

# **EXHIBIT D**



***I. AGE*****Form 74:1****PLAINTIFF'S INTERROGATORIES****to****Defendant—Action For Discrimination on the Basis of Age—Employer Not  
Transferring Employee to Department/Position Given Complaints of  
Ability to Perform Based on Age**Summary of Form

Employer's Business (Q 1)

Employer's Organizational Structure

— Departments/Units (Q 2)

— Organizational Chart (Q 3)

Directors (Q 4)

Officers (Q 5)

Personnel Offices (Q 6)

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Job Vacancy Advertising by Employer (Q 11)

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— Forms (Q 12)

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— Identification (Q 16)

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Complaints About Plaintiff's Ability (Q 21)

Reasons for Plaintiff's Termination (Q 22)

Circumstances of Plaintiff's Termination

— Persons Present (Q 23)

— Account of What Said (Q 24)

Denial of Termination Based on Plaintiff's Age (Q 25)

Numbers/Ages of Discharged/Terminated/Laid-Off Employees (Q 26)

Employee Transfer Policy (Q 27)

Description of Seniority System (Q 28)

Affirmative Action Plan (Q 29)

Complaints to Government of Age Discrimination (Q 30)

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Persons With Knowledge (Q 32)

Documents (Q 33)

*[Names of court and parties, description of action, introduction, and usual formal parts, see CAPTIONS AND FORMAL PARTS.]*

### **Employer's Business**

1. Describe briefly the nature of the defendant employer's business.

### **Employer's Organizational Structure**

#### **—Departments/Units**

2. State the name of each department or other operative unit of the defendant employer, setting forth for each department or unit:
  - a. the name, office address, and title of the officer, manager, or employee in charge; and
  - b. a brief description of its function.

#### **—Organizational Chart**

3. State whether there is an organization chart for the defendant employer, and, if so, state the name and address of the custodian of the chart, or attach a copy to your answers to these interrogatories.

*(See also similar questions in other forms in this title and in title BUSINESS EXISTENCE OR STATUS.)*

### **Directors**

4. State the name and address of each director of the defendant employer, and

designate which of the directors are the Chairman, Vice-Chairman, and other officers of the board.

### Officers

5. State the names and office addresses of the senior officers of the defendant employer, indicating the area of responsibility for each (*i.e.*, the division, department, or operational unit of which the officer is in charge, or to which he or she is assigned).

### Personnel Offices

6. State separately for the defendant employer the following information for each personnel department office operated anywhere:
  - a. the address of each office; and
  - b. the name, office address, and title of the officer, manager, or employee in charge of each office.

### Personnel Files

7. State the office address of each office at which employee personnel files are maintained, and specify the nature of the employee personnel files maintained at each office.

### Personnel Manual

8. For the defendant employer, state whether there is a personnel manual setting forth personnel policy, organizational information, etc., and, if so, for each manual state:
  - a. the name of the manual;
  - b. a description of its contents;
  - c. the name and section of the department or operational unit responsible for maintaining and updating the manual;
  - d. the names, office addresses, and titles of the persons to whom the manual is distributed; and
  - e. the name, office addresses, and title of the person who is the custodian of the manual.

### Personnel Forms

9. Identify all personnel forms maintained or used for each individual employee (*i.e.*, employment history, status, transfer, payroll, etc.), setting forth the following for each form:
  - a. the name and form number;
  - b. a brief description of its contents; and

- c. the name, office addresses, and title of the person who is the custodian of the personnel forms, and attach copies of each form to your answers to these interrogatories.

### **Collective Bargaining Agreement**

10. State whether the defendant employer is a party to a collective bargaining agreement with any union or labor organization, and, if so, state separately for each collective bargaining agreement:
  - a. the name of the union or labor organization;
  - b. the local number of each unit representing employees of the defendant employer;
  - c. the effective date of the agreement; and
  - d. the duration of the agreement.

*(See also similar questions in other forms in this title and in title CONTACTS.)*

### **Job Vacancy Advertising by Employer**

11. Identify by name and location all newspapers and publications in which the defendant employer regularly advertises for the filling of job vacancies.

### **Applications for Employment**

#### **—Forms**

12. State the name and form number of each application for employment currently in use, and attach copies of each form to your answers to these interrogatories.

#### **—Applicant Statistics**

13. State for each year, the number of applications and age of each applicant for employment filed commencing with \_\_\_\_\_ (date), and for each year thereafter through the present.

### **Maintenance of Job Descriptions**

14. State whether you maintain descriptions for all positions or job titles in the defendant employer, and, if so, for the position descriptions in effect on the date of your answers to these interrogatories, state:
  - a. the location and name of the files or records containing the position descriptions; and
  - b. the name, office address, and title of the custodian of the files or records set forth in your answer to preceding subparagraph of this interrogatory.

### **Salary Administration Unit**

15. State the name and office location of the department or operational unit responsible for salary administration, and state the name, office address, and

title of the person in charge of salary administration.

### **Wage Schedules Used**

#### **—Identification**

16. Describe the wage schedule in use by the defendant employer on the date of your answers to these interrogatories, providing the following information:
  - a. the date when the wage schedule became effective;
  - b. a list of all grades, and what is designated by each (*e.g.*, management, non-management);
  - c. the salary range for each grade level; and
  - d. whether all positions in the defendant employer are included in this wage schedule, and, if not, the names and descriptions of all positions not included.

#### **—Latest Records**

17. State, as of the latest date for which records are available:
  - a. the date of the record;
  - b. the number of employees in each wage schedule as described in your answer to the preceding interrogatory; and
  - c. the ages for each employee.

### **Employee Performance Evaluation Procedures**

18. State whether the defendant employer maintains a system or procedure for employee performance evaluation, and, if so, provide separately for the defendant employer the following:
  - a. a brief description of the system or procedure;
  - b. the location and name of the files or documents containing a description of the system or procedure;
  - c. the name, office address, and title of the custodian of the files or documents set forth in your answer to the preceding subparagraph of this interrogatory;
  - d. a list of the forms by name and number currently in use in connection with performance evaluations, and whether copies of the forms are placed in the employee's individual personnel file; and
  - e. the date when the performance evaluation system or procedure described in this interrogatory went into effect.

### **Plaintiff's Employment History**

19. State for the plaintiff the following information:

- a. the date of the hiring;
- b. the educational level attained at the time of the hiring;
- c. the job title, grade, or salary level and rate of pay at the date of hire;
- d. each company (including the defendant employer) by whom employed, and the department or operational unit assigned at the date of hire;
- e. each job title held since the date of hire, specifying for each the grade of salary level, the rate of pay, the company (including the defendant employer) by whom employed, the department or operational unit to which assigned, and the inclusive dates the job title was held;
- f. all salary increases given since date of hire, and the dates on which each increase became effective;
- g. whether the plaintiff has, at any time, requested a transfer or promotion which has been denied, and, if so, the reasons for the denial;
- h. whether the plaintiff had, at any time, been given notice of discharge, termination, or lay-off, and, if so, the reasons for the notice, the final disposition of the notice, and date of the final disposition; and
- i. the employee number or other designation used for recording purposes other than given name and surname.

**Plaintiff's Job Description**

20. State whether the plaintiff had a written job description, and, if so, set forth the job description, or, if not, describe the plaintiff's job duties.

**Complaints About Plaintiff's Ability**

21. Until the date when the plaintiff stopped working for you, state whether there was ever any complaint relative to the plaintiff's ability to do the work assigned, and, if so, describe this in detail.

**Reasons for Plaintiff's Termination**

22. Describe in detail each reason why the plaintiff's employment terminated with the defendant employer.

**Circumstances of Plaintiff's Termination****—Persons Present**

23. State the name and address of each person who was present when the plaintiff was laid off or discharged.

**—Account of What Said**

24. Provide an account of what was said and by whom it was said to the plaintiff when the plaintiff was laid off or discharged.



## Form 74:2

## PLAINTIFF'S INTERROGATORIES

to

**Defendant—Action by Salesman for Discriminatory Termination Based on Age**

Summary of Form

Identification (Q's 1-2)

Description of Employer

- Incorporation (Q 3)
- Nature of Business (Q's 4-5)
- Volume of Sales (Q 6)

Sales Force

- Hired (Q 7)
- Terminated (Q 8)
- Data and Reports (Q's 9-10)
- Publications (Q 11)
- Plaintiff's District (Q 12)

Personnel Policies

- Identification (Q 13)
- Authorized Individuals (Q 14)

Plaintiff's Employment

- Commencement (Q 15)
- Nature (Q 16)
- Duties (Q 17)
- Territory (Q 18)
- Hours Spent (Q 19)
- Salary (Q 20)
- Last Employed (Q 21)
- Fringe Benefits Value (Q 22)
- Performance (Q 23)
- Comparison to Other Salesmen (Q's 24-25)

Termination

- Attendance at Meeting (Q 26)
- Result of Meeting (Q 27)
- Reason Other Than Age (Q 28)

Replacement (Q 29)

Knowledge of Complaint (Q 30)

Related Claims (Q 31)

*[Names of court and parties, description of action, introduction, and usual formal parts, see CAPTIONS AND FORMAL PARTS.]*

### Identification

1. Identify yourself, by stating your full name, present address, the position you hold with the defendant employer, and a description of your duties in that position.
2. Prior to answering the remainder of these interrogatories, state whether you have made inquiry of the officers, servants, and employees of the defendant employer, and have referred to documents, correspondence, memoranda, records, and other papers in the possession of the defendant employer, as will enable you to make full, complete, and true answers to the following interrogatories.

### Description of Employer

#### —Incorporation

3. State the country and state of incorporation of the defendant employer and the date of the defendant employer's incorporation.

#### —Nature of Business

4. Provide a full and complete description of the nature of the business of the defendant employer.
5. State whether your company does business directly or indirectly within the State of \_\_\_\_\_ (*forum jurisdiction*), and, if so, describe in full detail the nature of the business done in the State of \_\_\_\_\_, and the method by which it is done.

*(See also similar questions in other forms in this title and in title BUSINESS EXISTENCE OR STATUS.)*

#### —Volume of Sales

6. State the dollar volume received, directly or indirectly, by the defendant employer for sales of products sold within the State of \_\_\_\_\_ (*forum jurisdiction*) for the past three (3) years.

### Sales Force

**—Hired**

7. If, from \_\_\_\_\_ (year) to date, you have hired any salesmen, specify:
- the number of salesmen hired by you each year; and
  - the ages of each salesman hired by you in each year, commencing \_\_\_\_\_ (year) to date.

**—Terminated**

8. If, from January 1, \_\_\_\_\_ through December 31, \_\_\_\_\_, any of the defendant employer's salesmen in the United States terminated their employment with the defendant employer, specify:
- the number of salesmen terminated each year; and
  - for each one terminated, the age, the date terminated, and the reason for the termination.

**—Data/Reports**

9. State whether you have compiled any documents which contain statistics, charts, or reports relative to the ages of your salesmen for each of the past three (3) years, and, if so, state the contents of each document, statistic, chart and report, or attach a copy of each of the documents to the answers to these interrogatories.
10. If, after \_\_\_\_\_ (year), any report or evaluation of your sales force was made or rendered by or for you, identify each document in the report or evaluation, state the contents, or, alternatively, attach a copy of each document to the answers to these interrogatories.

**—Publications**

11. State whether you have any publications which contain periodic statistical data relating to ages of salesmen in the United States, and, if so, identify the publication.

**—Plaintiff's District**

12. State the ages of all sales personnel in the plaintiff's last sales district in each year from \_\_\_\_\_ through the present date.

**Personnel Policies****—Identification**

13. Identify any directive issued by the defendant employer relating to personnel policies or practices concerning salesmen from the each of the past five (5) calendar years, and state the contents, or, alternatively, attach a copy of each document to the answers to these interrogatories.

**—Authorized Individuals**

14. State whether \_\_\_\_\_ and \_\_\_\_\_ (individuals) are agents

authorized to make, announce, and implement personnel policies and practices of the defendant employer and, if there are any restrictions as to their authority, specify the restrictions in detail.

### **Plaintiff's Employment**

#### **—Commencement**

15. State the date when the plaintiff commenced working for the defendant employer.

#### **—Nature**

16. Identify the nature of the plaintiff's work for the defendant employer.

#### **—Duties**

17. Identify the duties of the plaintiff's position with the defendant employer.

#### **—Territory**

18. Identify the territory covered by the plaintiff in the plaintiff's work for the defendant employer.

#### **—Hours Spent**

19. State the hours per week that the plaintiff was to normally devote to the defendant employer's business.

#### **—Salary**

20. State the plaintiff's salary (including bonuses) for the year that the plaintiff last worked for the defendant employer.

#### **—Last Employed**

21. State the date when the plaintiff last worked for the defendant employer.

#### **—Fringe Benefits Value**

22. State the value of all fringe benefits which the plaintiff was receiving at the time of termination based on a monthly or yearly calculation.

#### **—Performance**

23. State in detail your evaluation of the plaintiff's work as a salesman for the three (3) years prior to termination.

#### **—Comparison to Other Salesmen**

24. State in detail how the plaintiff's performance during the three (3) calendar years prior to termination as a salesman compared with all of the defendant employer's other salesman:

- a. nationwide;
- b. regional; and

c. district.

25. If you claim that the plaintiff, in the plaintiff's last three (3) years of employment, did not do full work or did not comply with company policy, or did not comply with company practices, or in any way engaged in conduct which you consider not in the best interests of the defendant employer, specify:

- a. each and every detail and fact upon which you base your claim;
- b. the exact date that any person employed by the defendant employer learned of each detail and fact; and
- c. the name and address of each person employed by the defendant employer who learned of each detail and fact.

### **Termination**

#### **—Attendance at Meeting**

26. State whether the plaintiff requested to attend a meeting with representatives of the defendant employer, and, if so, state fully and in complete detail:

- a. the date of the meeting;
- b. the location of the meeting;
- c. the date when the plaintiff was informed of the meeting;
- d. the name and address of each person by whom the plaintiff was informed of the meeting;
- e. the manner how the plaintiff was informed of the meeting;
- f. exactly what was said to the plaintiff by personnel representing the defendant when the plaintiff was informed of the meeting, identifying each comment or conversation with the person speaking, and exactly what was said by the plaintiff in response;
- g. the name and address of each other person, if any, who were present when the plaintiff was informed of the meeting; and
- h. the purpose of the meeting.

#### **—Result of Meeting**

27. At the meeting identified in response to the preceding interrogatory, if representatives of the defendant employer demanded or caused the plaintiff's termination, state exactly what was said to the plaintiff regarding the plaintiff's termination by representatives of the defendant employer, identifying each comment or conversation with the person speaking, and exactly what was said by the plaintiff in response.

#### **—Reason Other Than Age**

28. Describe fully and in complete detail each and every fact on which you base

your allegation that the plaintiff's termination was not the result of age discrimination by the defendant employer.

### Replacement

29. With respect to the time when the defendant employer commenced recruiting activities to fill the position held by the plaintiff, state:
- the date when the defendant employer commenced recruiting activities;
  - the date when the position held by the plaintiff was filled; and
  - the name and address of the person hired, together with the person's age and starting salary.

### Knowledge of Complaint

30. With respect to the time the defendant learned that the plaintiff made a complaint against you for any discriminatory act to any state or federal commission or department, state:
- each date when learned that the plaintiff made a complaint against you;
  - the manner how you learned of the complaint; and
  - a description of what was learned of the nature and substance of the complaint.

### Related Claims

31. State whether any charge or lawsuit or intent to sue has been filed against the defendant employer by any salesman or applicant for the position of salesman for age discrimination, from \_\_\_\_\_ (year) to date, with any state agency, the Department of Labor, or any court, and, if so, state:
- the caption, jurisdiction, and docket number of each charge, intent to sue, and lawsuit;
  - the names and addresses of the claimants and claimant's attorney;
  - the date of the filing; and
  - the result of present status of the claim.

[Date, signature, certificate of mailing, or form of receipt of copy, see SIGNATURES, MAILING AND RECEIPT OF INTERROGATORIES.]

### Source of Form

Form adapted from papers furnished courtesy of Gaston Snow and Ely Bartlett, Boston, Massachusetts.

— Two Years Post-Termination (Q 24)

— At Present (Q 25)

Post-Termination Benefits (Q 26)

Witnesses (Q 27)

*[Names of court and parties, description of action, introduction, and usual formal parts, see CAPTIONS AND FORMAL PARTS Definitions of terms used in interrogatories, see DEFINITIONS.]*

### Identification

1. With respect to the person answering these interrogatories, state his or her name, address, business address, job title, occupation, name of immediate supervisor, length of employment with the defendant employer, and the length of time in current position.
2. Identify all documents referred to by the individual who prepared these interrogatory responses in the course of preparing these responses.

### Identification of Corporate Employer

3. Provide the following information with respect the defendant employer:
  - a. the correct name of the defendant employer;
  - b. the state of incorporation of the defendant employer;
  - c. the location of all places of business of the defendant employer; and
  - d. whether the defendant employer employs more than twenty (20) employees.

*(See also similar questions in other forms in this title and in title CORPORATIONS.)*

### Plaintiff's Job Positions

4. Identify each and every position with the defendant employer held by the plaintiff throughout the period of employment, including:
  - a. the dates upon which the plaintiff held each position; and
  - b. whether the defendant employer considers each position to be a supervisory position.

### Relevant Figures

#### —Production Amounts

5. Identify the number of \_\_\_\_\_ (*product manufactured by the defendant employer*) produced by the defendant employer on a weekly or a monthly basis during the period of five (5) years prior to the date when the plaintiff was informed of the termination of employment to the present.

**—Number of Employees**

6. State the total number of employees employed by the defendant employer at its facility during each month for the period of five (5) years prior to the date when the plaintiff was informed of the termination of employment to the present.

**—Number of Employees in Inspection Department**

7. State the total number of employees employed by the defendant employer in the inspection department at its facility during each month for the period of five (5) years prior to the date when the plaintiff was informed of the termination of employment to the present.

**—Number of Employees Inspecting Product**

8. State the total number of employees employed by the defendant employer in the inspection of \_\_\_\_\_ (*product manufactured by the defendant employer*) at its facility during each month for the period of five (5) years prior to the date when the plaintiff was informed of termination of employment to the present.

(See also similar questions in other forms in this title and in title INSPECTIONS AND SAFETY PRECAUTIONS.)

**—Number of Employees Manufacturing Product**

9. State the total number of employees employed by the defendant employer in the manufacture of \_\_\_\_\_ (*product manufactured by the defendant employer*) at its facility during each month for the period of five (5) years prior to the date when the plaintiff was informed of termination of employment to the present.

**Plaintiff's Staff Before Termination**

10. State the names of all individuals who reported to the plaintiff on \_\_\_\_\_ (*the day before the layoff of the plaintiff*), and, for each individual, state whether he or she was involved in the inspection of \_\_\_\_\_ (*product manufactured by the defendant employer*) or the inspection of any other product.

**Plaintiff's Successor****—Successor's Staff Before Plaintiff's Termination**

11. State the name of all individuals who reported to the plaintiff's successor on \_\_\_\_\_ (*the day before the layoff of the plaintiff*).

**—Reinstatement Following Termination**

12. State all reasons why the plaintiff's successor was terminated from employment with the defendant employer in \_\_\_\_\_ (*month and year*), and all reasons for the defendant employer's decision to reinstate the plaintiff without loss of seniority.



13. Identify all individuals who made the decisions referred to in the preceding interrogatory.

**Persons Recommending Termination**

14. Identify each individual who made a recommendation as to whether the employment of the plaintiff should be terminated, including:
- a. the date of the each recommendation;
  - b. whether each recommendation was in writing; and
  - c. the substance of each recommendation.

**Persons Deciding on Plaintiff's Termination**

15. Identify all individuals who decided to terminate the employment of the plaintiff with the defendant employer.

**Persons Informing Plaintiff of Termination**

16. Identify all individuals who informed the plaintiff that employment was being terminated, and state precisely what each of those individuals said to the plaintiff in the meeting or meetings in which they informed the plaintiff of termination of employment.

**Individuals Holding Positions Similar to Plaintiff**

**—Generally**

17. Provide the names, addresses, dates of birth, positions held, and dates on which the positions were held, for all individuals who have been employed by the defendant employer as a \_\_\_\_\_ (*the plaintiff's position*) during the period of ten (10) years prior to the date when the plaintiff was informed of termination of employment to the present.

**—Terminated**

18. Provide the names, addresses, dates of birth, and dates of separation from employment, and reasons for separation from employment for all \_\_\_\_\_ (*the plaintiff's position*) separated from employment by the defendant employer during the period of ten (10) years prior to the date when the plaintiff was informed of termination of employment to the present.

**Supervisory Positions Available**

**—Generally**

19. With respect to each supervisory position which has been filled by the defendant employer since \_\_\_\_\_ (*the date when the plaintiff notified the defendant that plaintiff wanted to be considered for reemployment by the defendant employer in any position that became available*), provide the following information:
- a. the title of the position;

- b. the date on which the position became vacant;
- c. the date on which an individual was selected to fill the position;
- d. the name and address of the individual who was selected to fill the position;
- e. the date of birth of that individual;
- f. the date when that individual was initially hired by the defendant employer; and
- g. a list of all prior supervisory positions held by the individual with the dates when the individual held each position.

**—Consideration of Plaintiff's Application**

20. State whether the plaintiff has been considered for employment in each of the supervisory positions that have been filled by the defendant employer since \_\_\_\_\_ *(the date when the plaintiff notified the defendant employer that the plaintiff wanted to be considered for reemployment by the defendant employer in any position that became available)*.

**—Plaintiff Not Considered**

21. For each supervisory position that has been filled by the defendant employer since \_\_\_\_\_ *(the date when the plaintiff notified the defendant employer that the plaintiff wanted to be considered for reemployment by the defendant employer in any position that became available)* for which the plaintiff has not been considered for employment, state:
- a. the identity of the individuals who decided not to consider the plaintiff for the position; and
  - b. every reason why the plaintiff was not considered for that position.

**—Plaintiff Considered**

22. For each supervisory position that has been filled by the defendant employer since \_\_\_\_\_ *(the date when the plaintiff notified the defendant employer that the plaintiff wanted to be considered for reemployment by the defendant employer in any position that became available)* for which the plaintiff has been considered for employment, state:
- a. the identity of the individuals who decided not to hire the plaintiff for that position; and
  - b. every reason why the plaintiff was not hired for that position.

**Bonuses**

23. With respect to a bonus received from the defendant employer in \_\_\_\_\_ *(the month and year before the termination of the plaintiff)*, set forth:

— Employees Promoted (Q 21)

— Employees Denied Promotion (Q 22)

Plaintiff's Position/Functions/Performance (Q 23)

Change in Employee's Salary/Job Description (Q 24)

Personnel Files

— Of Plaintiff (Q 25)

— Of Person Promoted (Q 26)

Evaluations

— Conducted (Q 27)

— Not Conducted (Q 28)

Unsatisfactory Work Performance

— Description (Q 29)

— Complaints (Q 30)

— Warnings/Counseling (Q 31)

— Hearings (Q 32)

Meetings/Discussions

— Regarding Plaintiff's Employment (Q 33)

— Regarding Subject Matter of Complaint (Q 34)

Investigations Into Subject Matter of Complaint (Q's 35–36)

Other Age Discrimination Claims (Q 37)

Age Discrimination Grievances/Complaints (Q 38)

Bases for Defenses (Q 39)

Statements/Admissions

— Oral (Q 40)

— Written (Q 41)

Persons With Knowledge (Q 42)

Witnesses (Q 43)

Expert Witnesses (Q 44)

Trial Exhibits (Q 45)

Other Relevant Materials (Q 46)

*[Names of court and parties, description of action, introduction, and usual*

*formal parts, see CAPTIONS AND FORMAL PARTS. Definitions of terms used in interrogatories, see DEFINITIONS.]*

**Identification**

1. Identify the name and address of each person answering these interrogatories and any and all documents referred to, consulted in connection with, or containing information relating to, the answers to these interrogatories, and any documents requested to be attached.

**Structure of Department**

2. Describe in detail the structure of the \_\_\_\_\_ Department, including a statement of how the assistant supervisory position fits into the \_\_\_\_\_ Department.

**Information Concerning Assistant Supervisory Position**

3. Describe the assistant supervisor position (Job Level \_\_\_\_\_) by stating:
  - a. the job description and qualifications;
  - b. the number of assistant supervisor positions in the \_\_\_\_\_ region of the defendant employer company;
  - c. the nature of the work performed;
  - d. the name and address of each supervisor, including, without limitation, the immediate supervisor of \_\_\_\_\_ position holders in the \_\_\_\_\_ region; and
  - e. the name, location, and description of all defendant employer company training programs conducted for assistant supervisor position holders.

**Personnel Occupying Position of Assistant Supervisors****—Identification**

4. Identify all persons who held the position of assistant supervisors during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*), and specify the following information for each:
  - a. name and address;
  - b. date of birth;
  - c. sex;
  - d. the date of hire;
  - e. the date when the person became an assistant supervisor;
  - f. qualifications;
  - g. prior employment record, including experience in any of the duties

expected by holders of the position of assistant supervisor;

- h. prior performance record, including evaluation of performance and job ratings;
- i. starting salary and salary increases during the period;
- j. all job ratings or performance evaluations from the date of hire to the present;
- k. any special training received, including whether each person attended any school or course, and, if so, where, when, and by whom this training was provided; and
- l. all other information regarding the employment history of assistant supervisory personnel.

(See also similar questions in other forms in this title and in title EMPLOYMENT, FACT OF.)

**—Promotions/Demotions During Time Period**

5. State whether any persons identified above as a holder of the position of assistant supervisor were promoted or demoted during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*), and, if so, state in detail the reasons for each promotion or demotion.

**—Personnel Attending Training Course**

6. Identify any persons identified above as a holder of the position of assistant supervisor who attended the \_\_\_\_\_ course at the \_\_\_\_\_ Center for Technical Education (*educational facility attended by plaintiff*), by stating for each:
- a. name;
  - b. the date(s) of course attendance;
  - c. course evaluation; and
  - d. the name and address of evaluator for each person.

**Decision to Hire/Promote Assistant Supervisors**

**—Plaintiff Considered**

7. With reference to all decisions to hire or promote assistant supervisors and/or supervisors since the plaintiff was hired, state whether the plaintiff was considered for the position, and, if so, set forth:

**—Plaintiff Not Considered**

8. If the plaintiff was not considered for these positions, state in detail the reasons for the plaintiff not being considered.

**Plaintiff's Communications Regarding Promotion**

**—General Interest in Promotion**

9. State whether the plaintiff had ever expressed to the plaintiff's superiors any interest in being promoted, and, if so, state the following:
- each date when the plaintiff communicated this interest in the position;
  - the name and address of each person to whom the plaintiff communicated this interest in the promotion;
  - a description of the positions desired by the plaintiff; and
  - the context of the oral statement(s) in full detail.

**—Specific Written Requests**

10. State whether the defendant employer company received any written requests from the plaintiff concerning promotion to the \_\_\_\_\_ position, and, if so, identify each request by stating:
- its date;
  - its contents; and
  - its disposition.

**Conversations Concerning Plaintiff's Request for Promotion**

11. Identify each conversation that any defendant employer company agent or representative conducted with the plaintiff relative to the plaintiff's request for the promotion to the position of assistant supervisor, stating with respect to each:
- its date and place;
  - the names and addresses of all participants;
  - the length of the conversation; and
  - the records maintained of each conversation, including the present location and a description of these records sufficient to allow the plaintiff to seek their production pursuant to a Request for Production of Documents pursuant to the rules of civil procedure (or in the alternative, attach copies to your answers).

**Criteria for Evaluating Candidates****—Identification**

12. Explain the process used and list the criteria for evaluating the candidates for assistant supervisor positions.

**—Documentation**

13. Identify and attach all documents that reflect, refer to, or discuss the criteria used for determining which employees would be promoted to the position of

assistant supervisor.

### **Supervisory Functions**

#### **—Of Position at Issue**

14. State whether any persons holding the position of assistant supervisor were responsible for supervision of other employees during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*), and, if so, describe in detail the nature of the supervision, including, without limitation, a description of the duties and responsibilities of each person holding the position of assistant supervisor.

#### **—Performed by Plaintiff**

15. State whether the plaintiff was responsible for the supervision of other employees during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*), and, if so, describe the nature of the supervision.

### **Testing Involved in Selecting Persons For Position**

16. In selecting persons for the position of assistant supervisor, state whether the employer company utilizes any formal test, examination, evaluation, or the like, and, if so, describe the test by stating:
- a. its name;
  - b. its author, evaluator, and/or examiner;
  - c. the place of testing;
  - d. the test results obtained by the plaintiff; and
  - e. the test results obtained by each individual holding the assistant supervisor position during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*).

### **Reason Plaintiff Denied Promotion**

17. State in detail the reasons for the plaintiff being denied the promotion to assistant supervisor on or about \_\_\_\_\_ (*date*).

### **Persons Involved in Denial of Promotion**

18. Identify all persons who participated in the decision not to promote the plaintiff to the position of assistant supervisor, by stating:
- a. his or her name;
  - b. job title;
  - c. the length of experience with the employer company; and
  - d. the reason each gave for the denial of promotion to the plaintiff.

### **Employees Refusing Offer of Promotion**

19. Provide a list of those employees who were offered the promotion to assistant supervisor on or about \_\_\_\_\_ (*date*), and state why these employees

did not accept, or otherwise refused, this promotion.

### **Employee Accepting Offer of Promotion**

20. In regard to the employee who was promoted to assistant supervisor on or about \_\_\_\_\_ (date), provide the following information:
- a. the employee's name, address, and age;
  - b. the date of hire;
  - c. the employee's title prior to this promotion;
  - d. the criteria and/or qualifications and/or other factors which were used in the decision to promote this employee, the name of each person who participated in the decision to promote this employee, and the nature of each person's involvement in making this decision; and
  - e. if there are any records or documents which pertain to this promotional decision, set forth in full the substance (or, in the alternative, attach copies to your answers).

### **Information Concerning Employees of Critical Age Range**

#### **—Employees Promoted**

21. Identify all persons promoted to the position of assistant supervisor within the \_\_\_\_\_ Department of the defendant employer company who were between the ages of \_\_\_\_\_ and \_\_\_\_\_ at the time of their promotion, by stating for each person:
- a. name, sex, and address;
  - b. age at the time of the promotion;
  - c. the position occupied prior to the promotion; and
  - d. the position occupied subsequent to the promotion.

#### **—Employees Denied Promotion**

22. Identify all persons denied promotion to the position of assistant supervisor within the \_\_\_\_\_ Department of the employer company who were between the ages of \_\_\_\_\_ and \_\_\_\_\_ at the time of the denial, by stating for each person:
- a. name, sex, and address;
  - b. age at time of the rejection;
  - c. the position occupied at time of the rejection; and
  - d. the reason for the rejection.

### **Plaintiff's Position/Functions/Performance**

23. Describe in detail each and every position that the plaintiff held with the



employer company during the period \_\_\_\_\_ through \_\_\_\_\_ (*time span*) by stating:

- a. by date, the job titles held by the plaintiff and the salary for each job title that was received by the plaintiff during the time employed by the defendant employer company;
- b. the stated qualifications and job description for the position;
- c. the job level;
- d. the duties performed by the plaintiff;
- e. any special training courses offered to employees holding each position;
- f. any special training course taken by the plaintiff either in preparation for or during the period in which the plaintiff held each and every position;
- g. any ratings or evaluations of the plaintiff from any special courses;
- h. the plaintiff's job ratings or performance evaluations;
- i. the name, title, and current address of the plaintiff's supervisors, including, without limitation, the plaintiff's immediate supervisor; and
- j. whether the plaintiff supervised any other employees in the \_\_\_\_\_ Department, and, if so, their names, titles, and current addresses of each.

#### **Change in Employee's Salary/Job Description**

24. Since the plaintiff's date of hire, state whether the plaintiff's salary and/or job description has ever changed, and, if so, describe the specific factors that were or are considered and/or relied upon in determining the plaintiff's salary and/or job description modification since the date of hire, and if this information is contained in documents, identify the documents and produce them for inspection.

#### **Personnel Files**

##### **—Of Plaintiff**

25. Identify and provide a copy of the plaintiff's entire personnel file(s).

##### **—Of Person Promoted**

26. Identify and provide a copy of the entire personnel file(s) of the employee of the defendant employer company who was promoted to the position of assistant supervisor on or about \_\_\_\_\_ (*date*).

#### **Evaluations**

##### **—Conducted**

27. State whether the plaintiff has been given any performance evaluations, either

written or oral, since the plaintiff's date of hire, and, if so, set forth for each evaluation:

- a. the date of the evaluation;
- b. the name and address of each person who was present at or involved in the evaluation;
- c. a description of the type of evaluation (*i.e.*, written or oral);
- d. the general result of the evaluation; and
- e. the identity of any annual, performance appraisals (or other documents evaluating, describing, or referring to employee performance) for the plaintiff, and attach a copy of each to the answers to these interrogatories.

**—Not Conducted**

28. If, for any year since the date when the plaintiff was hired, the plaintiff has not been given a performance evaluation, state with particularity:
- a. the reasons for withholding any performance evaluation from the plaintiff;
  - b. the name of each person who participated in the decision to withhold the performance evaluation; and
  - c. a description of the nature of his or her involvement in making the decision.

**Unsatisfactory Work Performance**

**—Description**

29. State whether the plaintiff's work performance has ever been unsatisfactory, and if so, set forth:
- a. the dates or periods during which the plaintiff's performance was allegedly unsatisfactory;
  - b. a description of how the plaintiff's performance was unsatisfactory;
  - c. whether there is any documentation supporting a claim of unsatisfactory performance; and
  - d. the name and address of each person having knowledge of allegedly unsatisfactory performance.

**—Complaints**

30. State whether there were any complaints registered by anyone concerning any alleged unsatisfactory performance identified above, and, if so, set forth for each complaint:
- a. the date and time of the complaint;
  - b. the name and address of each person making the complaint;

- c. the name and address of each person to whom the complaint was made; and
- d. the form (*i.e.*, verbal or written) of the complaint.

**—Warnings/Counseling**

- 31. State whether the plaintiff was ever warned or counseled concerning any alleged unsatisfactory performance identified above, and, if so, set forth for each warning or counseling:
  - a. the date and time of the warning or counseling;
  - b. the name and address of each person who participated in the warning or counseling; and
  - c. the form (*i.e.*, verbal or written) of the warning or counseling.

**—Hearings**

- 32. State whether there were any hearings resulting from any alleged unsatisfactory performance identified above, and, if so, set forth for each hearing:
  - a. the date and time of the hearing;
  - b. the name and address of each person who participated in the hearing; and
  - c. whether there is a transcript/record of the hearing, and, if so, where it may be obtained.

**Meetings/Discussions****—Regarding Plaintiff's Employment**

- 33. With respect to each meeting, conversation, or discussion, however informal, at which time the salary, performance, or evaluation of the plaintiff was discussed by officers and/or managers and/or supervisors of the defendant employer company, set forth:
  - a. the date of the meeting, conversation, or discussion;
  - b. the name and address of each participant of the meeting, conversation, or discussion; and
  - c. a description in detail of what was said by whom.

**—Regarding Subject Matter of Complaint**

- 34. With respect to each meeting, conversation, or discussion, however informal, at which time the subject matter of this complaint was discussed by officers and/or managers and/or supervisors of the defendant employer company, set forth:
  - a. the date of the meeting, conversation, or discussion;
  - b. the name and address of each participant of the meeting, conversation, or discussion; and

- c. a description in detail of what was said by whom.

### **Investigations Into Subject Matter of Complaint**

- 35. State whether the defendant employer company has performed any investigations or received any reports concerning the subject matter of this complaint, and, if so, set forth for each investigation or report:
  - a. the date of each investigation, or receipt of each report;
  - b. the nature and scope of the investigation or report in precise detail; and
  - c. the identity of any and all letters, memorandum, reports, and other documents regarding the performance of any investigation conducted by the defendant employer company, concerning the subject matter of this complaint, and attach a copy of each to the answers to these interrogatories.
- 36. If the answer to the preceding interrogatory is in the negative, explain in precise detail why no investigation was conducted.

*(See also similar questions in other forms in this title and in title INVESTIGATIONS AND REPORTS.)*

### **Other Age Discrimination Claims**

- 37. State whether any EEOC claim and/or state claim with the Division on Civil Rights and/or any complaint in the courts of the State of \_\_\_\_\_ has been filed against the defendant employer company, and/or any charges, claims, or allegations made to any other government agency or any employee of the defendant employer company, specifically including any personnel department employees alleging age discrimination since the plaintiff's date of hire, and, if so, state the following for each claim:
  - a. the date when the complaint was filed;
  - b. the name, address, sex, and age of the person who filed the complaint;
  - c. a summary of the complaint filed;
  - d. a description of all actions taken as a result of the complaint filed; and
  - e. the identity of any and all documents which reflect, refer to, or discuss any complaint, and attach copies to the answers to these interrogatories.

### **Age Discrimination Grievances/Complaints**

- 38. Provide any information regarding any employee grievances or complaints based on age discrimination, and the defendant employer company's response to each complaint.

### **Bases for Defenses**

- 39. Set forth with particularity all facts and circumstances upon which you base

each and every one of the separate defenses, cross-claims, counterclaims, or claims of indemnification, stating each one separately, and identify all documents which reflect, refer to, or discuss the allegations of the complaint or the defendant employer company's defenses, cross-claims, counterclaims, or claims of indemnification, and attach copies of each to the answers to these interrogatories.

### Statements/Admissions

#### —Oral

40. State whether any party to this action made any oral statement or any oral admission concerning this occurrence which is the subject matter of this litigation, and, if so, state the following for each oral statement or admission:
- a. the date when and the place where the oral statement or admission was made;
  - b. the name and address of each person or party present when the oral statement or admission was made;
  - c. the name and address of the employer of the person who heard or induced the oral statement or admission;
  - d. whether there was any promise or representation made to induce the oral statement or admission;
  - e. whether any specific person asked for, induced, or encouraged the oral statement or admission; and
  - f. the context of the oral statement or admission in full detail.

#### —Written

41. State whether any party to this action made any written statement or written admission concerning this occurrence which is the subject matter of this litigation, and, if so, state the following for each written statement or admission:
- a. the date when and the place where the written statement or admission was made;
  - b. the name and address of the person who took the written statement or admission;
  - c. the name and address of each person or party who was present when the statement or admission was made; and
  - d. the present location of the written statement or admission, and attach a copy of the written statement or admission to the answers to these interrogatories.

*(See also similar questions in other forms in this title and in title STATEMENTS AND ADMISSIONS, EXISTENCE AND CUSTODY OF.)*



**Trial Exhibits**

45. Identify and attach a copy of all documents or exhibits intended for use by the defendant employer company at trial.

*(See also similar questions in other forms in this title and in title EXHIBITS AND PHOTOGRAPHS, EXISTENCE AND CUSTODY OF.)*

**Other Relevant Materials**

46. Identify and attach copies of any letters, manuscripts, documents, pictures, contracts, or any written matter relevant to the subject matter of this complaint or which you intend to introduce as evidence.

*(See also similar questions in other forms in this title and in title EXHIBITS AND PHOTOGRAPHS, EXISTENCE AND CUSTODY OF.)*

*[Date, signature, certificate of mailing, or form of admission of receipt of copy, see SIGNATURES, MAILING AND RECEIPT OF INTERROGATORIES.]*





- c. the substance of the facts and opinions about which the expert is expected to testify; and
- d. a summary of the grounds of each opinion.

*(See also similar questions in other forms in this title and in title EXPERTS, IDENTITY AND QUALIFICATIONS OF.)*

*[Date, signature, certificate of mailing, or form of admission of receipt of copy, see SIGNATURES, MAILING AND RECEIPT OF INTERROGATORIES.]*



Investigations (Q 27)

Placing Plaintiff on Performance Plan/Probation

— Decision (Q 28)

— Meetings (Q 29)

Person Filling Plaintiff's Position (Q 30)

Equal Opportunity Program (Q's 31–32)

Age Discrimination Complaints (Q 33)

Civil Discrimination Complaints (Q 34)

Defenses

— Identification (Q 35)

— Facts Relied Upon (Q 36)

Insurance Coverage (Q 37)

Statements (Q 38)

Admissions (Q 39)

Persons With Knowledge (Q 40)

Trial Witnesses (Q 41)

Expert Witnesses (Q 42)

Trial Documents (Q 43)

Relevant Documents (Q 44)

*[Names of court and parties, description of action, introduction, and usual formal parts, see CAPTIONS AND FORMAL PARTS. Definitions of terms used in interrogatories, see DEFINITIONS.]*

### Identification

1. With respect to each person answering these interrogatories, set forth the person's name, address, position with the defendant employer, and whether that person is authorized to execute these interrogatories on behalf of the defendant employer.

### Corporate Status

#### —Identification

2. If the defendant employer is a corporation, state specifically:
  - a. the country and state of incorporation;
  - b. whether this corporation is a subsidiary, division, or in any other way related to any other corporation;



with the defendant employer), set forth for each job title:

- a. the job title;
- b. a job description;
- c. the name of each person who performed the job, and the time period during which that job was performed;
- d. the county in which the job was performed;
- e. the identify of the defendant employer or any subsidiary of the defendant employer that employed that person in each job listed;
- f. the gross salary received each year by each person performing the job;
- g. the names of all assistants, secretaries, or clerks performing duties under the supervision of the person performing the job, specifying hours worked and salary received by the assistant, secretaries, or clerk; and
- h. the identity of all meeting minutes, policy decisions, announcements, notices, or other documents relating to the appointment, salary, promotion, transfer, removal, or other job action affecting all persons performing the job, and attach copies to the answers to these interrogatories.

#### **Employer's Gross Income/Net Worth**

7. Specify the gross income and net worth of the defendant employer for each year from and including \_\_\_\_\_ (the date when the plaintiff employee began employment with the defendant employer) to the present.

#### **Financial Statements**

8. State whether the defendant employer has prepared balance sheets, profit and loss statements, or other type of financial statements for itself at any time during the last four (4) calendar years, and, if so, set forth:
  - a. the date of each financial statement;
  - b. a description of each financial statement;
  - c. the present location of each financial statement; and
  - d. the name and address of each person who has present custody of the statement, or attach a copy of the statement to the answers to these interrogatories.

#### **Personnel Handbook/Policy Manual**

9. State whether the defendant employer has a personnel handbook and/or policy manual or other document or series of documents setting forth policies with regard to:
  - a. hiring;



e. business allowances.

15. If your response to the preceding interrogatory is in the affirmative, specify the form of compensation for each year of the plaintiff employee's employment.

#### **Merit Raises/Increases Criteria/Policies**

16. Describe in detail all criteria or policies which concern merit raises or increases in the salaries of the defendant employer's employees.

#### **Personnel Forms**

17. Identify all personnel forms maintained or used by the defendant employer since \_\_\_\_\_ (*the date when the plaintiff employee began employment with the defendant employer*) for each individual employee, including, but not limited to, any of the following:
- a. employment application;
  - b. employment application input forms;
  - c. new employee profile;
  - d. employment history status;
  - e. US Immigration & Naturalization Service forms;
  - f. transfer forms;
  - g. promotion forms;
  - h. time and attendance;
  - i. payroll;
  - j. performance evaluation;
  - k. corrective action forms (including, but not limited to, oral counseling memos, written warning memos, and probation memos);
  - l. probationary status forms; and
  - m. termination.
18. For each form identified in response to the preceding interrogatory, set forth the following:
- a. the name of the form;
  - b. the form number;
  - c. the date or time period when it was used;
  - d. a brief description of its contents and use;
  - e. the job title for the person responsible for maintaining the completed form or copy; and





**—Identification**

25. State each of the alleged reasons for the defendant employer's criticism of the plaintiff employee's performance in \_\_\_\_\_ (*the date when the plaintiff employee received a poor performance evaluation from the defendant employer*).

**—Documentation**

26. Identify all documents which provide a basis for the defendant's criticism of the plaintiff employee's performance, and attach copies to the answers to these interrogatories.

**Investigations**

27. Describe in detail each and every investigation of any criticism of the plaintiff employee or any incident involving the plaintiff employee, setting forth as to each investigation:
- a. the dates during which each investigation took place;
  - b. the names and titles of all persons involved in the investigation;
  - c. a detailed description of what was entailed in the investigation;
  - d. the results of the investigation;
  - e. a detailed description of what action was taken, if any, as a result of the investigation; and
  - f. the identity all reports, memoranda, notes, or other documents relating to any investigation identified above.

(See also similar questions in other forms in this title and in title INVESTIGATIONS AND REPORTS.)

**Placing Plaintiff on Performance Plan/Probation****—Decision**

28. With respect to the decision to place the plaintiff employee on a performance plan/probation on \_\_\_\_\_ (*date*), set forth:
- a. the name and job title of each person who made this decision;
  - b. a description of the process involved in arriving at that decision; and
  - c. the identity of all documents relevant to that decision, and attach a copy of each document to the answers to these interrogatories.

**—Meetings**

29. Describe in detail each and every meeting in which the placement of the plaintiff employee on a performance plan was discussed, stating specifically:
- a. the date on which each meeting took place;



- c. the agency or department with which the complaint was filed;
- d. the nature and substance of the complaint; and
- e. the date(s) and substance of any action taken by the agency or department.

**Civil Discrimination Complaints**

34. State whether any civil action has been filed in any court charging the defendant employer with discrimination on the basis of age, and, if so, for each complaint, state:
- a. the name and address of the plaintiff;
  - b. the date of the complaint;
  - c. the venue, address, and name of the Court where filed;
  - d. the nature and substance of the complaint; and
  - e. the disposition of the action, or the present status of the action.

**Defenses****—Identification**

35. State with particularity any and all defenses upon which the defendant employer intends to rely or otherwise adopt in this action.

**—Facts Relied Upon**

36. Set forth each and every fact upon which the defendant employer intends to rely in support of each and every defense listed in this previous interrogatory.

**Insurance Coverage**

37. State whether the defendant employer has insurance which may cover any recovery or defense of any of the plaintiff employee's claims, and, if so, set forth:
- a. the name of the insurance company providing coverage;
  - b. the amount of coverage provided; and
  - c. the identity of the insurance policy or policies, and attach a copy of each to the answers to these interrogatories.

*(See also similar questions in other forms in this title and in title INSURANCE COVERAGE AND FINANCIAL RESPONSIBILITY.)*

**Statements**

38. State whether the defendant employer or its agents have obtained any statements from any potential witness in this matter, and, if so, set forth for each statement:

