

FILED

JUN 30 2004
CCM

LARRY W. PROPPS, CLERK
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; and L.M. COMMUNICATIONS II)
 OF SOUTH CAROLINA, INC., a Kentucky)
 Corporation,)
)
 Defendants.)
)

ANSWERS TO LOCAL
RULE 26.01 INTERROGATORIES
OF DEFENDANT L.M.
COMMUNICATIONS, INC.

The Defendant, L.M. Communications, Inc. ("LMC"), by and through its undersigned attorneys, answering the Court's standard Rule 26.01 Interrogatories, says 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: LMC is not 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 L.M. Communications II of South Carolina, Inc. 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: LMC is properly identified, but it did not employ the Plaintiff. The Plaintiff was employed by L.M. Communications II of South Carolina, Inc.

- (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.

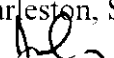
ANSWER: Not applicable.

Respectfully submitted,

BUIST MOORE SMYTHE McGEE P.A.



L. Gregory Horton (Fed. ID #7103)
5 Exchange Street, Post Office Box 999
Charleston, SC 29402-0999
(843) 722-3400
ATTORNEYS FOR DEFENDANT

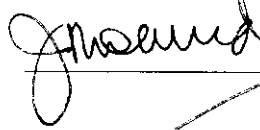
Charleston, South Carolina
 30th, 2004

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.

A handwritten signature in black ink, appearing to read "J. Moore", is written over a horizontal line. A diagonal line extends from the bottom right of the signature.