**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 of time from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the present, please identify any complaint or report, whether formal or informal, that any person made alleging that Defendant violated any person’s First Amendment rights, retaliated against any person for exercising their First Amendment rights, or conducted any search or made any seizure of a person in violation of the law. 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.
3. Did you start any disciplinary proceedings, whether formal or informal, or impose any disciplinary action, as a result of Defendant’s arrest of Plaintiff? If your answer is “yes,” identify each person that participated in imposing the disciplinary action or conducting the disciplinary proceeding, each person that was the subject of the disciplinary action or proceeding, any documents, communications, or electronically stored information created during the course of the disciplinary action or proceeding, and, further, describe the disciplinary action, if any, that you ultimately imposed.
4. Please identify each person who participated in Plaintiff’s arrest, or the decision making process leading to Plaintiff’s arrest. In your response, please identify each authority, policy, statute, or other basis you relied upon in making the decision to arrest Plaintiff.
5. Please identify and describe any training that you provided to employees, agents, or contractors, or any policies, procedures, guidelines, or protocols you developed, about the First Amendment or Fourth Amendment.
6. Please identify each communications you have had with any person about the allegations contained in Plaintiff’s operative complaint.
7. Please identify each instance in which Plaintiff has been contacted by you for any reason.
8. 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.
9. 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)*