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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

BRADLEY KLOCK

Plaintiff,

v.

CLEARLY LASIK, INC., MICHAEL
MOCKOVAK and JANE DOE
MOCKOVAK, and the marital community
composed thereof, and JOSEPH KING AND
JANE DOE KING and the marital
community composed thereof.

Defendants.

No.

**PLAINTIFF'S FIRST DISCOVERY
REQUESTS TO CLEARLY LASIK,
INC.**

TO: CLEARLY LASIK, INC.;

AND TO: Patrick Madden, its attorney.

1. Discovery Requests.

Plaintiff propounds the following discovery requests, pursuant to Civil Rules 26 and 33. You are requested to answer Plaintiff's Discovery Requests and produce documents requested herein. Answers to interrogatories and all documents requested are to be produced at the offices of Connor & Sargent PLLC, 1200 Fifth Avenue, Suite 1650, Seattle, Washington 98101, thirty (30) days after they are served on you. Space for your responses has been provided after each Discovery Request. If the space provided for the

PLAINTIFF'S FIRST DISCOVERY REQUESTS TO
CLEARLY LASIK, INC.- 1

CONNOR & SARGENT PLLC
1200 5th Ave., Suite 1650
Seattle WA 98101
(206) 654-5050 • FAX (206) 624-0011

1 response is not sufficient, please attach additional pages.

2 **2. Scope of Responses.**

3 By use of the pronouns "you" and "your," it is intended that the responses are to
4 include all information known to or reasonably ascertainable by Defendant, Clearly
5 Lasik, Inc., its owners, agents, accountants, attorneys, consultants, investigators, and any
6 other representatives in their capacities as such. If you do not know and cannot ascertain
7 the response to any Discovery Request, state that affirmatively in lieu of your response.
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9 **3. Time.**

10 Unless otherwise stated, these Discovery Requests cover the period from August
11 1998 to the present. However, these Discovery Requests shall be deemed continuing and
12 in the event you discover further information that is responsive to these Discovery
13 Requests, you are to supplement the responses.
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15 **4. Document.**

16 As used herein, the word "document" shall be defined to include all materials
17 within the scope of Civil Rule 34.

18 **5. Objections.**

19 If you object to answering any Discovery Request in whole or in part, state your
20 objection and the factual and legal reasons supporting it, and describe the nature of the
21 documents, communications or things not produced or disclosed in a manner that,
22 without revealing the privileged or protected information, will enable Defendants to
23 assess the applicability of the privilege or protection. ANY OBJECTION WHICH IS
24 NOT SO ASSERTED MAY BE DEEMED WAIVED.
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For each document responsive to these Discovery Requests but withheld by you

1 based upon a claim of privilege, produce a log of such documents that identifies the
2 document, the author and recipient of the document, the date of the document, and the
3 legal doctrine justifying non-production.

4 **6. General Definitions.**

5 a. "You" and "your" shall refer to and include Clearly Lasik, Inc. its
6 owners, agents, employees, accountants, attorneys, consultants, or any other
7 representative.

8 b. "Person" shall include any individual, corporation, partnership,
9 association, or any other entity of any kind.

10 c. "Identify," when applied to a person, requires that you give the
11 person's full name, residence address, residence telephone, business or occupation, job
12 title or description, employer, business address, business telephone, and email address. If
13 you do not have current information on the person being identified, then give their last
14 known residence address, residence telephone, etc.

15 d. "Identify," when used with respect to a document, means to provide
16 sufficient information to enable plaintiff to identify the custodian, frame a proper request
17 for production or subpoena duces tecum, and to distinguish the document from other
18 documents which may be produced by the same custodian.

19 e. "Klock" when used herein refers to the Plaintiff.

20 **NOTICE TO DEFENDANT AND ITS COUNSEL REGARDING DISCOVERY**
21 **OF COMPUTER/ELECTRONIC DATA OR MEDIA:** Notice is given that Plaintiff's
22 Discovery Requests, including future requests, include within their scope of information
23 and data which is stored or maintained by computer or electronic means, including
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1 electronic mail and Blackberry devices. Such information and data must be preserved
2 and protected for purposes of this litigation.

3 7. **Electronic Copy Will be Provided.** An electronic copy of these
4 discovery requests will be provided to you upon request.

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6 **DISCOVERY REQUESTS**

7 **INTERROGATORY NO. 1:** Identify all persons having knowledge of any facts
8 relevant to the subject matter involved in this lawsuit. The information requested in this
9 interrogatory includes, but is not limited to, the identity of all witnesses upon whom
10 either party might rely to support any claim or affirmative defense in the trial of this case,
11 and a detailed description of the knowledge held by each.

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13 **ANSWER:**
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22 **INTERROGATORY NO. 2:** Identify each person you intend to use as an expert
23 witness in this lawsuit, and for each such person state:

- 24 (a) The subject matter on which the expert is expected to testify;
25 (b) The substance of the facts and opinions to which the expert is expected to
testify;

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(c) A summary of the basis or grounds for each such opinion; and

(d) The education, employment experience and professional awards or honors

which support that person's status as an expert.

ANSWER:

REQUEST FOR PRODUCTION NO. 2: Produce any reports or written opinions prepared by the expert(s) identified in your responses to the preceding discovery requests.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce any documents provided to your expert or relied upon by your expert in making his or her determination.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 4: Produce all corporate records for Clearly Lasik, Inc. including, but not limited to, by-laws, articles of incorporation, minutes, stock records and certificates.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents reflecting or pertaining to the employment, compensation, roles and responsibilities of Bradley Klock by Clearly Lasik, Inc. or its owners, including, but not limited to, employment agreements, compensation records, plans and proposals. (By way of clarification, this request does not seek documents reflecting or pertaining to the actual daily activities of Klock in his capacity as an employee or officer of Clearly Lasik, Inc.)

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 6:** Produce all documents provided and
2 correspondence (including e-mail) sent to any law enforcement agency or other person or
3 entity relating to any claimed wrong-doing by Klock.

4 **RESPONSE:**
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10 **INTERROGATORY NO. 3:** Do you maintain that Klock was guilty of any
11 misfeasance or malfeasance or otherwise failed to properly fulfill or carry out his
12 responsibilities as an employee or officer of Clearly Lasik, Inc. or the business being
13 conducted prior to the incorporation of that entity? If so, state in detail each instance of
14 such claimed misconduct or neglect including the date of its alleged occurrence, identify
15 all persons with knowledge of each instance identified and the substance of their
16 knowledge about the instance.

17 **RESPONSE:**
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25 **REQUEST FOR PRODUCTION NO. 7:** Produce all documents reflecting or
pertaining to each instance of misconduct or neglect identified in the preceding

1 interrogatory. Please produce the documents in a manner organized by each instance
2 identified.

3 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 8:** Produce all records reflecting
11 personal expenses incurred by employees or officers of Clearly Lasik, Inc. on corporate
12 credit cards or accounts and records reflecting the repayment of those expenses.

13 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 9:** Produce all financial statements,
20 budgets and bank records of Clearly Lasik, Inc.

21 **RESPONSE:**

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REQUEST FOR PRODUCTION NO. 10: Produce all documents in your possession by, from, to or about Rose Winquist or her rendition of services on behalf of the defendants herein including, but not limited to, communications, letters of engagement, contracts and documents reflecting payments or billing. (Note: this request is not limited to documents pertaining to Winquist's investigation of Klock).

RESPONSE:

DATED this 13th day of January, 2009.

CONNOR & SARGENT PLLC

By 

Stephen P. Connor, WSBA No. 14305
Anne-Marie E. Sargent, WSBA No. 27160
Attorneys for Plaintiff Bradley Klock