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12 *Attorneys for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
9 **IN AND FOR THE COUNTY OF MARICOPA**

11 KIMBERLY HEROLD, an individual;

12 Plaintiff,

13 vs.

14 MARY ALLRED and JOHN ALLRED, a  
15 married couple; and BETTY BERAN and  
16 WILLIAM BERAN, a married couple;

17 Defendants.

Case No.: CV2017-052810

**PLAINTIFF'S FIRST SET OF  
UNIFORM AND NON-UNIFORM  
INTERROGATORIES TO  
DEFENDANTS MARY ALLRED  
AND JOHN ALLRED**

19  
20 **TO: DEFENDANTS MARY ALLRED AND JOHN ALLRED AND THEIR**  
21 **ATTORNEYS OF RECORD:**

22 Pursuant to Rule 33, Arizona Rules of Civil Procedure, Plaintiff, through undersigned  
23 counsel, hereby propounds the following written interrogatories, each of which is to be  
24 answered fully and separately, in writing, under oath and within the time prescribed by law.  
25 These interrogatories are continuing interrogatories under Rule 26(e), Arizona Rules of Civil  
26 Procedure, and all your answers must be supplemented in accordance with Rule 26(e).

1 INSTRUCTIONS

2 1. The answer to each interrogatory shall include such knowledge of the Defendant  
3 as is within Defendant's custody, possession or control, specifically including such information  
4 as to which defendant could only provide facts upon information and belief. Answers shall  
5 include knowledge including, but not limited to, knowledge and documents in the custody,  
6 control or possession of Defendant's investigators, accountants, consultants, employees,  
7 attorneys or other agents. Where facts set forth in answers or portions thereof are supplied upon  
8 information and belief, rather than actual knowledge, the answer should so state, and specifically  
9 describe or identify the source or sources of such information and belief. If you cannot answer  
10 an interrogatory in full, after exercising due diligence to secure the information requested, so  
11 state and answer to the fullest extent possible, specifying your inability to answer the remainder  
12 and stating whatever information or knowledge you have concerning the unanswered portion.

13 2. A space has been provided on this form of interrogatories for your answer. In the  
14 event the space provided is not sufficient for your answer to any of the following interrogatories,  
15 attach a separate sheet of paper setting forth the question, followed by the additional answering  
16 information.

17 3. Where identification of a telephone conversation is required, the following shall be  
18 separately stated as to each conversation: the date; the identity and location of the originator of  
19 the call; the identity and location of the recipient of the call; the identity and location of all other  
20 persons who participated in the call; the substance of the subjects discussed; and the identity of  
21 any other persons, who, though not participating in the call, possess information concerning the  
22 existence or nature of said telephone conversation.

23 4. Where identification of a document is required, the following shall be separately  
24 stated as to each document: its date; its exact title; the general subject matter of the document;  
25 the name of the author, his business affiliation, presently and at the time the document or  
26 correspondence was prepared, and his last known address; the name, business affiliation (both  
27 presently and at the time he received the document), and the last known address of the  
28 addressee; the name, business affiliation (presently and at the time the document was prepared),

1 and the last known address of every person to whom a copy of the document was to be sent,  
2 other than the addressee described above; the names and addresses of all persons who now have  
3 the original and who now have any copies; the identification and location of the files where the  
4 original and each copy is normally or presently kept.

5 5. Whenever identification of a "person" or "individual" is required, the following  
6 shall be separately stated as to each person: the name and last known business address or  
7 location and phone number of each such person. If such person is an individual, additionally  
8 state the business position or positions held by that individual at the time or times for which  
9 such identification is requested, and such person's last known residence address and phone  
10 number. If such a person is not an individual, but is an entity or organization, additionally  
11 identify the individual or individuals employed by or representing such entity or organization  
12 who have knowledge or with whom communications have been had of, or relating to, the matter  
13 involved.

14 6. These interrogatories are deemed to be continuing in nature, calling for further  
15 responses at such time as additional information or documents become known or reasonably  
16 available to Defendant.

17 7. If you contend that the answer to any interrogatory is privileged, in whole or in  
18 part, or otherwise object to any part of any interrogatory, state the reasons for such objection or  
19 grounds for exclusion, and identify each person having knowledge of the factual basis, if any, on  
20 which the privilege or other ground is asserted.

21 8. All terms that are in bold print in the Non-Uniform Interrogatories are specifically  
22 defined herein. All other terms should be construed according to their plain meaning.

### 23 DEFINITIONS

24 1. The terms "you," and "your" shall refer to Defendants, Mary Allred and John  
25 Allred, and all of their agents, employees, and representatives.

26 2. The term "Beran" shall mean Betty Beran and all of her agents, employees, and  
27 representatives.

1           3.     The term "Herold" shall mean Plaintiff Kimberly Herold and all of her agents,  
2 employees, and representatives.

3           4.     The term "Hubbell" shall mean the Belgian warmblood gelding purchased by  
4 Herold from Allred in 2016.

5           5.     "Communication" or "Communications" means any transmission of information  
6 from one person or persons to another person or persons, regardless of the medium by which  
7 such transmission occurs.

8           6.     The phrase "describe in detail" as used in these interrogatories includes a request  
9 for a complete description and explanation of the facts, circumstances, analysis, opinion and  
10 other information relating to (as that phrase is defined below) the subject matter of a specific  
11 interrogatory.

12          7.     "Document" is broadly defined to include any physical thing containing  
13 information, whether in hard copy or electronic form, including (without limiting the generality  
14 of the foregoing) any correspondence, e-mails, writings, drawings, graphs, charts, photographs,  
15 phone records, memoranda, notes, and other data compilations from which information can be  
16 obtained, translated through detection devices into reasonably usable form when translation is  
17 practicably necessary, and includes, as defined by Rule 1001, Arizona Rules of Evidence,  
18 "writings and recordings," "photographs," "originals," and "duplicates." This term also includes  
19 copies or reproductions of an original document when the copy or reproduction is anything other  
20 than an exact duplicate of the original. "Document" includes a draft of any document that  
21 differs in any way from the final version thereof.

22          8.     The terms "concern," "discuss," "refer to" or "relate to" shall include all  
23 documents, as defined above, which explicitly or implicitly, in whole or in part, compare, were  
24 received in conjunction with, or were generated as a result of the subject matter of the request,  
25 including without limitation, all documents, as defined above, which reflect, record,  
26 memorialize, describe, consider, concern, constitute, discuss, embody, evaluate, analyze, review,  
27 report on, comment on, impinge upon or impact the subject matter of the request.  
28

1 **UNIFORM INTERROGATORIES**

2 Please answer the following uniform interrogatories:

3 **Contract Interrogatories 3, 4, 5, 6, 7, 13**

4  
5 **NON-UNIFORM INTERROGATORIES**

6 1. **Identify** all veterinarians **you** have used at any point during the past three years  
7 including, but not limited to, any veterinarians who have examined or treated **Hubbell**.

8 **RESPONSE:**

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13 2. **Identify** any and all of **Hubbell's** lameness issues about which **you** were aware at  
14 any point, and for each state when and how you became aware of the lameness issue.

15 **RESPONSE:**

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21 3. **Identify** the **individual** or **individuals** who purchased **Hubbell** from **you** in 2011  
22 as well as the purchase price paid for **Hubbell** in 2011.

23 **RESPONSE:**

1           4.     **Identify and describe in detail** any and all **communications** between **you** and  
2 any **individuals** identified in response to Non-Uniform Interrogatory No. 3 regarding **Hubbell**,  
3 including all communications following **your** sale of **Hubbell** to the individual or individual.

4           **RESPONSE:**  
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9           5.     **Describe in detail** each and every reason why the **individual** or **individuals**  
10 identified in response to Non-Uniform Interrogatory No. 3 returned **Hubbell** to **you** for free, as  
11 you have acknowledged in Paragraph 28 of **your** Answer, as well as any **communications** you  
12 had with said **individual(s)** regarding the return of **Hubbell**.

13           **RESPONSE:**  
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18           6.     **Describe in detail** your involvement in and observations of the pre-purchase  
19 examination of **Hubbell** conducted immediately prior to his sale to **Herold** including, but not  
20 limited to any communications you had with **Herold** or **Beran** during or after the pre-purchase  
21 examination about **Hubbell**.

22           **RESPONSE:**  
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1           7.     **Describe in detail** your involvement in the sale of **Hubbell** to **Herold** including,  
2 but not limited to all **communications** with **Herold** and **Beran** regarding the sale.

3           **RESPONSE:**  
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9           8.     **Identify and describe in detail** any and all medications and supplements given to  
10 **Hubbell** in the one year prior to selling **Hubbell** to **Herold** and **identify** any and all documents  
11 reflecting the medications and supplements given to **Hubbell** during that timeframe.

12           **RESPONSE:**  
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18           9.     **Identify** any commissions **you** paid to **Beran** in connection with the sale of  
19 **Hubbell** to **Herold**.

20           **RESPONSE:**  
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1           10.   **Identify and describe in detail** any and all disclosures **you** made to **Herold** prior  
2 to the sale regarding any medical issues with **Hubbell**, including but not limited to, any  
3 disclosures regarding **Hubbell's** lameness.

4           **RESPONSE:**  
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8           11.   **Identify** each and every factual basis to support **your** affirmative defense that  
9 **Herold** failed to mitigate her damages, and for each, **identify** any documents that support that  
10 factual basis.

11          **RESPONSE:**  
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15          12.   **Identify** each and every factual basis to support **your** affirmative defense that  
16 **Herold's** damages were caused by **Herold's** fault or the fault of a third-party, and for each,  
17 **identify** any documents that support that factual basis.

18          **RESPONSE:**  
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22          13.   **Identify** each and every factual basis to support **your** affirmative defense that  
23 **Herold** has failed to join all necessary and proper parties, and for each, **identify** any documents  
24 that support that factual basis.

25          **RESPONSE:**  
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1 ORIGINAL and one COPY emailed  
2 and mailed on this 9<sup>th</sup> day of May, 2017,  
3 to:

4 Adam Trenk, Esq.  
5 Lauren Reynolds, Esq.  
6 Rose Law Group, PC  
7 7144 East Stetson Drive, Suite 300  
8 Scottsdale, AZ 85251

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