

RJD:BCF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD AND LILLIAN WEISBERG :
Plaintiffs :
 :
vs. : CIVIL ACTION NO. 16392
 :
UNITED STATES OF AMERICA :
Defendant :
 :
 . . .cc. . .

INTERROGATORIES

To: Harold Weisberg and Lillian Weisberg
Plaintiffs
From: United States of America
Defendant

The following interrogatories are continuing in character so as to require you to file supplemental answers as soon as you obtain further information relative to these interrogatories.

Where knowledge or information of or possession or control by a party is requested or inquired of, such request or inquiry includes knowledge, information, possession or control of or by the party's agents, representatives and, unless privileged, the party's attorneys.

Unless otherwise indicated, the following interrogatories and the occurrence mentioned in them refer to the time, place and circumstances of the occurrence which is complained of in the most recent complaint or declaration filed in this action.

To the extent that any given interrogatory seeks information supplied by you in answer to another interrogatory, you may respond by reference to your previous answer.

1. State the exact period of time during which plaintiffs operated Coq d'Or Farms in Hyattstown, Maryland, and engaged in the production and sale of poultry and eggs.

gross income
1956

3.(a) State the gross revenues realized annually by plaintiffs in the operation of Coq d'Or Farms for each of the years 1956 through and including 1965.

do

(b) State particularly the gross revenues realized by you from each of the following possible sources of revenue for each of the above years:

answered

- (i) sale of eggs;
- (ii) sale of poultry (live or slaughtered); and
- (iii) other sources (itemize).

(c)(i) State the net profits, after deduction of expenses, realized by plaintiffs in the operation of Coq d'Or Farms for each of the years 1956 through and including 1965.

(ii) Identify the major items of expense regularly incurred by plaintiffs in the operation of Coq d'Or Farms, and estimate the amount of each such major item of expense for each of the above-stated years.

(iii) Identify any extraordinary or unusual items of expense incurred by plaintiffs in the operation of Coq d'Or Farms during any of the above-stated years.

do

4.(a) State the amount reported as adjusted gross income by plaintiffs (either individually or in a joint return) for each of the calendar years 1956 through and including 1965.

do

(b) State what portion of the amount reported by plaintiffs as adjusted gross income for each of the above-stated years was attributable to income from the operation of Coq d'Or Farms.

5. Identify the year of business operations during which Coq d'Or Farms achieved a normal level of poultry and egg production, and state what the figures of poultry and egg production were for that

Supply purchase

6. Give the names and current addresses of all persons employed by Coq d'Or Farms during its period of operation.

7. For each alleged helicopter overflight, sonic boom, or other disturbance caused by defendant's aircraft during the relevant period, give the following information:

- (a) the date of the occurrence;
- (b) the type and description of the aircraft involved, including any identifying markings;
- (c) the estimated altitude of the aircraft;
- (d) the name of the person making the observation of the aircraft;
- (e) a description of any immediate disruptive or harmful effect the overflight, sonic boom or other disturbance had on plaintiffs' poultry flocks, and the name of the person observing such effect; and
- (f) any action taken by plaintiffs to report or complain of such overflight, sonic boom or other disturbance and the name of the person or department or agency to whom such report or complaint was made, and the date of making such report or complaint. (If such report or complaint was in writing, attach a copy to your answers to these interrogatories.)

8. For each of the alleged helicopter overflights, sonic booms or other disturbances listed in answer to interrogatory number 7 above, state the damage caused to the operation of Coq d'Or Farms, including the following information:

I. Destruction of Poultry:

- (a) The number of chickens which died as direct result of the overflight, sonic boom or other disturbances;
- (b) (i) The number of chickens which died at some later

(c) Indicate the monetary loss suffered by plaintiffs on the death of each chicken, and state the basis of your estimate of such loss (include any "salvage value" realized by plaintiffs because of sale of poultry injured or killed);

(d) State any other cause, besides disruption caused by overflight or sonic booms, etc., which may have contributed to the death, or injury and death, of each chicken;

II. Reduced Egg-Laying Productivity:

(e)(i) State that, if any, was the reduction in egg-laying productivity of any flock of chickens allegedly affected by an overflight, sonic boom or other disturbance listed above. To the extent possible, please relate the reduction in egg-laying productivity to each separate occurrence.

(ii) State fully the basis of your computation of any estimated reduction in egg-laying productivity, including the following information:

(1) figures showing the productivity of each flock of chickens allegedly affected before the disruptive occurrence;

(2) figures showing the actual productivity of each flock after the disruptive occurrence; and

(3) figures representing the normal productivity of each flock at stage of development when disruptive occurrence happened (and state the source of such "normal" figures.)

(4) State whether there are any other factors or influences which may have caused or contributed to the loss of egg-laying productivity of plaintiffs' flocks of chickens, and if so, state

such other influences

III. Injury To Business Generally:

(ii)(1) State whether you contend that the occurrence of overflights, sonic booms, or other disturbances attributed to defendant caused any injury to plaintiffs' business operations, other than as stated above. If so, state specifically the nature of the alleged injury.

(ii) State the exact amount of any monetary loss claimed to have been sustained by plaintiffs because of injury to plaintiffs' business operations, as described above. Describe fully the basis of your computation of such monetary loss. List each separate item of loss, and the amount of claimed monetary damage on account of each item, and state how the alleged loss was caused by defendant's conduct.

(i) State the amount of the total monetary loss allegedly suffered by plaintiffs because of the tortious acts which you contend defendants, or its agents, servants, or employees, committed. State what fraction of the claimed, total monetary loss has been actually paid out by plaintiffs to date, so that this element of loss is in the nature of liquidated damages.

9.(a) State whether you have within your possession, custody or control, any books, papers, records, documents, or other writings relating to the alleged occurrence of helicopter overflights, sonic booms, or other disturbances caused by defendant's aircraft. If so, describe fully such writings, and state specifically:

(i) When and by whom they were written, made or kept;
and

(ii) Where they are now.

(b) State whether you have within your possession, custody, or control any books, papers, records, documents, or other writings relating to the alleged damage to the operation of Coq & Or Farms purportedly caused by defendant. If so, describe fully such writings, and state specifically:

(i) When and by whom they were written, made or kept;

(ii) Where they are now.

10. State whether you contend that the tortious acts allegedly committed by defendant, or its agents, servants or employees, caused any physical or emotional injury to the individual plaintiffs. If so, state the following information:

(a) The exact nature of such physical or emotional injury;

(b) How such injury was caused by or related to any tortious conduct of defendant;

(c) The amount of any claimed monetary loss, and specifically, the amount of money expended by plaintiffs to date;

(d) Whether the individual plaintiff involved had any previous history of such physical or emotional condition, and if so, state fully the history of such condition; and

(e) The name of the expert witness who will testify with regard to such physical or emotional condition.

11. (a) Give a concise, chronological history of the occurrences of which plaintiffs complain, and include: relevant dates; nature of occurrence; result of occurrence; actions taken by plaintiffs and responsive actions taken by defendant.

(b) Identify, by name and address, all persons who have personal knowledge of the occurrences of which plaintiffs complain,

12. State the exact date on which plaintiff(s), individually or jointly, filed any administrative claim for money damages for the injuries specified in the present Complaint, and state further:

(a) The exact nature of the injury complained of in each such administrative claim;

(b) To what the administrative claim was presented;

(c) The amount of money damages sought in each such administrative claim;

(d) What final action, if any, was taken on each such administrative claim; by whom such action was taken; and the exact date of such action; and

(e) Whether you have retained copies of any such administrative claims. (If so, please attach exact copies of such administrative claims to your answers to these interrogatories).

13. State whether you have, within your possession, custody or control, any physical evidence relating to the occurrences complained of by plaintiff(s), or to events connected to such occurrences, including any photographs, diagrams, drawings, recordings, or other documents or things. If so, describe fully all such physical evidence.

14. Give the names and address of all persons from whom you have obtained written or recorded statements.

15. Give the names and addresses of all persons whom you expect to call as expert witnesses at the trial of this action, and state further:

(a) The qualifications of each such person as an expert and his field of expertise; and

(b) The subject(s) to which his testimony will relate.

16. Give the names and addresses of all persons whom the plaintiffs anticipate calling as witnesses at the trial of this civil action, and state briefly the nature of each person's testimony.

Respectfully submitted,

George Broll
United States Attorney

By: _____
Ransom J. Davis
Assistant United States Attorney

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Interrogatories were mailed on this 18th day of October, 1971, postage prepaid, to Lillian and Harold Weisberg, Coq & Co Press, Route 8, Frederick, Maryland 21701.

Ransom J. Davis
Assistant United States Attorney