

IN THE COUNTY COURT FOR  
POLK COUNTY, FLORIDA

CIVIL DIVISION CASE NO: 2013SC-001290-  
0000-LK

RAYMOND E. GUNDER, JR.,  
on behalf of Butler,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendants.

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**DEFENDANT'S NOTICE OF SERVING FIRST SET OF INTERROGATORIES TO PLAINTIFF**

Defendant, State Farm Mutual Automobile Insurance Company ("State Farm") by and through its undersigned counsel and pursuant to Florida Rule of Civil Procedure 1.340, propounds the following Interrogatories to Plaintiff, Raymond E. Gunder, Jr. (Plaintiff under the Durable Power of Attorney from Sarah Butler), numbered one (1) through six (6), to be answered fully, in writing and under oath, within thirty (30) days from the date hereof.

Respectfully submitted,

/s/ Johanna W. Clark

Johanna W. Clark

Florida Bar No. 196400

Joshua D. Moore

Florida Bar No. 0041680

CARLTON FIELDS, P.A.

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*Attorneys for State Farm Mutual Automobile  
Insurance Company*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 16, 2013, a true and correct copy of the foregoing was filed using the E-portal Filing System and a copy of the foregoing has also been furnished by e-mail to **A. Brent Geohagan, Esq.**, 3001 Bartow Road, Lakeland, FL 33801 at [abrent@geohaganlaw.com](mailto:abrent@geohaganlaw.com).

/s/ Johanna W. Clark  
Johanna W. Clark

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**DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified in these interrogatories, the following definitions apply:

The terms "you," "your" or "plaintiff" mean Raymond E. Gunder, Jr., as an individual and/or on behalf of Sarah Butler, and all your agents, attorneys, consultants, accountants, predecessors and successors in interest and any other individual or entity associated or affiliated with you or purporting to act on your behalf with respect to the matter in question.

The following interrogatories call not only for knowledge of Raymond E. Gunder, Jr., but also for all knowledge available to Raymond E. Gunder, Jr. by reasonable inquiry, including

inquiry of Sarah Butler, Plaintiff's representatives, agents, accountants and bookkeepers, and, if not privileged, the Plaintiff's attorneys.

Space is provided for answers to these Interrogatories; if such space is insufficient, please attach additional sheets as needed.

The singular and plural forms of any word shall be interchangeable, as shall masculine and feminine pronouns.

Connector words shall be construed conjunctively or disjunctively as necessary to bring within the scope of any request any information which might otherwise be construed to be outside the scope.

The terms "Defendant" and "State Farm" shall mean State Farm Mutual Automobile Insurance Company.

The term "document" means the original, duplicate or any copy of all written, printed, typed, recorded, graphic, electronic mail (e-mail), or photographic matter or sound reproduction including but not limited to: any and all writings, correspondence, memoranda, graphs, charts, photographs, film, estimates, receipts, invoices, contracts, ledgers, cancelled checks, books and records, internal memoranda, reports, studies, calendars, minutes, records of meetings, records of telephone conferences, computer printout of e-mails or other communications, pamphlets, training materials, accounting records (including financial as well as any inventory accounting), and notes prepared by you or others, including handwritten notes, phono-record, and/or other data compilations from which information can be obtained or translated through detection devices into reasonably useable form; it also includes any and all drafts of a document that differ in any way from a final version of a document. The word "document" is further defined to include all notes or notations on such document(s) and all exhibits or attachments or other materials affixed thereto.

The phrase "relating to," "relates to," or "related to" as used in this request is intended to and shall be interpreted to mean relates to, refers to, pertains to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves,

evidences, shows, refutes, disputes, rebuts, controverts, contradicts, or is logically or factually connected with the repair charges, services, parts and materials, or any other issues described in the Plaintiff's Complaint.

The word "person" means individuals and all other entities having legal existence, including but not limited to, corporations, general partnerships, limited partnerships, professional associations, and governmental entities or governmental corporations.

The words "identify", "identity", and "identification" when used with respect to a person mean to state the full name and present or last known residence and business or permanent address of such person and, if a natural person, his/her present or last known job title, and the name and address of his/her present or last known employer.

The words "identify", "identity" and "identification" when used with respect to a document (including electronically stored information), means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including the type of document (e.g., letter or memorandum) and, if electronically stored information the software application used to create it (e.g. MS Word or MS Excel Spreadsheet), the date, the subject matter, the name of each person who wrote, signed, initialed, dictated or otherwise participated in the preparation of the document, the name and address of each addressee (if any) and the name and address of each person who has possession, custody or control of such document. 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 reason for its disposition.

The words "identify", "identity", and "identification" when used with respect to an act, occurrence, conversation, statement or conduct, including an alleged violation or breach (hereinafter collectively called an "act"), mean to: (1) describe the substance of each event constituting such an act and to state the date when such act occurred; (2) identify each person participating in such act; (3) identify each person present when such act occurred; (4) state whether the occurrence of such act was recorded or described in a document; (5) state whether

such document, or a copy thereof, now exists; and (6) identify the person presently having possession, custody or control of each such document.

The words “identify”, “identity”, and “identification” when used in reference to any other item means to provide all information about the item being identified that is available to you, including a detailed description of the item, its location, and its custodian.

The word “communication” means any contact, oral or written, formal or informal, at any time or place, under any circumstance, in any manner, whereby a statement of any nature is transmitted or transferred, including any meeting or other conversation, and shall include, without limitation, any document relating to any such contact.

Unless otherwise defined herein, each word or term shall have the meaning ascribed to it in *Webster’s Ninth New Collegiate Dictionary*.

If, in response to any of the interrogatories, you claim that information is privileged, please state, with regard to each designated claim of privilege, the following:

- a) The type of privilege claimed (*e.g.* attorney/client, work product, trade secret, etc.);
- b) The person or persons providing the information;
- c) All recipients of the information;
- d) The date or dates of the disclosure of the information;
- e) The subject matter of, or addressed by, the information;
- f) Whether the information is contained in a document and, if so, the following:
  - i. The type of document (*e.g.* letter, or report, *etc.*);
  - ii. The author or authors of the document;
  - iii. All recipients of the document;
  - iv. The date of the document; and
  - v. The subject matter of, or addressed by, the document.

## INTERROGATORIES

1. List the names and addresses of all person who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this lawsuit, including, but not limited, to the names of each and every person who performed any repair/refinish work on the subject vehicle and specify the subject matter about which the witness has knowledge.
  
2. Describe in detail and itemize the repair operations and the respective charges/amounts you are seeking to recover from State Farm in this litigation, including but not limited to the following where applicable:
  - a) a description of the repair operation;
  - b) any and all parts used for the repair operation;
  - c) the manufacturer's part number;
  - d) the price of the manufacturer's part number;
  - e) any adjustment made to the manufacturer's part price;
  - f) the number of labor hours sought for each repair operation;
  - g) the type of labor hour (e.g., body, refinish, frame) for each repair operation;
  - h) the rate of each specific labor hour;
  - i) the amount of paint and materials; and
  - j) the amount of sales tax for each part or material.



purportedly signed, including the date and time of such communication, the persons involved, and a brief summary of what was discussed.

6. Please describe the nature of Raymond E. Gunder Jr.'s employment or relationship with Gunder's Auto Center from 10 years before January 1, 2012 to present, including as an employee, independent consultant, or otherwise. For any such employment or relationship, please describe:
  - a) The specific nature of Mr. Gunder's employment or relationship with Gunder's Auto Center, including manner of employment (agent, contractor, salaried employee, etc.), Mr. Gunder's job title, frequency of work and hours requirements, and work performed.
  - b) If Mr. Gunder is or ever has been employed as a consultant, please describe the frequency and nature of discussions and consultations with Gunder's Auto Center.

The foregoing answers to interrogatories are true and correct.

RAYMOND E. GUNDER, JR. (Under Durable  
Power of Attorney from Sarah Butler)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this \_\_\_\_ day  
of \_\_\_\_\_, 2013, by Raymond E. Gunder, Jr. He /\_\_\_\_\_/ is personally known to me, or  
has produced /\_\_\_\_\_/ her (state) \_\_\_\_\_ driver's license, or /\_\_\_\_\_/ his (type of  
identification) \_\_\_\_\_ as identification.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public

My Commission Expires: