

GERALD ANTHONY GARCIA
Plaintiff

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IN THE DISTRICT COURT

V.

438th JUDICIAL DISTRICT

VIA METROPOLITAN TRANSIT
Defendant

OF BEXAR COUNTY, TEXAS

DEFENDANT’S ANSWERS TO PLAINTIFF’S INTERROGATORIES

Defendant VIA Metropolitan Transit answers the first set of interrogatories put forth by plaintiff as follows:

Interrogatory #1: State the full name and address of each person who witnessed, or claims to have witnessed, the collision between the vehicle driven by defendant and plaintiff occurring on October 5, 2004.

Answer: Edward Bates, 1234 Fifth St, San Antonio, TX 78209, VIA van driver, 1021 San Pedro, San Antonio, TX 78212, operator of vehicle at the time of incident with the plaintiff; Kenneth Draper, 1234 Sixth St, San Antonio, TX 78209, witness to the incident, no relationship to parties known; There were numerous other drivers and pedestrians who witnessed the collision, but the names and addresses of such persons are presently unknown; investigation continues.

Interrogatory #2: State the full name and address of each person who was present, or claims to have been present, at the scene of the collision during and after the collision, other than the persons identified in Interrogatory # 1 above.

Answer: There was at least one other San Antonio Police Officer, who had been hit by a vehicle, at the scene, but their name and address is currently unknown; investigation continues. There were numerous other drivers and pedestrians in the vicinity, but the names and addresses of such persons are presently unknown; investigation continues.

Interrogatory #3: State the full name and address of each person who has any knowledge of the facts of the collision, other than those persons already identified in Interrogatories # 1 and 2 above.

Answer: No knowledge.

Interrogatory #4: Identify all communication between defendant’s employees and defendant’s counsel between October 4, 2004 and the present date.

Answer: Defendant objects to Interrogatory #4 on the ground that it asks for material that is privileged under the attorney-client privilege.

Interrogatory #5: State the facts upon which you base your denial of the plaintiff's claims you acted negligently.

Answer: Plaintiff's negligence caused the collision due to his failure to keep a proper lookout while directing traffic. Investigation continues.

Interrogatory #6: As to each expert expected to testify at trial, state:

- a. His full name, address, and professional qualifications;
- b. The subject matter on which he is expected to testify;
- c. The substance of the facts and opinions to which the expert is expected to testify; and
- d. A summary of the grounds of each opinion.

Answer: Defendant does not plan to call any expert witnesses to testify at trial.

VIA Metropolitan Transit

By _____
Jeffrey Ax
President and CEO of
VIA Metropolitan Transit

Nissa M. Dx
Attorney for the Defendant
Law Offices of Nissa Dx P.C.
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San Antonio, TX 78209
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State of Texas
County of Bexar

SS.

Jeffrey Ax, after being first duly sworn, states that he is an officer of VIA Metropolitan Transit and is authorized to make the above interrogatory answers on behalf of VIA Metropolitan Transit, that the above answers have been prepared with the assistance of counsel, that the answers are based either on his personal knowledge, the personal knowledge of VIA Metropolitan Transit employees, or on information obtained from VIA Metropolitan Transit records, and that the answers are true to the best of his knowledge, information, and belief.

Jeffrey Ax

Subscribed and sworn to before me this 19th day of December 2009, by Jeffrey Ax, Defendant.

Notary Public

Title (and Rank)

My commission expires _____