

Deceit and Fraudulent Misrepresentation in Transmission of Sexual Disease.

Definitions

As used in these interrogatories, the words "occurrence" or "alleged occurrence" shall mean the facts involved in the combined events and incidents which allegedly caused injury or damage to the plaintiff as a result of deceit and fraudulent misrepresentation in the transmission of a sexual disease from the defendant to the plaintiff.

1. Please identify yourself fully, giving your full name, age, residence, business address, and occupation, and if married, give the name of your spouse.
2. Please identify and describe the appearance of each and every person who observed or was present in the vicinity of the plaintiff's alleged occurrence, giving the name and address of each such person, if known to you.
3. Please describe fully each and every source of knowledge about the alleged occurrence of which you are aware, including:
 - a. The identification of each such source,
 - b. The date and time you received any information from each such source regarding the alleged occurrence,
 - c. The substance of all such information you received from each such source, and
 - d. The manner in which such information was received.
4. If you claim that any other person caused or contributed to cause the alleged occurrence, please state the name and address of each such person and the manner in which each such person caused or contributed to cause the alleged occurrence.
5. Please describe, as of the time of the alleged occurrence, your educational and employment background, your physical and mental condition, and your knowledge and experience of the subject matter of the alleged occurrence, including specifically:
 - a. The number of years of formal education you had completed,
 - b. A list of the schools you had attended, the degrees you had received, the major subjects you had studied, and the academic honors you had attained, giving dates for each,
 - c. A description of each employment experience you had which related in any way to the subject matter of the alleged occurrence, giving the employer's name and address, the dates of employment, and the nature of your duties,
 - d. A detailed description of each physical or mental incapacity or abnormality you had at that time, and
 - e. A detailed description of any knowledge or experience you had with regard to the sale or lease of any goods, services, or realty involved in the alleged occurrence, starting when and how you acquired such knowledge or experience.
6. At the time of the alleged occurrence, or at any time prior to the alleged occurrence, did the defendant and the plaintiff have any business, personal, or fiduciary relationship?
7. If your answer to the preceding interrogatory is in the affirmative, please describe each such relationship fully, including:
 - a. The date such relationship began,

- b. The date such relationship ended,
 - c. The nature of such relationship,
 - d. The name and address of each other person who was involved in such relationship,
 - e. The extent to which the defendant and the plaintiff were personally acquainted,
 - f. The number of letters, the number of phone calls, and the number of personal meetings between the plaintiff and the defendant each year, and
 - g. The location and substance of each document or other written record relating to such relationship, and where and when each such document or record may be examined by counsel for the plaintiff.
8. Please state whether, prior to the alleged occurrence, the defendant had ever made any statement or representation upon which the plaintiff had relied, and if so, please give the date and substance of each such statement or representation.
 9. Please describe the extent to which at the time of the alleged occurrence, the plaintiff was aware of your knowledge, experience, intelligence, age, and mental and physical condition, stating when and how the plaintiff was made aware of each such characteristic.
 10. Please describe the extent to which, at the time of the alleged occurrence, the defendant was aware of the knowledge, experience, intelligence, age, and mental and physical condition of the plaintiff, stating when and how the defendant was made aware of each such characteristic.
 11. If you contend that the plaintiff had superior knowledge or experience with respect to the subject matter of any communication involved in the alleged occurrence, please state each fact on the which you base this contention.
 12. At or before the time of the alleged occurrence, did the defendant take any action which made it more difficult for the plaintiff to discover any fact or circumstance which might show the truth or falsity of any statement or representation made to the plaintiff during the alleged occurrence?
 13. If the answer to the preceding interrogatory is in the affirmative, please describe each such action, indicating the identity of each person who participated in such action and the substance of each statement or representation to which such action related.
 14. At or before the time of the alleged occurrence, did the defendant conceal or suppress, any fact or circumstance which might have influenced the plaintiff's decision to act or refrain from acting in connection with the alleged occurrence?
 15. If the answer to the preceding interrogatory is in the affirmative, please describe each such concealment or attempted concealment, indicating the identify of each person who participated and the substance of each fact or circumstance involved.
 16. Please describe in as much detail as possible your knowledge of each incident of the alleged occurrence referred to in the plaintiff's pleadings, including for each such incident:
 - a. The name and address of each person who participated in such incident, and the relationship if any of each such person to the defendant,
 - b. The name and address of each other person who witnessed or was present at such incident and the relationship, if any, of each such person to the defendant,
 - c. Each place where such incident occurred, giving state, city, street address, and a description of the vicinity of each participant,
 - d. The time at which such incident occurred, giving the date, hour, and minute,

- e. A detailed chronological description of such incident, stating everything that each participant did or said, and
- f. The source of your knowledge about such incident.

17. Please describe in complete detail each and every communication, in whatever form, between the defendant and the plaintiff concerning the subject matter of the alleged occurrence, including for each such communication:

- a. The time and place at which it was made,
- b. The name and address of each person who participated in, witnessed, or has any direct knowledge of such communication, and the relationship, if any, of each such person to the defendant,
- c. The nature of such communication (e.g., oral, written, gesture, etc.), specifying which portions were made in each manner,
- d. The medium, if any, through which such communication was made (e.g., telephone, mail, messenger, etc.),
- e. The exact wording of each verbal communication, whether oral or written, giving all statements in chronological order with the person making each statement clearly identified,
- f. A complete description of each gesture, signal, demonstration, or other nonverbal communication, indicating when each took place in the context of any verbal communications and giving the identity of the person making each such nonverbal communication, and
- g. A complete description of each object, person, condition, circumstance, event, thought, intention, opinion, or other topic which was the subject matter of such communication.

18. Please describe in complete detail each and every communication, in whatever form, between the defendant and any person other than the plaintiff which concerned the subject matter of the alleged occurrence and which reached or could have reached the plaintiff, stating for each such communication:

- a. When and where such communication occurred,
- b. The name and address of each person who participated in, witnessed, or has any direct knowledge of such communication, and the relationship of each such person to the defendant or to the plaintiff,
- c. The nature and medium of such communication,
- d. The substance of such communication, giving the exact words or gestures used and indicating which person made each statement or gesture,
- e. Whether the defendant expected or foresaw that such communication could reach the plaintiff, and if so, how,
- f. Whether such communication in fact reached the plaintiff, and if so, how, and
- g. Whether the defendant intended such communication to reach the plaintiff.

19. Please state the present location of each and every written, printed, typed, recorded, taped, or photographic communication referred to in your prior answers to interrogatory numbers 17 and 18, and please state when and where each such writing, printing, typescript, recording, tape, or photograph may be examined by counsel for the plaintiff.

20. Within five years prior to the alleged occurrence, had the defendant contracted any sexual disease, including, but without limitation, the following:
- Syphilis,
 - Gonorrhea,
 - Chlamydia trachomatous,
 - Genital herpes — simplex virus type 2,
 - Genital warts — Human Papilloma Virus (HPV),
 - Hepatitis B,
 - Pelvic Inflammatory Disease (PID),
 - Human Immunodeficiency Virus (HIV), and
 - Acquired Immune Deficiency Syndrome (AIDS).
21. If your answer to the preceding interrogatory is in the affirmative, please state as to each such sexual disease:
- The identity, giving name, kind and type, of each disease,
 - The date of contraction of each disease,
 - The source or possible source of each disease, giving the name and address of each,
 - Each health care facility treating the defendant for each disease,
 - Each health care professional examining and treating the defendant for each disease,
 - A description of each care and treatment received by the defendant for each disease, and
 - The dates, if any, when the defendant was pronounced cured, completed treatment and was discharged for each such disease.
22. Prior to or at the time of the alleged occurrence, did the defendant have any sexual disease?
23. If your answer to the preceding interrogatory is in the affirmative, please state whether the defendant was inflicted with or had any of the following sexual diseases:
- Syphilis, including whether the first, second or latent stage,
 - Gonorrhea,
 - Chlamydia trachomatous,
 - Genital herpes — simplex virus type 2,
 - Genital warts — Human Papilloma Virus (HPV),
 - Hepatitis B,
 - Pelvic Inflammatory Disease (PID),
 - Human Immunodeficiency Virus (HIV),
 - Acquired Immune Deficiency Syndrome (AIDS), and
 - Other sexual disease.
24. If, at or prior to the alleged occurrence the defendant was inflicted with or had any of the sexual diseases identified in the defendant's answer to interrogatory number 20, please state:
- The date when the defendant first had each such sexual disease, and

- b. Each source or possible source of each disease, giving name and address and any relationship to the defendant.
25. Prior to or at the time of the alleged occurrence, was the defendant being medically treated for any of the following sexual diseases:
- a. Syphilis,
 - b. Gonorrhea,
 - c. Chlamydia trachomatous,
 - d. Genital herpes — simplex virus type 2,
 - e. Genital warts — Human Papilloma Virus (HPV),
 - f. Hepatitis B,
 - g. Pelvic Inflammatory Disease (PID),
 - h. Human Immunodeficiency Virus (HIV),
 - i. Acquired Immune Deficiency Syndrome (AIDS), and
 - j. Other sexual disease.
26. Please state as to the time when the defendant first became aware that the defendant was infected with or had any sexual disease identified in the defendant's response to interrogatory number 20:
- a. The date,
 - b. The source of the defendant's knowledge, giving name and address,
 - c. The defendant's act or conduct in response to the defendant's first knowledge of any such sexual disease,
 - d. Whether the defendant sought and obtained medical treatment,
 - e. Whether the defendant notified the plaintiff,
 - f. Whether the defendant notified any sexual partner, and if so, state the name and address of each,
 - g. Whether the defendant refrained from sexual activity, and if so, for how long,
 - h. Whether the defendant did any act or conduct, describing each, and
 - i. Whether the defendant was involved in any sexual intimacy or sexual intercourse with any person other than the plaintiff within a year prior to the alleged occurrence, and if so, give the name and address of each such person.
27. At or about the time of the alleged occurrence, did the defendant undergo or submit to any test for any sexual disease?
28. If your answer to the preceding interrogatory is in the affirmative, please state as to each such test:
- a. Each disease tested for,
 - b. The defendant's signs and symptoms at the time of each test,
 - c. Whether a Tzanck smear was done to test for genital herpes,
 - d. Whether a herpes virus culture was done to test for genital herpes,
 - e. Whether an enzyme-linked immunosorbent assay (ELISA) was done to test for AIDS,
 - f. Whether a Western Blot test was done to test for AIDS,
 - g. The date of each test,
 - h. The name and address of each health care facility at which each test was done,

- i. The name and address of each health care practitioner involved in each test,
 - j. The result of each test, and
 - k. The name and address of the location and the custodian of any writings or records of each test.
29. If, at the time of the alleged occurrence, the defendant was being treated by any drug or medication for any sexual disease listed in the defendant's answer to interrogatory number 20, please state:
 - a. The name of each such drug or medication, including the generic name,
 - b. The type of each such drug or medication,
 - c. The identity, giving name and address of each health care professional who prescribed each such drug or medication, and
 - d. The name and address of the location and custodian of any writings or records of each such drug or medication.
30. Prior to or at the time of the alleged occurrence, did the defendant transmit any sexual disease to the plaintiff?
31. If your answer to the preceding interrogatory is in the affirmative, please state:
 - a. A description of the sexual disease,
 - b. The date of each transmission,
 - c. Each reason or explanation for such transmission, and
 - d. The manner or method of each transmission.
32. Prior to or at the time of the alleged occurrence, did the defendant make any statement or representation of past or present fact to the plaintiff regarding the state of the defendant's health, to the effect that the defendant was free from any sexual disease, that the defendant did not have any sexual disease or that the defendant had never had any opportunity to contract any sexual disease?
33. If your answer to the preceding interrogatory is in the affirmative, please:
 - a. Set forth such statement or representation,
 - b. State when and by whom it was made,
 - c. Describe the meaning of such statement or representation as the person who made it expected the plaintiff to understand such meaning,
 - d. Describe the knowledge and experience on which such statement or representation was based, stating when and how the person who made such statement or representation acquired such knowledge and experience,
 - e. Describe each effort by the person who made such statement or representation to determine its truth or falsity before it was made,
 - f. State whether at the time such statement or representation was made, the person who made it known or believed that such person had sufficient information to make such statement or representation,
 - g. State whether such statement or representation was accurate and truthful,
 - h. Describe, as of the time of the alleged occurrence, each fact known to the person who made such statement or representation which showed or tended to show that such statement or representation was not accurate and truthful, stating whether each such fact was made known to the plaintiff, and if so, how,

- i. Describe each fact which subsequently became available to the person who made such statement or representation which showed or tended to show that such statement or representation which showed or tended to show that such statement or representation was not accurate and truthful, stating whether each such fact was made known to the plaintiff, and if so, how, and
- j. State whether the person who made such statement or representation intended that the plaintiff act or refrain from acting in reliance on such statement or representation.

34. With respect to each and every statement or representation of opinion or intention made by the defendant in the course of any communication referred to in your answers to interrogatories 17 and 18, please:

- a. Set forth such statement or representation,
- b. State when and by whom it was made,
- c. Describe the meaning of such statement or representation as the person who made it expected the plaintiff to understand such meaning,
- d. State whether said meaning accurately reflected the opinion or intention of the person who made such statement or representation at the time it was made,
- e. Describe, as of the time of the alleged occurrence each fact known to the person who made such statement or representation which was inconsistent with any opinion expressed in such statement or representation, stating whether each such fact was made known to the plaintiff, and if so, how,
- f. Describe, as of the time of the alleged occurrence, each fact known to the person who made such statement or representation which supported or tended to support any opinion expressed in such statement or representation, and
- g. State whether the person who made such statement or representation intended that the plaintiff act or refrain from acting in reliance on such statement or representation.

35. Prior to or at the time of the alleged occurrence, did the defendant make any representation of opinion or give any opinion regarding the state of the defendant's health, to the effect that the defendant was free from any sexual disease, that the defendant did not have any sexual disease or that the defendant had never had any opportunity to contract any sexual disease?

36. If your answer to the preceding interrogatory is in the affirmative, please state as to each such opinion:

- a. The person giving the opinion,
- b. The substance and content of each such opinion,
- c. The time and place when each such opinion was expressed,
- d. The intended meaning of each such opinion,
- e. Each fact known at the time of the giving of each such opinion which as inconsistent with the opinion,
- f. When and how each such opinion was disclosed to the plaintiff,
- g. All facts which supported each such opinion, and
- h. Whether the defendant intended that the plaintiff rely on each such opinion.

37. Please describe each and every misapprehension or misunderstanding of a material fact on the part of the plaintiff which became known to the defendant during the alleged occurrence, stating when and how each such misapprehension or misunderstanding arose and when and how each became known to the defendant.
38. Please describe each and every effort by the defendant to correct each misapprehension or misunderstanding referred to in your answer to the preceding interrogatory, stating when and by whom each such effort was made.
39. Did the defendant, or any other person, benefit or profit or expect to benefit or profit in any way from the plaintiff's action or inaction in reliance on any statement or representation made in connection with the alleged occurrence?
40. If the answer to the preceding interrogatory is in the affirmative, please:
- Describe each such expected or actual benefit,
 - Identify each person to whom each such benefit accrued or was expected to accrue,
 - Identify each person from whom each such benefit was derived or was expected to be derived,
 - Describe the value of each such benefit or expected benefit to the extent it actually accrued, giving the amount of any monetary gain, and
 - Describe the plaintiff's awareness of each such benefit which accrued or was expected to accrue to the defendant, stating when and how the plaintiff was made aware of such benefit.
41. During the alleged occurrence, did the plaintiff at any time ask the defendant any question concerning the subject matter of the alleged occurrence?
42. If the answer to the preceding interrogatory is in the affirmative, please state:
- The exact wording of each such question,
 - The exact wording of the reply to each such question, giving the name and address of the person making such reply,
 - Whether at the time of said reply, the person making said reply had knowledge of any relevant fact which such person did not include in said reply, and
 - The substance of each relevant fact which such person making said reply which was not communicated to the plaintiff.
43. Did the defendant at any time suggest to the plaintiff that the plaintiff should investigate or check any fact which might show the truth or falsity of any statement or representation made to the plaintiff during the alleged occurrence?
44. If the answer to the preceding interrogatory is in the affirmative, please state when, where, and with what words the defendant made such suggestion, and state whether, to your knowledge, the plaintiff made such an investigation or inquiry.
45. To the best of your knowledge and belief, did any person other than the defendant communicate in any manner with the plaintiff concerning the subject matter of the alleged occurrence?
46. If the answer to the preceding interrogatory is in the affirmative, please state with respect to each such communication known to you:
- The name and address of each person who participated in such communication, and the relationship, if any, of each such person to the defendant,

- b. The time, place, and nature of such communication,
 - c. The substance of such communication, giving the exact words and gestures used and indicating which person made each statement,
 - d. Whether the defendant fostered, encouraged, or condoned such communication, and if so, how,
 - e. Whether the defendant attempted to prevent or discourage such communication, and if so, how, and
 - f. The source of your knowledge about such communication.
47. Did the defendant at any time retract, disclaim, or cancel any statement or representation made to the plaintiff during the alleged occurrence?
48. If the answer to the preceding interrogatory is in the affirmative, please describe each such purported retraction, disclaimer, or cancellation in complete detail, including:
- a. When, where, and by whom it was made,
 - b. The exact words with which it was made, and
 - c. The circumstances under which it was made, including each effort by the defendant to bring such purported retraction, disclaimer, or cancellation to the conscious attention of the plaintiff.
49. Please describe, to the best of your knowledge and belief, each harm which was suffered by the plaintiff or any other person as a result of the alleged occurrence, indicating who was harmed and describing when, how, and why such harm occurred.
50. Please relate in detail each conversation the defendant had with the plaintiff subsequent to the alleged occurrence which related in any way to the alleged occurrence, and state when and under what circumstances each took place.
51. Did the defendant, at or about the time of the alleged occurrence, conceal or suppress any fact or opinion from the plaintiff on the subject of the defendant having or possibly having any sexual disease?
52. If your answer to the preceding interrogatory is in the affirmative, please state:
- a. Each act or conduct by the defendant to impede the plaintiff's investigation of any statement, representation or opinion,
 - b. The defendant's response to any question from the plaintiff on the subject of sexual disease, and
 - c. Each act or conduct by the defendant to hide or conceal information or circumstances related to any statement, representation or opinion of the defendant.
53. If you contend that the plaintiff was not justified in relying on any statement or representation made to the plaintiff during the alleged occurrence, please state as to each such statement or representation all facts on which you base this contention.
54. If you contend that any statement or representation made to the plaintiff during the alleged occurrence and relied upon by the plaintiff was not material, please state as to each such statement or representation all facts on which you base this contention.
55. Please state the time, giving date at which the defendant was first notified that the plaintiff believed or asserted that the defendant had participated in a misrepresentation in connection with the alleged occurrence, and please describe the circumstances of such notification, including where and by whom it was given.

56. If you contend that the plaintiff, whether through action or inaction, caused or contributed to cause the alleged occurrence, please state each fact on which you base this contention.
57. If you contend that the plaintiff consciously participated in any fraud, deceit, or misrepresentation related in any way to the alleged occurrence, please state as to each such fraud, deceit, or misrepresentation all facts on which you base this contention.
58. If you contend that the plaintiff in any way ratified or affirmed any contract, agreement, or bargain between the plaintiff and the defendant subsequent to the time at which the plaintiff believed or asserted that the defendant had participated in a misrepresentation relating to such contract, agreement, or bargain, please state as to each such contract, agreement, or bargain all facts on which you base this contention.
59. If you contend that the plaintiff had as much opportunity as the defendant to learn any facts which might show the truth or falsity of any statement or misrepresentation made to the plaintiff during the alleged occurrence, please state as to each such statement or representation all facts on which you base this contention.
60. If you contend that the plaintiff incurred no harm or damage as a result of the alleged occurrence, please state each fact on which you base this contention.
61. If you contend that the statute of limitations has run, please set forth all facts on which such claim is based, including the applicable statute.