

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

ROGER McLEMORE, CHARLES McLEMORE, and
MIKE HALL, Individually, and on behalf of a class consisting
of members of the Arkansas State Police Retirement System

PLAINTIFFS

VS.

CASE NO. CV 2005-14869

RICHARD WEISS, Director, Arkansas Department of
Finance & Administration; WINFORD PHILLIPS, Director,
Department of Arkansas State Police; GAIL H. STONE,
Executive Secretary, Arkansas State Police Retirement
System; DAVID WOODY FUTRELL, WINFORD PHILLIPS,
TIM CARTER, W. H. McWHIRTER, BLAKE WILSON,
DAVID ROSEGRANT, JACKIE CLARK, Trustees,
Arkansas State Police Retirement System

DEFENDANTS

**PLAINTIFFS' ANSWERS TO DEFENDANTS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

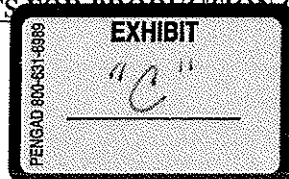
Plaintiffs, Roger McLemore, Charles McLemore and Mike Hall, individually, and on behalf of a class consisting of members of the Arkansas State Police Retirement System, by and through their attorney, C. Burt Newell, and for their Answers to Defendants' First Set of Interrogatories and Requests for Production of Documents respectfully states as follows:

INTERROGATORY NO. 1: Please state separately the name, address and telephone number of each person whom you anticipate calling as a witness at trial, deposition or for any other purpose in connection with this action, specifically designating whether the witness is an expert or a lay witness, including a summary of each witness's anticipated testimony.

ANSWER: Plaintiffs reserve the right to call any State employee who has provided information utilized in Defendants' Answers and Supplemental Answers to the discovery propounded by the Plaintiffs to the Defendants or whose identity becomes known in the discovery process. In addition, the Plaintiffs who are named parties will likely testify, and while

**PLAINTIFFS' ANSWERS TO DEFENDANTS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Page 1



it is unknown at present, other Arkansas State Police officers may be called to testify. Pending discovery, their names are not yet known.

It is highly likely that the Plaintiffs will utilize the services of an expert witness, most likely an actuary, but this person has not yet been hired.

INTERROGATORY NO. 2: For each expert you plan to call as a witness at trial, please state the subject matter on which he/she is expected to testify, the substance of the facts and opinions to which he/she is expected to testify, and a summary of the grounds for each opinion.

ANSWER: Please see Answer to Interrogatory No. 1 immediately above. This witness would testify as to the damages sustained by the class and its individual officers.

REQUEST FOR PRODUCTION NO. 1: For each expert you plan to call as a witness, please provide, or make available to defendants' counsel for inspection and copying:

- (a) The current curriculum vitae of the expert;
- (b) Any written report prepared by the expert witness containing his/her opinion and conclusions relating to the matters about which he/she may testify at trial; and
- (c) Any underlying data, resource materials, written documents, computer programs or disks, or other materials, produced by or utilized by each expert in reaching his/her conclusion, preparing his/her written report or preparing for his/her testimony at trial.

ANSWER: Please see Answer to Interrogatory No. 1 above. Once this expert is hired, this information will be provided.

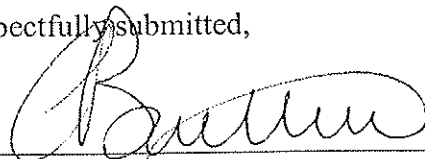
INTERROGATORY NO. 3: Other than the persons identified in your answers to Interrogatories Nos. 1 and No. 2, please state the name, address and telephone number of any and

REQUEST FOR PRODUCTION NO. 12: Please provide copies of all charts, photographs, graphs, tapes, documents, exhibits and any other tangible evidence/exhibit listed in response to the proceeding interrogatory.

ANSWER: See Answer to Interrogatory No. 17 above.

Respectfully submitted,

By: _____


C. Burt Newell, #82118
Attorney for Plaintiff
NEWELL & HARGRAVES
211 Hobson Avenue
P. O. Box 1620
Hot Springs, Arkansas 71902-1620
(501) 321-2222
Fax: (501) 624-0533
E-mail: burt@hotspringslaw.net

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a copy of the above and foregoing pleading was this 19 day of November, 2008, served by U.S. Mail, postage paid to:

Ms. Patricia Van Ausdall Bell
Assistant Attorney General
323 Center Street, Suite 1100
Little Rock, AR 72201



C. Burt Newell