

[CAPTION]
INTERROGATORIES

TO: [NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY]
Attorneys for Plaintiff

PROPOUNDING PARTY: Defendant, [DEFENDANT'S NAME]
RESPONDING PARTY: Plaintiff, [PLAINTIFF'S NAME]
SET NO.: ONE

The Propounding Party requests that the Responding Party respond to the following discovery requests in accordance with the Rules Governing the Courts of the State of New Jersey. The Propounding Party has used certain words with defined meanings as set forth in the Definitions section, below. When responding to these interrogatories, please note:

- (a) You are required to furnish all information available to you, your agents, employees and attorneys. See, R. 4:17-4(a).
- (b) It is permissible for interrogatories to include a request for a copy of a document. See, R. 4:17-1(a).
- (c) In response to any interrogatory, you are permitted to provide copies of business records when the answer may be derived from those records so long as the burden of deriving the answer is substantially the same for the Propounding Party and the Responding Party. See R. 4:17-4(d).
- (d) As stated in R. 4:17-1(b)(3), you are *not* permitted to assert that any requested information is privileged *unless* you comply with R. 4:10-2(e) which requires, among other things, that you expressly assert the privilege and describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing the privileged information, will enable the Propounding Party to assess whether the asserted privilege applies. **Please note that Defendant stipulates that materials identified by you as "ATTORNEY EYES ONLY" will not be disclosed by defense counsel to anyone without either Plaintiff's expressed consent or a court order.**

Dated: _____

PROOF OF SERVICE

In accordance with R. 1:5-3, I certify that the within discovery requests were served in accordance with R. 1:5-2, by ordinary mail, postage prepaid, mailed on the date set forth below on:

[NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY]

Dated: _____

DEFINITIONS

The following words, when used with the initial letter capitalized, has the designated meaning:

- (A) "Account" means the indebtedness alleged in the Complaint.
- (B) "Business Record" means a Record which includes a statement of an act or event and was created by any business.
- (C) "Computer Record" means a Record which is an electronic recording of information as well as a printout which comes from such an electronic recording.
- (D) "Declarant" means a Natural Person who made a Sworn Statement.
- (E) "Immediate Assignor" means the Person from whom you purchased the Account.
- (F) "Natural Person" means a human being.
- (G) "Original Creditor" is the Person with whom the Account was originally created for Defendant.
- (H) "Person" means any entity and includes, without limitation, a Natural Person, sole proprietorship, limited liability company, government or governmental subdivision, and any type of partnership, corporation, association, organization, institution, or firm.
- (I) "Record" includes all recorded information, including "documents" as used in R. 4:18-1(a) and "writing" as used in *Evid.R.* 801(e), which concern or relate to the Account.
- (J) "Sworn Statement" means a written statement relating to, concerning or regarding any fact involved in this lawsuit which was made under oath or permitted by court rule or statute to have the same effect as a statement made under oath including, without limitation, an affidavit, a declaration made pursuant to 28 U.S.C. § 1746, and a certification made pursuant to R. 1:4-4(b).
- (K) "You," "your", "yours", "yourself" refers to the Plaintiff.

INTERROGATORIES

1. **State the names and addresses of all persons who have knowledge of any facts relating to the case.**

2. **Identify all documents that may relate to this action, and attach copies of such document.**

3. **Attach a complete copy of any written records or documents that you have regarding defendant, along with a typed transcription of any handwritten records and documents.**

4. **Identify all correspondence between plaintiff and the defendant or its representatives, and attach copies.**

5. **If you claim that the defendant made any admissions as to the subject matter of this lawsuit, state: (a) the date made; (b) the name of the person by whom made; (c) the name and address of the person to whom made; (d) where made; (e) the name and address of each person present at the time the admission was made; (f) the contents of the admission; and (g) if in writing, attach a copy.**

6. **If you or your representative and the defendant have had any oral communication concerning the subject matter of this lawsuit, state: (a) the date of the communication; (b) the name and address of each participant; (c) the name and address of each person present at the time of such communication; (d) where such communication took place; and (e) a summary of what was said by each party participating in the communication.**

7. **If you claim that the violation of any statute, rule, regulation or ordinance is a factor in this litigation, state the exact title and section.**

8. **Set forth a particular statement of the items of the claim, their amounts and dates, a calculation in figures of the amount of interest, the payments or credits, if any, and the net amount due.**

9. If the Account was assigned by the Original Creditor, set forth the date and a description sufficient to identify each Record which reflects or memorializes each assignment beginning with the Original Creditor and ending with you. [Note that defense counsel anticipates that you will identify such things as forward flow agreements, purchase and sale agreements, bills of sale, and schedules of accounts; in addition, please consult R. 4:10-2(e)(1) concerning withholding any information.]

10. Attach a copy of each Record identified in your response to Interrogatory #9.

11. With respect to each assignment of the Account, identify the name of each Natural Person who has personal knowledge as to whether the Account was described or identified in the assignment.

12. Identify all Records in your possession concerning the Account.

13. Attach a copy of each Record identified in your response to Interrogatory #12.

14. Identify each request you sent to either the Original Creditor or assignee of the Account for either a Record or information about the Account.

15. Attach a copy of each request identified in your response to Interrogatory #14.
16. Attach a complete copy of the response you received for each request identified in your response to Interrogatory #14.
17. What is the date on which the Account went into default?
18. What is the date of the Account's last billing statement?
19. Explain any difference between the Account's charge off balance and the balance on the Account's last billing statement.
20. State the name of each Natural Person known to you or to your attorneys who can demonstrate that each Computer Record is what you claim it to be.
21. State the name of each Natural Person known to you or to your attorneys who is familiar with the record system used to create and store each Computer Record.
22. State the name of each Natural Person known to you or to your attorneys who can establish that it was the regular practice of the business which created each Computer Record to make it.
23. State the name of each Natural Person known to you or to your attorneys who has personal knowledge that each Business Record was made at or near the time of observation by a person with actual knowledge or from information supplied by such a person.

24. State the name of each Natural Person known to you or to your attorneys who has personal knowledge that each Business Record was made by a business whose regular practice was make that type or kind of Business Record.
25. State the name of each Natural Person known to you or to your attorneys who has personal knowledge that each Business Record was in fact made in the regular course of the business which made it.
26. Attach a copy of each Sworn Statement and indicate in the space below that the requested item(s) are attached or state the reason why it is not attached.
27. For each Sworn Statement, state whether you have the version which contains the Declarant's original signature.
28. Attach a copy of each Record relied on or used by each Declarant in preparing his or her Sworn Statement and indicate in the space below that the requested items are attached or state the reason why it is not attached.
29. State the number (or, if unknown, a reasonable estimate of the number) of affidavits, declarations and certifications made by each Declarant on the same date as the Declarant's Sworn Statement.
30. If you assert a claim for legal fees, attach your written retainer agreement with your attorney and indicate in the space below that the requested item is attached or state the reason why it is not attached.

31. Attach a copy of Defendant's application in connection with the Account. If you do not have possession of that application, state whether you have requested a copy from anyone.
32. Were there written terms and conditions which governed the Account **at the time the Account was opened**?
33. Were the written terms and conditions which governed the Account **at the time the Account was opened** changed, modified, amended or replaced at any time after the Account was opened?
34. If you contend that Defendant's payment obligations on the Account arose out of transactions **other than** transactions in which the money, property, insurance or services which are the subject of the transactions are primarily for personal, family or household purposes, then state the factual basis for your contention.
35. Identify and produce a copy of all documents reflecting that the information described in 15 U.S.C. § 1637(a)(1) through (8) (to the extent applicable) was disclosed to Defendant before the Account was opened.
36. Identify and produce a copy of all documents which you understand as constituting written notice of an increase in the Account's annual percentage rate in accordance with 15 U.S.C. § 1637(i).
37. Do you have any claims against Defendant other than those arising out of the Account?

38. Identify each individual you expect to call at trial as an expert witness and include the subject matter on which each person is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.
39. What is the full name, job title and work address of the Natural Person who certified the answers to these interrogatories on your behalf?

[END OF INTERROGATORIES]

RESPONDING PARTY'S CERTIFICATION TO ANSWERS TO INTERROGATORIES

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:

[Print Name and Title Below Signature]

[CAPTION]
REQUESTS FOR ADMISSION

TO: [NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY]
Attorneys for Plaintiff

PROPOUNDING PARTY: Defendant, [DEFENDANT'S NAME]
RESPONDING PARTY: Plaintiff, [PLAINTIFF'S NAME]
SET NO.: ONE

The Propounding Party requests that the Responding Party respond to the following discovery requests in accordance with the Rules Governing the Courts of the State of New Jersey. The Propounding Party has used certain words with defined meanings as set forth in the Definitions section, below. When responding, please note the following as required under R. 4:22-1:

- (1) Each matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney.
- (2) If objection is made, the reasons for the objection shall be stated.
- (3) If not admitted, your answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.
- (4) A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.
- (5) An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless stating that a reasonable inquiry was made and that the information known or readily obtainable is insufficient to enable an admission or denial.
- (e) A party who considers that a matter of which an admission has been requested presents a genuine issue for trial, may not, on that ground alone, object to the request but may, subject to the provisions of R. 4:23-3, deny the matter or set forth reasons for not being able to admit or deny.

Dated: _____

PROOF OF SERVICE

In accordance with R. 1:5-3, I certify that the within discovery requests were served in accordance with R. 1:5-2, by ordinary mail, postage prepaid, mailed on the date set forth below on:

[NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY]

Dated: _____

DEFINITIONS

The following words, when used with the initial letter capitalized, has the designated meaning:

- (A) "Account" means the indebtedness alleged in your Complaint.
- (B) "Original Creditor" is the Person with whom the Account was originally created for Defendant.

ADMISSION REQUESTS

- 1. Plaintiff has no personal knowledge as to the mailing by the Original Creditor to Defendant of any written agreement governing the Account.
__ADMIT __DENY
- 2. Plaintiff has no personal knowledge as to the mailing by the Original Creditor to Defendant of any billing statement for the Account.
__ADMIT __DENY
- 3. Plaintiff has no personal knowledge as to why the Original Creditor entered any transaction, debit, credit or charge on any billing statement for the Account.
__ADMIT __DENY
- 4. Neither Plaintiff nor its attorney(s) possess an affidavit, certificate or other document executed by or on behalf of the Original Creditor which purports to authenticate the genuineness of any documents related to the Account.
__ADMIT __DENY
- 5. Plaintiff's right to acquire documents from the Original Creditor about the Account is governed by the written agreement under which Plaintiff acquired the Account.
__ADMIT __DENY

Signed by Responding Party's (CHECK ONE) ___ authorized representative or ___ attorney:

Dated:

[print name and title below signature]