

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHEILA CALLAGHAN, et al.,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

**PLAINTIFF'S RESPONSE
TO DEFENDANTS'
FIRST SET OF
INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF
DOCUMENTS**

07 Civ. 9611 (PKC)
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Pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, and the Local Civil Rules for the Southern District of New York, plaintiff Juliana Luecking, by her attorney David B. Rankin, responds to Defendants' First Set of Interrogatories and Request for Production of Documents, under oath, upon information and belief as follows.

GENERAL STATEMENT AND OBJECTIONS

1. By responding to any request, plaintiff does not concede the materiality of the subject to which it refers. Plaintiff's responses are made expressly subject to, and without waiving or intending to waive, any questions, or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. Plaintiff objects to these Interrogatories and Document Requests to the extent that they demand documents and/or information that are protected by the attorney-client or work product privileges, or which constitute material prepared for litigation purposes.

Exhibit B

Objections, plaintiff identifies herself and a white female, approximately 55 years old, approximately 5'6" tall and 130 pounds, with short gray and black hair and wire-rimmed glasses.

INTERROGATORY NO. 2:

Identify all statements, signed or unsigned, recorded on tape electronically or otherwise, made by the City of New York, or its agents, servants, and/or employees, taken by, or on behalf of, or in the possession of, plaintiff.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome and not limited in time. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states, upon information and belief, that no such materials are within her possession, custody, or control.

INTERROGATORY NO. 3:

Identify any and all documents plaintiff believes may have been prepared by the City of New York, or its agents, servants, and/or employees, concerning the occurrence of the injuries (and damages) alleged in the complaint, or any defendant(s) responsibility therefore, including any statement, note, memorandum, or recording of an oral statement.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome.

INTERROGATORY NO. 4:

Identify all injuries claimed by plaintiff as a result of the Incident and the medical, psychiatric, psychological, and other treatment provided, if any. For each such treatment received, identify the provider who rendered the treatment to plaintiff. If no treatment was provided for any claimed injury, so state.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, and to the extent that it is beyond the scope of Local Civil Rule 33.3. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that she sustained emotional injuries for which she did not receive treatment.

INTERROGATORY NO. 5:

Identify all economic injuries claimed by plaintiff as a result of the Incident including, but not limited to, expenditures for medical, psychiatric, or psychological treatment; lost income; property damage; and attorneys fees. Identify the specific amounts claimed for each injury.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that she did not sustain economic injuries.

INTERROGATORY NO. 6:

Identify all of plaintiff's employers for the past ten (10) years, including the name, telephone number and address of each employer and the dates of each employment.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is beyond the scope of Local Civil Rule 33.3.

INTERROGATORY NO. 7:

Identify all medical providers including, but not limited to, doctors, hospitals, psychiatrists, psychologists, social workers and other counseling services, who have rendered treatment to the plaintiff within the past ten (10) years.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, seeks information of a private and sensitive nature that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and is beyond the scope of Local Civil Rule 33.3.

INTERROGATORY NO. 8:

Has plaintiff applied for worker's compensation within the past ten (10) years? If so, identify each employer who provided worker's compensation to plaintiff.

RESPONSE TO INTERROGATORY NO. 8:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 9:

Has plaintiff applied for social security disability benefits with the past ten (10) years? If so, identify each state, city, or other jurisdiction that provided social security disability benefits to plaintiff.

RESPONSE TO INTERROGATORY NO. 9:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 10:

Has plaintiff applied for Medicare and/or Medicaid within the past ten (10) years? If so, identify each state, city or other jurisdiction that provided Medicare and/or Medicaid to plaintiff.

RESPONSE TO INTERROGATORY NO. 10:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 11:

Has plaintiff made a claim with any insurance carrier for physical, mental or emotional injuries with the past ten (10) years? If so, identify each claim by date, injury and insurance carrier.

RESPONSE TO INTERROGATORY NO. 11:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 12:

Identify all government agencies to whom plaintiff made complaints regarding the Incident including, but not limited to, the Civilian Complaint Review Board ("CCRB") and the Internal Affairs Bureau ("IAB") of the New York City Police Department.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that she did not file a complaint with either of said agencies.

INTERROGATORY NO. 13:

Identify each occasion on which plaintiff has been arrested other than the Incident that is the subject of this lawsuit, including the date of the arrest, the charges for which the plaintiff was arrested, and the amount of time that plaintiff spent incarcerated.

RESPONSE TO INTERROGATORY NO. 13:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 14:

Identify each occasion in which plaintiff has been convicted of a felony or misdemeanor, including the date of the conviction, the charges of which plaintiff was convicted, and amount of time that plaintiff spent incarcerated as a result of each conviction.

RESPONSE TO INTERROGATORY NO. 14:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 15:

Identify each lawsuit to which plaintiff has been a party, including the court in which the matter was pending, the docket or index number, and the disposition of the matter.

RESPONSE TO INTERROGATORY NO. 15:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 16:

Identify each occasion on which plaintiff has given testimony or statements regarding the subject of this lawsuit.

RESPONSE TO INTERROGATORY NO. 16:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, and beyond the scope of Local Civil Rule 33.3, and to the extent that it demands information that is protected by the attorney-client or work product privileges. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that she has not given testimony or made any formal, nonprivileged statements.

INTERROGATORY NO. 17:

Identify all treating physicians and other medical providers that plaintiff intends to call at the time of trial.

RESPONSE TO INTERROGATORY NO. 17:

Plaintiff objects to this request on the grounds that it is premature.

INTERROGATORY NO. 18:

Identify all experts that plaintiff expects to call at the time of trial and provide all disclosures required pursuant to Federal Rule 26(a)(2).

RESPONSE TO INTERROGATORY NO. 18:

See Response to Interrogatory No. 17.

INTERROGATORY NO. 19:

Identify all documents prepared by plaintiff, or any other person, that relate to the Incident, claims and subject matter of this litigation.

RESPONSE TO INTERROGATORY NO. 19:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome, and to the extent that it demands information about documents that are protected by the attorney-client or work product privileges, or which constitute material prepared for litigation purposes. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that she did not prepare any documents concerning the incident.

INTERROGATORY NO. 20:

Identify all Freedom of Information Law requests and any responses thereto, made by plaintiff or by anyone on plaintiff's behalf, concerning plaintiff's claims in this litigation.

RESPONSE TO INTERROGATORY NO. 20:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, and beyond the scope of Local Civil Rule 33.3, and to the extent that it demands

information that is protected by the attorney-client or work product privileges, or which constitute material prepared for litigation purposes. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that, upon information and belief, no such requests have been made.

INTERROGATORY NO. 21:

Identify by date, time and location each Critical Mass bicycle ride that plaintiff has participated in.

RESPONSE TO INTERROGATORY NO. 21:

Plaintiff objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, not limited in time, and beyond the scope of Local Civil Rule 33.3.

DOCUMENT REQUESTS

REQUEST NO. 1

Produce all the documents identified in the preceding Interrogatories.

RESPONSE TO REQUEST NO. 1

Plaintiff objects to this request on the grounds that it is vague and ambiguous. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff refers defendants to her responses to the preceding Interrogatories.

REQUEST NO. 2

Produce all documents regarding the Incident, including documents concerning plaintiff's arrest and criminal prosecution (if any), the minutes of any Grand Jury proceedings and criminal court transcripts, and any and all other documents concerning the Incident that are in plaintiff's possession, custody or control.

RESPONSE TO REQUEST NO. 2

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, to the extent that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and to the extent that it demands documents that are protected by the attorney-client or work product privileges, or that constitute material prepared for litigation purposes. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that any documents that may be in her possession have already been produced in discovery.

REQUEST NO. 3

Produce all medical records including, but not limited to, records of doctors, hospitals, psychiatrists, psychologists, social workers, and other counseling services, in plaintiff's possession, custody, or control for treatment received by plaintiff since the Incident and for the five years prior to the Incident, including treatment for any injury resulting from the Incident.

RESPONSE TO REQUEST NO. 3

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, and seeks documents of a private and sensitive nature that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 4

Produce all photographs and other audio-visual materials documenting the Incident, the scene of the Incident, and all injuries that resulted from the Incident, including injuries to the person and property.

RESPONSE TO REQUEST NO. 4

Plaintiff objects to this request on the grounds that it is vague and ambiguous. Notwithstanding, and without waiving or in any way limiting these objections or the General Objections, plaintiff states that no such documents are in her possession, custody or control.

REQUEST NO. 5

Produce all documentation of damages that plaintiff alleges stem from the Incident, including, but not limited to, expenditures for medical, psychiatric, or psychological treatment; lost income; property damage; and attorneys fees. Documentation includes, but is not limited to, paid and unpaid bills, original purchase receipts, cancelled checks, charge slips, appraisals, and warranties.

RESPONSE TO REQUEST NO. 5

See Response to Interrogatory No. 5.

REQUEST NO. 6

Produce all subpoenas served on any party, or any individual or entity, concerning this litigation.

RESPONSE TO REQUEST NO. 6

Plaintiff is aware of and has complied with his obligations under Fed. R. Civ. P. 45(b)(1).

REQUEST NO. 7

Produce all documents received in response to any subpoenas served.

RESPONSE TO REQUEST NO. 7

See Response to Document Request No. 6.

REQUEST NO. 8

Produce all documents that relate to all complaints made by plaintiff to any government agency including, but not limited to, the CCRB and IAB of the New York City Police Department.

RESPONSE TO REQUEST NO. 8

See Response to Interrogatory No. 12.

REQUEST NO. 9

If the plaintiff is claiming lost income in this action, produce plaintiff's federal and state income tax returns since the Incident and for the five years prior to the Incident.

RESPONSE TO REQUEST NO. 9

See Response to Interrogatory No. 5.

REQUEST NO. 10

Produce all expert disclosures required pursuant to Federal Rule 26(a)(2).

RESPONSE TO REQUEST NO. 10

See Response to Interrogatory No. 18.

REQUEST NO. 11

Complete and provide the annexed blank authorizations for release of plaintiff's medical records including, but not limited to, records of doctors, hospitals, psychiatrists, psychologists, social workers, and other counseling services for treatment received by plaintiff since the Incident and for the five years prior to the Incident, including treatment for any injury resulting from the Incident.

RESPONSE TO REQUEST NO. 11

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, and to the extent that it seeks authorizations for documents of a private and sensitive nature that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 12

Complete and provide the annexed blank authorization for the release of all of plaintiff's records within the possession of the New York City Police Department.

RESPONSE TO REQUEST NO. 12

Plaintiff objects to this request on the grounds that it is vague, ambiguous, and overbroad, and seeks authorizations for documents of a private and sensitive nature that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 13

Complete and provide the annexed blank authorizations for release of employment records for each of plaintiff's employers for the past ten (10) years.

RESPONSE TO REQUEST NO. 13

See Response to Document Request No. 12.

REQUEST NO. 14

Complete and provide the annexed blank authorization for the unemployment records, if any, of plaintiff.

RESPONSE TO REQUEST NO. 14

See Response to Document Request No. 12.

REQUEST NO. 15

Complete and provide the annexed blank authorizations for insurance carriers with whom plaintiff has made claims within the past ten (10) years.

RESPONSE TO REQUEST NO. 15

See Response to Document Request No. 12.

REQUEST NO. 16

Complete and provide the annexed blank authorization for the records of social security disability benefits, if any, received by plaintiff.

RESPONSE TO REQUEST NO. 16

See Response to Document Request No. 12.

REQUEST NO. 17

Complete and provide the annexed blank authorization for plaintiff's Medicare and/or Medicaid records.

RESPONSE TO REQUEST NO. 17

See Response to Document Request No. 12.

Dated: New York, New York
May 27, 2009

Respectfully Submitted,

By: 

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