

DEC - 4 2025

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO - SOUTHERN BRANCH

Clerk of the Superior Court
By *[Signature]*
DEPUTY CLERK

DAWN CALVERT,

: Case No.: 23-CIV-05077

Plaintiff,

: **PLAINTIFF'S RESPONSE TO REQUEST**

: **FOR SPECIAL INTERROGATORIES**

vs.

NEWELL'S COCKTAIL LOUNGE, et al., :

Defendants.

Plaintiff responds to the Defendant's request for admissions as follows:

SPECIAL INTERROGATORY NO. 1: Please IDENTIFY the exact place inside the LOCATION YOU tripped and fell.

RESPONSE TO SPECIAL INTERROGATORY NO. 1: The Plaintiff, DAWN CALVERT, tripped and fell on the wooden floor surface near the bar area of the establishment, specifically in the area between the stools at the bar counter and the performance/stage area.

SPECIAL INTERROGATORY NO. 2: Please IDENTIFY what YOU were doing immediately prior to the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 2: Immediately prior to the incident, Plaintiff DAWN CALVERT was standing up from a bar stool, where she had been seated with her back to the bar counter, and was taking steps toward the stage area to better

see and hear the karaoke performance.

SPECIAL INTERROGATORY NO. 3: Please IDENTIFY the specific faulty features of the LOCATION that YOU claim led to YOUR injuries.

RESPONSE TO SPECIAL INTERROGATORY NO. 3: The specific features of the LOCATION that led to Plaintiff's injuries include:

- The presence of a puddle of spilled liquid on the wooden floor where Plaintiff stepped.
- The underlying condition of the floor, which was wooden, uneven, and warped, creating an increased hazard when wet.
- Inadequate and insufficient lighting inside the bar, particularly in the walking area, which prevented the spill from being clearly visible to the Plaintiff.

SPECIAL INTERROGATORY NO. 4: Do YOU contend that NEWELL'S COCKTAIL LOUNGE is legally responsible for YOUR injuries?

RESPONSE TO SPECIAL INTERROGATORY NO. 4: Yes, Plaintiff DAWN CALVERT contends that NEWELL'S COCKTAIL LOUNGE is legally responsible for her injuries.

SPECIAL INTERROGATORY NO. 5: If YOUR answer to the preceding Interrogatory is in the affirmative, describe all facts on which you base your contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 5: Plaintiff's contention that Defendant NEWELL'S COCKTAIL LOUNGE is legally responsible is based on the following facts:

- **Duty and Breach:** Defendant owed a duty of care to its patrons, including the Plaintiff, to maintain its premises in a reasonably safe condition and to inspect for and correct dangerous conditions.
- **Hazardous Condition:** The Defendant breached this duty by allowing a puddle of liquid to remain on the walking surface of the wooden floor, creating a dangerous slip hazard.
- **Actual or Constructive Notice:** Defendant's employees and/or management knew or should have known of the liquid spill on the floor and failed to promptly clean it up, block off the area, or provide any warning to patrons.
- **Inadequate Lighting:** Defendant further breached its duty by failing to provide adequate lighting, thereby obscuring the spilled liquid and the underlying dangerous floor condition from the Plaintiff's view.
- **Causation:** The Defendant's negligent failure to maintain a safe and adequately lit environment was a direct cause of the Plaintiff slipping, falling violently, and sustaining severe and permanent injuries, including a left tibial plateau fracture.

Here are the drafted responses to the next five Special Interrogatories, maintaining consistency with previous answers and utilizing the facts provided in your demand letter.

SPECIAL INTERROGATORY NO. 6: If YOUR answer to Interrogatory No. 4 is in the affirmative, list all witnesses YOU contend to have witnessed the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 6: The following individuals are witnesses who contend to have witnessed the incident, the immediate aftermath, and/or the hazardous condition:

- Christopher Bradshaw (Current Address and Phone No. to be provided in separate compliance if required by court rule or subsequent agreement)
- Troy Gatlin (Current Address and Phone No. to be provided in separate compliance if required by court rule or subsequent agreement)
- Gary Gonsalves (Current Address and Phone No. to be provided in separate compliance if required by court rule or subsequent agreement)
- Shawna (Last name and identifying information currently unknown to Plaintiff, but to be supplemented upon discovery)
- Tom (Bartender on duty who assisted Plaintiff, now deceased)

SPECIAL INTERROGATORY NO. 7: If YOUR answer to Interrogatory No. 4 is in the affirmative, list all documents YOU contend to support your allegations pertaining to the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 7: Documents supporting Plaintiff's

allegations pertaining to the incident include, but are not limited to:

- Plaintiff's own written Demand Letter, dated June 1, 2025.
- All Medical Records and Billing related to the injuries sustained, including those from Kaiser Permanente, AMR, City View Post Acute, Owen Healthcare, and Crossroads Home Care & Hospice (previously produced to Defendant's counsel).
- Photographs and X-rays of Plaintiff's leg post-surgery (referenced in the Demand Letter as Exhibit B).
- Ambulance/EMT Records (referenced in the Demand Letter as Exhibit A).
- The Complaint filed in this matter.
- Any incident reports, maintenance logs, inspection reports, lighting records, or personnel files maintained by Newell's Cocktail Lounge for October 25, 2021, which are currently in the exclusive possession of the Defendant.

SPECIAL INTERROGATORY NO. 8: Do YOU contend there was a hazardous area in the LOCATION the night of YOUR injury?

RESPONSE TO SPECIAL INTERROGATORY NO. 8: Yes, Plaintiff DAWN CALVERT contends there were hazardous conditions and areas in the LOCATION the night of her injury.

SPECIAL INTERROGATORY NO. 9: If YOUR answer to the preceding Interrogatory is in the affirmative, describe all facts on which you base your contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 9: Plaintiff's contention is based on the following facts:

- A puddle of spilled liquid was present on the wooden floor surface where patrons were expected to walk, creating a dangerous slip hazard.
- The wooden floor itself was uneven and warped, which compounded the danger presented by the liquid spill.
- The interior lighting was inadequate for clear visibility, especially in the walking path near the bar/stage, which prevented the Plaintiff and staff from seeing the liquid hazard.

SPECIAL INTERROGATORY NO. 10: If YOUR answer to Interrogatory No. 8 is in the affirmative, list all witnesses YOU contend to have witnessed the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 10: Plaintiff refers Defendant to and incorporates by reference the answer to Special Interrogatory No. 6.

SPECIAL INTERROGATORY NO. 11: If YOUR answer to Interrogatory No. 8 is in the affirmative, list all documents YOU contend to support your allegations pertaining to the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 11: Plaintiff refers Defendant to and incorporates by reference the answer to Special Interrogatory No. 7.

SPECIAL INTERROGATORY NO. 12: Do YOU contend that YOU fell inside the LOCATION the night YOU were injured?

RESPONSE TO SPECIAL INTERROGATORY NO. 12: Yes, Plaintiff DAWN CALVERT contends she fell inside the LOCATION (Newell's Cocktail Lounge) the night she was

injured.

SPECIAL INTERROGATORY NO. 13: If YOUR answer to the preceding Interrogatory is in the affirmative, describe all facts on which you base your contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 13: Plaintiff's contention is based on the following facts:

- Plaintiff was standing up from a bar stool and walking toward the stage area while still inside the Defendant's premises.
- Plaintiff slipped on a puddle of liquid and fell, landing on her left knee.
- Plaintiff's friends (Christopher Bradshaw, Troy Gatlin, and Shawna) and the bartender (Tom) were present inside the LOCATION and witnessed the incident or its immediate aftermath, assisting her to be carried outside of the lounge.
- Plaintiff suffered immediate, severe, and audible injuries (hearing a "faint crack" in her leg) upon falling inside the LOCATION.

SPECIAL INTERROGATORY NO. 14: If YOUR answer to Interrogatory No. 12 is in the affirmative, list all witnesses YOU contend to have witnessed the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 14: Plaintiff refers Defendant to and incorporates by reference the answer to Special Interrogatory No. 6.

SPECIAL INTERROGATORY NO. 15: If YOUR answer to Interrogatory No. 12 is in the affirmative, list all documents YOU contend to support your allegations pertaining to the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 15: Plaintiff refers Defendant to and incorporates by reference the answer to Special Interrogatory No. 7.

SPECIAL INTERROGATORY NO. 16: When is the last time YOU consumed heroin?

RESPONSE TO SPECIAL INTERROGATORY NO. 16: OBJECTION. This interrogatory is overbroad, unduly harassing, asks for highly prejudicial information, seeks information protected by the right to privacy, and is not reasonably calculated to lead to the discovery of admissible evidence regarding the Defendant's premises liability or negligence. Plaintiff has no specific or definite recollection of consuming heroin in the relevant period, and the information is not material to the facts of the incident.

SPECIAL INTERROGATORY NO. 17: When is the last time YOU consumed methamphetamine?

RESPONSE TO SPECIAL INTERROGATORY NO. 17: OBJECTION. This interrogatory is overbroad, unduly harassing, asks for highly prejudicial information, seeks information protected by the right to privacy, and is not reasonably calculated to lead to the discovery of admissible evidence regarding the Defendant's premises liability or negligence. Plaintiff has no specific or definite recollection of consuming methamphetamine in the relevant period, and the information is not material to the facts of the incident.

SPECIAL INTERROGATORY NO. 18: When is the last time YOU were enrolled in a drug rehabilitation treatment?

RESPONSE TO SPECIAL INTERROGATORY NO. 18: OBJECTION. This interrogatory seeks

information protected by the right to privacy and is not relevant to the core issues of the Defendant's premises liability and negligence in causing the physical injuries sustained in the fall. No specific date can be provided for an enrollment in a drug rehabilitation treatment program.

SPECIAL INTERROGATORY NO. 19: When is the last time YOU were enrolled in an alcohol rehabilitation treatment?

RESPONSE TO SPECIAL INTERROGATORY NO. 19: OBJECTION. This interrogatory seeks information protected by the right to privacy and is not relevant to the core issues of the Defendant's premises liability and negligence in causing the physical injuries sustained in the fall. No specific date can be provided for an enrollment in an alcohol rehabilitation treatment program.

SPECIAL INTERROGATORY NO. 20: When is the last time YOU were evaluated for a mental health disorder?

RESPONSE TO SPECIAL INTERROGATORY NO. 20: OBJECTION. This interrogatory seeks information protected by the right to privacy and the psychotherapist-patient privilege, and is not relevant to the core issues of the Defendant's premises liability and negligence.

SPECIAL INTERROGATORY NO. 21: Have YOU ever been diagnosed with mental health disorder?

RESPONSE TO SPECIAL INTERROGATORY NO. 21: OBJECTION. This interrogatory seeks information protected by the right to privacy and the psychotherapist-patient privilege,

and is not relevant to the core issues of the Defendant's premises liability and negligence.

SPECIAL INTERROGATORY NO. 22: If YOUR answer to the preceding Interrogatory is in the affirmative, describe all facts on which you base your contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 22: OBJECTION. This interrogatory is dependent upon the answer to Interrogatory No. 21, to which an objection has been made. Without waiving said objection, this question is irrelevant, calls for the production of privileged mental health information, and is not reasonably calculated to lead to the discovery of admissible evidence regarding the negligence and causation of the physical injury.

SPECIAL INTERROGATORY NO. 23: If YOUR answer to Interrogatory No. 21 is in the affirmative, list all witnesses YOU contend to have witnessed the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 23: OBJECTION. This interrogatory is dependent upon the answer to Interrogatory No. 21, to which an objection has been made. Additionally, it is compound and illogical, as the diagnosis of a mental health disorder is not a fact upon which Plaintiff bases her contention as to the witnesses of the physical slip and fall incident.

SPECIAL INTERROGATORY NO. 24: If YOUR answer to Interrogatory No. 21 is in the affirmative, list all documents YOU contend to support your allegations pertaining to the INCIDENT.

RESPONSE TO SPECIAL INTERROGATORY NO. 24: OBJECTION. This interrogatory is