**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF COLORADO**

**Civil Action No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Plaintiff(s),

v.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant(s).

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**PLAINTIFF’S FIRST SET OF INTERROGATORIES TO**

**DEFENDANT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Plaintiff \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ serves the following interrogatories on Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**INSTRUCTIONS**

Rule 33 of the Federal Rules of Civil Procedure, as well as the Court’s Scheduling Order govern the interrogatories listed below. You must answer each interrogatory, to the extent it is not objected to, separately and fully in writing. After completing your responses, you must sign them and serve them within the response period. If you object to an interrogatory, you must state your objection, and the grounds for objecting, with specificity. Please be aware that an “interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact.” Fed. R. Civ. P. 33(a)(2).

You, Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, are required to provide answers and objections, if any, to these interrogatories to Plaintiff within thirty (30) calendar days after the date of service of these requests (herein, the “response period”) at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Please set forth, verbatim, the text of each of the following requests before your written response.

If you claim a privilege relating to any of the information sought under the interrogatories below, specify in detail the nature or bases of the privilege, and prepare and serve a privilege log that complies with Fed. R. Civ. P. 26(b)(5)(A) and includes: (a) the date the document was prepared; (b) the author of the document; (c) the person to whom the document was sent and all persons receiving copies; and (d) the general subject covered in the document.

As with all discovery requests, you are required to furnish all responsive information to these interrogatories which is available to you. This includes, but is not necessarily limited to, any information in the possession of your representatives, agents, contractors, attorneys, or investigators. Rule 26(e) of the Federal Rules of Civil Procedure imposes a continuing duty to supplement your response to an interrogatory issued under Rule 33 when you know or learn that the prior response or production is in some material respect incomplete or incorrect.

If your response to any interrogatory is to see documents that are produced, identify the documents responsive to the request by Bates number.

**DEFINITIONS**

1. “**Document**” means a writing(s), recording(s), or photograph(s) as those terms are defined under Fed. R. Evid. 1001(a), (b), and (c), and, consistent with the scope set forth under Fed. R. Civ. P. 34(a)(1)(A), includes the original or copy of handwriting, typewriting, printing, drawings, graphs, charts, photographs, sound recordings, images, communications, or other data or data compilations, or combinations of them, set down in any form and stored in any medium from which information can be obtained.
2. “**Communication**” means any oral, verbal, typed, electronically transmitted or hand written communication and includes, without limitation, any face to face, telephone, or video conference conversations; facsimile; letter; telegram; memoranda; voicemail; voice message; electronic mail; text message; Tweet; Facebook message or post; LinkedIn message or post; and any other method or means of exchanging information between individuals.
3. “**Electronically stored information**” means any document, communication, or any other data or information present or stored on or in any computer, internal or external hard drive, jump drive, diskette, compact disc, server, database, or any other device capable of storing electronic files or information.
4. “**Incident**” includes the circumstances and events surrounding the alleged accident, injury, discrimination or other occurrence giving rise to this action or proceeding.
5. “**Person**” or “**Persons**” and “**Individual**” or “**Individuals**” includes any human being, whether living or deceased, and includes a business, corporation, partnership, joint venture, limited partnership, governmental entity, public entity, or political subdivision.
6. “**Identify**” means:

a. With respect to a human being means to state their full name, last known address, telephone number and relationship to you.

b. With respect to a business, corporation, partnership, joint venture, limited partnership, governmental entity, public entity, or political subdivision, means to state its complete name, last known address, and telephone number.

c. With respect to a document, means to state the nature or character of the document (i.e., letter, memorandum, agreement, etc.); the date(s) it was prepared, signed, sent and received; the contents of the document; and the identity of the person(s) who created and/or signed the document.

d. With respect to a communication, requires a response providing the date on which the communication occurred, the identity of each person who was present during or participated in the communication, and the subject or subjects discussed.

1. “**or**” is inclusive, and has the meaning of “and/or.”
2. “**Defendant**,” “**you**,” and “**your**” each and collectively refer to Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_, (and any agent, employee, official, director, manager, supervisor or other person operating under the direction or control of the Defendant, including, without limitation, any attorneys, insurance companies, or insurance adjusters).

**INTERROGATORIES**

1. Please identify each person who participated in the arrest of Plaintiff. In your response, please include the badge or identification number for each officer, and the rank or title of each office, as applicable.
2. Identify every person who was interviewed by any employee or former employee of the [POLICE DEPARTMENT] about the incident. For each interview you list, please include a description of the substance of the interview and whether a statement was obtained. If you obtained a statement, please also provide the date(s) of the statement, the substance of the statement, the recording of the statement, the person(s) that participated in obtaining or taking the statement, and any findings made or actions taken following the statement, including any resulting disciplinary actions imposed on any person(s).
3. For the period of time from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the present, please identify any complaint or report, whether formal or informal, that any person, regulatory agency, or entity made against [DEFENDANT], whether while employed by [(DEFENDANT) CITY, COUNTY OR MUNICIPALITY] or other organization or company. For each complaint or report you identify, please also provide the date(s) each was made or submitted, each individual that brought the complaint or made the report, each person that participated in responding to the complaint or report, the circumstances that led to the complaint or report, and any findings made or actions taken as a result, including any disciplinary actions you imposed.
4. For the period of the past 5 years, please identify any complaint or report that any individual, regulatory agency, or entity made against [DEFENDANT EMPLOYER CITY, COUNTY OR MUNICIPALITY], or any agent, representative, employee or ex-employee acting on your behalf, for excessive force by any officer employed by [DEFENDANT EMPLOYER CITY, COUNTY OR MUNICIPALITY]. For each complaint or report you identify, please also provide the date(s) each was made or submitted, each individual that brought the complaint or made the report, each person that participated in responding to the complaint or report, the circumstances that led to the complaint or report, and any findings made or actions taken as a result, including any disciplinary actions you imposed.
5. Identify each person that you are aware has information or knowledge about the events and circumstances leading up to and including the use of force that Plaintiff alleges. For each person you identify, describe the information or knowledge that the person has about the incident, and identify any communications that the person had about the incident.
6. Please identify and describe each investigation that you, or any other individual, agency, or person conducted about the allegations contained in Plaintiff’s Complaint. For each investigation you list, please identify each person that participated in conducting the investigation, the date(s) of the investigation, each person that sat for an interviews or provided a statement, the results or findings of the investigation, and any actions you took in response to the investigation. To the extent another agency was tasked with the investigation, identify that agency, the person in charge of the investigation and any agreements between the agencies to conduct each other’s use of force investigations.
7. Please identify and describe any and all disciplinary actions taken against [OFFICER] for this incident, or any other matter occurring during the course of their employment. For each instance you identify, describe the circumstances leading to you taking or imposing the disciplinary action, and identify each person that participated in conducting any associated investigations or implementing the disciplinary action.
8. Please identify and describe all policies, procedures, guidelines, or practices applying to [POLICE DEPARTMENT] Officers’ use of Tasers or other non-lethal devices [OR OTHER TYPE OF USE OF FORCE EMPLOYED IN THE INCIDENT], or the enforcement or implementation of those policies, procedures, guidelines, or practices.
9. Has a lawsuit ever been previously filed against [OFFICER] that alleged excessive force or against any other officers that were at the scene? If your answer is “yes,” please identify when the lawsuit was filed, the court where it was filed, the case number, and all parties to the case.
10. Has an internal affairs or other complaint been previously filed against [OFFICER] that alleged excessive force or any other officers who were at the scene? If your answer is “yes,” please identify when the lawsuit was complaint, where it was filed, the case number, and the outcome of any investigation.
11. Do you contend that [OFFICER’S] conduct at the time of the incident was in compliance with any policies, procedures, guidelines, or practices of [POLICE DEPARTMENT]? If your answer is “yes,” identify each of the respective policies, procedures, guidelines, or practices, and identify the facts that you believe demonstrate [OFFICER’S] compliance.
12. Do you concede that [OFFICER’S] conduct at the time of the incident was not in compliance with certain policies, procedures, guidelines, or practices of [POLICE DEPARTMENT]? If your answer is “yes,” identify each of the respective policies, procedures, guidelines, or practices, and identify the facts that you believe demonstrate [OFFICER’S] non-compliance.
13. Do you dispute that Plaintiff suffered injuries as a result of the incident? If your answer is “yes,” please identify all facts, including any documents, communications, or electronically stored information, that you believe support your contention. If your answer is “no,” please describe your understanding of how Plaintiff's injury occurred.
14. Identify every time in the five years prior to the use of force at issue in this litigation where an officer or individual employee \_\_\_\_\_\_\_\_\_\_\_\_ [POLICE DEPARTMENT] received an award or commendation after a use of force.
15. For each denial that you make in your Answer of a material allegation contained in Plaintiff's Complaint, please identify all facts that you believe justify your denial; identify each person that you are aware has knowledge of those facts; identify any documents, communications, or electronically stored information that you believe support your denial, and, further, identify each person in possession of the documents, communications, or electronically stored information that you list.
16. For each affirmative defense that you plead in your Answer to the Complaint, please identify all facts that you believe support the defense; identify each person that you are aware has knowledge of those facts; identify any documents, communications, or electronically stored information that you believe support the defense, and, further, identify each person in possession of the documents, communications, or electronically stored information that you list.

DATED this \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Respectfully submitted,

*Plaintiff, proceeding pro se*

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_\_, I served a true and correct copy of the foregoing **PLAINTIFF’S FIRST INTERROGATORIES TO DEFENDANT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** by U.S. Mail to the following counsel of record:

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*Attorney(s) for Defendant(s)*