To: Susan Chase, Managing Partner

From: Jamila Stokes

Subject: Client Interview Questions

**Intra Office Memo**

The following questions are prepared for your interview with Mrs. Henderson so you can acquire detail information on her personal injury litigation against Office-Mart Inc. According to Ms. Henderson she suffered a slip and fall on a patch of black ice which was on the sidewalk in front of the store. There were injuries sustained from the accident which we would need further details on as well.

Q1. What is your Full name? Knowing her full name even though we know it from her emails, it ensures that we verified her name in person and have the correct spelling and etc.

Q2. What is your physical address that you currently reside at? Knowing whether she is still within the state where she is filing the lawsuit which helps knowing if the address provided is different from that of the incident by giving us understand whether the venue and jurisdiction is within the same district.

Q3. Where you living at this current address when the incident happened? Since the incident happened over two years ago and she could have moved to a different state or county during that time.

Q4. What was the weather like that day? Was it snowing? Knowing the weather helps us understand the weather conditions that day.

Q5. Was there noticeable ice on the sidewalks and street that day? If it was noticeable that the sidewalk was coated in ice and could have been avoided, we need to know why she took the risk of walking on it knowing that it was a potential risk.

Q6. Was there anyone else with you that day who witness this incident? If there are any witnesses that can verify her claim as well as, verify her character.

Q7. Where there any cameras such as surveillance cameras that could have possibly recorded this incident?

Q8. What is the exact date that this incident took place? This way we can request any video surveillance from that day if she does not provide it beforehand. It also establishes a time frame from the event to the claim to be filed to see if the statute of limitations has not expired.

Q9. Can you provide me the location or address of the “Office Mart” this incident took place at? This would be so we kind decide which jurisdiction and venue this litigation should be filed at if we decide to move forward.

Q10. Can you explain to us exactly what happened on that day at “Office-Mart”? I would need detailed information to make sure we get the whole picture of what happened that day we should coincide with any video evidence and witness statement.

Q11. Why are you filing this claim now and not two years ago? Understanding the mindset of the clients reasoning. Since the Statue of limitation on the Tort-Negligence/Personal Injury in two years based on the date this helps us to understand our time from to file this lawsuit or whether time has already passed.

Q12. Can you explain and identify the injuries sustained that day at “Office-Mart”?

Q13. Did you got to the hospital the day you fell at “Office-Mart? This helps us identify whether she was taken by ambulance or did she for later that day or that week, as well as, how serious the injury was if she was taken by ambulance.

Q14. Did you get what you went for at “Office-Mart”? Establishing severity of the injury sustained that day.

Q15. Do you have any documentations of the incident and treatment received? Having evidence to support her claim of any injuries sustained

Q16. Was there any physical therapy involved? If so, we would need you to provide us with all and any documentations you may have pertaining to the incident. Having any medical documentation helps to build on the case. This would be evidence of the incident and injuries sustained and the fact that she was given treatment for the injuries. This would help with estimating an amount that she could be remedied if we decided to move forward with suit.

Q17. Are there any witnesses that can collaborate this incident? if we are unable to get any surveillance this may be another avenue we can take.

Q18. What kind of resolution are you seeking? Knowing what the client wants and needs gives us a better idea of what remedies can be recommended.

Q19. How would you like this firm to approach to be of service to you in getting this situation resolved peacefully?

Q20. Would you be willing to share your side of the story on the stand if needed? Understanding the client’s comfortability of speaking on the stand helps us understand if she can be a potential witness to her own case.

To: Susan Chase, Managing Partner

From: Jamila Stokes

Date: 6/6/2020

RE: Henderson v. Office-Mart, Inc. (File No. 79-65142)

**Predictive Memorandum**

**Statement of Facts:** Ms. Bella Henderson was entering a Office Mart located at 7272 Thomas Drive in January, two years before this date. Ms. Henderson slipped on some black ice located on the sidewalk as she was entering the store. It snowed earlier that day and the parking lot had been plowed and the sidewalk shoveled but not salt was place on the sidewalk to assist in preventing more ice from forming. The store manager told “James” two hours before to place salt on the walkway, but he never got around to it before Ms. Henderson accident. While the Manger tended to Ms. Henderson, he scolded James for not doing at he was told. Ms. Henderson filled out an accident report, but she never received a copy of it.

The injuries that Ms. Henderson suffered due to the fall were a bi-malleolar fracture of the right ankle which required surgery to have plates and screws inserted into her right ankle. The actual cost of the surgery, hospital stay and treatment is unknown; Ms. Henderson, who is a pediatric nurse at the Children’s hospital was unable to work during this time and her orthopedic surgeon is uncertain about what will be the full extent of her recovery and if she would ever be able to function at 100% like prior to the accident. Ms. Henderson continues to suffer significant pain and has a limited range of motion in her right ankle which can require surgery in the future.

**Question presented:**

Question Present #1Was the black ice noticeable as you approached the door?

Question Presented #2 Did you request to get a copy of the accident report from the store manager?

Question Presented #3 Did the store manager call an ambulance for you?

Question Presented #4 Did the management offer of cover any medical cost once presented with any bills?

Question Presented #5 Have you returned to work as yet?

Question Presented #6 Do you believe that Office Mart was Negligent in how they handle this incident?

Question Presented #7 Does this incident meets all five elements if the negligence tort: Duty, Breach, Cause in Fact, Proximate Cause, and Harm?

**Short Answers:**

Short Answer #1- No

Short Answer #2 Yes

Short Answer #3 Yes

Short Answer #4 No

Short Answer #5 No

Short Answer#6 Yes

Short Answer#7 Yes

**Analysis**

It seems that incident at Office-Mart was an act of Negligently under the Oklahoma Negligence Statute Tit. 23 §13-14 on the behalf of Office-Mart. Based on the elements of the Negligence Tort the Defendant owed a duty to commit or refrain and act; the defendant breached that duty; the breach of duty caused injury to the plaintiff; the defendants action was the proximate cause of injury; the plaintiff suffered and actual damages.

Conclusion: The case before this firm seems very strong and fits the tort of negligence and each of its elements. There should be some great results for Ms. Henderson. I believe strongly that Office-Mart is fully responsible for the actions of their employee which resulted in the injuries that Ms. Henderson received. The sources that was researched I am sure helps to build on what is the best approach and avenue to take in order to get compensation for Ms. Henderson. The fact that she has been out of work due to these injuries for over 2 years and has extensive medical bills to be paid may result in Office-Mart covering any loss of pay from the time of the injury to current. Any expenses that resulted from this accident should also be covered.

J. Stokes

**In the Court of Common Pleas**

**Del City, Oklahoma**

Bella Henderson, File No.79-65142

Plaintiff **Motion to Compel Discovery**

v.

Office-Mart, Inc.

Defendant

PLAINTIFF, Bella Henderson by and through counsel, Susan Chase Managing Partner and Defense Attorney for Del City Oklahoma, hereby move this honorable court for an order compelling the Defendant to produce discovery. This motion is made on the grounds that Defendant has failed to produce expert reports to Plaintiff pursuant to Civil Procedure, [12 OK Stat § 12-3234 (2014)](https://law.justia.com/citations.html)  production of documents, and according to the Court’s order which required production of expert reports by June 10th. All is set forth in the memorandum attached hereto and expressly incorporated herein by reference.

IT IS HEREBY ORDERED that Plaintiffs Motion to Compel Discovery is GRANTED.

 Respectfully Submitted,

 Susan Chase,

Managing Partner/Defense Attorney

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Judge Signature Line

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**State of Oklahoma**

**County of Del City**

Bella Henderson, File No:79-65142

Plaintiff

 **Affidavit in Support of Motion**

v. **To Compel Discovery**

Office-Mart, Inc.

Defendant

1. I am the attorney for Bella Henderson herein, and I make this Affidavit in Support of Plaintiff’s Notice of Motion and Motion Order to Compel Discovery.
2. Defendant’s attorney was served (personally) (by mail) with Discovery Request, Interrogatories, and Request for Production of Documents, attached is evidence by the Affidavit of Service, attached hereto as Exhibit A.
3. At the pretrial hearing, the court directed that Defendant expert reports be served upon defendant. To date, Plaintiff has not received any reports for Office-Mart, Inc. Plaintiff is unable to adequately prepare for trial in a timely manner. Accordingly, Plaintiff respectfully request that the court compel Defendant to produce the reports of any and all experts previously identified by Defendant

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 **Susan Chase, Managing Partner**

**Subscribed and sworn to before me this \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Seal) Notary**

**State of Oklahoma**

**Del City County**

 **File No.79-65142**

Bella Henderson

Plaintiff **Memorandum of Law**

v.

Office-Mart, Inc.

Defendant

The Plaintiff, Bella Henderson and Counsel, submits this memorandum in support of this motion to Compel Discovery Production under Oklahoma Civil Procedure [12 OK Stat § 12-3234 (2014)](https://law.justia.com/citations.html) and [12 OK Stat § 12-3233 (2014)](https://law.justia.com/citations.html)  from the above mention Defendant. At the pretrial hearing, the court directed that Defendant expert reports be served upon defendant. To date, Plaintiff has not received any reports for Office-Mart, Inc. Plaintiff is unable to adequately prepare for trial in a timely manner. Accordingly, Plaintiff respectfully request that the court compel Defendant to produce the reports of any and all experts previously identified by Defendant. In the alternative, the state of Oklahoma moves that Defendant be prohibited from presenting expert testimony and reports not timely provided to the Plaintiff’s Attorney.

**Statement of facts:**

Two winters ago, Ms. Henderson was approaching an Office-Mart when she slipped on a block of ice on the sidewalk outside of the business. Ms. Henderson sustained serious injuries that resulted in her having to get surgery on her ankle which required pins and rehabilitation. Ms. Henderson is a pediatric Nurse at a Hospital and has not been back to work since the incident and her therapist has not been able to give her a return to work due to continuous and significant pain as well as, having a limited range of movement in her ankle, Her surgeon is unsure whether she would ever return to 100% physical health. She may also need to have more surgeries in the near future. Ms. Henderson has acquired some very extensive medical bills and with out work she has been unable to keep up with these expenses.

**Conclusion**

This prolonged process and failure to provide the necessary information that would help resolve this matter put Ms. Henderson is a difficult situation financially.

Ms. Henderson has the right to address the Defendant and their negligence and be compensated for her time lost from work, medical bills, and any other medical bill that revolves from this incident

Respectfully Submitted,

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Susan Chase, Managing Partner

References

Plaintiff’s Motion to Compel Production of Documents; [www.legalassist.org](http://www.legalassist.org)

Western District of Oklahoma Memorandum in Support of Motion; [www.justice.gov](http://www.justice.gov)

2014 Oklahoma Statutes, Title 12 Civil Procedure [www.law.justia.com](http://www.law.justia.com)

2019 Oklahoma Statutes Title 23-13 Damages/Comparative Negligence. [www.law.justia.com](http://www.law.justia.com)