

I, _____, ESQ., of full age do hereby certify as follows:

1. I am an attorney at law duly licensed to practice in the State of New Jersey and an associate at the law firm of _____, attorneys for the plaintiffs. As such, I am entrusted with the handling of the within action and am familiar with the within facts.

_____2. I hereby make this motion in support of plaintiffs' motion to compel discovery, specifically compelling defendant James Hammond to provide answers to Assets Interrogatories.

3. This auto accident case arises from a head-on collision which occurred on April 13, 2004 on Highway 34 in Colts Neck, New Jersey when defendant James Hammond crossed the center line colliding with plaintiff Robin Chin. Ms. Chin suffered severe injuries and treated with many doctors due to these injuries.

4. Plaintiff served Assets Interrogatories on defendant James Hammond on January 4, 2007. (*See Exhibit "A"; Plaintiff's 1/04/07 Correspondence*). Said defendants failed to provide responses to plaintiffs' discovery demands despite plaintiffs' repeated good faith efforts for same.

5. Subsequently, on June 14, 2007, this Court entered an Order reinstating the punitive damages claim against the defendant James Hammond. (*See Exhibit "B"; 6/14/07 Order*).

6. Nevertheless, defendant has still failed to provide responses to plaintiffs' discovery demands for Asset Interrogatories.

7. As such, plaintiff's motion to compel answers to Asset Interrogatories should be granted since plaintiffs are entitled to know what, if anything, this defendant has to satisfy a judgment, so as to enable plaintiffs' counsel to make a realistic assessment of the matter and plan a litigation strategy. In fact, the Court rules permit plaintiffs to obtain this information requested in the asset interrogatories. *R. 4:10-2* provides that:

A party may obtain discovery of the existence and contents of any insurance agreement under which any person may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

8. As such, it is axiomatic that the purpose of *R. 4:10-2(b)* is to facilitate settlement.

Moslimani v. Union Valley Corp., 271 N.J. Super. 147, 149 (Law. Div 1993); see *Pressler*, Current N.J. Court Rules, *comment to R. 4:10-2(b)*; accord, *F.R.C.P. 26*, Notes of Advisory Committee on Rules (Disclosure of insurance coverage will enable counsel for both sides to make the same realistic appraisal of the case, so that settlement and litigation strategy are based on knowledge and not speculation).

9. Here, in addition to the underlying damages claim, there is also a claim for punitive damages against the defendant James Hammond. The information plaintiff seeks through asset interrogatories is analogous to the New Jersey Court Rules allowing litigants to discovery insurance information. It is critical that plaintiffs be allowed to discover what, if anything, this defendant has to satisfy a judgment beyond the limits of the insurance policy in this case in order for counsel to make a realistic appraisal of the claims against defendant so that the litigation strategy is based upon knowledge and not speculation. *Id.*

10. As previously demonstrated in plaintiffs' motion to reinstate the punitive damages claim, discovery has revealed evidence of defendant James Hammond being intoxicated at the time of the accident. Therefore, as this Court found in granting plaintiff's motion, plaintiff has a valid claim for punitive damages against defendant James Hammond.

11. Moreover, public policy and fundamental fairness dictates that tort victims have a right to know whether the defendant is in a position to provide compensation prior to developing a litigation strategy and plan. *People Exp. Airlines, Inc. v. Consolidated Rail Corp.*, 100 N.J. 246, 254 (1985) ("the overarching purpose of tort law [is] that wronged persons should be compensated for their injuries and that those responsible for the wrong should bear the costs of their tortious conduct').

12. Accordingly, plaintiff respectfully requests that this motion compelling the defendant James Hammond to provide answers to Asset Interrogatories be granted pursuant to the form of order attached to this motion hereto.

I hereby certify that the foregoing statements made by me are true. I am aware that if any

foregoing statements made by me are willfully false, I am subject to punishment.

Attorney for Plaintiffs

By: _____

Dated: October 17, 2007