

**In Re: Lead Paint Litigation**  
**Hon. Linda K. Lager**

**Plaintiff's Court-Approved Requests for Disclosure and Production Directed to Defendants in Lead Paint Cases:**

These are court-approved non-standard interrogatories and requests for production. All objections have been ruled upon at a hearing conducted on January 31, 1997. By order of the court, there shall be no further objections to these interrogatories and requests and they shall be answered.

Pursuant to Connecticut Practice Book §§ 217–230 (now §§ 13-2–13-12), as revised, the plaintiff hereby propounds the following interrogatories and requests for production, and requests that the defendant answer these interrogatories in writing and under oath according to Connecticut's rules of practice and according to the definitions and instructions contained herein, and serves a copy of such answers to such interrogatories and legible photocopies of all documents responsive to such requests for production upon: [insert name & address of counsel for the plaintiff(s)], within sixty (60) days of service of these interrogatories and requests to produce.

**Instructions and Definitions:**

A. At all times herein, the use of the plural shall also imply the singular and the use of the singular shall also imply the plural.

B. At all times herein, the use of the conjunctive shall imply the disjunctive and the use of the disjunctive shall imply the conjunctive.

C. The term "person" shall mean any individual, partnership, firm, corporation, association, joint venture, business, organization, entity, or any employee or agent thereof.

D. The term "document" or "documents" have the fullest meaning of that term within the scope of Connecticut Practice Book § 227 (now § 13-9), as revised, and shall mean the original or a copy of any written, printed, typed, photocopies, photographic and recorded material, however produced or reproduced, in your possession or control or known by you to exist, including, without limiting the generality of the foregoing, all drafts, contracts, diaries, calendars, desk pads, correspondence, communications, telegrams, teletypes, memoranda, notes, studies, reports, drawings, graphs, charts, viewgraphs, photographs, films, microfilm, slides, magnetic and electronic records, sound recordings, lists, minutes and entries in books of account relating or referring in any way to the subject matter of these interrogatories.

E. The terms "you," "your" and "defendant" shall mean the named defendant or the defendant's agents, servants, employees, representatives and all other persons acting on behalf of the defendant.

F. The term "premises" or "property" refers to the property located at [insert address of the property which is the subject of this lawsuit], and includes the grounds, all buildings, fixtures, structures and substances.

G. The terms "identify," "identification" and "describe" or "description":

(1) When used in reference to an individual, shall mean to state that individual's full name, present or last known residence, telephone number, business or official affiliation, job title, date of first employment by present employer and business address (by street, city, state and zip code);

(2) When used in reference to a corporation, shall mean to state its full name, its date of incorporation and its principal place of business;

(3) When used in reference to an entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;

(4) When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, serial or file number, its present location, the name and address of its custodian and the substance of the contents thereof. If a document has been destroyed, state when and where destroyed, identify the person who destroyed it and the person or persons who directed the destruction. In lieu of identifying any document, copies thereof may be furnished;

(5) When used in reference to any act, occurrence, occasion, meeting, oral or written communications, discussion, transaction or conduct, shall mean to set forth the events constituting such act, its location, the date and persons participating, present or involved and the documents relating or referring in any way thereto;

(6) When used in reference to any discussion, conversation, oral communication or statement, shall mean in addition to the foregoing to set forth the substance of the discussion;

(7) When used in reference to any physical item shall mean to set forth a description of the item, its location and its size or quantity.

H. "Management of the property" means all activities associated with the ownership and care of residential property, including but not limited to the maintenance and repair of the property, leasing of the property, collection of rents,

payment of expenses, compliance with governmental regulations and laws, and disposition of the property.

I. "Real estate agent" means one who acts or acted on behalf of either the owner or buyer of the property to assist in, facilitate, arrange, or bring about the purchase or sale of the property.

J. "Rental agent" means one who acts or acted on behalf of either the owner or renter of the property to assist in, facilitate, arrange, or bring about the rental of the property.

K. These interrogatories are continuing and require supplemental answers if you obtain further information between the time your answers are served and the time of final judgment.

L. This discovery is not seeking information which is protected by the attorney-client privilege. Nor does it seek discovery of the mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation. Unless otherwise specified, the requests do not seek the disclosure of materials, documents and tangible things prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative except upon a showing that the party seeking the discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means as required under the rules of practice. However, to the extent discovery does request disclosure of documents and tangible things prepared in anticipation of litigation or for trial, the answer provided, without revealing information itself privileged or protected, should enable other parties to assess the applicability of the privilege or protection.

## **INTERROGATORIES**

1. If the defendant purchased the property, please provide the following information:

- a. the date on which the property was purchased by the defendant;
- b. identify the seller from whom the defendant purchased the property;
- c. the purchase price of the property;
- d. identify the source of financing for the purchase of the property, including any federally assisted financing, or financing which involved federally assisted insurance, including, but not limited to, FHA, VA or other federal insurance;

e. identify all parties or entities which were co-purchasers, with the defendant of the property;

f. if the defendant no longer owns the property, state the date on which the defendant ceased to be the owner of the property and describe the circumstances under which the defendant ceased being the owner of the property (e.g., sale, foreclosure, etc.).

**ANSWER:**

2. If the defendant acquired the property in any manner other than by purchase, please provide the following information:

a. the manner in which the defendant acquired an ownership interest in the property;

b. the nature of the defendant's ownership interest in the property;

c. the dates on which the defendant's ownership interests commenced and terminated;

d. identify any party or entity that is or was a co-owner, with the defendant, of the property, and the dates when that party or entity is or was a co-owner with the defendant;

e. the consideration given in exchange for such acquisition; and

f. if the defendant no longer owns the property, state the date on which the defendant ceased to be the owner of the property and describe the circumstances under which each defendant ceased being the owner of the property (e.g., sale, foreclosure, etc.).

**ANSWER:**

3. From the date the defendant executed an agreement to purchase the property through the date the plaintiff vacated, please identify whether the property was inspected or appraised, including identifying whether any such inspections or appraisals were conducted by the defendant or by anyone acting on the defendant's behalf? For the purpose of this interrogatory, "inspected or appraised" shall be limited to inspections or appraisals which include condition of paint or general inspections so as to encompass the condition of paint, but shall not include inspections or appraisals of parts or the property or equipment on the property which would not include an inspection or appraisal of the condition of paint.

**ANSWER:**

4. If the answer to the previous interrogatory is in the affirmative, please provide the following information:

- a. identify the persons or entities who made such inspections;
- b. state the date or dates on which the property was inspected or appraised, and identify each person who was present during each such inspection or appraisal;
- c. state all reasons each such inspection or appraisal was performed;
- d. identify each written report or document which was issued as a result of each such inspection or appraisal;
- e. identify any instructions given by the defendant to the inspectors or appraisers, and the date the instructions were given; and
- f. identify any instructions given by the inspectors or appraisers to the defendant, and the date the instructions were given.

**ANSWER:**

5. From the date the defendant executed an agreement to purchase the property through the date the plaintiff vacated, was the defendant aware of any inspections or appraisals of the property conducted prior to the defendant's acquisition of the property? For the purpose of this interrogatory, "inspections or appraisals" shall be limited to inspections or appraisals which include the condition of paint or general inspections so as to encompass the condition of paint, but shall not include inspections or appraisals of part of the property or equipment on the property which would not include an inspection or appraisal of the condition of the paint.

**ANSWER:**

6. If the answer to the previous interrogatory is in the affirmative, please provide the following information:

- a. the date of such inspections or appraisals;
- b. identify the persons or entities who performed the inspections or appraisals;
- c. identify all reports and documents produced as a result of these inspections;
- d. state all reasons each inspection or appraisal was performed;
- e. identify any instructions given by the defendant to the inspectors or appraisers, and the date the instructions were given; and

f. identify any instructions given by the inspectors or appraisers to the defendant, and the date the instructions were given.

**ANSWER:**

7. For the purpose of this interrogatory, "construction, repairs, rehabilitation, remodeling or other improvements" shall be limited to work which would affect the condition of the paint at the property. Through the date the plaintiff vacated the property, describe any and all construction, repairs, rehabilitation, remodeling, or other improvements made to the property by you or on your behalf or on behalf of the defendant, and provide for each such instance:

- a. the nature of the constructions, repair, rehabilitation, remodeling, or other improvement (the "activity");
- b. the approximate start and completion dates of each such activity;
- c. the name of the person or entity who completed each such activity;
- d. the cost of each such activity;
- e. identify all contracts entered into for such activity; and
- f. identify any local, state, federal government or other financial assistance provided to assist in the completion of any such activity, including, but not limited to, Section 312 rehabilitation loans, funds received through the Community Development Block Grant program.

**ANSWER:**

8. Has the defendant at any time accepted rental payments for the property through any state or federal assistance program, including but not limited to Section 8 rental assistance?

**ANSWER:**

9. If the answer to the previous interrogatory is in the affirmative, please provide the following information:

- a. the approximate date on which such rental assistance payments were first and last received by the defendant;
- b. the source of such rental assistance payments;
- c. the name and address of the person or entity administering such payments.

**ANSWER:**

10. Please provide the inclusive dates that the plaintiff minor children were tenants of and resided at the premises. If you contend that the plaintiff was not a tenant of or residing at the premises for the entire time alleged in the complaint, provide the basis for that contention.

**ANSWER:**

11. If the tenancy of the plaintiff was subject to an oral or written lease, please identify whether it was an oral or written lease, and describe each term of the lease, including any modifications or proposed modifications.

**ANSWER:**

12. Please identify all owners of the premises during the residency or tenancy of the plaintiff, provide the dates each person owned the premises, and identify the nature of each person's ownership interest.

**ANSWER:**

13. At any time during the defendant's ownership of the property, up until the date the plaintiff vacated, did the defendant possess or obtain a certificate of apartment occupancy from the municipality in which the property is situated?

**ANSWER:**

14. If the answer to the foregoing interrogatory is in the affirmative, please provide the following information:

- a. the date on which each such certificate was obtained;
- b. the name of the person and department who issued each such certificate;
- c. identify each such certificate or in the alternative provide a copy of each such certificate.

**ANSWER:**

15. Please provide the following information for the premises:

- a. the date you received any information that lead paint was present;
- b. the dates of all inspections for lead paint;
- c. all names of all tenants or residents occupying the plaintiff's unit at the time all inspections mentioned in subpart (b) of this interrogatory were conducted (if you are unable to identify all such tenants or residents, explain why);
- d. the persons conducting each inspection;

e. the date you were notified that any allegedly high levels of lead were discovered on the premises; and

f. the date that you first knew that a child under six years of age resided at the premises.

**ANSWER:**

16. Describe all other efforts made by the defendant or any other person or entity on the defendant's behalf, up to the date the plaintiff vacated the premises, to determine whether the property contained lead paint, lead-based paint or other lead-based or lead containing substance, including the dates of such efforts, the persons involved in making such efforts and the results of any efforts made.

**ANSWER:**

17. Please identify whether lead paint at the premises was ever abated, or whether such abatement was ever attempted or contemplated and, if so, please identify:

a. the dates of such actual, attempted or contemplated abatement;

b. all of the events which caused you to contemplate, attempt to abate or actually abate the premises;

c. all of the surfaces which were abated or upon which abatement was attempted or contemplated;

d. all of the persons who abated, attempted to abate or contemplated abating the lead; and

e. describe the actual, attempted or contemplated abatement process.

**ANSWER:**

18. Please identify when you were first notified or learned of the minor plaintiff's diagnosis with elevated blood lead levels or lead poisoning, and describe each and every step you took in response to that notice.

**ANSWER:**

19. Up to the date the plaintiff vacated, did you ever inspect or have the premises inspected for any structural or habitable conditions for financing purposes or any other reason prior to or during the residency or tenancy of the plaintiff, and, if so, please state when the inspection occurred, the identity of the inspector, the purpose of the inspection and the conclusion or results. For the purpose of this

interrogatory, "structural or habitable conditions" shall be limited to those conditions which would include the condition or habitability of paint.

**ANSWER:**

20. Identify whether you have ever received notice that the premises contain lead paint, lead-based paint or other lead-based or lead containing substance, and if so, whether you were told the presence of that lead paint, lead-based paint or other lead-based or lead containing substance was in violation of any federal, state or local code, statute, ordinance or other law.

**ANSWER:**

21. If the answer to the preceding interrogatory is in the affirmative, identify:

- a. each such code, statute, ordinance or other law you were told the premises were in violation of;
- b. the name of the person or entity that gave you such notice;
- c. the date you received such notice;
- d. the steps you took to attempt to establish compliance;
- e. whether you were subsequently determined to be in compliance; and
- f. the identity of all persons that subsequently determined you were in compliance.

**ANSWER:**

22. Identify whether you have ever been ordered to remove any lead paint from the premises, and if so, identify for each such order or instance:

- a. when you were ordered to remove the lead paint;
- b. whether you appealed any such order;
- c. the results of any such appeal(s); if the appeal is still pending, identify for each appeal:
  1. the date the appeal was filed;
  2. where the appeal is pending;
  3. the name of the organization or entity before whom the appeal is pending;
  4. the docket or other identifying number assigned to the appeal.

- d. where you were told the lead paint exists or existed on the premises;
- e. how many times you were told to remove such lead paint;
- f. how long you were given to remove the lead paint;
- g. your efforts to remove the lead paint;
- h. who told you to remove the lead paint; and
- i. when, if at all, you expect to complete or completed the removal of any such lead paint.

**ANSWER:**

23. Other than expert witnesses who have been retained in anticipation of litigation, state whether you or your representatives or investigators have ever engaged any person to test, examine, or analyze the alleged lead paint that is the subject of this lawsuit, or received results from any person engaged by anyone else. If so, state:

- a. the name, address, occupation and professional qualifications of each person;
- b. what the person tested, examined or analyzed;
- c. the date and type of each test, examination or analysis that was made;
- d. the address for each such examination or analysis;
- e. the identity of all individual(s) who were present for said examination(s); and
- f. the result(s) of said examination(s).

**ANSWER:**

24. Did the person identified in the preceding interrogatory submit a report of his/her findings? If so, state:

- a. the date this report was submitted;
- b. the name and address of the person, institution or agency to whom this report was submitted; and
- c. the name and address of each person who has present custody of this report.

**ANSWER:**

25. For each expert witness who has been retained in anticipation of litigation who is not expected to be called as a witness to testify at trial, who tested, examined or analyzed the lead-based paint which is the subject of this lawsuit, state:

- a. the name and address of the expert; and
- b. the date(s) on which the alleged lead-based paint was tested, examined or analyzed.

**ANSWER:**

26. Describe every communication to the plaintiff or any other person on behalf of the plaintiff provided by the defendant, or by anyone acting on behalf of the defendant, concerning the presence of lead paint, lead-based paint, or any other lead-based or lead containing substance, providing the date on which each such communication was given and identifying the persons who made each such communication.

**ANSWER:**

27. Please describe any repairs or improvements to any interior or exterior painted surfaces of the premises that were made from 1975 to the present.

**ANSWER:**

28. During the seven-year period preceding the plaintiff vacating, state whether you presently have or previously had any ownership or other interest in any other residential property besides the premises, which was inspected or appraised as defined in interrogatory # 3.

**ANSWER:**

29. If the answer to the previous interrogatory is in the affirmative, identify for each such interest and each such property:

- a. its nature;
- b. the dates you held that interest;
- c. the address of the property;
- d. the dates of the inspections or appraisals;
- e. the names of the inspectors or appraisers;
- f. the organizations which the inspectors and appraisers were associated with; and

g. summarize with specificity the nature of the inspections and appraisals and their results;

h. whether any individuals have resided in any of those properties and had an elevated blood-lead level, and if so, identify:

1. their names;
2. dates of occupancy;
3. the date and manner in which you first learned they had elevated blood-lead levels;
4. all addresses of such persons known to you; and
5. the respective dates that each such individual resided at those addresses.

i. Whether you received any notice that lead was found on the property and the dates you received such notice;

j. Whether any criminal complaint or civil or administrative proceeding was initiated against any owner of the property, including yourself, relating to the presence of lead on the premises, the date of the initiation of such complaint or proceeding, identify the parties involved, the forum having jurisdiction and venue over the proceedings, the docket numbers or other identifying numbers for the proceedings, and the result or disposition of those proceedings.

**ANSWER:**

30. Please identify each policy of liability insurance, including any policy of reinsurance or excess liability insurance which covered or could cover any or all of the claims made by the plaintiff, including the name and address of each carrier, the policy number, the dollar amounts of coverage provided, the dates of coverage, whether any insurance carrier has reserved or disclaimed coverage in this case and the named insured for each policy.

**ANSWER:**

31. Please identify each expert whom you expect to call as a witness at trial and, as to each expert, state the subject matter on which the expert is to testify, the substance of the facts and opinions to which the expert is to testify and a summary of the grounds for each opinion.

**ANSWER:**

32. Identify any photographs, blueprints or architectural plans of the property which are in your possession.

**ANSWER:**

33. Identify any statements of parties which are in your possession or in the possession of your attorney, identifying the person who provided the statement, and the date on which it was provided.

**ANSWER:**

34. Does the defendant employ or otherwise retain persons (e.g., as consultants) who manage and/or maintain the property owned by the defendant, and if so, please identify, up to the date the plaintiff vacated:

a. the names of the persons or entities in charge of *managing* each such property and the dates they managed the property. Describe their management responsibilities; and

b. the names of the persons or entities in charge of *maintaining* each such property and the dates they maintained the property. Describe their maintenance responsibilities.

**ANSWER:**

35. If any portion of the answer to the previous interrogatory is in the negative, please describe the manner in which the defendant(s) carried out the management and/or maintenance of each such property, identifying:

a. the names of the persons or entities in charge of *managing* each such property, the dates they managed the property and their management responsibilities; and

b. the names of the persons or entities in charge of *maintaining* each such property, the dates they maintained the property and their maintenance responsibilities.

**ANSWER:**

36. Other than those properties identified in the answer to interrogatory # 28, have you, or any corporation, partnership or other entity of which you are a principal, or any person (e.g., consultant) employed or otherwise retained by you who is responsible for the management of any property, ever had any lawsuit filed against you where allegations of injuries and/or damages to persons or property were brought and alleged to be caused by the exposure, ingestion or inhalation of lead or lead hazards, up to the date the plaintiff vacated the property?

**ANSWER:**

37. If the answer to the preceding interrogatory is in the affirmative, please identify:

- a. the date each lawsuit was filed;
- b. the court location by its commonly designated address for each lawsuit;
- c. the names and addresses of the attorneys that defended the lawsuits on your behalf;
- d. the names of all parties to the lawsuits, being sure to designate whether each party was a plaintiff, defendant or carried some other particular designation;
- e. the docket number of each lawsuit; and
- f. the address of the property.

**ANSWER:**

38. Up to the date the plaintiff vacated the property, identify every person, excluding the plaintiff, known to the defendant to have resided at the property who had an elevated lead level.

**ANSWER:**

39. Please state whether any person residing and/or inhabiting the property has withheld, refused to pay or has not paid rent due to a claim of the existence of lead or lead paint at the property.

**ANSWER:**

40. If the answer to the preceding is in the affirmative, for each and every such instance, please identify:

- a. the names of each person and their addresses at the time they withheld, refused to pay or were not paying rent;
- b. all known addresses or last known address and the dates each person resided at that address; and
- c. each and every reason given by such person for withholding, refusing to pay or not paying rent.

**ANSWER:**

41. Up to the date the plaintiff vacated, have you ever instituted a summary process or eviction action by filing a complaint in any court against any person

residing in the property in which the presence of lead paint, lead-based paint or other lead-based or lead containing hazard was raised as a special defense?

**ANSWER:**

42. If the answer to the preceding is in the affirmative, please identify for each such instance:

- a. when such lawsuit was filed;
- b. the court location;
- c. the names and addresses of the attorneys that brought the lawsuit on your behalf;
- d. the names of all parties to the lawsuit, designating whether each party was a plaintiff, defendant or carried some other specific designation;
- e. the docket number of each lawsuit;
- f. the exact address that was the subject of the action;
- g. whether the defendant raised any defense based in whole or in part upon the presence of cracked, chipped, blistered, flaking, loose or peeling paint; and
- h. whether a judgment was entered, and if so, for which party or parties and upon what basis.

**ANSWER:**

43. Please identify whether the plaintiff remained in the premises after you first became aware of the alleged presence of lead paint at the premises.

**ANSWER:**

44. If the plaintiff remained in the premises, please describe your efforts to eliminate the alleged lead hazard from the premises, and the corresponding dates on which you undertook such efforts.

**ANSWER:**

45. Please describe your efforts to minimize the exposure of the plaintiff to the alleged lead hazard at the premises.

**ANSWER:**

46. Please describe your efforts to relocate or help relocate the plaintiff away from the alleged lead hazard.

**ANSWER:**

47. Up until the date the plaintiff vacated, please identify each and every potential source of lead exposure and lead hazards to minor children known to you, and the dates when you acquired that knowledge regarding each respective source.

**ANSWER:**

48. Please identify each person who answered or helped provide information used in the answers to these interrogatories, and state which interrogatories each such person answered or helped provide information which was then used in answering these interrogatories.

**ANSWER:**

49. If the defendant was involved in the purchase or sale of the property, please provide the following information:

- a. the date of the sale of the property;
- b. the name of the person or entity on whose behalf the defendant acted as a real estate agent in the sale of the property and whether that person or entity was the buyer or seller of the property;
- c. the date on which the defendant commenced serving as a real estate agent for the person or entity described in answer 2(b) above;
- d. the name of the real estate agency by which the defendant was employed while serving as the real estate agent for the sale of this property; and
- e. the nature of the defendant's involvement in the sale of the property.

**ANSWER:**

50. If the defendant was involved as a rental agent in the rental of the property, please provide the following information:

- a. the date on which the defendant first served as a rental agent for the property;
- b. the name of all owners on whose behalf the defendant acted as a rental agent in the rental of the property;
- c. the name of the real estate agency or other entity by which the defendant was employed while serving as the rental agent for the rental of the property; and

d. the date on which the defendant first had contact with the plaintiff concerning the rental of this property.

**ANSWER:**

51. If the defendant was involved in the management of the property, please provide the following information:

- a. the date on which the defendant first was involved in the management of the property;
- b. the name of all owners on whose behalf the defendant acted as a property manager for the property;
- c. the name of the person or entity by which the defendant was employed while serving as the property manager for the property; and
- d. the date on which the defendant first had contact with the plaintiff concerning the property.

**ANSWER:**

52. Up until the time the plaintiff vacated the property, and dating back seven (7) years prior thereto, please identify whether an assessment, study or other evaluation of any environmental risks was ever performed on the property in which lead hazards were mentioned, assessed, studied or evaluated, including identifying whether any such assessments, studies or other evaluations were conducted by the defendant or anyone acting on the defendant's behalf.

**ANSWER:**

53. If the answer to the previous interrogatory is in the affirmative, please provide the following information:

- a. identify the persons or entities who made such assessments, studies or evaluations;
- b. state the date or dates on which the property was assessed, studied or evaluated;
- c. state all reasons for each such assessment, study or evaluation was performed;
- d. identify each written report or document which was issued as a result of each such assessment, study or evaluation;
- e. identify any instructions given by the defendant to each person or entity who made such assessments, studies or evaluations, and the dates such instructions were given; and

f. identify any instructions given by the persons or entities that made such assessments, studies or evaluations, and the dates such instructions were given.

**ANSWER:**

54. If the defendant was a rental agent for the owner of the property, please identify whether there was a listing agreement or other similar contract between the defendant and the property owner.

**ANSWER:**

55. If the answer to the preceding interrogatory is in the affirmative, please identify:

- a. the parties to the listing agreement or contract;
- b. the date on which the contract was signed;
- c. any provisions of the contract which required that the property be inspected for the presence of housing code violations or other health hazards; and
- d. the current custodian of the contract.

**ANSWER:**

### **REQUESTS FOR PRODUCTION**

1. All complete previous or current liability, catastrophe, umbrella or other insurance policies, including declarations sheets, held by the defendant and relating to the premises for the time period during which the plaintiff occupied.

**ANSWER:**

2. All communications evidencing a reservation of rights or a declination of coverage relative to the plaintiff's claim.

**ANSWER:**

3. All documents, statements, rental agreements, leases, contracts or other writings to the plaintiff or to any other person on the plaintiff's behalf concerning or relating to any aspect of the tenancy or residency of the plaintiff(s).

**ANSWER:**

4. All documents, statements, reports, test results, inspection reports, complaints, notices, orders, correspondence or any other writings, other than such information which has been created by experts who have been retained in anticipation of litigation, concerning, relating to, or arising from the presence or removal of lead on

the subject premises including, but not limited to, any documents or other writings received, sent or otherwise provided by the defendant to or from any board of health or any other board, agency, authority, or other entity having as its objective the regulation of residential premises.

**ANSWER:**

5. All documents, statements, correspondence, complaints or any other writings received, sent or otherwise provided by the defendant to or from the plaintiff or to or from any present or former tenant, or to or from any other person or entity concerning, relating to, or arising from the presence or removal of lead on the premises, up to the date the plaintiff vacated the premises.

**ANSWER:**

6. Up to the date the plaintiff vacated the premises, all business records, notes, statements or other written entries or documentation which arise from or reflect any oral notice to the defendant of the presence of lead in the premises from any person, agency or entity.

**ANSWER:**

7. Up to the date the plaintiff vacated the premises, all documents, statements, business entries or any other writings relating to any visit by the defendant (or any of said defendant's agents, employees, servants, or other persons acting under said defendant's control or direction or on said defendant's behalf to the premises) including but not limited to documents or statements relating to the dates of any visits, the purpose of such visits, and what occurred at or was done to the premises during any such visits.

**ANSWER:**

8. All documents, statements, or other records of rent or use and occupancy fees paid by the plaintiff to the defendant for the premises, including but not limited to rent receipts, books, statements of account, or any other business records.

**ANSWER:**

9. Up to the date the plaintiff vacated the premises, all documents, statements, or any other writings including any estimates, bills or receipts concerning, relating to, or arising from any deleading or other work relating to the presence of lead which was done in, or to the premises, or any efforts to secure workers to perform such work, while under the ownership and/or management of the defendant, including but not limited to:

- a. any inspections, repairs, improvements, changes, deleading or re-inspections;

b. any work which was ordered or required by any board of health or any other board, agency, authority or entity having as its objective the regulation of residential premises; and

c. any other lead-related work done or planned in, on or to the premises concerning, relating to, or involving the health, safety or welfare or the tenants or occupants thereof.

**ANSWER:**

10. Up to the date the plaintiff vacated the premises, all documents, statements, or any other writings including any estimates, bills or receipts concerning or relating to any work done in, on or to the premises which affect the condition of the paint at the premises, or any efforts to secure workers to perform such work, while under the ownership and/or management of the defendant, including but not limited to:

a. any repairs, improvements, or changes;

b. any work which was ordered or required by any board of health or any other board, agency, authority or entity having as its objective the regulation of residential premises; and

c. any other work done or planned in, on or to the premises concerning, relating to, or involving the health, safety or welfare of the tenants or occupants thereof.

**ANSWER:**

11. All documents, statements, or any other writings, including any written contracts, agreements, pay records or other records of remuneration, concerning, relating to, or arising from any arrangements set forth in the answer to interrogatory # 35.

**ANSWER:**

12. All documents, statements, deeds, options, purchase and sale agreements, inspections or appraisals, or any other writings concerning, relating to, or arising from any sale, conveyance or transfer, or anticipated sale, conveyance or transfer of the premises to or from the defendant to or from any other person, business, agency or entity.

**ANSWER:**

13. Please provide copies of each certificate of apartment occupancy and certificate of occupancy for the property for the period from the start of the defendant's ownership through the date the plaintiff vacated the premises.

**ANSWER:**

14. All documents, statements, contracts, agreements, appraisals, inspections, or any other writing concerning or relating to the appraisal and/or inspection of any residential rental property identified in response to interrogatory # 29.

**ANSWER:**

15. All documents, statements, contracts, agreements, instruments, or any other writings describing the interests identified in the answer to interrogatory # 29 (a).

**ANSWER:**

16. All documents, statements, or any other writings, including any written contracts, agreements, understandings, pay records or other records of remuneration, or any powers of attorney concerning, relating to, or arising from the management of or control by the defendant of any residential rental properties identified in the answer to interrogatory # 37.

**ANSWER:**

17. All documents, statements, or any other writings in the defendant's possession, custody or control, produced by any party (including the plaintiff) to the events alleged in the complaint.

**ANSWER:**

18. All complaints filed within seven years prior to the date the plaintiff vacated the premises by any and all parties against you in every other lawsuit which concerns, relates to, or raises issues relating to the presence of lead, lead-based paint and/or lead hazards in, on, around or at the premises.

**ANSWER:**

19. All documents, statements, investigative reports, orders, or any other writings which relate or pertain in any way to the events alleged in the plaintiff's complaint, which were prepared by any agency, department, bureau or commission of the federal government or of any state, local or municipal government, including but not limited to police, building inspectors, and/or health inspectors' reports, which are in the defendant's possession, custody or control.

**ANSWER:**

20. All complaints relating to any claim brought against you, or any corporation, partnership or other entity of which you are a principal, or any person (e.g., consultant) employed or otherwise retained by you who is responsible for the management of any property, where allegations of injuries and/or damages to persons or property were brought and alleged to be caused by the exposure, ingestion or inhalation of lead or lead hazards, up to the date the plaintiff vacated the property.

**ANSWER:**

21. The complete curriculum vitae for each and every expert who the defendants expect will be called to testify at the trial of this case.

**ANSWER:**

22. Photographs of the interior and exterior of the subject property taken by parties during the minor plaintiff's tenancy.

**ANSWER:**

23. Copies of all court or probation records which refer to or arise from any and all criminal proceedings in which the defendant was convicted of a felony in the last five years.

**ANSWER:**

24. Copies of all independent lead inspections referred to in interrogatories # 23, # 24 and # 25, including, but not limited to, inspections performed by experts whom the defendants expect will testify at trial, and excluding only inspections performed by undisclosed or undeclared experts specially retained or employed in contemplation or anticipation of litigation.

**ANSWER:**

25. Copies of all complaints referred to in interrogatories # 36 and # 37.

**ANSWER:**

26. Copies of all complaints referred to in interrogatories # 41 and # 42.

**ANSWER:**

27. Copies of all documents relating to each and every effort you made to relocate or help relocate the plaintiff minor child away from the alleged lead hazard.

**ANSWER:**

28. Copies of all inspection reports and/or results of residences owned or managed by you which were conducted during the seven years preceding the date the plaintiff vacated the property, in conjunction with or in anticipation of or in any way relating to the actual, potential or contemplated creation of a landlord-tenant relationship with a "Section 8" tenant or other federal, state or local subsidy program.

**ANSWER:**

29. Copies of all non-privileged statements of parties or witnesses relating to this action.

**ANSWER:**

30. Copies of every environmental site assessment and any and all other environmental evaluations performed on the property in which lead hazards were mentioned, assessed, studied or evaluated as referred to in interrogatory # 52.

**ANSWER:**

31. Copies of all documents relating to interrogatory # 53.