

Model Questions for Special Civil Part Contract and Debt Collection Cases in Which the Demand Exceeds \$3,000

Who May Use This Form:

The attached model questions, or interrogatories, are a way for either party to obtain information about the case from the opposing party. This information can then be used at trial. These questions are intended for use in cases in which there is a contract dispute in which one or both parties are attempting to collect a debt. However, these questions may not cover all situations and you are permitted to add or write your own questions. Note that if your case involves an auto accident or personal injury you may not use these questions. Instead you must use the form interrogatories found in the appendix to the Court Rules. If these questions do not apply to your type of case it is recommended that you consult an attorney.

Instructions for the Party Sending These Model Interrogatories

1. Any party in a Special Civil Part (DC) case, where the demand amount exceeds the small claims monetary limit (\$3,000), may use the attached model interrogatories. They may also be used in cases where the amount claimed by a party is less than \$3,000 but you will need special permission from the court in the form of a motion. See the court clerk about making the motion.
2. Either party may serve the opposing party with the attached model interrogatories **within 30 days** from the date the defendant's answer was served on the plaintiff.
3. The party must serve the opposing party with the model interrogatories by mailing them to the opposing party's attorney or, if they are not represented by an attorney, directly to the opposing party. It is recommended that you send these interrogatories to the opposing party or their attorney by both ordinary mail and certified mail, return receipt requested. You may also personally deliver them to the opposing party or their attorney. **This instruction page must accompany the interrogatories.**

Instructions for the Party Receiving These Model Interrogatories

1. These questions must be answered by the party to the case to which the questions are directed. The party answering these interrogatories has **30 days from the date of service** of these questions to provide the party sending the interrogatories complete legible written answers to all questions. (Answers should be numbered to correspond with the questions.)
2. The answers must be forwarded directly to the party requesting them. **Do not send your answers to the court.**
3. All questions must be answered fully, completely and truthfully. If a party fails to provide answers to all questions, the opposing party may make a motion asking the court to dismiss the complaint or answer as appropriate. However, you are not required to answer questions that do not apply or for which you do not know the answer. If a question does not apply to the facts of your case or you do not know the answer and you cannot discover the answer you should so state in your answer to the particular question. After you answer the questions you must sign your name. By signing you are swearing that you are telling the truth.
4. All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3). These answers must be sent to the party requesting them within 30 days of the date the questions were mailed to you or, if they were not mailed, within 30 days from when you received them. Do not send the answers to the court.
5. Keep a copy of your answers for your records. It is recommended that the answers be returned to the opposing party, or if represented by an attorney to the attorney, by certified mail, return receipt requested and by ordinary mail.

**Model Interrogatories in Special Civil Part Contract
and Debt Collection Cases in Which the Demand Exceeds \$3,000**

Plaintiff's Name

vs.

Court's Name

Defendant's Name

Docket Number

Your name and address:
(name of party sending these questions)

Opposing party's name and address:
(name of party answering these questions)

Questions one through nine must be answered by the party receiving these questions in all cases.
(See the instruction page accompanying these questions)

1. Is the person answering these interrogatories answering on behalf of a partnership, corporation or other business entity? If so, state whether it is a corporation, partnership or other business entity and provide the name and address of the corporation, partnership or other business entity as well as the name(s) and addresses of the corporation's officers, the partnership's principal partners or the principals in the other business entity.

2. If there was a verbal or written agreement between the plaintiff and any defendant in this action, provide the following:

- a. The names of all parties and all participants in its creation; and
- b. The date the agreement was entered into; and
- c. The terms of each agreement; and
- d. The date and nature of the breach of the agreement, if any.
- e. Attach the agreement and any other relevant documents.

3. State in detail the amount claimed to be due and owing, including the original debt, late fees, penalties, draft or check fees, interest and how it was calculated, attorney's fees and payments, if any, made by each defendant or anyone else. State the date of each payment.

4. If you claim that you are owed money by an opposing party, please state in as much factual detail as possible, your version of the events that occurred which causes you to believe that you are owed money by each opposing party in this action.

5. If you assert that the opposing party is not entitled to recover all or part of the amount claimed by them, state why in detail.

6. State the names and addresses of all persons whom you assert have knowledge about this matter and, as to each, give a brief description of their knowledge regarding this matter. Also list the names and addresses of each person you intend to call as a witness at trial.

7. List the names and addresses of all persons who have provided you with written, signed or recorded statements. Attach to your answer a copy of any such statement you have from any party or any person acting on behalf of any party.

8. State whether or not any oral statements were made by any party to the suit. If oral statements were made by any party to the suit, provide the following details for each statement: the content of the statement, who made the statement, when the statement was made, where the statement was made, the persons present when each of the statements were made, and attach all documents referring or relating to each statement.

9. If the plaintiff is not the defendant's original creditor, provide the name and address of the original creditor, the date of any assignments of the debt from the original creditor to others including the named plaintiff. Attach copies of all documents, computer printouts or other records which include all information from the assignor(s) upon which the plaintiff's claim that the defendant is indebted to the plaintiff is based.

10. Clearly identify and attach copies of every document or other piece of evidence you intend to use at trial. This may include, but is not limited to, a contract, lease, record, note, bill, invoice, bill of sale, photograph, e-mail, correspondence, etc. Give each document a number and write a brief description of that document next to the assigned number. Examples: "Exhibit 1 - Lease Agreement dated 12/31/05," or "Exhibit 2 - Bill of Sale dated 1/1/06."

Only answer one or more of the following questions if they are applicable to your case.

11. If the case is based on a failure to pay **medical bills**, provide the following:

- a. List and describe each service or treatment that is the subject of this lawsuit and the date and location of the service or treatment. Include in your answer all patient or service identification numbers related to the services provided; and
- b. List the date and names and addresses of the individual providing the service or treatment; and
- c. State whether a claim was submitted to an insurance provider. Also state the name of the provider as well as the dates of submission and all claim or identification numbers and service codes; and
- d. Describe the response of the insurance provider. Include in your answer the date of the response and the explanation for partial payment or denial of the claim; and
- e. State the amount of any payments received from any insurance provider, together with the exact dates the payments were received.

12. If the case is based on a **landlord tenant relationship** between the parties, provide the following:

- a. The dates of any notices relevant to this case given to the tenant or the landlord and how the notice was delivered to them. Attach true copies of any such notices as well as the last written lease, if any.
- b. If there is no written lease, list all of the oral terms of the lease; and
- c. Provide the exact location and present amount of the tenant's security deposit, bank address and account number. Attach a certified and true copy of the bank statement.
- d. State in detail the basis for the claim that the one party either does or does not owe a debt to the other in this matter.

13. If the case is based on a **credit card debt or another type of revolving charge account**, provide the following:
- A copy of the signed application for credit and the last billing statement.
 - State the interest rate and the finance charge.
 - State how the finance charge was calculated.
 - List all other charges included in the amount claimed to be due.
 - State the facts upon which you base your claim, if any, that the debtor acknowledged the debt.

14. If the claim was based on **the purchase or goods or services**, and if you assert that the goods were defective or that the other party made representations as to the quality or use of goods or services which were not true, state the facts which support your claim.

Certification

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I further certify that the copies of the documents annexed to these answers to interrogatories are exact copies of the entire reports or documents and that the existence of other reports or documents, either written or oral, are unknown to me. If such become later known or available to me, I shall promptly serve them on the party who requested them.

Signature of person answering interrogatories (required)

Date

Print Name

Note: These answers must be sent to the defendant within 30 days of the date the questions were mailed to you or, if they were not mailed, within 30 days from when you received them. **Do not send the answers to the court. See the instruction page attached to these questions.**