**Plaintiff's request for discovery**

**Commonwealth of Massachusetts Trial Court**

|  |  |
| --- | --- |
| {{ trial\_court.address.county }}, ss | {{ trial\_court }} |
|  | Docket number: |
| {{ users }}  {{ users.as\_noun("Tenant") }} / {{ users.as\_noun("Plaintiff") }} |  |
| **vs.**  {{ other\_parties }}  {{ other\_parties.as\_noun("Landlord") }} / {{ other\_parties.as\_noun("Defendant") }} | Plaintiff’s interrogatories and request for production of documents |

**Notice to Defendant**

1. You are required by law to answer the interrogatories (questions) below truthfully and fully, under the pains and penalties of perjury. Before each of your answers, you must re-state the interrogatory to which you are responding. Include all information that is available to you and to those who work with and for you. You must also provide any and all requested documents in your possession or that of your agents or employees.
2. No later than forty-five (45) days after you or your attorney receives the complaint or thirty (30) days after you or your attorney receives this Request for Discovery the plaintiff must receive your responses to these questions and documents requested. Answers should be mailed or delivered to the plaintiff’s apartment.
3. You are also required to supplement or amend, or both, your responses to this Discovery if after you have responded you learn:
   1. the identity of other persons with information about the questions asked (including expert witnesses you intend to have testify at trial); or
   2. that any of the information you gave in the responses was incorrect when made or is

no longer correct.

1. If any documents that are responsive to the requests for production of documents below are redacted (crossed out or deleted) or are not produced based on a claim of privilege or on any other grounds, please identify as to each such document or part of such document:
   1. The nature of the privilege claimed;
   2. The factual and legal basis of the claim of privilege or ground for not producing the document;
   3. The title of the document;
   4. The author of the document;
   5. Each person to whom an original or copy of the document was provided; and
   6. The subject matter and a description of the material withheld, to the fullest extent possible short of waiving the claimed privilege.

Definitions

1. The terms “you,” “defendant,” and “landlord” include the defendant named above and any and all other persons or entities with any ownership in the premises, as well as defendant’s agents, employees, relatives, attorneys, and anyone acting on their behalf.
2. The term “apartment” refers to the house or unit that the tenant occupies, including the exterior and common areas. If the tenant has occupied more than one apartment under an arrangement with the defendant, this covers any and all apartments occupied by the tenant.
3. The term “tenant” includes the plaintiff(s) named above and his or her agents, household member(s), attorney(s), and anyone else acting on the tenant’s behalf.
4. The term “building” refers to the building, common areas, grounds, and any other apartments at the address where the tenant’s apartment is located.
5. The term “document” includes: writings, videotapes, electronic mail, or other documents electronically stored or transmitted, or both, drawings, graphs, charts, photographs, digital images, recordings, contracts, agreements, correspondence, memoranda, reports, notes, requests, bills, orders, notices, writs, declarations, complaints, answers and other court pleadings, schedules, tabulations, checks, diary entries, telegrams, diagrams, films, newspaper clippings, and other writings and recordings of whatever nature. A draft or non-identical copy is a separate document within the meaning of this term.
6. The term “concerning” means referring to, relating to, supporting, describing, reflecting, constituting, or in any other way referencing.
7. Unless otherwise specified, the applicable time period for these requests is the period of the tenant’s occupancy of the apartment(s), plus one month before such occupancy and one month afterward if the tenant has vacated.

Interrogatories (questions)

{%p if ints.any\_in\_category('Tenancy') %}

Tenancy

{%p endif %}

1. What is the name, address, email, telephone number, occupation, and relationship to the tenant’s apartment of the person answering these questions?
2. {%p if ints.get('owners',DAEmpty()).checked %}
3. What is the name and address of each owner of the apartment, and the date they bought the building?
4. {%p endif %}
5. {%p if ints.get('household\_members',DAEmpty()).checked %}
6. Please describe all members of the tenant’s household (including the tenant) by name, age, gender, and date of move-in.
7. {%p endif %}
8. Please describe all the terms of the tenancy, including, but not limited to:
   1. The original rent;
   2. The day of each month on which rent is due;
   3. Whether the rental agreement was oral or in writing, and the time period of such an agreement;
   4. The responsibility of each of the parties for payment of water, heat, hot water, electricity, cooking fuel for the apartment, and for any common area utilities and whether these responsibilities are in writing;
   5. Any additional terms of the original tenancy; and
   6. Any changes in the terms of the tenancy (including, but not limited to, changes in rent), including the date(s) of all such changes, whether the changed terms were in writing, and what the changed terms were.

{%p if ints.any\_in\_category("Tenant’s Claims") %}

Tenant’s Claims

{%p endif %}

1. {%p if ints.get('persons\_with\_knowledge',DAEmpty()).checked %}
2. For each person with knowledge of the facts alleged in the tenant’s complaint or the landlord’s answer or counterclaims, or both, please state:
   1. The person’s name, current (or last known) address, email, and telephone number;
   2. The person’s relationship or affiliation with the landlord (employee, contractor, relative, etc.);
   3. The substance of the information known to such person; and
   4. The expert training and qualifications of such person, if any.
3. {%p endif %}
4. {%p if ints.get('witnesses',DAEmpty()).checked %}
5. For each person you intend to call as a witness at trial, please state:
   1. The person’s name, current (or last known) address, and current (or last known) email, and telephone number;
   2. An overview of their anticipated testimony; and
   3. The expert training and qualifications of such person, if any.
6. {%p endif %}

{%p if ints.any\_in\_category("Subsidized Housing") %}

Public and Subsidized Housing

{%p endif %}

1. {%p if ints.get('subsidized\_housing\_basic\_facts',DAEmpty()).checked %}
2. If the tenant receives a subsidy or lives in a subsidized unit, please state:
   1. The name of the subsidy program and the administering agency;
   2. The full contract rent under the subsidy program; and
   3. The tenant’s portion of the rent.
3. {%p endif %}
4. If the landlord has received any notice from a housing authority that their housing voucher is in jeopardy, please state:
   1. The date notice was received;
   2. The housing authority that gave notice; and
   3. The reason the housing authority stated for providing notice.

{%p if ints.any\_in\_category("Problems with the Apartment/Building") %}

Problems with the Apartment/Building

{%p endif %}

1. {%p if ints.get('bad\_conditions\_need\_for\_repair',DAEmpty()).checked %}
2. Please describe in full and complete detail how you came to know of each and every need for repair or other problem in the tenant’s apartment or common areas of the building, or both, within the most recent 6 years of the tenant’s tenancy. (This includes both alleged and confirmed problems, including, but not limited to, each of the problems alleged in the tenant’s complaint.) For each such problem or condition, please state:
   1. The nature of the problem;
   2. The date you first became aware of such problem;
   3. How you first became aware of such problem—that is, who, if anyone, informed you and how (orally or in writing); and
   4. What steps, if any, you took in response to being notified of such problem, including whether your investigation confirmed that there was a need for repair.
3. {%p endif %}
4. {%p if ints.get('bad\_conditions\_inspections',DAEmpty()).checked %}
5. Please describe in detail any inspections of the apartment or building conducted by the Board of Health, Inspectional Services Department, Housing Authority or other agency, within the most recent 6 years of the tenant’s tenancy, including, but not limited to:
   1. The date of the inspection;
   2. The identity of the agency conducting the inspection;
   3. The identity of the person who contacted the agency to perform the inspection and the date of the contact;
   4. The date you received a report from the agency;
   5. The substance of the report;
   6. The date and substance of any communications with the inspector or other representatives of the agency; and
   7. What, if anything, you did in response to the inspection.
6. {%p endif %}
7. {%p if ints.get('bad\_conditions\_prepurchase\_inspections',DAEmpty()).checked %}
8. If the landlord before, at the time of, or immediately following the purchase or acquisition of the apartment or building, obtained any inspections, assessments, or evaluations of the apartment or building, or both, for each such inspection, assessment, or evaluation state:
   1. The date;
   2. The name, address, email, and telephone number of the person who or agency that performed it;
   3. When the landlord received or became aware of the inspection, assessment, or evaluation;
   4. The contents thereof, stating specifically what problems or conditions were noted; and
   5. What, if anything, the landlord did in response to such inspection, assessment, or evaluation.
9. {%p endif %}
10. {%p if ints.get('bad\_conditions\_attempted\_repairs',DAEmpty()).checked %}
11. If the landlord has made or attempted to make inspections or repairs, or both (including exterminations) to the tenant’s apartment, common areas, or systems of the building, or all, within the most recent 6 years of the tenant’s tenancy, for each such inspection or repair, or attempt at either, including extermination, please state:
    1. A description of each inspection or repair, or both;
    2. How and when the landlord let the tenant know of the plan to inspect or repair, or both (including whether there was written notice to the tenant);
    3. The date of each inspection or repair, or both;
    4. The name, address, email, and telephone number of the company or person who made each inspection or repair, or both;
    5. If applicable, the cost of each inspection or repair, or both; and
    6. For repairs, how and when the landlord first knew of the condition that needed to be repaired.
12. {%p endif %}
13. {%p if ints.get('lead\_paint',DAEmpty()).checked %}
14. If the landlord have ever learned of or tried to discover whether there is lead paint in the tenant’s apartment or building, or both, please provide:
    1. A full and complete description of the landlord’s investigation or knowledge and information regarding the presence or absence of lead paint in the apartment or building, or both, including, but not limited to:
       1. The substance of any inspections, investigation, or knowledge and information;
       2. The name, address, email, and telephone number of any person or company with information;
       3. The date(s) that the landlord conducted such investigation or acquired such knowledge and information;
    2. A full and complete description of any steps the landlord took regarding the presence of lead paint in the apartment or building, or both, (i.e., any and all inspections not identified above or abatement of any lead paint hazard), including, but not limited to:
       1. The substance of all action taken or work performed;
       2. The date(s) thereof;
       3. Who did what work (name, address, company, email, telephone number, and license number of the deleader);
       4. The details of any arrangements for relocation of the tenant during the abatement process (including where the tenant was relocated, how the tenant was relocated, and the payment of any costs associated with such relocation).
15. {%p endif %}
16. {%p if ints.get('bad\_conditions\_tenant\_damaged',DAEmpty()).checked %}
17. If the landlord claims that the tenant caused any damage to the apartment or building, or both, please describe such damage in full and complete detail, including, but not limited to:
    1. The substance of such damage;
    2. Why the landlord believes the tenant caused the damage;
    3. What if any repairs were made to such damage, the date(s) of such repairs, and the costs of such repairs; and
    4. The name(s), address(es), email(s) and telephone number(s) of anyone with knowledge of such damage allegedly caused by the tenant.
18. {%p endif %}
19. {%p if ints.get('bad\_conditions\_tenant\_hindered',DAEmpty()).checked %}
20. If the landlord claims the tenant prevented or hindered inspecting the apartment or making repairs, or both, for each attempt to inspect or make repairs, please describe:
    1. The date of the attempt;
    2. How and when the landlord let the tenant know of the plan to inspect or to repair, or both;
    3. What the tenant did or said to prevent or hinder the inspection or repair;
    4. The names and addresses of anyone present at the time who has information about the tenant’s interference with the inspection or repair, or both; and
    5. Any financial or other loss suffered as a result of the tenant’s actions or inactions.
21. {%p endif %}
22. {%p if ints.get('bad\_conditions\_landlord\_entered\_premises',DAEmpty()).checked %}
23. If the landlord, or anyone on the landlord’s behalf, has been inside the tenant’s apartment within the most recent 6 years of the tenant’s tenancy (or before the tenancy for the purpose of renting the apartment to the tenant), please state who was inside the apartment, when, and why they were there.
24. {%p endif %}
25. {%p if ints.get('bad\_conditions\_describe\_maintenance',DAEmpty()).checked %}
26. Please describe in full and complete detail the maintenance and management of the apartment or building, or both, during the tenancy, including, but not limited to, the name of the management company, the identity (by name and address) of each responsible person, a description of each such person’s duties, for how long they managed or maintained the building, or both, and their job training, experience, and qualifications.
27. {%p endif %}

{%p if ints.any\_in\_category("Utilities") %}

Utilities

{%p endif %}

1. {%p if ints.get('utilities\_written\_agreement',DAEmpty()).checked %}
2. If there is or was a written agreement requiring the tenant to pay for water, heat, hot water or electricity, or all, please describe the substance of the agreement, the date of the agreement, and the date the obligation to pay for any such utility took effect (specifying each utility).
3. {%p endif %}
4. {%p if ints.get('utilities\_shutoff',DAEmpty()).checked %}
5. If any of the tenant’s utilities (water, gas, or electricity) have ever been shut off, discontinued, or threatened to be shut off or discontinued, or both (by you, a utility company, or anyone else), state which utility and when, the reason for the shutoff or notice or threat of the shutoff, and, if applicable, when the utility was turned back on.
6. {%p endif %}
7. {%p if ints.get('utilities\_common\_area\_accounts',DAEmpty()).checked %}
8. Please describe any accounts that the landlord has or has had for common area utility usage (including water and sewer) in the building, including the date such account was established, the name of the utility company, the account number for each such account, and a description of the areas in the building covered by each such account.
9. {%p endif %}
10. {%p if ints.get('utilities\_outside\_unit',DAEmpty()).checked %}
11. If the tenant is or was at any time responsible for paying for any water, electricity, or other utility outside the apartment, including, but not limited to, hallways, the basement, or the exterior of the building, please describe what the tenant is responsible for, whether there is a written agreement between the parties reflecting this arrangement, and the date such arrangement first took effect.
12. {%p endif %}

{%p if ints.any\_in\_category("Facts About the Landlord") %}

Facts About the Landlord

{%p endif %}

1. {%p if ints.get('all\_property\_owned',DAEmpty()).checked %}
2. Please list all property, including the property involved in this case, that the landlord owns or has owned at any point during the tenant’s tenancy in the apartment (including any property owned by trust or business entities with which you are associated) and *for each such property*:
   1. Identify the address;
   2. State the number of apartments in each such property; and
   3. State the purchase date and dates of ownership.
3. {%p endif %}
4. {%p if ints.get('describe\_trust',DAEmpty()).checked %}
5. If the landlord is a trust, please describe the trust in detail, including, but not limited to:
   1. The name and type of the trust;
   2. The names of the trustees, and any changes thereto (including all applicable dates); and
   3. The names of the beneficiaries of the trust, and any changes thereto (including all applicable dates).
6. {%p endif %}

DOCUMENT REQUESTS

{%p if drq.any\_in\_category("Tenancy") %}

Tenancy

{%p endif %}

1. {%p if drq.get('rental\_documents',DAEmpty()).checked %}
2. Any documents related to the rental of the apartment or to the tenancy, or both, including, but not limited to, rental applications, credit checks, references, lease(s) or other written agreement(s) between the landlord and the tenant, and lease addenda, changes, or renewals.
3. {%p endif %}
4. All letters and other written communications between the landlord and the tenant.
5. {%p if drq.get('rent\_payment\_records',DAEmpty()).checked %}
6. All written records kept by the landlord concerning payments for rent or use and occupancy made by or on behalf of the tenant.
7. {%p endif %}
8. {%p if drq.get('other\_records',DAEmpty()).checked %}
9. All written records kept by the landlord concerning payments for charges other than rent or use and occupancy made by or on behalf of the tenant.
10. {%p endif %}
11. {%p if drq.get('documents\_from\_predecessor',DAEmpty()).checked %}
12. All documents received from any predecessor(s) in interest (people or business(es) that owned the building before you did) related to the building, including, but not limited to, documents about:
    1. The condition of the building;
    2. Tenancies at the building; and
    3. Assignments of rights or obligations, or both.
13. {%p endif %}
14. {%p if drq.get('landlords\_purchase',DAEmpty()).checked %}
15. All documents concerning the landlord’s purchase, refinancing, mortgage, sale, marketing, or insurance of the apartment or building, or both, including, but not limited to, inspection reports and other assessments or evaluations, purchase and sale agreements (and other documents concerning conditions of purchase or sale), broker or other marketing agreements, and the like.
16. {%p endif %}
17. All documents related in any way to the tenant’s claims or to the landlord’s defenses or counterclaims (to the extent not addressed elsewhere in your responses to these document requests).
18. All documents the landlord plans to present at trial.

{%p if drq.any\_in\_category("Subsidized Housing") %}

Public and Subsidized Housing/Governmental Assistance

{%p endif %}

1. {%p if drq.get('subsidized\_housing\_describe\_subsidy',DAEmpty()).checked %}
2. All written documents concerning the exact type or nature of any rental subsidy attached to the building or involved in the tenancy.
3. {%p endif %}
4. {%p if drq.get('discrimination\_subsidy\_receipt',DAEmpty()).checked %}
5. All documents related to requests that the landlord accepts a subsidy, rental arrears, or other financial assistance for the tenant’s rent for the tenancy **and** the landlord’s response, if any.
6. {%p endif %}
7. {%p if drq.get('subsidized\_housing\_tenant\_file',DAEmpty()).checked %}
8. All documents concerning housing conditions in any tenant file that the owner or manager maintains for the tenant.
9. {%p endif %}
10. {%p if drq.get('subsidized\_housing\_rent\_increase\_request',DAEmpty()).checked %}
11. All documents concerning any request the landlord has made for an increase in the contract rent and responses to that request from the tenant or agency administering the tenant’s subsidy, or both.
12. {%p endif %}
13. {%p if drq.get('subsidized\_housing\_grievance',DAEmpty()).checked %}
14. All documents related to any informal conference or grievance hearings, or both, during the tenancy.
15. {%p endif %}
16. {%p if drq.get('subsidized\_housing\_communication\_with\_pha',DAEmpty()).checked %}
17. All letters and other written communications between the landlord and any housing authority, DHCD, MassHousing, HUD, and any other relevant agency regarding the tenant or the apartment.
18. {%p endif %}

{%p if drq.any\_in\_category("Problems with the Apartment/Building") %}

Problems with the Apartment/Building

{%p endif %}

1. {%p endif %}
2. {%p if drq.get('bad\_conditions\_notice\_of\_inspection',DAEmpty()).checked %}
3. All documents notifying the tenant of inspections or repairs, or both, to the apartment or building, or both.
4. {%p endif %}
5. {%p if drq.get('bad\_conditions\_photos',DAEmpty()).checked %}
6. All photographs, videos, or digital images of the tenant’s apartment or of the building, or both, at any time during the tenancy, or within two (2) weeks before the tenant moved in.
7. {%p endif %}
8. {%p if drq.get('lead\_paint',DAEmpty()).checked %}
9. All documents related to investigation for or the presence of lead paint at any time in the tenant’s apartment or in the building, or both, including, but not limited to, notices to any tenants in the building, notices from any agency about lead paint, and documents related to lead paint inspections, verifications of lead paint abatement or control of lead paint, or both, and tenant relocation.
10. {%p endif %}
11. {%p if drq.get('bad\_conditions\_inspections',DAEmpty()).checked %}
12. All documents concerning conditions in the tenant’s apartment, the common areas, or systems of the building, or all, including, but not limited to, complaints, inspection reports, and requests for repairs by the tenant or any other person or agency, or all.
13. {%p endif %}
14. {%p if drq.get('bad\_conditions\_repairs',DAEmpty()).checked %}
15. All documents relating to repairs of the apartment, common areas, or systems of the building, or all, including, but not limited to, invoices, estimates, bills, work orders, receipts, and records of payment.
16. {%p endif %}
17. {%p if drq.get('rental\_value',DAEmpty()).checked %}
18. All documents related to the basis of the landlord’s opinion regarding the fair market monthly rental value of the apartment.
19. {%p endif %}

{%p if drq.any\_in\_category("Other") %}

Other

{%p endif %}

1. {%p if drq.get('utilities\_written\_agreement',DAEmpty()).checked %}
2. All documents concerning who is or was at any time during the tenant’s occupancy responsible for payment of water and sewer, heat, hot water, and electricity, or any other utilities in the apartment.
3. {%p endif %}
4. {%p if drq.get('utilities\_shutoff',DAEmpty()).checked %}
5. Any documents concerning the threatened or actual termination or re-connection of utilities (including water and sewer, electricity, or gas) in the apartment or building.
6. {%p endif %}
7. {%p if drq.get('utilities\_common\_area\_accounts',DAEmpty()).checked %}
8. Any documents concerning accounts that the landlord has or has had for common area water and other utility usage in the building.
9. {%p endif %}
10. {%p if drq.get('utilities\_outside\_unit',DAEmpty()).checked %}
11. Any documents concerning tenant responsibility for payment of any water, electricity, or other utility outside the apartment, including, but not limited to, hallways, the basement, or the exterior of the building at any time during occupancy.
12. {%p endif %}
13. {%p if drq.get('insurance',DAEmpty()).checked %}
14. Any documents concerning fire, property, or liability insurance of the apartment or building, including, but not limited to, policies, binders, contracts, agreements, vouchers, checks, notices, correspondence, and notices to the landlord’s insurer of claims concerning the apartment or building.
15. {%p endif %}
16. {%p if drq.get('management',DAEmpty()).checked %}
17. Any documents concerning the management of the apartment or building, or both (including management contract(s) applicable to the period of the tenant’s occupancy and any other management documents concerning the tenancy).
18. {%p endif %}
19. {%p if drq.get(‘maintenance’,DAEmpty()).checked %}
20. Any documents concerning the maintenance of the apartment or building, or both, in relation to the tenancy.
21. {%p endif %}
22. {%p if drq.get('lawsuits',DAEmpty()).checked %}
23. Any documents concerning lawsuits or claims, or both, related to the apartment or building, or both, or involving the landlord and tenant.
24. {%p endif %}
25. {%p if drq.get('cares\_mortgage', DAEmpty()).checked %}
26. All documents relating to the type and status of the mortgage on the building including, but not limited, to whether it is a federally backed mortgage and any mortgage forbearance obtained in 2020.
27. {%p endif %}
28. {%p for request in other\_drq %}
29. {{ request.content }}
30. {%p endfor %}

{{p include\_docx\_template('include\_SignatureBlock.docx')}}