

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**Director of the Manufactured** )  
**Housing and Modular Units Program** )  
**of the Public Service Commission,** )  
 )  
**Complainant, )**

**v.** ) **Case No. MC-2004-0078**

**A&G Commercial Trucking, Inc.,** )  
 )  
**Respondent.** )

**RESPONDENT'S FIRST INTERROGATORIES  
AND DATA REQUESTS TO COMPLAINANT**

COMES NOW Respondent A&G Commercial Trucking, Inc., by and through its attorney, and pursuant to law propounds the following interrogatories and data requests to Complainant, to be answered fully, separately, and in writing, pursuant to law. In answering these interrogatories and data requests on behalf of Complainant, all information is to be divulged which is possessed or available to the Complainant as well as all information which is possessed by or available to Complainant's attorneys, investigators, agents, employees, or other persons employed by or acting on behalf of Complainant. Complainant is also reminded of his duty to supplement responses to these interrogatories and data requests (and is hereby requested to supplement his answers to these interrogatories and data requests) with information acquired after answering same.

**Definitions:** The following terms when used in these interrogatories, unless expressly otherwise indicated, are intended to mean:

1. "Document," "records," and "writing" means any written, recorded or graphic material, however produced or reproduced, including documents maintained in electronic format.

2. "Identify" when used in reference to a document, record, or other writing means to state the type of document, e.g., letter, memorandum, telegram, contract, agreement, deed of trust, check, statement, report, etc., its author, addressee, or some other means of identifying it, its date and its present

location or custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and the general contents thereof. Where you are requested to "identify" a document, such request shall be considered as a request to attach a copy of such document to your answers to these interrogatories. "Identify" when used in reference to a person or entity means to state the full name of that person or entity, the present residence or business address, and the present telephone number of that person or entity.

3. The words "you" or "your" refer to the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission, and also to any employee, agent, officer, attorney, inspector, staff member, or other person or persons employed by or acting on behalf of such officer.

4. The term "A&G" refers to A&G Commercial Trucking, Inc.

5. The term "subject manufactured home" means the manufactured homes described in paragraph 10 of your complaint in this case.

### **INTERROGATORIES AND DATA REQUESTS**

1. Please identify all documents which you used or to which you referred in answering or preparing answers to these interrogatories.

### **ANSWER:**

2. State whether or not you or anyone acting on your behalf has knowledge of any statements made by A&G or by any persons purporting to be the servant, agent or employee of A&G pertaining to the matters alleged in your complaint in this case or any facts pertaining thereto, and if your answer is in the affirmative, then please state:

- a. The name, address and telephone number of all persons having knowledge of such statement or statements.
- b. Whether such statements were written, recorded, recorded and transcribed, or oral.
- c. For each oral statement, please state the name and address of the person or persons hearing such statements, the name and the address of the person making such statement, the substance thereof and the place or places where each such statement was made.

**ANSWER:**

3. With respect to each person you expect or intend to call as a witness at any trial or evidentiary hearing in this case, including expert witnesses, state and identify the following:

- a. The name, address and telephone number of each such person.
- b. The name and address of each person's employer or the organization with which the person is associated in any professional capacity.
- c. The subject matter on which each witness is expected to testify.
- d. The substance of the facts and, if any, opinions to which each witness is expected to testify.
- e. A summary of the grounds for each opinion, if any is to be rendered in testimony.
- f. All documents presented to and reviewed by each witness to review in connection with developing any testimony and opinions in this case.
- g. Each expert's hourly deposition fee.
- h. Please attach a copy of each expert's curriculum vitae to your answers to these interrogatories.

**ANSWER:**

4. Describe and identify any and all claimed violations of any law or regulation for which you are requesting A&G be sanctioned in this case.

**ANSWER:**

5. With regard to the allegations in paragraph 14 of your complaint in this case, please state the following and provide the following:

- a. The name or names of your agents or representatives who placed the “red tags” (as such term is defined and used in paragraph 14 of your complaint) on the subject manufactured homes described therein.
- b. Provide copies of the prohibitive sale notices (red tags).
- c. State the locations of the subject manufactured homes when the “red tags” were allegedly placed on them.
- d. Identify any witnesses who observed the “red tags” being placed on the subject manufactured home.
- e. State and identify the location on the manufactured homes where the “red tags” were placed.
- f. State and identify the name or names of your agents or representatives who informed A&G that the subject modular homes could not be sold as alleged in your complaint, and state and identify any witnesses who observed this information being given to A&G.

- g. State the date(s) when you claim that A&G was informed that the subject manufactured homes could not be sold.
- h. State and identify the provision of law, if any, which provides you with the authority to place the prohibitive sale notices on the subject manufactured homes.

**ANSWER:**

6. Describe any and all damages claimed either by you or by any other person known to you relating to the alleged sale, delivery, set-up, or defects in the subject manufactured homes.

**ANSWER:**

7. Describe and identify each and every way in which the subject manufactured homes fail or failed at any time relevant to this case to comply with any law or regulation of the United States, the State of Missouri or the Missouri Public Service Commission, stating for each alleged failure the law or rule that is alleged to be violated.

**ANSWER:**

8. Identify all persons who you know have inspected any of the subject manufactured homes at any time since January 1, 2000, and with regard to each inspection provide (1) the date of the inspection, (2) the name(s) of the person(s) performing each inspection, and (3) all records, notes, data, reports and other documents prepared or produced in connection with or as a result of each such inspection.

**ANSWER:**

9. State, identify and set forth all facts known to you which indicate that the subject manufactured homes did not have the necessary or applicable U.S. Department of Housing and Urban Development (“HUD”) labels affixed to them at any time after January 1, 2000.

**ANSWER:**

10. Identify all persons known to you who claim to have knowledge of the lack of a HUD label or data plate on any of the subject manufactured homes after January 1, 2000.

**ANSWER:**

11. Identify and produce all reports, notes, correspondence, memos and other documents concerning in any way the inspections of the subject manufactured homes described in paragraph 14 of your complaint in this case.

**ANSWER:**

12. Provide any correspondence between you and any other person, entity or governmental agency or official concerning the subject manufactured home.

**ANSWER:**

13. Please state whether you or any of your agents have had any communication of any nature (including oral communication or correspondence) with A&G relating to the facts, matters and circumstances at issue in this case. If your answer is affirmative, then with respect to each such communication state the following:

- a. The date of each such communication.
- b. The name of each person or persons with A&G with whom such communication was made.
- c. If the communication consisted of oral communications state in detail the contents of all such communications.
- d. Identify any and all witnesses to any such communications.
- e. State the date or dates of each and every time you had any in-person meetings with A&G representatives concerning the subject matter of this case.
- f. Please produce and attach to your answers to these interrogatories any documents reflecting the foregoing, including but not limited to copies of any correspondence between you and the A&G concerning the subject matter of this case.

**ANSWER:**

14. Provide copies of any and all photos or videotapes of any of the subject manufactured homes in your possession or control.

**ANSWER:**

15. Provide copies of all documents and records contained in your files concerning the subject manufactured homes.

**ANSWER:**

16. Identify any statements made at any time by any of the current owners of the subject manufactured homes concerning the subject manufactured home, and state and identify:

- a. The date of each such statement;
- b. The name and address of each person who was present when each statement was made;
- c. Where each statement was made;
- d. The exact words spoken, or if you cannot state the exact words, then state the substance of each such statement or statements.
- e. Produce a copy of each statement if it is in writing or recorded form.

**ANSWER:**

17. Please state whether any photographs, motion pictures, maps, diagrams, videotapes or other reproductions or drawings were by made by you, or for you by anyone acting on your behalf, of any of the subject manufactured homes at any time. If such photograph, motion picture, map, diagram, videotape or other reproduction or drawing exists, with respect to each, please state:

- a. Who took it and whether that individual was employed by you for the purpose of taking it prior to the time it was taken;
- b. When and where it was taken;
- c. Who presently has possession of it, and the negative, if any;
- d. The name and address of all individuals who have had possession of it, and the dates of possession;
- e. What it depicts, in language sufficient to identify it and delineate it from other photographs, motion pictures, maps, diagrams, videotapes or other drawings or reproductions listed in your answers to these interrogatories;
- f. Whether you claim it as work product.

**ANSWER:**

18. Produce any and all correspondence (including electronic mail correspondence) between you and the Missouri Attorney General and between your attorneys and the Missouri Attorney General concerning the subject matter of this case.

**ANSWER:**

19. Identify all persons with knowledge of the subject matter and allegations contained in your complaint filed in this case.

**ANSWER:**



20. Identify and produce all exhibits that you intend to offer in evidence at any trial or evidentiary hearing in this matter.

**ANSWER:**

\_\_\_\_\_/s/ Thomas M. Harrison

Thomas M. Harrison

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