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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO**

JON BJORNSTAD,

Plaintiff,

vs.

HAROLD KINOSHITA and DOES 1 TO 10,  
inclusive,

Defendants.

**CASE NO.: CIV528253**

RESPONSES TO FORM  
INTERROGATORIES

ASKING PARTY: Defendant, HAROLD KINOSHITA

ANSWERING PARTY: Plaintiff, JON BJORNSTAD

Set No. One

**PRELIMINARY STATEMENT**

Plaintiff's responses set forth below reflects the information that Plaintiff and his counsel have at this time. Plaintiff and his counsel have not fully completed their investigation of the facts relating to this action, have not completed discovery, and have not concluded their preparation for trial. Consequently, these responses are based only on such information and

documents that are presently known and available to Plaintiff after reasonable inquiry. Plaintiff anticipates that further discovery, independent investigation, research, and analysis will supply additional facts and additional meaning to facts presently known. Plaintiff therefore responds to Defendant's Form Interrogatories without prejudice to his right to amend and/or supplement these responses as new information is discovered; however, in so saying, Plaintiff does not obligate himself to update his responses to any of Defendant's Form Interrogatories.

**RESPONSES TO FORM INTERROGATORIES**

**RESPONSE TO FORM INTERROGATORY NO. 1.1:**

Jon Bjornstad, who can be contacted through his attorney of record, and his attorney, Matthew H. Haberkorn, HABERKORN & ASSOCIATES, P.O. Box 7474 Menlo Park, California 94026; telephone 650-268-8378.

**RESPONSE TO FORM INTERROGATORY NO. 2.1:**

- (a) Jon Gregor Bjornstad;
- (b) None; and
- (c) Birth to present.

**RESPONSE TO FORM INTERROGATORY NO. 2.2:**

October 20, 1949; Grand Forks, North Dakota.

**RESPONSE TO FORM INTERROGATORY NO. 2.3:**

Yes.

- (a) California;
- (b) N7871556 Class C;
- (c) October 2, 2010;

(d) Corrective lenses.

RESPONSE TO FORM INTERROGATORY NO. 2.4:

No.

RESPONSE TO FORM INTERROGATORY NO. 2.5:

(a) 728 Hopkins Avenue, Redwood City, CA 94063;

(b) 514 Button Street, Santa Cruz, CA 95060;

(c) February 2011 to the present in Redwood City; August 2010 to February 2011 in transition and stayed in various locations, including motels; and January 2009 to August 2010 in Santa Cruz.

RESPONSE TO FORM INTERROGATORY NO. 2.6:

(a) LiveOps, 555 Twin Dolphin Drive Suite 400, Redwood City, CA 94065

(b) nature of work - software engineering; (9/2013 to present) LiveOps, 555 Twin Dolphin Dr Suite 400, Redwood City, CA 94065; (12/2012 to 5/2013) SocialText, 558 Waverly St, Palo Alto, CA 94301; (8/2010 to 10/2012) Vindicia, 303 Twin Dolphin Drive Suite 200, Redwood City, CA 94065; (1/2009 to present) Mount Madonna Center, 445 Summit Rd, Watsonville, CA 95076.

RESPONSE TO FORM INTERROGATORY NO. 2.7:

(a) through (d) Wilcox High School, Santa Clara, CA 95051 - high school diploma (9/1963 to 6/1967); University of California at Santa Cruz, Santa Cruz, CA 95060 - BA in Mathematics (9/1967 to 6/1971); University of Maryland - MA in Mathematics (9/1971 to 6/1974); and University of California at Santa Cruz, Santa Cruz, CA 95060 - BA in Biology

(9/1981 to 6/1984).

RESPONSE TO FORM INTERROGATORY NO. 2.8:

No.

RESPONSE TO FORM INTERROGATORY NO. 2.9:

Yes.

RESPONSE TO FORM INTERROGATORY NO. 2.10:

Yes.

RESPONSE TO FORM INTERROGATORY NO. 2.11:

No.

RESPONSE TO FORM INTERROGATORY NO. 2.12:

No, as to responding party. Unknown as to other persons, including defendant, however, investigation and discovery are in the earliest stages and are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 2.13:

No, as to responding party. Unknown as to other persons, including defendant, however, investigation and discovery are in the earliest stages and are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 4.1:

Yes.

(a) Health insurance;

(b) Anthem Blue Cross Life and Health Insurance Company, PO Box 60007, Los Angeles, CA 90060-0007;

(c) Jon Bjornstad who can be contacted through his attorney of record;

(d) ID No. 276A62381, Group No. 06Z400, Group Name: Small Group PPO;

(e) Unknown;

(f) No;

(g) Anthem Blue Cross Life and Health Insurance Company, PO Box 60007, Los Angeles, CA 90060-0007.

RESPONSE TO FORM INTERROGATORY NO. 4.2:

No.

RESPONSE TO FORM INTERROGATORY NO. 6.1:

Yes.

RESPONSE TO FORM INTERROGATORY NO. 6.2:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows: severe contusions, sprains and strains to the right hip, buttock and lower back and fear of being hit by another motor vehicle while riding a bicycle.

RESPONSE TO FORM INTERROGATORY NO. 6.3:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows:

Yes;

(a) - (c) There is still some lingering tendonitis in the upper right gluteus maximus. It is worse in the morning. It is not truly handicapping but it is, at times, an annoying ache. The injuries from this accident seemed to be better by the end of 2013, but the tendonitis resurfaced again at the end of February 2014. Subsequent treatment by physical therapy, a cortisone shot, and acupuncture have had limited effect. At present, the pain does seem to finally be getting

better after a series of consecutive icings and rest.

RESPONSE TO FORM INTERROGATORY NO. 6.4:

Yes;

(a) Sequoia Hospital Emergency Room, 170 Alameda de las Pulgas, Redwood City, CA 94062; Peter Bullock, MD, Arch Street Medical Associates, 143 Birch St. Redwood City, CA 94062; Valley Radiology Medical Associates, 801 Brewster Ave Suite 100 Redwood City, CA 94063; Evergreen Physical Therapy, 155 Birch St. Redwood City, CA 94062; Yfinite Wellness (acupuncture), 10 El Camino Real, Suite 202 San Carlos, CA 94070;

(b) Sequoia Hospital Emergency Room (emergency room evaluation and treatment); Peter Bullock, MD (primary care physician follow-up and treatment); Valley Radiology Medical Associates (radiology); Evergreen Physical Therapy (physical therapy); and Yfinite Wellness (acupuncture);

(c) The requested information is more accurately set forth in the medical records on file with the providers referenced hereinabove in subpart (a) of this interrogatory;

(d) Medical treatment is ongoing and continuing, so the costs represented herein following represent those payments out-of-pocket to date and for current Explanation of Benefits (“EOBs”) letters received to date:

Peter Bullock, MD Arch Street Medical	\$303.48
CEP Dekalb Medical Center (emergency room physician billing)	\$185.96
Sequoia Hospital	\$932.39
Evergreen Physical Therapy	\$747.00
Valley Radiology	\$210.28
Yfinite Wellness	\$270.00

Walgreens Pharmacy \$22.10

Total charges to date paid by insurance and out-of-pocket \$2,671.21

RESPONSE TO FORM INTERROGATORY NO. 6.5:

Objection. This interrogatory is vague, ambiguous, overly broad and burdensome in that it seeks all medical, prescribed or not, taken by this responding party over a lengthy period of time.

Without waiving the above objections, plaintiff responds as follows:

Yes.

(a) through (d) Advil prescribed by Sequoia hospital emergency physician on 11/21/2013 as needed for 4 weeks, costs unknown at this time, however, investigation and discovery are in the earliest stages and are ongoing and continuing; Naproxen prescribed by Peter Bullock, MD on 3/1/2014 as needed for 6 weeks, costs unknown at this time, however, investigation and discovery are in the earliest stages and are ongoing and continuing; Toridol shot administered by Peter Bullock, MD on or about 3/10/2014 at an out of pocket cost of \$25.00, however, the cost may be more once the EOB from my health insurer is received; Cortisone shot administered by Peter Bullock, MD on or about 4/1/2014, cost unknown at this time, however, investigation and discovery are in the earliest stages and are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 6.6:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows:

Unknown at this time, however, investigation and discovery are in the earliest stages and

are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 6.7:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows:

Not yet.

RESPONSE TO FORM INTERROGATORY NO.7.1:

Yes.

(a) Bicycle I was riding at the time of the accident;

(b) and (c) Parts needed to be repaired following the accident: new crankset - \$45.99; bottom bracket - \$19.99; pedals - \$29.99; Labor costs: install crank - \$30.00; replace bottom bracket - \$20.00; Sub Total - \$145.97; 4% tax - \$5.83, for a total property loss claim of \$151.80.

(d) Not applicable.

RESPONSE TO FORM INTERROGATORY NO. 7.2:

Yes.

(a) through (c) Said information has previously been provided to propounding party's insurer on March 12, 2014, consisting of a repair invoice from Chain Reaction Bicycles in Redwood City, California.

RESPONSE TO FORM INTERROGATORY NO. 7.3:

Yes.

(a) On or about December 4, 2013;

(b) Said information has previously been provided to propounding party's insurer on



March 12, 2014, consisting of a repair invoice from Chain Reaction Bicycles in Redwood City, California;

(c) \$151.80;

(d) Chain Reaction Bicycles, 1451 El Camino Real Redwood City, CA 94063 (650) 366-7130.

RESPONSE TO FORM INTERROGATORY NO. 8.1:

No.

RESPONSE TO FORM INTERROGATORY NO. 8.2-8.8:

Not applicable.

RESPONSE TO FORM INTERROGATORY NO. 9.1:

No.

RESPONSE TO FORM INTERROGATORY NO. 9.2:

Not applicable.

RESPONSE TO FORM INTERROGATORY NO. 10.1:

No, not within the last 40 years.

RESPONSE TO FORM INTERROGATORY NO. 10.2:

None.

RESPONSE TO FORM INTERROGATORY NO. 10.3:

No.

RESPONSE TO FORM INTERROGATORY NO. 11.1:

No.

RESPONSE TO FORM INTERROGATORY NO. 11.2:

No.

RESPONSE TO FORM INTERROGATORY NO. 12.1:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows:

(a) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444;

(b) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444;

(c) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444; and

(d) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 12.2:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objections, plaintiff responds as follows:

Yes.

(a) through (c) Plaintiff spoke with the witness, David Steenson, identified in the Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444, immediately following the accident, a second time after receiving the Traffic Collision Report and then on June 16, 2014 to inform him that a lawsuit has been filed and he might be contacted by someone regarding the accident. Not yet, however, however,

investigation and discovery are in the earliest stages and are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 12.3:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objections, plaintiff responds as follows:

Not yet, however, however, investigation and discovery are in the earliest stages and are ongoing and continuing.

RESPONSE TO FORM INTERROGATORY NO. 12.4:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objections, plaintiff responds as follows:

Yes.

(a) 20;

(b) The scene of the accident and surrounding areas;

(c) Sometime after the accident, exact date unknown at this time;

(d) Plaintiff who can be contacted through his attorney of record;

(e) Plaintiff and his attorney of record.

RESPONSE TO FORM INTERROGATORY NO. 12.5:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objections, plaintiff responds as follows:

Yes.

(a) – (c) See Traffic Collision Report for subject accident dated November 21, 2013,

bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 12.6:

Yes.

(a) – (c) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 12.7:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objections, plaintiff responds as follows:

Other than by plaintiff on the date of the accident and several occasions thereafter, not yet, however investigation and discovery are in the earliest stages and are ongoing and continuing. Specific dates of inspection are unknown at this time.

RESPONSE TO FORM INTERROGATORY NO. 13.1:

No.

RESPONSE TO FORM INTERROGATORY NO. 13.1:

Not applicable.

RESPONSE TO FORM INTERROGATORY NO. 14.1:

Objection. This interrogatory seeks the premature discovery of expert witness information protected at this time by California *Code of Civil Procedure* §2034.

Without waiving the above objection, plaintiff responds as follows:

Yes. Defendant failed to stop at a stop sign before the crosswalk, and he was in violation of California *Vehicle Code* section 22450(a) which states: “[t]he driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if

marked, otherwise before entering the crosswalk on the near side of the intersection.”

Defendant’s failure to stop at or before the limit line, was the sole cause of this accident.

RESPONSE TO FORM INTERROGATORY NO. 14.2:

Unknown, however, however, investigation and discovery are in the earliest stages and are ongoing and continuing. See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 20.1:

See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 20.2:

See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 20.3:

Plaintiff began at his place of work - 555 Twin Dolphin Drive, Suite 400, Redwood City and his destination was his home.

RESPONSE TO FORM INTERROGATORY NO. 20.4:

Plaintiff exited the building at 555 Twin Dolphin Drive by the rear door and began riding his bike on the paths through the corporate park-like setting. He then entered the birch-lined pathway leading from the EA headquarters to the place where it meets Redwood Shores Parkway. There is short stretch of sidewalk and then a crosswalk. This is where the accident happened.

RESPONSE TO FORM INTERROGATORY NO. 20.5:

See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 20.6:

See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444.

RESPONSE TO FORM INTERROGATORY NO. 20.7:

No.

RESPONSE TO FORM INTERROGATORY NO. 20.8:

(a) and (b) See Traffic Collision Report for subject accident dated November 21, 2013, bearing Local Report Number R13-11-0444. Plaintiff approached the crosswalk at a speed of approximately 7 mph or less based on the speedometer on the bike. Plaintiff saw a car approaching. It was slowing for the stop sign. The car did not stop and hit plaintiff on his bicycle. The collision occurred within the crosswalk. Plaintiff does not know how fast the car was going immediately prior to impact.

RESPONSE TO FORM INTERROGATORY NO. 20.9:

No.

RESPONSE TO FORM INTERROGATORY NO. 20.10:

No.

RESPONSE TO FORM INTERROGATORY NO. 20.11:

Unknown regarding defendant's vehicle. Plaintiff's bicycle is still in his possession following repairs mentioned hereinabove.

Dated : June 30, 2014

HABERKORN & ASSOCIATES

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Matthew H. Haberkorn, Esq.  
Attorney for Plaintiff, JON BJORNSTAD