

F.2.5 Sample Interrogatories to Dealer<sup>1</sup>

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

[plaintiff]CAROL CONSUMER

Plaintiffs,

[vs]

[defendant]B. I. G. Corporation

Defendants.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES**

DEFINITIONS

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<sup>1</sup>These interrogatories were drafted by John Cole Gayle, Jr., an attorney in Richmond, VA, who specializes in consumer cases. They are intended to be served along with requests for admissions and for production of documents.

1. "You" as used herein refers to the defendant answering these interrogatories. "The Plaintiff" as used herein refers to either or both of the plaintiffs (if there is more than one plaintiff) identified in the Motion for Judgment.

2. The "vehicle" as used herein refers to the motor vehicle identified in the Motion for Judgment.

3. To "identify" a person whether a natural person or a business entity, means to state his or its full name and present or last known business and home telephone number, present or last known business and home address, and present and last known business affiliation.

4. As used herein, the term "document" means the original or any "hard copy" or electronically stored data in any medium, and any nonidentical copy (which is different from the original or any copy because of notations thereon or attached thereto or otherwise) or any written, recorded, computer input or printout, printed, typewritten, or handwritten matter however produced, reproduced or recorded, including but not limited to: photos and recordings, which is or was at any time in your possession or custody or subject to your control. Without limitation, as used in this definition, a document is deemed to be or to have been in your "control" if you have or had the right to secure the

document or copy thereof from another person or entity having actual physical possession thereof.

5. To "identify" a document means to state with respect thereto:

(a) the nature of the document (e.g., letter, contract, etc.);

(b) its date, or if it bears no date, the date when it was prepared or received;

(c) the name and address of its author, each signatory, or person over whose name it was issued;

(d) the names and addresses of all persons and entities (e.g., businesses, governmental agencies, etc.) to whom the document was addressed or distributed;

(e) its physical location and address, and the name of its custodian or custodians;

(f) the general subject matter of the document with sufficient particularity to enable it to be identified;

(g) if the document was, but is no longer, in your possession or subject to your control (e.g., because lost, destroyed, transmitted to another person, etc.), state what disposition was

made of it, the date of such disposition, and the reason for such disposition; and

(h) whether it will be voluntarily made available to plaintiff for inspection and copying.

6. "Person" includes a natural person, firm, association, organization, partnership, business, trust, corporation or public entity.

7. "Income" means the return in money from your business.

8. "Deductible costs" means those costs "you" incurred as a direct result of carrying on your business.

9. "Net profits" means the remainder after deducting from its total receipts you received, all of the "Deductible costs" incurred.

10. "Oral Statement" means and includes any face to face communication, conversation, meeting, conference, or any such communication by telephone, radio, or other means of communication.

11. In any case where you are asked to "identify" an "oral statement" or where your answer to the interrogatory refers to the "identity" of an oral statement, this is a request to give the identity of the person who made the statement and the persons

hearing the statement, and the date, time, and place of occurrence, and to briefly describe the content of the statement.

12. "STATE IN FULL DETAIL" means to set out in the fullest detail possible all knowledge or information available to you on the subject. The words "STATE IN FULL DETAIL" are capitalized so as to emphasize their scope as so defined.

#### INTERROGATORIES

1. "Identify" and describe the responsibilities of the officer(s) of the defendant who is (are) supplying the answers to these interrogatories.

ANSWER:

2. "Identify" all "documents" known to you that relate in any way to the "vehicle." (See the definitions of the terms in the definitional section above.)

ANSWER:

3. "Identify" all "Oral Statements" relating to your purchase and resale of the "vehicle," including but not limited to all statements relating to negotiations and communications prior to purchase and resale of the "vehicle," and including any statements about any damage to the vehicle made by anyone, and

"identify" the person(s) making these "oral statements." (See the definitions of the terms in the definitional section above.)

ANSWER:

4. "Identify" all "Oral Statements" known to you, made at any time through the present by any person, in any way concerning the "vehicle" which have not been identified in response to interrogatory number 3 above including for example, but not limited to, any oral statements made between your personnel upon examination or appraisal of the "vehicle," or oral statements between your personnel and any prior owner of the "vehicle" after the sale to the plaintiff, and "identify" the person(s) making these "oral statements."

ANSWER:

5. "STATE IN FULL DETAIL" any inspections, repairs, maintenance or appraisals done by you or for you to the "vehicle," and list the date of each such repair or maintenance and "identify" all persons known to you who inspected or performed mechanical inspections or repairs on the "vehicle."

ANSWER:

6. "STATE IN FULL DETAIL" all steps and precautions you took to ensure that the "vehicle" did not have wreck damage or an inaccurate odometer reading when it was sold by you.

ANSWER:

7. For any person identified in response to these interrogatories, in reference the sale of the vehicle to the plaintiff, if a commission or other form of compensation was paid them state the date each commission or other payment was paid and how the amount of each commission or payment was determined.

ANSWER:

8. "Identify" any parts installed and labor operations performed on the "vehicle" prior to the "vehicle's" sale to the plaintiff, when these repairs were made, the cost of those repairs and to whom this money was paid.

ANSWER:

9. "Identify" each person whom you expect to call as an expert witness to testify or offer opinion evidence at trial, and, for each such witness, supply the subject matter of his/her expected testimony at trial, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, his/her occupation or

profession, and his/her present job title or position and the name of his/her employer.

ANSWER:

10. If any answer to the Request for Admissions is denied, please give specific reasons for or such denial.

ANSWER:

11. "Identify" your net "income" and "net profits" for the last three years, excluding the current year. This identification should include the following:

- a. The amount of the net "income" and the year in which it was received;
- b. Each "person" who was involved in the calculation of net "income";
- c. The gross "income" used to calculate "net profits";
- d. The "Deductible costs" used to calculate "net profits";
- e. The method used to calculate "net profits".
- f. The "persons" involved in the calculation of the net "income";
- g. All "documents" used to calculate "net profits".

ANSWER:

12. State the defendant's net worth for the last three years, excluding this year.



ANSWER:

13. Please list the names of current automobile dealerships or other businesses owned by the current owner or majority shareholder of the defendant.

ANSWER:

14. "Identify" any documents and contacts to you from the Motor Vehicle Dealer Board, or the Virginia Attorney General's Office regarding any complaints against you or any dealership or entity identified in response to interrogatory #13.

ANSWER:

15. Identify each and every civil suit in which you have been a defendant at any time between January 1, 1989 and the present, which includes allegations that you made misrepresentations, failed to disclose material facts, or violated the Virginia Consumer Protection Act, the Federal Truth In Lending Act, the Federal Odometer Act, or any other "consumer protection" statute in the sale or lease of a vehicle, and state in full detail the nature and outcome of the case.

ANSWER:

16. Identify any present F & I managers or past F & I managers for the last five years.

ANSWER:

17. State the name, address, and telephone number of each person known to you who has knowledge of or has participated in any discussions, inspections, repairs, or maintenance concerning the vehicle between the time you first knew of the vehicle and the present, and for each such person state in full detail the nature of his/her knowledge of or participation in those events.

ANSWER:

CAROL CONSUMER,

By: \_\_\_\_\_ Counsel

Attorney for Plaintiff

Address