IN THE [[1]](#endnote-1)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PORTAGE COUNTY, OHIO

[[2]](#endnote-2)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CASE NO. [[3]](#endnote-3)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Plaintiff,

v. **DEFENDANT’S FIRST SET**

**OF WRITTEN INTERROGATORIES,**

[[4]](#endnote-4)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **REQUESTS FOR PRODUCTION**

 **OF DOCUMENTS AND**

 Defendant.  **REQUESTS FOR ADMISSIONS**

(NOTE: This Document contains Requests for Admissions)

Now comes Defendant, pro se, and pursuant to Rules 33 and 34 of the Ohio Rules of Civil Procedure propounds the following Interrogatories, Request for Production of Documents, and Requests for Admissions to Plaintiff to be answered within twenty-eight (28) days after the date of service and sent to Defendant at:

[[5]](#endnote-5)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plaintiff is under a duty to supplement its responses in accordance with Rule 26 (E). An **electronic version** of the Interrogatories, Requests for Admissions, and Requests for Production of Documents can be found at:

**http://www.communitylegalaid.org/discovery/combined2.doc.**

 **INSTRUCTIONS AND DEFINITIONS**

1. Pursuant to Civ. R. 33, 34, and 36, Plaintiff must furnish such information as is known or available to him and such documents which are in his possession or available to him.
2. Each Interrogatory must be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer.
3. An evasive or incomplete answer will be deemed a failure to answer under Civ. R. 37.
4. Plaintiff is under a continuing duty to seasonably supplement his responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity and location of documents relating to the subject matter of the instant lawsuit, the identity of each person expected to be called as a witness at hearing and/or trial and the subject matter on which the witness is expected to testify. Furthermore, Plaintiff is under a duty to seasonably correct any response that he knows or later learns is incorrect.
5. “Person” means natural persons, corporations, partnerships, sole proprietorships, unions, associations, federations, government agencies, or any other kind of entity.
6. The term “identify” when used herein in connection with natural persons means to state their full names, titles, and job descriptions, if applicable, and their present business and home address. If each person’s present business and home address is not known or available to you, state the last known or available business or home address of each such person or persons. “Person” includes, but is not limited to expert witnesses.
7. The word “identify” when used in reference to a person (as defined above) other than a natural person, means to state (1) its full name; (2) the nature of its organization, including the name of the state in which it was organized; (3) its address(es); (4) the address(es) of its principle place of business, and (5) its principal line(s) of business. If any of the above information is not available to Plaintiff, provide any other available information with or by which such person can be identified.
8. The term “identify” when used herein in connection with documents, or other tangible evidence means to describe these documents, or other tangible evidence, setting forth their dates, titles, authors, addresses, parties, and contents, topics or methods dealt with therein, with reasonable specificity as is sufficient for a particular demand for production. Documents to be identified shall include those documents in your possession, custody, or control and all other documents of which you have knowledge. The term “identify” when used herein in connection with documents that have been filed for record in any public office means to identify as well the date, time, place, filing number and volume and page of recordation or filing, if any.
9. The term “identify” when used herein in connection with oral statements and communications means to describe or summarize the contents of the statements and communications and to (1) state the date and place where they were made; (2) identify each of the speakers and recipients thereof in addition to all the persons present; and (3) indicate the medium of communication (such as by telephone or in person). NOTE: When identifying the date of an oral statement or communication, the precise date must be given. If only an approximate date is given, it will be presumed that you do not recall or have no specific knowledge as to the exact date.
10. The term “documents” when used herein means all original writings of any nature whatsoever, and all non-identical copies thereof, in your possession, custody or control, regardless of where located, and includes but is not limited to contracts, agreements, records, video tapes, tape recordings, correspondence, memoranda, communications, reports, studies, summaries, notes of any kind, bulletins, notices, announcements, instructions, plans and any other documents as defined by, but not limited to Civ. R. 34. In all other cases where originals and/or non-identical copies are not available, “documents” also means identical copies. Further, “documents” also means any information that can be printed or otherwise provided in hard copy from any computer, word processor or similar device.
11. If any such document was, but is no longer in the possession of Plaintiff, or subject to his control, or is no longer in existence, state whether it (1) is missing or lost; (2) has been destroyed; (3) has been transmitted or transferred voluntarily or involuntarily to others, identifying such others; or (4) has been otherwise disposed of. In each such instance, explain the circumstances surrounding the authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, provide any available information with or by which such documents can be identified.
12. “You” or “your” means the Plaintiff and his agents, representatives, investigators, attorneys, and all other persons acting for or on behalf of him.
13. “Date” when used herein shall include the day, month and year of the occurrence to which the interrogatory refers. Plaintiff is to provide the exact date or inclusive dates if known, or if not known, an approximation together with an indication that the date or dates supplied may not be exact.
14. In the event that you have an objection to any of the foregoing Interrogatories or Request for Production of Documents, please: (1) State the nature of the objection; and (2) if the ground is attorney-client privilege or attorney work-product, state the facts relied upon in support of the objection.
15. For all documents withheld for any claimed privilege, please prepare a privileged log for all documents withheld, including the following information: (1) the date of the document; (2) the author of the document; (3) the recipient of the document; (4) the general subject matter; and (5) the privilege asserted.

**INTERROGATORIES**

QUESTION 1. State the name, address, phone number, and place of employment of the person answering these interrogatories.

ANSWER:

QUESTION 2: How did DEFENDANT qualify for the credit card he/she allegedly received, which is the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint?

ANSWER:

QUESTION 3: With regard to the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint, please provide the names and addresses for each cardholder.

ANSWER:

QUESTION 4: Please provide the last four (4) digits of the account number for the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

ANSWER:

QUESTION 5: Identify and attach hereto each and every Exhibit you intend to introduce at any deposition, hearing and/or trial in this matter.

ANSWER:

**REQUEST FOR PRODUCTION OF DOCUMENTS**

REQUEST 1: Please provide copies of all account statements from opening until the present, with regard to the ORIGINAL CREDITOR account referenced in Plaintiff’s complaint.

RESPONSE:

REQUEST 2: Please provide any and all copies of assignments concerning the ORIGINAL CREDITOR account referenced in Plaintiff’s complaint which support Plaintiff’s claims.

RESPONSE:

REQUEST 3: Please produce any and all contracts between DEFENDANT, or any other cardholder, and ORIGINAL CREDITOR or PLAINTIFF concerning the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

REQUEST 4: Please provide copies of all cancelled checks from any cash

 advances made on the ORIGINAL CREDITOR account referred to

 in Plaintiff’s complaint.

RESPONSE:

REQUEST 5: Please provide copies of all correspondence between ORIGINAL CREDITOR or any other alleged assignee/assignor of the debt and any cardholder with regard to the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

REQUEST 6: Please provide copies of all credit card applications submitted by DEFENDANT or any other credit card holder to ORIGINAL CREDITOR with regard to the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

**ADMISSIONS**

REQUEST 1: Admit PLAINTIFF does not have a copy of the credit agreement signed by DEFENDANT concerning the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

REQUEST 2: Admit PLAINTIFF has no documentation showing the assignment of any debt by ORIGINAL CREDITOR for the debt allegedly held by Plaintiff in its complaint.

RESPONSE:

REQUEST 3: Admit PLAINTIFF does not have copies of all account statements from opening until the present, with regard to the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

REQUEST 4: Admit PLAINTIFF cannot prove a creditor-debtor relationship between itself and DEFENDANT with regard to the ORIGINAL CREDITOR account referred to in Plaintiff’s complaint.

RESPONSE:

REQUEST 5: Admit PLAINTIFF cannot prove its claim against DEFENDANT for monies allegedly owed on the ORIGINAL CREDITOR account referenced in Plaintiff’s complaint.

RESPONSE:

Respectfully submitted,

[[6]](#endnote-6)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[7]](#endnote-7)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[[8]](#endnote-8)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

Defendant, Pro Se

**VERIFICATION**

STATE OF OHIO )

COUNTY OF \_\_\_\_\_\_\_\_\_\_ )SS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, custodian of records for PLAINTIFF, being duly sworn says that the answers to these Interrogatories as set forth herein are true as he verily believes.

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

Custodian of records for PLAINTIFF

Sworn to and subscribed before me on this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_

**CERTIFICATE OF SERVICE**

A printed copy of the foregoing Defendant’s First Set of Written Interrogatories, Requests for Production of Documents, and Requests for Admissions was served on Attorney for the Plaintiff [[9]](#endnote-9)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by regular U.S. Mail this [[10]](#endnote-10)\_\_\_\_\_ day of [[11]](#endnote-11)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ pursuant to Civil Rule 5(B)(2)(c). An **electronic version** of the Interrogatories, Requests for Admissions, and Requests for Production of Documents can be found at: **http://www.communitylegalaid.org/discovery/combined2.doc.**

[[12]](#endnote-12)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defendant

1. Print the name of the court you are being sued in. Use the court name as follows:

 Portage County Municipal Court

 Ravenna Municipal Court

 Portage County Court of Common Pleas [↑](#endnote-ref-1)
2. Print the name of the person or company that appears as the Plaintiff on the face of the complaint. [↑](#endnote-ref-2)
3. Print the case number that appears on the face of the complaint [↑](#endnote-ref-3)
4. Print your name [↑](#endnote-ref-4)
5. Print your full name and complete mailing address [↑](#endnote-ref-5)
6. Sign your name [↑](#endnote-ref-6)
7. Print your name [↑](#endnote-ref-7)
8. Print your address and telephone number [↑](#endnote-ref-8)
9. Print the name and address of the person who signed the complaint. This information should appear at the bottom of the Complaint. [↑](#endnote-ref-9)
10. Date you will mail this document [↑](#endnote-ref-10)
11. Month and year you will mail this document [↑](#endnote-ref-11)
12. Sign your name

Note: Please leave the unnumbered blanks in the “Verification” section empty.

**MAILING and FILING INSTRUCTIONS:** Mail to the Plaintiff’s attorney as stated in the Certificate of Service. Do not file this form with the Clerk of Court. [↑](#endnote-ref-12)