

Responding to Interrogatories

Timing:

The deadline for service of answers or objections to interrogatories depends on the method of service of the interrogatories. Within twenty (20) days after being served with interrogatories, the party served must serve on each other party a copy of the answer or objection to each interrogatory. CPLR 3133(a). No additional time is added to this period if service was made by personal delivery, facsimile or electronic transmission (a party has to agree to service by facsimile or electronic transmission, namely email). CPLR 2103(b)(1), (5) and (7). If the interrogatories were served by overnight delivery add one (1) day to the response period. CPLR 2103(b)(6). If the interrogatories were served by mail, add five (5) days to the response period. CPLR 2103(b)(2). The day interrogatories are served is not included when calculating the time to respond. Response time starts running the day after service. Gen. Const. L. 20. Saturdays, Sundays, and legal holidays are included in the count if they do not fall on the last day of the period. If the last day of the period is a Saturday, Sunday, or legal holiday, the response period runs until the end of the next non-holiday business day. Gen. Const. L. 25. "Legal holidays" include those specified in Gen. Constr. L. 24, plus any others designated by the federal or state government. Gen. Const. L. 24.

The response deadline may be altered by court order or stipulation. CPLR 2004; CPLR 3102(b), respectively.

As a practical matter, the timing of discovery requests and responses will be governed by the discovery schedule entered by the court, typically at the preliminary conference. All disclosure should be completed within twelve (12) months of the RJI filing in a standard case, or within fifteen (15) months of the RJI filing in a complex case. Uniform R. 202.12(b).

Response to Interrogatories Rules:

The party served with interrogatories must answer in writing under oath. CPLR 3133(b). If the party served with interrogatories is a corporation, a partnership or a sole proprietorship, then an officer, director, member, agent or employee that has the information sought by the interrogatory must answer in writing under oath. CPLR 3133(b).

Each question must be answered separately and fully, and the question to which the answer or objection responds must precede each answer or objection. CPLR 3133(b).

As to any interrogatories not answered, the responding party must state his or her objections with reasonable particularity. CPLR 3133(a). Examples:

Plaintiff/Defendant objects. The information requested is irrelevant to the case at hand. Additionally, said request is unduly intrusive and burdensome.

Plaintiff/Defendant objects. Information is already provided in the complaint with adequate detail.

Except with respect to amendment or supplementation of responses pursuant to subdivision (h) of section 3101, answers to interrogatories may be amended or supplemented only by order of the court upon motion. CPLR 3133(c).

A party shall amend or supplement a response previously given to a request for disclosure promptly upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading. Where a party obtains such information an insufficient period of time before the commencement of trial appropriately to amend or supplement the response, the party shall not thereupon be precluded from introducing evidence at the trial solely on grounds of noncompliance with this subdivision. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. Further amendment or supplementation may be obtained by court order. CPLR 3101(h).

The party responding to discovery requests must serve every party to the action. CPLR 3132.

In any action subject to e-filing, parties and non-parties producing materials in response to discovery demands may enter into a stipulation authorizing the electronic filing of discovery responses and discovery materials to the degree and upon terms and conditions set forth in the stipulation. In the absence of such a stipulation, no party shall file electronically any such materials except in the form of excerpts, quotations, or selected exhibits from such materials as part of motion papers, pleadings or other filings with the court. Uniform R. 202.05b(j).