

IN THE SUPERIOR COURT OF FORSYTH COUNTY

## STATE OF GEORGIA

HIGH GABLES HOMEOWNERS  
ASSOCIATION, INC., et al.,

Plaintiffs,

V.

LARRY C. OLDHAM,

Defendant.

CIVIL ACTION

FILE NO. 05 CV 2005

**PLAINTIFF HIGH GABLES HOMEOWNERS ASSOCIATION, INC.'S FIRST**  
**INTERROGATORIES TO DEFENDANT LARRY C. OLDHAM**

COMES NOW High Gables Homeowners Association, Inc. (“High Gables”), Plaintiff in the above-captioned case, and serves upon Defendant Larry C. Oldham (“Oldham”) these Interrogatories and requests that they be answered fully in writing and under oath, within thirty (30) days from the date of service, in accordance with O.C.G.A. § 9-11-33.

Each interrogatory is addressed to the knowledge of Oldham, as well as the knowledge and information of Oldham and Oldham's agents, and/or other representatives. When a question is directed to Oldham, the question is also directed to each of the aforementioned persons. If Oldham or any of the aforementioned persons cannot answer the following Interrogatories in full, after exercising due diligence to secure any information necessary to do so, answer to the extent you are able to do so.

These Interrogatories shall be deemed to be continuing so as to require supplemental answers, if the persons to whom these Interrogatories are addressed obtain further or different information

between the time the answers are served and the time of trial in accordance with the provisions of the Georgia Civil Practice Act.

When asked to identify any document, it shall be a sufficient response to produce such document and attach a copy thereof to your answers to these interrogatories.

### **DEFINITIONS**

As used herein, the terms listed below are defined as follows:

1. Whenever the terms "you" and "your" are used, they shall refer to Larry C. Oldham, under any name which he may have been known or may have done business.

2. "Document" has the full extent of its meaning as set forth in O.C.G.A. § 9-11-34(a) and includes, without limitation, every writing or record of every type and description that is or has been in your possession, custody or control or of which you have knowledge, including but not limited to correspondence, memoranda, e-mail, faxes, bills, x-rays, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, computer data, maps, reports, surveys, minutes or statistical compilations, or any other reported, textual or graphic material in whatever form, including copies, drafts, and reproductions, whether stored on paper, tape, film, computer disk, or any other storage devise. "Document" also refers to any other data compilations from which information can be obtained and translated, if necessary, by use of computers or detection devices into reasonably useable form.

3. "Person" means any natural person, corporation, partnership, proprietorship, association, governmental agency, agency, group, organization, or group of persons.

4. To "identify" a document means to provide the following information irrespective of whether the document is deemed privileged or subject to a chain of privilege.

- (a) the title or other means of identification of each such document;
- (b) the date each document was created and/or the date appearing on each such document;
- (c) the author of each such document;
- (d) the recipient or recipients of each such document; including but not limited to Oldham;
- (e) the present location of any and all copies of each such document in the care, custody, or control of Oldham;
- (f) if all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.

5. To "identify" a natural person means to state that person's full name, title, affiliation and last known address and telephone number. To "identify" a person that is a business, organization, or group of persons means to state the full name of such business, organization or group of persons, the form of the business, organization, or group of persons (e.g., governmental agency, corporation, partnership, joint venture, etc.), and to "identify" the natural person(s) who would have knowledge of the information sought by the interrogatory.

6. Terms in the singular shall be deemed to include the plural and terms in the plural shall be deemed to include the singular.

## INTERROGATORIES

1.

Set forth the names, addresses and job titles of all persons assisting in answering these Interrogatories or furnishing information relating to these Interrogatories.

2.

Set forth the names and addresses of all persons known to you to be witnesses concerning the facts of this case, and indicate whether written or recorded statements have been taken from such persons and indicate who has possession of such statements.

3.

Please identify each expert expected to testify on your behalf at trial and state:

- (a) The subject matter on which the expert is expected to testify about;
- (b) The substance of the facts and opinions to which the expert is expected to testify; and
- (c) A summary of the grounds for each opinion. (See O.C.G.A. §9-11-26(b)(4)(A)(i)).

4.

Set forth the name, address, professional background, and occupation of each and every person you anticipate calling as an expert witness at the trial of this action.

5.

For any agreement you have ever entered into with Plaintiffs, please indicate the date of the agreement, and the nature of the agreement.

6.

For each and every agreement and/or subcontract you have entered into with either subcontractors, or persons or entities other than Plaintiffs in connection with the performance of any work or services related to the your home located at 4250 High Gables East please identify the names, addresses and telephone numbers of any and all subcontractors or persons or entities that performed services for you at the property located at 4250 High Gables East for landscaping, installing concrete driveway, installing concrete sidewalk along frontage of property, and installation of approved mailbox and mailbox post assembly.

- (a) State the date the agreement and/or subcontract was entered into;
- (b) State the names and addresses of all parties to the agreement and/or subcontract;
- (c) State whether the agreement and/or subcontract was written or oral;
- (d) State the names and addresses of all witnesses present when the agreement and/or subcontract was made; and
- (e) Describe with particularity the nature of the work or services performed, or to be performed, by all parties under the agreement and/or subcontract.

7.

Please identify with specificity each and every fact, thing or occurrence upon which you base your claim for breach of fiduciary duty, including but not limited to how you contend the actions of High Gables were “improper” as alleged in Paragraph 65 of your Counterclaim.

8.

→ Please describe with specificity each and every fact to support the claim that you were harmed by the alleged breach of fiduciary duty by High Gables.

9.

Please identify with specificity each and every fact, thing or occurrence upon which you base your claim for defamation.

10.

Regarding your claim for defamation, please state the following with respect to each instance of publication:

- (a) The content of the alleged defamatory statement;
- (b) How you contend the statement was “false and misleading” as alleged in Paragraph 68 of your Counterclaim;
- (b) The identity of the person publishing the statement;
- (c) The identity of all witnesses to the statement that was published;
- (d) Whether the publication was oral or in writing; and
- (e) The date the publication was made

11.

Please identify with specificity each and every fact, thing or occurrence which is the basis of your request for declaratory relief.

12.

Please explain with specificity what type of declaratory relief you contend should be granted in this case.

13.

Please identify with specificity each and every fact, thing or occurrence upon which you base your contention that Plaintiff High Gables acted in bad faith, was stubbornly litigious, or cause you unnecessary trouble and expense as alleged in ¶ 81 of your Counterclaim, and identify all documents which you contend support or evidence each such fact.

14.

Please state the dollar amount of the attorney's fees and litigation expenses you contend you have incurred as a result of Plaintiff's alleged actions.

15.

Except as otherwise described in the Complaint, please itemize with specificity any additional costs, expenses or damages you are claiming as a result of the events and incidents at issue in this action.

16.

If you have ever been a party in a civil lawsuit prior to the institution of this action, please state the names of the parties to the lawsuit, the court in which the lawsuit was filed, the date of filing, the nature of the litigation, and the ultimate resolution of the action, i.e., any amounts paid in settlement or any amounts rendered in judgment.

17.

Please state the dollar amount of damages you contend you have suffered as a result of the High Gables.

18.

Please describe with specificity any and all communications with representatives of Peachtree Post regarding the installation of a mailbox at your property located at 4250 High Gables East and the names of the individuals you spoke with and dates of said conversation.

19.

Please describe with specificity each and every communication you have had with representatives of High Gables Homeowners Association Inc.

This 22 day of February, 2006

 **HAWKINS & PARNELL, LLP**

  
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Peter R. York  
Georgia Bar No. 781175  
ATTORNEY FOR PLAINTIFF HIGH GABLES  
HOMEOWNERS ASSOCIATION

4000 SunTrust Plaza  
303 Peachtree Street, N.E.  
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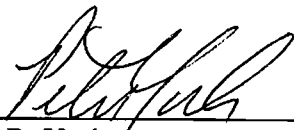
**CERTIFICATE OF SERVICE**

This is to certify that I have this day served Defendant in this action with a copy of the foregoing **Plaintiff High Gables Homeowners Association's First Interrogatories to Larry C. Oldham** by depositing in the United States Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Larry C. Oldham, P.C.  
416 Pirkle Ferry Road  
Suite K-500  
Cumming, GA 30040

Paul Jay Pontrelli, Esq.  
Stites & Harbison, PLLC  
303 Peachtree Street, N.E.  
2800 SunTrust Plaza  
Atlanta, Georgia 30308

This 22 day of February, 2006.

  
\_\_\_\_\_  
Peter R. York