

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

**SPR12-14**

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Title	Action Requested
Discovery: New Form Interrogatories for Construction Litigation	Review and comment by June 15, 2012
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve form DISC-005	January 1, 2013
Proposed by	Contact
Civil and Small Claims Advisory Committee	Anne M. Ronan, 415-865-8933
Hon. Dennis M. Perluss, Chair	anne.ronan@jud.ca.gov

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### **Executive Summary and Origin**

The Civil and Small Claims Advisory Committee recommends new *Form Interrogatories—Construction Litigation* (form DISC-005), which includes interrogatories on topics specific to construction litigation as well as several topics from the general civil form interrogatories, some of which have been revised to more specifically address construction cases. Form interrogatories exist for general use in civil cases and for certain specialized types of cases, but there are currently none specifically for use in construction litigation. Practitioners in the area of construction litigation have urged adoption of form interrogatories for several years, with the goals of eliminating the need for parties to craft special interrogatories for the most commonly asked questions, standardizing those questions so that parties will be aware of what information will have to be provided in the action and, as a result, decreasing the number of motions to compel filed in the courts.

### **The Proposal**

The proposed *Form Interrogatories—Construction Litigation* (form DISC-005) will follow the same format as the other Judicial Council form interrogatories.

The instructions at the beginning are essentially the same as in the other form interrogatories, with two exceptions.

- First, the use of the form will be limited to smaller cases, except with leave of court. In residential construction cases, the proposed form interrogatories are not intended for use in actions that involve more than five residential units, and in complex cases, they are not

to be used until after a court has found good cause. Specific comments are requested on these limitations (see the box at the end of this invitation).

- Second, the instructions recognize that in many construction cases a document depository is created, so they permit responses in the form of identifying those documents in such a depository that contain the information sought in an interrogatory.

Other notable aspects of the proposed form interrogatories include the following:

- As with other civil form interrogatories, parties will be able to attach additional individually crafted interrogatories should they wish.
- The definitions in the construction form interrogatories parallel those in the general form interrogatories but add terms specific to construction litigation. In addition, because the use of “Incident” as a defined term would be confusing in these interrogatories, that term has been replaced with “Construction Claim” and “Construction Defect Claim.”
- The proposed construction interrogatories are intended to serve as a single integral set of interrogatories rather than as a discrete set of specialty interrogatories for use in addition to or as a supplement to other form interrogatories. Hence, they include interrogatories on several topics included in the general civil form interrogatories, with some tailored to more specifically address construction cases.
- None of the questions concerning personal injury from the general form interrogatories are included in the proposed form. Such interrogatories would only infrequently be applicable in a construction case, and the committee concluded that their presence in this set would unnecessarily complicate the form.
- There is a signature line at the end of the interrogatories, for counsel or a party without counsel to sign and date the form.

### **Alternatives Considered**

The committee considered not recommending the new form interrogatories. Representatives of the Consumer Attorneys of California (CAOC) disagree with the need for or value of the form interrogatories in construction cases. CAOC representatives have asserted that the interrogatories would change the nature of the litigation in smaller cases and are not needed in larger construction cases, which are frequently handled in mediation, where a more informal approach to the exchange of information occurs, or as complex litigation matters, in which a Case Management Order is used to guide discovery. The advisory committee disagreed with that position and concluded that the form interrogatories would be useful in construction litigation, particularly in smaller cases. The committee noted that discovery is permitted in construction litigation cases, even those in which a pre-litigation exchange of information is statutorily required. The committee further concluded that the standardization of discovery requests via form interrogatories would likely help all parties, plaintiffs and defendants, and the courts by making discovery more predictable, hence decreasing the number and complexity of motions to compel filed in the courts.

Having decided to recommend a new set of form interrogatories, the committee worked with representatives of CAOC and other attorney organizations to develop the content of the

interrogatories. The committee, with input from those attorneys, decided to propose a single integral set of interrogatories, including interrogatories from the general form interrogatories, rather than a discrete set of construction interrogatories which would be used in addition to or as a supplement to the general form interrogatories. The committee also considered, but at the urging of the attorneys working with the committee, rejected including personal injury interrogatories in the proposed set. Such interrogatories are only infrequently applicable in a construction case and the committee concluded that their presence would complicate the form unnecessarily.

## Implementation Requirements

Because the form interrogatories would be used by and between the parties, there will be little operational impact on the courts, aside from making motions to compel more predictable and possibly fewer in number.

### Request for Specific Comments

In addition to comments on the proposal as a whole and on the individual interrogatories and instructions, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would the proposed form interrogatories be appropriate and helpful in construction litigation as limited in the instructions? That is, in residential construction cases involving no more than five units, in commercial construction cases not deemed complex, and in complex construction cases only with permission of the court?
- Should the instructions allow the form interrogatories for use in somewhat larger residential construction cases as well? Would they be appropriate and useful in actions involving up to 10 residential units? Would some other number—higher or lower—be more appropriate?
- Should the defined terms remain formatted as in the attached, in boldface and all capital letters or, in order to make the form more readable, be changed to just boldface, without the capitals? An example of such formatting of defined terms can be seen in *Form Interrogatories – Family Law* (form FL-145).

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What, if anything, would the implementation requirements for courts be? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

**Attachments and Links**

The proposed *Form Interrogatories—Construction Litigation* (form DISC-005) is attached.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):	
TELEPHONE NO.:	FAX NO. :
E-MAIL ADDRESS:	
ATTORNEY FOR ( <i>Name</i> ):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>	
SHORT TITLE OF CASE:	
<p align="center"><b>FORM INTERROGATORIES—CONSTRUCTION LITIGATION</b></p> <p><b>Asking Party:</b></p> <p><b>Answering Party:</b></p> <p><b>Set No.:</b></p>	CASE NUMBER:
<p align="center"><b>These interrogatories are not intended to be used in residential cases involving six or more single-family homes or housing units. In cases that have been deemed complex under rule 3.400 et seq. of the California Rules of Court, these interrogatories must not be used until the asking party has obtained judicial approval on a showing of good cause.</b></p>	

**Sec. 1. Instructions to All Parties**

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in construction litigation cases, except as limited in section 2 below.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party’s right to assert any privilege or make any objection, including but not limited to any objection recognized by statute or case law.
- (d) These form interrogatories are not to be interpreted as requiring any information that would invade the attorney-client privilege or be protected under the doctrines of attorney-work product or mediation confidentiality. Nor do these interrogatories require identification of any witnesses or documents protected under such privilege or doctrines or otherwise covered by Evidence Code sections 1115 et seq. regarding mediation or Code of Civil Procedure sections 2034.010 et seq., regarding expert witnesses.

**Sec. 2. Instructions to the Asking Party**

- (a) These interrogatories are designed for optional use by parties in construction litigation. Separate interrogatories (*Form Interrogatories—General* (form DISC-001) and *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004)) may also be used where applicable in construction cases.
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those

interrogatories that are applicable to the case.

- (c) You may insert your own definition of **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** in section 4, but only where the action arises from a course of conduct or series of events occurring over a period of time.
- (d) The interrogatories in section 325.0, Defendant’s Contentions, should not be used until the defendant/cross-defendant has had a reasonable opportunity to conduct an investigation or discovery of the other parties’ damages.
- (e) Additional interrogatories may be attached.

**Sec. 3. Instructions to the Answering Party**

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) Within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action that have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.
- (c) Each answer must be as complete and straightforward as the information reasonably available to you permits, including the information possessed by your attorneys or agents. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page

and section where the answer can be found.

If you have provided a document depository with documents from which answers to these interrogatories may be derived and the asking party has access to the document depository, you may answer an interrogatory by identifying specific deposited documents (for example, by Bates stamp number) and the index associated with the specific produced documents.

- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are need furnish them only in your response to the first interrogatory that asks for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

*I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.*

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

#### Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

- (a) **ADDRESS** means the full street address, including any unit number and the city, state, and zip code.
- (b) **ASSOCIATION** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development as more fully set forth Civil Code sections 1350 and following.
- (c) **BUILDER** means any **PERSON**, including without limitation, an **OWNER**, developer, or subdivider who was involved in the development, design, marketing, construction, or sale of the **SUBJECT PROPERTY**.
- (d) **CONSTRUCTION CLAIM** means any allegation relating to residential, industrial, or commercial construction other than a **CONSTRUCTION DEFECT CLAIM**, including without limitation, allegations of fraud or deceit, that all or a part of the construction has been delayed, that more or less money is due, or that some legal or contractual obligation has been breached relating to the construction or sale of the **SUBJECT PROPERTY**.

**CONSTRUCTION CLAIM** means (*asking party may insert definition here or on a separate attached sheet labeled "Sec. 4(d)—Definition of Construction Claim"*):

- (e) **CONSTRUCTION DEFECT CLAIM** means an allegation that all or a part of some construction or design, including without limitation residential, industrial, or commercial, does not comply with the requirements of an applicable contract, design, plan, installation instructions,

specification, statute, code or standard or is otherwise defective or deficient, including any allegations of related property damage.

**CONSTRUCTION DEFECT CLAIM** means (*asking party may insert definition here or on a separate attached sheet labeled "Sec. 4(e)—Definition of Construction Defect Claim"*):

- (f) **CONSTRUCTION MANAGER** means a licensed or unlicensed **PERSON** who manages the construction as to the **SUBJECT PROPERTY** on behalf of the **BUILDER** or **OWNER** and who did not enter into a contract with a **GENERAL CONTRACTOR, SUBCONTRACTOR, or DESIGN PROFESSIONAL**.
- (g) **CONTRACT** means an oral, written or implied agreement to provide equipment, supplies, materials, work or services for construction as to the **SUBJECT PROPERTY**, including, without limitation, change orders, work orders and purchase orders.
- (h) **CONTRACTOR** as used herein means any licensed or unlicensed **PERSON** who **CONTRACTS** with a **BUILDER** or **OWNER** to perform construction as to the **SUBJECT PROPERTY** or to enter into **CONTRACTS** with a **SUBCONTRACTOR or DESIGN PROFESSIONAL** as to such construction.
- (i) **DESIGN PROFESSIONAL** means any licensed or unlicensed **PERSON**, including, without limitation, any soils engineers, geotechnical engineers, civil engineers, structural engineers, landscape or environmental engineers, HVAC engineers, and architects and landscape architects who have provided any design or design services, including plans, specifications, or calculations for construction, to the **SUBJECT PROPERTY**.
- (j) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, magnetically and electronically stored information, and every other means of recording on any tangible thing and any form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.
- (k) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).
- (l) **INSURANCE POLICY** means any contract of insurance, whether primary, pro rata, fronting, umbrella, excess or otherwise, issued by any admitted or nonadmitted insurer. **INSURANCE POLICY** includes, without limitation, a policy or covering agreement issued by any insurance company, risk retention group, captive group, or joint powers authority.
- (m) **OWNER** means any **PERSON** who owns or owned legal or equitable title to the **SUBJECT PROPERTY**.
- (n) **PERSON** includes a natural person, firm, association, organization, general or limited or professional joint venture, partnership, business, trust, limited liability company, corporation, or public entity.
- (o) **PLEADINGS** mean the original or most recent amended

version of any complaint, cross-complaint, or complaint in intervention, and answer to same.

- (p) **PRODUCT** means any goods produced or manufactured, either by natural means or by hand or with tools, machinery, chemicals, or the like, which are the subject of a **CONSTRUCTION DEFECT CLAIM** in this action.
- (q) **SUBCONTRACTOR** means any licensed or unlicensed **PERSON** who entered a **CONTRACT** with a **CONTRACTOR** for any of the construction on the **SUBJECT PROPERTY**.
- (r) **SUBJECT PROPERTY** means any real property that is the subject of the **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** made in this action
- (s) **SUPERVISING EMPLOYEE** is an employee responsible for the supervision and direction of one or more employees involved in construction on **SUBJECT PROPERTY**. **SUPERVISING EMPLOYEE** also includes the Responsible Managing Offer and Responsible Managing Employee (as those terms are used in Cal. Bus. & Prof. Code, §§ 7065, 7068, and 7068.1) for each **BUILDER, GENERAL CONTRACTOR, and SUBCONTRACTOR** involved in the **SUBJECT PROPERTY**.
- (t) **SUPPLIER** means any **PERSON** who enters into a **CONTRACT** to provide equipment, supplies or materials for the construction as to the **SUBJECT PROPERTY**.
- (u) **YOU, YOUR, or ANYONE ACTING ON YOUR BEHALF** refers to you; your agents; your employees; your insurance companies, your attorneys, your accountants, your investigators, and their agents and employees; and anyone else acting on your behalf, other than your nondisclosed expert consultants.

## Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

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## 301.0 Identity of PERSONS Answering These Interrogatories

- 301.1 State the name, **ADDRESS**, telephone number and relationship to **YOU** of each **PERSON** who prepared, or assisted in the preparation of, the responses to these interrogatories. *(Do not identify anyone who simply typed or reproduced the responses.)*

## 302.0 General Background Information—Individual

- 302.1 State:
- YOUR** name;
  - every name **YOU** have used in the past; and
  - the dates **YOU** used each name.
- 302.2 State the date and place of **YOUR** birth:
- 302.3 State:
- YOUR** present residence **ADDRESS**
  - YOUR** residence **ADDRESSES** for the past 15 years;
  - the dates you lived at each **ADDRESS**; and
  - YOUR** telephone number at your present **ADDRESS**.
- 302.4 State:
- the name, **ADDRESS**, and telephone number of **YOUR** present employer or place of self-employment, and **YOUR** current job title; and
  - the name, **ADDRESS**, dates of employment or self-employment, and job title, for any employment or self-employment **YOU** have had from five years before the material facts on which the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based until today.
- 302.5 State:
- the name and **ADDRESS** of each school or other academic or vocational institution **YOU** have attended, beginning with high school;
  - the dates **YOU** attended;
  - the highest grade level **YOU** completed; and
  - the degrees received
- 302.6 Have **YOU** ever been convicted of a felony? If so, for each conviction state:
- the city and state where **YOU** were convicted;
  - the date of conviction;
  - the offense; and
  - the court and case number.
- 302.7 Can **YOU** speak English with ease? If not, what language and dialect do **YOU** normally use?
- 302.8 Can **YOU** read and write English with ease? If not, what language and dialect do **YOU** normally use?

## 303.0 General Background Information—Business Entity

- 303.1 Are **YOU** a corporation? If so, state:
- the name stated in the current articles of incorporation;
  - all other names used by the corporation during the past 15 years and the dates each was used;
  - the date and place of incorporation;
  - the **ADDRESS** of the principal place of incorporation;

- (e) whether **YOU** are qualified to do business in California; and
- (f) any other state in which **YOU** are qualified to do business.

performed any work on or relating to the **SUBJECT PROPERTY**, along with the dates of the inactivity.

### 304.0 Insurance

- 303.2 Are **YOU** a partnership? If so, state:
- (a) the current partnership name;
  - (b) all other names used by the partnership during the past 15 years and the dates each was used;
  - (c) whether **YOU** are a limited partnership and, if so, under the laws of what jurisdiction;
  - (d) the name and **ADDRESS** of each general partner; and
  - (e) the **ADDRESS** of the principal place of business
- 303.3 Are **YOU** a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
  - (b) all other names used by the company during the past 15 years and the date each was used;
  - (c) the date and place of filing of the articles of organization;
  - (d) the **ADDRESS** of the principal place of business;
  - (e) whether **YOU** are qualified to do business in California; and
  - (f) any other state **YOU** are qualified to do business in.
- 303.4 Are **YOU** a joint venture? If so, state:
- (a) the current joint venture name;
  - (b) all other names used by the joint venture during the past 15 years and the dates each was used;
  - (c) the name and **ADDRESS** of each joint venture; and
  - (d) the **ADDRESS** of the principal place of business
- 303.5 Are **YOU** an unincorporated association? If so, state:
- (a) the current unincorporated association name.
  - (b) all other names used by the unincorporated association during the past 15 years and the dates each was used;
  - (c) the **ADDRESS** of the principal place of business, and
  - (d) list the name, **ADDRESS** and phone number of all **YOUR** Board members for the past 10 years by the date they took office.
- 303.6 Have **YOU** done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
  - (b) the dates each was used;
  - (c) the state and county of each fictitious name filing; and
  - (d) the **ADDRESS** of the principal place of business.
- 303.7 During the time that **YOU** performed any work at or relating to the **SUBJECT PROPERTY**, did **YOU** possess a valid California contractor's license for the work being performed. If so, state
- (a) the type of license;
  - (b) the name, address and telephone number of the holder of the license;
  - (c) the class or type of license;
  - (d) the license numbers;
  - (e) any lapse of the license while **YOU** performed any work at or relating to the **SUBJECT PROPERTY** and the dates of those lapses;
  - (f) any suspension of the license while **YOU** performed any work at or relating to the **SUBJECT PROPERTY** and the dates of those suspensions;
  - (g) any inactive status of the license while **YOU**
- 304.1 At the time of the of the material facts on which the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based or since, was there in effect any **INSURANCE POLICY** through which **YOU** are or may be entitled to coverage for loss or expenses that are or may be incurred related to the **CONSTRUCTION CLAIMS** or **CONSTRUCTION DEFECTS CLAIMS** asserted against **YOU**, including but not limited to defense costs, indemnity for settlements or damages awarded against **YOU**, loss and adjustment expenses, or medical payment? If so, for each policy state:
- (a) the policy number, or other unique number used by the issuer to identify the **INSURANCE POLICY**, and the effective dates of coverage;
  - (b) the kind of insurance or coverage (including, without limitation, commercial general liability, professional liability, directors and officers, homeowners, **SUBJECT PROPERTY**, course of construction, builder's risk, automobile, or public entity liability protection);
  - (c) the policy level and description of any underlying insurance or self insurance that must be exhausted prior to its application (for example, for umbrella or excess insurance, please state the amount of underlying insurance or self insurance that must be exceeded before the policy applies);
  - (d) the name, **ADDRESS** and telephone number of the insurer, and the name **ADDRESS** and telephone number of the **PERSON** responsible for the adjustment of the claim related to the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based;
  - (e) the name of any **PERSON** who is or may become a party to this action who may qualify as an insured, additional insured, or a protected or covered **PERSON**;
  - (f) whether the **INSURANCE POLICY** contains a blanket additional insured provision, or other provision whereby the **PERSONS** insured (or **PERSON** protected by the **INSURANCE POLICY**) includes any **PERSON** or entity whom one Insured or protected **PERSON** is obligated to provide additional insured coverage in some kind of **CONTRACT** or agreement;
  - (g) the aggregate and per occurrence or per claim Limit of Liability for each potentially applicable coverage contained in the **INSURANCE POLICY**, including, without limitation, the limit the insurer claims is potentially applicable (if less than the limit stated in the policy declarations);
  - (h) the limit of any retained amount payable by any insured relative to a claim otherwise covered by the policy, whether by means of a deductible, self-insured retention, deductible indemnity agreement, or retrospective premium provision, and whether the payment of loss and adjustment or defense expense reduces such retention obligation;
  - (i) whether the **INSURANCE POLICY** contains an exclusion barring coverage for damage known to any insured prior to the policy period, or barring coverage for damage that first occurs prior to the coverage period for the **INSURANCE POLICY**;
  - (j) whether any controversy or coverage dispute exists

between you and the insurer;

- (k) whether the insurer issuing the **INSURANCE POLICY** has issued a written reservation of rights; and
- (l) the name, **ADDRESS**, and telephone number of the custodian of the policy.

*(Instead of responding to items (a) through (i) above, you may attach a complete and accurate copy of each **INSURANCE POLICY** responsive to interrogatory 304.1. You must still answer items (j) through (l) for each policy even if you provide copies.)*

- 304.2 Are **YOU** self-insured under any statute for the damages, claims, or actions that have arisen out of the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM**? If so, specify the statute.
- 304.3 Has any **SUBCONTRACTOR** who is or might be a party to this action named **YOU** as an additional insured on an insurance certificate or endorsement? If so, for each such **SUBCONTRACTOR**, state:
  - (a) its name, **ADDRESS** and telephone number;
  - (b) whether **YOU** or the insured have made any tender under that **SUBCONTRACTOR'S INSURANCE POLICY**;
  - (c) the response to your tender; and
  - (d) whether the **SUBCONTRACTOR'S CONTRACT** with **YOU** required it to carry an **INSURANCE POLICY** naming **YOU** as an additional insured.

### 305.0 Subject Property Damages

- 305.1 Do **YOU** attribute any loss of or damage to **SUBJECT PROPERTY** to the facts on which the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based? If so, for each item of **SUBJECT PROPERTY**
  - (a) describe the **SUBJECT PROPERTY**;
  - (b) describe the nature and location of the damage to the **SUBJECT PROPERTY**;
  - (c) state the amount of damage **YOU** are claiming for each piece of **SUBJECT PROPERTY** and how the amount was calculated.
- 305.2 Has the **SUBJECT PROPERTY** been sold during the past 10 years? If so, state:
  - (a) the name, **ADDRESS**, and telephone number of the seller;
  - (b) the date of sale; and
  - (c) the sale price.

*(This interrogatory does not apply to sales of individual units when the answering party is an ASSOCIATION.)*
- 305.3 Has a written estimate or evaluation been made for any item of **SUBJECT PROPERTY** referred to in **YOUR** answer to the interrogatory 305.1? If so, for each estimate or evaluation state:
  - (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
  - (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it;
  - (c) the amount of damage stated; and
  - (d) the basis of the estimate or evaluation.
- 305.4 State the exact manner in which title is held to each piece of **SUBJECT PROPERTY** for which **YOU** are claiming damages in this litigation
- 305.5 For each piece of **SUBJECT PROPERTY**, or improvements on **SUBJECT PROPERTY**, in which **YOU** have an ownership interest, state:
  - (a) the date **YOU** received an ownership interest in **SUBJECT PROPERTY** or improvements;
  - (b) whether **YOU** are the original purchaser;
  - (c) the name of the **PERSON** who transferred title in the real **SUBJECT PROPERTY** or improvements to **YOU**;
  - (d) the purchase price.
- 305.6 Did **YOU** receive any written or oral disclosures, homeowner's manuals, written or oral warranties, or other representations at or about the time **YOU** purchased any **SUBJECT PROPERTY** or improvements on **SUBJECT PROPERTY**? If so,
  - (a) identify all written disclosures, homeowner's manuals, or written warranties **YOU** received.
  - (b) state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** containing such materials;
  - (c) describe any oral warranties or representations **YOU** were given;
  - (d) identify any **PERSON** who made those oral warranties and when and where they were made.
- 305.7 Did **YOU** prepare or make any written or oral disclosures, homeowner manuals, written or oral warranties, or other representations at or about the time **YOU** sold or transferred any **SUBJECT PROPERTY** or improvements on **SUBJECT PROPERTY**? If so,
  - (a) identify any written disclosures, homeowner manuals, or written warranties;
  - (b) state the name, **ADDRESS**, and telephone number of the **PERSON** who has each version of each **DOCUMENT** containing such materials;
  - (c) describe any oral warranties or representations **YOU** gave;
  - (d) identify any **PERSON** who made those oral warranties and when and where they were made.
- 305.8 Have **YOU** made any improvements to any **SUBJECT PROPERTY** in which **YOU** have any ownership interest? If so, state:
  - (a) each improvement you made, including, without limitation, painting, landscaping, pool or spa installation, light fixture changes, cabinet changes, floor covering replacement, or room additions,
  - (b) the date each such improvement was made; and
  - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who performed the improvement.
- 305.9 Have **YOU** performed maintenance—including, without limitation, roof repair, painting, and caulking—to any **SUBJECT PROPERTY** in which **YOU** have an ownership interest? If so, state:
  - (a) the nature of each act of maintenance;
  - (b) the date each act of maintenance was made; and
  - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who performed each such act of **MAINTENANCE**.
- 305.10 During the past two years, has the **SUBJECT PROPERTY** been appraised? If so, for each appraisal state:
  - (a) the date of the appraisal;
  - (b) the name, **ADDRESS**, and telephone number of the **PERSON** who performed the appraisal; and
  - (c) the appraised value of the real **SUBJECT**

**PROPERTY** at the time the appraisal was made.

- 305.11 For each problem or defect **YOU** contend exists in any **SUBJECT PROPERTY** owned by **YOU**, describe in detail:
- the nature of any problem or defect;
  - the date **YOU** first became aware of such problem or defect;
  - the actions taken by **YOU**, if any, in response to the problem or defect, including reporting it to any party in this litigation; and
  - the response to **YOUR** report of the problem or defect, if any, by any party in this litigation.
- 305.12 If **YOU** have repaired or attempted to repair any **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** **YOU** contend allegedly exists in any **SUBJECT PROPERTY** owned by **YOU**, state:
- the problem or defect repaired or attempted to be repaired;
  - describe the repair or attempted repair;
  - the date of the repair or attempted repair;
  - the cost of the repair or attempted repair; and
  - the name, **ADDRESS**, and telephone number of the **PERSON** who performed the repair or attempted repair.
- 305.13 Have **YOU** ever hired any **PERSON**, including but not limited to a **CONTRACTOR**, **DESIGN PROFESSIONAL** or engineer, other than those hired by **YOUR** attorney, to inspect, prepare a bid regarding, or repair a condition that **YOU** contend is a **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** alleged in this litigation? If so, for each, state
- the date of the inspection;
  - the name, **ADDRESS**, and telephone number of the **PERSON** performing the inspection;
  - the general nature of the problem or defect inspected; and
  - the cost of the inspection.
- 305.14 Have **YOU** ever made any insurance or warranty claims or claims to any **PERSON** for the **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** alleged in this action? If so, state:
- the name, **ADDRESS**, and phone number to whom **YOU** made the claim;
  - the approximate date of the claim; and
  - the resolution of that claim.

**306.0** [Reserved]

**307.0** [Reserved]

**308.0** [Reserved]

### **309.0 Other Damages**

- 309.1 Are there any other damages that **YOU** attribute to the **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** alleged in this action? If so, for each item of damage state:
- the nature;
  - the date it occurred;
  - the amount; and
  - the name, **ADDRESS**, and telephone number of each **PERSON** whom you assert suffered damages.
- 309.2 Do any **DOCUMENTS** support the existence or

amount of any item of damages claimed in interrogatory 309.1? If so, describe each **DOCUMENT** and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

### **310.0 Other Claims and Previous Claims**

- 310.1 Other than this action, in the past 10 years have **YOU** filed an action or made a written claim or demand for compensation for damages to the **SUBJECT PROPERTY**? If so, for each action, claim, or demand state:
- the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;
  - the court, names of the parties, and case number of any action filed;
  - the name, **ADDRESS**, and telephone number of any attorney representing **YOU**;
  - a general description of the action, claim or demand;
  - whether the claim or action has been resolved or is pending; and
  - if resolved, how, including the amount of any judgment or settlement, description of repairs made, or any other resolution.

### **311.0 Investigations—General**

- 311.1 Do **YOU** or **ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, videotapes, recordings, or electronically stored information depicting any place, object, event, or individual concerned in the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM**? If so, state:
- the number of photographs, length of film or videotape, or megabytes of an electronic recording;
  - the places, objects, or **PERSONS** photographed, filed, videotaped or otherwise recorded;
  - the date the photographs, films, videotapes, or other recordings were taken;
  - the name, **ADDRESS**, and telephone number of the individual who took the photographs or recorded the films, videotapes, or electronic recordings; and
  - the name, **ADDRESS**, and telephone number of each **PERSON** who has the original media or a copy of the photographs, films, videotapes, or electronic recordings.
- 311.2 Do **YOU** or does **ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing concerning the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM**? If so, for each item state:
- the type of item (such as blueprint, diagram, reproduction, model, etc.);
  - its subject matter; and
  - the name, **ADDRESS**, and telephone number of each **PERSON** who has it.
- 311.3 Was a report made by any **PERSON** concerning the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM**? If so, state:
- the name, title, and employer of the **PERSON** who made the report;
  - the date and type of report made;
  - the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
  - the name, **ADDRESS**, and telephone number of each

**PERSON** who has an original or copy of the report.

- 311.4 Have **YOU** or **ANYONE ACTING ON YOUR BEHALF** (except for consultants retained by counsel or expert trial witnesses) inspected the **SUBJECT PROPERTY** on which the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based? If so, for each inspection state:
  - (a) the name, **ADDRESS**, and telephone number of the individual making the inspection; and
  - (b) the date of the inspection.

**312.0 Statutory or Regulatory Violations**

- 312.1 Do **YOU** or does **ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the occurrence of the material facts on which the **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** is based violated any statute, ordinance, or regulation, and that the violation was a legal (proximate) cause of the **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM**? If so, for each such contention, identify the name, **ADDRESS**, and telephone number of each **PERSON**, and the statute, ordinance, or regulation that was violated.

**313.0 Fraud, Misrepresentation, or Breach of Fiduciary Duty**

- 313.1 Describe each **CONSTRUCTION CLAIM** or **CONSTRUCTION DEFECT CLAIM** at the **SUBJECT PROPERTY** that **YOU** contend someone else knew about but did not disclose to **YOU** at the time of the purchase, development, design, construction, or provision of service or supplies to the **SUBJECT PROPERTY**. For each claim:
  - (a) state all facts on which **YOU** base your response;
  - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
  - (c) identify all **DOCUMENTS** and other tangible things that support **YOUR** response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 313.2. Describe each specific concealment and misrepresentation that **YOU** claim was concealed from or made to **YOU** in connection with the purchase, development, design, construction, or provision of services or supplies to the **SUBJECT PROPERTY**. For each one:
  - (a) state all facts on which **YOU** base **YOUR** response, including when any concealment occurred and by whom and when and how any misrepresentation was communicated to **YOU** and by whom;
  - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
  - (c) identify all **DOCUMENTS** and other tangible things that support **YOUR** response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

**314.0 Contracts**

- 314.1 For each agreement alleged in the **PLEADINGS**:
  - (a) identify each **DOCUMENT** that is part of the agreement and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**;

- (b) describe each part of the agreement not in writing, along with the name **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing, and for each, state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each, state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) describe each modification to the agreement not in writing, along with the date the modification was made and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**; and
- (g) state the name, **ADDRESS** and telephone number of the **PERSON** most knowledgeable regarding the negotiations and **CONTRACTING** for any services **YOU** performed at any **SUBJECT PROPERTY**.

- 314.2 Was there a breach of any agreement alleged in the **PLEADINGS**? If so, describe every act or omission that **YOU** allege to be a breach of the agreement and give the date of each.

- 314.3 Was performance excused for any agreement alleged in the **PLEADINGS**? If so, identify each agreement and state why performance was excused.

- 314.4 Was any agreement alleged in the **PLEADINGS** terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of the termination, and the basis of the termination.

- 314.5 Is any agreement alleged in the **PLEADINGS** unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

- 314.6 Is any agreement alleged in the **PLEADINGS** ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

- 314.7 Did **YOU CONTRACT** out any of the work **YOU** were to perform on the **SUBJECT PROPERTY** to another **PERSON** or entity? If so,
  - (a) state the name, **ADDRESS**, and phone number of the **PERSON** whom **YOU CONTRACTED** with;
  - (b) state if the **CONTRACT** was oral or in writing; and
  - (c) describe the terms of the **CONTRACT**.

315.0 [Reserved]

316.0 [Reserved]

317.0 [Reserved]

318.0 [Reserved]

319.0 [Reserved]

**320.0 Individual Homeowner Claims**

(A Homeowners Association or Common Interest Development need not respond to this section.)

- 320.2 Is the **SUBJECT PROPERTY** your primary residence? If not, describe how often **YOU** reside and when you last resided at the **SUBJECT PROPERTY**.
- 320.3 Have **YOU** rented or leased the **SUBJECT PROPERTY** to another **PERSON**? If so, state:
- the names, **ADDRESSES**, and last known telephone number of all **PERSONS** who rented or leased the **SUBJECT PROPERTY**;
  - all persons who occupied the property under each rental or lease agreement; and
  - the beginning and ending dates of each rental or lease agreement.

**321.0 Scope of Work (Contractors and Subcontractors)**

- 321.1 State the name, **ADDRESS**, telephone number, job title, and job duties of each of **YOUR** current or former **SUPERVISING EMPLOYEES** who were involved in the construction or supervision of construction of any improvements to the **SUBJECT PROPERTY**.
- 321.2 Describe the scope of work that **YOU** performed and any materials that **YOU** supplied at the **SUBJECT PROPERTY**.
- 321.3 Describe all locations on the **SUBJECT PROPERTY** where **YOU** performed work or services (by phase number, unit number, building number or **ADDRESS**, or common area description).
- 321.4 State all dates, including first and last, that **YOU**:  
 (a) performed work or supervision for or at the **SUBJECT PROPERTY**; or  
 (b) supplied materials for the **SUBJECT PROPERTY**.
- 321.5 For all **CONTRACTS** identified in **YOUR** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **CONTRACTS**, do **YOU** contend that any **CONTRACTOR** or **SUBCONTRACTOR** other than **YOU** performed any portion of work or supplied any portion of materials that **YOU** contracted to deliver? If so,  
 (a) identify the terms of the **CONTRACT** under which work was performed; and  
 (b) identify the terms of the **CONTRACT** under which materials were supplied.
- 321.6 For all **CONTRACTS** identified in **YOUR** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **CONTRACTS**, do **YOU** contend that **YOU** performed any work or provided any materials on the **SUBJECT PROPERTY** that are not listed in the written **CONTRACT**? If so:  
 (a) identify the work performed; and  
 (b) identify the materials provided.
- 321.7 Did **YOU** issue any warranty for work performed or materials supplied on the **SUBJECT PROPERTY**? If so, state:  
 (a) what the warranty covered; and  
 (b) the dates it was in effect.
- 321.8 Did **YOU** perform any work or supply any materials—warranty or otherwise—at the **SUBJECT PROPERTY** after the certificate of completion on the **SUBJECT PROPERTY** was issued? If so, state:  
 (a) what work was performed, the dates the work was performed, and the **ADDRESS**; and  
 (b) what materials were supplied, the dates they were supplied, and the delivery **ADDRESS**.
- 321.9 Were **YOU** provided with a copy of any plans, reports, or specifications for the project before performing the work? If so,  
 (a) identify all plans, reports, or specifications;  
 (b) state the date each plan, report, or specification was provided to **YOU**; and  
 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who provided **YOU** with each plan, report or specification.
- 321.10 Did **YOU** communicate any objections or requests for changes or modifications to any portion of those plans, reports, or specifications listed above in 321.9 before performing **YOUR** work at the project? If so,  
 (a) identify each plan, report, or specification that was the subject of the objection or request for change or modification;  
 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** to whom **YOU** communicated **YOUR** objections or requests for changes or modifications; and  
 (c) describe the result, if any, of each of **YOUR** objections or requests for changes or modifications.
- 321.11 Did **YOU** rely on any **DOCUMENTS** or oral instructions other than those identified in your responses to interrogatories 321.5 or 321.9 to complete **YOUR** work at the project? If so,  
 (a) identify all **DOCUMENTS** and other tangible things which **YOU** relied on and state the name, **ADDRESS** and telephone number of the **PERSON** who has each **DOCUMENT** or thing; and  
 (b) state each oral instruction **YOU** were given and the name, **ADDRESS** and telephone number of the **PERSON** who gave **YOU** the oral instruction; and  
 (c) state the date when **YOU** were provided the **DOCUMENTS** or instruction.
- 321.12 Did **YOU** communicate any criticisms (including but not limited to sequencing problems) to any **DEVELOPER, DESIGN PROFESSIONAL, CONTRACTOR, SUBCONTRACTOR, or SUPPLIER** on the project during construction? If so,  
 (a) state all criticisms and the dates they arose;  
 (b) state the name, **ADDRESS**, telephone number, and job title of every **PERSON** to whom **YOU** communicated your criticism; and  
 (c) describe any resolutions of the issue.
- 321.13 During the time that **YOU** performed any work at the **SUBJECT PROPERTY**, did **YOU** contract with any unlicensed **SUBCONTRACTOR** or **DESIGN PROFESSIONAL** to perform work at the **SUBJECT PROPERTY**? If so,  
 (a) identify each such **PERSON** or entity by name, **ADDRESS**, and telephone number; and  
 (b) describe the type of work you had each such **PERSON** perform.

**322.0 Design Professionals (Architects/Engineers)**

- 322.1 Did **YOU** or any of your employees design any portion of the **SUBJECT PROPERTY** or project which is the subject matter of this litigation? If so, state:
- who retained **YOU** to perform design work on the project or **SUBJECT PROPERTY**;
  - the dates of **YOUR** retention or **CONTRACT**;
  - what portion or portions of the **SUBJECT PROPERTY** or project **YOU** designed;
  - what Building Code provisions applied to **YOUR** design for the **SUBJECT PROPERTY** or project;
  - what applicable design parameters **YOU** relied on in generating **YOUR** design for the **SUBJECT PROPERTY** or project;
  - who approved your design for the **SUBJECT PROPERTY** or project;
  - the date(s) of approval of your design for the **SUBJECT PROPERTY** or project; and
  - the names of all **SUPERVISING EMPLOYEES**, past or present who participated in the design of the **SUBJECT PROPERTY** or project.
- 322.2 Did **YOU** revise or amend your design for the **SUBJECT PROPERTY** after the earliest date of approval identified above in 322.1(g)? If so, state:
- the dates of all revisions or amendments to **YOUR** original design;
  - the substance or description of all revisions or amendments to **YOUR** original design;
  - the reason for **YOUR** revisions or amendments to **YOUR** original design for the subject project or **SUBJECT PROPERTY**;
  - who approved any revisions or amendments to **YOUR** original design; and
  - the dates of approval of any revisions or amendments to **YOUR** original design.
- 322.3 Did **YOU** perform any on-site services at the **SUBJECT PROPERTY**? If so, state:
- the dates on which **YOU** visited the **SUBJECT PROPERTY** to perform services;
  - what the services were; and
  - the portions of construction **YOU** observed;
- 322.4 Did **YOU** observe any deviation from the intended design at the **SUBJECT PROPERTY**? If so, state:
- the nature of the deviation and date **YOU** observed it;
  - whether **YOU** reported any deviation from the intended design;
  - to whom **YOU** reported the deviation and when; and
  - whether any corrective actions were taken with respect to any observed deviation.

**323.0 Manufacturing Subcontractors**

- 323.1 For each **PRODUCT YOU** supplied or manufactured, list the product or series, prior or later versions of it, and describe what changes (design or otherwise) have been made to it over its lifespan.
- 323.2 For each **PRODUCT** identified in response to the preceding interrogatory, state:
- who designed the **PRODUCT**;
  - how it was tested or certified;
  - what standards apply to its manufacture;

- any test reports or certifications by date; and
- the name, **ADDRESS**, and telephone number of the facility where the product was manufactured.

- 323.3 For each **PRODUCT** identified above, state:
- what quality control systems were in place at each manufacturing site listed in response to interrogatory 323.2(e);
  - when the quality control system was established;
  - the criteria used for the quality control system; and
  - the names, **ADDRESSES**, and job titles of all **PERSONS** who have been in charge of the quality control system over the last 10 years.
- 323.4 How and where was each **PRODUCT** identified above stored until shipped?
- 323.5 How was each **PRODUCT** identified above shipped? For each, identify:
- the method of shipment;
  - where was it shipped; and
  - who accepted delivery of it and when.
- 323.6 Do **YOU** have a customer service department? If so:
- state the name, **ADDRESS**, telephone number, and job title of the **PERSON** in charge; and
  - describe any complaints received concerning any **PRODUCT** identified above and how they were handled.
- 323.7 Is there a warranty for any **PRODUCT** identified above? If so, what are the terms of the warranty?
- 323.8 Who was in charge of the sales of the **PRODUCT** for this project?
- 323.9 Are there any brochures, advertisements, or sales materials for any **PRODUCT** identified above?
- 323.10 Are there any installation instructions or manufacturer recommendations for any **PRODUCT** identified above? If so, state:
- the name, **ADDRESS**, telephone number, and job title of the **PERSON** who wrote them;
  - all changes or modifications to them, and the dates the changes or modifications were made; and
  - the name, **ADDRESS**, telephone number, and job title of the **PERSON** to whom the changes or modifications were provided.

**324.0 Denials and Special or Affirmative Defenses**

- 324.1 Identify each denial of a material allegation and each special or affirmative defense in your **PLEADINGS**, and for each:
- state all facts on which **YOU** base the denial or special affirmative defense;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
  - identify all **DOCUMENTS** and other tangible things that support **YOUR** denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

**325.0 Defendant's Contentions**

- 325.1 Do **YOU** contend that any **PERSON**, other than **YOU** or the plaintiff, contributed to the occurrence of the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** or the damages claimed by the plaintiff? If so:
- state the name, **ADDRESS**, and telephone number of each **PERSON** who contributed to
  - state all facts on which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 325.2 Do **YOU** contend that plaintiff did not incur damages arising from the facts on which the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM** is based? If so:
- state all facts on which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 325.3 Do **YOU** contend that any of the property damage claimed by plaintiff in discovery proceedings thus far in this case was not caused by the **CONSTRUCTION CLAIM** or the **CONSTRUCTION DEFECT CLAIM**? If so:
- identify each item of property damage;
  - state all facts on which you base **YOUR** contention;

- state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- 325.4 Do **YOU** contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:
- identify each cost item;
  - state all facts on which **YOU** base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support **YOUR** contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

**326.0 Responses to Request for Admissions**

- 326.1 Is **YOUR** response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
- state the number of the request;
  - state all facts on which **YOU** base your response;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
  - identify all **DOCUMENTS** and other tangible things that support **YOUR** response, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

Date:

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 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

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 (SIGNATURE)