

**Form C(4). Uniform Interrogatories to be Answered by Defendant in Product Liability Cases (Other than Pharmaceutical and Toxic Tort Cases) Only: Superior Court**

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

In propounding the interrogatories, plaintiff should provide this information:

- (a) A description of the product, as specific as possible.
- (b) The date and place of purchase, if known.
- (c) The make, model and any serial number or other identifying decal or feature on the product.
- (d) Any words printed on the product.
- (e) If the product involved is a motor vehicle or has component parts, a description of any part(s) or system(s) claimed to be defective or negligently designed, manufactured or distributed, or otherwise complained of.
- (f) A general description of the manner in which plaintiff claims to have been injured.

Answers to these interrogatories should be furnished within the context of the information provided by plaintiff in (a) through (f), above.

1. Did you manufacture the product? If so, state: (a) the date and place of manufacture; (b) the date you sold or otherwise distributed the product; and (c) the name and address of the person or entity that purchased the product from you. If you did not manufacture the product, state the name and address of the person or firm who did so. State the name and address of the person or entity from which you purchased the product.

2. Did you sell or otherwise distribute the product? If so, state: (a) the date on which you sold or otherwise distributed the product; (b) the names and addresses of all persons and entities that sold or otherwise distributed the product; and (c) the dates of sale and distribution for each such person or entity.

3. State the name and address of any person, firm or entity that did the following with respect to the product (if the product is a motor vehicle or has component parts, this question pertains to the subpart(s) or system(s) complained of):

- (a) designed it;
- (b) manufactured it; (c) assembled it; (d) packaged it;
- (e) distributed it, through sale or otherwise; (f) advertised it;
- (g) installed it; and (h) serviced or otherwise maintained it.

4. Were there any writings or warnings on the product itself, on its packaging, or on anything attached or appended to the product, when it left your control? If so, state specifically and fully the exact words used and their location. If a warning was given in other than words, attach copies of any and all symbols or depictions used.

5. State whether you provided to a distributor, possible user or any person or firm that you expected to come in contact with the product, any form of written material, such as an owner's manual, repair manual, parts manual or any other writing pertaining to the product. If so, attach a copy of any such written material. If you do not have a copy, state specifically what was written or depicted.

6. Have you or any other person or entity repaired, altered, or otherwise changed the design or specifications of the product (in the case of a motor vehicle or a product with component parts, this question refers to the subpart(s) or system(s) complained of) from the date of manufacturing to the date of the incident? If so, state: (a) the name and address of the person or entity who made the repair, alteration or change; (b) the date of each such change; (c) the specific details of the change; (d) the name and address of the officer, managing agent or other person(s) in your organization most involved with such change; and (e) the names and addresses of all your employees or agents who were involved in such change. If the change is displayed on plans, specifications, blueprints or other drawings, or described in any document, attach a legible copy of such plans, specifications, blueprints, drawings or documents.

7. If, from the date the product was manufactured until the date of the incident, any writings or warnings pertaining to the product were added, altered, or otherwise changed, state: (a) the date of each such change; (b) the specific words or symbols used in each such change; (c) the name and address of the officer, managing agent or other person(s) in your organization most involved with such change; and (d) the names and addresses of all of your employees who were involved in such change.

8. Identify all correspondence between plaintiff and the defendant or its representatives, and attach copies.

9. State whether you intend to assert any defenses at the time of trial.

(a) If so, and the defenses are based upon the common-law, state the principle involved and fully provide the factual basis for any such defense.

(b) If so, and the defenses are based upon a statute, regulation or other written rule, identify each such statute, regulation or rule and fully provide the factual basis for any such defense.

(c) If so, and your defense is based upon an alteration, use, misuse of or other change in the product, indicate each such defense and fully provide the factual basis for any such defense.

10. State whether at any time prior to answering these interrogatories and subsequent to the date of manufacturing or distribution of the product itself or similar products by this defendant any person complained or alleged that he, she or anyone suffered bodily injuries or death as a result of using the product in the manner in which plaintiff claims to have used the product when the injury occurred. If so: (a) identify all such claimants and their attorneys; (b) describe as specifically as possible the product involved, including but not limited to the model and serial numbers; and (c) if a lawsuit was instituted against the defendant, state the names and addresses of the claimants, their attorney(s) and the court in which such claim was instituted.

11. If you allege that any other person or entity or product manufactured by any other person or entity is responsible for the incident, provide the name and address of that person or entity, identify the product, if any, and fully provide the factual basis for the allegation.

12. Are you a member of or affiliated with any trade organization or industry group that promulgates written standards, habits or customs pertaining to the product involved in the accident? If so, provide the address of each such organization or group, and attach a copy of the written standards promulgated.

13. Do you contend that the design, manufacture or distribution of the product was governed by any governmental and/or industry codes, standards, regulations or advisories? If so: (a) state the name and address of the governmental agency or department, or the industry office; and (b) specifically identify the codes, standards, regulations or advisories by title and numerical, alphabetical or other coded designation.

### **CERTIFICATION**

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.