

IN THE DISTRICT COURT OF OTTAWA COUNTY
STATE OF OKLAHOMA

CITY OF MIAMI, OKLAHOMA, a municipal)	
corporation; et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. CJ-2008-619
)	
GRAND RIVER DAM AUTHORITY,)	
)	
Defendant.)	

**GRAND RIVER DAM AUTHORITY'S
FIRST SET OF DISCOVERY REQUESTS**

TO: City of Miami, Oklahoma, a municipal corporation;
 Joyce L. Adams;
 Roland Adcock and Diane Adcock, Husband and wife;
 Riley E. Anderson and Carolyn S. Anderson, husband and wife;
 G.D.S. Investments, Inc.;
 Robert Anderson and Naomi Anderson, husband and wife;
 Elizabeth Andrews;
 Garry L. Arnold and Beverly L. Arnold, husband and wife;
 Kenneth Arnold Sr. and Patsy Arnold, husband and wife;
 Robert Asbell and Teresa Asbell, husband and wife;
 Autofordables Inc.;
 Virgil Baker Jr. and Patti Baker, husband and wife;
 Christopher A. Baldwin;
 Lewis J. Bamberl Jr. and Elnora K. Bamberl, husband and wife;
 Benjamin Barnes and Tonya Barnes, husband and wife;
 Robert S. Barnes and Terri A. Barnes, husband and wife;
 Ruben M. Barton and Sharon K. Barton, husband and wife;
 Terry Pat Beaverson;
 Robert D. Berry and Andrea H. Berry, husband and wife;
 Don Biddle and Ellen Biddle, husband and wife;
 Mark Birdsell;
 Shannon D. Blackstock;
 Cody Blundell and Sherry Blundell, husband and wife;
 Bobby L. Blunk and Becky Blunk, husband and wife;
 Boat Floater Industries, L.L.C.;

Lloyd Gatobu;
Jim Gering and Carolyn Gering, husband and wife;
Michael J. Glassman and Debbie Glassman, husband and wife,
d/b/a Glassman Builders;
Scott B. Glover and Kimberly Glover, husband and wife;
Harry T. Griffin and Janice L. Griffin, husband and wife;
Barbara Haile d/b/a Smile-A-Mile;
Donald Hall Sr. and Patricia Hall, husband and wife;
David Shane Hallet;
The Harbor of Miami, Inc.;
Robert Hardee and Phyllis Hardee, husband and wife;
Rodney D. Harner and Opal Harner, husband and wife;
Betty Henson;
Cheri Herson;
James Herson and Dixie Herson, husband and wife;
Rachel Herrel;
Deryl V. Herren and Joyce E. Herren, husband and wife;
James M. Heyburn and Carrie A. Heyburn, husband and wife;
Tom D. Hickey and Myra Hickey, husband and wife;
Dawn Hildebrand;
Teresa Hill;
Ricky Don Hill;
Travis Hins;
Howard Hoover;
Casey Hough;
Charles E. Houseman and Carol Jean Houseman, husband and wife;
Dona Howell;
Dorena Jackson;
Tony Jameson and Judith Arnold Jameson;
Jeet L.L.C., d/b/a Townsman Motel;
Gary L. Johnson and Retha Johnson, husband and wife;
Merritt W. Johnson;
Ray L. Judkins and Judy Judkins, husband and wife;
Betty J. Kelly;
Emma R. Kennedy;
Linda G. Kerby;
Demaris Childres Killion;
Debra Sue King;
Floyd Kinney and Sherry Kinney, husband and wife;
Howard Klinefelter and Pauline Klinefelter, husband and wife;
Jimmy Koronis and Tiffany Koronis, husband and wife;
Steve Kresyman and Karen Kresyman, husband and wife;
d/b/a Miami Car Wash;
Ike Lacy and Nancy Lacy, husband and wife;
Roger L. Lacy II and Tiffany Lacy, husband and wife;

Freddie L. Payton and Raydenia Payton, husband and wife;
John D. Payton and Joyce Payton, husband and wife;
Dave Perry and Letha Perry, husband and wife,
d/b/a Big Daddy's Bar-B-Q and Deli and
Little Treasures and Perry's Towing and Recovery;
Robert B. Pewitt and Ann L. Pewitt, husband and wife;
Tony Pickett;
Scott Potter and Melanie Potter, husband and wife;
Ricky R. Powers and Kelli Powers, husband and wife,
d/b/a Riverview Auto Sales;
Kerry Radosevich and Cindy Radosevich, husband and wife,
d/b/a Serenity Inn Motel;
Greg Ratliff and Carol Ratliff, husband and wife;
James Rawlins,
Floey E. Ray;
James L. Redden and Cathy L. Redden, husband and wife;
Jake Reed, d/b/a Reed Upholstering;
Leanne E. Reeves;
Randall Rhodes and Norma Rhodes, husband and wife;
Benjamin D. Ricketts and Jennifer Ricketts, husband and wife;
Joshua Riojas;
Riojas Industries Inc.;
Cynthia Elaine Rios;
Carson B. Roberts;
Ellen Roberts; d/b/a One Stop Convenience;
Bill Robertson and Ethel Jeanette Robertson, husband and wife;
Tom Robertson and Marsha Robertson, husband and wife;
Bani G. Rodriguez and Seuna Rodriguez, husband and wife;
Roger Lee Rollins and Elizabeth Rollins, husband and wife;
Archie Rowden and Rosalie Rowden, husband and wife;
Nedra K. Roye;
Charles D. Russell and Angela R. Russell, husband and wife;
Roy Rutherford and Patricia J. Rutherford, husband and wife;
Timothy Rutherford and Aimee Rutherford, husband and wife;
Paula Rutledge;
Ryan Rutledge and Nakia Rutledge, husband and wife;
Lloyd W. Schoenhals and Donna Schoenhals, husband and wife;
Patsy Schubert;
Dennis R. Senter and Lisa Mayes Senter, husband and wife,
Jimmy Lee Sharbutt, Jr.;
Phillip J. Shyers and Stella L. Shyers, husband and wife;
Jonathan Sievert and Donna Sievert, husband and wife;
d/b/a Premium Plumbing;
Robert Silversmith and Karen Silversmith, husband and wife;
Claudia J. Sisco;

Scott R. Rowland
Renee Demoss
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, Oklahoma 74103-4217
918/595-4800
918/595-4900 Fax

GRAND RIVER DAM AUTHORITY'S
FIRST SET OF DISCOVERY REQUESTS

Defendant, Grand River Dam Authority, propounds the following Interrogatories to you under the provisions of Okla. Stat. tit. 12 § 3233, requiring answers to be made under oath within thirty (30) days from the date of service or such earlier date as the Court may order.

If any of these interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder and stating whatever information, knowledge or belief you do have concerning the unanswered portion.

In answering these interrogatories, please furnish all information which is available to you, including information in the possession of your attorney, investigators, and all other persons acting in your behalf, not merely such information which may be of your own personal knowledge. Each Interrogatory is a continuing one. If, after serving answer to any Interrogatory, the Plaintiff obtains or becomes aware of any further information pertaining to such interrogatory, Plaintiff is required to serve upon the Defendant, amended answers setting forth all such information.

INTERROGATORIES

INTERROGATORY NO. 1: Please state your name, address, telephone number, date of birth, occupation, name of employer, and employment position.

INTERROGATORY NO. 8 Please describe and state the date of all actions taken by you or someone on your behalf to avoid, prevent or reduce the damages you are claiming as to each flood, and identify all person involved in such activities.

INTERROGATORY NO. 9: Was your property flooded during any of the floods occurring in 1885, 1904, 1927, 1935, 1941, 1943, 1957, 1959, 1992, 1993, 1994, 1995 or at any other time? If so, please identify the date of the flood and describe the damage suffered by your property during each prior flood which affected it.

INTERROGATORY NO. 10: How much did you pay for your real property that is at issue?

INTERROGATORY NO. 11: Please state whether any previous owners of your real property at issue or other persons ever made disclosures to you regarding flooding to your real property. Please identify each person by name and address and provide a brief description of their disclosures to you.

INTERROGATORY NO. 12: Please state whether you have ever listed the real property at issue for sale within the last ten (10) years. Identify all brokers, realtors or other persons or entities that marketed for sale the subject property, dates the property was listed for sale and names of potential buyers, if any.

INTERROGATORY NO. 13: Itemize you damages for each and every item of personal property you claim was damaged or destroyed due to the floods which are the subject of this litigation. This includes identifying each item of personal property, specifying the approximate date each item was originally purchased, the purchase price, the amount of damage to each item, the date each item was damaged (i.e. which flood), where each item was located

INTERROGATORY NO. 18: Do you still own the subject property? If not, please provide (1) the date it was sold by you, (2) the purchase price, (3) the name(s) of the buyer(s).

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Okla. Stat., tit. 12, § 3234, the Defendant, Grand River Dam Authority ("GRDA"), requests that the Plaintiff produce the following documents and things for inspection and copying.

Obligations to Produce Documents and Things

You must respond to these requests for the production of documents or things ["Requests"] and/or produce the responsive documents and things for inspection and copying within thirty (30) days after service of these requests, at the law offices of Feldman, Franden, Woodard & Farris, Two West Second Street, Suite 900, Tulsa, OK 74103, or at such other place, date and time as may be mutually agreed in writing. Moreover, these Requests are of a continuing nature, and you are legally obligated to timely supplement your responses as required by Okla. Stat., tit. 12, § 3226(E).

Instructions for Production

These Requests encompass all documents [as later defined], in the possession, custody, and control of the Plaintiff, or any of Plaintiff's agents, employees, joint ventures, partners, contractors, accountants, attorneys, or assignees, which are available to Plaintiff wherever they are located.

All documents produced are to be segregated and identified as responsive to the enumerated Request to which they are produced.

includes items created, recorded or stored by means of or on paper, canvass, film, negatives, microfiche, magnetic or electronic tape, computer drives or diskettes, digital processes and things similar to any of the foregoing, however denominated, whether currently in existence or already destroyed.

E. **"Communication"** means an exchange of information or contact between two or more persons, irrespective of the manner by which it is accomplished. It includes spoken statements, physical gestures, symbolic representations and non-lingual sounds or utterances exchanges; and, without limitation, refers to notes, memoranda, letters and other written correspondence of any kind whether by hand or otherwise, electronic mail or other electronic correspondence or communications of any kind, conversations, and/or audio or video recordings.

F. The word **"meeting" or "meetings"** means any coincidence of presence of any persons, whether or not such coincidence of presence was by chance or prearranged, formal or informal, or in connection with some other activity.

G. **"Identify," "identity," or "identification"** means, when referring to:

- (1) A **natural person**, to state his or her: full name, present or last known position and/or business affiliation and both home and business addresses;
- (2) A **business entity**, to state its: present or last known name and address;
- (3) A **document** to state: its date, signatories, drafters, nature and substance; the identity [as defined] of person(s) who received it; and the identity [as defined] of the custodian of the original (or, if that is unavailable, the most legible copy thereof). If the document requested to be identified is not presently in your possession or subject to your control, then identify: 1) Each person whom you have reason to believe had or has knowledge of its content; and, 2) Each person whom you have reason to believe received a copy thereof.
- (4) A **communication [as defined], meeting or transaction**, to state: the date and place of its occurrence; its substance; the means by which it was effectuated (e.g. by phone, in person, etc.); the identities [as

REQUEST NO. 7: Please produce all documents reflecting claims you made for payment of benefits under any insurance policy covering flooding and/or other damage to your property.

REQUEST NO. 8: Please produce all documents reflecting claims made for the payment of benefits to any governmental entity covering flooding and/or other damage to your property.

REQUEST NO. 9: Please produce all documents evidencing liens, mortgages or other encumbrances against your property during the times you claim damages for each flood event.

REQUEST NO. 10: Please provide copies of all photographs concerning the flooding at issue in this case to your real and personal property.

REQUEST NO. 11: Please produce all policies of insurance which provided coverage for flood damage to your property.

REQUEST NO. 12: Please produce all estimates you obtained for the cost of repairing flood damages to your property.

REQUEST NO. 13: Please produce all surveys of the real property at issue.

REQUEST NO. 14: Please produce all Elevation Certificates concerning your real property at issue; including elevation certificates submitted to the Federal Emergency Management Agency ("FEMA").

REQUEST NO. 15: Please produce any diaries, journals or notes that have been kept regarding the allegations contained in the Petition.

REQUEST NO. 16: Please produce documents reflecting ad valorem and real property taxes paid for the five years preceding the flood(s) you are alleging damaged your property.

REQUEST NO. 19: Please produce all abstracts of title to your property.

VERIFICATION PAGE

STATE OF OKLAHOMA)
) ss:
COUNTY OF _____)

_____, having been duly sworn, states that he/she is the plaintiff in the above-entitled cause and that he/she has read the interrogatories served upon him/her and that the foregoing answers are true and correct to his/her best knowledge and belief.

Signature

Subscribed and sworn to before me, a Notary Public, this ____ day of _____, 2010.

Notary Public

My Commission Expires:
