

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GROVE FRESH DISTRIBUTORS, INC.,	)	
an Illinois corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 89 C 1114
	)	
FLAVOR FRESH FOODS, INC.,	)	Judge Bua
et al.,	)	
	)	
Defendants.	)	

**PLAINTIFF'S FIRST AMENDED SET OF  
INTERROGATORIES TO DEFENDANT FLAVOR FRESH FOODS, INC.**

Plaintiff Grove Fresh Distributors, Inc. propounds the following Interrogatories upon the Defendant Flavor Fresh Foods, Inc., to be answered separately, in writing, and under oath, in accordance with the Federal Rules of Civil Procedure.

**INSTRUCTIONS**

A. If you elect to specify and produce business records of yours in answer to any Interrogatory, then in accordance with Rule 33(c), your "specifications shall be in sufficient detail to permit the interrogating party to locate and identify, as readily as you can, the records from which the answer may be ascertained."

B. If in answering these Interrogatories, you encounter any ambiguities constituting either a question, instruction or definition, set forth the matter deemed ambiguous and the construction used in answering.

**DEFINITIONS AND EXPLANATIONS**

(a) The term "orange juice products" means 100% orange juice concentrate, and 100% orange juice from concentrate.

(b) The terms "adulteration" or "adulterate," when used in reference to products that are labeled and sold as orange juice

products, means the manufacture of such products with ingredients other than those permitted by the standard of identity under the applicable federal laws and regulations. When used in reference to orange juice products that are labeled and sold with the Florida seal of approval, the terms mean the manufacture of such products with ingredients other than those permitted by the laws and regulations of the state of Florida.

(c) The time period covered by these interrogatories is January 1, 1983 to the present.

(d) "Flavor Fresh" means defendant Flavor Fresh Foods, Inc. (including any predecessor in interest) and all of its officers, directors, employees, agents, and attorneys. In accordance with Rule 33, the terms "you" and "your" refer to Flavor Fresh.

(e) In accordance with Rule 33(c) and 34(a), the term "document" or "documents", includes all "writings, drawings, graphs, charts, photographs, recordings, and other data compilations from which information can be obtained or translated, if necessary, by you, through detection devices into reasonably usable form."

(f) The terms "identity" or "identify," when used in reference to a natural person, require you to state that person's full name, last known address, home and business telephone numbers, and present business affiliation. When used in reference to a person other than a natural person, the terms require you to describe the nature of such person (that is, whether it is a corporation, partnership, etc. under the definition of "person" above), and to state that person's last known address, telephone number and principal place of business.

(g) The term "identify," when used in reference to documents, requires you to do as follows:

(i) With respect to a document that exists, and is currently in your and/or your attorneys' or agents' possession, custody or control, state the type of document, together with its title or subject matter(s), and the date of writing, creation or publication, the identity of the person(s) for whom the document was prepared and to whom it was delivered, mailed, or otherwise received, and the present custodian and current location of that document.

(ii) With respect to a document known to have existed but no longer existing, or no longer in your custody, possession or control, state the type of document, its last known custodian, and the date on, and circumstances under which the document was lost, destroyed, surrendered or otherwise disposed of, and the identity of the person who authorized the destruction, surrender or disposal of the document.

(h) In answering the following Interrogatories, you are requested to furnish all information that is available to you, including all information in the possession of your attorneys, agents, investigators, representatives, employees, or anyone acting in cooperation, or in concert, with you or on your behalf, including experts consulted or retained. If any such information is withheld by you in answering these Interrogatories, you are to state the legal basis you assert for withholding the information and identify the factual basis for withholding the information.

## INTERROGATORIES

1. Identify every person who is or was an officer, director, or shareholder of Flavor Fresh.
2. Is any other person, firm, corporation or other business organization authorized or licensed to process or manufacture orange juice products for you, under your label? If so,
  - (a) identify each such person, firm or business;
  - (b) identify the chief operating officer of each such person, firm or business; and
  - (c) state the basis or terms upon which each such person processed or manufactured orange juice products for you.
3. Did you, or did any licensee identified in your answer to interrogatory no. 2, adulterate orange juice products at any time during the period from January 1, 1983 to the present? If the answer is "yes," state the period of time during which you or your licensee adulterated orange juice products.
4. If the answer to interrogatory no. 3 is "yes,"
  - (a) identify the plants or other facilities where the orange juice products were adulterated;
  - (b) identify every past or present officer, director, and employee of Flavor Fresh who has any knowledge of the adulteration; and
  - (c) for each person identified in your answer to subparagraph (b), state the date on which he or she first learned of the adulteration.
5. If the answer to interrogatory no. 3 is "yes," describe the formula used to manufacture the adulterated orange juice

products. If more than one formula was used, describe each such formula, and state the period of time during which it was used.

6. For each of the ingredients (including water and 100% orange juice concentrate) in the formulas described in the answer to interrogatory no. 5, give the following information:

(a) the identity of the vendors from whom you or your licensee purchased such ingredients, and

(b) the purchase price of each ingredient.

7. Identify all documents that refer or relate to your, or your licensee's, adulteration of orange juice products.

8. State whether you have received any complaints about the presence of sugar, or any other adulterant, in orange juice products you have manufactured or distributed. If your answer is "yes," identify the source, date and nature of each complaint, in complete detail.

9. State whether you have ever received a notice of investigation from any federal or state regulatory agency regarding the presence of sugar, or any other adulterant, in orange juice products you have manufactured or distributed, or for the failure to meet the proper standards of identity required for orange juice products. If so, state the name of the agency, the date of the notice of the investigation, the name, address and title of the investigator, the nature of the notice of investigation and its present status.

10. Identify each wholesaler, retailer, or other customer, except the ultimate consumer, to whom you have supplied orange juice products, and state:

(a) the inclusive dates you supplied the customer with product;

(b) the quantity of product sold to the customer, stated annually;

(c) the prices at which the product was sold to the customer;

(d) whether there exists any contract controlling or concerning the retail or wholesale price of the product, and, if so, the terms of such contract.

11. Identify all customers to whom you sold adulterated orange juice products, and for each such customer, state whether you disclosed to it the fact that the orange juice products were adulterated.

12. Identify all experts whom you intend to call as witnesses at trial in this case. As to each such expert, provide a biographical outline of his or her education, publications, work experience and like credentials which you assert qualify the witness to serve as an expert witness at trial; state the subject area in which the expert is expected to testify; the substance of the findings and opinions to which the expert is expected to testify; and summarize the grounds for each opinion the expert is expected to give at trial, attaching hereto copies of all reports provided by said experts.

13. State whether you have ever advertised orange juice products bearing your label. If so, provide the following information for each advertisement:

(a) the identity of the medium through which the advertising was conducted;

(b) the dates on which the advertisement appeared in print or was broadcast over radio or television; and

(c) the identity of the persons who have custody, possession or control of the text or other form of the advertisement.

14. State whether any of the advertisements described in your answer to interrogatory no. 13 was placed in the United States mail. If so, provide the following information for each such advertisement:

(a) the date the advertisement was placed in the mail, and

(b) the identity of each addressee of such mailing.

**GROVE FRESH DISTRIBUTORS, INC.**

BY:   
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