

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WESTERN WORLD INSURANCE :
COMPANY, :

Plaintiff, :

v. :

CIVIL ACTION FILE
NO. 1:12-cv-02117

NARCONON OF GEORGIA, INC., :
NARCONON INTERNATIONAL, :
DELGADO DEVELOPMENT, INC., :
PATRICK C. DESMOND AND MARY :
C. DESMOND, INDIVIDUALLY, :
AND MARY C. DESMOND, AS :
ADMINISTRATRIX OF THE ESTATE :
OF PATRICK W. DESMOND, :

Defendants. :

DEFENDANTS DESMOND’S INITIAL DISCLOSURES

(1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

Response: Patrick C. Desmond and Mary C. Desmond, individually, and Mary C. Desmond, as Administratrix of the Estate of Patrick W. Desmond, are properly identified as named Defendants in this action.

(2) Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

Response: Defendants Desmond acknowledge that Plaintiffs apparently contend that another insurance company or other insurance organization of some unknown description, known as the “Nonprofits’ Insurance Alliance of California,” should be added as a necessary party Defendant to this action. However, Defendants Desmond take no position as to this potential issue of non-joinder at this time.

(3) Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.

Response: In this declaratory judgment action, Plaintiff seeks to have this Court declare its subject insuring agreement with Narconon of Georgia, Inc., to be inapplicable in whole or part to some or all claims and causes of action set forth in the underlying wrongful death action: *Patrick C. Desmond and Mary C. Desmond, Individually, and Mary C. Desmond as Administrator of the Estate of Patrick W. Desmond v. Narconon of Georgia, Inc., Delgado Development, Inc., Lisa Carolina*

Robbins, M.D., The Robbins Group, Inc., and Narconon International, in the State Court of Dekalb County, Georgia; Civil Action No. 10A-28641-2. No counterclaims or crossclaims have been asserted by Defendants Desmond in their responsive pleadings filed in the present action. The specific assertions made in defense by Defendants Desmonds and the detailed factual basis that this Court should not grant relief to Plaintiff are set forth in their Answer filed in the present action.

(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

Response: The position of Defendants Desmond is that this action is lacking in substantive merit and no relief should be granted to Plaintiff. Defendants Desmond respectfully request the opportunity to more fully analyze the issues and supplement the record with full and adequate supportive arguments and citations of authorities.

(5) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Response: Defendants Desmond concur with and thus respectfully adopt the Attachment A to Plaintiff's Initial Disclosures.

(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)

Response: At this time, Defendants Desmond have not designated expert witnesses. Defendants Desmond respectfully request leave to supplement this response upon the completion of investigation and discovery.

(7) Provide a copy of, or description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

Response: Defendants Desmond concur with and thus respectfully adopt the Attachment C to Plaintiff's Initial Disclosures.

(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

Response: Not applicable/None.

(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

Response: Not applicable/None.

(10) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Response: Not applicable/None.

This 26th day of September, 2012.

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CERTIFICATE OF SERVICE

This is to certify that I have electronically filed the within and foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 26th day of September, 2012.

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