UNITED STATES DISTRICT COURT

**FOR THE**

**DISTRICT OF MASSACHUSETTS**

Anne Anderson, et al.,

Plaintiffs,

**# COURT USE ONLY**

Civil Action No. 82-1672-S

v. Division 12

Cryovac, Inc., et al.,

Defendants.

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**PATTERN INTERROGATORIES UNDER RULE 33**

The following Pattern Interrogatories are propounded to Beatrice Foods pursuant to F.R.C.P 16(a)(1)(IV), 26, and 33(e):

**Section 1. Instructions to All Parties**

(1) Each interrogatory shall be answered separately and fully in writing.

(2) The objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable, and the answers are to be signed by the person making them, and the objections signed by the attorney making them.

(3) All grounds for an objection to an interrogatory shall be stated with specificity. Any ground not stated in a timely objection will be deemed to be waived unless the party's failure to object is excused by the court for good cause shown.

(4) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an Interrogatory cannot be answered completely, answer it to the extent possible.

**Section 2. Instructions for the Asking Party**

(a) These interrogatories are designed for optional use in district courts only.

**Section 3. Instructions to the Answering Party**

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See C.R.C.P. 33 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers: “I declare under penalty of perjury under the laws of the State of Colorado that the foregoing answers are true and correct.”

(DATE)\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (SIGNATURE)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Section 4. Definitions**

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes BEATRICE FOODS, its agents, its employees, its insurance companies, its agents, its employees, its attorneys, its accountants, its investigators, and anyone else acting on its behalf.

(b) **ANYONE ACTING ON JOHN J. RILEY COMPANY’S BEHALF** includes JOHN J. RILEY COMPANY, its agents, its employees, its insurance companies, its agents, its employees, its attorneys, its accountants, its investigators, and anyone else acting on its behalf.

(d) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

(e) **DOCUMENT** means a writing, as defined in CRE 1001 and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(f) **HEALTH CARE PROVIDER** includes any **PERSON** or entity referred to as a “Health Care Professional” or “Health Care Institution” in C.R.S. § 13-64-202(3) and (4).

(g) **ADDRESS** means the street address, including the city, state, and zip code.

(h) **EPA** means Environmental Protection Agency as alleged in the Plaintiffs’ complaint.

(i) **THE DEFENDANTS** mean the JOHN J. RILEY COMPANY and BEATRICE FOODS.

**Section 5. Interrogatories**

1.0 State the name, ADDRESS, telephone number, and relationship to you of each PERSON who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 Identity JOHN J. RILEY’S agents, employees, or ANYONE ACTING ON JOHN J. RILEY COMPANY’S BEHALF since January 1980.

Please include:

(a) name, address, and telephone number

(b) dates of employment

(c) job title and brief description of job duties,

(d) starting and ending salaries.

(e) name of their manager or direct supervisor.

(f) health, life, and disability insurance;

(g) expense accounts; use of automobiles; reimbursement for travel.

3.0 Please indicate any employees or agents of JOHN J. RILEY COMPANY who have missed work due to illnesses:

Please include:

(a) the nature and extent of the illnesses suffered by the employee

(b) the names of all physicians, nurses, medical technicians or other persons practicing the healing or treating of these illnesses and any workers compensation claims filed.

4.0 Identify YOU OR ANYONE ACTING ON YOUR BEHALF that controlled or had an affiliation with the JOHN J. RILEY COMPANY.

Please include:

(a) name, address, and telephone number

(b) dates of control or affiliation

(c) the nature of the relationship

(d) the extent of control, and whether any of them control other companies in Woburn

(c) a list of any documents relating to the relationship

5.0 Identify **YOU OR ANYONE ACTING ON YOUR BEHALF** who filed claims, charges, informal complaints, concerning improper action of the JOHN J. RILE COMPANY

Please include:

(a) name, address, and telephone number

(b) dates of claim, complaint, or concern

(c) a list of any documents relating to the claim, complaint, or concern

6.0 Describe the nature and extent of the JOHN J. RILEY COMPANY’s business activities, including all business functions or activities and the number of employees required for these functions or activities. Please include each location where these business activities occurred.

7.0 Describe all litigation to which THE DEFENDANTS have ever been a party, including but not limited to, all actions ever brought by THE DEFENDANTS for itself or as an assignee. Include the case name, the court, the case number, a description of the nature of the litigation and the final result/outcome of such litigation.

8.0 Please provide a list of chemicals used or stored at the JOHN J. RILEY facility, including but not limited to the chemicals listed in the Plaintiffs complaint.

Please include:

(a) The name or any other name of the chemicals

(b) the quantity used

(c) the corporation or source of chemicals

(d) what period of time the chemicals were used

(e) how the chemicals were used

(f) who had access to the chemicals

(g) how the chemicals were disposed

(h) and any documents pertaining to the chemicals.

9.0 State the name and address of every person known to you who has possession, custody, or control of any model, plat map, drawing, videotape, or photograph of any land, property or sites used by the JOHN J. RILEY COMPANY.

Please include:

(a) a description of each item

(b) the name and address of the person who took or prepared it

(c) the name and address of the person who has possession or custody

(d) and the date it was taken or prepared.

10.0 Please include a plat map showing all sites used by the JOHN J. RILEY COMPANY. Include in the plat map showing all water wells, use of each well, topography, springs, natural water bodies, drainages, and man-made structures or buildings. The plat map must also show the location and dates of activities done by the JOHN J. RILEY COMPANY. Please indicate the location of access to the land; including roads or trails; and who may have had access.

10.0 Please disclose any health or safety violations. JOHN J. RILEY COMPANY

If so please include,

(a) all documents

(b) a description of such documents with sufficient particularity

(c) the date upon THE DEFENDANTS received such documents

(d) state the IDENTITY of the custodian of such DOCUMENTS.

11.0 Please disclose any results or conclusions of any studies and/or tests, including but not limited to EPA, CDC, or Harvard tests, relating to water quality or hazardous waste on the sites of the JOHN J. RILEY COMPANY.

If so please include,

(a) the name and address of individuals and entities that performed the tests

(b) a description of all documents relating to the tests with sufficient particularity

(c) the date upon THE DEFENDANTS received such documents

(d) state the IDENTITY of the custodian of such DOCUMENTS.

12.0 Please include any risk assessment done for the purchase of JOHN J. RILEY COMPANY.

If so please include,

(a) all documents

(b) a description of such documents with sufficient particularity

(c) the date upon THE DEFENDANTS received such documents

(d) state the IDENTITY of the custodian of such DOCUMENTS.

13.0 Describe in detail any consultants or auditing companies or organizations that performed audits of the JOHN J. RILEY COMPANY. Please describe in detail the type and reason for the audit.

If so please include,

(a) the name and ADDRESS of the individuals and organizations that facilitated the audit

(b) all documents

(d) state the IDENTITY of the custodian of such DOCUMENTS.

14.0 Since 1996, did THE DEFENDANTS rent, purchase, use, or otherwise acquired equipment to move barrels like those described listed in the Plaintiffs complaint?

If so please include,

(a) the date of rent, purchase, use, or acquisition

(b) the terms of purchase or acquisition agreement;

(c) attach all documents evidencing said acquisition, or (2) attach electronic mediums containing such data, or (3) describe such DOCUMENTS with sufficient particularity

(d) a description and name of the equipment

15.0 Since 1996, did THE DEFENDANTS rent, purchase, use, or otherwise acquired equipment to move dirt or ground?

If so please include,

(a) the date of rent, purchase, use, or acquisition

(b) the terms of purchase or acquisition agreement;

(c) attach all documents evidencing said acquisition, or (2) attach electronic mediums containing such data, or (3) describe such DOCUMENTS with sufficient particularity

(d) a description and name of the equipment

16.0 Describe in detail the location and layout of the computer system, operating systems, and applications, and software; including; but not limited to, invoicing system, email system, customer contact system, human resources system, project management files, word processing, and database management.

17.0 At the time of the INCIDENT was there a detailed hazardous waste disposal procedure? If so, please indicate

( a ) the full detail of the procedure followed

( b ) any documentation detailing or showing the procedure

( c ) the names and ADDRESS of any person or organization that followed procedure

(d) the names and ADDRESS of any person or organization who contracted with THE DEFENDANTS to dispose of chemicals.

18.0 State the name of THE DEFENDANTS in the current articles of incorporation. State all other names used by the corporation during the past ten years and the dates each was used. State the date and place of incorporation. State the address of the corporation’s principal place of business.

19.0 Identify all expert witnesses whom you expect to testify at trial, and for each state:

( a ) the name, address, and telephone number of the witness

( b ) the subject matter on which the expert is expected to testify

( c ) the substance of the facts and opinions to which the expert is expected

to testify; and

(d ) a summary of the grounds for each opinion

20.0 Did the anyone other than the DEFENDANTS have access to the site of the JOHN J. RILEY COMPANY?

If so, please indicate

(a) the name and address of individuals or entities

( b ) the reason for access to the site

21.0 At the time of the INCIDENT, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the INCIDENT? If so for each policy state:

(a) the kind of coverage;

(b) the name and ADDRESS of the insurance company;

(c) the name, ADDRESS, and telephone number of each named insured;

(d) the policy number;

(e) the limits of coverage for each type of coverage contained in the policy;

(f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company;

(g) the name, ADDRESS, and telephone number of the custodian of the policy.

22.0 Identify each denial of a material allegation and each affirmative defense in your pleadings and for each:

(a) state all facts upon which you base the denial or affirmative defense;

(b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts;

(c) identify all DOCUMENTS and other tangible things which support your denial or affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

23.0 Do you contend that any PERSON, other than you or plaintiff, contributed to the occurrence of the INCIDENT or the injuries or damages claimed by plaintiff?

If so, for each PERSON:

(a) state the name, ADDRESS, and telephone number of the PERSON;

(b) state all facts upon which you base your contention;

(c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts;

(d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

24.0 Do you contend that plaintiff was not injured in the INCIDENT?

If so:

(a) state all facts upon which you base your contention;

(b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of thevfacts;

25.0 State the names and last known addresses of any persons not identified in your other answers to these Interrogatories who have personal knowledge of facts material to the cause or circumstances concerning this litigation.

Dated June 19, 2011

Respectfully submitted,

MACK & ASSOCIATES, LLC

Attorneys for BEATRICE FOODS CO

/s/Earl L. McGowen \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Earl L. McGowen

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555-555-5555

AFFIDAVIT OF SERVICE

I, Earl L. McGowen, hereby certify that a true copy of the above document was served upon the defendants by personally delivering to the attorney of record through the ECF system and by mail on the 19th day of June, 2011.

/s/ Earl L. McGowen

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Earl L. McGowen

Signed and sworn to before me on June 18, 2011.

/s/Notary public

Notary Public

My commission expires on December 31, 2013.