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| NORTH CAROLINA  \_\_\_\_\_\_ COUNTY       \_\_\_\_\_\_                         PLAINTIFF,                           V.    \_\_\_\_\_\_\_\_                           DEFENDANT. | )  )  )  )  )  )  )  )  ) | IN THE GENERAL COURT OF JUSTICE  DISTRICT COURT DIVISION  \_\_\_\_\_\_\_\_\_        **PLAINTIFF'S FIRST SET OF**  **INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** |

TO:

You are served with the following written Interrogatories and Requests for Production of Documents under the provisions of Rule 33 and Rule 34 of the Rules of Civil Procedure.  You are required to answer the Interrogatories separately and fully and writing under oath and to serve a copy of your answers and documents pursuant to the Request for Production of Documents on the undersigned within thirty (30) days after service hereof.  These Interrogatories and Requests for Production shall be continuing in nature until date of trial and you are required to serve supplemental answers as additional information may become available to you.

INSTRUCTIONS

1.  In answering these Interrogatories, the answering party must furnish all requested information, not subject to valid objection, that is known by, possessed by or available to the answering party or any of the answering party's attorneys, consultants, representatives, agents, and all others acting on behalf of the answering party.

            2.  If you will do so without an additional request for production of documents under the Rules of Civil Procedure, please produce copies of all documents referred to in these interrogatories in your answers, attaching copies of them to those answers.

            If you refuse to do so voluntarily, please provide the complete identification of each document as part of your answer to each interrogatory. This should include the date of the document, a summary of its contents, its author and/or recipient, its present custodian, and its present location.

            3.  For each Interrogatory and subpart of each Interrogatory, if the information furnished in your answer is not within personal knowledge of the person signing and verifying the answers to these Interrogatories, identify each person to whom the information is a matter of personal knowledge, if known.

            4.  If the answering party is unable to answer fully any of these Interrogatories, the answering party must answer them to the fullest extent possible, specifying the reason(s) for the answering party's inability to answer the remainder and stating whatever information, knowledge or belief the answering party does have concerning the unanswerable portion.

            5.  All of the following Interrogatories call for continuous answers and, as such, require timely supplemental answers by the answering party in the event that, prior to final disposition of this action, additional relevant information comes to the attention of, or becomes available to the answering party, the answering party's attorneys, consultants, representatives, agents or any other person acting on behalf of the answering party.

DEFINITIONS

For purposes of responding to these interrogatories, the common usage of a word or term should apply unless the word or term is otherwise defined.  The following definitions are operative unless the text of a specific interrogatory clearly indicates that a different meaning is intended:

            1.   The word "document" means any written, printed, typed, computerized, programmed or graphic matter of any kind or nature, however produced or reproduced, and all mechanical and electronic sound recordings or transcripts thereof, however produced or reproduced, including, but not limited to memoranda, correspondence, reports, notes of telephone conversations and conferences, studies, analyses, bulletins, instructions, inter- and intra-office communications, charts, graphs, photographs, and all  forms and means of data compilations and recordings.

            If any document is no longer in your possession or control or is no longer in existence, state whether it is:

a.  missing or lost;

b.  destroyed;

c.  transferred voluntarily or involuntarily to others and if so, to whom; or

d.  otherwise disposed of.

            In each instance in which the document is no longer in existence, explain the circumstances surrounding any authorization for such disposition thereof, persons who participated in and destroyed the document, and state the approximate date thereof.

            2.   The words "identify", "identification" or "specify", or any variance thereof shall have the following meaning:

a.  When used in reference to a natural person, it shall mean to state the person's full name, home and business telephone number, title, employer (if applicable) and the residence address and business address or, if the present addresses are unknown, the last known residence and business address;

b.  When used in reference to a partnership, it shall mean to state the full partnership's name and the address of the partnership's principal office;

c.  When used in reference to a corporation, it shall mean to state the full name, the state of incorporation and the address of its principal office;

d.  When used in reference to an unincorporated association or any other business entity, it shall mean to state the full name of the entity and the address of its principal office;

e.  When used in reference to a tangible thing, it shall mean to state the name or the individuating mark or symbol of such things, its present or last known location, and a brief description of it; and

f.  When used in reference to a document, it shall mean to state the type of document (e.g. letter, memorandum, telegram, chart, photograph, etc.) or some other means of identifying the document, its author and originator, its date or dates, its present location and custodian and a summary of its contents.  If such document was, but presently is no longer in your possession or subject to your control, state what this disposition was made of such document.

INTERROGATORIES

            1.         State your full name, age, residence and business address, home and business telephone numbers and social security numbers.

**RESPONSE:**

2.         As to yourself, list your educational background, including all schools attended and years of attendance and degrees and/or certificates earned as well as special training or courses and employment skills.

**RESPONSE:**

            3.         List all places of employment applied to and/or applications submitted in the last twenty-four (24) months, the number of hours spent each day actively looking for employment, to include, but not limited to, newspaper research, emails sent/received, phone calls , letters or resumes sent, or applications completed, and whether or not any interviews were done in person or over the phone.  For each interview, list the name of the company, the contact person who interviewed you, the address of the company, and the telephone number of the person who interviewed you.

**RESPONSE:**

4.         State the names, addresses and telephone numbers of all employers for the last five (5) years and give the date of such employment, position held, all reasons for termination or leaving employment, salary, and how much you traveled for employment purposes.

**RESPONSE:**

            5.         State whether you have had any formal or informal offers for employment in the past eighteen (18) months, including:

                                    a.         Name of employer offering position;

                                    b.         Starting salary and bonus structure;

                                    c.         Term of Employment; and

                                    d.         Whether  you accepted or rejected such employment.

            6.         Identify any witnesses you intend to call at trial and identify and describe all exhibits which you intend to offer at the trial of this matter.

**RESPONSE:**

7.         State with particularity what you believe you are capable of earning on an annual basis, including the hours per week that you would work, the capacity in which you would work, the type of employer for whom you would work, and your method of compensation for such work.

**RESPONSE:**

            8.         Identify any witnesses you intend to call at trial and identify and describe all exhibits which you intend to offer at the trial of this matter.

**RESPONSE:**

            9.         If you are presently employed, state the address of your employment, your workdays and hours, whether you are required to put in overtime, the approximate amount of time it takes to commute to your employment each day, the amount of overnight travel you have done away from your residence for each of the past three (3) years.

**RESPONSE:**

            10.       If you are not granted sole physical custody, state with specificity the visitation time that would be appropriate.

**RESPONSE:**

11.       If you are granted sole physical custody, state with specificity the visitation time that would be appropriate.

**RESPONSE:**

            12.       Do you object to your children being removed from Wake County, North Carolina either temporarily or permanently?  If so, state your objections.

**RESPONSE:**

13.       Have the minor children expressed a preference to live with you? If so state:

                        a. Each date such preference were expressed.

                        b. The circumstances giving rise to each expression.

                        c. The words used by the child in expressing such preference.

                                    d. All persons present when the statement was made.

**RESPONSE:**

            14.       Is there anything about your spouse that renders him unfit to have sole physical custody of the minor children?  If so, describe with specificity this unfitness.

**RESPONSE:**

15.       State whether you believe yourself to be a better custodian than your spouse.  If the answer is affirmative, describe with specificity why you would be a better custodian than your spouse.

**RESPONSE:**

16.       State with specificity your strengths and weaknesses as a parent.

**RESPONSE:**

17.       State with specificity your spouse\_\_\_\_s strengths and weaknesses as a parent.

**RESPONSE:**

INSTRUCTIONS

1.         Under the Rules of Civil Procedure, you are required to produce the documents as they are kept in the usual course of business or to organize and label them to correspond with the categories of this request.  Accordingly, whenever a document or a group of documents is taken out of a file folder, file drawer, file box or notebook, before the same is produced, you are requested to attach thereto a copy of the label and the file folder, file drawer, file box or notebook from which a document or group of documents was removed.

2.         For each document responsive to this request that is withheld under a claim of privilege or work-product immunity, provide a statement under oath by a person having knowledge setting forth as to each document:

a.   The name and title of the author;

b.   The name and title of each person to whom the document was addressed;

c.   The name and title of each person to whom a copy of the document was sent;

d.   The date of the document;

e.   The number of pages in the document;

f.   A brief description of the nature and subject matter of the document;

g.   The nature of the claim privilege of immunity;

h.   The category or categories of this request to which the document is responsive; and

i.   The exact location of the original and each copy as of the date of receipt of this request, along with the name and address of the custodian of said originals and copies.

3.         If you are aware of any document otherwise responsive to this request, which document is no longer in your custody or control, identify the name and title of the author, the name and title of the addressee, the date of the document, the subject matter of the document or documents, the last date on which the document was in your control, the persons or entity, if any, now in control of the document, the reasons for your disposition or release of the document, all persons who have knowledge of the circumstances surrounding its disposition, and state what knowledge each person has.

4.         This production request shall be deemed to be continuing under the provisions of the Rules of Civil Procedure.

DEFINITIONS

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1.         The word "document" means any written, printed, typed, computerized, programmed or graphic matter of any kind or nature, however produced or reproduced, and all mechanical and electronic sound recordings or transcripts thereof, however produced or reproduced, including, but not limited to memoranda, correspondence, reports, notes of telephone conversations and conferences, studies, analyses, bulletins, instructions, inter- and intra-office communications, charts, graphs, photographs, and all forms and means of data compilations and recordings.

2.         If any document is no longer in your possession or control or is no longer in existence, state whether it is:

            a. missing or lost;

            b. destroyed;

c. transferred voluntarily to others and if so, to whom; or

d. otherwise disposed of.

In each instance in which the document is no longer in existence, explain the circumstances surrounding any authorization for such disposition thereof, persons who participated in and destroyed the document, and state the approximate date thereof.

3.         The words "identify", "identification" or "specify", or any variance thereof shall have the following meaning:

a. When used in reference to a natural person, it shall mean to state the person's full name, home and business telephone number, title, employer (if applicable) and the residence address and business address or, if the present addresses are unknown, the last known residence and business address;

b. When used in reference to a partnership, it shall mean to state the full  partnership's name and the address of the partnership's principle office;

c. When used in reference to a corporation, it shall mean to state the full name, the state of incorporation and the address of its principle office;

d. When used in reference to an unincorporated association or any other business entity, it shall mean to state the full name of the entity and the address of its principle office;

e. When used in reference to a tangible thing, it shall mean to state the name or the individuating mark or symbol of such things, its present or last known location, and a brief description of it; and

f. When used in reference to a document, it shall mean to state the type of document (e.g. letter, memorandum, telegram, chart, photograph, etc.) or some other means of identifying the document, its author and originator, its date or dates, its present location and custodian and a summary of its contents.  If such document was, but presently is no longer in your possession or subject to your control, state what disposition was made of such document.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

1.    For any interest which you have held in any business entity, identify its full name and address, its form of organization and the amount of any holding you have had, its present value, the date upon which you acquired the holding, your interest and the names and locations of all present offices or places of business.

**RESPONSE:**

2.    For each leasehold or ownership interest in real estate, identify its specific location, and the nature of the document whereby the interest in held or leased.  Provide copies of all documents relating to the ownership or lease of such interest.  Give the name and address of others holding an interest in the property and note the recording information of any deed or instrument identifying its record ownership, including page and volume of title recording.  If you have any equity in such real estate, describe its extent.

**RESPONSE:**

3.    Identify any motor vehicle, boat or aircraft owned or operated by the business, and identify its serial or other identifying number, its location and value.  Identify any lease on equipment utilized by the business and state the extent of remaining obligations, liabilities or values which may apply to the lease.  Identify the purpose of the lease, its primary property, and the location of any property.  Identify the name, address, and telephone number of any leasing company, together with any identifying account number.

**RESPONSE:**

4.    For the past five years, identify the name(s) by which you have been engaged in business, and state the type of business, whether proprietorship, partnership or corporation, and give the dates of operation, the name and address of each business, and the names, addresses and telephone numbers of those persons who have been involved with you in such business.

**RESPONSE:**

5.    Identify financial institutions with which you have done business, including the maintenance of bank accounts, loans, letters of credit or other financial transactions, and identity the name of the accounts, the names of each person with whom you have dealt at such institution and the address and telephone number of such institution. List any authorizations for signature and the present balance in any account.

**RESPONSE:**

6.    For any claim by your business against another, identify the claim, its nature, and any instrument evidencing the claim.  List the name, address, and telephone number of any person who is indebted to the business.

**RESPONSE:**

7.    If you or the business in which you are involved hold property, money or any other asset for another, identify the item, and the name, address and telephone number of any person having knowledge or documentation which evidences such arrangement.

**RESPONSE:**

8.    Identify any accounts receivable held by you or your business and list the names, addresses and telephone number of any person having knowledge or documentation of the item.  Describe any action which may have been taken in regard to such account.

**RESPONSE:**

9.         Identify the conveyance by your business of any property by sale, gift or otherwise, and identify the consideration received and the disposition of any receipt of funds or consideration.  Identify any interests retained by the business in such receipt.

**RESPONSE:**

10.    As to any books or written documentation of any transaction within the business for the past five years, provide copies of such documentation or identify a time and place where the records can be examined.

**RESPONSE:**

11.    Identify the names, address and telephone number of any accountants employed or utilized by the business for the past five years.

**RESPONSE:**

12.       Copies of your paycheck stubs as furnished by any of your employers for each of the last twelve (12) months, and documents reflecting any other income received by you in the last twelve (12) months from any source.

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**RESPONSE:**

            13.       Monthly statements for all checking accounts, savings accounts, or money funds from any such account you may have with any bank or other financial institution or for any accounts you may have had an interest, or signature authority whether personal, corporate, business or trust account for the past two (2) calendar years.

**RESPONSE:**

14.        Copies of all credit card or installment account statements for the past two (2) years.

**RESPONSE:**

15.       Documentation reflecting any and all expenditures made by you or another on your behalf for the benefit of the minor children.

**RESPONSE:**

16.  Business tax returns for the past five (5) calendar years.

**RESPONSE:**

17.  Personal Federal and State Income Tax returns with all schedules attached for the past five (5) calendar years.

**RESPONSE:**

18.  Internal financial statements for your business for the past three (3) calendar years.

**RESPONSE:**

19.  Accountant-prepared annual financial statements for past five (5) calendar years, whether audit, review or compilation.

**RESPONSE:**

20.  Auditor's or Accountant's Management Letters for the past five (5) calendar years if prepared in connection with audit or review.

**RESPONSE:**

21.  Consolidating statements (if applicable) for any audit, review, or compilation for the past five (5) calendar years.

**RESPONSE:**

22.  Monthly internal financial statements since last fiscal date and for prior fiscal year.

**RESPONSE:**

23.  Monthly budget for current fiscal year with analysis of key variance items.

**RESPONSE:**

24.  Receivables, prepaid expenses, payables, and accruals for each fiscal date if statements are cash basis

**RESPONSE:**

25.  Aging of accounts receivables at last fiscal date.

**RESPONSE:**

26.  List of ten largest customers with annual volume for the past three (3) calendar years.

**RESPONSE:**

27.  Summary payroll run for last fiscal year.

**RESPONSE:**

28.  Officers' salaries and all officer/shareholder benefits or perquisites for last five years

**RESPONSE:**

29.  Summary of prepaid expenses and deferred items at last fiscal date and valuation date.

**RESPONSE:**

30.  Current tax bill and appraisal on all real estate owned.

**RESPONSE:**

This the \_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_.

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

Attorneys for Plaintiff

Attorney Address

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been duly served on all parties of record by my depositing a copy of same in the United States mail, first class, postage prepaid, addressed as follows:

This the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_.

|  |  |
| --- | --- |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Attorneys for Plaintiff  Attorney Address |