

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

STEPHEN WHITNEY

Plaintiff,

Case No. 1:21-CV-23744-JLK

vs.

USAA GENERAL INDEMNITY COMPANY,

Defendant.

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**DEFENDANT'S FIRST REQUEST FOR ADMISSIONS TO PLAINTIFF**  
**STEPHEN WHITNEY**

**COMES NOW** the Defendant, **USAA GENERAL INDEMNITY COMPANY**, by and through the undersigned counsel and pursuant to the applicable Federal Rules of Civil Procedure requests that the Plaintiff, **STEPHEN WHITNEY**, admit or deny the following statements:

1. You are entitled to receive medical payments coverage benefits as a result of the alleged motor vehicle incident of 5/25/2020.
2. You have received medical payments coverage benefits as a result of the alleged motor vehicle incident of 5/25/2020.

3. You sustained no permanent injury as the result of the motor vehicle incident of 5/25/2020.

4. No medical provider has expressed a medical opinion that you have sustained a permanent injury as a result of the alleged motor vehicle incident of 5/25/2020.

5. You received no permanent and/or significant scarring as a result of the alleged motor vehicle incident of 5/25/2020.

6. You were not gainfully employed at the time of the alleged motor vehicle incident of 5/25/2020.

7. You did not lose any wages or income as a result of the alleged motor vehicle incident of 5/25/2020.

8. Your earning capacity was not reduced or impaired as a result of the alleged motor vehicle incident of 5/25/2020.

9. Your ability to enjoy life has not been reduced or impaired as a result of the alleged motor vehicle incident of 5/25/2020.

10. You have been involved in one (1) or more motor vehicle accidents prior to the alleged motor vehicle incident of 5/25/2020.

11. You sustained significant and permanent injuries in said prior motor vehicle accidents.

12. You have been involved in one (1) or more motor vehicle accidents subsequent to the alleged motor vehicle incident of 5/25/2020.

13. You sustained significant and permanent injury in said subsequent motor vehicle accidents.

14. You have been involved in one (1) or more slip and fall type or other non-motor vehicle accidents prior to the alleged motor vehicle incident of 5/25/2020.

15. You sustained significant and permanent injuries in the prior slip and fall type or other non-motor vehicle type accidents.

16. You have been involved in one (1) or more slip and fall type or other non-motor vehicle accidents subsequent to the alleged motor vehicle incident of 5/25/2020.

17. You sustained significant and permanent injuries in the subsequent slip and fall type or other non-motor vehicle accidents.

18. Some or all of your injuries that you are claiming damages for in this matter pre-existed the alleged motor vehicle incident of 5/25/2020.

19. You have a prior felony conviction.

20. You have a prior conviction involving dishonesty or false statement.

21. You have turned down work you are physically able to perform since the date of the alleged motor vehicle incident of 5/25/2020.

22. You are presently physically able to perform numerous light duty tasks.

23. You are presently physically able to perform all of the tasks you were able to do prior to the alleged motor vehicle incident of 5/25/2020.

24. Your current employer is willing to pay you as if you had not been injured.

25. Your normal faculties were impaired at the time of the alleged motor vehicle incident of 5/25/2020.

26. You had been drinking alcohol and/or taking drugs/medication within six (6) hours prior to the alleged motor vehicle incident of 5/25/2020.

27. At the time of the accident that is the subject of this lawsuit, the vehicle in which the Plaintiff was an occupant had available a functional and operational seat belt/shoulder harness restraint system.

28. At the time of the accident that is the subject of this lawsuit, Plaintiff was not using the available functional and operational seat belt/shoulder harness restraint system.

29. The Plaintiff's failure to use the seat belt or harness produced or contributed substantially to at least a portion of the Plaintiff's damages claimed in the lawsuit.

Respectfully submitted this 12th day of September, 2022.

WADSWORTH, MARGREY & DIXON  
LLP

/s/ Jamie Clark Dixon

JAMIE CLARK DIXON, ESQ.

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*Attorneys for USAA General Indemnity Co.*

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing document is being served on all counsel of record at the e-mail address(es) in the service list below, on this 12<sup>th</sup> day of September, 2022.

/s/ Jamie Clark Dixon  
JAMIE CLARK DIXON, ESQ.

### **SERVICE LIST**

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