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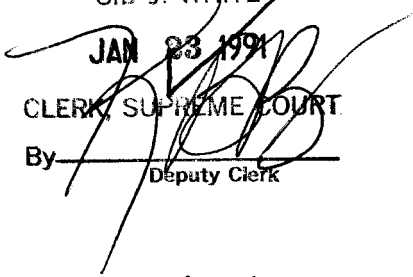
WAGNER
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SID J. WHITE

JAN 23 1991

CLERK, SUPREME COURT

By  Deputy Clerk

January 18, 1991

Honorable Sid J. White
Supreme Court of Florida
Tallahassee, Florida 32399-1927

A Professional Association
Of Attorneys At Law

Dear Judge White:

This is in response to the Petition of the Civil Procedure Rules Committee of The Florida Bar to adopt new standard interrogatories.

I might initially comment that the nature of these questions obviously are structured to avoid the Supreme Court's limitation of questions to twenty-five. The fact that you include fifteen questions under one numbered paragraph does not make it one question. That appears to be a policy decision however, and accordingly, my only comments regarding the content of the interrogatories are phrased as follows:

- a) In the automobile negligence - interrogatories to defendant provision, Interrogatory Number 5 should include an inquiry as to the nature of the ownership, interest or right to control (for example, leased, loaned, rented, and so forth).
- b) Assuming that in the automobile negligence - interrogatories to defendant, Interrogatory Number 8 is intended to provide information regarding liability...that is the nature of the damage to the vehicles...it would seem that you should include an inquiry as to the name and address of the person who can identify or perhaps who photographs the damages. This might be the person who repaired the vehicle. It may be otherwise. The "cost to repair the damage" really is not a test for anything with regard to liability but rather the nature of the actual damages are what is involved.

Very truly yours,


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