

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,)
)
vs.)
)
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.)

**DEFENDANTS' FIRST SET OF
INTERROGATORIES TO
PLAINTIFF**

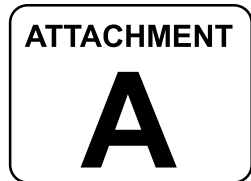
TO: LEE KENT HEMPFLING, *Appearing Pro Se*:

The above-named Defendants, by their undersigned attorneys, propounds the following interrogatories to plaintiff to be answered under oath and served upon the undersigned attorneys within thirty days of service, pursuant to FRCP 33.

These Interrogatories shall be deemed continuing so as to require reasonable supplemental answers if the Plaintiff, her agents, representatives, or attorneys obtain further information between the time its Answers are served and the time of trial.

In answering these Interrogatories, furnish such information as is available to you, not merely such information as is of your own knowledge. This means you are to furnish information which is known by, or in the possession of your representatives, agents, and, unless privileged, your attorneys.

In order to simplify the issues and resolve as many matters of fact as possible before trial, Defendants further request that if any of these Interrogatories or portions thereof cannot be answered {00633311.}



fully, such shall be answered to the extent possible, with the reasons for not answering more fully stated.

DEFINITIONS

i. The word "person" means any natural person, firm or corporation, partnership, joint venture or any other form of business entity.

ii. A request for the location of documents constitutes a request to state the present address at which documents are kept, if known, and if not known, the last address known and information as to their disposition.

iii. A request for the identity of a person constitutes a request for his name, his present business address and telephone number, if known, and if not known, his last known business and residence address.

iv. "Custodian" means the person who has possession or control of documents and a request for the identity of a custodian constitutes a request for his name and address.

v. The pronoun "you" refers to the party or parties to whom these Interrogatories are addressed and to its or their subsidiaries, officers, employees, representatives, agents and, unless privileged, its or their attorneys.

vi. The term "documents" means a writing or record of any kind, and includes all writings and amendments of any kind including the originals and nonidentical copies whether different from the original by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, insurance policies, applications for jobs, medical records, telegrams, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, offers, notations of any sort of conversations, telephone calls,

meetings, or other communications, and all drafts, alterations, modifications, changes in amendments of any of the foregoing, graphic or aural records, or representations of any kind including, without limitation, photographs, charts, microfilm, videotape, recordings, and motion pictures and electronic, mechanical or electrical records or representations of any kind, including, without limitation, tapes, cassettes, discs, or other recordings.

vii. The term "all documents" means every document as above defined known to you and each document which can be located or discovered by reasonable diligent efforts.

viii. As used herein the term "identify"

- (1) When used with reference to a document means to state (i) the name of the person who prepared it or over whose signature it was issued; (ii) the name of each person to whom it was addressed or distributed; (iii) the nature and substance of the writing with sufficient particularity to enable it to be identified; (iv) its date and, if it bears no date, the date when it was prepared; (v) the physical location of it and the name and address of its custodian; and (vi) whether it will be voluntarily made available to Defendant for inspection and copying. If so, please attach copies of your answers to these Interrogatories.
- (2) When used with reference to an oral communication means to state (i) the name of each person who participated in the communication and the name of each person who was present at the time it was made; (ii) by whom each such person was employed and whom each such person represented or purported to represent in making such oral communication; (iii) the date and place where such oral communication was made; (iv) what each person said; and (v) the identification of each document or recording pertaining to such oral communication.
- (3) When used with reference to a person means to (i) state his, her, or its name and last known business address and, if a natural person, his or her last known residence address; (ii) and if a natural person, the name and last known business address of his or her employer at the time referred to in your answer and at the present time, and the employment position held by such employees with each employer and the date when each such employment began and ceased, and if a

doctor or other health professional, his or her area of specialization; and (iii) in the case of a business organization, the last know complete address, including zip code and last known complete telephone number, including the area code.

INTERROGATORIES

INTERROGATORY NO. 1: Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

INTERROGATORY NO. 2: Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

INTERROGATORY NO. 3: Set forth an itemized statement of all damages claimed to have been sustained by the party.

INTERROGATORY NO. 4: List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

INTERROGATORY NO. 5: For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

INTERROGATORY NO. 6: Identify any lawsuits, charges, claims, etc., made or filed by you or made or filed against you at any time to the present.

INTERROGATORY NO. 7: From February 4, 2002, to the present, please identify all periods of self-employment and identify all persons or entities for whom you have provided services for remuneration, in whatever capacity (e.g. employee, agent or independent contractor), and for each such person or entity identify the dates when you provided such services, the type of work performed, and the total remuneration received by you for such services.

INTERROGATORY NO. 8: From July 23, 2002, to the present, please describe all efforts undertaken by you to locate and obtain employment, including the names of prospective employers contacted, the date of contact, the nature of contact, and any conversations or communications.

INTERROGATORY NO. 9: State whether you have ever filed for bankruptcy and, if so, please give: the date of the filing, the court in which the case was filed, the case number, and the current status of the filing.

INTERROGATORY NO. 10: Please identify and explain in detail the protected activities in which you allegedly participated, as described in paragraph 2 of your First Cause of Action.

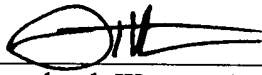
INTERROGATORY NO. 11: Explain in detail your contention that you were discriminated against in violation of the Participation Clause and identify all documents and other evidence supporting your contention.

INTERROGATORY NO. 12: Please describe in detail any instances in which you claim you provided opposition to discrimination, as discussed in paragraph 3 of your First Cause of Action.

INTERROGATORY NO. 13: Please explain in detail your contention that the Defendants discriminated against you in violation of the Opposition Clause and identify all documents and other evidence supporting your contention, as discussed in paragraph 3 of your First Cause of Action.

INTERROGATORY NO. 14: State whether you contend that the Defendants discriminated against Patricia Thompson. If so, please identify all persons involved in such discrimination and state in detail the actions which you claim were discriminatory and provide any documents or other evidence supporting your contention.

INTERROGATORY NO. 14: Please identify each and every instance of harassment that you claim you suffered at the hands of Defendants or their agents.

Charleston, South Carolina November <u>4th</u> , 2004	BUIST MOORE SMYTHE McGEE P.A.  William C. Cleveland, III (Fed. ID #0179) L. Gregory Horton (Fed. ID #7103) 5 Exchange Street, Post Office Box 999 Charleston, SC 29402-0999 (843) 722-3400 ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing **DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF** has been served by depositing the same on the 4TH day of November, 2004, via FedEx addressed to:

Lee Kent Hempfling, Plaintiff
11329 E. Caballero Street
Mesa, AZ 85207
480-332-1535
Appearing Pro Se

BUIST MOORE SMYTHE MCGEE P.A.

