**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 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. Identify each person who you believe has knowledge about the Plaintiff’s claims or your defenses in this case. For each person identified, summarize the knowledge you believe each has.
2. For the period from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the present, please identify and each communication [DEFENDANT AGENCY or DEFENDANT FACILITY], or its employees, agents, had with Plaintiff or person about the allegations and circumstances alleged in Plaintiff’s Complaint. In your response, please identify and describe any actions you took as a result of the communication.
3. For the period from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the present, please identify and describe all internal [DEFENDANT AGENCY or DEFENDANT FACILITY] trainings that you provided, or external trainings you made available or facilitated, relating to \_\_\_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault”] between correctional employees and inmates or between inmates. For each training you list, provide the date when it occurred, indicate where it occurred, and identify each person that was in attendance.
4. For the period from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to present, please identify and describe each accusation or occurrence of \_\_\_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault”] against an employee, agent, or contractor of [DEFENDANT AGENCY or DEFENDANT FACILITY] of which Defendant is aware. In your response, please include the date(s) associated with each occurrence or accusation, identify each person involved in the occurrence or accusation, identify when and how Defendant learned of the occurrence or accusation, identify any actions Defendant took in response thereto, and indicate whether any criminal charges resulted.
5. Please identify and describe each investigation that was conducted by any person, whether formal or informal, into the circumstances, events, and allegations described 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 disciplinary actions you took in response to the investigation.
6. Please identify any policies relating to segregation of inmates or housing of inmates to protect them from each other or from specific risks.
7. For the period from \_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the present, please identify and describe each policy, procedure, protocol, or guideline of [DEFENDANT AGENCY or DEFENDANT FACILITY] that applies to or references the process for investigating inmates’ or detainees’ reporting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault”] by correctional employees or staff or by other inmates.
8. Please identify and describe each accusation or occurrence of \_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault”] by [DEFENDANT EMPLOYEE OR OTHER INMATE] against any person, other than Plaintiff, of which Defendant is aware. For each occurrence or accusation listed, please identify the date of the alleged occurrence or accusation, and identify each step you or others took to investigate the accusation or occurrence.
9. Please identify and describe any memos, incident reports, or other documents, electronic and otherwise, that you prepared, reviewed, or created as a result of the allegations contained in Plaintiff’s Complaint.
10. Please identify and describe each interview or statement obtained from any person, including the individual Defendants, in connection with any investigation of the circumstances or allegations contained in Plaintiff’s Complaint or Plaintiff’s injuries. For each interview or statement you list, identify the person who provided it, the date it occurred, and any documents created as a result of the interview or statement.
11. For the period of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to present, please identify each medical care or mental health provider, including any counselors, psychologists, or psychiatrists, who has provided medical care in any capacity to Plaintiff. For each provider listed, please also provide their job title, employer, dates of employment, and the dates each provider treated Plaintiff.
12. Please identify and describe any review, analysis, audit, or assessment, whether internal or external, that was conducted from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through the present, about \_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault”], by [DEFENDANT AGENCY OR DEFENDANT FACILITY], its agents, staff, employees, on contractors.
13. [TO DEFENDANT EMPLOYEE]: Please identify and describe each accusation, claim, or complaint made against you by any person of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [LIST THE TYPE OF HARM SUFFERED BY PLAINTIFF, like “sexual assault” or “assault” or “allowing unreasonable risk of harm to continue”]. For each instance you list, identify the person who made the allegation, provide the date of the alleged incident, indicate whether any internal or external investigation was conducted, and state whether any disciplinary or criminal actions, or lawsuit or civil demand, resulted from the allegations.
14. [TO DEFENDANT EMPLOYEE (if a case of assault or harm caused directly by the employee)]: If you have been arrested or charged with any crime, other than as a juvenile, please identify the date of the arrest, describe any associated charges, provide the case number and court where charges, if any, were filed, and indicate the final result of each arrest or charge.
15. [TO EACH DEFENDANT]: 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. [TO EACH DEFENDANT]: 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)*