

**SAMPLE INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW \_\_\_\_\_, by counsel KAUFMAN  
LAW, A Professional Corporation and David Zachary Kaufman, Esq., and  
propounds the following Interrogatories and Request For Production pursuant to  
Fed. R. Civ. Pro. 26, 33 and 34, to be answered under oath pursuant to said rules  
by \_\_\_\_\_.

Definitions and Instructions

Unless otherwise indicated the following Definitions and Instructions shall be  
applicable.

- (a) "You and Your" refers to the party to whom these Requests for Production of Documents are addressed, and includes the knowledge and information held by your agents, employees, partners, servants and representatives and found within and among the records held and maintained by you.
- (b) The terms "person" and "persons" include natural persons firms, associations, partnerships, corporations and other legal entities and includes principals, employees, agents, attorneys, consultants and other representatives
- (c) "Communication" means any transmission, exchange, or imparting of information or thoughts by oral, written, pictorial or other means, including but not limited to personal conversations, conferences, telephone conversations, electronic mail, computer disk or other media, reports and publications, and shall include any means of conveying a message from one or more persons to one or more Persons, and shall be given the broadest possible interpretation.
- (d) Notwithstanding any other limiting language to the contrary, identify or a request for identification or identity means:
  - (1) when used with respect to a natural person: to state that person's full name, last known address and telephone number; last known job or position and employer's name; and all past jobs, positions and business affiliations with the Defendant;
  - (2) when used with respect to a person other than a natural person! the full name and type of organizations, the address of its principal place of

business (including street: name and number, city or town, state, Zip code and telephone number) and the jurisdiction and place of its incorporation or organization;

- (3) when used with respect to a document (a) a general description of the type of document (e.g., letter, record, list, memorandum, report), (b) the date and, if applicable, title of the document; (c) identification of the addressees) and/or other recipient(s) of the document; (d) identification of the person(s) who has possession, custody of control over the original documents; (e) identification of each person who has possession, custody or control over each copy of the document; (f) a description of the general nature of the subject matter of the document, and (g) if the documents was, but no longer is in your custody, possession or control, the disposition that was made of the document, the date of such disposition, the location of all duplicates or copies, all persons who have seen the documents, duplicates or copies, all other documents that refer or relate to the disposed of document and as much detail as possible about the content of the document. Any identification of a document should be made with no less than reasonable particularity to the applicable discovery production of the document pursuant to the applicable discovery rule pertaining to discovery of documents.
  - (4) when referring to a communication, state the type of communication (examples: "conversation" "conference", "letter" etc.), the date thereof, and the parties thereto; if the Communication comprises a document to identify the document as set forth above; if the communication comprises a conversation, to state the substance, place and approximate time thereof, and the identities of the parties thereto as well as others who were present or privy to the conversation; and
  - (5) when used in reference to an act or occurrence: to state the substance of the act or occurrence; the date, time and place of performance of the act or occurrence; and to identify all other persons present.
- (e) A communication or document "relating", "related" or "which relates" to any given subject means an communication or document that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, bears upon, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.
- (f) "Documents" refers, without limitation, to any medium upon which information can be reached, including all matter referred to in Fed. R. Civ. P. 34(a) after the word "documents" and also all copies, drafts, or reproductions of any document, in any tangible form or which can be put into tangible form, including, without limiting the generality of the foregoing, any form of writing or memorialization relating to any means of communication. The term includes any non-identical copies of any written or graphic matter no matter how produced, recorded, stored or reproduced, including, but not

limited to, any writing, letter, telegram, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten notes, working paper, chart, tabulation, graph, tape, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys, and electronic, mechanical, magnetic, optical or electric records or representations of any kind including data sheets, data processing cards, printout, computer disks, microfilm, index, or any other data compilation in your possession, custody or control including all drafts and non-identical copies of all such documents, including metadata. The phrase "other data compilation" includes, but is not limited to, any material stored on or accessible through a computer or other information retrieval system.

- (g) When production of any document in Plaintiffs' possession is requested, such request includes documents subject to the Plaintiffs' possession, custody or control. In the event that Defendant is able to provide only part of the document(s) called for in any particular Request for Production, provide all document(s) that Defendants are able to provide and state the reason, if any, for the inability to provide the remainder.
- (h) Time period covered: unless otherwise indicated, each answer you provide shall give the requested information for the time period from December 31, 2000, until the present. When the information or answer requested changes during said time period, your answer shall reflect all such changes and shall give the date of each such change.
- (i) Duties to supplement Answers: The interrogatories contained herein are continuing in character so as to require you to file supplementary answers if you obtain further material information or acquire additional information or knowledge at any time between the Answers to these Interrogatories and Production of these requests and the date of trial or any hearing in this case which in any way alters, supplements or otherwise affects your previous Answers or Production of Documents, you shall forthwith serve Supplemental Answers and Production of Documents, without further request, setting forth all such additional knowledge or information as required by Rules 33 and 34 of the Superior Court of the District of Columbia.
- (j) Knowledge and Information: Where knowledge or information in possession of a party is requested, such request includes the knowledge of that party's agents, representatives and, unless privileged, attorneys.
- (k) Claim of Privilege: In the event you claim any form of privilege as to any document called for by any numbered request, or that disclosure of any such document would reveal a trade secret or other form of information which merits protection under the law other than privilege you are requested to identify the said document by its date, all author(s), recipient(s), and all other persons who are known to have seen the document, and the general nature of

the document without disclosing any claimed privileged information, and as to each such documents state the nature and basic of the privilege claimed; the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above. You are further requested to state whether you will permit in camera inspection by the court to determine the validity and appropriateness of such claim of privilege.

- (l) Wherever used herein, the singular shall be deemed to include the plural, and the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine, the disjunctive ("or") shall be deemed to include the conjunctive "and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"); and each of the functional words "each," "every," "any," and "all" shall be deemed to include each of the other functional words.

#### Sample Interrogatories:

1. Identify all email systems in use, including but not limited to the following:
  - (a.) List all email software and versions presently and previously used by you and the dates of use;
  - (b) Identify all hardware that has been used or is currently in use as a server for the email system including its name;
  - (c) Identify the specific type of hardware that was used as terminals into the email system (including home PCs, laptops, desktops, cell phones, personal digital assistants ["PDAs"], etc.) and its current location;
  - (d) State how many users there have been on each email system (delineate between past and current users);
  - (e) State whether the email is encrypted in any way and list passwords for all users;
  - (f) Identify all users known to you who have generated email related to the subject matter of this litigation;
  - (g) Identify all email known to you (including creation date, recipient(s) and sender) that relate to, reference or are relevant to the subject matter of this litigation.
  
2. Identify and describe each computer that has been, or is currently, in use by you or your employees (including desktop computers, PDAs, portable, laptop and notebook computers, cell phones, etc.), including but not limited to the following:
  - (a) Computer type, brand and model number;
  - (b) Computers that have been re-formatted, had the operating system reinstalled or been overwritten and identify the date of each event;
  - (c) The current location of each computer identified in your response to this interrogatory;
  - (d) The brand and version of all software, including operating system, private and custom-developed applications, commercial applications and shareware for each computer identified;

(e) The communications and connectivity for each computer, including but not limited to terminal-to-mainframe emulation, data download and/or upload capability to mainframe, and computer-to-computer connections via network, modem and/or direct connection;

(f) All computers that have been used to store, receive or generate data related to the subject matter of this litigation.

3. As to each computer network, identify the following:

(a) Brand and version number of the network operating system currently or previously in use (include dates of all upgrades);

(b) Quantity and configuration of all network servers and workstations;

(c) Person(s) (past and present including dates) responsible for the ongoing operations, maintenance, expansion, archiving and upkeep of the network;

(d) Brand name and version number of all applications and other software residing on each network in use, including but not limited to electronic mail and applications.

4. Describe in detail all inter-connectivity between the computer system at [opposing party] in [office location] and the computer system at [opposing party # 2] in [office location # 2] including a description of the following:

(a) All possible ways in which electronic data is shared between locations;

(b) The method of transmission;

(c) The type(s) of data transferred;

(d) The names of all individuals possessing the capability for such transfer, including list and names of authorized outside users of [opposing party's] electronic mail system.

(e) The individual responsible for supervising inter-connectivity.

5. As to data backups performed on all computer systems currently or previously in use, identify the following:

(a) All procedures and devices used to back up the software and the data, including but not limited to name(s) of backup software used, the frequency of the backup process, and type of tape backup drives, including name and version number, type of media (i.e. DLT, 4mm, 8mm, AIT). State the capacity (bytes) and total amount of information (gigabytes) stored on each tape;

(b) Describe the tape or backup rotation and explain how backup data is maintained and state whether the backups are full or incremental (attach a copy of all rotation schedules);

(c) State whether backup storage media is kept off-site or on-site. Include the location of such backup and a description of the process for archiving and retrieving on-site media;

(d) The individual(s) who conducts the backup and the individual who supervises this process;

(e) Provide a detailed list of all backup sets, regardless of the magnetic media on which they reside, showing current location, custodian, date of backup, a description of backup content and a full inventory of all archives.

6. Identify all extra-routine backups applicable for any servers identified in response to these interrogatories, such as quarterly archival backup, yearly backup, etc. and identify the current location of any such backups.

7. For any server, workstation, laptop, or home PC that has been “wiped clean” or reformatted such that you claim that the information on the hard drive is permanently destroyed, identify the following:

- (a) The date on which each drive was wiped;
- (b) The method or program used (e.g., WipeDisk, WipeFile, BurnIt, Data Eraser, etc.) [www.krollontrack.com](http://www.krollontrack.com)

8. Identify and attach any and all versions of document/data retention policies used by [opposing party] and identify documents or classes of documents that were subject to scheduled destruction. Attach copies of document destruction inventories/logs/schedules containing documents relevant to this action. Attach a copy of any disaster recovery plan. Also state:

- (a) The date, if any, of the suspension of this policy in toto or any aspect of said policy in response to this litigation;
- (b) A description by topic, creation date, user or bytes of any and all data that has been deleted or in any way destroyed after the commencement of this litigation. State whether the deletion or destruction of any data pursuant to said data retention policy occurred through automation or by user action;
- (c) Whether any company-wide instruction regarding the suspension of said data retention/destruction policy occurred after or related to the commencement of this litigation and if so, identify the individual responsible for enforcing said suspension.

9. Identify any users who had backup systems in their PCs and describe the nature of the backup.

10. Identify the person(s) responsible for maintaining any schedule of redeployment or circulation of existing equipment and describe the system or process for redeployment.

11. Identify any data that has been deleted, physically destroyed, discarded, damaged (physically or logically), or overwritten, whether pursuant to a document retention policy or otherwise, since the commencement of this litigation. Specifically identify those documents that relate to or reference the subject matter of the above referenced litigation.

12. Identify any user who has downloaded any files in excess of ten (10) megabytes on any computer identified above since the commencement of this litigation.

13. Identify and describe all backup tapes in your possession including:

- (a) Types and number of tapes in your possession (such as DLT, AIT, Mammoth, 4mm, 8mm);

(b) Capacity (bytes) and total amount of information (gigabytes) stored on each tape;

(c) All tapes that have been re-initialized or overwritten since commencement of this litigation and state the date of said occurrence.

### SAMPLE DOCUMENT REQUESTS

1. All documents with reference to or written policies, procedures and guidelines related to Defendant's computers, computer systems, electronic data and electronic media including, but not limited to, the following:

- a. Backup tape rotation schedules;
- b. Electronic data retention, preservation and destruction schedules;
- c. Employee use policies of company computers, data, and other technology;
- d. File naming conventions and standards,
- e. Password, encryption, and other security protocols;
- f. Diskette, CD, DVD, and other removable media labeling standards;
- g. Email storage conventions (e.g., limitations on mailbox sizes/storage locations; schedule and logs for storage);
- h. Electronic media deployment, allocation, and maintenance procedures for new employees, current employees, or departed employees;
- i. Software and hardware upgrades (including patches) for [relevant time period] (who and what organization conducted such upgrades); and
- j. Personal or home computer usage for work-related activities.

2. Organization charts for all Information Technology or Information Services departments or divisions from [relevant time period].

3. Backup tapes containing email and other electronic data related to this action from [relevant time period].

4. Exact copies (i.e., bit-by-bit copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media related to this action from [relevant time period].

5. Exact copies of all relevant disks, CDs, DVDs and other removable media related to this action from [relevant time period].

6. For each interrogatory set forth in Plaintiffs' First Interrogatories, produce all documents which Defendant referred to, relied upon, consulted or used in any way in answering such interrogatory.

7. All documents that contain or otherwise relate to the facts or information that Defendants contend refute, in any way, the allegations contained in the Complaint in this action.

8. All reports, including drafts, submitted by any expert witness or potential expert witness retained or consulted by any Defendant with respect to any issues in this case.