

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE THIRTEENTH CIRCUIT
COUNTY OF GREENVILLE	)	
	)	CIVIL ACTION NO. 2022-CP-23-2012102
Sam Coleman and Emma Coleman,	)	
Plaintiffs	)	
	)	
-vs-	)	<b>DEFENDANT'S ANSWERS TO</b>
	)	<b>PLAINTIFFS' FIRST</b>
Make Tracks, Inc.	)	<b>REQUEST FOR PRODUCTION</b>
Defendant	)	<b>OF DOCUMENTS</b>
	)	

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TO: PLAINTIFFS' AND THEIR ATTORNEY:

The Defendant, Make Tracks, Inc. (hereinafter "Make Tracks"), by and through its undersigned counsel, pursuant to Rule 34 of the *South Carolina Rules of Civil Procedure*, herewith responds to Defendants' first request for production:

1. All documents including letters, files, notes, documents, reports, photographs, diagrams, drawings, or other similar material relating to the allegations in the Complaint or any defenses of Defendant.

**RESPONSE:**

**Defendants object to this request as it is overly board or unduly burdensome.**

2. Digital color copies of any and all photographs or video taken of the incident scene and/or the equipment involved in the accident in question.

**RESPONSE:**

**Defendants object to this request as it is overly broad or unduly burdensome.**

**Defendants are in the business of sales of products and create or contract the creation of uncountable numbers of photographs of such products. Subject to that**

**object, Defendants have not created photographs of the scene of the alleged incident at this time but reserve the right to supplement this response at a later time.**

3. Each and every document, file, chart, drawing, sketch, or other document or exhibit that the party or the party's attorney intends to use as an exhibit during the trial of this case.

**RESPONSE:**

**Defendants have enclosed any documents, charts, drawings, sketches, files, or exhibits that they intend to introduce as an exhibit at this time.**

4. Any and all documents and files, whether in hard copy or electronic form, of any expert witnesses retained by or on behalf of Plaintiff or Plaintiffs counsel, including, but not limited to, reports, studies, drawings, measurements, calculations, diagrams, videos, photographs, reports, tests, analyses, emails, correspondences, notes, opinions, or other documentation.

**RESPONSE:**

**Defendants and their counsel are not privileged to documents or files that are the work product of the Plaintiffs or their counsel.**

5. Any and all reports, files or other documents, whether in hard copy or electronic form, related to any investigation, of any nature, into this Defendant or any other Party, witness, or the accident in question. This request includes, but is not limited to, any and all documents, reports, citations, notes or other file materials related to any investigation performed by law enforcement, private investigators, experts, or otherwise.

**RESPONSE:**

**Defendants object to this request as it is overly broad or unduly burdensome.**

**Defendants are not responsible for documentation created or retained by any other party, witness, investigator, expert, or law enforcement agency outside of themselves.**

6. The policies of insurance providing coverage for you in regard to this incident, including the policy itself, the declaration sheet, and all endorsements thereto.

**RESPONSE:**

**Defendants' counsel is not currently in possession of any documentation responsive to this request, as it is still being obtained. Defendant will supplement this response at a later time.**

7. The documents and/or items referring or relating to any investigation of the incident that is the subject of this lawsuit.

**RESPONSE:**

**Defendants' counsel is not currently in possession of any documentation responsive to this request, as it is still being obtained. Defendant will supplement this response at a later time.**

8. The documents or writings of any nature which evidence that plaintiff knew of the possible risks, dangers, hazards, or possible adverse experiences in using the product.

**RESPONSE:**

**Defendants object to this request as it is overly broad or unduly burdensome.**

**Plaintiffs are much more strongly positioned to provide documentation of their knowledge of the risks in this matter. Subject to that objection, documents regarding such known risks that are included as a standard practice in the sale of the Big Track are still being gathered and will be supplemented later.**

9. The documents or writings of any nature (including warnings) which were provided to educate the public or the ultimate user of the vehicle concerning any hazards or risks in using the vehicle.

**RESPONSE:**

**Defendants' counsel is not currently in possession of any documentation responsive to this request, as it is still being obtained. Defendant will supplement this response at a later time.**

10. The documents or writings of any nature which evidence the length of time the product was tested prior to being manufactured and made available to the general public for use.

**RESPONSE:**

**Defendants' counsel is not currently in possession of any documentation responsive to this request, as it is still being obtained. Defendant will supplement this response at a later time.**

11. The documents or writings of any nature which pertain in any way to defendant's decision to remove the vehicle from production.

**RESPONSE:**

12. The documents or writings of any nature from every person who notified the defendants, by letter or otherwise, of any personal injury in connection with the use of the product.

**RESPONSE:**

**Defendants' counsel is not currently in possession of any documentation responsive to this request, as it is still being obtained. Defendant will supplement this response at a later time.**

13. Any and all documents, not otherwise requested above, that are identified, made reference to, or inquired of in Defendant's Interrogatories.

**RESPONSE:**

**All applicable documents have been supplied in response to the preceding requests. Defendants will supplement as necessary.**

Respectfully Submitted,

DATED: November 20, 2022  
Greenville, South Carolina

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