

A man filed a class action in federal court against an insurance company on behalf of thousands of individuals nationwide. The complaint asserted that the insurance company denied these individuals' legitimate claims pursuant to a company policy that violates federal law. The insurance company denied the allegations.

After the parties held an initial planning conference, the man served the insurance company with 25 interrogatories. One of the interrogatories asked the company to list its net profits over the past five years. The interrogatories stated that they were to be answered within 30 days after service.

What is the insurance company's best response to the interrogatory about its net profits?

- A. Serve an objection on the ground that interrogatories may only be served on individuals, not companies.
- B. Serve an objection on the ground that the interrogatories exceed the number allowed without permission from the court or an agreement between the parties.
- C. Serve an answer identifying the specific documents that contain information about the company's net profits and provide the man's attorney an opportunity to inspect and copy those documents.
- D. Serve an answer identifying the specific documents that contain information about the company's net profits and provide the man's attorney an opportunity to inspect, but not copy, those documents.

## Explanation:

### Interrogatories

(FRCP 33)

<b>Questions</b>	<ul style="list-style-type: none"><li>• Written questions that inquire about facts, opinions &amp; contentions within scope of discovery</li><li>• Limit of 25 interrogatories unless stipulated by parties or ordered by court</li></ul>
<b>Responses</b>	<ul style="list-style-type: none"><li>• Must answer each interrogatory fully &amp; separately in writing, under oath &amp; signed by responding party</li><li>• Objections must be specific &amp; signed by responding party's attorney</li><li>• Due within 30 days of service</li></ul>
<b>Production of records</b>	<ul style="list-style-type: none"><li>• May answer by specifying business records from which answer may be derived if:<ul style="list-style-type: none"><li>– burden of deriving answers is substantially same for interrogating &amp; responding party <i>and</i></li><li>– responding party allows interrogating party to examine &amp; copy records</li></ul></li></ul>

**FRCP** = Federal Rule of Procedure.

**Interrogatories** are a [method of discovery](#) in which one party serves another party with written questions that inquire about facts, opinions, and contentions within the scope of discovery. The responding party must serve answers within 30 days after being served with the interrogatories.\* The responding party may also **answer** an interrogatory **by specifying business records** from which the answer may be derived **if**:

- the **burden** of deriving the answer is **substantially the same** for the interrogating or responding party *and*
- the responding party provides the interrogating party with an **opportunity to examine and copy** such records.

Here, one of the man's interrogatories asked the insurance company to list its net profits over the past five years, which can easily be derived from the company's business records. As a result, the company can respond by (1) serving an answer identifying the specific documents that contain this information and (2) providing the man's attorney an opportunity to inspect and copy those documents.

\*The parties may stipulate, or the court may order, a shorter or longer time to respond.

**(Choice A)** Interrogatories may be served on companies that are parties to the suit. Interrogatories served on a corporation, partnership, association, or government entity must be answered by an officer or agent.

**(Choice B)** A party may serve up to 25 interrogatories on any other party without the court's permission or an agreement between the parties (as seen here).

**(Choice D)** The company must provide the man's attorney an opportunity to inspect *and* copy the documents that contain the information about the company's net profits.

**Educational objective:**

A party may respond to an interrogatory by specifying business records from which the answer may be derived if (1) the burden of deriving the answer is substantially the same for the interrogating or responding party and (2) the responding party provides the interrogating party with an opportunity to examine and copy such records.

**References**

- Fed. R. Civ. P. 33 (interrogatories).