**{%- for entity in collectors %}**

**{{ debt.complaint\_heading }}**

{%- if debt.affirmative\_case\_state\_or\_federal == “State” %}

{{ debt.affirmative\_case\_court\_type }} {{ debt.affirmative\_case\_court\_division }}

{% endif %}

Case No.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

{{ client.name.full() }} **)**

**)**

**Plaintiff )**

**)**

**)**

**v. )**

**)**

**)**

{{ comma\_and\_list(debt.collector\_list) }} **)**

**Defendant(s) )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**FIRST SET OF INTERROGATORIES ISSUED UPON DEFENDANT IN COUNTERCLAIM CAVALRY SPV I, LLC**

Pursuant to{% if debt.affirmative\_case\_state\_or\_federal == “State” %}

Mass. R. Civ. P. 33{% else %}Fed. R. Civ. P. 33{% endif %}, the Plaintiff, through counsel, submits thes interrogatories to the Defendant, Cavalry Portfolio Services, LLC. The Defendant must answer these interrogatories within 45 days of receipt. Please produce the answers to the interrogatories to the office of {{ advocate.name.full() }}, 197 Friend Street, Boston, MA 02114.

**PRESERVATION OF RECORDS**

This request gives the Defendant notice of the relevance of all records and documents referred to herein, and of all records and documents that may lead to the discovery of such documents. Plaintiff reminds Defendant of its duty to preserve all of such records and documents and to refrain from altering, destroying or disposing of them. In particular, with respect to information collected or recorded in electronic form, Plaintiff reminds Defendant that it should (a) refrain from recycling computer storage media, such as tapes, disks, USB memory sticks, or external hard drives used for "back-up" purposes to the extent that such media relate to the periods stated in the various requests for production of documents made herein; (b) refrain from any activity that would alter or damage data on any computer systems, including deleting, de­fragmenting or compressing such data, or reverting said computer systems to previous states; (c) refrain from disposing of any electronic media; (d) refrain from saving new data to electronic media that already contains data described in this request for production of documents; (e) refrain from installing new software or files on any media or machine that contains data described in these discovery requests.

**INSTRUCTIONS**

1. In your responses to these interrogatories, provide all answers available to you or subject to your reasonable inquiry. This includes those in the possession of your agents, employees, attorneys, and other persons directly or indirectly employed or connected with you and anyone else otherwise subject to your control as defined below.

2. Before responding to these interrogatories, make a diligent search of your records, other papers, materials and electronic storages in your possession or available to you or to your representatives.

3. If an interrogatory has sub-parts, respond to each part separately and in full. Do not limit your response to the request as a whole.

4. If you are unable to respond in full to any of these interrogatories, respond to it to the fullest extent possible, specifying the reason for your inability to respond to the remainder and listing the answers of which you have knowledge that are responsive to the missing portion.

6. If the answers requested are not reasonably available in the precise form and scope requested, or for the particular date or period specified, but can be supplied partially, in a modified form or for a different but relevant date or period, provide the best answers available together and state the reasons that the response is not completely responsive to the request. Identify any other people or sources from which more complete information is obtainable.

7. All words in the singular shall be construed to include the plural and vice versa, and all words in either the masculine, feminine or neuter shall be construed to include the all genders and gender identities.

8. The words "and" and "or" shall be construed conjunctively, disjunctively or both as necessary to give the particular interrogatory the broadest and most inclusive scope.

9. If you believe that an interrogatory calls for information contained in documents, ESI, data, or communications which you claim to be confidential, trade secrets, privileged, or work product, answer as much of such interrogatory and each subpart thereof, as does not indicate allegedly confidential, secret, privileged, or work product information. Identify each such document, ESI and communication and set forth the basis for your claim of confidentiality, secrecy or privilege with respect to information which you refuse to furnish.

11. If you believe that any interrogatory is objectionable, respond to so much of each request each subpart thereof that is not, in your view, objectionable, and separately state the objection and each ground for each such objection to each subpart, in accordance with the requirements of.

13. These interrogatories are continuing and require supplemental responses. If any answer is not presently known or available, include a statement to that effect and furnish the answer when known or available, unless otherwise agreed to by counsel. Promptly serve supplemental responses upon Plaintiff upon of receipt of such information.

14. Please supplement your discovery responses as required by the Rules.

**DEFINITIONS**

1. The pronouns “you” and “your” refers to the party to whom these requests for production are addressed, and that party’s agents as well as any officers, directors, employees, independent contractors, agents, attorneys, partners, corporate parents, subsidiaries or affiliates thereof.

2. “Document” has the meaning set forth in {% if debt.affirmative\_case\_state\_or\_federal == “State” %}

Mass. R. Civ. P. 34(a)(1)(A){% else %}Fed. R. Civ. P. 34(a)(1)(A){% endif %},. An earlier draft is a separate document within the meaning of this term.

3. “Concerning” has the meaning set forth in Superior Court Standing Order 1-09 (Written Discovery), i.e., “referring to, describing, offering evidence of, or constituting.”

4. “Communication” has the meaning set forth in Superior Court Standing Order 1-09 (Written Discovery), i.e., “the transmittal of information (in the form of facts, opinions, ideas, inquiries, or otherwise)”.

5. The terms “possession, custody or control” means documents within the actual possession, custody or control of the Defendant, as well as documents which are not in the Defendant’s actual possession, custody or control, but which the Defendant has a right to obtain copies of.

6. “Electronically stored information” or “ESI” has the meaning set forth in {% if debt.affirmative\_case\_state\_or\_federal == “State” %}

Mass. R. Civ. P. 34(a)(1)(A){% else %}Fed. R. Civ. P. 34(a)(1)(A){% endif %}. An earlier draft is a separate piece of electronically stored information within the meaning of this term.

7. "Data or data compilations" include but are not limited to the original or any copy of any notes, correspondence, memoranda (including written memoranda of telephone conversations, transcriptions of telephone conversations and messages, other communications, discussions, agreements and any other acts, transactions or activities), text messages (including those sent through the standard messaging service and those sent through third-party messaging services), invoices, time sheets, expense vouchers, contracts, agreements, drafts, pamphlets, audits, journals, web based messaging or collaboration services, diaries, calendars, bills of sale, purchase order, ledgers, canceled checks, deposit slips, budgets, receipts, books of account, order forms, records, requisitions, drawings, specifications, sound recordings, video recordings, transcripts, computer-stored data or databases, computer drawings, cloud stored data or databases, printouts, computer code, entries in any kind of database, case management, account management, or contact management program, platform, or service of any kind, any other retrievable computer data in your possession, and any other written matter of any kind, including but not limited to any marginal comments appearing on any documents, draft versions, or any other writing.

{%- if need\_complaince\_info %}

8. "Training" includes, but is not limited to, any instruction or education, provided by any person(s), designed to increase the competence or skills of person(s) so as to enable person(s) successfully to perform the present job requirements or future job requirements.

9. "Policy" or "policies" means procedure(s) or definite courses of action or methods of actions selected from among alternatives and in light of given conditions to guide and determine present and future decisions, whether or not such procedures are written.

{% endif %}

10. “Alleged debt”, “debt”, “account” or “defendant’s account” refers to {{ debt\_information }}.

12. “Identify,” when referring to a person, shall mean to give, to the extent known, the person’s full name, present or last known address, and, when referring to a natural person, the present or last known place of employment.

13. “Identify" or "describe" when referring to a document, ESI, or data shall mean giving a description of the type of document; a description of the general subject matter; date of the document; authors, addressees and recipients; title of the document; a physical description of the document; the document’s location; and the identity and address of its present custodian. Each request to describe or identify a document shall be deemed to include a request for information sufficient to enable the requesting party to obtain the document with a subpoena.

INTERROGATORIES

{%- if ints\_checked[“identify\_answerers”] %}

1. Identify all person(s) responding to, answering, consulted in answering, or providing any information used to answer each interrogatory, each request for production and each request for admission.

ANSWER:

{% endif %}

* 1. {%- if ints\_checked[“identify\_possible\_witnesses”] %}

1. Identify and state the telephone number and title (or former title if no longer employed by Plaintiff) of all persons who have personal knowledge of any of the facts, events, or matters alleged in Plaintiff’s Complaint and/or Plaintiff’s Statement of Small Claim and Notice of Trial and/or the Defendant’s Answer and Counterclaim; who had any communication or other involvement in any manner with the Defendant or the debt; and/or who Plaintiff intends to call as a witness, and describe Plaintiff’s understanding of the matters on which the persons named have knowledge or involvement and the nature and extent of that knowledge or involvement and/or on which the person will testify. Identify and state the location of all documents concerning or relating to such knowledge or involvement.

ANSWER:

{% endif %}

{%- if ints\_checked[“identify\_facts”] %}

1. With respect to each claim asserted in Plaintiff’s Complaint and/or Statement of Small Claim and Notice of Trial, provide each and every fact on which each claim is based, identify all persons from whom information was obtained in support of Plaintiff’s assertion of the claim and identify and state the location of all documents on which Plaintiff relies in support of each claim.

ANSWER:

{% endif %}

{%- if ints\_checked[“identify\_expert\_witnesses”] %}

1. Identify each person whom Plaintiff may call as an expert witness at trial, including business address and telephone number, and state (a) his or her occupation, and current employment; (b) the subject matter of his or her expertise; (c) his or her educational background, academic degrees, employment history, employment experience, and any other matters which you contend qualify him or her as an expert; (d) the substance of all facts and opinions to which he or she could testify if called as a witness; (e) a summary of the grounds for each such opinion.

ANSWER:

{% endif %}

{%- if ints\_checked[“identify\_owners”] %}

1. Identify all entities that had or have any ownership interest in the account, servicing rights for the account, and/or a right to collect on the account, and the dates on which each of these entities had or have such an interest or right.

ANSWER:

{% endif %}

{%- if ints\_checked[“identify\_knowledge\_specific\_doc”] %}

1. Please identify each and every person responsible for the creation, assembly, or preparation of the document the document entitled ‘Exhibit #1’, ‘Exhibit A’, ‘Notification Files’, or something similar that your counsel produced to Defendant’s counsel on the date of the initial small claims magistrate hearing in this case that includes certain personal identifying information of the Defendant.

ANSWER:

{% endif %}

Date: {{ today() }}

Respectfully submitted,

Plaintiff {{ client.name.full() }}

By {{ client.pronoun\_possessive(‘attorney’) }},

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{{ advocate.name.full() }} (BBO {{ advocate.bbo}})

Greater Boston Legal Services

197 Friend Street

Boston, MA 02114

{{ advocate.phone\_number }}

**{% endfor %}**