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1/23/08

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE COUNTY, FLORIDA

CASE NUMBER: 07-41496 CA 21

WINSLIGHT BAPTISTE,

Plaintiff,

vs.

ENTERED
1/25/08

KS&P RESTAURANTS, LLC

Defendant.

DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST TO PRODUCE

Defendant, KS&P RESTAURANTS, LLC, by and through their undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.350, hereby file their response to Plaintiff's Request to Produce and states the following:

1. None.
2. Defendant will produce for inspection and copying at Plaintiff's expense a surveillance video taken at the time of the subject accident and purportedly depicting Plaintiff's fall at a mutually convenient time and place to be arranged by counsel. Defendant objects to the remainder of this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
3. See Response numbered "2."
4. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
5. None.
6. This information and/or document was previously provided on 11/19/07.

7. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
8. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
9. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
10. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
11. Unknown.
12. None exist.
13. Defendant is not in possession of any information/documentation responsive to this request at this time.
14. See Response numbered "9."
15. See Response numbered "10."
16. None.
17. Defendant is not in possession of any information/documentation responsive to this request at this time.
18. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.

19. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
20. Defendant is not in possession of any information/documentation responsive to this request at this time.
21. Defendant is not in possession of any information/documentation responsive to this request at this time.
22. Defendant is not in possession of any information/documentation responsive to this request at this time.
23. Defendant is not in possession of any information/documentation responsive to this request at this time.
24. Defendant is not in possession of any information/documentation responsive to this request at this time.
25. Defendant is not in possession of any information/documentation responsive to this request at this time.
26. Defendant is not in possession of any information/documentation responsive to this request at this time.
27. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
28. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
29. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.

30. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
31. See Response numbered "20."
32. Defendant will produce for inspection and copying at Plaintiff's expense all requested documents at a mutually convenient time and place to be arranged by counsel. Pursuant to Rule 1.350, the documents will be produced in the manner in which they are kept and will not be sorted in one or more of the categories of the request. There may be no documents which satisfy the requests of one or more of the categories.
33. See Response numbered "20."
34. See Response numbered "20."
35. Defendant is not in possession of any information/documentation responsive to this request at this time.
36. Defendant is not in possession of any information/documentation responsive to this request at this time.
37. If Defendant is in possession of this information/documentation, it will produce for inspection and copying at Plaintiff's expense the requested information/documents at a mutually convenient time and place to be arranged by counsel. Pursuant to Rule 1.350, the documents will be produced in the manner in which they are kept and will not be sorted in one or more of the categories of the request. There may be no documents which satisfy the requests of one or more of the categories.
38. See Response numbered "6."
39. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.

40. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
41. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
42. Defendant is not in possession of any information/documentation responsive to this request at this time.
43. Defendant is not in possession of any information/documentation responsive to this request at this time.
44. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.
45. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
46. Defendant objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product.
47. Defendant objects to this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request for information as it seeks privileged information, information constituting material prepared for litigation and/or attorney work product. Without waiving objection, Defendant,

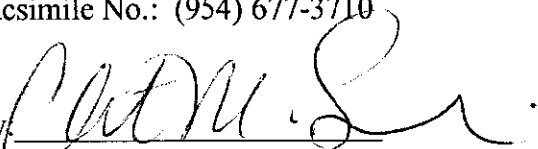
upon information and belief has no information/documents responsive to this request.

48. See Response numbered "21." Defendant objects to the remainder of this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.
49. See Response numbered "12." Defendant objects to the remainder of this request for information/documents as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by mail January, ²³~~22~~, 2008 to: Justin Ziegler, Esquire, Justin Ziegler, PL, One Datan Center, Suite 512, 9100 S. Dadeland Blvd., Miami, Florida 33156.

LAW OFFICES OF ROBERT F. TACHER
Counsel for KS & P RESTAURANTS, LLC
3230 West Commercial Blvd., Suite 250
Fort Lauderdale, FL 33309
Telephone No.: (954) 677-3700
Facsimile No.: (954) 677-3710

By


CHRISTINA M. SANABRIA

Florida Bar Number: 0036437

PRIVILEGE LOG:

1. Surveillance videotapes of Plaintiff and accompanying report, taken post accident.
2. Witness statements of Melony Woods, Stephanie Berrondo and David Sean Gilles.
3. Transcript of recorded statement of Stephanie Berrondo.
4. Guest incident work sheet, dated 12/11/06.
5. 7 digital photographs of the involved booth seat.
6. Loss information form to Travelers Insurance re subject accident.