

Supreme Court of Florida

No. 77,020

IN RE: AMENDMENT TO RULES OF CIVIL
PROCEDURE - FORM 1.976
STANDARD FORMS FOR INTERROGATORIES

[April 4, 1991]

PER CURIAM.

The Civil Procedure Rules Committee of The Florida Bar, responding to this Court's request pursuant to Florida Rule of Judicial Administration 2.130, has petitioned the Court to adopt new standard interrogatories, amending the forms in the appendix to Florida Rule of Civil Procedure 1.976.*

The petition seeks to substitute new form interrogatories for those presently existing. The presently existing form interrogatories consist of:

* We have jurisdiction pursuant to article V, section 2(a) of the Florida Constitution.

- FORM 1. Nineteen interrogatories directed to plaintiffs in automobile negligence cases;
- FORM 2. Sixteen interrogatories directed to defendants in automobile negligence cases; and
- FORM 3. Six interrogatories directed to parties in marriage dissolution cases.

The committee proposes to substitute the existing forms with the following:

- FORM 1: GENERAL PERSONAL INJURY NEGLIGENCE - INTERROGATORIES TO PLAINTIFF (twenty-one interrogatories directed to plaintiffs in all personal injury cases);
- FORM 2: GENERAL PERSONAL INJURY NEGLIGENCE - INTERROGATORIES TO DEFENDANT (fourteen interrogatories directed to defendants in all personal injury cases);
- FORM 3: MEDICAL MALPRACTICE - INTERROGATORIES TO PLAINTIFF (seven interrogatories to be used in conjunction with the general personal injury negligence interrogatories to plaintiffs);
- FORM 4: MEDICAL MALPRACTICE - INTERROGATORIES TO DEFENDANT (eight interrogatories to be used in conjunction with the general personal injury negligence interrogatories to defendants);
- FORM 5: AUTOMOBILE NEGLIGENCE - INTERROGATORIES TO PLAINTIFF (two interrogatories to be used in conjunction with the general personal injury negligence interrogatories to plaintiffs);

FORM 6: AUTOMOBILE NEGLIGENCE - INTERROGATORIES TO DEFENDANT
(eight interrogatories to be used in conjunction with the
general personal injury negligence interrogatories to
defendants); and

FORM 7: MARRIAGE DISSOLUTION - INTERROGATORIES TO PARTY (keeping
the six existing interrogatories without revision but
redesignating them under the heading FORM 7).

The committee approved the proposal by unanimous vote.
However, the Board of Governors of The Florida Bar voted
unanimously to urge this Court not to accept the proposed Medical
Malpractice Interrogatories. The proposal was advertised by way
of official notice in the January 15, 1991 edition of The Florida
Bar News. Responses received pursuant to the notice addressed
individual interrogatories.

Having considered all of the responses, we adopt the
committee's proposal as revised by this Court. The existing FORM
1 and FORM 2 interrogatories are hereby rescinded; new form
interrogatories, as revised and attached in the appendix to this
opinion, are approved; and the existing FORM 3 shall remain in
effect but is hereby redesignated as FORM 7.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and
HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

APPENDIX

FORM 1.

GENERAL PERSONAL INJURY NEGLIGENCE - INTERROGATORIES TO PLAINTIFF

(If answering for another person or entity, answer with respect to that person or entity, unless otherwise stated.)

1. What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?
2. List the names, business addresses, dates of employment and rates of pay regarding all employers, including self-employment, for whom you have worked in the past ten years.
3. List all former names and when you were known by those names. State all addresses where you have lived for the past ten years, the dates you lived at each address, your social security number, your date of birth, and if you are or have ever been married, the name of your spouse or spouses.
4. Do you wear glasses, contact lenses or hearing aids? If so, who prescribed them; when were they prescribed; when were your eyes or ears last examined; and what is the name and address of the examiner?

5. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted was punishable by death or imprisonment in excess of one year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction, the specific crime, the date and the place of conviction.
6. Were you suffering from physical infirmity, disability, or sickness at the time of the incident described in the complaint? If so, what was the nature of the infirmity, disability, or sickness?
7. Did you consume any alcoholic beverages or take any drugs or medication within twelve hours before the time of the incident described in the complaint? If so, state the type and amount of alcoholic beverages, drugs or medication which were consumed and when and where you consumed them.
8. Describe in detail how the incident described in the complaint happened, including all actions taken by you to prevent the incident.
9. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted

negligence that was a contributing legal cause of the incident in question.

10. Were you charged with any violation of law (including any regulations or ordinances) arising out of the incident described in the complaint? If so, what was the nature of the charge; what plea, or answer, if any, did you enter to the charge; what court or agency heard the charge; was any written report prepared by anyone regarding this charge, and if so, what is the name and address of the person or entity that prepared the report; do you have a copy of the report; and was the testimony at any trial, hearing, or other proceeding on the charge recorded in any manner, and, if so, what was the name and address of the person who recorded the testimony?

11. Describe each injury for which you are claiming damages in this case, specifying the part of your body that was injured, the nature of the injury, and, as to any injuries you contend are permanent, the effects on you that you claim are permanent.

12. List each item of expense or damage, other than loss of income or earning capacity, that you claim to have incurred as a result of the incident described in the complaint, giving for each item the date incurred, the name and

business address to whom each was paid or is owed, and the goods or services for which each was incurred.

13. Do you contend that you have lost any income, benefits, or earning capacity in the past or future as a result of the incident described in the complaint? If so, state the nature of the income, benefits, or earning capacity, and the amount and the method that you used in computing the amount.
14. Has anything been paid or is anything payable from any third party for the damages listed in your answers to these interrogatories? If so, state the amounts paid or payable, the name and business address of the person or entity who paid or owes said amounts, and which of those third parties have or claim a right of subrogation.
15. List the names and business addresses of each physician who has treated or examined you, and each medical facility where you have received any treatment or examination for the injuries for which you seek damages in this case; and state as to each the date of treatment or examination and the injury or condition for which you were examined or treated.
16. List the names and business addresses of all other physicians, medical facilities or other health care providers by whom or at which you have been examined or

treated in the past ten years; and state as to each the dates of examination or treatment and the condition or injury for which you were examined or treated.

17. List the names and addresses of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

18. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place and substance of each statement.

19. State the name and address of every person known to you, your agents, or attorneys, who has knowledge about, or possession, custody or control of any model, plat, map, drawing, motion picture, video tape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

20. Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.
21. Have you made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in this case? If so, state the terms of the agreement and the parties to it.
22. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter and if so, state whether you were plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.

FORM 2.

GENERAL PERSONAL INJURY NEGLIGENCE - INTERROGATORIES TO
DEFENDANT

(If answering for another person or entity, answer with respect to that person or entity, unless otherwise stated.)

1. What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?
2. List all former names and when you were known by those names. State all addresses where you have lived for the past ten years, the dates you lived at each address, your social security number, and your date of birth.
3. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted punishable was by death or imprisonment in excess of one year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction the specific crime, the date and the place of conviction.
4. Describe any and all policies of insurance which you contend cover or may cover you for the allegations set forth in

plaintiff's complaint, detailing as to such policies: the name of the insurer, number of the policy, the effective dates of the policy, the available limits of liability, and the name and address of the custodian of the policy.

5. Describe in detail how the incident described in the complaint happened, including all actions taken by you to prevent the incident.
6. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question.
7. State the facts upon which you rely for each affirmative defense in your answer.
8. Do you contend any person or entity other than you is, or may be, liable in whole or part for the claims asserted against you in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

9. Were you charged with any violation of law (including any regulations or ordinances) arising out of the incident described in the complaint? If so, what was the nature of the charge; what plea, or answer, if any, did you enter to the charge; what court or agency heard the charge; was any written report prepared by anyone regarding the charge, and if so, what is the name and address of the person or entity who prepared the report; do you have a copy of the report; and was the testimony at any trial, hearing, or other proceeding on the charge recorded in any manner, and if, so what was the name and address of the person who recorded the testimony?
10. List the names and addresses of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.
11. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place and substance of each statement.

12. State the name and address of every person known to you, your agents or attorneys who has knowledge about, or possession, custody or control of any model, plat, map, drawing, motion picture, video tape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

13. Do you intend to call any expert witnesses at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

14. Have you made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in this case? If so, state the terms of the agreement and the parties to it.

15. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and if so, state whether you were plaintiff or defendant,

the nature of the action, and the date and court in which such suit was filed.

FORM 3.

MEDICAL MALPRACTICE - INTERROGATORIES TO PLAINTIFF

(These interrogatories should be used in conjunction with the General Personal Injury Negligence Interrogatories to Plaintiff.)

23. Do you contend that you have experienced any injury or illness as a result of any negligence of this defendant? If so, state the date that each such injury occurred, a description of how the injury was caused, and the exact nature of each such injury.
24. What condition, symptom, or illness caused you to obtain medical care and treatment from this defendant?
25. Do you claim this defendant neglected to inform or instruct or warn you of any risk relating to your condition, care, or treatment? If so, state of what, in your opinion, the defendant failed to inform, instruct, or warn you.
26. If you contend that you were not properly informed by this defendant regarding the risk of the treatment or the procedure performed, state what alternative treatment or procedure, if any, you would have undergone had you been properly informed.

27. State the date and place and a description of each complaint for which you contend the defendant refused to attend or treat you.

28. State the date you became aware of the injuries sued on in this action, and describe in detail the circumstances under which you became aware of each such injury; state the date you became aware that the injuries sued on in this action were caused or may have been caused by medical negligence; and describe in detail the circumstances under which you became aware of the cause of said injuries.

29. State the name and address of every person or organization to whom you have given notice of the occurrence sued on in this case because you, your agents or attorneys believe that person or organization may be liable in whole or in part to you.

FORM 4.

MEDICAL MALPRACTICE - INTERROGATORIES TO DEFENDANT

(These interrogatories should be used in conjunction with the General Personal Injury Negligence Interrogatories to Defendant.)

NOTE: When the word "Plaintiff" is mentioned, these interrogatories are directed to be answered regarding (name of plaintiff/patient).

16. Please give us your entire educational background, starting with your college education and chronologically indicating by date and place each school, college, course of study, title of seminars, length of study, and honors received by you up to the present time, including internships, residencies, degrees received, licenses earned or revoked, medical specialty training, board memberships, authorship of any books, articles or texts, including the names of those writings and their location in medical journals, awards or honors received, and continuing medical education.

17. Please give us your entire professional background up to the present time, including dates of employment or association, the names of all physicians with whom you have practiced, the form of employment or business relationship such as whether by partnership, corporation, sole proprietorship, and the dates of the relationships, including hospital staff privileges and positions, and teaching experience.

18. With respect to your office library or usual place of work, give us the name, author, name of publisher, and date of publication of every medical book or article, journal or medical text, to which you had access, which deals with the overall subject matter described in paragraph (whatever paragraph number that concerns negligence) of the complaint. (In lieu of answering this interrogatory you may allow plaintiff's counsel to inspect your library at a reasonable time.)

19. If you believe there was any risk to the treatment you rendered to the plaintiff, state the nature of all risks, including whether the risks were communicated to the plaintiff; when, where and in what manner they were communicated; and whether any of the risks in fact occurred.

20. Tell us your experience in giving the kind of treatment or examination that you rendered to the plaintiff before it was given to the plaintiff, giving us such information as the approximate number of times you have given similar treatment or examinations, where the prior treatment or examinations took place, and the successful or unsuccessful nature of the outcome of that treatment or those examinations.

21. Please identify with sufficient particularity to formulate the basis of a request to produce all medical records of any kind of which you are aware which deal with the medical treatment or examinations furnished to the plaintiff at any time, whether by you or another person or persons.

22. Please state whether any claim for medical malpractice has ever been made against you alleging facts relating to the same or similar subject matter as this lawsuit, and if so, state as to each such claim the names of the parties, the claim number, the date of the alleged incident, the ultimate disposition of the claim, and the name of your attorney, if any.

FORM 5.

AUTOMOBILE NEGLIGENCE - INTERROGATORIES TO PLAINTIFF

(These interrogatories should be used in conjunction with the General Personal Injury Negligence Interrogatories to Plaintiff.)

23. At the time of the incident described in the complaint, were you wearing a seat belt? If not, please state why not; where you were seated in the vehicle; and whether the vehicle was equipped with a seat belt that was operational and available for your use.
24. Did any mechanical defect in the motor vehicle in which you were riding at the time of the incident described in the complaint contribute to the incident? If so, describe the nature of the defect and how it contributed to the incident.

FORM 6.

AUTOMOBILE NEGLIGENCE - INTERROGATORIES TO DEFENDANT

(These interrogatories should be used in conjunction with the General Personal Injury Negligence Interrogatories to Defendant.)

16. Do you wear glasses, contact lenses or hearing aids? If so, who prescribed them, when were they prescribed, when were your eyes or ears last examined, and what is the name and address of the examiner?
17. Were you suffering from physical infirmity, disability, or sickness at the time of the incident described in the complaint? If so, what was the nature of the infirmity, disability, or sickness?
18. Did you consume any alcoholic beverages or take any drugs or medications within 12 hours before the time of the incident described in the complaint? If so, state the type and amount of alcoholic beverages, drugs or medication which were consumed, and when and where you consumed them.
19. Did any mechanical defect in the motor vehicle in which you were riding at the time of the incident described in the complaint contribute to the incident? If so, describe the nature of the defect and how it contributed to the incident.

20. List the name and address of all persons, corporations or entities who were registered title owners or who had ownership interest in, or right to control, the motor vehicle that the defendant driver was driving at the time of the incident described in the complaint, and describe both the nature of the ownership interest or right to control the vehicle, and the vehicle itself, including the make, model, year and vehicle identification number.

21. At the time of the incident described in the complaint, did the driver of the vehicle described in your answer to the preceding interrogatory have permission to drive the vehicle? If so, state the names and addresses of all persons who have permission.

22. At the time of the incident described in the complaint, was the defendant driver engaged in any mission or activity for any other person or entity, including any employer? If so, state the name and address of that person or entity and the nature of the mission or activity.

23. Was the motor vehicle that the defendant driver was driving at the time of the incident described in the complaint damaged in the incident and if so, what was the cost to repair the damage?

Original Proceeding - Rules of Civil Procedure

Wayne L. Cobb, Circuit Judge, Chairman, Civil Procedure Rules Committee, Dade City, Florida; Bruce J. Berman, Past Chairman, Weil, Gotshal & Manges, Miami, Florida; John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida; and Theodore Babbitt, Chairman, Sub-Committee, Civil Procedure Rules Committee, West Palm Beach, Florida,

for Petitioner

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