

### **Rule 33. Interrogatories to Parties**

#### **(a) IN GENERAL.**

(1) *Number.* Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 40 written interrogatories, including all discrete subparts. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).

(2) *Scope.* An interrogatory may relate to any matter that may be inquired into under Rule 26(b). An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact, but the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.

(3) *Electronic Format.* A party, represented by counsel, serving interrogatories must, upon request of any other party, promptly transmit to such other party an electronic version of the interrogatories in a format that will enable the receiving party to copy the language of the interrogatories electronically. A self-represented party may participate in electronic discovery pursuant to this rule, provided that the party files a completed Civil Action Form 115, which includes the party's email address and confirms the party's capacity to file documents and receive the filings of other parties electronically and on a regular basis.

#### **(b) ANSWERS AND OBJECTIONS.**

(1) *Responding Party.* The interrogatories must be answered:

(A) by the party to whom they are directed; or

(B) if that party is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who must furnish the information available to the party

(2) *Time to Respond.* The responding party must serve its answers and any objections within 30 days after being served with the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon that defendant or within 75 days after service of the summons and complaint upon the District of Columbia or its officer or agency or the United States or its officer or agency. A shorter or longer time may be stipulated to under Rule 29 or be ordered by the court.

(3) *Answering Each Interrogatory.* Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. Answers and objections to interrogatories must identify and quote each interrogatory in full immediately preceding the answer or objection.

(4) *Objections.* The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

(5) *Signature.* The person who makes the answers must sign them, and the attorney who objects must sign any objections.

(c) **USE.** An answer to an interrogatory may be used to the extent allowed by the law of evidence.

(d) **OPTION TO PRODUCE BUSINESS RECORDS.** If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records (including electronically stored information), and if the burden

of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by:

(1) specifying the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and

(2) giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.

(e) FILING. Except as provided for in Rule 5(d), interrogatories, answers, and any objections must not be filed with the court.

## COMMENT TO 2017 AMENDMENTS

This rule incorporates the 2015 amendment to *Federal Rule of Civil Procedure 33*. Specifically, in subsection (a)(1), the cross-reference to Rule 26 has been updated to reflect that the proportionality factors are now in Rule 26(b)(1).

Section (d) is amended to include a stylistic change which was inadvertently omitted when the Superior Court rule was amended in 2015.

## COMMENT

This rule is identical to *Federal Rule of Civil Procedure 33*, as amended in 2007, with certain exceptions. The rule retains four provisions of the existing rule that differ from the federal rule: (1) the provision in subsection (a)(1) that allows 40 interrogatories rather than 25, given that Rule 26 does not require the initial disclosures contemplated by *Federal Rule of Civil Procedure 26*; (2) the requirement of subsection (b)(3) that a party quote each interrogatory in full before answering or objecting to it; (3) the substitution of “law of evidence” for “rules of evidence” in section (c), because evidence in the District of Columbia is governed by statute and common law principles rather than rules comparable to the Federal Rules of Evidence; and (4) the requirement in section (e) that parties not file interrogatories, answers, and any objections with the court unless so ordered.

The rule adds a new subsection (a)(3), requiring represented parties, and self-represented parties electing to participate in electronic discovery to, upon request, transmit electronic copies of interrogatories to another party, facilitating compliance with subsection (b)(3). The additional language in subsection (b)(3) comes from Local Rule 26.2(d) of the United States District Court for the District of Columbia.