

20-CV-0451

CAUSE NO. _____

Marcos Charallambous

Plaintiff,

v.

Ryan Marine Services, Inc.

Defendants.

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

Galveston County - 10th District Court

____TH JUDICIAL DISTRICT

Plaintiff's Original Petition

Plaintiff Marcos Charallambous brings this action complaining of Ryan Marine Services, Inc. ("Defendant") and would respectfully show the Court that:

I.

Nature of Action

1. Plaintiff sues for negligence, negligence per se, and gross negligence.

II.

Jurisdiction and Venue

2. This Court has jurisdiction under the Savings to Suitors clause as Plaintiff is a seaman under the Jones Act. 28 U.S.C. § 1333(1); 46 U.S.C. § 688. This Jones Act case is not removable. *Lackey v. Atlantic Richfield Co.*, 990 F.2d 202, 207 (5th Cir. 1993).

3. Venue is proper in Galveston County, Texas under Section 15.0181 of the Texas Civil Practice & Remedies Code.

Status Conference - 06/25/2020

III.

Discovery Level

4. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

IV.

Parties

5. Plaintiff resides in Harris County, Texas.

6. Defendant Ryan Marine Service, Inc. is a domestic corporation. It may be served with process via its registered agent, Thomas A. Ryan, 7500 Harborside Drive, Galveston, Texas 77554.

V.

Facts

7. On or about July 8, 2019, Plaintiff was working on Defendant's vessel, the *MV CITATION* as a seaman. While contributing to the vessel's mission and while the vessel was at sea, Plaintiff was injured because of unsafe work conditions. As a result of Defendant's negligence, he severely injured his knee, hip, back, and other parts of his body.

VI.

Causes of Action

8. Defendant is negligent and negligent per se for the following reasons:

- a. Failing to properly maintain the vessel in a reasonably safe manner;
- b. Failing to properly inspect and/or maintain the vessel;

- c. Failing to warn Plaintiff of a danger which was unknown to him, yet known to Defendant, or which should have been known to Defendant in the exercise of reasonable care;
 - d. Failing to turnover their vessel in such condition as to allow the Plaintiff to carry on his duties with reasonable safety;
 - e. Failing to maintain parts of the vessel under their active control in a reasonably safe manner;
 - f. Violating applicable Coast Guard, OSHA, and/or BSEE rules;
 - g. Failing to properly supervise their crew;
 - h. Failing to properly train their employees;
 - i. Failing to provide adequate safety equipment;
 - j. Failure to provide an adequate crew for the work required;
 - k. Working in unsafe sea conditions;
 - l. Failing to maintain a safe premises; and
 - m. Other acts deemed negligent.
9. At all relevant times, Defendant's vessel was unseaworthy.

VII.

Damages

10. As a direct and proximate result of the Defendant's negligence, Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries. Plaintiff has been

damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which he now sues. Plaintiff seeks monetary relief over \$1 million.

11. In addition, Plaintiff is entitled to punitive damages because the aforementioned actions of Defendants were grossly negligent. Defendants acted with flagrant and malicious disregard of Plaintiff's and others' health and safety. Defendants were objectively aware of the extreme risk posed by the conditions which caused Plaintiff's injury, but did nothing to rectify them. Instead, Defendants had Plaintiff and other crew members continue working despite the dangerous conditions that were posed to them. Defendant did so knowing that the conditions posed dangerous and grave safety concerns. Defendants' acts and omissions involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk, and consciously disregarded such risk. Accordingly, Plaintiff is entitled to and seeks exemplary damages.

12. As an American seaman, Plaintiff is also entitled to maintenance and cure. Defendant has willfully, wantonly, arbitrarily, and capriciously failed to live up to its maintenance and cure obligations, entitling Plaintiff to an award of punitive damages and attorneys' fees. Plaintiff demands that Defendant institute maintenance payments (including back maintenance) at a rate of \$40.00/day and guarantee payment of his medical bills and/or reimburse him for his medical bills. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which he now sues.

VI.

Jury Demand

13. Plaintiff hereby requests a trial by jury on all claims.

VII.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that the Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, attorneys' fees, punitive damages, and all such other and further relief, to which he may show himself justly entitled.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Jason A. Itkin

Jason A. Itkin

State Bar No. 24032461

Noah M. Wexler

State Bar No. 24060816

Ben Bireley

State Bar No. 24076086

6009 Memorial Drive

Houston, Texas 77007

Telephone: (713) 222-3800

Facsimile: (713) 222-3850

e-service@arnolditkin.com

jitkin@arnolditkin.com

nwexler@arnolditkin.com

bbireley@arnolditkin.com

jaiteam@arnolditkin.com

ATTORNEYS FOR PLAINTIFF

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Marcos Charallambous

Plaintiff,

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

____TH JUDICIAL DISTRICT

**PLAINTIFF'S FIRST SET OF INTERROGATORIES,
REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS, AND
REQUEST FOR DISCLOSURES TO DEFENDANT**

TO: Defendant Ryan Marine Services, Inc. by and through its registered agent, Thomas A. Ryan, 7500 Harborside Drive, Galveston, Texas 77554.

Pursuant to the Texas Rules of Civil Procedure, Plaintiff(s) requests that Defendant respond to Plaintiff's interrogatories and produce for inspection and copying the documents and tangible things requested herein. Defendant shall file written responses to this request within fifty (50) days after the date of service. Defendant shall provide the requested documents for inspection and copying at the law offices of Arnold & Itkin LLP, 6009 Memorial Drive, Houston, Texas 77007.

I.

DEFINITIONS AND INSTRUCTIONS

1. Under the Texas Rules of Civil Procedure, you are under a duty to amend a prior answer to an interrogatory if it obtains obtain information upon the basis of which:
 - a. You know that the answer was incorrect when made; or
 - b. You know that the answer, though correct when made, is no longer true and the circumstances are such that a failure to amend the answer is in substance a knowing concealment.
2. The terms "**you**," "**your**," "**yours**", "**Defendant**" or "**Defendants**" shall mean, unless otherwise specified in a particular request, the Defendants named in this lawsuit and/or any agent, representative, employee, your insurance providers, their agents, their employees,

your attorneys, your accountants, your investigators, or any individual and/or entity action on your behalf.

3. The terms “**document**” or “**documents**” shall mean all documents and tangible things, in the broadest sense allowed under the Texas Rules of Civil Procedure, and include, but are not limited to, information contained in computer storage and other electronic information retrieval systems, drafts, originals and nonconforming copies which contain deletions, insertions, handwritten notes or comments, however produced or reproduced, or to any other tangible permanent record, and without limitation, shall include, among other things, accident reports, medical reports, work safety logs, employment records, all marketing material, bids, letters, correspondence, records of discussions, conferences, memoranda, notes, telegrams, summaries, telephone logs and records, teletypes, bank checks, bank deposits and withdrawal slips, bank credit and debit memoranda, records, telexes, private wire messages, communications, calendars, diaries, appointment books, agenda of meetings, conversations, schedules, reports, studies, appraisals, analyses, lists, surveys, budgets, financial statements, financial projections, financial calculations, financial audits, contracts, agreements or proposed agreements, confidentiality agreements, periodicals, charts, graphs, interviews, speeches, transcripts, depositions, press releases, brochures, books of account, affidavits, communications with government bodies, invoices, notes and minutes of meetings of Boards of Directors, audit committees, financial committees and executive committees, interoffice communications, results of investigations, working papers, newspaper or magazine articles, records of payments, releases, receipts, computer programs and printouts, maps, blue prints, liftings, tax returns, vouchers, subpoenas, papers similar to any of the foregoing and other writings of every kind and descriptions (whether or not actually used) in your possession, custody or control; and other records of voice recordings, film, tapes, and other data compilations from which information can be obtained whether these are resident on paper or other media such as magnetic, electronic, or optical.
4. You are to produce all documents that are in the possession, control or custody of you or in the possession, control or custody of any attorney for you. This includes, but is not limited to, documents in the possession, custody, control of you, your attorneys, agents, employees, investigators, consultants, and experts, as well as any firm, subsidiary, parent, affiliated, or related entity, and any other entity or business in which you own a controlling interest or over which you exercise control. You are required to use reasonable diligence to locate the documents, including those that are not in your immediate possession. Without limiting the term "control," a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof.
5. With respect to hard copy or paper production, all documents responsive to this request shall be produced in their original form.
6. All duplicates or copies of documents are to be provided to the extent they have handwriting, additions, or deletions of any kind different from the original documents being produced.

7. Unless otherwise indicated, documents requested by this Document Request are documents referring to, relating to, or prepared during the last ten years.
8. This Document Request requires you amend or supplement your production of documents called for by this Document Request.
9. In the event that any document requested has been lost or destroyed, you shall identify such document and, in addition, specify (a) the date of its loss or destruction; (b) the reason for its destruction; (c) the person authorizing its destruction; and (d) the custodian of the document immediately preceding its loss or destruction.
10. Plaintiff(s) requests that you provide a privilege log containing the descriptions specified in Rules for each document not produced because of a claim of privilege. Such descriptions shall specify in writing with respect to each purportedly privileged document, its author(s), recipient(s), nature (e.g. memorandum, letter), date, subject matter, the nature of the claimed privilege and all facts you rely on to support the claim of privilege. Plaintiff(s) requests that you provide such descriptions within fifteen days after service of your response, or responses, to these documents requests.
11. If you object to any part of a document request, you shall produce all documents, or any portions thereof, covered by the request to which you do not object.
12. Responsive Electronically Stored Information (“ESI”) shall be produced in native form; that is, in the form in which the information and/or documents were customarily created, used, and stored by the native application employed by you in the ordinary course of business.
 - a. If it is infeasible or unduly burdensome to produce an item of responsive ESI in its native form, You may produce in a near-native form; that is, in a form in which the item can be imported into the native application without a material loss of content, structure or functionality as compared to the native form. Static image production formats serve as near-native alternatives only for documents which are natively static images (i.e., photographs and scans).
 - b. The table below supplies examples of native or near-native forms in which specific types of ESI should be produced:

<u>SOURCE ESI</u>	<u>NATIVE FORM(S) SOUGHT</u>
Microsoft Word documents	.DOC, .DOCX
Microsoft Excel Spreadsheets	.XLS, .XLSX
Microsoft PowerPoint Presentations	.PPT, .PPTX
Microsoft Access Databases	.MDB, .ACCDB
WordPerfect documents	.WPD

Adobe Acrobat Documents	.PDF
Photographs	.JPG, .PDF
E-mail	<p>Messages should be produced in a form or forms that readily support import into standard e-mail client programs; that is, the form of production should adhere to the conventions set out in RFC 5322 (the internet e-mail standard).</p> <p>For Microsoft Exchange or Outlook messaging, .PST format will suffice. Single message production formats like .MSG or .EML may be furnished, if source foldering data is preserved and produced.</p> <p>For Lotus Notes mail, furnish .NSF files or convert to .PST.</p> <p>If your workflow requires that attachments be extracted and produced separately from transmitting messages, attachments should be produced in their native forms with parent/child relationships to the message and container(s) preserved and produced in a delimited text file.</p>

- c. You need only produce reports from databases that can be generated in the ordinary course of business (i.e., without specialized programming skills), and these shall be produced in a delimited electronic format preserving field and record structures and names. The parties will meet and confer regarding programmatic database productions as necessary.
- d. Individual documents requiring redaction shall (as feasible) be redacted natively or produced in .PDF format and redacted using the Adobe Acrobat redaction feature. Redactions shall not be accomplished in a manner that serves to downgrade the ability to electronically search the un-redacted portions of the item.
- e. You need not produce identical documents in more than one form and shall globally de-duplicate identical items across custodians using each document's unique MD5 hash value. The content, metadata and utility of a document must all be considered in determining whether documents are identical, and items reflecting different information shall not be deemed identical.
- f. Production should be made using appropriate electronic media of your choosing provided that the production media chosen not impose an undue burden or expense upon Plaintiff(s) or Plaintiff(s)' counsel as recipients. You must,

contemporaneously with production, supply decryption credentials and passwords to the receiving party for all items produced in an encrypted or password-protected form.

- g. Each document produced shall be uniquely identified by naming the item to correspond to a Bates identifier according to the following protocol:
 - i. The first fourteen (14) characters of the filename will reflect a unique alphanumeric designation identifying the party making production and the case;
 - ii. The next ten (10) characters, beginning with an underscore, will be a unique, consecutive numeric value assigned to the item by the producing party. This value shall be padded with leading zeroes as needed to preserve its length;
 - iii. The final five (5) characters are reserved to a sequence beginning with a dash (-) followed by a four digit number reflecting pagination of the item when printed to paper or converted to an image format for use in proceedings or when attached as exhibits to pleadings.
 - iv. By way of example, a Microsoft Word document produced by Acme Corporation in its native format might be named: ACME_VMESHSDCA_000000123.docx. Were the document printed out for use in deposition, page six of the printed item must be embossed with the unique identifier ACME_VMESHSDCA_000000123-0006.
- h. Documents designated Confidential may, at your option:
 - i. Be separately produced on electronic production media prominently labeled to identify the contents as confidential; or, alternatively,
 - ii. Each such designated document shall have appended to the file's name (immediately following its Bates identifier) the following protective legend:~CONFIDENTIAL-SUBJ_TO_PROTECTIVE_ORDER_IN_CAUSE_MDL-14-0123
- i. You shall furnish a delimited load file supplying the metadata field values listed below for each document produced (to the extent the values exist and as applicable):

<u>FIELD</u>
BeginBates
EndBates
BeginAttach
EndAttach

Custodian/Source
Source File Name
Source File Path
From/Author
To
CC
BCC
Date Sent
Time Sent
Subject/Title
Last Modified Date
Last Modified Time
DOCUMENT Type
Redacted Flag (yes/no)
Hidden Content/Embedded Objects Flag (yes/no)
Confidential flag (yes/no)
MD5 Hash value
Hash De-Duplicated Instances (by full path)

- j. Each production should include a cross-reference load file that correlates the various files, images, metadata field values and searchable text produced.
- k. Respond to each request for production by listing the unique identifier (Bates-style) numbers/ranges of responsive documents produced.
- l. If any document to be produced has been lost, discarded, transferred to another person or entity, destroyed, or otherwise disposed of, please set forth in writing: (1) the date, name and subject matter of the document; (2) the name, employment and title of each person who prepared, received, reviewed, or had possession, custody, or control of the document; (3) all persons with knowledge of the contents or any portion of the contents of the document; (4) the previous location of the document; (5) the date of disposal or transfer of the document; (6) the reason for disposal or transfer of the document; and, if applicable, (7) the manner of disposal of the document; or, if applicable, (8) the names and addresses of the transferees of the document.
- m. It is required that all documents and/or other data compilations which might impact on the subject matter of this litigation be preserved and that any ongoing process of documents destruction involving such documents cease. In those instances where document destruction has already taken place, it is requested that the documents that would have been relevant to the following discovery request be identified as well as the date of destruction and the individual authorizing, ordering and/or carrying out the destruction.

- n. If you believe that a complete response to any request would require the disclosure of confidential health information, the disclosure of which you believe is prohibited by the Health Insurance Portability and Accountability Act (HIPAA) or other law, Plaintiffs will accept responses that are redacted to comply with such law but that are otherwise complete. Plaintiffs expressly reserve the right to challenge any such redaction.
 - o. Your response to each Request for Production should include the unique identifier numbers/ranges that identify the documents responsive to that particular request. For instance, if, in response to Request for Production No. 3, You are producing 50 documents, your response should identify the unique identifier numbers for those 50 documents.
13. The terms "**and/or**", "**or**", and "**and**" are used inclusively, not exclusively.
14. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter gender. The past tense includes the present tense where the clear meaning is not distorted by change of tense.
15. The terms "**identify**" or "**identity**" when used herein means:
- a. With respect to a **natural person**, all that you know or that you can determine about his or her full name or names, title, present or last known employer or job description, and present or last known home and business addresses.
 - b. With respect to an **entity or organization which is not a natural person**, all that you know or that you can determine about its full name or names, dates and places of formation, principal places of business, and business addresses.
 - c. With respect to **documents**, all that you know or that you can determine about title, type of documents, date, author, addressee, recipients, any identifying numbers on such documents, substance of its contents, subject matter, present location, present custodian, and each person who has possession, custody, or control over each copy of each document.
 - d. With respect to a **physical object**, all that you know or that you can determine about its common name, identifying number(s), manufacturer and date of manufacture of the object.
 - e. With respect to an **event**, all that you know or can determine about the date, time, place, participants, actions taken, and results obtained.
16. The terms "**custodial document**", "**custodial documents**", "**custodial file**", or "**custodial files**" shall mean all documents maintained by your current employees and past employees (while they were employed). For example, custodial documents include each document on and/or in an individual employee's computer, voice mail, office desk, office filing cabinet

or storage system, file storage maintained by that person outside of his/her office, and any other location in which that employee keeps or kept documents. If you have failed to preserve or no longer have custodial documents for any current or past employee implicated by these Requests, please comply with Instruction 5 above.

17. The terms “**communication**” or “**communications**” includes, without limitation, every manner or means of statement, utterance, notation, disclaimer, transfer, or exchange of information of any nature whatsoever, by or to whomever, whether oral, written, or face-to-face, by telephone, U.S. mail, personal delivery, electronic mail, computer, or otherwise, specifically including, without limitation, correspondence, conversations, dialogue, discussions, interviews, consultations, agreements, and other understandings.
18. The term “**information**” should be construed in the broadest possible sense. It is intended reference both facts and applicable principles. This term should not be construed to be limited by any method of acquisition or compilation and should, therefore, be construed to include oral information as well as documents.
19. The terms “**person**” or “**persons**” includes, without limitation, a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.
20. The terms “**entity**” or “**entities**” includes, without limitation, any corporation, corporate form (such as a limited partnership, limited liability partnership, or limited liability company), parent company, affiliate, subsidiary, partner, member, venture, partnership, or any other structure (or a chain of successive entities) that conducts business, has conducted business, or anticipates conducting business.
21. The terms “**expert**”, “**experts**”, “**expert witness**”, or “**expert witnesses**” shall mean any person or entity who may be called upon as an expert witness at trial and any person or entity used for consultation who is not expected to be called as a witness at trial, but whose opinions, work product, or mental impressions have been reviewed or relied upon by a testifying expert.
22. The terms “**concerning**” or “**relating to**” shall mean referring to, reflecting or related in any manner, logically, factually, indirectly or directly to the matter discussed.
23. The terms “**describe**” or “**describing**” when used in reference to any documents or tangible evidence includes, without limitation, stating the title or name, date, time, author of documents, the common name, identifying number, manufacturer and date of manufacture of any object and the name and address of the person(s) having possession, custody, or control of such at the present time.
24. The terms “**evidencing**” shall mean constituting, reflecting, memorializing, referring to and/or supporting – logically, factually, indirectly or directly – the matter discussed.

25. The term “**damages**” shall mean all claims for relief alleged by Plaintiff(s) in the latest Complaint.
26. The terms “**accident**”, “**incident**”, or “**occurrence**” shall mean, unless otherwise indicated, the events which give rise to this lawsuit.
27. The terms “**JSA**”, “**JHA**”, “**job safety analysis**”, or “**job hazard analysis**” include without limitation, all safety meeting minutes, reports, handouts, documents, or other related materials.
28. The term “**vessel**” or “**vessels**” shall refer to where the Plaintiff(s) was working at the time of the events that form the basis of this lawsuit.
29. **If you have any objections such as vague, overbroad, etc., please do not object. Instead, call me and I will try to take into account your objections and specific concerns in hopes of working such disputes out amicably.**

II.

Interrogatories

1. Has this Defendant been sued in its correct name? If not, state the correct name.
2. Regardless of whether you contend they were contributing causes of the events giving rise to this lawsuit, please state with specificity all gears, equipment, tackle, tools, materials, supplies and/or appurtenances involved in the events giving rise to this lawsuit, and identify all manufacturers, distributors, and operators of same.
3. Give the name, job title, employer, last-known residential address, and last-known residential telephone number of each person to whom the occurrences underlying this lawsuit were reported.
4. Give the name, job title and employer at the times and on the occasions in question, last-known employer, last-known employer's address, last-known residential telephone number, and last-known residential address of each person who witnessed or was in the closest proximity to Plaintiff(s) when the underlying basis of this lawsuit occurred.
5. Did this Defendant own the Vessel on the date of the incident on which this lawsuit is based? If your answer is no, please identify the person or entity who owned the Vessel on said date.
6. Did this Defendant operate the Vessel on the date of the incident made the basis of this lawsuit? If your answer is no, please identify the person or entity who operated the Vessel on said date.
7. Was the Vessel under charter or lease at the time of the incident involving the Plaintiff(s)? If your answer is in the affirmative, please identify all parties to said lease or charter.
8. Were any individuals or companies other than those named in the Petition herein involved in any manner in the incident made the basis of this suit? If your answer is in the affirmative, please identify said individuals and/or companies.
9. Please identify any and all person(s) known to you to have knowledge of the relevant facts upon which this lawsuit is based.
10. State when, where and under what circumstances you first became aware that Plaintiff was claiming to have sustained the injuries made the basis of this lawsuit.
11. If you claim that the incident resulted from Plaintiff's own contributory negligence, fault, lack of care, inattention to duties, or failure to take ordinary precautions commensurate with his own safety, please set forth fully and specifically the facts upon which you rely for those claims.

12. Have you conducted an investigation into the cause or causes of the incident in question? If your answer is in the affirmative, please identify each and every person conducting said investigation(s), the date(s) on which said investigation(s) were performed, and who was present during said investigation(s).
13. State when, where and under what circumstances you first became aware that Plaintiff(s) was claiming to have sustained the injuries made the basis of this lawsuit.
14. Do you possess any statements, whether signed or unsigned, written or otherwise, concerning facts relating to the incident made the basis of this lawsuit or the injuries therefrom? If your answer is "yes", identify each person from whom you possess a statement; state when and where each and every statement or statements were taken; and identify the person who took each such statement and by whom each person was employed at the time such statement was taken.
15. Identify each person aboard the Vessel at the time of the incident made the basis of this lawsuit and state whether these individuals were employed by you at that time. If each and every person aboard the Vessel at the time of the Plaintiff's injuries was not employed by you, identify those individuals not employed by you and state who employed them.
16. For the individuals whom you identified in the previous Interrogatory as having been employed by you on the dates of the Plaintiff's injuries, please state whether they are still in your employ and if not, please state why not and provide their last known address.
17. If you contend that some person, thing, or entity other than either the Plaintiff(s) or Defendant, by some act or omission, caused or contributed to cause the incident in question in any way, no matter how slight or small, or the injuries allegedly resulting therefrom, identify that person, entity, or thing.
18. If you contend that the incident in question, or the injuries allegedly resulting therefrom, were caused in whole or in part by a pre-existing physical condition of the Plaintiff(s), identify each such condition, and describe how each contributed thereto.
19. Please state whether, subsequent to Plaintiff's alleged incident, you or any other company to your knowledge made any repairs, additions, alterations, renovations, improvements, or performed any other work on the area or equipment of the Vessel involved in the incident. For each such alteration, or instance of such work, state the date it was done, the names of all persons participating in the work to be done, the reason the work was to be done, and a description of all repairs, alterations, or work done.
20. Please state the name, address (home and business) and telephone number (home and business) of this Defendant's person in charge on the date of the incident made the basis of this suit, and the exact name and address of the company by whom he was employed at the time of the incident.

III.

Requests for Production

1. Produce copies of all policies of insurance that cover the occurrences in question, including but not limited to, motor vehicle coverage(s), general liability coverage(s), and excess coverage(s), which were in effect on the date of incident made the basis of this suit.
2. Produce all correspondence and any other related documents by and between Defendant and its insurance company which in any way relates to, directly or indirectly, coverage for Plaintiff(s) injuries and damages arising out of the incident made the basis of this suit.
3. Produce all documents, contracts, correspondence and/or notes that concerns, refers to, or reflect potential parties to this action and persons with knowledge of relevant facts.
4. Produce all contracts by and between this Defendant and any party herein and this Defendant and any other individual or entity, covering the job in question.
5. Produce all incident and/or incident reports relating, referencing, or concerning the incident made the basis of this suit.
6. Produce all reports, citations, or other documents that relate to the Coast Guard, OSHA, Minerals Management Service, BSEE, or any other governmental agency that concern the events giving rise to this lawsuit.
7. Produce all reports, citations, or other documents to or from the Coast Guard, OSHA, Minerals Management Service, BSEE, or any other governmental agency that concern compliance or noncompliance with any government standards concerning the Vessel and/or equipment from the Vessel.
8. Produce all photographs, videos, drawings, or other depictions of the Vessel, the area(s) in question, the equipment, gears, tool, tackle and/or appurtenances in question, the Plaintiff(s), or other relevant objects that concern the events giving rise to this lawsuit
9. Produce all photographs, videotapes, or films that depict the events underlying this lawsuit.
10. Produce all blueprints, diagrams, and deck arrangements of the Vessel that relate to the events giving rise to this lawsuit.
11. Produce copies of all objects, photographs, drawings, reports, statements, or otherwise described documents or objects in the possession of Defendant(s) in reference to the incident. This specifically includes any and all reports and written or electronically recorded statements made by Defendant(s) to any other person, organization or governmental entity.
12. Produce copies of all correspondence between you and any other person concerning the incident in question.
13. Produce all witness statements relating to, referencing, or concerning the incident in

question.

14. Produce and all written or recorded statements, and summaries thereof, given or taken by any person in connection with the incident or the filing of this suit.
15. Produce all photographs, videos, drawings, diagrams, reconstructions, or other depictions of the incident scene, Plaintiff, the vehicles involved in the incident, or other relevant objects that concern the incident question.
16. Produce all correspondence, fax, memoranda, invoices, contracts, telephone messages and/or email by and between any and all parties to this case which in any way concerns, refers to, or relates to the incident in question.
17. Produce copies of all objects, photographs, drawings, reports, statements, or otherwise described documents or objects in the possession of Defendant(s) in reference to the incident.
18. Produce the entire investigation file of this Defendant, or its agents and/or representatives, prepared or assimilated prior to the date of filing of this lawsuit that relate to the incident question, Plaintiff, and/or Plaintiff's claims, injuries, and/or damages made the basis of this suit.
19. Produce all root cause analyses, investigation reports, incident reports, incident reports, illness reports, and/or any other type of report relating to the incident in question.
20. Produce all root cause analyses, investigation reports, incident reports, incident reports, illness reports, and/or any other type of report relating to the incident in question created by any third party.
21. Produce all personnel files that refer to the individuals who functioned as Plaintiff's supervisor(s) and/or the Vessel's supervisor(s) during the time period when the events giving rise to this lawsuit occurred.
22. Produce all reprimands, including notations of verbal reprimands, given to any employee for any reason that concern the events giving rise to this lawsuit. This includes Plaintiff(s), if any at all.
23. Produce copies of all ownership and registration papers relating to the Vessel(s) involved in the incident made the basis of this suit.
24. Produce all certificates of inspection concerning the Vessel for the period of one (1) year before and after the events underlying this lawsuit.
25. Produce all company records, daily reports, and other daily logs for the Vessel in question for one month before and after the events underlying this lawsuit, including the date of the incident in question.

26. Produce all documents that concern any repairs, alterations, inspections, corrections and/or improvements to any part of the Vessel which was involved in the events giving rise to this lawsuit, including but not limited to equipment, gears, tackle, appurtenances, and tools.
27. Produce all documents that concern any maintenance, repairs, alterations, inspections, corrections and/or improvements to any part of the Vessel for the six (6) months prior to the incident made the basis of this suit, including the date of the incident in question.
28. Produce any and all on-board and remote recording devices that are meant to track any data, movement, or other similarly identified information generated by the Vessel(s) involved in the underlying incident for a period of one (1) month prior to the incident in question, including the date of the incident in question.
29. Produce copies of all documents that concern any maintenance, repairs, alterations, inspections, corrections and/or improvements to the Vessel for the sixty (60) days following the incident made the basis of this suit.
30. Produce all policies and procedures in place for investigations of incidents which were in effect at the time of the incident made the basis of this suit.
31. Produce copies of all documents, including policies and instruction manuals that the Defendants provide its employees during the hiring and/or orientation process and/or to contractors hired by you.
32. Produce copies of all manuals and test materials used by Defendants to monitor and evaluate the performance of its employees.
33. Produce Defendant's safety manual, operations manual, procedure manual, employee manual, SMS handbook, and/or all similar documents for the past five years.
34. Produce all of Defendant's safety videos for the past five years.
35. Produce all of Defendant's safety presentations for the past five years.
36. Produce all safety manuals and materials that relate to the events underlying this lawsuit.
37. Produce all documentation regarding JSA's, safety meeting, toolbox talks, and/or other related meetings for the 6 months prior to the incident, including the date of the incident in question
38. Produce all documentation regarding JSA's, safety meeting, toolbox talks, and/or other related meetings for the work being performed at the time of the incident made the basis of this suit.
39. Produce all logs relating to the work to be performed or work performed at the time of the incident made the basis of this suit.
40. Produce all logs for the Vessel for the month prior to and month following the incident in

question, inclusive of the date of the incident in question.

41. Produce all documents concerning any subsequent remedial measures taken in response to the incident made the basis of this lawsuit.
42. Produce all documents relating to events that are substantially similar to the incident made the basis of this lawsuit.
43. Produce all documents that concern, refer to, or relate to Plaintiff(s).
44. Produce Plaintiff's complete employment file.
45. Produce copies of all of Plaintiff's pre-employment physicals.
46. Produce all employment and/or Vessel records that in any manner mention Plaintiff(s).
47. Produce all incident, injury, disability or injury reports concerning the underlying events of this lawsuit, whether signed by Plaintiff(s) or not, that concern events giving rise to this lawsuit.
48. Produce all medical logs referring to Plaintiff(s), including medical logs that may predate or be subsequent to the events underlying this lawsuit.
49. Produce your complete maintenance and cure file, all documents which reflect maintenance and/or cure payments made by you or on your behalf, and all documents and/or materials you have relied on to decide whether or not to make maintenance and/or cure payments.
50. Produce the entire Marine Index Bureau Report on Plaintiff(s).
51. Produce all U.S. Coast Guard discharges you possess on the Plaintiff(s).
52. Produce all records of work being performed by Plaintiff(s) at the time of the incident, including but not limited to personnel files, copies of payroll checks, front and back.
53. Produce all reports prepared for or by the medic, regarding treatment rendered to Plaintiff(s) at the time of the incident made the basis of this lawsuit.
54. Produce copies of any and all medical records obtained by Defendant(s) pertaining to Plaintiff(s).
55. Produce all reports prepared regarding treatment rendered to Plaintiff(s) at or near the time of the incident made the basis of this lawsuit.
56. Produce copies of all incident, injury, disability or injury reports on Plaintiff(s).
57. Produce all medical records you have obtained that refer to Plaintiff(s), including medical records that predate the incident in question.

58. Produce copies of any and all employment records that you have obtained pertaining to Plaintiff(s).
59. Produce all records indicating favorable or unfavorable performance and conduct evaluations of Plaintiff(s).
60. Produce all records referring to Plaintiff(s) and relating Plaintiff(s)' prior and/or current employers.
61. Produce copies of any and all tax, social security, and/or IRS records you have obtained pertaining to Plaintiff(s).
62. Produce copies of all disability records you have obtained pertaining to Plaintiff(s).
63. Produce copies of all workers' compensation obtained by Defendant pertaining to Plaintiff(s).
64. Produce all records referring to Plaintiff(s) concerning the criminal justice system.
65. Produce all records referring to Plaintiff(s) concerning other lawsuits.
66. Produce copies of any written and/or recorded statements given by Plaintiff(s) regardless of who obtained the statement.
67. Produce copies of all documents concerning communications between you and Plaintiff(s).
68. Produce photographs, tape recordings, investigator reports, moving pictures, and/or video reproductions that represent surveillance of Plaintiff(s) at any time.
69. Produce all billing and time records of any person or firm performing any work on this case as it relates to surveillance of Plaintiff(s).
70. Produce all summaries, reports, and/or files reviewed by each person who may testify as an expert witness at trial.
71. Produce all documents prepared by each expert witness who has been consulted by you and whose opinions have been reviewed by an expert witness who may testify at trial.
72. Produce copies of all publications which any expert witness obtained or consulted by you has contributed to or on which he or she will rely, which relate in any way to the subject matter or opinions of the expert witness.
73. Produce copies of all documents evidencing communications between you and each expert witness who may testify at trial.
74. Produce a current copy of the *curriculum vitae* or resume of any person whom you may call as an expert witness in the trial of this case.
75. Produce a current *curriculum vitae* or resume of each person whose opinions or

impressions have been reviewed or relied upon by any person who may be called to testify in the trial of this case.

76. Produce a current list of the cases, including the cause number, of all trial and deposition testimony given in the past four (4) years by each person whom you may call as an expert witness in the trial of this case in which such expert discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
77. Produce a current list of the cases, including the cause number, of all trial and deposition testimony given in the past four (4) years by each person whose opinions or impressions have been reviewed or relied upon by any expert who may be called to testify in the trial of this case in which such person discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
78. Produce copies of any document that any expert witness you may call to testify at trial of this case has reviewed and/or will utilize to aid testimony.
79. Produce copies of any document or other item an expert witness you may call to testify at trial of this case has reviewed or relied upon which relates to or in any way concerns the Plaintiff(s)' damages or injuries suffered by Plaintiff(s).
80. Produce copies of any document that any expert witness you may call to testify at trial of this case has reviewed or relied upon in formulating his/her opinions that relates to or concerns this litigation in any way.
81. Produce copies of any and all charts, plans, photographs, or other documents intended to be introduced into evidence on the issues of liability or damages.
82. Produce all documents which you have been asked to identify and/or to which you have made reference or identified in your responses to Plaintiff(s)' Interrogatories to you.
83. Produce all documents supporting any defenses (affirmative or otherwise) raised by you to the allegations set forth in Plaintiff's latest Petition
84. Produce all documents evidencing the extent of damage, either physical or monetary, to Plaintiff(s).
85. Produce all settlement agreements or other documents setting forth the terms and conditions of any settlement entered into by you or your insurer(s) with any party to this suit.
86. Produce copies of any documents reflecting settlements, compromises, agreements, deals, and/or understandings between Defendant(s) and any other party concerning the lawsuit or the incident made the basis of this lawsuit.
87. Produce all documents, contracts, correspondence and/or notes that concerns, refers to, or reflect potential parties to this action and persons with knowledge of relevant facts.

88. Produce non-privileged communications from you or your employees to medical providers, you, your insurers, agents and/or representatives that in any manner concern the events giving rise to this lawsuit.
89. Produce a copy of Defendant's code of ethics.
90. Produce all documents, depositions, affidavits, expert disclosures, verdict search reports, or other materials that can and/or may be used to impeach Plaintiff, his expert witnesses, and/or treating physicians.
91. Produce all footage from camera(s) on the vessel for the day of the incident made the basis of this lawsuit.
92. Produce all load line certificates for the vessel issued by ABS, DNV, or any similar organization.
93. Produce a privilege log describing all information and/or materials you are withholding with enough specificity to assess the applicability of the privilege(s) being claimed.

IV.

Requests for Admission

1. Admit that Defendant has been properly named in Plaintiff's most recently filed Petition/Complaint.
2. Admit that, at all material times, Defendant owned the Vessel made the basis of this suit.
3. Admit that, at all material times, Defendant operated the Vessel made the basis of this suit.
4. Admit that, at all material times, Plaintiff(s) was working in the course and scope of his employment for Defendant.
5. Admit that Defendant was negligent at the time of the incident made the basis of this lawsuit.
6. Admit that the Plaintiff(s) was not contributorily negligent.
7. Admit that Defendant employed the Plaintiff(s) at the time and on the occasion in question.
8. Admit that the occurrence made the basis of this suit was reported.
9. Admit that the occurrence made the basis of this suit was timely reported.
10. Admit that venue is proper.
11. Admit that Plaintiff(s) did not suffer from any relevant pre-existing condition(s) prior to the occurrence in question.
12. Admit that personal jurisdiction exists over Defendant.
13. Admit that this is a convenient forum.
14. Admit that Plaintiff(s) was not intoxicated or under the influence of non-prescription drugs on the occasion in question.
15. Admit that the vessel in question was unseaworthy at the time of incident made the basis of this lawsuit.
16. Admit that Defendant's actions proximately caused Plaintiff's injuries.

17. Admit that the vessel's unseaworthiness proximately caused Plaintiff's injuries.
18. Admit that Defendant's negligence proximately caused Plaintiff's injuries.
19. Admit that Defendant's negligence was a cause, in whole or in part, of Plaintiff's injuries.
20. Admit that you investigated the cause of the incident made the basis of this suit.
21. Admit that you performed a root cause analysis relating to the incident made the basis of this suit.
22. Admit that you hired or retained a third party to investigate the cause of the incident made the basis of this suit.
23. Admit that Plaintiff was a Jones Act seaman at the time of the incident made the basis of this lawsuit.
24. Admit that Plaintiff contributed to the function of a vessel at the time of the incident made the basis of this lawsuit.
25. Admit that Plaintiff had a connection to a vessel in navigation (or an identifiable group of such vessels under common control or ownership) that was substantial in terms of duration.
26. Admit that Plaintiff spent 30% of his time in the service of a vessel in navigation (or an identifiable group of such vessels under common control or ownership).
27. Admit that Plaintiff had a connection to a vessel in navigation (or an identifiable group of such vessels under common control or ownership) that was substantial in terms of nature.
28. Admit that the Plaintiff(s) claimed to have been injured in the course and scope of his employment.
29. Admit that on the date in question Plaintiff(s) was under instructions to perform the work he was performing, irrespective of whether you claim the Plaintiff(s) did the work in an unsafe manner.
30. Admit that you have conducted surveillance on the Plaintiff(s).
31. Admit that you possess a written statement from the Plaintiff(s) relating to the incident made the basis of this suit.
32. Admit that you possess a recorded statement from the Plaintiff(s) relating to the incident made the basis of this suit.
33. Admit that your negligence proximately caused Plaintiff(s) to sustain lost wages.

34. Admit that your negligence proximately caused Plaintiff(s) to sustain a loss of future earning capacity.
35. Admit that your negligence proximately caused Plaintiff(s) to incur medical expenses.
36. Admit that your negligence will proximately cause Plaintiff(s) to incur medical expenses in the future.
37. Admit that your negligence proximately caused Plaintiff(s) to suffer physical pain, mental anguish, and emotional distress.
38. Admit that your negligence will proximately cause Plaintiff(s) to suffer physical pain, mental anguish, and emotional distress in the future.
39. Admit that you have not paid all Plaintiff's medical bills for treatment arising out of the incident made the basis of this lawsuit.
40. Admit that you do not intend to pay all Plaintiff's medical bills for treatment arising out of the incident made the basis of this lawsuit.
41. Admit that you (or your counsel) received medical reports prepared by Plaintiff's treating physician(s) and medical bills incurred by Plaintiff(s) for the treatment of Plaintiff's injuries.

Request of Disclosure

Plaintiff in the above-styled and numbered cause and, pursuant to Rule 194 of the Texas Rules of Civil Procedure, request that Defendant answer the following requests for disclosure separately and fully in writing. The answers to the requests shall be preceded by the request to which the answer pertains. With your response, please serve copies of all relevant documents and other tangible items. Specifically, please disclose:

- (a) The correct names of the parties to the lawsuit;
- (b) The name, address, and telephone number of any potential parties;
- (c) The legal theories and, in general, the factual basis of your claims or defenses;
- (d) The amount and any method of calculating economic damages;
- (e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) For any testifying expert
 - (1) The expert's name, address, and telephone number;
 - (2) The subject matter on which the expert will testify;
 - (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;
 - (4) If the expert is retained by you, employed by you, or otherwise subject to your control:
 - (A) All documents, tangible items, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) The expert's current resume and bibliography;
- (g) Any discoverable indemnity and insuring agreements described in Rule 192.3(f);

- (h) Any discoverable settlement agreements described in Rule 192.3(g);
- (i) Any witness statements described in Rule 192.3(h);
- (j) All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.
- (l) The name, address, and telephone number of any person who may be designated as a responsible third party.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Jason A. Itkin

Jason A. Itkin
State Bar No. 24032461
Noah M. Wexler
State Bar No. 24060816
Ben Bireley
State Bar No. 24076086
6009 Memorial Drive
Houston, Texas 77007
Telephone: (713) 222-3800
Facsimile: (713) 222-3850
e-service@arnolditkin.com
jitkin@arnolditkin.com
citkin@arnolditkin.com
nwexler@arnolditkin.com
bbireley@arnolditkin.com

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE ALONG WITH PLAINTIFF'S ORIGINAL PETITION