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#### 4. Interrogatories

May be served together with the Answer to Complaint or within a reasonable amount of time thereafter.

CIVIL COURT: CITY OF NEW YORK  
COUNTY OF KINGS

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XYZ Receivables Management LLC,

Index No.

Plaintiff,

FIRST SET OF

- against -

INTERROGATORIES

John Doe,

Defendant.

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Defendant, hereby requests, pursuant to Sections 3130 through 3133 of the Civil Practice Law and Rules ("CPLR"), that Plaintiff answer separately, in writing, and under oath each of the interrogatories set forth below within twenty (20) days following service hereof.

#### General Instructions

For purposes of the following Interrogatories, the following instructions shall apply:

1. These Interrogatories are continuing in character so as to require the answering party to serve supplemental answers if the answering party obtains further or different information prior to trial. Such supplemental answers may be served from time-to-time but, in any event, not later than fifteen (15) days after such information is received.
  2. Each Interrogatory is to be answered separately and as completely as possible. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each Interrogatory as fully as possible. The omission of any name, fact or other item of information from the answers shall be deemed a representation that such name, fact or item is not known to the answering party, their counsel or other representative at the time of service of the answers.
  3. If the answering party contends that any of the information demanded by any of these Interrogatories is privileged, set forth, with regard to all such information, the following:
    - (a) The nature of the privilege asserted;
    - (b) The subject matter to which the claim of privilege relates;
    - (c) In the case of information other than documents, the name(s) of the person(s) from whom such information was obtained and the name(s) of any person(s) to whom such information was communicated;
    - (d) In the case of a document:
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- (i) The date(s) on which it was produced and, if different, the date(s) on which it was transmitted, distributed or otherwise provided to each person to whom it was transmitted, distributed or otherwise produced;
  - (ii) The full name(s), address(es) and title(s) of the document's author(s) and addressee(s);
  - (iii) The full name(s), address(es) and title(s) of all persons who received a copy of the document including, without limitation, all persons who received a blind copy of the document;
  - (iv) The nature of the document (i.e., whether it is a letter, memorandum, tape, disk, etc.); and
  - (v) The title of the document, if any.

4. The word "state" when used in these Interrogatories shall require, in addition to the recitation of each fact requested:

- (a) Identification of your source(s) of information concerning such fact, including the date on which you first received such information;
- (b) Identification of each document relating to, referring to or evidencing such fact;
- (c) Specification of each document which you intend to offer in evidence to prove, or with respect to, such fact;
- (d) Identification of each person so identified whom you intend to call as a witness to testify concerning such fact.

5. In answering the Interrogatories, furnish such information as is available to you, not merely such information as is of your own personal knowledge. This means that the answering party is to furnish information which is known by or in the possession of its employees, representatives or agents including, without limitation, its attorney(s).

6. Do not incorporate by reference facts contained in documents or publications. Specify the precise facts, allegations, names, etc., called for by the Interrogatories, regardless of whether the same are set forth elsewhere.

7. In answering the Interrogatories, words used in the singular shall include the plural and words used in the plural shall refer to the singular as well. Gender is to be wholly disregarded, the neuter referring to the male and the female and the male referring to the female and the neuter.

8. If, in answering any of the Interrogatories, any ambiguity in construing either the Interrogatory or a definition or instruction relevant to the inquiry contained within the Interrogatory encountered, the answering party is to identify the matter deemed ambiguous and set forth the construction chosen or used in answering the Interrogatory.

9. Whenever any objection is made to any numbered or lettered paragraph or subparagraph of any Interrogatory, an answer shall be furnished to any other numbered or lettered paragraph or subparagraph of such Interrogatory as to which there is no objection.

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## **Definition of Terms**

The following definitions apply to this set of Interrogatories:

- A. The word "Plaintiff" as used herein shall refer to XYZ Receivables Management LLC, its officers, directors, agents, servants, employees, and other representatives.
- B. The words "Defendant" as used herein shall refer to John Doe.
- C. The word "person" refers to natural persons, partnerships, corporation, unincorporated associations, and any government entities.
- D. The words "you" and "your" refer to Plaintiff as defined in A above.
- E. The term "account" as used herein shall refer to the alleged credit card account which is the subject of this action.
- F. The terms "refer," "relate," "reflect," "regard," "regarding," "refer to," "relate to," "relating to," and "concerning" (or forms thereof) shall mean directly or indirectly, in whole or in part, referring to, relating to, connected with, commenting on, relevant to, impinging or impacting upon, affecting, responding to, showing, describing, representing, supporting, contradicting, stating mentioning, evaluation, recording, noting, analyzing, reflecting, or constituting.
- G. To "identify" a document means to state with respect to each document:
- 1) the name of the person who prepared it;
  - 2) the name of the person who signed it or over whose name it was issued;
  - 3) the name of each person to whom it was addressed or distributed;
  - 4) the nature and substance of the writing and its title, if any;
  - 5) its date and, if it bears no date, the date when it was prepared; and
  - 6) the physical location of the original and any copies of which you are aware, the name and address of the custodian or custodians, and the name and number of the file within which it is contained.
- H. The term "oral communication" means and includes any face-to-face conversation, meeting, or conference; any telephone conversation or conference; and any communication whatsoever by the use of any medium other than writing.
- I. To "identify an oral communication" means to state with respect to each such oral conversation:
- 1) the identity of each person who participated in the communication and the identity of each person who was present at the time it was made;
  - 2) by whom each such person was employed and whom each such person represented or purported to represent making such oral communication;
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- 3) The date and place where such oral communication was made;
  - 4) the substance of this oral communication; and
  - 5) the identification of each document referring to or otherwise pertaining to such oral communication, including, but not limited to, any notes, summaries, tape recordings, transcripts, or any other memorialization or summarization of said oral communication.

J. The words "identify" or "identity" when used with reference to a person shall mean to state with respect to each such person:

- 1) his, her, or its full name and present or last known business address, and, if a natural person, his or her last known residence address; and
- 2) if a natural person, the full name and the last known business address of his or her employer, both at the time referred to in your answer and at the present time, the employment position held by said employee; and the date when each such employment began and ceased.

K. The phrases "state in detail" and "describe in detail" as used herein shall mean that you are requested to state, with specificity, each and every fact, ultimate fact, circumstance, incident, act, omission, event, and date relating to or otherwise pertaining to the matters inquired of in said Interrogatory.

**Interrogatories**

1. Identify and furnish a copy of any agreement which forms the basis of the allegation the Complaint that Defendant was furnished a copy of the account.
  2. With respect to the allegation contained in the Complaint that there is a sum due in the amount of \$ [ ]:
    - (a) set forth in detail and with particularity how Plaintiff calculated that there remains a balance due;
    - (b) set forth the method(s) by which Plaintiff computed or calculated such figure;
    - (c) the identity of all documents and/or oral communications relating to Plaintiff's calculation and/or upon which Plaintiff calculated such figure;
    - (d) a specific breakdown of each component which makes up said amount, including any monthly or periodic statements;
    - (e) the date or dates on which such calculation was made or rendered; and
    - (f) the identity of each and every person responsible for making or rendering such calculation.
  3. Identify each and every oral communication between Plaintiff, Plaintiff's assignor(s), or any other person and Defendant relating to the account. As to each such oral communication provide:
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- (a) the date;
  - (b) who on behalf of Plaintiff or Plaintiff's assignor(s) took part in such communication;
  - (c) who on behalf of Defendant took part in such communication;
  - (d) the sum and substance of such communication; and
  - (e) a copy of any written document pertaining to such oral communication.
4. Identify all assignment(s) of claim or causes of action from Plaintiff's assignor concerning the account referred to in the Complaint.
5. Identify all documents now in your possession or control which you intend or expect to introduce at trial for any purpose.
6. Identify each person or persons supplying information with respect to any of the foregoing interrogatories, or having knowledge concerning any of the foregoing interrogatories, and, as to each person, state that person's relation to Plaintiff and state with respect to which interrogatories such person furnished information or has knowledge.

Dated: Brooklyn, New York  
\_\_\_\_\_, 20\_\_

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John Doe  
Defendant  
[ YOUR ADDRESS ]