

## **Serving Interrogatories**

### ***Timing:***

Any party may serve interrogatories on any other party at any time after commencement of the action. CPLR 3130; CPLR 3132. Except, unless the Court directs otherwise, no party may serve interrogatories on a defendant until the time has expired for that defendant to serve a responsive pleading. CPLR 3132.

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).

Interrogatories may relate to any matter or information material or necessary to the prosecution or defense of the action and not subject to privilege. CPLR 3131; CPLR 3101. Interrogatories may require (a) an opportunity to examine and copy papers, documents or photographs that are relevant to the answers to the interrogatories, or (b) copies of such papers, documents or photographs. CPLR 3131.

Except in matrimonial actions, no party can serve interrogatories on a party and demand a bill of particulars from the same party. CPLR 3130(1).

In actions based solely on negligence and claiming personal injury, property damage or wrongful death, no party may, without leave of Court, serve written interrogatories on a party and take the oral deposition of the same party. CPLR 3130(1).

After the commencement of a matrimonial action the Court may order non-parties to respond to written interrogatories, of a form and scope determined by the Court, to furnish reasonable and necessary financial information about a party to the action. CPLR 3130(2).

If a party fails to answer an interrogatory, the propounding party may file a motion seeking to compel a response. CPLR 3124.

If a party refuses to obey an order for disclosure or willfully fails to disclose information that ought to have been disclosed, the propounding party may seek sanctions against that party. CPLR 3126.

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