

IN THE COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR
FLAGLER COUNTY, FLORIDA

CIVIL DIVISION
CASE NO.: 2022 CA 000662

RANDY PIRES

Plaintiff,

VS.

FLAGLER COUNTY SCHOOL DISTRICT

Defendant

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**DEFENDANT'S NOTICE OF SERVICE OF ANSWERS TO PLAINTIFF'S
INTERROGATORIES**

NOTICE IS HEREBY GIVEN that the Defendant, has served upon counsel for Plaintiff the original answers to Interrogatories, which were propounded upon Defendant by Plaintiff.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Florida Courts E-Filing Portal and designated service to the following in accordance with Rule 2.516, Florida Rules of Judicial Administration: Jacob Barrow, Esq., Morgan & Morgan, P.A., 104 North Main Street, Suite 500, Gainesville, FL 32601, jbarrow@forthepeople.com; Adriana.chavez@forthepeople.com, this January 19, 2023.

**WEISS SEROTA HELFMAN COLE
+ BIERMAN, P.L.**



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DEFENDANT'S ANSWERS TO PLAINTIFF'S INTERROGATORIES

1. What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

ANSWER:

**Kristy Gavin, General Counsel for Defendant
Flagler County School Board
1769 E. Moody Blvd., Bldg. 2
Bunnell, FL 32110**

2. Describe any and all policies of insurance which FLAGLER COUNTY SCHOOL DISTRICT contends covers or may cover FLAGLER COUNTY SCHOOL DISTRICT for the allegations set forth in Plaintiffs Complaint, detailing as to such policies the name of the insurer, the number of the policy, the effective dates of the policy, the available limits of liability, and the name and address of the custodian of the policy.

ANSWER: Defendant has liability insurance with Northeast Florida Education Consortium with limits of \$200,000.00 per person, and \$300,000.00 per occurrence.

3. If FLAGLER COUNTY SCHOOL DISTRICT has knowledge of the subject crash, describe in detail how it happened, and describe each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question.

ANSWER: Robert Walker was operating Defendant's vehicle on Belle Terre Parkway. He was preparing to move from the center lane to the right lane when he observed a motorcycle approaching in excess of the speed limit. He then stopped his lane change to avoid an accident. Plaintiff's motorcycle then rear-ended Defendant's vehicle. Discovery may reveal that Plaintiff was negligent in the operation of his vehicle by traveling in excess of the speed limit and failing to observe traffic ahead, which caused or contributed to the accident at issue.

4. State the facts upon which FLAGLER COUNTY SCHOOL DISTRICT relies for each affirmative defense in FLAGLER COUNTY SCHOOL DISTRICT'S answer

ANSWER:

First Defense: Discovery may reveal that Plaintiff was negligent in the operation of his vehicle by traveling in excess of the posted speed limit and failing to observe traffic ahead, which caused or contributed to the accident in question. Discovery is ongoing.

Second and Third Defenses: Legal defenses that speak for themselves.

Fourth, Sixth, Seventh and Eighth Defenses: Plaintiff is expected to have received payments or discounted medical services from insurance or governmental agencies which qualify as collateral sources under Florida law. Florida case law holds that Plaintiff is not entitled to a double recovery. Thus, if discovery indicates that the Plaintiff's medical bills or lost wages have been paid by personal injury protection benefits or other collateral sources, the Plaintiff may not recover same at trial or through settlement.

Fifth Defense: Discovery and investigation may reveal whether the Plaintiff did everything reasonable to mitigate his damages. Said investigation and discovery continue.

Ninth Defense: Plaintiff's medical records may reveal that Plaintiff suffered an aggravation of a pre-existing condition. Said investigation and discovery continue.

Discovery is ongoing.

5. Does FLAGLER COUNTY SCHOOL DISTRICT contend any person or entity other than FLAGLER COUNTY SCHOOL DISTRICT is, or may be, liable in whole or part for the claims asserted against FLAGLER COUNTY SCHOOL DISTRICT in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which FLAGLER COUNTY SCHOOL DISTRICT'S contention is based, and whether or not FLAGLER COUNTY SCHOOL DISTRICT has notified each such person or entity of your contention.

ANSWER: Discovery may reveal that Plaintiff was negligent in the operation of his vehicle, which caused or contributed to the accident at issue.

6. List the names and addresses of all persons who are believed or known by FLAGLER COUNTY SCHOOL DISTRICT, FLAGLER COUNTY SCHOOL DISTRICT'S agents, or FLAGLER COUNTY SCHOOL DISTRICT'S attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

ANSWER:

**Robert Walker, Assistant Custodian
c/o Weiss Serota Helfman Cole + Bierman, PL
Knowledge of liability and damages**

7. Has FLAGLER COUNTY SCHOOL DISTRICT heard or does FLAGLER COUNTY SCHOOL DISTRICT know about any statement or remark made by or on behalf of any party to this lawsuit, other than FLAGLER COUNTY SCHOOL DISTRICT, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.

ANSWER: No.

8. State the name and address of every person known to FLAGLER COUNTY SCHOOL DISTRICT, FLAGLER COUNTY SCHOOL DISTRICT'S agents, or FLAGLER COUNTY SCHOOL DISTRICT'S attorneys who has knowledge about, or possession, custody, or control of, any model, plat, map, drawing, motion picture, video, or photograph, pertaining to any fact or issue involved in this controversy; and describe as to each, what item such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

ANSWER: Defendant is in possession of the following photograph taken on or about the date of incident:

- 1. 5 Photographs of Defendant's vehicle**
- 2. 7 Photographs of Plaintiff's vehicle**
- 3. 1 Photographs depicting both Plaintiff and Defendant's vehicle**

9. Has FLAGLER COUNTY SCHOOL DISTRICT made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in this case? If so, state the terms of the agreement and the parties to it.

ANSWER: No.

10. Please state if FLAGLER COUNTY SCHOOL DISTRICT has ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and, if so, state whether FLAGLER COUNTY SCHOOL DISTRICT was plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.

ANSWER: Objection; overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

11. Did any mechanical defect in FLAGLER COUNTY SCHOOL DISTRICT'S motor vehicle contribute to the incident? If so, describe the nature of the defect and how it contributed to the incident.

ANSWER: No.

12. List the name and address of all persons, corporations, or entities who were registered title owners or who had ownership interest in, or right to control, the motor vehicle that Robert Walker was driving at the time of the incident described in the Complaint; and describe both the nature of the ownership interest or right to control the vehicle and the vehicle itself including the make, model, year, and vehicle identification number.

ANSWER: See Florida Vehicle Registration produced in response to Request to Produce No. 14.

13. At the time of the incident described in the Complaint, did Robert Walker have FLAGLER COUNTY SCHOOL DISTRICT'S permission and consent to drive the vehicle? If not, state how and the defendant driver was driving FLAGLER COUNTY SCHOOL DISTRICT'S vehicle at the time of the incident described in the Complaint.

ANSWER: Yes.

14. At the time of the incident described in the Complaint, was Robert Walker engaged in any mission or activity for any person or entity, including any employer, other than FLAGLER COUNTY SCHOOL DISTRICT? If so, state the name and address of that person or entity and the nature of the mission or activity.

ANSWER: No.

15. Describe all statements Robert Walker has made to FLAGLER COUNTY SCHOOL DISTRICT pertaining to the incident described in the Complaint.

ANSWER: Objection; work product and risk management privilege. Defendant identifies the following as its privilege log:

- 1. Statement of Robert Walker dated on or about February 26, 2021.**
- 2. Statement of Robert Walker dated March 23, 2021.**

16. Was the motor vehicle that Robert Walker was driving at the time of the incident described in the complaint damaged in the incident, and, if so, describe all repairs made to the vehicle and state the cost to repair the damage.

ANSWER: See work orders dated March 8, 2021 produced in response to Request to Produce No. 6.

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