

33.1 Interrogatories.

(a) Sequential Numbering.

A party must number each interrogatory sequentially, despite the number of interrogatory sets.

(b) Definitions.

The standard definitions set forth in this rule shall apply to all interrogatories served in civil cases in this district, unless the court orders otherwise.

Parties may, by written agreement, amend, supplement, or omit any of the standard definitions. No other definitions or separate definitions of terms used in interrogatories may be used without the court's leave.

The standard definitions for all interrogatories served in civil cases in this district are as follows:

- (1) Communication. The term "communication" means the transmittal of oral or written information.
- (2) Document. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.
- (3) Identify (With Respect to Persons). When referring to a person, "to identify" means to give, to the extent known, the person's full name and present or last known address. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent interrogatories requesting the identification of that person.
- (4) Parties. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, partners, members, representatives, or employees. This definition is not intended to impose a discovery obligation on any person or entity that is not a party to the litigation.
- (5) Person. The term "person" is defined as any natural person or any legal entity, including, without limit, any business or governmental entity or association.

- (6) Concerning. The term "concerning" means relating to, referring to, describing, evidencing, or constituting.

(c) Construction.

The following rules of construction shall apply to all interrogatories:

- (1) All/Any/Each. The terms "all," "any," and "each" must each be construed as encompassing any and all.
- (2) And/Or. The connectives "and" and "or" must be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- (3) Number. The use of the singular form of any word includes the plural and vice versa.

(d) Number of Interrogatories.

- (1) In determining the number of interrogatories, including subquestions, each inquiry seeking information on separate and discrete subjects is counted as a separate interrogatory. Subparts are counted as one interrogatory only if they are logically or factually subsumed within and necessarily related to the primary question. Conversely, subparts introducing separate and distinct lines of inquiry are counted as additional interrogatories, regardless of their designation or how they are labeled.

By way of example, a question asking for the time, place, persons present, and contents of a particular communication may be treated as a single interrogatory because those subparts (time, place, persons present, and contents) are related and depend upon the primary question (a particular communication). An interrogatory asking for the identity of witnesses, followed by subparts asking for each witness's opinions, supporting facts, and bases for those opinions, introduces distinct lines of inquiry and may be treated as multiple interrogatories.

- (2) An interrogatory requesting the basis for the denial of each request for admission will be counted as one interrogatory for each denied request.

- (3) An interrogatory requesting the factual or legal basis for each affirmative defense asserted will be counted as one interrogatory per affirmative defense.

(e) Form of Response.

In answering or objecting to interrogatories, the responding party must first state verbatim the interrogatory and immediately thereafter the responsive answer or objection.

(f) Certificate of Service.

The demanding party, when serving interrogatories, must file a certificate of service. The responding party must also file a certificate of service upon serving a response.

(g) Alternative Methods of Service.

If all parties agree, interrogatories and answers or objections may be served by e-mail or fax. The answering party must maintain during the pendency of the proceeding a paper copy of all answers to interrogatories, sworn to and signed as required by Federal Rule of Civil Procedure 33(b), and must produce this copy upon a party's request.