(Sample) Meet and confer letter

Dear [attorney for Heartless Debt Collector]

On [date], Defendant sent to Plaintiff a request for a Bill of Particulars pursuant to CCP Sec. 454. On May 24, 2012, Plaintiff responded to Defendant’s demand for Bill of Particulars by contending that a Bill of particulars is inapplicable to plaintiff’s causes of action and that defendant has full access to all the documents in question.

As a preliminary matter, plaintiff’s objection to Defendant’s Bill of Particulars is not well taken. Plaintiff has alleged a cause of action for breach of contract. A Bill of Particulars is appropriate under this legal theory as plaintiff concedes in ultimately responding. ***See, Distefano v. Hall (1963) 218 Cal. App. 2d 657, 677*** (“Section 454 has received a fairly broad interpretation and has been construed to cover almost any kind of contract action for a money claim made up of more than one item.”).

While plaintiff has alleged that defendant is aware of all the charges and “presumably has access to all the documents relating to his demand for a bill of particulars,” these supposed facts are in dispute. Defendant has denied knowledge or possession of the records or transactions. Arguing that a defendant has full knowledge of every alleged debt would defeat the purpose of Section 454, which requires that, when a plaintiff is suing on an account it must provide a bill of particulars upon written demand.

Please provide the Bill of Particulars as requested within five (5) days of receipt of this letter.

Or

Dear [attorney for Heartless Debt Collector]

On [date], Defendant sent to Plaintiff a request for a Bill of Particulars pursuant to CCP Sec. 454. On [date] plaintiff responded to the request for the bill of particulars.

Your response is not sufficient. Plaintiff has not provided an itemization of the account showing all charges and credits thereto. It has not provided the underlying contract referred to in the complaint. Nor has it provided any contract of assignment of the claim at issue in this litigation. Such basic information is required to prove plaintiff’s claim, and without it defendant is unable to understand plaintiff’s claim or prepare adequately for trial.

Please provide a complete response within 10 days or defendant will move the Court for an

order precluding Plaintiff from offering any such evidence at trial.