

## DISCOVERY

# Special Interrogatories

*This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide.*

*Additional copies of this Guide can be accessed at:*

[saclaw.org/special-roqs](http://saclaw.org/special-roqs).

## BACKGROUND

Interrogatories are written questions sent by one party in a lawsuit to another party in that same suit, which the responding party must answer under penalty of perjury. Interrogatories allow the parties to ask who, what, when, where and why questions, making them a good method for obtaining new information.

There are two types of interrogatories: form interrogatories and special interrogatories. This Guide will discuss special interrogatories; for information about form interrogatories, see the Step-by-Step guide on Form Interrogatories on our website at [saclaw.org/form-roqs](http://saclaw.org/form-roqs).

Special interrogatory questions are written by the parties. Writing customized questions allows the parties to obtain the specific information needed in their case. Each question should be written to establish a point the party needs to prove their case or to obtain information needed to disprove the other party's case.

In a limited civil case (cases less than \$25,000) you may ask each party only 35 discovery questions total, whether they are form interrogatories, special interrogatories, requests for admission, or requests for production of documents. Keep this limit in mind when writing your requests, to ensure that you are able to obtain all the information you'll need for your case. If you ask the other party to answer 35 interrogatories, you will not be able to request any admissions or to request any documents. In an unlimited civil case (over \$25,000), parties may ask 35 special interrogatories.

### You may also need...

Step-by-Step Guides on Making Discovery Requests

- [Form Interrogatories](#)
- [Request for Production of Documents and Things](#)
- [Requests for Admission](#)

Step-by-Step Guides on Responding to Discovery

- [Responding to Interrogatories](#)
- [Responding to Requests for Admissions](#)
- [Responding to Requests for Production](#)

Other Guides on Discovery

- [Depositions](#)
- [Exchange of Expert Witness Information](#)
- [Gather Information for your Case](#)

Related Videos

- [Introduction to Discovery](#)

**Disclaimer:** This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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## STEP-BY-STEP INSTRUCTIONS

### Step 1: Write Your Interrogatories

There is no Judicial Council form specifically for this procedure. Instead, the relevant document must be typed on 28-line pleading paper. A customizable template may be downloaded from this link:

- [Special Interrogatories](#)

This template includes some legally required language, as well as space for five interrogatories. Delete those you do not use, or add more if needed, keeping in mind the limits described above.

[California Code of Civil Procedure \(CCP\) § 2030.060](#) places several limits on these questions. Subparts are prohibited, as are compound, conjunctive, or disjunctive questions. This means you cannot write questions that have multiple parts (a, b, c, etc., like those found in the form interrogatories), or that ask for more than one piece of information connected with an “and,” which is a conjunctive, or an “or,” which is a disjunctive.

[CCP § 2030.060](#) also prohibits the use of continuing interrogatories, which are questions asking the responding party to update their prior answers with any additional information they obtain after the interrogatory has been answered. For this reason, it is often advantageous to serve a final set of special interrogatories near the end of a case asking whether any of the information provided in the prior responses early in the case has changed in any way. For sample questions you may wish to include in your special interrogatories, see the resources listed at the end of this Guide.

It is often difficult to know what questions you should ask, and how to ask them. Although it is not possible to tell you what you should ask, as this is very specific to your case, a few suggestions may help you in writing your interrogatories:

Make sure that the question you are asking seeks information that would tend to prove or disprove something that must be proven in your case;

Write your request as clearly as possible. The easier your interrogatory is to understand, and the less ambiguous it is, the less likely it is for the other side to validly object that your request is vague, ambiguous, or overly broad, etc.

Use dates, account numbers, and other information to ask reasonably narrow questions. Asking “State all facts that prove the ASKING PARTY is at fault,” for example, would be vague, ambiguous, and overly broad, but “State all facts which support the contention in your Answer that the ASKING PARTY was responsible for the accident alleged in the Complaint,” would be more likely to yield a response rather than an objection.

Remember that special interrogatories are questions requesting written answers, and cannot be used to compel the responding party to produce documents.

Use the interrogatories of others and samples in the resources listed below as a model to assist with drafting your interrogatories.

### Step 2: Make Photocopies

Make one photocopy of your special interrogatories for each party (other than you) in the case.

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### Step 3: Have Your Requests Served

A photocopy of your special interrogatories must be served on the attorney for the responding party or directly to the responding party if he or she is self-represented (*in pro per*). Courtesy copies should be served on all other attorneys or self-represented parties in the case. Service may be completed by mail, by a person over the age of 18 who is not a party to the case. The person serving your requests must complete a proof of service form, typically a [Proof of Service by First Class Mail \(POS-030\)](#). For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at [saclaw.org/mail-service](http://saclaw.org/mail-service).

### Step 4: Retain Your Originals for Your Records

The original special interrogatories and signed proof of service should be retained for your records. If the other party does not respond to your requests, you may use these documents to support a motion to have the court compel responses. For more information, see the Step-by-Step guide on Motions to Compel on our website at [saclaw.org/motion-compel](http://saclaw.org/motion-compel).

## FOR HELP

The Sacramento County Public Law Library's Civil Self Help Center offers assistance with the discovery process:

### Introduction to Written Discovery Class

1:30 p.m. to 3:30 p.m., 1<sup>st</sup> Thursdays of the Month.

Come to understand what discovery is, how to answer questions you received by mail, and how you can use discovery yourself. Bring a USB flash drive to download sample forms. The Law Library sells USB drives at the Circulation Desk. Arrive by 1:20 p.m.

### Discovery Lab

1:30 p.m. to 3:30 p.m., 2<sup>nd</sup> & 4<sup>th</sup> Thursdays of the Month.

Work on your discovery requests or responses in this computer lab. Bring your USB flash drive with your requests or responses. No entrance after 3:15 p.m. Lab closes promptly at 3:30 p.m. The Introduction to Written Discovery Class is a prerequisite for the Discovery Lab.

## FOR MORE INFORMATION

### *On the Web:*

### **Introduction to Discovery – Part 6: Propounding Special Interrogatories**

[saclaw.org/law-101/discovery-video-series/](http://saclaw.org/law-101/discovery-video-series/)

Part 6 of this video series from the Sacramento County Public Law Library's Civil Self Help Center will help you understand what special interrogatories are, and how to propound these types of requests.

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*At the Law Library:*

**Bender's Forms of Discovery** [KF 8900 .A3 B45](#)

**California Civil Discovery** [KFC 1020 .H64](#)

**Electronic Access:** On the Law Library's computers, using *Lexis Advance*.

**California Civil Discovery Practice** [KFC 1020 .C35](#)

**Electronic Access:** On the Law Library's computers, using *OnLaw*.

**California Civil Litigation and Discovery** [KFC 995 .G674](#)

**California Discovery Citations** [KFC 1020 .F56](#)

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

**California Forms of Pleading and Practice** [KFC 1010 .A65 C3](#) (Ready Reference)

**Electronic Access:** On the Law Library's computers, using *Lexis Advance*.

**California Practice Guide: Civil Procedure Before Trial** [KFC 995 .W45](#)

**Electronic Access:** On the Law Library's computers, using *WestlawNext*.

**Matthew Bender Practice Guide: California Civil Discovery** [KFC 1020 .M37](#)

**Electronic Access:** On the Law Library's computers, using *Lexis Advance*.

**Model Interrogatories** [KF 8900 .C84](#)

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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## ATTACHMENTS: FORMS AND INSTRUCTIONS

There is no Judicial Council form specifically for this procedure. Instead, the relevant document must be typed on 28-line pleading paper. A customizable template may be downloaded from this link:

- [Special Interrogatories](#)

This template includes the legally required language, as well as space for five interrogatories. You may delete or add questions as needed, as long as you adhere to the limits described above.

A sample filled-in form with instructions is available at the end of this Guide.

1 PAUL SAMPLE  
123 ANYSTREET  
2 SACRAMENTO, CA, 95814  
3 916-555-1234  
4 Defendant, In Pro Per

Requesting party's name, address, telephone number, and party designation. "In Pro Per" means you are representing yourself.

5  
6  
7  
8 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

Case number.

Name and party designation of party making these requests.

Case No.: 34-2010-00099999

9  
10 ACME, INC.

Plaintiff(s)

DEFENDANT PAUL SAMPLE'S SPECIAL INTERROGATORIES TO PLAINTIFF ACME, INC.

11 vs.

Parties' names.

Name and party designation of party responding to these requests.

12  
13 PAUL SAMPLE

Defendant(s)

SET ONE

Set number.

14  
15  
16  
17 PROPOUNDING PARTY: PAUL SAMPLE  
RESPONDING PARTY: ACME, INC.  
SET NUMBER: ONE (1)

The "propounding party" is the party asking the questions.

Responding party.

To plaintiff, Acme, Inc. and to its attorney:

19 Defendant, Paul Sample, requests that Plaintiff, Acme, Inc. respond to the following  
20 interrogatories separately and fully in writing and under oath, pursuant to Section 2020.010 et  
21 seq. of the Code of Civil Procedure, and that the response be signed by them  
22 and be served on Defendant, Paul Sample within 30 days (35 days if they were  
23 served by mail within California) from the date of service.

These instructions must appear at the beginning of your Special Interrogatories.

24 In answering these interrogatories, furnish all information that is available to you. If you  
25 cannot answer an interrogatory completely, answer it to the extent possible. If you do not have  
26 personal knowledge sufficient to respond fully to an interrogatory, so state, but make a  
27 reasonable and good faith effort to obtain the information by inquiry to other natural persons or  
28 organizations, unless the information is equally available to the propounding party.

Define terms that will be used throughout the interrogatories. Be as specific as possible. Consider using the definitions found in the Form Interrogatories, if appropriate. In your Interrogatories, any term for which you have provided a definition should be written in all capital letters, to indicate that you are using the term as defined.

1 DEFINITIONS:

2 ACCIDENT means the motor vehicle accident of May 2, 2007 alleged in the Plaintiff's  
3 Complaint.

4  
5 Interrogatory No. 1:

6 What was the weather at the time of the ACCIDENT?

7  
8 Interrogatory No. 2:

9 How fast was Acme, Inc.'s delivery truck traveling in the moments just prior to the ACCIDENT?

10  
11 Interrogatory No. 3:

12 At the time of the ACCIDENT was the driver of the delivery truck owned by Acme, Inc. talking  
13 on a cellular phone?

14  
15 Interrogatory No. 4:

16 During the year prior to the ACCIDENT, were there any complaints made by any individual or  
17 entity to the Plaintiff regarding the driving of the Acme, Inc. driver involved in the ACCIDENT?

18  
19 Interrogatory No. 5:

20 Describe any and all times within the last year that the delivery truck involved in the  
21 ACCIDENT owned by Acme, Inc. was serviced or maintained, including the dates of the service  
22 and a description of the services performed.

23  
24 By: \_\_\_\_\_

25 Paul Sample, Defendant, In Pro Per

Each question is numbered sequentially. Whenever you use a term for which you've provided a definition, type the term in all capital letters.

Each question should establish a point you need to prove your case or disprove a point the other side must establish to win theirs. All questions must be reasonably calculated to discover relevant admissible evidence.

Your questions may not contain subparts, and may not or be compound, conjunctive or disjunctive. Do not include any continuing interrogatories. Consult the resources listed in this Guide for sample interrogatory questions.

The downloadable template includes space for five interrogatories. Delete those you do not use, or add more if needed, keeping in mind the limits described at the beginning of this Guide.

26  
27  
28  
Special Inter