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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

YVETTE BENAVIDEZ, individually, and
as Personal Representative of the Estate of
Eloy Benavidez,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, a Washington
state agency; CENTRAL WASHINGTON
ASPHALT, INC., a Washington
corporation; PR SYSTEMS LLC, a
Washington limited liability company;
QUALITY PAVING, INC., a Washington
corporation; CONSTRUCTION AHEAD,
INC., dba PAVEMENT SURFACE
CONTROL, a Washington corporation;
SHAMROCK TRAFFIC, INC., a
Washington corporation; NORTH STAR
ENTERPRISES I, INC., a Washington
corporation; DOE 1; DOE 2; DOE 3; DOE
4; DOE 5,

Defendants.

No. 22-2-01013-32

PLAINTIFF'S FIRST
INTERROGATORIES AND REQUESTS
FOR PRODUCTION PROPOUNDED TO
SHAMROCK TRAFFIC, INC.

TO: Shamrock Traffic, Inc., Defendant

These Interrogatories and Requests for Production, in accordance with
Washington Civil Rules for Superior Court, require you to answer the following
interrogatories and respond to the requests for production within 30 days after the service

1 of the request, except that a defendant may serve a response within 40 days after service
2 of the summons and complaint upon that defendant. Please deliver your complete
3 answers to the law offices of Albrecht Law PLLC, 5105 E. 3rd Avenue, Suite 101,
4 Spokane Valley, WA 99212. These discovery requests impose a continuing duty upon
5 you to furnish the information requested after providing your initial answers and
6 responses.

7 If you claim attorney-client privilege or work product privilege to any document
8 request, identify such document in your written response, giving the following
9 information: (a) date of document; (b) author of document; (c) addressee of document;
10 (d) nature of document; such as memorandum, letter, etc.; (e) anyone who has received a
11 copy of the document; and (f) the general subject matter of the document.

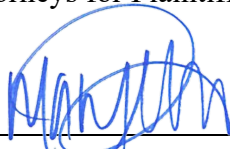
12 If you are able to provide some, but not all, of the information requested, provide
13 such information as you can and specifically identify each item as to which you do not
14 have the sufficient information to fully respond.

15 In transcribing your responses to these requests, room for them has been provided
16 after each request. If there is insufficient room, please attach supplemental pages. If it
17 would be more convenient for you to complete your answers and responses in the
18 electronic version of this file, upon request the file will be provided via email.

19 THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION ARE
20 CONTINUING IN NATURE AND YOU ARE REQUESTED TO PROVIDE ANY
21 INFORMATION THAT ALTER OR AUGMENT THE RESPONSES NOW GIVEN.

22 DATED April 4, 2022.

23
24 ALBRECHT LAW PLLC
25 Attorneys for Plaintiff

26
27 By: 
28 Marye R. Scott, WSBA #55540

1 **DEFINITIONS**

2 1. “Document” means all written, graphic, or printed matter of any kind,
3 however produced or reproduced. Including all originals, drafts, working papers, and non-
4 identical copies, whether different from the originals by reason of any notation made on
5 such copies or otherwise, and electronic, mechanical or electrical records or representations
6 of any kind, transacted through detection devices into reasonably useable form. The term
7 “document” includes, but is not limited to, papers, books, patents, book entries, accounts,
8 letters, photographs, objects, tangible things, correspondence, telegrams, cables, telexes or
9 telefax messages, memoranda, notes, data, notation, work papers, inter-office
10 communications, emails, inter-departmental communications, minutes, reports and records
11 of any communications (including telephone or other conversations, interviews,
12 conferences, or committee or other meetings), affidavits, statements, summaries, opinions,
13 reports, studies, analyses, formulas, plans, specifications, contracts, licenses, agreements,
14 offers, acceptances, journals, books or other records of accounts, summaries of accounts,
15 bills, receipts, balance sheets, income statements, advertisements, desk calendars,
16 appointment books, diaries, lists, tabulations, charts, graphs, maps, surveys, sound
17 recordings, computer records or impressions, microfilm, and all other records kept by
18 electronic, photographic, or mechanical means, and things similar to any of the foregoing,
19 however denominated.

20 2. The term “all documents” shall mean every document, as defined above,
21 whether an original or a copy, which is or has been in your possession, custody, or control.

22 3. “Email” shall mean every electronic message sent or received through the
23 internet and shall explicitly include all metadata and each version of any message including
24 any version with changed metadata.

25 4. “Email address” shall mean every email address which is or has been in
26 your possession, custody, or control which is or has been capable of sending or receiving
27 email.

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5. “You” or “your” means the party to whom these requests are directed and includes, if sent to a corporate entity or agency, your agents and employees.

6. “WSDOT” means the Washington State Department of Transportation.

7. “Incident” means the crash which occurred on or about May 5, 2019, on eastbound I-90 near Ritzville, WA, involving Eloy Benavidez who was driving his Harley-Davidson Motorcycle, license plate number 4NX742.

8. “WSDOT Contract” means the Washington State Department of Transportation, Contract Provisions and Plans, Number 009349, For Construction of I-90 MP 208.16 to MP 218.60, SR 21 to Ritzville Paving, Adams County.

9. “Incident Construction Site” means the area of I-90 from MP 208.16 to MP 218.60 governed by the WSDOT Contract.

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INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1. Please state the name, home address, and position of each person or persons, excluding legal counsel, who supplied information to answer these interrogatories.

ANSWER:

INTERROGATORY NO. 2. Prior to responding to these discovery requests, have you thoroughly researched and identified every document and made inquiry of every employee or agent having knowledge of the information and subject matter sought by these discovery requests?

ANSWER:

INTERROGATORY NO. 3. Identify all of your speaking agents for the purposes of this lawsuit.

ANSWER:

INTERROGATORY NO. 4. For the WSDOT Contract, identify your primary point of contact for the following entities:

- a. Washington State Department of Transportation;
- b. Central Washington Asphalt, Inc.;
- c. PR Systems LLC;
- d. Quality Paving, Inc.;

- 1 e. Construction Ahead, Inc., dba Pavement Surface Control;
- 2 f. Shamrock Traffic, Inc.; and
- 3 g. North Star Enterprises I, Inc.

4 ANSWER:

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8 **INTERROGATORY NO. 5.** For each person identified in the previous
9 interrogatory, please state:

- 10 a. The individual's full name;
- 11 b. The title or position held by each individual;
- 12 c. The date each title or position was held;
- 13 d. The individual's present residential address;
- 14 e. The individual's present telephone number;
- 15 f. All facts that you have reason to believe this witness has knowledge of
16 which relate to facts and circumstances relevant to this case; and
- 17 g. All documents you have reason to believe this witness has knowledge or
18 possession of which relate to the facts and circumstances relevant to this
19 case.

20 ANSWER:

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24 **INTERROGATORY NO. 6.** Describe the Incident, including a
25 description of the Incident location, the circumstances leading up to the Incident, and any
26 facts or circumstances you believe contributed to cause the Incident.

27 ANSWER:

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1 **INTERROGATORY NO. 7.** Please name all persons who were
2 eyewitnesses to the Incident, were at the scene of the Incident, or who have first-hand
3 knowledge regarding the facts and circumstances of the Incident, or every witness of fact
4 who you have reason to believe has knowledge of the facts and circumstances relating to
5 this legal action and the claims asserted herein. State for each witness:

- 6 a. The individual's full name;
- 7 b. The title or position held by each individual;
- 8 c. The date each title or position was held;
- 9 d. The individual's present residential address;
- 10 e. The individual's present telephone number;
- 11 f. All facts that you have reason to believe this witness has knowledge of
12 which relate to facts and circumstances relevant to this case; and
- 13 g. All documents you have reason to believe this witness has knowledge or
14 possession of which relate to the facts and circumstances relevant to this
15 case.

16 ANSWER:

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20 **INTERROGATORY NO. 8.** Please name all persons who were involved
21 with traffic control on the date of the Incident. State for each witness:

- 22 a. The individual's full name;
- 23 b. The title or position held by each individual;
- 24 c. The date each title or position was held;
- 25 d. The individual's present residential address;
- 26 e. The individual's present telephone number;
- 27 f. All facts that you have reason to believe this witness has knowledge of
28 which relate to facts and circumstances relevant to this case; and

1 g. All documents you have reason to believe this witness has knowledge or
2 possession of which relate to the facts and circumstances relevant to this
3 case.

4 ANSWER:

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8 **INTERROGATORY NO. 9.** Please name all persons who were involved
9 with signage on the date of the Incident. State for each witness:

- 10 a. The individual's full name;
- 11 b. The title or position held by each individual;
- 12 c. The date each title or position was held;
- 13 d. The individual's present residential address;
- 14 e. The individual's present telephone number;
- 15 f. All facts that you have reason to believe this witness has knowledge of
16 which relate to facts and circumstances relevant to this case; and
- 17 g. All documents you have reason to believe this witness has knowledge or
18 possession of which relate to the facts and circumstances relevant to this
19 case.

20 ANSWER:

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24 **INTERROGATORY NO. 10.** Please name all persons who made design
25 decisions or gave final approval to any portion of the WSDOT Contract. State for each
26 person:

- 27 a. The person's full name;
- 28 b. The entity each person works for and/or represents;

- 1 c. The title or position held by each person;
2 d. The date each title or position was held;
3 e. The individual's present residential address;
4 f. The individual's present telephone number;
5 g. All facts that you have reason to believe this witness has knowledge of
6 which relate to facts and circumstances relevant to this case; and
7 h. All documents you have reason to believe this witness has knowledge or
8 possession of which relate to the facts and circumstances relevant to this
9 case.

10 ANSWER:
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14 **INTERROGATORY NO. 11.** Are you aware of any written and/or recorded
15 statements made by any witness to the Incident or any party to the lawsuit? If so, for each
16 statement, please state:

- 17 a. The name, address and telephone number of the person making the
18 statement;
19 b. The name, address and telephone number of the person taking the
20 statement;
21 c. The date on which the statement was taken or given;
22 d. The form of the statement (e.g., written, recorded, transcribed, etc.); and
23 e. Provide the name, address, and telephone number of the present custodian
24 of each statement.

25 ANSWER:
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1 **REQUEST FOR PRODUCTION A.** Produce all evidence related to your
2 response to the previous interrogatory.

3 RESPONSE:

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7 **INTERROGATORY NO. 12.** List any and all photographs, motion
8 pictures, videos, slides, drawings, diagrams, maps, or other graphic or electronic
9 representations which you know of depicting the Incident scene, the vehicles, any
10 property damage, or any injuries. For each such item state the name, address and
11 telephone number of the custodian of the item, the date it was created, and who created
12 the item.

13 ANSWER:

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17 **REQUEST FOR PRODUCTION B.** Produce all evidence related to your
18 response to the previous interrogatory.

19 RESPONSE:

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23 **INTERROGATORY NO. 13.** For all issues, incidents, and/or accidents
24 which occurred at the Incident Construction Site, please identify the following:

- 25 a. The investigations, including any analysis of the cause(s) or preventability
- 26 of any such crashes, which were conducted for each occurrence;
- 27 b. The name, address and telephone number of any persons who conducted
- 28 an investigation or in any way aided in an investigation;

- 1 c. Any reports, recommendations, etc., that were created as a result of each
2 investigation;
3 d. The date upon which any report (e.g., written, oral, recorded, etc.);
4 e. Provide the name, address, and telephone number of the present custodian
5 of each report; and
6 f. The changes, modifications, improvement, or repairs, if any, which were
7 made as a result of the investigation.

8 ANSWER:

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12 **REQUEST FOR PRODUCTION C.** Produce all evidence related to the
13 response to the previous interrogatory.

14 RESPONSE:

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18 **REQUEST FOR PRODUCTION D.** Produce all evidence related to the
19 response to the previous interrogatory.

20 RESPONSE:

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24 **INTERROGATORY NO. 14.** For any investigation into the Incident that
25 was conducted following the Incident, please identify the following:

- 26 a. The name, address and telephone number of any persons who conducted
27 the investigation or in any way aided in the investigation;

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- 1 b. Any reports, recommendations, etc., that were created as a result of the
2 investigation;
3 c. The date upon which any report (e.g., written, oral, recorded, etc.);
4 d. Provide the name, address, and telephone number of the present custodian
5 of each report; and
6 e. The changes, modifications, improvement, or repairs, if any, which were
7 made as a result of the investigation.

8 ANSWER:

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REQUEST FOR PRODUCTION E. Produce all evidence related to the
response to the previous interrogatory.

RESPONSE:

INTERROGATORY NO. 15. For any investigation into any issues,
incidents, and/or accidents identified in Interrogatory No. 14, please identify the
following:

- a. The name, address and telephone number of any persons who conducted
the investigation or in any way aided in the investigation;
b. Any reports, recommendations, etc., that were created as a result of the
investigation;
c. The date upon which any report (e.g., written, oral, recorded, etc.);
d. Provide the name, address, and telephone number of the present custodian
of each report; and

1 e. The changes, modifications, improvement, or repairs, if any, which were
2 made as a result of the investigation.

3 ANSWER:

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7 **REQUEST FOR PRODUCTION F.** Produce all evidence related to the
8 response to the previous interrogatory.

9 RESPONSE:

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13 **INTERROGATORY NO. 16.** For ten (10) years immediately preceding
14 the Incident through present, please identify every individual involved in designing,
15 changing, improving, or repairing any part of the Incident Construction Site:

- 16 a. The individual's full name;
- 17 b. The title or position held by each individual;
- 18 c. The date each title or position held;
- 19 d. The individual's present residential address; and
- 20 e. The individual's present telephone number.

21 ANSWER:

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25 **REQUEST FOR PRODUCTION G.** Please produce all evidence each
26 such individual created or possessed related to their role in the designing, changing,
27 improving, or repairing any part of the Incident Construction Site as it existed on the date
28 of the Incident.

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RESPONSE:

INTERROGATORY NO. 17. Please identify all policies and procedures you use for reviewing proposed changes, modifications, improvements, repairs, and signage, for roads with differing heights between lanes.

ANSWER:

REQUEST FOR PRODUCTION H. Produce all evidence related to the response to the previous interrogatory.

RESPONSE:

INTERROGATORY NO. 18. List any and all photographs, motion pictures, videos, slides, drawings, diagrams, maps, or other graphic or electronic representations which you know of depicting the Incident Construction Site in the one (1) year immediately prior to the Incident. For each such item state the name, address and telephone number of the custodian of the item, the date it was created, and who created the item.

ANSWER:

REQUEST FOR PRODUCTION I. Produce all evidence related to your

1 response to the previous interrogatory.

2 RESPONSE:

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6 **INTERROGATORY NO. 19.** List any and all photographs, motion
7 pictures, videos, slides, drawings, diagrams, maps, or other graphic or electronic
8 representations which you know of depicting the Incident Construction Site from the
9 beginning of the WSDOT Contract through its completion. For each such item state the
10 name, address and telephone number of the custodian of the item, the date it was created,
11 and who created the item.

12 ANSWER:

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16 **REQUEST FOR PRODUCTION J.** Produce all evidence related to your
17 response to the previous interrogatory.

18 RESPONSE:

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22 **INTERROGATORY NO. 20.** List any and all photographs, motion
23 pictures, videos, slides, drawings, diagrams, maps, or other graphic or electronic
24 representations which you know of depicting the Incident Construction Site from the
25 beginning of the WSDOT Contract through its completion. For each such item state the
26 name, address and telephone number of the custodian of the item, the date it was created,
27 and who created the item.

28 ANSWER:

1 **REQUEST FOR PRODUCTION K.** Produce all evidence related to your
2 response to the previous interrogatory.

3 RESPONSE:

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7 **INTERROGATORY NO. 21.** List any and all documents related to the
8 WSDOT Contract.

9 ANSWER:

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13 **REQUEST FOR PRODUCTION L.** Produce all evidence related to your
14 response to the previous interrogatory.

15 RESPONSE:

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19 **INTERROGATORY NO. 22.** Are there any formal or informal
20 agreements, entered or proposed, between you and any party to this lawsuit? If so, please
21 describe each.

22 ANSWER:

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26 **REQUEST FOR PRODUCTION M.** For each identified agreement,
27 provide all communications, drafts, modifications, or final agreements exchanged
28 between the parties.

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RESPONSE:

INTERROGATORY NO. 23. Do any insurance or indemnification policies exist that may satisfy part or all of a judgment that may be entered in this action; or to indemnify or reimburse for payments made to satisfy such judgment? If so, please state as to each insurance agreement or policy its complete contents, including:

- a. Name, address and telephone number of insurer or indemnitor;
- b. Name, address and telephone number of each named insured or indemnitee;
- c. Each type of coverage provided;
- d. Limits of each type of coverage provided;
- e. Amount of deductible on each coverage;
- f. Policy period coverage;
- g. Policy number.

ANSWER:

REQUEST FOR PRODUCTION N. Please produce all insurance and indemnification agreements identified in response to the preceding interrogatory, (including all declaration pages, endorsements and amendments) in force at the time of the incident.

RESPONSE:

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INTERROGATORY NO. 24. Have any of the insurers or indemnitors identified in your response to the preceding interrogatories denied in whole or in part coverage or indemnification for any of Plaintiff's claims, or accepted defense of this action upon a reservation of rights? If so, please state as to each:

- a. Name, address and telephone number of the insurer or indemnitor;
- b. Contract language upon which the insurer or indemnitor bases its denial of coverage, indemnification or reservation of rights;
- c. Reasons for the insurer's or indemnitor's denial of coverage, indemnification or reservation of rights.

ANSWER:

REQUEST FOR PRODUCTION O. Please produce all records that relate to or evidence any denial, acceptance, or indemnification relating to Plaintiff's claims described in response to the previous interrogatory.

RESPONSE:

INTERROGATORY NO. 25. Does any oral or written agreement exist which requires any party to obtain approval prior to entering a settlement, or which in any way limits any party's ability to enter a settlement? If so, please identify all parties to each such agreement and state in detail the terms of the agreement.

ANSWER:

1 **REQUEST FOR PRODUCTION P.** Please produce all records that relate
2 to or evidence any agreement described in response to the previous interrogatory.

3 RESPONSE:

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7 **INTERROGATORY NO. 26.** Do any oral or written agreements exist
8 allocating or apportioning responsibility for payment of any settlement or judgment that
9 may be made or entered in this action? If so, please identify all parties to each such
10 agreement, state in detail the terms of the agreement, and state the date the agreement
11 was made.

12 ANSWER:

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16 **REQUEST FOR PRODUCTION Q.** Please produce all records that relate
17 to or evidence any agreement described in response to the previous interrogatory.

18 RESPONSE:

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22 **INTERROGATORY NO. 27.** Have you ever been involved in any other
23 legal action regarding construction zones or construction sites within the ten (10) years
24 preceding this Incident? If so, state for each such action:

- 25 a. The name and address of the court in which said trial proceeding or hearing
26 is or was pending;
- 27 b. The name of the opposing parties, if any, and case number;
- 28 c. The dates of said trial proceeding or hearing;

- 1 d. The name, address and telephone number of each witness who testified;
2 e. The name and address of the court reporter who made each transcript of any
3 said trial proceeding or hearing; and
4 f. Whether you received a transcript of such trial, proceeding or hearing.

5 ANSWER:

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9 **REQUEST FOR PRODUCTION R.** Produce all evidence related to your
10 response to the previous interrogatory.

11 RESPONSE:

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15 **INTERROGATORY NO. 28.** Please state whether any parties, including
16 you, are named incorrectly in the Complaint and provide the correct name.

17 ANSWER:

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21 **INTERROGATORY NO. 29.** Do you allege insufficiency of process or of
22 service of process? If so, please state the facts upon which you base your allegations.

23 ANSWER:

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INTERROGATORY NO. 30. Do you dispute jurisdiction of this Court over you or this lawsuit? If so, please state the reasons and facts upon which you claim this Court lacks jurisdiction over you or this lawsuit.

ANSWER:

INTERROGATORY NO. 31. Do you deny liability? If so, please state the reasons and facts supporting that denial.

ANSWER:

INTERROGATORY NO. 32. If you expect to call any expert witness at trial, for each such expert please state:

- a. Name, profession or occupation and address;
- b. Educational background;
- c. Experience in the subject area;
- d. Relationship to the Defendant’
- e. If any, the subject matter on which each said expert is expected to testify;
- f. The substance of the facts and opinions to which each said expert is expected to testify;
- g. A summary of the grounds for each opinion; and
- h. A complete bibliography of books, treatises, articles and other works which the expert regards as authoritative on the subject on which each said expert is expected to testify.

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INTERROGATORY NO. 33. Please identify all cases in which each expert identified in response to the previous interrogatory has testified or been deposed as an expert in the last 10 years. Please include the case name, case number, and venue of each case for which the expert testified, and identify the attorney who took each deposition.

ANSWER:

REQUEST FOR PRODUCTION S. Please produce the complete file with all documents that were relied upon by any expert identified above.

RESPONSE:

REQUEST FOR PRODUCTION T. Please produce all documents sent to or received from each expert identified above. This response should include any and all communications whether electronic or written and any draft and final reports or opinions authored by the expert.

RESPONSE:

1 **INTERROGATORY NO. 34.** Do you allege that there exist any persons or
2 entities that have caused or contributed to Plaintiff's injuries and/or damages who are not
3 specifically named as parties to this action? If so, please state as to each:

- 4 a. Name, address and telephone number of the person or entity;
- 5 b. All facts upon which you base the allegation;
- 6 c. Name, address, telephone number, employer and job title of each person
7 having knowledge concerning allegation; and
- 8 d. Identify all documents pertaining to, evidencing or supporting allegation,
9 and identify all custodians thereof.

10 ANSWER:

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14 **INTERROGATORY NO. 35.** Do you contend any of the defendants already
15 named bear any fault for Plaintiff's injuries or damages? If so, please state as to each:

- 16 a. Name, address and telephone number of the person or entity;
- 17 b. All facts upon which you base the allegation;
- 18 c. Name, address, telephone number, employer and job title of each person
19 having knowledge concerning allegation; and
- 20 d. Identify all documents pertaining to, evidencing or supporting allegation,
21 and identify all custodians thereof.

22 ANSWER:

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26 **REQUEST FOR PRODUCTION U.** Produce all documents identified in
27 response to the previous interrogatory.

28 RESPONSE:

1 **INTERROGATORY NO. 36.** For each allegation that any other persons or
2 entities caused or contributed to Plaintiff's injuries or damages, please state:

- 3 a. Name, address and telephone number of the person or entity;
4 b. All facts upon which you base the allegation;
5 c. Name, address, telephone number, employer and job title of each person
6 having knowledge concerning allegation; and
7 d. Identify all documents pertaining to, evidencing or supporting allegation,
8 and identify all custodians thereof.

9 ANSWER:

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13 **REQUEST FOR PRODUCTION V.** Produce all evidence related to your
14 response to the previous interrogatory.

15 RESPONSE:

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19 **INTERROGATORY NO. 37.** For each of the affirmative defenses you alleged
20 in your answer to Plaintiff's complaint, please state with particularity the facts upon
21 which each affirmative defense is based and any records or evidence you contend
22 supports that affirmative defense: (NOTE: If you fail to list facts or object, a Motion to
23 Dismiss the Affirmative Defense will be brought based upon the response to this
24 interrogatory.)

25 ANSWER:

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INTERROGATORY NO. 38. Have you made any effort to find out Eloy Benavidez's condition or meet with any of his family members?

ANSWER:

INTERROGATORY NO. 39. Do you or anyone acting on your behalf know of documents, reports, papers, books, accounts, letters, objects, or other tangible things containing evidence related to this action and not previously listed herein? If so, as to each such item, state:

- a. Its nature;
- b. Its specific subject matter;
- c. The date it was made or taken;
- d. The name, address, and employer of the person creating it;
- e. The name, address, and employer of the person who now has custody of it;
- and
- f. What each item purports to express or represent.

ANSWER:

REQUEST FOR PRODUCTION W. Produce all documents identified in response to the previous interrogatory.

RESPONSE:

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STATE OF WASHINGTON)
) ss.
County of _____)

_____ being first duly sworn on oath depose and say:

That s/he is the designated representative for Shamrock Traffic, Inc. in the above-entitled action; that s/he has read the above and foregoing answers and responses, know the contents thereof and believe the same to be true.

By: _____
Designated Representative for Shamrock
Traffic, Inc.

SIGNED AND SWORN to before me at _____,
Washington this _____ day of _____, 2022, by _____
_____.

Print Name: _____
Notary Public in and for the State of
Washington, residing at _____

My commission expires _____

ANSWERS AND OBJECTIONS SUBMITTED this _____ day of
_____, 2022. The undersigned attorney has read the foregoing responses
to these discovery requests, and certifies that they comply with CR 26(g).

By: _____
_____, WSBA # _____
Attorneys for Shamrock Traffic, Inc.