



NNGA served on Plaintiffs interrogatories in which they sought information necessary to defend this case. Plaintiffs failed and refused to provide it.

### **Argument and Citation of Authority**

#### **Motion to Compel**

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence..of any...documents....

O.C.G.A. § 9-11-26(b)(1). If a party does not voluntarily provide the requested information, the Court is authorized to enter an order compelling discovery. O.C.G.A. § 9-11-37(A)(2). The trial judge has broad discretion in discovery matters, including the imposition of sanctions. “Absent the showing of a clear abuse of discretion, a court’s exercise of that broad discretion will not be reversed.” *Rivers v. Almand*, 241 Ga. App. 565, 527 S.E.2d 572 (1999); *Gibbs v. Abiose*, 235 Ga. App. 214, 508, S.E.2d 690 (1998); *Sellers v. Nodvin*, 207 Ga. App. 742, 429 S.E.2d 138 (1993); *Freeman v. Ripley*, 177 Ga. App. 522, 339 S.E.2d 795 (1986). These rules support the entry of an order compelling Plaintiffs to provide the requested information and imposing sanctions against Plaintiffs.

NNGA asked Plaintiffs to identify, “each and every act or omission that you contend constitutes an act of negligence on the part of each defendant in this lawsuit.” (Interrogatory No. 6). In response to this Interrogatory, Plaintiffs directed NNGA to Plaintiffs’ Complaint. This is not sufficient. NNGA is entitled to a clear delineation of Plaintiffs’ claims so that it understands the issues and can prepare the case for trial. *Travis Meat & Seafood Co., Inc. v. Ashworth*, 127 Ga.App. 284, 193 S.E.2d 166 (1972). Therefore, an order compelling Plaintiffs fully and completely to respond to this interrogatory should be entered.

NNGA also asked Plaintiffs to itemize their contended damages. Plaintiffs stated that their investigation was ongoing and the responses would be supplemented. Discovery is now concluding and Plaintiffs have failed to provide the requested information. It is beyond question that NNGA is entitled to an itemization of and basis for Plaintiffs damages claims. *Newsome v. Johnson*, 305 Ga.App. 579, 584, 699 S.E.2d 874 (2010). Thus, this interrogatory response should be supplemented. (Interrogatories Nos. 7 and 24).

NNGA also asked whether there were any contracts among the parties. Plaintiffs did not answer this in a straight forward manner. (Interrogatory No. 12). The question is simple, straight forward and specifically authorized by statute. O.C.G.A. §9-11-26(b)(1). Especially since Plaintiffs are contending that liability is based in part on concerted action among the Defendants, the question is proper and should be answered.

Interrogatory No. 25 asked that Plaintiffs specify any alleged misrepresentations made by the Defendants. This question asks for nothing more than that to which NNGA is entitled under the Georgia Civil Practice Act. O.C.G.A. §9-11-9(b). Plaintiffs should be required to provide more than mere allegations and to specify the facts constituting the alleged fraud. Short v. McKinney, 111 Ga.App. 557, 142 S.E.2d 398 (1965).

Finally, in Interrogatory No. 27, NNGA asked Plaintiffs for releases so that they could obtain education records on Patrick Desmond. Mr. Desmond's educational attainments and records may shed light upon the full value of his life, so the information is relevant and discoverable. O.C.G.A. §24-2-1; 51-4-1. Therefore, the Court should order Plaintiffs to execute the releases directed to Billerica Memorial High School (Melbourne, Fl.) and Edison Community College (Ft. Meyers, Fl.) and tender them to NNGA.

**Motion for Sanctions**

If the motion [to compel] is granted, the court shall, after opportunity for hearing, require the party...whose conduct necessitated the motion . . . to pay the moving party reasonable expenses incurred in obtaining the order, including attorneys' fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

O.C.G.A. §9-11-37(a)(4)(A) (Emphasis added). In this case, an award of attorneys fees and expenses is just and proper. NNGA served appropriate interrogatories. When sufficient responses were not received, NNGA's counsel, in good faith, requested that Plaintiffs supplement their responses. Plaintiffs still failed to provide adequate responses, so NNGA's counsel tried a third time to garner voluntary cooperation. Plaintiffs still did not provide the information. It is thus Plaintiffs willful refusal to provide discoverable information which necessitated this motion, so they should bear the costs associated with it.

WHEREFORE, for the above and foregoing reasons. Defendant Narconon of Georgia, Inc. prays that its motion be sustained and that Plaintiffs be compelled to provide full and complete responses to Narconon of Georgia, Inc.'s interrogatories as set forth above. Defendant Narconon of Georgia, Inc. further prays that this court order Plaintiffs to bear all costs associated with this motion, including the attorneys fees and expenses incurred by Narconon of Georgia, Inc. in preparing and filing the motion.

Respectfully submitted this 26<sup>th</sup> day of May, 2011.

STATE COURT OF  
DEKALB COUNTY, GA

2011 MAY 26 PM 12:07

FILED

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*Attorneys for Defendants  
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# **Exhibit A**

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

PATRICK C. DESMOND AND MARY )  
C. DESMOND, INDIVIDUALLY, AND )  
MARY C. DESMOND, AS )  
ADMINISTRATRIX OF THE ESTATE )  
OF PATRICK W. DESMOND, )

Civil Action No. 10A28641-2

Plaintiffs, )

v. )

NARCONON OF GEORGIA, INC. )  
DELGADO DEVELOPMENT, INC., )  
SOVEREIGN PLACE, LLC, SOVEREIGN )  
PLACE APARTMENT MANAGEMENT, )  
INC., LISA CAROLINA ROBBINS, M.D. )  
THE ROBBINS GROUP, INC., and )  
NARCONON INTERNATIONAL, )

Defendants. )

**PLAINTIFFS' RESPONSES TO DEFENDANT NARCONON OF GEORGIA INC.'S  
FIRST INTERROGATORIES TO PLAINTIFFS**

Plaintiffs in the above-styled cause, pursuant to O.C.G.A. § 9-11-33 hereby respond to Defendant Narconon of Georgia Inc.'s First Interrogatories as follows:

**INTERROGATORIES**

1.

State Patrick Desmond's date and places of birth; social security number; educational background, including all schools, institutions, trade and professional schools attended, the dates of attendance at each, and the degrees, certificates or licenses obtained at each; date(s) of marriage(s), the full names and current addresses of all spouses and former spouses, and the dates and places of termination of any marriage and whether he had any children.

**RESPONSE:** Patrick W. Desmond was born on February 28, 1980 in Fayetteville, North Carolina. Plaintiffs object to providing his full social security number in a document that could become public record. The last four digits of his social security number are 8037. He was not married and did not have any children. Information pertaining to his education background is as follows:

No	School	Year	Location / Comments
1	1 <sup>st</sup> and 2 <sup>nd</sup> Grade	Sept 85 – May 88	Sigsbee Elementary School Key West, Florida
2	3 <sup>rd</sup> and 4 <sup>th</sup> Grade	Sept 88 – May 90	Susie Rayos Mormon School Albuquerque, NM
3	5 <sup>th</sup> 6 <sup>th</sup> Grade (1 <sup>st</sup> half)	Sept 90 – Dec 91	Lincoln American School Buenos Aires, Argentina
4	6 <sup>th</sup> Grade (2 <sup>nd</sup> half)	Jan 92 – May 92	West Springfield Elementary School Springfield, VA
5	7 <sup>th</sup> Grade (1 <sup>st</sup> half) Home School	Sept – Dec 92	Fort Smith, Arkansas (Home School)
6	7 <sup>th</sup> Grade (2 <sup>nd</sup> half)	Jan 9 – May 93	Darby Junior High School Fort Smith, Arkansas
7	8 <sup>th</sup> Grade	Sept 93 – May 94	DeRidder High School DeRidder, LA
8	9 <sup>th</sup> Grade (1 <sup>st</sup> half)	Sept 94 – Dec 94	DeRidder High School DeRidder, LA
9	9 <sup>th</sup> Grade (2 <sup>nd</sup> half)	Jan 95 – May 95	Billerica High School Billerica, Mass

10	10 <sup>th</sup> Grade	Sept 95 – May 96	Billerica High School Billerica, Mass
11	11 <sup>th</sup> Grade (3/4 of year)	Sept 96 – Apr 97	Billerica High School Billerica, Mass Quit School
12	11 <sup>th</sup> and 12 <sup>th</sup> Grade	Sept 97 – Sept 98	Distance Learning Home School American Academy Studio, CA Certified High School Diploma
13	Edison Community College	2000	Fort Myers, Florida Took 6 Semester Hours (Passed one Course, Failed one Course)
14	Brevard Community College	2001 – 2002	Completed 15 – 18 hours

Other education includes:

- Various courses in USMC (1998 – 2000)
- Basic Open Water Dive Course – Graduated (1997) (PADI)
- Advanced Open Water Dive Course – Graduated (1998) (PADI)
- Dive Supervisor Course - Graduated (1998) (NAUWI)
- International Bartender School – Graduated (2000)
- Skydiving Course – partially completed, made several jumps, but did not complete program (2000-2001)

2.

Please identify all health insurance carriers or health plans that covered Patrick Desmond during the last 10 years of his life.

**RESPONSE:** Patrick was covered through his father's plan under Tri-Care until he turned twenty-one on February 28, 2001. He later had a plan through Blue Cross Blue Care HMO that his employer, Suntime Country Club provided. The details are as follows:

Policy Number: XJGH2953099001

Period Covered: Nov 2003 – Dec 2006 (approximate).

3.

Please state whether decedent was ever refused life, accident, hospitalization or medical insurance because of physical disability or otherwise, providing as to each refusal, the name and address of the insurance company, the date, and the reason for refusal.

**RESPONSE:** Patrick was never refused insurance of any type.

4.

If Patrick Desmond ever made or asserted any other claim for personal injury, disability or workers' compensation, whether or not a lawsuit or formal claim was ever filed, please give:

(a) The date, place and a brief description of the occurrence giving rise to the claim, and state in what manner it caused, contributed to, or aggravated any such injuries or illnesses claimed;

(b) The name of the individual or entity against whom the claim was asserted or suit was brought;

(c) A brief description of all injuries received;

(d) The style and identifying numerical designation of any lawsuit or compensation claim actually filed; and

(e) The county and state in which suit or claim was filed.

**RESPONSE:** Patrick never made any claim or applied for any personal injury compensation, disability or workers compensation.

5.

Identify all social, athletic, civic, fraternal, business or professional clubs, churches, organizations, groups, lodges, unions, committees or other associations in which you or the decedent have been an active member during the past ten (10) years.

**RESPONSE:** Patrick W. was not a member of any club or organization in the last ten years. Patrick C. is a member of the VFW, the Military Officers Association of America, and the Catholic Church.

6.

Please identify and describe with specificity each and every act or omission that you contend constitutes an act of negligence on the part of each Defendant in this lawsuit. For each such act or omission, please describe:

(a) in what manner you contend each act or omission caused or contributed to Patrick Desmond's death;

(b) the conduct that you contend under the circumstances would have represented proper care; and

(c) any damages, special or general, you or the decedent claim in relation thereto;

**NOTE: THE OBJECT OF THIS INTERROGATORY IS TO DETERMINE SPECIFICALLY WHAT YOU CONTEND SAID DEFENDANTS DID WRONG AND WHAT, TO THE CONTRARY, YOU CONTEND SHOULD HAVE BEEN DONE.**

**RESPONSE:** Please see Plaintiffs' Complaint for Wrongful Death, Pain and Suffering, and Other Damages and corresponding affidavit. The investigation of this case is ongoing and Plaintiffs reserve the right to supplement their responses, and will do so specifically with the identification and disclosure of expert opinions.

7.

Please itemize by dollar amount and separately describe each element of special damage and economic or monetary loss which you claim or claim on decedent's behalf against Defendants in this case, including but not limited to:

- (a) Hospital bills;
- (b) Other medical expenses, including doctors' fees;
- (c) Costs of drugs and medication;
- (d) Lost earnings, wages, or profits including the relevant dates and rates of pay; and
- (e) All other monetary losses or expenses for which you seek recovery in the instant action.

**RESPONSE:** Please see Plaintiffs' Complaint for Wrongful Death, Pain and Suffering, and Other Damages and corresponding affidavit. The investigation of this case is ongoing and Plaintiffs reserve the right to supplement their responses, and will do so specifically with the identification and disclosure of expert opinions.

8.

With respect to any payments or benefits which are available or which you or decedent received (or which were made on decedent's behalf by any source) as a result of or in relation to any of the alleged incidents giving rise to this lawsuit, please state the amount and payee of such

benefit, the name and address of the person, insurance company, corporation or other entity making each payment or benefit available, and the nature of each payment or benefit made (i.e., group or individual disability benefits, group or individual medical coverage, U.S. or State government, Medicare, Medicaid, etc.).

**RESPONSE:** Patrick's grandmother had two life insurance policies on Patrick. These were:

- a. New York Life Insurance Company  
Policy Number: 38 122 161  
Insured: Patrick W. Desmond  
Amount: \$100,000 Death Benefit  
Beneficiary(s): Patrick C. Desmond (Father – 1/3 of Death Benefit)  
Julie M. Desmond (Sister – 1/3 of Death Benefit)  
Jamie L. Desmond (Sister – 1/3 of Death Benefit)
  
- b. Globe Life and Accident Insurance  
Policy Number: 008177184  
Insured: Patrick W. Desmond  
Amount: \$36,000 Death Benefit  
Beneficiary: Patrick C. Desmond (Father)

9.

Please identify with reasonable particularity all books, treatises, articles, letters, memoranda, photographs, drawings, recordings, videotapes, medical or other records, and any other documents or tangible things which support your contentions in this lawsuit, and give the name and address of the person(s) having possession, custody or control of same.

**RESPONSE:** Responsive documents are being produced contemporaneously herewith. Plaintiffs reserve the right to supplement their responses as discovery progresses.

10.

Please describe your understanding or contentions with regard to Patrick Desmond's

actions during the 48 hours prior to his death, including without limitation his location, all persons present at each location and the nature of his activities at all locations during this period of time.

**RESPONSE:** Plaintiffs have no first-hand knowledge of the events of the last 48 hours preceding Patrick's death. They did not speak to him during that period. However, the information they received indicates that on the evening of his death, Patrick was in the Narconon residence watching a basketball game with friends. After watching the game, he decided to leave and was permitted to do so by the Narconon staff. No one tried to stop him, and no one reported his absence. Patrick met up with two people who evidently had a previous association with Narconon. The three of them drove away. At some point, the police were called. Patrick was taken to Northside Hospital, where he died.

11.

If you or the decedent's estate contend that this Defendant, or any agent or employee of this Defendant or Narconon International have made any statement or admission, whether oral, written or recorded, which supports the allegations of your Complaint, please identify as to each:

- (a) The name of the individual making the statement or admission;
- (b) When and where the statement or admission was made;
- (c) The individual or individuals present when the statement or admission was made;

and

- (d) The substance of the statement or admission.

Pursuant to O.C.G.A. § 9-11-26(b)(3), attach to your responses a copy of all written or recorded statements taken from or provided by any agent or employee of this Defendant.

**RESPONSE:** Plaintiffs submit the following oral statements:

(1) Oral Statement via Telephone

Mary Rieser, Executive Director of Narconon of Georgia, told both Mr. and Mrs. Desmond:

- (a) That Narconon of Georgia qualified as a full in-patient treatment facility
- (b) That Narconon of Georgia totally met the requirements of the Florida Drug Court (six months in-patient treatment facility). She stated that she had previously had several patients from the Florida Drug Court – and that the Florida Drug Court accepted Narconon of Georgia as a six-month in-patient treatment facility.
- (c) That patients were supervised by a trained staff of professionals, 24 hours a day, 7 days a week, and that they were never alone, under any circumstances – ever. This was critical and was asked by both Mr. and Mrs. Desmond several times. Mary Rieser was very emphatic on this point.
- (d) That there was always, 24 hours a day, 7 days a week, professional medical staff available to the patients.
- (e) That the Narconon of Georgia staff was represented by qualified and experienced professionals in the field of drug counseling, treatment and rehabilitation.
- (f) That Narconon of Georgia had a success rate of an astounding 75%.

(2) Oral Statement(s) in Person

Mrs. Desmond, upon taking Patrick to Narconon of Georgia to enroll him in the program, had a lengthy conversation with Mary Rieser, at which time, Mary Rieser confirmed once again all of the information indicated above (a – f).

(3) Oral Statement(s) in Person

- (a) Mrs. Desmond, upon taking Patrick to Narconon of Georgia to enroll him in the program, also met with Mr. Delgado, the husband of the Narconon Patient Resident Apartment Complex Manager (Maria Delgado).
- (b) He showed Mrs. Desmond the facility and assured her that patients were transported to and from here in a Narconon bus/van, and that while in the residence they were never unsupervised.

- (c) He told Mrs. Desmond that patients were never allowed to leave the residence without a Narconon staff escort. This included leaving the residence for shopping or for use of the local gym, or for any other reason.

(4) Oral Statement(s) via Telephone

- (a) Lisa Moody, Administrator of the Florida Drug Court in Brevard County, told me:
- (b) That she has personally spoken with Mary Rieser and that she (Lisa) had been informed by Mary Rieser that Narconon of Georgia was an in-patient treatment facility, that patients were never unsupervised, and that Narconon of Georgia had a professional staff of drug counselors and treatment specialists, as well as qualified medical professionals.
- (c) Based upon her discussions and assurances from Mary Rieser, Lisa Moody told me that she would recommend to the Florida Drug Court that Patrick be allowed to enroll in Narconon of Georgia to fulfill the Florida Drug Court requirement to attend a six-month in-patient treatment program.

12.

Please identify and describe with specificity any and all contracts, express or implied, alleged to have been entered into between you or decedent and each Defendant, as well as any alleged breach thereof on the part of each Defendant, as well as any damages allegedly suffered by you or decedent as a result of any such breach.

**RESPONSE:** Please see Plaintiffs' Complaint for Wrongful Death, Pain and Suffering, and Other Damages, as well as Plaintiffs' Response to Interrogatory No. 11. This response may be supplemented as discovery progresses.

13.

Pursuant to O.C.G.A. § 9-11-26(b) (4)(A), please state whether any medical consultant, nurse, physician, other practitioner of the healing arts, or any other expert witness of any type, including but not limited to experts concerning negligence, causation, injuries, damages,

economists, and life care planners, are expected to testify as an expert witness at trial and, if so, please provide as to each expert:

- (a) The name, present address and telephone number of the expert;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify;
- (d) A summary of the grounds for each opinion, including, but not limited to, each specification of professional negligence; and
- (e) The qualifications of the expert to give these opinions. (A copy of the C.V. will be accepted in lieu of a detailed answer to this subpart).

**RESPONSE:** Plaintiffs have not determined what experts they intend to call in the trial of this case, but will supplement with responsive information when they disclose their testifying experts.

14.

Please state the full name, home address and telephone number, current employer and business address and phone number of every person who, to your knowledge, information or belief, has any knowledge, information or opinions regarding the facts or circumstances which are the subject matter of this lawsuit, including but not limited to any issues of negligence, liability, causation, injuries and damages, or who has knowledge or information of any facts or circumstances supporting any claims against each Defendant in this case.

**RESPONSE:** This is under investigation. Plaintiffs' counsel may supplement this response as discovery progresses. In addition to emergency personnel and doctors, Plaintiffs state that the following people have knowledge:

- Mary Rieser, Narconon of Georgia
- Maria Delgado, Narconon Housing Complex Manager, and her husband

- Unknown Man (fiancée of Maria Delgado – who called Mrs. Desmond several times in the hours preceding Patrick's death)
- Lisa Moody, Florida Drug Court Administrator, Brevard County
- Johnny Carter, former Narconon patient: 6106 Rosedale Dr., Hyatts, MD 20782
- Nick Parsons, former Narconon patient, and his mother, Cathy Buchanan: 394 Stewart Ave., Marietta, GA 30064
- Aaron, Narconon staff member
- Bradley Shane Taylor, former Narconon patient: 133 Whipperwill Lane, Decaturville, TN 38329
- Countless other Narconon patients and staff numbers that have not been identified yet.
- Jaime Thompson and Brandon Ormsby, the other people in the car when Patrick died.

15.

Please state the name, address, telephone number and employer of all persons who, to your knowledge, information or belief, have investigated any aspect of the occurrence which is the subject matter of this lawsuit, indicate whether or not each has made a written or recorded record of the investigation or any part thereof, indicate the date or approximate date each record was made, and state whether a copy of these written or recorded records are in the possession, custody or control of you, your attorneys, investigators, agents or representatives.

**RESPONSE:** Plaintiffs object to disclosing consulting experts who have not been identified as experts they intend to call at trial, pursuant to O.C.G.A. § 9-11-26. Subject to said objection, please see individuals identified in documents produced by Defendant in this case.

16.

Have you or decedent ever been involved in any other legal action, either criminal or civil, as a defendant, plaintiff or prosecutor? If so, state:

(a) the date and place each such action was filed giving the name of the court, the name of the other party or parties involved, the number of such action and names of the attorneys representing each party;

(b) a description of the nature of each such action, the disposition of each such action;  
and

(c) with respect to any criminal charges, include all felonies, misdemeanors, first offender or *nolo contendere* pleas.

**RESPONSE:** Patrick's legal history is listed below:

(1) April 2001

Punta Gorda, Florida  
Possession of Marijuana (misdemeanor)  
Completed State Mandated Rehab/Education Program

(2) 2004/2005 (year unconfirmed)

Brevard County, Florida  
DUI  
Completed State Mandated Rehab/Education Program

(3) July 12, 2006

Brevard County, Florida  
Possession of Small Amount of Cocaine  
Possession of Drug Paraphelnia  
Referred to/Enrolled to Florida Drug Court Program

(4) September 1, 2007

Brevard County, Florida  
DUI  
Referred to Florida Drug Court Program (continued enrollment)

17.

State whether or not decedent filed state and federal income tax returns for the years 2004 through the time of decedent's death and if so, state where each return was filed, the social security or tax number on each, and total wages, salaries, tips, etc. on each. You do not have to

answer this question if you will voluntarily attach copies of each return or state in your response that you are willing to execute any appropriate authorization for the release of each return.

**RESPONSE:** Patrick filed Federal Income Tax Returns each year up to and including 2007. Responsive documents are being produced contemporaneously herewith, except for 2007 information, which Plaintiffs are searching for.

18.

Describe with reasonable particularity all photographs, x-rays, radiographic tests, medical records, examinations, charts, diagrams, videotapes, and other illustrations of any person, place or thing involved in this lawsuit, giving the date each was made and identify the person(s) with possession, custody or control of each item or a copy of any item.

**RESPONSE:** Responsive documents are being produced contemporaneously herewith.

19.

Identify all written material in your or your attorneys' possession, custody or control created by or obtained from any Defendant in this case, or any officers, employees, or agents of any Defendant in this case, other than as produced by Defendants to you in this litigation.

**RESPONSE:** Responsive documents are being produced contemporaneously herewith.  
Plaintiffs reserve the right to supplement their responses as discovery progresses.

20.

Please identify each and every substance abuse program or center in which decedent was ever enrolled and participated prior to his entry into the Narconon of Georgia program, including in your answer the name, address, phone number and director of each program, the dates of participation or enrollment and the reason your decedent left the program.

**RESPONSE:** Plaintiffs state that Patrick attended some type of Florida mandated program for possession of a small amount of marijuana sometime in 2001. They believe it was in Punta Gorda, Florida. Patrick completed the program without incident. He was enrolled in the Florida Drug Court Program from 2006 until his death.

21.

Identify all doctors, osteopaths, psychologists, physical therapists, occupational therapists, respiratory therapists, speech therapists, chiropractors, hospitals, infirmaries, clinics, sanitariums, nursing homes, asylums, and other practitioners and institutions of the healing arts of every type that have treated the decedent during the fifteen (15) years preceding his death, including anyone who treated decedent as a result of this occurrence(s), and indicate whether each has issued a written report regarding treatment of decedent.

**RESPONSE:** Patrick's medical history is listed as follows:

No	Event/Situation	Year	Location / Comments
1	Auto Accident  Passenger  Serious Facial and Mouth Injuries	June 98	Billerica, Mass (accident)  Treated Lowell General Hospital ER (Lowell, Mass)  For next 18 months – several operations to mouth/gums, teeth, etc.  Saw numerous specialists (oral surgeons, dentists, gum specialists, etc) in and around Lowell, Mass)
2	Broken Bone in Foot	1999	Port Charlotte, Fl  Levy, Baker, Constine, Greenbrier and Haskel MD  XRay and Cast on Foot (one visit)
3	Passed Out at Work	2005	Holmes Regional Medical Center

	Hit the Floor – hitting head hard. Staff called Ambulance		Melbourne, FL 4 days in Hospital Neurological Exams Nothing Significant Determined Back to Work Immediately Thereafter
4	Broken Leg  Truck Accident	2005	Viera Florida  Wuestoff Hospital- Rockledge, FL (ER Only)
5	Broken Arm (we think - unsure)  Accident – fell off a stool	March 2007	Dr. Lawrence Robinson  Orthopedic Specialist  Rockledge, FL (we think)
6	DTs  Self-Admitted	2007	Wuestoff Medical Center- Rockledge, Florida  ER Only
7	Overall Medical Examination	Sept 2007	Peachtree Hospital  (as part of Narconon enrollment)
8	Medical Evaluation	June 2008	Saw a Dr. arranged by Narconon as part of his 2 <sup>nd</sup> enrollment.  Unsure of Dr's name or type of evaluation

22.

Excluding those physicians identified in your answer to the preceding interrogatory, please state the name, present address and telephone number of every other physical or medical

examiner who examined or treated decedent after the alleged incident(s) giving rise to this Complaint.

**RESPONSE:** No one treated Patrick after his death. Dr. Gerald T. Gowitt was the medical examiner.

23.

Did decedent have any impaired physical or mental condition or disability at the time or prior to the incident(s) described in your Complaint, including but not limited to, congenital, medical, psychological, alcohol or substance induced, vision impairment or otherwise? If so, please explain in reasonable detail.

**RESPONSE:** Patrick was at Narconon for substance abuse treatment. His primary problem was alcohol abuse. He had no impaired physical conditions.

24.

Please reasonably describe each fact and circumstance regarding the decedent that you contend should bear upon a jury's determination of "the full value of the life of the decedent" under Georgia law, including both economic and non-economic factors.

**RESPONSE:** The investigation of this case is ongoing. Plaintiffs will supplement their responses with any economic evaluation reports if and when they become available.

25.

Please describe with specificity each and every alleged misrepresentation that was made by Narconon of Georgia or Narconon International, including but not limited to the persons involved in each communication, any documents that evidence the communication, the time, place and circumstances of each communication and all persons with knowledge of each communication.

**RESPONSE:** Please see Plaintiffs' Complaint for Wrongful Death, Pain and Suffering, and Other Damages, as well as Plaintiffs' Response to Interrogatory No. 11. This response may be supplemented as discovery progresses.

26.

Identify all persons who have relevant knowledge of the contentions against any Defendant in this case or who has knowledge of the events of the last 48 hours of Patrick Desmond's life.

**RESPONSE:** Plaintiffs refer you to their response to Interrogatory No. 14.

27.

Please state whether you will sign a HIP AA release form for all your decedent's medical care providers. If so, please copy as necessary, sign the form attached and return it with your responses. If not, please state why not.

**RESPONSE:** No. Defendants may obtain information from medical providers via third party requests, as set out in the HIPAA regulations.

This 18<sup>th</sup> day of August, 2010.

**HARRIS PENN & LOWRY, LLP**



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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

This is to certify that I have this day submitted **PLAINTIFFS' RESPONSES TO DEFENDANT NARCONON OF GEORGIA INC.'S FIRST INTERROGATORIES** via U.S. Mail proper postage prepaid, addressed as follows:

Robert G. Tanner, Esq.  
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC  
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Atlanta, Georgia 30326

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*Attorneys for Narconon of Georgia, Inc., and Narconon International*

This the 18<sup>th</sup> day of August, 2010.

HARRIS PENN & LOWRY, LLP



JED D. MANTON

Ga. Bar No. 868587

JEFFREY R. HARRIS

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# Exhibit B

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Re: *Patrick C. Desmond, et. al. v. Narconon of Georgia, Inc., et. al.*  
State Court of DeKalb County  
Civil Action File No. 10A28641-2

Counselors:

This letter is written pursuant to Uniform State Court Rule 6.4. We have received and thank you for Plaintiff's Responses to Defendant Narconon of Georgia's First Interrogatories and Request for Production. It is respectfully requested that you voluntarily supplement certain of those responses so that we can avoid a motion to compel.

Interrogatory No. 6: Plaintiffs were asked to identify, "each and every act or omission that you contend constitutes an act of negligence on the part of each Defendant in this lawsuit." The response directs Defendant to Plaintiff's Complaint. Defendants are entitled to have the particular acts Plaintiffs contend were negligent identified in written, verified interrogatory responses. Plaintiffs have yet to provide this information, even if the Complaint is considered. For example, in the Complaint, it is alleged generally that "Defendant Narconon" breached its duties by allowing and facilitating Patrick Desmond's ongoing use of alcohol and drugs, failing to provide adequate security, and failing properly to select, hire and retain employees. (Complaint, ¶37). These allegations are pure conclusion. Plaintiffs fail to identify to which Narconon they refer, what that entity did or failed to do that allowed or facilitated Patrick's "ongoing use" of drugs and alcohol, upon what facts they base the conclusion that the substance abuse was ongoing and what the Narconon entity did or did not do that caused it security and

personnel practices to be inadequate. Please supplement Plaintiffs responses to identify “each and every act or omission that you contend constitutes an act of negligence on the part of each Defendant in this lawsuit.”

Interrogatory Nos. 7 and 24: These interrogatories ask about Plaintiffs contended damages. Plaintiffs stated that their investigation is ongoing and, therefore, the responses could be supplemented. While it may be true that responses can be supplemented, Defendants are entitled to obtain now whatever information Plaintiffs have about their contended damages. Please supplement these responses.

Interrogatory No. 12: This Interrogatory asked for any contracts among the parties. Defendants are entitled to a straight forward answer. Do you have any contracts among the parties?

Interrogatory No. 25: This Interrogatory asks specifically about the alleged misrepresentations by Narconon. Plaintiffs state that discovery is ongoing and refer to the Complaint. The Complaint alleges that Narconon International provided false and misleading information to the DeKalb County Medical Examiner’s Office and to the Brevard County Drug Court, but fails to identify what the alleged false or misleading statement is. Defendants are entitled to know exactly what Plaintiffs contend they said that was not true. Please supplement this response.

Interrogatory No. 27: You agreed only to sign certain specific HIPAA releases. Defendants are entitled to all medical information about the decedent in order to evaluate and determine the full value of his life, as well as the full extent of his substance abuse issues. Please let me know if Plaintiffs will voluntarily execute the HIPAA releases enclosed herewith.

Please supplement your responses within 10 days so that we are not required to incur the costs and expenses associated with soliciting the Court’s intervention.

Best regards.

Very truly yours,  
DREW ECKL & FARNHAM, LLP



Kathryn S. Whitlock

# Exhibit C

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Re: *Patrick C. Desmond, et. al. v. Narconon of Georgia, Inc., et. al.*  
State Court of DeKalb County  
Civil Action File No. 10A28641-2

Counselors:

In Plaintiffs' Complaint, they allege that Narconon of Georgia and Narconon International made misrepresentations for which Plaintiffs can recover damages. To date, the only specific statements which I understand Plaintiffs have identified as misrepresentations are Mary Rieser's alleged statements that Narconon of Georgia was a residential facility. If there are other statements which Plaintiffs contend amount to legal fraud, please identify them with particularity. O.C.G.A. § 9-11-9; Narconon of Georgia's First Interrogatories to Plaintiffs, No. 6. Please supplement Plaintiffs' discovery responses.

Please let us hear from you within 10 days so that we can determine the appropriate course of action to take.

Best regards.

Very truly yours,  
DREW ECKL & FARNHAM, LLP



Kathryn S. Whitlock

KSW:crp  
2975849/1  
5346-76636

IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA

PATRICK C. DESMOND, MARY C.  
DESMOND, Individually, and MARY C.  
DESMOND, as Administratrix of the Estate  
of PATRICK W. DESMOND

Plaintiffs,

v.

NARCONON OF GEORGIA, INC.,  
NARCONON INTERNATIONAL,  
DELGADO DEVELOPMENT, INC.,  
SOVEREIGN PLACE, LLC, SOVEREIGN  
PLACE APARTMENT MANAGEMENT,  
INC., LISA CAROLINA ROBBINS, M.D.,  
and THE ROBBINS GROUP, INC.

Defendants.

Civil Action File No: 10A28641-2

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am counsel for Defendant Narconon of Georgia, Inc. and that I have this day served a true and correct copy of the foregoing *Brief in Support of Motion to Compel* upon counsel for all parties by United States Mail, addressed as follows:

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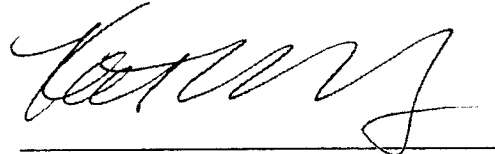
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This 26<sup>th</sup> day of May, 2011.

DREW ECKL & FARNHAM, LLP



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