

Sample Interrogatories

The following interrogatories are to be reviewed and used as applicable to the facts of each case; delete and add as appropriate. These interrogatories are also available online as companion material to this treatise. NCLC's Fair Debt Collection treatises discusses discovery issues that have been addressed in fair debt collection opinions.

Federal Rule Civil Procedure 33(a) limits the number of interrogatories to 25 including subparts. This limitation may be avoided only by leave of court or written stipulation of the parties. For federal litigation, and in state courts which similarly limit discovery, the following sample interrogatories must be reduced to 25 interrogatories.

Many states have adopted standard instructions and/or definitions for discovery requests that can or should be incorporated into appropriate discovery requests. A reference to the local rule, as in the interrogatories below, should be substituted for the long series of definitions and instructions.

Version One

UNITED STATES DISTRICT COURT
FOR THE *[name district]* DISTRICT OF *[name state]*

*[plaintiff]**[name of plaintiff]*
Plaintiff,

[vs.]

*[defendant]**[name of defendant]*
Defendant.

*[action]*Civil Action No. _____

FIRST SET OF INTERROGATORIES

The plaintiff requests defendant to respond to the following interrogatories under oath. Please see Local Rule 26 for definitions. "Documents" includes electronic transmission, and writings and recordings as defined in Fed. R. Evid. 1001. These interrogatories shall be deemed continuing so as to require supplementary answers if you obtain further information between the time answers are served and the time of trial.

1. State the date of each communication from and to [*debt buyer or creditor*] and from and to any servicer, forwarder, or intermediary with regard to plaintiff's account Ref. 0000006 ("plaintiff's account"), and identify all parties to the communication.

2. State the date of each communication from and to [*previous debt buyer*] and from and to any servicer, forwarder, or intermediary with regard to plaintiff's account and identify all parties to the communication.

3. Provide, to the extent known, [*collection employee A's*] full name, present or last known address, the present or last known place and address of employment, and the inclusive dates of her employment by defendant.

4. Provide, to the extent known, [*collection employee B's*] full name, present or last known address, the present or last known place and address of employment, and the inclusive dates of his employment by defendant.

5. State the date of each communication from and to plaintiff with regard to plaintiff's account, and identify all parties to the communication.

6. Please itemize in full the detailed calculation of the amount of interest or other charges added to the plaintiff's account after you received it for collection and the contractual basis therefor.

7. Identify the date and nature of all documents and information defendant received about the plaintiff's account before you began collection efforts regarding the plaintiff's account placed with you for collection.

8. Identify the date and nature of all documents and information defendant received about the plaintiff's account after you began collection efforts regarding the alleged debt you sought to collect.

9. Identify all persons other than plaintiff with whom you communicated about the plaintiff's account, including consumer reporting agencies.

10. On a separate page, please set forth a plain English translation or transcript of the full "contact history," media, collection, or credit records defendant is asked to produce herewith, including the meaning of all codes and abbreviations.

11. Identify each ACA International Compliance Chair who reviewed for compliance with the FDCPA the form letters you sent to plaintiff and the date(s) on which the form letters were reviewed.

12. Provide an interpretation of the codes at the bottom left of each letter, i.e., 1A03So-1 and 808804.

13. If defendant reported plaintiff's account to any credit bureau, identify the credit bureau and the date(s) of each such report.

Date: [month][day][year]

[attorney's name]

Attorney for the Plaintiff

[street address]

[city, state, zip code]

[telephone number]

Version Two

UNITED STATES DISTRICT COURT
FOR THE [name district] DISTRICT OF [name state]

[plaintiff][name of plaintiff]

Plaintiff,

[vs.]

[defendant][name of defendant]

Defendant.

[action]Civil Action No. _____

INTERROGATORIES

The Plaintiff requests that the Defendant answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following interrogatories.

INSTRUCTIONS AND DEFINITIONS

A. Answers to the Interrogatories must be furnished within forty-five (45) days of the service of the Summons and Complaint or within thirty (30) days of the service of these Interrogatories, whichever is later.

B. Each Interrogatory should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives or consultants and information which is known by each of them. An incomplete or evasive answer is a failure to answer.

C. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an Interrogatory cannot be answered in full, state the part which can be

answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

D. Unless otherwise specified in a particular paragraph, provide the information and documents requested for the period of one year prior to the date of filing the complaint to the present. Exhibits A and B refer to Exhibits A and B attached to the Complaint. Each Interrogatory is considered continuing, and if Defendant obtains information which renders its answers or one of them, incomplete or inaccurate, Defendant is obligated to serve amended answers on the undersigned.

E. "Document(s)" shall mean and include any printed, typewritten, handwritten or otherwise recorded matter of whatever character, including specifically, but not exclusively, and without limiting the generality of the foregoing, letters, diaries, desk and other calendars, memoranda, telegrams, posters, cables, reports, charts, statistics, envelopes, studies, newspapers, news reports, business records, book of account(s) or other books, ledgers, balance sheets, journals, personal records, personal notes, any piece of paper, parchment, or other materials similarly used with anything written, typed, printed, stamped, engraved, embossed, or impressed upon it, accountants statements, accounting records of any kind, bank statements, minutes of meetings or other minutes, labels, graphics, notes of meetings or conversations or other notes, catalogues, written agreements, checks, announcements, statements, receipts, returns invoices, bills, warranties, advertisements, guarantees, summaries, pamphlets, prospectuses, bulletins, magazines, publications, photographs, work-sheets, computer printouts, telex transmissions or receipts, teletypes, telefaxes, file folders or other folders, tape recordings, and any original or non-identical (whether different from the original by reason of any notation made on such copies or otherwise), carbon, photostatic or photograph copies of such materials. The term "documents" shall also mean and include every other recording of, or means of recording on any tangible form, any form of information, data, communication, or representation, including but not limited to, microfilm, microfiche, any records stored on any form of computer software, audio or video tapes or discs, digitally recorded disks or diskettes, or any other medium whatsoever. For each "document" responsive to any request withheld from production by you on the ground of any privilege, please state:

- (a) the nature of the document (e.g., letter, memorandum, contract, etc.);
- (b) the author or sender of the document;
- (c) the recipient of the document;
- (d) the date the document was authored, sent, and/or received; and
- (e) the reason such document is allegedly privileged.

"Data" means the physical symbols in the broadest sense, that represent information, regardless of whether the information is oral, written or otherwise recorded.

"Hardware" means the physical components of a computer or any device capable of maintaining recorded data.

"Software" means the entire set of computer programs, procedures, documentation, or other recorded instructions which guide a mechanical device or human in the operation of the computer or mechanical device.

“Computer” means any and all programmable electronic devices or apparatuses, including hardware, software, and other databanks, that can store, retrieve, access, update, combine, rearrange, print, read, process or otherwise alter data whether such data maintained in that device or at some other location. The term “computer” includes any and all magnetic recordings or systems, systems operating on or maintaining data in digital, analog, or hybrid format, or other mechanical devices, or other devices capable of maintaining writings or recordings, of any kind, in condensed format, and includes any disk, tape, recording, or other informational source, regardless of its physical dimension or size.

“Identify” means that you should state:

- (a) any and all names, legal, trade or assumed;
- (b) all addresses used;
- (c) all telephone and tele-fax numbers used; and, if applicable:
- (d) brand, make, manufacturer’s name, address, phone number and the manufacturer’s relationship to any and all defendants in the above captioned action; and
- (e) employer’s name, address, phone number and the employer’s relationship to any and all defendants in the above captioned action.

“Person(s)” means any human being, sole proprietorship, limited partnership, partnership, association, group of human beings, other legal or de facto entity, or corporation, of whatever kind.

“Explain” means to elucidate, make plain or understandable, to give the reason for or cause of, and to show the logical development or relationships thereof.

“Describe” means to represent or give an account of in words.

“User” means any person or computer which interacts with a different computer.

F. If any Interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

INTERROGATORIES

1. State the name(s), business address(es) and job title(s) or capacity(ies) of the officer(s), employee(s) or agent(s) answering or providing any information used to answer each Interrogatory.

2. State the correct legal name of your organization.

3. State any other names which your organization uses to identify itself, whether such names are registered with any official, and the date and place of such registration.

4. State the form of your organization, the date and place the organization was organized and registered and/or licensed to do business.

5. State the name, title, address and job description of each director, partner, shareholder, employee, officer, and manager of Defendant who authorized, approved, or was aware of the collection letters sent to consumers in the form represented by Exhibit A in attempt to collect a debt.

6. State the names, aliases, job title, business and home addresses and telephone numbers, date of initial employment and date of and reason for termination of employment of each of your employees

a. who contacted Plaintiff or another person regarding this debt; and

b. who have left your employ within the last two years.

7. State the names, aliases, job title, business and home addresses and telephone numbers, date of initial employment of all current employees who engage in the collection of consumer accounts for Defendant.

8. Does Defendant provide training to new employees involved in the collection of consumer accounts?

a. if so, describe the training content, timing and duration.

b. if so, describe all documents and audio or visual materials used in such training.

c. if so, identify each person involved in providing such training.

9. Identify and describe any documents used to describe, record or establish Defendant's methods and techniques to be used in the collection of consumer accounts.

10. State the number of notices, similar to those sent to the Plaintiff, which were sent out by the Defendant to consumers during the year preceding the date of the notice sent to Plaintiff.

11. State the number of notices, similar to those sent to the Plaintiff, which were sent out by the Defendant since the date of the notice sent to Plaintiff.

12. Identify by title, author, subject, and date any reports, memoranda, e-mails or other correspondence, etc., of the Defendant regarding the use of notices similar to those sent to the Plaintiff.

13. Is Defendant affiliated with any other organization (e.g., common ownership, overlapping offices or managers or common facilities or employees)? If so, describe the affiliation and identify the participants.

14. Describe fully any system(s) Defendant maintains or operates to record contacts of its employees with consumers or third parties in connection with the collection of consumer accounts, and Defendant's policies for operating such a system.

15. Identify and describe each document and record known to Defendant which is related to the account of Plaintiff.

16. State the name(s) and address(es) of Defendant's liability insurer(s) for the last three years and the dates of coverage, type, policy number(s) of each liability insurance policy.

17. Identify and describe each claim made under each liability insurance policy in the last two years, including the date of claim, claim number, the subject of the claim, the status of the claim, the resolution of the claim, and any amounts paid under each policy.

18. Identify any notices that you have given any insurer regarding Plaintiff's claim.

19. Identify the date, time, type (e.g., letter, telephone call), witnesses to or participants in, and the substance of each contact with a person other than Plaintiff made in connection with the collection of Plaintiff's account.

20. Identify each document, record, recording and person furnishing information with regard to your response to the immediately preceding Interrogatory.

21. Identify all present and past contracts or agreements between Defendant and [*name of creditor*] and give the date of the initial contract or agreement with [*name of creditor*].

22. Identify the terms of the agreement between Defendant and [*name of creditor*] pursuant to which Defendant sought to collect this account from the Plaintiff.

23. Describe any other business other than the collection of consumer accounts in which Defendant now engages or in the past has engaged.

24. List and explain all abbreviations and codes, letters, numerals, or symbols regularly used by Defendant in its records and collection activities.

25. How did Defendant locate Plaintiff?

26. Does Defendant file or retain attorney(s) to file law suits to collect consumer accounts?

27. If the answer to the immediately preceding Interrogatory is affirmative:

a. Identify Defendant's employee(s) who make(s) or approve(s) the decision to file suit or to request an attorney to file suit.

b. At what point in Defendant's collection process is the decision to sue made?

c. State what criteria and policies are used in deciding whether to sue (e.g., minimum dollar amount, distance of consumer from Defendant's office, contingency of claim,

debtor's assets, defenses to claim) and how those criteria and policies have changed since [year] identifying any documents discussing such criteria and policies in use by Defendant since [year].

- d. Identify the attorney(s) retained by Defendant in [state] to file collection suit.
 - e. Identify the courts in [name state] State in which Defendant has initiated law suits in the last year.
 - f. Identify each document and other method of communication in which [name of creditor] authorizes Defendant to initiate law suits against consumers.
28. With regard to the debt allegedly owed by the Plaintiff, identify and itemize the amount of each portion of the debt and the authority therefore.
 29. State the date upon which the Defendant began using each type of notice sent to the Plaintiff, and if the Defendant has ceased using such notices, when that happened.
 30. Describe the maintenance of all procedures utilized by the Defendant to avoid violation of the Fair Debt Collection Practices Act.
 31. Identify all internal and external documents regarding Defendants compliance or noncompliance with the Fair Debt Collection Practices Act.
 32. Identify by caption, court, civil action number and result all litigation filed against the Defendant alleging violations of the Fair Debt Collection Practices Act.
 33. Identify by name, position, address and phone number all witnesses Defendant proposes to call to trial.
 34. List all exhibits Defendant proposes to introduce at trial.
 35. Identify each person whom the Defendant expects to call as an expert witness at trial, state the subject matter on which the expert is expected to testify and the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.
 36. Identify the individual who telephoned Plaintiff on or about [date].
 - a. Where was the individual employed during [month] [year], what was their position of employment, and responsibilities?
 - b. How did that individual learn the location and phone number of Plaintiff.
 - c. Why did that individual telephone Plaintiff?

d. Restate the contents of the telephone conversation between that individual and Plaintiff.

e. Identify all records pertaining to that conversation and their content.

37. Please state in detail the facts upon which you base your denial of Paragraph [number] of the Plaintiff's Complaint.

****Repeat each paragraph denied as needed.****

38. Did you receive notice of Plaintiff's bankruptcy from [name of creditor] or from any other source prior to the [date of letter] written communication to the Plaintiff? If so, please state when and from where you received such information.

39. Do you have any evidence of when the collection account which is the subject of this lawsuit was referred to you and, if so, explain and describe that evidence in detail.

40. Please state in detail the facts upon which you rely for each affirmative defense listed in your Answer.

41. If your response to the Requests for Admissions served simultaneously herewith is anything other than an unqualified admission, then please state as to each denial the specific facts forming the basis for such denial and identify each witness and document upon which you will rely to support your denial.

42. Describe, step-by-step, the process which resulted in Exhibits A and [any others] being transmitted to plaintiff, beginning with the date and method of transmission of debtor information to [name], e.g., computer tapes or other media delivered (when, by whom, where and to whom); content of computer tape or media; data input (where and by whom); computer entry or other means of directing transmission letters (where and by whom entry made), letter with debtor information printed (from where and by whom); letter with debtor information mailed (from where and by whom), computer tapes or media returned (on what occasion, when, by whom and to whom).

Date: [month][day][year]

[attorney's name]
Attorney for Plaintiff

[street address]
[city, state, zip code]
[telephone number]