**{%- 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 REQUESTS FOR PRODUCTION OF DOCUMENTS ISSUED UPON {{ entity }}**

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

Mass. R. Civ. P. 34{% else %}Fed. R. Civ. P. 34{% endif %}, the Plaintiff, through counsel, submits this for production of documents and electronically stored information (“ESI”) to you, {{ entity}}. You must answer these requests within 30 days of receipt. Please produce the documents requested below for inspection and copying at the offices of {{ advocate.name.full() }}, 197 Friend Street, Boston, MA 02114.

**PRESERVATION OF RECORDS**

This request gives you 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. We remind you of your 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, we remind you that you 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 requests for production, provide all documents and ESI 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 requests, 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. Serve a copy of all documents or ESI, separately and fully.

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

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

6. If the documents or ESI 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 documents or ESI available together and state the reasons that the response is not completely responsive to the request. Identify of any other documents and ESI, or sources from which more complete information is obtainable.

7. If any document or any ESI responsive to these requests has been destroyed, please describe such document or ESI in full and complete detail, state the date of its destruction, state the name of the author, state the name of the person who destroyed it, and set forth the reasons for its destruction.

8. 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.

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

10. If you believe that a request calls for information contained in documents, ESI or communications which you claim to be confidential, trade secrets, privileged, or work product, answer as much of such request 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. When a requested document or ESI includes confidential employee information, such as names, code the information in a manner allowing for consistent identification of the individual and the actions attributed to the individual without disclosure of the individual's actual identity.

12. If you believe that any request 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.

13. These requests are continuing and require supplemental responses. If any document or ESI is not presently known or available, include a statement to that effect and furnish the document 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.

15. Unless otherwise indicated, the time period at issue for these document requests is {{ discovery\_time\_period }}.

**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 }}.

REQUESTS FOR PRODUCTION

{%- if drqs\_checked[“all\_docs\_for\_trial”] %}

* 1. All documents, data and ESI you intend to introduce as exhibits at trial, or at any hearing or motion in this matter.

{% endif %}

{%- if drqs\_checked[“used\_for\_ints”] %}

* 1. All documents, data or ESI referenced in, identified in, referred to, used, or relied upon while answering any interrogatories propounded by the requesting party.

{% endif %}

{%- if drqs\_checked[“identified\_in\_ints”] %}

* 1. All documents, data or ESI which you are asked to describe or identify in answering any interrogatories propounded by the requesting party.

{% endif %}

{%- if drqs\_checked[“used\_for\_complaint”] %}

* 1. All documents, data or ESI referenced in, identified in, referred to, used, or relied upon while drafting your Statement of Small Claim and Notice of Trial and/or Complaint.

{% endif %}

{%- if drqs\_checked[“used\_for\_admissions”] %}

* 1. All documents, data or ESI referenced in, identified in, referred to, used, or relied upon while answering any requests for admissions propounded by the requesting party.

{% endif %}

{%- if drqs\_checked[“related\_to\_claims”] %}

* 1. All documents, data or ESI concerning, relating to or supporting any affirmative defense(s) or counterclaims asserted in Defendant’s Answer and Counterclaim.

{% endif %}

{%- if drqs\_checked[“contracts”] %}

* 1. All agreements, contracts, and sets of terms and conditions—including any amendments or updates to these documents—related to the debt.

{% endif %}

{%- if drqs\_checked[“docs\_concerning\_client”] %}

* 1. All documents, data or ESI concerning the Defendant in your control.

{% endif %}

{%- if drqs\_checked[“docs\_concerning\_client”] %}

* 1. All employment manuals or handbooks.

{% endif %}

{%- if drqs\_checked[“insurance”] %}

* 1. All insurance policies that may provide coverage for any counterclaim asserted in Defendant’s Answer.

{% endif %}

{%- if drqs\_checked[“client\_signed”] %}

* 1. All documents, data and ESI bearing the requesting party’s signature; whether written, electronic, or otherwise made.

{% endif %}

{%- if drqs\_checked[“debt\_calculations”] %}

* 1. All documents, data and ESI concerning or relating to the amount that plaintiff alleges Defendant owes plaintiff on account of the alleged debt and how such amount was determined.

{% endif %}

{%- if drqs\_checked[“all\_letters”] %}

* 1. All documents you have sent to the defendant; including but not limited to letters, notices, and bills.

{% endif %}

{%- if drqs\_checked[“docs\_concerning\_debt”] %}

* 1. All documents, data or ESI which concern the requesting party or the debt.

{% endif %}

{%- if drqs\_checked[“assignment\_documents”] %}

* 1. All documents, data or ESI concerning or related to any assignment, transfer of ownership rights, transfer of servicing rights, or change in collection responsibility of or for the account.

{% endif %}

{%- if drqs\_checked[“ownership\_documents”] %}

* 1. All documents, data or ESI pursuant to which you claim to be the owner of the debt.

{% endif %}

* 1. All agreements between you and any other entity that now is or has in the past been an owner, assignee, servicer, or debt collector of or for the debt.

{%- if drqs\_checked[“collection\_efforts”] %}

* 1. All documents, data, and ESI related to or concerning any efforts by you to collect the alleged debt.

{% endif %}

{%- if drqs\_checked[“all\_manuals”] %}

* 1. All documents, data, and ESI manuals, you maintain concerning the training of your employees, independent contractors, or agents in your consumer debt collection practices.

{% endif %}

{%- if drqs\_checked[“phone\_contacts”] %}

* 1. All documents, data and ESI relating to phone contacts you made concerning the debt.
  2. All records of any phone contacts made by you to any person or entity in an attempt to collect the debt or locate the requesting party.
  3. All logs, notes, and/or records related to the phone contacts described in requests 22 and 23.

{% endif %}

{%- if drqs\_checked[“expert\_documents”] %}

* 1. For each person whom Plaintiff expects to call or may call as an expert witness at the trial of this matter, or at any hearing or motion:
     1. A current curriculum vita or resume, as well as employment, agency, or independent contractor agreement; and
     2. All documents, data and ESI created by such person.
  2. All documents, data and ESI created by any expert witness which Plaintiff has retained or engaged in connection with this action, but whose testimony Plaintiff has decided not to present at any trial, hearing or motion.

{% endif %}

{%- if drqs\_checked[“concerning\_specific\_document”] %}

* 1. All documents, data or ESI concerning {{ specific\_document }}

{% endif %}

{%- if drqs\_checked[“copy\_of\_specific\_document”] %}.

* 1. A copy of {{ document\_we\_want\_copy\_of }}

{% 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 %}**