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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF UMATILLA

7 CLAYTON PAUL MANZ VIBBERT, as the)
Personal Representative for the ESTATE OF)
8 GREGORY WILLIAM VIBBERT,)

9 Plaintiff,

10 v.

11 DAVID ROGERS BELYEA,

12 Defendant.

) Case No. 19CV49420

) **DEFENDANT'S FIRST REQUEST**
) **FOR PRODUCTION OF**
) **DOCUMENTS TO PLAINTIFF**

) Plaintiff's Prayer: \$2,500,000

) Fee Authority: ORS 21.160(1)(d)

13 **TO:** CLAYTON PAUL MANZ VIBBERT, as the Personal Representative for the ESTATE
14 OF GREGORY WILLIAM VIBBERT, and their counsel of record Warren John West
PC, and Warren J. West:

15 Pursuant to ORCP 36 and 43, defendant DAVID ROGERS BELYEA, requests plaintiff
16 produce for inspection and copying the documents described below. It is requested that such
17 production for inspection and copying take place at the offices of Davis Rothwell Earle &
18 Xóchihua P.C., 200 SW Market Street, Suite 1800, Portland, Oregon 97201, within thirty (30)
19 days of the date of service of this request, and remain available for a reasonable period of time to
20 allow inspection and copying.

21 **INSTRUCTIONS AND DEFINITIONS**

22 This request extends beyond all documents and information within plaintiff's
23 possession to include all documents and information within plaintiff's custody or control and
24 may require plaintiff or her attorney to seek and obtain the specifically requested documents and
25 information.

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DEFENDANT'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF

L:\79\VIBBERT\PLD\DEF's 1st RQP to PL.docx

DAVIS ROTHWELL
EARLE & XÓCHIHUA, P.C.
200 SW MARKET STREET, SUITE 1800
PORTLAND, OREGON 97201
T (503) 222-4422 F (503) 222-4428

IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA

GARY L. SIMMONS, as Administrator of
the Estate of Helen L. Simmons, an
individual,

Plaintiff,

v.

GENERAL MOTORS CORPORATION,
a corporation, AGROTORS, INC., a
corporation, JOHN HANCOCK TIMBER
RESOURCES CORPORATION, a
Corporation and RONALD LEOPARD,
an Alabama Resident,

Defendants.

CV-06-130

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S
PROPOSED PROTECTIVE ORDER**

COMES NOW the Plaintiffs and request this Honorable Court to deny in full
Defendant General Motors Corporation's ("GM") motion for a protective order concerning
Plaintiff's First Requests for Production.

1. Because the Defendants did not make any attempt to resolve any pending discovery
issues prior to making a motion before this Honorable Court, the Defendant's
Motion for Protective Order must be denied.
2. The Defendants conveniently overlook the first requisite of obtaining a protective
order, namely that "a motion for a protective order **shall** be accompanied by a
statement of the attorney for the moving party, stating that the attorney, **before filing**
the motion, has endeavored to resolve the subject of the discovery motion. . .with
the opposing party." Ala. R. Civ. P. 26 (c) (emphasis added).

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF MULTNOMAH

7 KIKONA BAUTISTA,

8 Plaintiff,

9 v.

10 COAST TO COAST CARPORTS, INC., a foreign
11 business corporation, and J. SCOTT MCNALLY,
individually,

12 Defendants.

Case No.: 20CV29653

DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENTS
TO PLAINTIFF

13 TO: Kikona Bautista, Plaintiff, and her attorney, Tim Williams:

14 Pursuant to the provisions of Rules 36, 43 and 44 of the Oregon Rules of Civil
15 Procedure, the undersigned attorney hereby requests that you produce the documents
16 described hereinafter, in accordance with the definitions and instructions contained herein,
17 for inspection and copying, on or before 30 days from the date hereof, at the offices of
18 Tegan D. Schlatter, Law Offices of Kathryn Reynolds Morton, PO Box 4400 Portland,
19 Oregon 97208-4400.

20 NOTICE: THIS REQUEST FOR PRODUCTION OF DOCUMENTS IS A
21 CONTINUING REQUEST THROUGH THE TIME OF TRIAL AND YOU ARE
22 REQUESTED TO UPDATE YOUR RESPONSES TO THIS REQUEST FOR
PRODUCTION AS ADDITIONAL DOCUMENTS BECOME AVAILABLE TO YOU.

23 IN THE EVENT THESE REQUESTS AND CONTINUING REQUESTS FOR
24 DOCUMENTS ARE NOT COMPLIED WITH, THE UNDERSIGNED ATTORNEY
25 RESERVES THE RIGHT TO EXCLUDE TESTIMONY BASED UPON INFORMATION
26 OTHERWISE CONTAINED IN OR RELEVANT TO SUCH DOCUMENTS AT THE TIME
OF TRIAL, AND TO REQUEST POSTPONEMENT OR CONTINUANCE OF THE TRIAL
UNTIL SUCH DOCUMENTS ARE DELIVERED.

27 INSTRUCTIONS AND DEFINITIONS

PAGE 2 – DEFENDANT'S REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF

Law Offices of Kathryn Reynolds Morton
Employees of Liberty Mutual Group, Inc.
PO Box 4400
Portland, OR 97208-4400
503-736-7420/FAX (800) 972-3206

1 **RESPONSE:**
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6 **REQUEST FOR PRODUCTION NO. 2:** A copy of Plaintiff's proof of
7 automobile/motorcycle liability insurance in force at the time of the incident.
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9 **RESPONSE:**
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14 **REQUEST FOR PRODUCTION NO. 3:** The name, address, and telephone numbers for
15 all persons who are claimed to have seen the incident, or who arrived afterwards.
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17 **RESPONSE:**
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21 **REQUEST FOR PRODUCTION NO. 4:** A copy of any and all statements, written,
22 recorded or otherwise, taken regarding this incident that were made by: Defendant, all
23 witnesses, law enforcement individuals or emergency response personnel present at the
24 scene of the incident.

25 **RESPONSE:**
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1 financial support and insurer benefits.

2 **REQUESTS FOR PRODUCTION**

3 **REQUEST NO. 1** Please produce documents showing the decedent's earned
4 income from 2000 to the time of his death, including but not limited to pay stubs, work orders,
5 invoices, contracts, receipts, and check registers.

6 **RESPONSE:**

7 **REQUEST NO. 2:** Please produce the decedent's state and federal income tax
8 returns, including W-2 forms, for the last ten (10) years.

9 **RESPONSE:**

10 **REQUEST NO. 3:** Please produce all bank account records maintained by the
11 decedent for the past ten (10) years, including but not limited to, checking, savings, money
12 market, mutual fund, business-related account, and brokerage accounts and balances.

13 **RESPONSE:**

14 **REQUEST NO. 4:** To the extent not requested above, please produce all other
15 documents related to those items of damage set forth in paragraphs 7 and 8 of the Complaint.

16 **RESPONSE:**

17 **REQUEST NO. 5** Please produce the complete medical examiners report
18 together with any and all toxicology reports and medical reports concerning the deceased.

19 **RESPONSE:**

20 **REQUEST NO. 6:** Please produce any and all activity schedules prepared by
21 or on behalf of the decedent concerning his daily activity schedule including medical
22 appointments, dentist appointments, social appointments, extracurricular activities, and daily
23 social and work schedules for the five (5) years prior to the deceased's death.

24 **RESPONSE:**

25 **REQUEST NO. 7:** Please produce any and all records regarding employment-