

FILED

JUN 30 2004

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CHARLESTON, SC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
CIVIL ACTION NO.: 2:04-1373-23BG

LEE KENT HEMPFLING,)
)
 Plaintiff,)
)
 v.)
)
 L.M. COMMUNICATIONS, INC., A KENTUCKY)
 CORPORATION, L.M. COMMUNICATIONS OF)
 SOUTH CAROLINA, INC., A KENTUCKY)
 CORPORATION, L.M. COMMUNICATIONS II)
 OF SOUTH CAROLINA, INC., A KENTUCKY)
 CORPORATION)
)
 Defendants.)
)
 _____)

ANSWERS TO LOCAL RULE
26.01 INTERROGATORIES
OF DEFENDANTS L.M.
COMMUNICATIONS OF SOUTH
CAROLINA, INC. AND L.M.
COMMUNICATIONS II OF
SOUTH CAROLINA, INC.

The Defendants, L.M. Communications of South Carolina, Inc. ("LMCSC") and L.M. Communications II of South Carolina, Inc. ("LMC II SC"), by and through their undersigned attorneys, answering the Court's standard Rule 26.01 Interrogatories, say as follows:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: None.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

ANSWER: The Plaintiff's first and second causes of actions, which appear to state a Title VII retaliation claim, should be tried by a jury.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: Neither LMCSC nor LMC II SC is a publicly-owned company.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of

any challenge to the appropriateness of the division).

ANSWER: Defendant LMC II SC employed the Plaintiff in Charleston, South Carolina.

- (E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of la or if heard by different judges.

ANSWER: No.

- (F) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of any amended summons and pleading reflecting the correct identification.

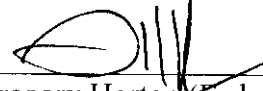
ANSWER: The Defendants are properly identified, but the the court has no subject matter jurisdiction over LMCSC because it is not an "employer" under Title VII or over the claims against LMC II SC because it has fewer than fifteen employees.

- (G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.


ANSWER: Not applicable.

Respectfully submitted,

BUIST MOORE SMYTHE McGEE P.A.



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ATTORNEYS FOR DEFENDANTS

Charleston, SC
 30, 2004

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of June, 2004, I served a copy of the within ANSWERS TO LOCAL RULE 26.01 INTERROGATORIES to Counsel of Record in the within entitled matter by sending a copy of same in an envelope with the correct postage prepaid addressed to:

Lee Kent Hempfling, Plaintiff
11329 E. Caballero
Mesa, AZ 85207

BUIST MOORE SMYTHE MCGEE P.A.

