurrence.

19. Any and all drawings, diagrams, plats, models or other representations of the scene of the occurrence. 

20. It is further requested that each party and/or his or its attorney in compliance with this Request for Production shall furnish an affidavit stating whether the production is complete in accordance with this request.

Respectfully submitted,

By: 
ANITA ALVAREZ
State's Attorney of Cook County
Michael B. Jacobs
Assistant State's Attorney
Labor and Employment Division
500 Richard J. Daley Center
Chicago, Illinois 60602
312-603-3401

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**DEFENDANT SHERIFF TOM DART'S FIRST SET OF INTERROGATORIES
DIRECTED TO PLAINTIFF JAIME HERNANDEZ**

NOW COMES the Defendant, Sheriff Tom Dart, through his attorney ANITA ALVAREZ, State's Attorney of Cook County, through Assistant State's Attorney MICHAEL D. JACOBS, and propounds the following interrogatories to be answered in writing and under oath by the Plaintiff, JAIME HERNANDEZ, within thirty days thirty (30) days of the date of service pursuant to Federal Rule of Civil Procedure 33.

DEFINITIONS AND INSTRUCTIONS

1. A request for the location of documents constitutes a request to state the present addresses at which said documents are presently kept and the identity of the legal custodian of those documents, if known, and, if not known, the last address and information as to the disposition of the documents.
2. A request for the identity of a person or individual constitutes a request for his or her name, title, last known address, and any additional information explicitly requested.
3. "You" or "Hernandez" refers to the Plaintiff. "Person" or "individual" shall mean any natural person or governmental agency or authority or any other form of entity associated with any defendant.

4. "Related to" or "relating to" or "regarding" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or otherwise reflecting upon a stated subject matter.

5. "Document" or "documents" shall mean all originals, and all non-identical copies of originals whether different from the original by reason of any notation made on such copies or by any other reason, of writings or recordings of any kind or description, including without limitation correspondence, memoranda, notes, e-mail, diaries, statistics, letters, orders, directives, interviews, telegrams, minutes, reports, studies, statements, transcripts, summaries, pamphlets, books, interoffice and intra-office communications, notations of any sort of conversations, telephone call, meetings or other communications, bulletins, printed matter, teletype, telefax, worksheets, or any other business records, and all drafts, alterations, modifications, changes and amendments of any foregoing, graphic or oral recordings or representations of any kind, whether produced by hand, machine, or any and all other methods of recording, including without limitation photographs, charts, graphs, microfiche, microfilm, videotape, records, motion pictures, and electronic or mechanical recordings or representations of any kind, including without limitation, tapes, cassettes, cartridges, discs, chips and records.

6. Documents supplied in response to interrogatory requests may include either the original documents or authenticated identical copies.

7. "Plaintiff" shall be construed to include the plaintiff named in the Complaint, or his assigns, agents, employees, representatives and any person(s) who possesses or is authorized by plaintiff to exercise control over the subject matter of the request.

8. "Defendant": shall be construed to include the Defendants named in the Complaint, its agents, employees, and representatives.

9. "Supervisor" refers to your most immediate manager or superior, unless otherwise explicitly provided.

10. When asked for a date/time, provide the exact date/time or closest approximate date/time.

11. Discipline by an employer refers to any forms of suspension, probations, demotions, any written or verbal warnings, conferences or meetings, or any other action reasonably construed as disciplinary in nature.

12. The phrase "and/or" is intended to be all-inclusive.

13. In construing this request, singular references shall include the plural and plural the singular; masculine, feminine and neuter pronouns shall not exclude other each other; and if a request is silent as to the time span for which production is requested, production shall be made of all documents from four years prior to the filing of the Complaint up to and including the present.

14. Identify by name and job title every person who directly or indirectly supplied plaintiff and/or his attorney with the information requested in the following interrogatories.

15. Plaintiff shall seasonably supplement his answers to the following interrogatories as additional information becomes known.

INTERROGATORIES

1. Please state your full name, present residence address, your date and place of birth, your social security number, your driver's license number and, if you have ever been known by any other name, please state all of the names by which you have been known, the dates of use of each such name and the reasons for any name change.

ANSWER:



2. State the full name and address of each person who witnessed or claims to have witnessed the occurrence alleged in your complaint.

ANSWER: *answered*

3. State the full name and address of each person not named (in 2) above who was present or claims to have been present at the scene immediately before, at the time of, or immediately after said occurrence.

ANSWER:

4. Describe in general any physical injuries and mental health injuries sustained by you as a result of said occurrence.

ANSWER:

5. With regard to said injuries, state:

- (a) The name and address of each health care provider rendering care or services.
- (b) The name and address of each person or laboratory taking an x-ray of you.
- (c) The date or inclusive dates on which each of them rendered you service.
- (d) The amounts to-date of their respective bills for service.

ANSWER:

6. State the complete name(s) and address (es) of each hospital or clinic where you were a patient or out-patient as a result of the injuries that you allege from this cause of action, the date or inclusive dates of said service(s) and the amounts of their respective bills.

ANSWER:

7. State the name and address of each employer, if any, from whom you claim you were unable to work due to the injuries that you allege from this cause of action, including the date or inclusive dates on which you were unable to work and the amount of wage or income loss claimed by you.

ANSWER:

8. State any and all economic expenses or losses to you as the result of said occurrence.

ANSWER:

9. Have you suffered any serious personal injury or serious illness within the past 10 years? If so, state when and how you were injured and describe the injuries suffered.

ANSWER:

10. State the complete name, address and telephone number of all health care providers, other than those listed in interrogatory number five, who have examined or treated you for any personal injury or serious illness in the past 10 years.

ANSWER:

11. If you have ever been involved in any civil legal action (workmen's compensation claims included), either as defendant or plaintiff, state the date and place each such action was filed, including the name of the court and parties involved, the court file number of all such actions, the names of the attorneys representing each party, a description of the nature of each such action, whether or not there was an appeal and, if so, the result thereof, including the name and citation of each case reported, and the amount of any settlement or judgment obtained in each such case.

ANSWER:

12. Were any photographs taken of the scene of the occurrence or of the persons or objects involved? If so, state the date or dates on which such photographs were taken, the subjects thereof and who now has custody of them.

ANSWER:

13. State whether any of your bills as set out in these Interrogatories have been paid. If so, state which bills have been paid and how and by whom they were paid.

ANSWER:

14. State whether you have fully recovered from the effects of any injury, illness, or disability received as a result of the alleged occurrence. If so, state the date when you were fully recovered.

ANSWER:

15. State whether you are gainfully employed at the present time. If so, state the full name, address, telephone number of your employer.

ANSWER:

16. State whether you are presently under a health care provider's care. If so, state the name and address of such doctor, the date of the last appointment, and the date of the next scheduled appointment and the nature of treatments you are receiving.

ANSWER:

21. State whether you or your attorneys or agents or anyone acting on your behalf have any photograph, videotape, audiotape, or taken any statements, signed or unsigned, oral or written, or have in their possession any such photograph, videotape, audiotape, or statements, or know of the existence of any such photograph, videotape, audiotape, or statements; from or by any person who has, or claims to have been, witnesses to the occurrences complained of; or viewed or listened to any such photograph, videotape, or audiotape; if so, state the identity and present or last known address of each such person together with the present whereabouts and number of such photographs, videotape, audiotape or statements:

ANSWER:

The forgoing interrogatories shall be deemed continuing in nature from the time of this cause, and if any further information comes to the knowledge of the plaintiff or his attorney or agent or employee in this regard, you are hereby requested, without further notice, to file and serve supplemental answers pursuant to Rule 26 of the Federal Rules of Civil Procedure.

Respectfully submitted,

By: 
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312-603-3401