

Sample Interrogatories for Consumer/Debtor

IN THE CIRCUIT COURT
OF THE COUNTY OF X
STATE OF x

Company suing,
Plaintiff,

vs.

Joe Consumer,
Defendant.

DEFENDANT'S FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFF

COMES NOW Defendant, by counsel, and propounds the following interrogatories on Plaintiff, to be answered in accordance with Your State Rules:

DEFINITIONS

"You," "your" or "yours" means the Plaintiff and any employee, agent, sales representative, manager, officer, owner, independent contractor, assign or other person working for, hired by or acting on behalf of plaintiff.

"Identify" with respect to persons means state the name, address, position, social security number, last known home and business address and last known home and business telephone number for each such person listed.

"Identify" with respect to documents or things means describe the document or thing, state its current whereabouts, and identify each person who has possession, custody or control over each such document.

"The Original Creditor" means the original issuer of the credit that was extended to Defendant, and any employee, agent, sales representative, manager, officer, owner, independent contractor, assign or other person working for, hired by or acting on behalf of the Original Creditor.

"The Account Balance" or "Defendant's Account" means the debt you allege Defendant owes and upon which you have filed suit to collect.

INTERROGATORIES

1. Please identify each person who either answered, or who was consulted in providing answers to these interrogatories, and state which interrogatory was answered by each such person listed.

ANSWER:

2. Identify the alleged Original Creditor of Defendant's Account.

ANSWER:

3. Identify all persons or entities who have ever owned this debt and provide the dates of their ownership.

ANSWER:

4. Identify every document by which Defendant's Account was transferred to or acquired by you. This should include bills of sale, attachments to bills of sale, and complete assignment agreements relating to the transaction by which defendant's account was purchased or otherwise acquired.

ANSWER:

5. Identify each of your employees who has attempted to collect the Account Balance from Defendant, describe what actions were taken by each such employee to collect, or attempt to collect the Account Balance from Defendant, and identify all documents created as a result of such attempt.

ANSWER:

6. Identify every individual employed by the Original Creditor who had direct or supervisory authority over Defendant's Account (or over the department responsible for collecting Defendant's Account) before it was assigned, transferred and/or sold to you.

ANSWER:

7. State whether you have a copy of any contract or other document that contains Defendant's signature on it. If your answer is "Yes," identify each such document.

ANSWER:

8. Identify all documents, including electronic media which you consulted or upon which you relied in generating any documents attached to your petition.

ANSWER:

9. Do you contend that any document attached to your petition is an actual statement of account created by the original creditor? If your answer is "yes," state each reason why you contend the document is an "itemized statement of account" and identify the individual(s) who generated the

document. For each individual listed, describe the person's academic or business background and state the person's qualifications in knowledge, training or information to produce the "itemized statement of account." If your answer is "no," then state how and by whom the alleged statement was created.

ANSWER:

10. Did you ever make any agreement to lend money or provide credit to Defendant? If your answer is yes, state:

- a) The date of the agreement;
- b) The place in which the agreement was made;
- c) The terms of the agreement;
- d) Identify all documents, notes and records which relate any terms of the agreement;
- e) Identify all persons present at the time the agreement was made.

ANSWER:

11. State the total amount of *principal* that you contend Defendant borrowed from the Original Creditor, give the date and amount on which each principal sum was borrowed, and identify the goods and/or services that Defendant purchased with the credit that was given.

ANSWER:

12. State the amount of *interest* that was charged to Defendant pursuant to each principal sum that was borrowed, and describe the manner in which you calculated the interest.

ANSWER:

13. State the amount of each late fee, overlimit fee, membership fee, application fee, or any similar charge that was ever assessed against Defendant with respect to Defendant's Account and identify any statement of terms or conditions according to which the charge was assessed.

ANSWER:

14. State the amount of income your company generates from the collection of debts originally owed to others and identify what percentage of your company's income that is.

ANSWER:

15. With regard to the parts of your business that are not associated with the collection of debts originally owed to others, identify what those parts of your business are and what you do, and what percentage of your income is generated by those parts of your business.

ANSWER:

16. Do you contend that your principle business is not the collection of debts? If your answer is "yes," then state all facts in support of that contention.

ANSWER:

17. State your net worth as of the date of your answers to these interrogatories.

ANSWER:

18. As of the date of your answers to these interrogatories, state the total amount of money you claim Defendant owes you, state the amount of that money that constitutes (1) principal, (2) interest, (3) attorney's fees, (4) late fees; (5) overlimit fees, (6) application fees, (7) membership fees and (8) court costs, list every document that supports your calculation of these figures, identify every document that authorizes you to collect these amounts, give a detailed description of how you calculated these figures, and identify every individual who has personal knowledge of the accuracy of these figures and/or who has personal knowledge that the figures were accurately calculated or determined.

ANSWER:

19. What is total amount of money you have received in payment toward the Account Balance from any source? As to each payment made, specify the date it was made, by whom, and the amount.

ANSWER:

20. What is total amount of money any person has received in payment toward the Account Balance? As to each payment made, specify the date it was made, by whom, by whom received, and the amount.

ANSWER:

21. Identify any declarations, admissions or statements against interest made by Defendant or Defendant's agents or representatives relating to the subject matter of this litigation, and fully relate all details with regard to each such statement.

ANSWER:

22. Have you obtained any written or oral statements from any persons who have any knowledge of the subject matter of this action? If so, state as to each statement:

- a) The name and address of the person making the statement;
- b) The date said statements were made;
- c) Whether the statements were written, oral or by recording device;
- d) The name and address of the person who took the statements;
- e) The name and address of the person in possession of the statements;
- f) Please attach a copy of each such statement.

ANSWER:

Respectfully submitted,

John Q. Debtor