**Special Interrogatories Objection List:**

*Tips to read and use before choosing objections:*

* *Make sure you aren’t repeating objections within individual responses. Objections can be shared throughout the entirety of the responses as a group, though. If an individual response includes two different objections which share a smaller objection (For example, “This request violates attorney work product” within two larger objection blocks), then ensure that the smaller objection is only included within the individual response once.*
* *Also, do not include two objections from the same category of objections within an individual response.*
* *Anytime an interrogatory asks a question, whether it’s a deconstruction, asking about causation, what caused the incident, what rules the defendant’s broke, directed at “YOU”, use objections under the labels* ***Legal reasoning, Privilege against self-incrimination, and Calls for Expert Opinion. And don’t just use those phrases dude, I’m saying- use the objection blocks under those categories lower in the prompt. But don’t go crazy, just pick the applicable ones.***
* *Be cautious about including broader objections that are similar. Try and only include one that encompasses multiple, rather than stacking a bunch that are similar.*
* *"The word 'Objection.' should appear only once at the very beginning of each response, and not before each objection."*

***Asked and answered:***

* Asked and answered in prior interrogatories.

***Attorney-client privilege:***

* This interrogatory seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and it extends to “factual information” and “legal advice.” (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 601).

***Attorney work-product privilege:***

* This interrogatory seeks attorney work product, which Responding Party’s counsel has prepared in anticipation of trial; therefore, it violates the attorney work-product doctrine. (Code Civ. Proc. §§ 2018.020, 2018.030).

***Burdensome, oppressive, overbroad:***

* This interrogatory is so broad and unlimited in time and scope as to be an unwarranted annoyance and embarrassment to Responding Party, and, further, it is oppressive. To comply with this request would be an undue burden on, and expense to, Responding Party. The request is calculated to annoy and harass Responding Party. (See Code Civ. Proc. § 2030.090, subd. (b); *Columbia Broadcasting System, Inc. v. Superior Court* (1968) 263 Cal.App.2d 12, 19).

***Collateral source rule:***

* This interrogatory seeks information not relevant to the subject matter of this lawsuit and is not calculated to lead to the discovery of admissible evidence, in violation of the collateral source rule. Furthermore, this interrogatory is an invasion of Responding Party’s right to privacy. (See *Hrnjak v. Graymar* (1971) 4 Cal.3d 1; *Pacific Gas & Electric Company v. Superior Court* (1994) 28 Cal.App.4th 174; *Helfend v. SCRTD* (1970) 2 Cal.3d 1). Responding Party may present evidence of Responding Party’s total medical bills, and defendant(s) may move post-trial for a reduction based on amounts paid. (*Hanif v. Housing Authority* (1988) 200 Cal.App.3d 635; *Nishihama v. City and County of San Francisco* (2001) 93 Cal.App.4th 291, 309; *Greer v. Buzgheia* (2006) 141 Cal.App.4th 1150, 1157; *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541, 567 [leaving collateral source rule unchanged]).
* This interrogatory is improper because it seeks collateral source information. (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176).

***Any interrogatory that is asking about medical bills, medical payments:***

* Objection. This interrogatory seeks disclosure of protected information related to the payment of medical bills by a collateral source. *Gersick v. Schilling* (1950) 97 Cal.App.2d 641, 649-50.

***Compilation required:***

* This interrogatory would necessitate the preparation of a compilation, abstract, audit, or summary from documents in Responding Party’s possession; because such preparation would be similarly burdensome and/or expensive to both the propounding and responding parties, Responding Party hereby offers to permit review of the following documents, [INSERT DOCUMENT NAME], from which propounding party can audit, inspect, copy, or summarize. Responding Party will make said document available for review upon reasonable request. (Code Civ. Proc. § 2030.230; *Brotsky v. State Bar* (1962) 57 Cal.2d 287).

***Equally available:***

* This interrogatory is objectionable to the extent that it seeks information equally available to the propounding party. (See Code Civ. Proc. § 2030.220, subd. (c); *Alpine Mutual Water Co. v. Superior Court* (1968) 259 Cal.App.2d 45).

***Continuing:***

* This is improper because it constitutes a “continuing” and requires Responding Party to supplement an answer that was initially correct with later acquired information. (Code Civ. Proc. § 2030.060, subd. (g).)

***Incorporation by reference:***

* This is improper because it is not “full and complete in and of itself,” in violation of Code of Civil Procedure section 2030.060, subdivision (d).

***More than thirty-five special interrogatories:***

* This fails to comply with Code of Civil Procedure section 2030.030, subdivision (b), as the propounding party has exceeded the limit of special interrogatories. A party may not serve more than thirty-five (35) total special interrogatories without a supporting declaration setting forth the need for the additional interrogatories. (Code Civ. Proc. § 2030.030).

***Prefatory instructions:***

* This set of discovery utilizes preliminary instructions, in violation of Code of Civil Procedure section 2030.060, subdivision (d).

***Specially defined term(s):***

* This is improper because the specially defined term(s) carried over from - to [is/are] not capitalized. (Civ. Code § 2030.060, subd. (e)).

***Subparts, compound, conjunctive, disjunctive:***

* This interrogatory contains subparts, or a compound, conjunctive, or disjunctive question, in violation of Code of Civil Procedure section 2030.060, subdivision (f).

***Preliminary instructions:***

* Code of Civil Procedure section 2030.060, subdivision (d) prohibits the use of preliminary instructions, except for those approved by the Judicial Council. Additionally, a party responding to interrogatories must respond in writing separately to each interrogatory. (Code Civ. Proc. § 2030.210, subd. (a)).

***Partial responses:***

* This interrogatory includes partial responses, which is inappropriate. (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771,783 ["Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions."]).

***Irrelevant:***

* This interrogatory seeks information that is irrelevant to the subject matter of this suit, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc. § 2017.010).

***Medical records/medical history:***

* This interrogatory seeks to discover medical treatment or medical records that are entirely unrelated to the issues in this litigation, in violation of Responding Party’s constitutionally protected right to privacy under Article I, section I of the California Constitution. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 842; *Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1014-16). To require a party to delineate his or her entire medical history is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad. (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 864). Although an injured parties’ privacy rights are subordinate to the right of discovery in an injury case, this is true only with respect to relevant medical history. (*Vinson*, supra, 43 Cal.3d at p. 842). Thus, the disclosure of all of a party’s medical history and medical records cannot be compelled, even though they may, in some sense, be relevant to the substantive issues of litigation. (In re *Lifschutz* (1970) 2 Cal.3d 415, 435). Rather, only medical records that are directly relevant to the lawsuit are discoverable. (*Ibid*). Consequently, Responding Party can still assert [his/her] right of privacy to protect the disclosure of medical information not directly relevant to the lawsuit.
* Plaintiff objects to identifying any healthcare providers who examined or treated her prior to the incident based on the fact that any such information, should it exist, is privileged from disclosure. The interrogatory seeks to invade Plaintiff's right of privacy, is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff's medical history.

***Nonparty’s private information:***

* This interrogatory seeks the private information of a nonparty. Any party to an action may assert a nonparty’s constitutional right to privacy. (*Valley Bank of Nevada v. Superior Court* (*Barkett*) (1975) 15 Cal.3d 652, 658; *Pioneer Electronics (USA), Inc. v. Superior Court* (*Olmstead*) (2007) 40 Cal.4th 360, 371-75). Furthermore, even assuming the information sought by this interrogatory were relevant to the subject matter of this litigation, the nonparty must be given notice and an opportunity to object to such disclosure. (Id. at 637). No such notice or opportunity has been given in this instance.

***Legal reasoning:***

* This interrogatory seeks the legal reasoning or theory supporting Plaintiff’s contentions. Such theories and reasoning are absolutely protected as attorney work product. (C.C.P. §2018.030; *Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 5; *Burke v. Superior Court* (1969) 71 Cal.2d 276, 284-285).

***Privilege against self-incrimination:***

* Pursuant to Evidence Code section 940, the California Constitution, and the United States Constitution, a person has a privilege to refuse to disclose any matter that may tend to incriminate him or her, and Responding Party hereby asserts said privilege.

***Social security information:***

* A party’s Social Security number is “clearly irrelevant to the subject matter of the action.” (*Smith v. Superior Court* (1961) 189 Cal.App.2d 6, 9, 13).

***Tax returns and W-2s:***

* Information regarding tax returns, including income tax returns, W-2 forms, and 1099 forms, is privileged under federal and state law. (See *Webb v. Standard Oil Co.* (1957) 49 Cal.2d 509; *Brown v. Superior Court* (1977) 71 Cal.App.3d 141; *Aday v. Superior Court* (1961) 55 Cal.2d 789; *Schnabel v. Superior Court* (1993) 5 Cal.4th 704). This privilege is to be broadly construed. (*Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 6-7).

***Vague and ambiguous:***

* This interrogatory is so vague and ambiguous as to constitute an unwarranted annoyance and embarrassment to Responding Party, and, further, is oppressive because complying with this interrogatory would impose an undue burden and expense on Responding Party. (See Code Civ. Proc. § 2030.090, subd. (b)).

***Overly broad:***

* This interrogatory is burdensome, and remote, and as such is not calculated to lead to the discovery of information relevant to the subject matter of this action or to the discovery of admissible evidence. (*CBS v. Superior Court* (1968) 263 Cal.App.2d 12). To answer this interrogatory would result in oppression to Plaintiff in that this interrogatory is overly broad, indefinite as to time, and without reasonable limitation in scope. (*West Pico v. Superior Court* (1961) 56 Cal.2d 407).

***Seeks legal analysis:***

* This interrogatory is oppressive, harassing, and burdensome; the information sought seeks Plaintiff’s counsel’s legal analysis and theories regarding laws, ordinances, safety orders, etc., which are equally available to Defendant; the question also invades the attorney work-product privilege. (*Alpine v. Superior Court* (1968) 259 Cal.App.2d 45; *Burke v. Superior Court* (1969) 71 Cal 2d 276, 286).

***Boilerplate:***

* This interrogatory is boilerplate in form, requiring reference back to preceding questions, introductions, etc., thus making the question oppressive, burdensome, ambiguous, and unintelligible. *West Pico v. Superior Court* (1961) 56 Cal.2d 407.

***Seeks an abstract:***

* To the extent that Defendant seeks an abstract, summary, or compilation of the dates, nature of treatment, and consultation, along with the reasons for such examination, Defendant is directed, pursuant to C.C.P. §2030.230, to the medical records themselves as identified in the response to this interrogatory. Plaintiff does not have an abstract, summary, or compilation of the information which is contained in these records.

***Seeks facts at trial:***

* This interrogatory seeks to ascertain all facts or other data which plaintiff intends to offer at trial and, as such, is violative of the attorney work-product privilege. (*Singer v. Superior Court* (1969) 54 Cal.2d 318).

***Mistake in numbering:***

* The questions in this set of \_\_\_\_\_\_\_\_\_\_\_\_ are not formatted in conformity with the requirements of C.C.P. §2030.060, in that the questions are not ordered consecutively and are not each separately identified by a unique number. Responding to these questions/demands/requests as erroneously numbered would lead to confusion.

***Privacy:***

* This question seeks information protected by the right of privacy afforded by the California Constitution, Art. I §1.
* This interrogatory invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, oppressive, and unduly harassing.

***Any interrogatory that asks a question that would be solicit the opinion or conclusion pf a medical professional:***

* This interrogatory seeks an expert medical opinion and/or conclusion.

***Anything that requests any sort of data that spans over 10 years:***

* Moreover, this request is overly broad as to time, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

***Anything that asks for a reconstruction, opinion, or general narrative of the plaintiff:***

* Plaintiff objects to this special interrogatory on the grounds that it calls for Plaintiff to provide a narrative response to this interrogatory. Plaintiff further objects in that the subject interrogatory is vague and ambiguous, calls for an expert opinion and a legal conclusion. Moreover, it seeks to invade attorney client and/or attorney work product privilege.

***Equally Available to the Defense (NEW)***

* Plaintiff objects to the production request/INTERROGATORY as being vague, ambiguous, compound, overbroad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Further, it calls for an expert opinion and a legal conclusion, and seeks to invade the attorney client and attorney work product privilege. Additionally, such documents are equally available to Defendant making this request burdensome, oppressive, and harassing to Plaintiff. [[SOMETIMES, answer: Without waiving said objections, and subject to the aforementioned objections, Plaintiff responds as follows: Aside from those documents between Plaintiff’s attorney and the Defense in regards to this lawsuit, none to Plaintiff’s knowledge.]]

***Expert Witnesses:***

* This interrogatory seeks premature disclosure of expert opinion, in violation of Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. Responding Party has not decided which, if any, expert witnesses may be called at trial; insofar as this interrogatory seeks to ascertain the identity, writings, and opinions of Responding Party’s experts who, to date, have been retained or utilized solely as advisors or consultants, it is also violative of the work-product privilege. (See *South Tahoe Public Utilities District v. Superior Court* (1979) 90 Cal.App.3d 135; *Sheets v. Superior Court* (1967) 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973) 34 Cal.App.3d 270).
* This question seeks the identity of expert witnesses and production of expert reports in violation of California Code of Civil Procedure section 2034.

***Trial Witnesses:***

* The question seeks disclosure of trial witnesses (other than experts) and is therefore violative of the attorney work-product privilege. *City of Long Beach v. Superior Court* (1976) 64 Cal.App.2d 65

***Non Expert Witnesses:***

* The identity of witnesses is protected by the attorney work-product privilege where, as in this case, “disclosure would reveal the attorney’s tactics, impressions, or evaluation of the case (absolute privilege) or would result in opposing counsel taking undue advantage of the attorney’s industry or efforts (qualified privilege).” (*Coito v. Superior Court* (2012) 54 Cal.4th 480).
* The question calls for a professional opinion from a lay witness; consequently, the question is oppressive, harassing, and without a foundational showing of competence.

***Calls for expert opinion:***

* Responding Party is not a medical doctor, economist, medical billing reviewer, biomechanical expert, nor an accident reconstructionist in order to determine such issues as liability, fault, causation, negligence, and apportionment. This Special Interrogatory tends to solicit a professional opinion from a lay person, and as such, has no foundational basis. Further objection, this Special Interrogatory lacks foundation and calls for a legal conclusion beyond the expertise, scope, knowledge or skill of Responding Party.

***Legal conclusion objection:***

* This Special Interrogatory seeks a legal conclusion of an ultimate fact rather than a conclusion of an evidentiary fact which invades the domain of the trier of act.
* This Special Interrogatory lacks foundation and calls for a legal conclusion beyond the expertise, scope, knowledge or skill of Responding Party.

***Any interrogatory that asks for cell phone records, call logs, text messages:***

* This request seeks information neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this interrogatory invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive. Discovery and investigation are ongoing. Plaintiff reserves the right to supplement and/or amend this response.