

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**Gemma Putnam,**  
Plaintiff,

v.

**HEDGEVIEW MALL SPE II, LLC, a Domestic  
Limited Liability Company, HEDGEVIEW  
MALL, LLC,  
Domestic Limited Liability Company,  
HEDGEVIEW MALL SPE, LLC,  
a Foreign Limited Liability Company,  
HEDGEVIEW OWNER, LLC,  
a Foreign Limited Liability Company,  
CITY RETAIL PROPERTIES, LLC,  
a Foreign Limited Liability Company,  
John Does 1 – 10;  
and XYZ Corporations 1 – 10;**

Defendants.

**Civil Action File No.:**

**12A87632**

**PLAINTIFF’S FIRST INTERROGATORIES TO HEDGEVIEW MALL, LLC**

COMES NOW, GEMMA PUTNAM, Plaintiff in the above-styled case and, pursuant to the provisions of O.C.G.A. § 9-11-26 and § 9-11-33, propounds these interrogatories to HEDGEVIEW MALL, LLC. Defendant is required to answer under oath the following interrogatories no later than thirty (30) days from the date of service, as provided by law, and certify that a copy of same be sent to the Plaintiff’s attorney.

**I. INSTRUCTIONS**

1. Each interrogatory shall be construed to include information within the Defendant’s knowledge, possession, or control as of the date of Defendant’s responses to these

interrogatories, as well as any supplemental information, knowledge, data, document or communication responsive to these interrogatories which is subsequently generated, obtained, or discovered.

2. It is requested that the person responding to these interrogatories restate each interrogatory or sub-part immediately preceding each separate response to be furnished for the sake of clarity and to avoid possible misunderstanding.
3. Where an interrogatory requests information or knowledge in the Defendant's possession, such request includes any knowledge of any agent or representative or anyone else acting on the Defendant's behalf and, unless privileged, any attorney of Defendant.
4. If you claim privilege as a ground for not fully answering any interrogatory, describe the factual basis for your claim of privilege in sufficient detail as to permit the court to adjudicate the validity of the claim. If the claim of privilege relates to identification of a document, also state the date the document was prepared, the identities (including job titles) of the persons who made and received the documents, those persons, employers and dates of employment, and the location of all copies thereof, and the subject matter with which each document is concerned.
5. In answering the following interrogatories, you are requested to give full and complete answers based upon your personal knowledge, as well as that of any agents, employees, investigators, or attorneys who may have obtained information on your behalf.
6. These interrogatories are deemed to be continuing such as to require the Defendant to file and to serve supplemental responses should Defendant learn of additional information called for by these interrogatories between the time the Defendant's responses are filed and the time of trial as set forth in required as set forth in O.C.G.A. § 9-11-26(e).

## II. INSTRUCTIONS

In addition to Georgia's Civil Practice Act and the Local Rules of this Court, the following definitions and instructions apply to these requests:

- A. "Defendant" or any synonym thereof, is intended to and shall embrace and include in addition to Defendant Hedgeview Mall, LLC, all agents, servants, employees, representatives, investigators, or other persons or agencies who are in possession of or may have obtained information for or on behalf of Defendant.
- B. "Plaintiff" shall refer to Gemma Putnam.
- C. The words "or," "and," "all," "any," "each," "one or more," "including," and similar words of guidance are intended merely as such and should not be construed as words of limitation. The words "or" and "and" shall include each other whenever possible to expand, not restrict, the scope of the request.
- D. The terms "you" or "your" are intended to and shall embrace and include in addition to you, the named party to whom they are directed, your attorney, any and all agents, employees, representatives, private investigators, and any other who are in possession of or may have obtained information for or on your behalf.
- E. Reference to the singular in any of these requests shall also include a reference to the plural, and reference to the plural also shall include a reference to the singular.
- F. If Plaintiffs object that a term or phrase is vague or ambiguous, Plaintiff shall respond with its understanding of the term or phrase and specifically admit or deny the statement.
- G. In answering the following interrogatories, Defendant is required to give full information based upon the knowledge, information, and belief of all agents, employees, adjusters, attorneys and insurers of said Defendant.

H. All questions relate to the facts and circumstances surrounding the occurrence described in Plaintiff's Complaint.

**INTERROGATORIES**

1.

Identify the person or persons responsible for preparing Defendant's responses to these interrogatories, and identify all persons consulted in the process of preparing such responses.

2.

Please identify and list the contact information for every employee, independent contractor, or other individual paid or employed by Defendant working at Hedgeview Mall, LLC located at 1234 Gallup Hill Road, Hedgeview, GA 30038 on May 26, 2021.

3.

Please identify and list the contact information for every individual working in management at Hedgeview Mall, LLC located at 1234 Gallup Hill Road, Hedgeview, GA 30038 on May 26, 2021.

4.

Please identify the individuals or the company responsible for security at Hedgeview Mall, LLC located at 1234 Gallup Hill Road, Hedgeview, GA 30038 on May 26, 2021

5.

Please identify the individuals or the company responsible for maintenance at Hedgeview Mall, LLC located at 1234 Gallup Hill Road, Hedgeview, GA 30038 on May 26, 2021

6.

As to Defendant, please state:

- a) The full and correct name of the Limited Liability Company;
- b) The date on which Defendant was incorporated;
- c) The type or nature of Defendant's business; and
- d) The names and present addresses of all of Defendant's officers.

7.

State the name and address of any person, including any party, who, to Defendant's knowledge, information or belief:

- a) Was an eyewitness to the incident complained of in this action;
- b) Has some knowledge of any fact or circumstance upon which your defense is based;
- c) Has conducted any investigation relating to the incident complained of or the background, employment, medical history or activities of Plaintiff.

8.

To Defendant's knowledge, information, or belief, has any person identified in answering the preceding interrogatory given any statement or report in connection with this action? If so, describe such statement or report and give the name and address of the person having custody and control thereof.

9.

Please identify all other known persons not otherwise mentioned in your responses to these Interrogatories who have any knowledge of the incident and the facts that form the basis of Plaintiffs' Complaint.

10.

To Defendant's knowledge, information or belief, are there any videotapes, photographs, plats or drawings of the scene of the incident referred to in the complaint or any incident or actions involving the plaintiff? If so, please describe such videotapes, photographs, plats or drawings and give the name and address of the person having custody and control thereof.

11.

Please state the name and address of all expert witnesses or professional consultants retained or consulted by you or on your behalf to make an evaluation or investigation of the cause of the occurrence or damages giving rise to this lawsuit.

12.

Please set forth the name and address of all liability insurers providing insurance for Defendant for the acts set forth in Plaintiff's Complaint for damages which would provide liability insurance coverage for any acts of negligence on the part of the Defendant which resulted in permanent physical injuries to the Plaintiff. As to each such insurer, please set forth the policy numbers, the limits of liability (including excess or umbrella coverage), the inclusive dates of coverage, and the names, addresses, and telephone numbers of all agents or claims personnel.

13.

Has any insurer referred to above denied coverage or reserved its right to later deny coverage under any such policy of liability insurance? If so, please explain.

14.

Identify all persons whom Defendant expects to call or may call as expert witnesses upon the trial of this matter. With respect to each such person so identified, please also provide the following information:

- a) The specific subject matter upon which each such expert is expected to testify;

- b) The substance of the facts, opinions, and conclusions to which you expect such expert to testify;
- c) A summary of the factual grounds for each such opinion or conclusion; and
- d) Whether any such person has prepared or provided to Defendant a written or recorded statement or report concerning their investigation and, if so, the name and address of all persons who have a copy of each such report or statement.

15.

If any of the experts identified in response to Interrogatory No. 14 have ever been retained by Defendant for any case, please identify the cases and provide the name of the case, the case style and caption, and the addresses of the lawyers involved in those other cases.

16.

Please state whether you owned, leased, rented, managed or otherwise controlled the location on the premises where Plaintiff fell on May 26, 2021. If you did not own, lease, rent, manage or otherwise control this section of the property on May 26, 2021, please provide the information for the individual or entity that owned, leased, rented, managed or otherwise controlled the location on the premises where Plaintiff fell on May 26, 2021

17.

In regard to any document that has not been produced on grounds of privilege, please state the following:

- a) The date each document was generated;
- b) The person generating each document;
- c) The present custodian of each document;
- d) A description of each document.

18.

Please set forth in detail all protocols, plans and procedures, if any, for inspecting the premises located at 1234 Gallup Hill Road, Hedgeview, GA 30038 for hazards or other safety concerns that were in place on May 26, 2021. Please state who was responsible for formulating any such protocols, plans and procedures and how employees are trained on such protocols, plans and procedures.

19.

State the name of the person or entity responsible for surveying the incident site to ensure that it is safe to traverse and free of potential hazards.

20.

State the name of the last employee, agent or contractor of Defendant that performed a safety inspection of the incident location.

21.

State the names and positions of any of Defendants' employees, agents or contractors that assisted Plaintiff at the scene immediately after she suffered injury.

22.

Please indicate whether any of the above persons completed a written report and/or statement concerning the incident.

23.

State the last time in which the incident location had been renovated e.g., the last time in which concrete had been poured or repaired.

24.

State the name of the entity responsible for the repairs outlined above.

25.

If you contend that Defendant in this case is improperly identified, state the proper name, address, and registered agent of the entity you contend is the proper party.

26.

If you contend that any other individual or entity is responsible for Plaintiff's injuries in this case, please provide the name of any other party not already named, including but not necessarily limited to, anyone not named that had an ownership or controlling interest in the location where the injury occurred on May 26, 2021.

27.

If you contend or believe that some other person or entity is liable to the Plaintiff in this case because of the incident described in Plaintiff's Complaint, identify that person or entity.

28.

Did Defendant and/or any agent or employee of the Defendant learn of or have any knowledge of any incident similar to the alleged occurrence where a guest fell on an uneven surface while walking along an approach to the premises? If so, please state:

- a) the identity, giving name and address of each person injured or damaged;
- b) the identity, giving name and address of each person causing such injury or damage;
- c) a description of each incident or happening, including the date, time, location, and injuries or damages sustained in each happening;
- d) any additions made to guest vetting procedures or protocols after each incident;
- e) any additions made to security personnel, the names of the security company contracted, and this individual or company's contact information;

- f) the contact information for each individual responsible for the review of any additions provided in answers 28(d) and 23(e).

29.

Please state the individual or entity responsible for the daily management of the property located at 9875 The Perch Drive, Douglasville, Georgia 30135, including its entrances and approaches.

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**Gemma Putnam,**  
Plaintiff,

v.

**HEDGEVIEW MALL SPE II, LLC, a Domestic  
Limited Liability Company, HEDGEVIEW  
MALL, LLC,  
Domestic Limited Liability Company,  
HEDGEVIEW MALL SPE, LLC,  
a Foreign Limited Liability Company,  
HEDGEVIEW OWNER, LLC,  
a Foreign Limited Liability Company,  
URBAN RETAIL PROPERTIES, LLC,  
a Foreign Limited Liability Company,  
John Does 1 – 10;  
and XYZ Corporations 1 – 10;**

Defendants.

**Civil Action File No.:**

**12A87632**

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT**

COMES NOW, Plaintiff in the above-styled case, and requires that the Defendant provide the requested documents within **thirty (30)** days from the date of service, as provided by law, and that a copy of the Answers be sent to the Plaintiffs’ attorneys.

As used herein, the terms listed below mean the following:

NOTE A: “Document” means every writing, electronic data or file, printing, record, graphic, photographic or sound reproduction of every type and description that is in your

possession, control, custody and knowledge, including but not limited to correspondence, memoranda, agreements, minutes, assignments, records, stenographic and handwritten notes, diaries, notebooks, account books, orders, invoices, notices, statements, bills, files, checks, check stubs, account ledgers, maps, charts, diagrams, analyses, books, pamphlets, work sheets, data sheets, statistical compilations, data cards, microfilms, computer records (including printouts, floppy discs or other magnetic storage media), e-mails, tapes, photographs, pictures, recordings (both voice and videotape) and all copies of such documents, writings or records when such copies contain any commentary or notation whatsoever that does not appear on the original.

NOTE B: When using these requests, the term “Defendant” or any synonym thereof, is intended to and shall embrace and include in addition to the named Defendant, all agents, servants, employees, representatives, investigators, or other persons or agencies who are in possession of or may have obtained information for or on behalf of Defendant.

NOTE C: These requests shall be deemed continuing and supplemental answers shall be required if Defendant obtains further information of the nature sought herein between the time these requests are served and the time of trial.

NOTE D: When used in these requests, the terms “You” and “Your” are intended to, and shall embrace and include in addition to you, the named party to whom they are directed, your attorney, any and all agents, employees, representatives, private investigators, and others who are in possession of, or may have obtained information for or on your behalf.

NOTE E: All questions relate to the facts and circumstances surrounding the occurrence described in Plaintiffs’ Complaint.

Please produce copies of any and all records evidencing and/or reflecting the full legal name and address of the legal owner of the premises located at 1234 Gallup Hill Road, Hedgeview, GA 30038 on May 26, 2021. This request includes ownership of the parking lot and surrounding grassy areas if different from ownership of the shopping complex.

2.

Please produce copies of any and all records reflecting the names, addresses, telephone numbers and job titles of all persons who are or were involved in the control, management and/or operations of the premises located at 1234 Gallup Hill Road, Hedgeview, GA 30038, with regards to both management and ownership individually, on May 26, 2021. This request includes involvement in the control, management and/or operations of the entrances and approaches.

3.

Please produce a copy of the incident report, if any, made by Defendant and/or Defendant's employees or agents in connection with the incident that is the subject of this lawsuit.

4.

Please produce copies of all statements given to Defendant and/or Defendant's employees or agents by any witnesses or early responders to the incident, including statements made by either Plaintiff.

5.

Please produce copies of all documents that provide all factual support for each defense asserted by Defendant in its Answer to Plaintiffs' Complaint.

6.

Please produce copies of all correspondence, internal memoranda, notes, or tangible items of any sort reflecting or referring to the Plaintiff's fall on May 26, 2021.

7.

Please produce copies of any and all correspondence by and between the Defendant and/or any predecessor ownership or management entity and any security service or law enforcement agency at any time regarding or relating to the subject premises.

8.

Please produce copies of any and all insurance policies insuring Defendant, Defendant's employees, agents, corporations, or partnerships for allegations set forth in Plaintiffs' Complaint in effect at present and which were in effect on May 26, 2021, including the declaration sheets, attachments and excess or umbrella liability coverage.

9.

Please produce copies of all documents relied upon by any expert identified in response to Interrogatory No. 11.

10.

The most recent curriculum vitae of any expert witness you expect to call as a witness at the trial of this matter

11.

Please produce all of Defendant's guidelines, policy manuals, operating directives and other writings that pertain to monitoring the premises, its entrances and approaches, for dangerous hazards or conditions in the five years preceding May 26, 2021.

12.

Please produce all correspondence between Defendant and/or Defendant's agents, employees, or partners, and anyone that pertains in any way to the incident described in the Complaint.

13.

Please produce all correspondence between Defendant and/or Defendant's agents, employees, or partners, and anyone that pertains in any way to premises safety.

14.

Please produce any photographs and videotapes taken by or in possession of Defendant and/or Defendant's agents or employees in connection with the incident and injuries detailed in Plaintiffs' Complaint.

15.

Please produce all documents consulted, referred to, or otherwise utilized in any way in connection with the preparation of Defendant's responses to Plaintiff's First Interrogatories

16.

Please produce all documents which Defendant contends contain relevant information in support of any claim asserted by Plaintiff in this lawsuit.

17.

Please produce all statements of Plaintiff taken by or on behalf of the defendant(s) or reproductions of any recorded statements of the plaintiff.

18.

The documents and things referring or relating to any incidents similar to the one which is the subject of this lawsuit occurring in the last three years of the at the premises.

Respectfully submitted, this the 6<sup>th</sup> day of May 2022.

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**Gemma Putnam,**  
Plaintiff,

v.

**HEDGEVIEW MALL SPE II, LLC, a Domestic  
Limited Liability Company, HEDGEVIEW  
MALL, LLC,  
Domestic Limited Liability Company,  
HEDGEVIEW MALL SPE, LLC,  
a Foreign Limited Liability Company,  
HEDGEVIEW OWNER, LLC,  
a Foreign Limited Liability Company,  
URBAN RETAIL PROPERTIES, LLC,  
a Foreign Limited Liability Company,  
John Does 1 – 10;  
and XYZ Corporations 1 – 10;**

Defendants.

**Civil Action File No.:**

**12A87632**

**PLAINTIFF’S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS HEDGEVIEW  
MALL, LLC**

COMES NOW, Plaintiff, and request the above-named Defendant to admit, for the purposes of the above-styled claim, pursuant to O.C.G.A. §§ 9-11-36 and 34-9-102, that each of the following matters is true within thirty (30) days after service of this request. Your attention is specifically directed to O.C.G. A. §. 9-11-36(a)(2) which provides: "The matter is admitted unless, within 30 days after service of the request or within such shorter or longer time as the Court may allow the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or his attorney..." Plaintiff requests these admissions for the purpose of narrowing the issues of fact

upon the trial of this case and for all purposes permissible under law. Plaintiff further requests that Defendant make reasonable inquiries to secure the information requested, and to state with particularity reasons why any request is not admitted or denied as required by Georgia law.

## I. DEFINITIONS AND INSTRUCTIONS

In addition to Georgia's Civil Practice Act and the Local Rules of this Court, the following definitions and instructions apply to these requests:

- A. "Defendant" shall refer to Hedgeview Mapp, LLC.
- B. "Plaintiff" shall refer to Gemma Putnam.
- C. The words "or," "and," "all," "any," "each," "one or more," "including," and similar words of guidance are intended merely as such, and should not be construed as words of limitation. The words "or" and "and" shall include each other whenever possible to expand, not restrict, the scope of the request.
- D. Reference to the singular in any of these requests shall also include a reference to the plural, and reference to the plural also shall include a reference to the singular.
- E. As to each statement, Plaintiff shall specifically admit or deny the statement. If denied, the denial must fairly meet the substance of the requested admission. If Plaintiffs qualify their answer or deny any part of the matter for which admission is requested Plaintiff admit so much of the statement as is true and qualify or deny the remainder.
- F. If Plaintiffs object that a term or phrase is vague or ambiguous, Plaintiff shall respond with its understanding of the term or phrase and specifically admit or deny the statement.
- G. These admissions shall be deemed continuing, and supplemental responses shall be required as set forth in O.C.G.A. § 9-11-26(e).

## II. REQUEST FOR ADMISSIONS

Please admit:

1. Defendant has been correctly named as a Defendant in the present action with respect to the legal description of Defendant's name.
2. The Plaintiff fell while an invitee at Hedgeview Mall which is located at 1234 Gallup Hill Road, Hedgeview, GA 30038 (hereinafter referred to as "the Premises").
3. Venue is proper in the State Court of Dekalb County, Georgia.
4. Defendant is subject to the personal jurisdiction of the State Court of Dekalb County, Georgia.
5. The State Court of Dekalb County has subject matter jurisdiction over this action.
6. Defendant received process in this action, and such process and service are sufficient.
7. On May 26, 2021, Defendant was the exclusive owner of the property located at 1234 Gallup Hill Road, Hedgeview, GA 30038 that is the subject matter of this lawsuit.
8. On May 26, 2021, Defendant was the exclusive owner of the property located at 1234 Gallup Hill Road, Hedgeview, GA 30038 and retained total control of the operation of the property.
9. On May 26, 2021, Defendant had not leased or rented the Premises to another entity.
10. Pursuant to O.C.G.A. § 51-3-1, Defendant, as owner of the property, has a non-delegable duty to keep the premises and approaches safe.
11. On May 26, 2021, Defendant exclusively performed all daily management tasks related to the premises.
12. The premises was open and inviting customers to enter the premises for the purposes of purchasing goods on or around May 25, 2021.

13. On or around May 25, 2021, Plaintiff entered the premises as an invitee.
14. While traversing an uneven surface outside of the premises, Plaintiff stumbled and fell to the ground.
15. The walkway where Plaintiff stumbled was uneven.
16. There were no signs or warnings indicating that the area where Plaintiff fell was uneven.
17. After Plaintiff fell, she immediately reported the incident to management.
18. Plaintiff did not contribute to her fall.
19. As a result of this fall, Plaintiff suffered injury.
20. Admit that Hedgeview Mall failed to properly inspect the area where Plaintiff fell, resulting in a dangerous condition.
21. Admit that Hedgeview Mall owed Plaintiff a duty to keep the property in a safe condition, free from latent dangerous conditions, and in accordance with applicable law, and with due regard, care, and concern for the safety of guests and customers of Hedgeview Mall
22. Admit that Plaintiff required medical treatment as a result of her fall.
23. Admit that the medical treatment rendered to Plaintiff was medically necessary due to Plaintiff's fall at Defendant's store.