

## 14.2 Interrogatories and Requests for Admissions and Production of Documents

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA  
[plaintiff]Mary Johnson, on behalf of herself and all others similarly situated,  
[vs.]  
[defendant]The Premier Collectors, Inc.,

Plaintiff,  
  
Defendant.

### PLAINTIFF'S FIRST DISCOVERY REQUEST

Plaintiff hereby requests that defendant respond to the following requests for admission, interrogatories and document requests. Throughout this request:

A. If defendant's response to any of the requests for admissions submitted herewith is anything other than an unqualified admission, describe in detail the basis for the inability to make such admission.

B. If any document requested in the document requests submitted herewith was but no longer is in defendant's possession, custody or control, state: the date of its disposition; the manner of its disposition (e.g., lost, destroyed, transferred to a third party); and the circumstances surrounding the disposition of the document including the identity of the person who disposed of it, the reason for its disposal, the identity of anyone who may have copies of it, the identity of anyone ordering or requesting its disposal, and whether its disposal was in compliance with defendant's document destruction policies.

C. Unless otherwise specified in a particular paragraph, the "relevant time period" covered by this request is August 1, 1993 to the present.

D. PCI means The Premier Collectors, Inc.

E. These requests are subject to the instructions and definitions attached hereto as Exhibit 1 [reprinted at the end this section].

### REQUESTS FOR ADMISSION

PLEASE TAKE NOTICE THAT, pursuant to Federal Rules of Civil Procedure 26 and 36, plaintiff hereby requests that defendant admit or deny the truth of the following matters in writing within 30 days after service of this request.

1. The Premier Collectors, Inc. ("PCI") is regularly engaged for profit in the collection of debts allegedly owed by consumers.

RESPONSE:

2. PCI is a "debt collector" as defined in the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(6).

RESPONSE:

3. On or about August 11, 1993, PCI mailed to plaintiff a collection letter demanding \$11,417.31 allegedly owing to the U.S. Department of Education. Exhibit A is a copy of the letter [*not reprinted infra*].

RESPONSE:

4. On or about April 20, 1994, PCI mailed to plaintiff a collection letter demanding \$10,706.14 allegedly owing to the U.S. Department of Education. Exhibit B is a copy of the letter [*not reprinted infra*].

RESPONSE:

5. On or about May 5, 1994, PCI mailed to plaintiff a collection letter demanding \$10,732.65 allegedly owing to the U.S. Department of Education. Exhibit C is a copy of the letter [*not reprinted infra*].

RESPONSE:

6. Exhibit A-C were mailed in an attempt to collect alleged debts arising from transactions primarily for personal, family, or household purposes, namely, an alleged student loan.

RESPONSE:

7. Defendant is not affiliated with U.S. Department of Education.

RESPONSE:

8. Defendant did not and does not determine the course of legal action, if any, taken by the United States Government with respect to student loans.

RESPONSE:

9. Neither PCI, the U.S. Department of Justice, nor anyone else, has filed suit against plaintiff to collect the alleged debt referred to in Exhibits A-C.

RESPONSE:

10. PCI regularly mails, or causes to be mailed, collection letters bearing the name of the U.S. Department of Education to Louisiana residents in an effort to collect consumer debts.

RESPONSE:

11. Between August 1, 1993 and the present, PCI mailed more than 20 letters prepared on the same form as Exhibit A to Louisiana residents in an effort to collect student loans.

RESPONSE:

12. Between August 1, 1993 and the present, PCI mailed more than 20 letters prepared on the same form as Exhibit B to Louisiana residents in an effort to collect student loans.

RESPONSE:

13. Between August 1, 1993 and the present, PCI mailed more than 20 letters prepared on the same form as Exhibit C to Louisiana residents in an effort to collect student loans.

RESPONSE:

14. Between August 1, 1993 and the present, PCI sought to recover collection fees exceeding 20% of the principal debt from more than 20 Louisiana residents who allegedly owed money on student loans.

RESPONSE:

15. PCI does not in fact conduct an investigation of the income, savings, employment, real estate ownership and personal assets of each person to whom Exhibit B is sent.

RESPONSE:

16. PCI has not in fact conducted an investigation of the income, savings, employment, real estate ownership and personal assets of any person to whom Exhibit B was sent. [*not reprinted infra*]

RESPONSE:

17. A suit by the U.S. Department of Justice on a student loan may not result in garnishment, attachment or judgment liens until the consumer is heard in court and a judgment entered against the consumer.

RESPONSE:

**INTERROGATORIES**

PLEASE TAKE NOTICE THAT, pursuant to Federal Rules of Civil Procedure 26 and 33, plaintiff propounds the following Interrogatories to be answered by defendant under oath, within 30 days of service hereof.

1a. Describe the method, procedure, or general approach which defendant presently uses in the preparation and mailing of collection notices which are eventually sent to persons who allegedly owe money on student loans. Include in your answer a description of all letters or any series of letters that PCI sends to such persons.

ANSWER:

b. State when the method, procedure or general approach described in response to (a) was adopted;

ANSWER:

c. Describe all other methods, procedures or general approaches defendant uses in the preparation of and mailing of collection letters eventually sent to such persons.

ANSWER:

2a. How many notices, using the same form as Exhibit A, were sent to Louisiana residents between August 1, 1993 and the present [*not reprinted infra*].

ANSWER:

b. State the names and addresses of each such person.

ANSWER:

3a. How many notices, using the same form as Exhibit B, were sent to Louisiana residents between August 1, 1993 and the present [*not reprinted infra*].

ANSWER:

b. State the names and addresses of each such person.

ANSWER:

4a. How many notices, using the same form as Exhibit C, were sent to Louisiana residents between August 1, 1993 and the present [*not reprinted infra*].

ANSWER:

b. State the names and addresses of each such person.

ANSWER:

5. Describe all reports, recommendations for action, or other advice provided by PCI to the United States Government with respect to alleged student loan debts which PCI is unable to collect.

ANSWER:

6. Identify all instances in which PCI has filed suit or caused suit to be filed to collect an alleged student loan debt owed to the U. S. Department of Education.

ANSWER:

7. Describe any basis which PCI has in contract, regulation, or otherwise for demanding a 42.84% collection fee from plaintiff, and how the amount of such fee was determined.

ANSWER:

8. State whether any person to whom PCI has ever (before or during the class period) sent a letter using the same form as Exhibit B has had their salary garnished, equity or bank accounts attached, or liens placed against their real estate without a judgment being first entered against that person by a court.

ANSWER:

9. Describe all investigations of income, bank accounts, business and employment information, real estate ownership, automobile ownership and personal assets which PCI has conducted of persons who were sent letters using the same form as Exhibit B, identifying each person who was investigated:

ANSWER:

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE THAT, pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiff hereby requests that defendant produce to plaintiff's counsel for examination, inspection and copying all of the documents specified herein in its possession, custody or control, within 30 days of service of this request.

1. All documents showing the number of Louisiana residents to whom PCI sent collection letters using the same forms as Exhibit A-C during any portion of the period between August 1, 1993 and the present [*not reprinted infra*]. If no documents showing the number of Louisiana residents exists, produce all documents showing the number of persons to whom PCI sent such letters during such period, without regard to residence.

RESPONSE:

2. All documents showing the names and addresses of Louisiana residents who were sent a collection letter prepared using the same forms as Exhibit A-C, during any portion of the period between August 1, 1993 and the present.

RESPONSE:

3. A copy of each form collection letter sent to Louisiana residents by PCI on or after August 1, 1993.

RESPONSE:

4. All documents purporting to authorize or justify the 42.84% collection fee referred to in Exhibit C.

RESPONSE:

5. All reports, recommendations for action, or other advice provided by PCI to the United States Government with respect to alleged student loan debts which PCI is unable to collect.

RESPONSE:

6. All documents relating to any instance in which PCI has filed suit or caused suit to be filed to collect an alleged student loan debt owed to the U. S. Department of Education.

RESPONSE:

7. All documents relating to any instance (before or during the class period) in which a person to whom PCI sent a letter using the same form as Exhibit B has had their salary garnished, equity or bank accounts attached, or liens placed against their real estate without a judgment being first entered against that person by a court.

RESPONSE:

8. All documents relating to investigations of income, bank accounts, business and employment information, real estate ownership, automobile ownership and personal assets which PCI has conducted of persons who were sent letters using the same form as Exhibit B.

RESPONSE:

9. All documents relied on by PCI in answering any of the accompanying interrogatories or in responding to any of the accompanying requests for admission.

RESPONSE:

[Attorney for Plaintiff]

**EXHIBIT 1**

**INSTRUCTIONS AND DEFINITIONS**

**Instructions**

1. All documents within your possession, custody, or control or that of your agents, employees, or attorneys shall be produced. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person having actual possession thereof.

2. To the extent any paragraph is objected to, set forth all reasons for your objection.

3. If you prefer, you may provide legible copies of documents that reflect all markings, notations and highlighting on the originals.

4. Documents to be produced shall be either (1) organized as they are kept in the ordinary course of business or (2) organized and labelled to correspond with the paragraphs of the request for production or interrogatory to which they are responsive.

5. The singular includes the plural number and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

6. To the extent that any document cannot be furnished, such documents as are available shall be supplied, together with a description of the documents not furnished and the reason for not furnishing them.

7. "And" as well as "or" are used either disjunctively or conjunctively as necessary to bring information within the scope of the request that might otherwise be outside the scope of the request.

8. Plaintiff requests that documents be produced as they become ready and that defendant does not wait until all documents are ready to start production.

**Definitions**

1. The term "document" is used in the broadest sense permitted and includes, by way of illustration only and not by way of limitation, the following, whether printed or reproduced by any process, or written or produced by hand: ledgers; notes; correspondence; communications of any nature; telegrams; memoranda; notebooks of any character; summaries or records of personal conversations; diaries; reports; publications; photographs; microfilm, microfiche and similar media; minutes and records of meetings; transcripts of oral testimony and statements; reports and summaries of interviews; reports and summaries of investigations; court papers;

brochures; pamphlets; press releases; drafts of, revisions of drafts of and translations of any document; tape recordings; dictation belts; invoices; bills; accounting records; telephone toll records; and disks, tapes and other magnetic or electronic information storage media. Any document or reproduction of a document bearing on any sheet or side thereof any marks, including by way of illustration only and not by way of limitation initials, stamped indicia or any comment or any notation of any character and not a part of the original text, is to be considered a separate document. Where it is uncertain whether something is a document, this definition shall be construed to include it.

2. References to "you" or any named entity or individual include agents, employees and attorneys of that person, whether or not acting within the scope of their authority; all other persons acting on behalf of the person referred to; and in the case of an entity its merged or acquired predecessors.

3. "Person" includes any individual, corporation, partnership, joint venture, firm, association, proprietorship, governmental agency, board, authority, commission and other entity.

4. "Communication" includes every manner or means of disclosure, transfer or exchange of information, whether orally or by document or whether face-to-face, by telephone, mail, personal delivery or otherwise.

5. "Relates," "refers," and "reflects" include constitutes, describes, contains, discusses, reflects, refers to, and logically pertains to.

6. "Identify" or "identification," when used with respect to a document, means to state the general nature of the document (i.e., letter, memorandum, etc.); the name of the author or originator; each addressee; all individuals designated on the document to receive a copy or otherwise known to have received a copy; the date, title and general subject matter of the document; the present custodian of each copy thereof and the last known address of each such custodian; and the date of the making of the document.

7. "Identify" or "identification," when used with respect to a communication, means to state the date of the communication; the type of communication (i.e., telephone conversation, meeting, etc.); the place where the communication took place; the identification of the person who made the communication; the identification of each person who received the communication and of each person present when it was made; and the subject matter discussed.

8. "Identify" or "identification," when used with respect to a person, means state the name, last known business and home addresses and telephone numbers, occupation, job titles and Social Security Number of the person being identified.