



**CERTIFICATE OF SERVICE**

\_\_\_\_\_ This is to certify that a true and correct copy of the foregoing instrument has been forwarded to all attorneys of record in accordance with the applicable Texas Rules of Civil Procedure, on this the \_\_\_\_ day of December, 2003.

\_\_\_\_\_  
GERALD L. BOLFING

**DEFENDANT'S FIRST SUPPLEMENTAL  
RESPONSE TO REQUEST FOR DISCLOSURE**

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1. R.194.2(a):

State the correct names of the parties to the lawsuit.

**RESPONSE:**

Plaintiff:

Sharon Lee  
c/o Mr. Peter G. Malouf  
Marcellene Malouf  
Law Offices of Stephen F. Malouf, P.C.  
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Defendants:

Lumen Foods  
c/o Gerald L. Bolfing  
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Parkview Regional Hospital and  
Province Healthcare Company  
c/o John M. Curney, Jr.  
Curney, Garcia, Farmer, Pickering & House, P.C.  
411 Heimer Road  
San Antonio, Texas 78232-4854  
(210) 377-1990  
FAX (210) 377-1065

Greg Caton, Alpha Omega Labs and  
Herbologics, Ltd.  
c/o Mary "Amy" Cazes Greene  
Phelps Dunbar, L.L.P.  
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Houston, Texas 77056  
(713) 626-1386  
FAX (713) 626-1388

2. R.194.2(b):

State the name, address, and telephone number of any potential parties.

**RESPONSE:**

HPT Research, Inc.  
(Laboratory)  
13010 Loma Rica Drive  
Grass Valley, CA 95945  
(530) 274-7631  
(Production)  
11355 Folsom Blvd., Suite E  
Rancho Cordova, CA 95670  
(916) 635-3871

3. R.194.2(c):

State the legal theories and, in general, the factual bases of Plaintiff's claims or defenses.

**RESPONSE:**

This Defendant has filed an answer to this lawsuit which puts Plaintiff to the burden of proving her case by a preponderance of the evidence. This Defendant did not manufacture the product in question. Furthermore, this Defendant asserts that the product in question (in its diluted form) did not cause the Plaintiff any harm. Plaintiff was not a "consumer" under the DTPA. This Defendant, alternatively, reserves the right to such indemnity against the manufacturer of the product. Plaintiff is further referred to this Defendant's First Amended Answer on file in this cause.

4. R.194.2(d):

State the amount and any method of calculating economic damages.

**RESPONSE:**

Defendant has filed a General Denial which puts Plaintiff to the burden of proving her case by a preponderance of the evidence, including the amount and any method of calculating economic damages.

Defendant contests the economic claim(s) of damages relating to the injury asserted by Plaintiff on the basis of (1) nature of the contact involved in the occurrence made the basis of the lawsuit; (2) lack of causal connection between claim(s) of economic damages and the occurrence made the basis of the lawsuit; and, (3) lack of basis or predicate for claim charges incurred were reasonable and necessary considering extent and duration of asserted injury.

5. R.194.2(e):

State the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**RESPONSE:**

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K. Wyrja (sp) PTA  
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6. R.194.2(f):

For any testifying expert, state:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
4. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
  - A). All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  - B). The expert's current resume and bibliography.

**RESPONSE:**

Defendant has not reached the point in developing trial strategy to identify expert(s) that might be called in the trial of this lawsuit.