# Discovery: Special Interrogatories

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.

## Templates and Forms

- Special Interrogatories Template – DOCX (https://saclaw.org/sbs-discovery-special-interrogatories-3/)
- Proof of Service by First Class Mail (POS-030) (http://www.courts.ca.gov/documents/pos030.pdf)

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 (https://www.saclaw.org/resource_library/discovery-form-interrogatories/) .

### Related Discovery Guides

Visit our Discovery topic page (https://saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/#research_guides) for a complete list of our discovery guides and videos.

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 demanding less than $25,000, or $35,000 if filed after Jan. 1, 2024) 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 the dollar limit), parties may ask 35 special interrogatories.

# Step-by-Step Instructions

## 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 (https://saclaw.org/sbs-discovery-special-interrogatories-3/)

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 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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 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.

## 2 Make Photocopies

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

## 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) (http://www.courts.ca.gov/documents/pos030.pdf). For more information, see the Step-by-Step guide on Proof of Service by Mail (https://www.saclaw.org/resource_library/serving-documents-by-mail/).

## 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 our guide on Motions to Compel (https://www.saclaw.org/resource_library/motion-to-compel-discovery-responses/) .

# For More Information

## On the Web

**Introduction to Discovery – Part 6: Propounding Special Interrogatories**
**(https://www.saclaw.org/video-library/discovery-6-special-interrogatories/)**
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.

## 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.*

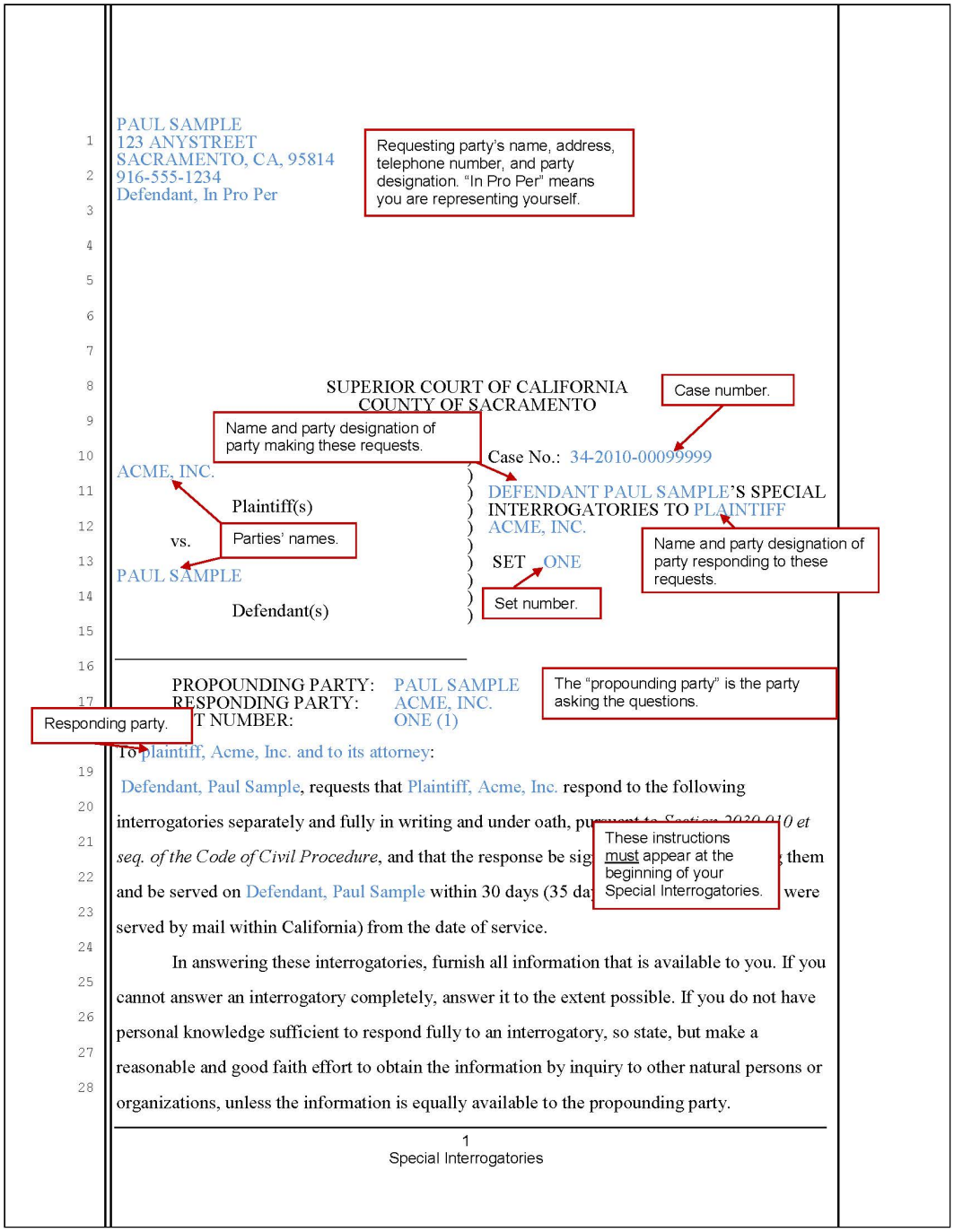
**California Civil Litigation and Discovery** KFC 995 .G674

**California Discovery Citations** KFC 1020 .F56

**California Practice Guide: Civil Procedure Before Trial** KFC 995 .W45

**Model Interrogatories** KF 8900 .C84

# Samples



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

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

Case number.

Name and party designation of party making these requests.

Case No.: 34-2010-00099999

ACME, INC.
Plaintiff(s)
vs.
PAUL SAMPLE
Defendant(s)

Parties' names.

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

Name and party designation of party responding to these requests.

SET ONE

Set number.

PROPOUNDING PARTY: PAUL SAMPLE
RESPONDING PARTY: ACME, INC.
T NUMBER: ONE (1)

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

Responding party.

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

Defendant, Paul Sample, requests that Plaintiff, Acme, Inc. respond to the following interrogatories separately and fully in writing and under oath, pu*rsuant to Section 2030.010 et seq. of the Code of Civil Procedure*, and that the response be sig them and be served on Defendant, Paul Sample within 30 days (35 da were served by mail within California) from the date of service.

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

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

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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.

DEFINITIONS:

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

Interrogatory No. 1:

What was the weather at the time of the ACCIDENT?

Interrogatory No. 2:

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

Interrogatory No. 3:

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

Interrogatory No. 4:

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

Interrogatory No. 5:

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

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.

By: _____

Paul Sample, Defendant, In Pro Per

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