**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF COLORADO**

**Civil Action No.**

 ,

Plaintiff(s),

v.

 ,

Defendant(s).

**PLAINTIFF’S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Plaintiff \_\_\_\_\_\_\_\_\_\_\_\_, pursuant to Federal Rules of Civil Procedure 26 and 34, serves the following requests for production of documents on Defendant \_\_\_\_\_\_\_\_\_\_\_.

**INSTRUCTIONS**

 Rule 34 of the Federal Rules of Civil Procedure, as well as the Court’s Scheduling Order govern the requests for production listed below. You must answer each request, to the extent it is not objected to, separately and fully in writing. If you object to a request, you must specify whether you are withholding any responsive information on the basis of the objection asserted. Please be aware that “[a]n objection to part of a request must specify the part and permit inspection of the rest.” Fed. R. Civ. P. 34(b)(2)(C).

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

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If you claim a privilege relating to any of the information sought under the requests 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 requests 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 a request issued under Rule 34 when you know or learn that the prior response or production is in some material respect incomplete or incorrect.

If you produce information responsive to a request, 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).

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents that discuss the incident alleged in the complaint in this lawsuit, including email correspondence, text and instant messages, notes, briefings, files, reports, and memos.
2. All audio and video recordings of the incident, including recordings made by you or on your equipment and any third-party recordings in your possession, custody or control.
3. All documents relating to any internal, administrative or disciplinary investigation or hearings related the incident.
4. All documents that discuss or evaluate any person’s job performance relating to the incident.
5. Any public statements or social media postings you have made about the incident.
6. All documents discussing this litigation (other than communications between you and your attorney), including any memos, emails, and text or instant messages you have sent or received.
7. All policies and procedures that apply to your conduct during the incident.
8. All records of training you have received or provided that apply to your conduct during the incident.
9. All personnel records, including any training records, job qualifications, performance reviews, performance comments, evaluations, disciplinary records and internal investigations, for you or for anyone employed by you who was, or is alleged to have been, involved in the incident. Personnel records are not limited to records maintained by human services and should include records maintained by any department, including internal affairs or professional standards, that has training records, job qualifications, performance reviews, disciplinary records or internal investigations for you or anyone employed by you.
10. All documents reflecting complaints, including complaints by other agencies or entities, co-workers, private citizens or inmates, that assert you, or anyone employed by you, have committed civil rights violations of the same nature alleged in this lawsuit at any time from five years prior to the incident through a trial in this case. Civil rights violations of the same nature are those based on the same theory of civil rights violation, such as excessive force or unlawful search or seizure rather than any claim of a Fourth Amendment violation.
11. All documents you referred to or relied on to answer the complaint in this lawsuit, including any defenses you have asserted in your answer.
12. Copies of any witness statements you have obtained relating to the incident or this lawsuit.
13. All summaries and demonstratives that you will use during this litigation.
14. Produce all documents identified, referenced, reviewed, relied upon or used in any way as part of your obligations under Fed. R. Civ. P. 26 or 33, including documents identified in your initial disclosures and documents identified, referenced, reviewed, or relied upon to respond to Plaintiff’s interrogatories in this lawsuit.
15. A complete copy of any medical records you have on Plaintiff.
16. A complete copy of Plaintiff’s jail file, including Plaintiff’s arrest and booking records, kites, grievances, disciplinary records, recordings of any of Plaintiff’s telephone calls and/or video visitations, inmate movement records and any logs reflecting Plaintiff’s activity while incarcerated.
17. Any logs or records showing inmate well-being, security and other regularly-conducted checks conducted for Plaintiff’s cell during the time Plaintiff was incarcerated.
18. A copy of any inmate handbook in effect during the time Plaintiff was incarcerated.

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 REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** by U.S. Mail to the following counsel of record:

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*Attorney(s) for Defendant(s)*

 (Plaintiff’s Signature)