ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	
TELEPHONE NO.: FAX NO. : EMAIL ADDRESS: ATTORNEY FOR (*Name*):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
SHORT TITLE:	
FORM INTERROGATORIES - CONSTRUCTION LITIGATION **Asking Party:** **Answering Party:** **Set No.:**	CASE NUMBER:

These interrogatories are not intended for use in residential cases involving six or more single-family homes or housing units. In cases that have been deemed complex under rule 3.400 et seq. of the California Rules of Court, these interrogatories must not be used until the asking party has obtained the court's approval on a showing of good cause.

Section 1. Instructions to All Parties

(a) *Interrogatories* are written questions prepared by a party to an action and sent to another party in the action to be answered under oath in writing. The interrogatories in this form are approved for use in residential or commercial construction litigation cases, except as limited in section 2.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010 -2030.410 and cases construing those statutes.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection, including but not limited to any objection recognized by statute or case law.

(d) These form interrogatories are not to be interpreted as requiring any information that would invade the attorney-client privilege or be protected under the doctrines of attorney work product or mediation confidentiality. Nor do these interrogatories require identification of any witnesses or documents protected under such privileges or doctrines or otherwise covered by Evidence Code section 1115 et seq. (regarding mediation) or Code of Civil Procedure section 2034.010 et seq. (regarding expert witnesses).

Section 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in construction litigation. An asking party who uses this form may not use other form interrogatories - such as *Form Interrogatories–General* (form DISC-001) or *Form Interrogatories–Limited Civil Cases (Economic Litigation)* (form DISC-004)) in the same action.

(b) These interrogatories are not intended to be used in residential cases involving six or more single-family homes or housing units. In a case deemed complex under rule 3.400 et seq. of the California Rules of Court, these interrogatories must not be used until the asking party has obtained judicial approval on a showing of good cause.

(c) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing only those interrogatories that are applicable to the case.

(d) You may insert your own definition of **construction claim** or **construction defect claim** in section 4, but only where the action arises from a course of conduct or series of events occurring over a period of time.

(e) The interrogatories under 325.0, Defendant's Contentions, should not be used until the defendant/cross-defendant has had a reasonable opportunity to conduct an investigation or discovery of the other parties' damages.

(f) Additional non-form interrogatories may be attached.

Section 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) Within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action that have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you permits, including the information possessed by your attorneys or agents. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable

Form Approved for Optional Use
Judicial Council of California
DISC-005 [Rev. July 1, 2013]

Code of Civil Procedure,
§§ 2030.010—2030.410, 2033.710
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and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer can be found.

If you have provided a document depository with documents from which answers to these interrogatories may be derived and to which the asking party has access, you may answer an interrogatory by identifying specific deposited documents (for example, by Bates stamp number) and the index associated with the specific produced documents.

(f) When an address and telephone number for the same person are requested in more than one interrogatory, you need furnish that information only in your response to the first interrogatory that asks for it.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

_____ _____

(DATE) *(SIGNATURE)*

Section 4. Definitions

Words in **boldface** in these interrogatories are defined as follows:

(a) **Address** means a full street address, including any unit number, and the city, state, and zip code.

(b) **Association** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development, as more fully set forth in Civil Code section 1350 and following.

(c) **Builder** means any **person**—including without limitation an **owner**, developer, or subdivider—who is or was involved in the construction, development, design, marketing, or sale of the **subject property**.

(d) **Construction claim** means any allegation (other than a **construction defect claim**) relating to residential, industrial, or commercial construction, including without limitation any allegations of fraud or deceit, that all or a part of the construction has been delayed, that more or less money is due, or that some legal or contractual obligation has been breached relating to the construction or sale of the **subject property**.

☐ **Construction claim** means *(asking party may insert a definition in the space below or on an attached sheet labeled "Sec. 4(d)–Definition of Construction Claim")*:

_____

_____

_____

(e) **Construction defect claim** means an allegation that all or a part of some construction or design, including without limitation residential, industrial, or commercial construction, does not comply with the requirements of an applicable contract, design, plan, installation instruction, specification, statute, code, or standard or is otherwise defective or deficient, including any allegations of related property damage.

☐ **Construction defect claim** means *(asking party may insert a definition here or on an attached sheet labeled "Sec. 4(e)–Definition of Construction Defect Claim")*:

_____

_____

_____

(f) **Construction manager** means a licensed or unlicensed **person** who manages the construction as to the **subject property** on behalf of the **builder** or **owner** and who did not enter into a contract with a general **contractor**, **subcontractor**, or **design professional**.

(g) **Contract** means an oral, written, or implied agreement to provide equipment, supplies, materials, work, or services for construction as to the **subject property**, including without limitation change orders, work orders and purchase orders.

(h) **Contractor** as used herein means any licensed or unlicensed **person** who contracts with a **builder** or **owner** to perform construction as to the **subject property** or to enter into a **contract** with a **subcontractor** or **design professional** as to such construction.

(i) **Design professional** means any licensed or unlicensed **person**, including without limitation any soils engineers, geotechnical engineers, civil engineers, structural engineers, landscape or environmental engineers, HVAC engineers, and architects and landscape architects who has provided any design or design services, including plans, specifications, or calculations for construction, to the **subject property.**

(j) **Document** means a writing as defined in Evidence Code section 250 and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, magnetically and electronically stored information, and every other means of recording on any tangible medium and in any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(m) **Insurance policy** means any contract of insurance, whether primary, pro rata, fronting, umbrella, excess, or otherwise, issued by any admitted or nonadmitted insurer, including without limitation any policy or covering agreement issued by any insurance company, risk retention group, captive group, or joint powers authority.

(n) **Owner** means any **person** who owns or owned legal or equitable title to the **subject property**.

(o) **Person** includes a natural person, firm, association, organization, general or limited or professional joint venture, partnership, business, trust, limited liability company, corporation, or public entity.

(p) **Pleading** means the original or most recent amended version of any complaint, cross-complaint, or complaint in intervention, and answer to same.

(q) **Product** means any goods produced or manufactured by natural means or by hand or with tools, machinery, chemicals, or the like, and which is the subject of a **construction defect claim** in this action.

(r) **Subcontractor** means any licensed or unlicensed **person** who entered into a **contract** with a **contractor** for any of the construction on the **subject property.**

(s) **Subject property** means any real property that is the subject of the **construction claim** or **construction defect claim** made in this action.

(t) **Supervising employee** is an employee responsible for the supervision and direction of one or more employees involved in construction on the **subject property**. **Supervising employee** also includes the Responsible Managing Officer and Responsible Managing Employee (as those terms are used in Business and Professions Code sections 7065, 7068, and 7068.1) for each **builder**, general **contractor**, and **subcontractor** involved in the **subject property.**

(u) **Supplier** means any **person** who enters into a **contract** to provide equipment, supplies, or materials for the construction as to the **subject property**.

(v) **You** (including the possessive **your**) and **anyone acting on your behalf** refers to you, your agents, your employees, your insurance carriers, your attorneys, your accountants, your investigators and their agents and employees, and anyone else acting on your behalf other than your nondisclosed expert consultants.

Section 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

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301.0 Identity of Persons Answering These Interrogatories

☐ 301.1 State the name, **address**, telephone number and relationship to **you** of each **person** who prepared, or assisted in the preparation of, the responses to these interrogatories. (*Do* not *identify anyone who simply typed or reproduced the responses*.)

302.0 General Background Information - Individual

☐ 302.1 State:
(a) **your** name;
(b) every name **you** have used in the past; and
(c) the dates **you** used each name.

☐ 302.2 State the date and place of **your** birth.

☐ 302.3 State:
(a) **your** present residence **address**
(b) **your** residence **addresses** for the past 15 years;
(c) the dates you lived at each **address**; and
(d) **your** telephone number at **your** present **address**.

☐ 302.4 State:
(a) the name, **address**, and telephone number of **your** present employer or place of self-employment, and **your** current job title; and
(b) the name, **address**, dates of employment or self-employment, and job title, for any employment or self-employment **you** have had from five years before the material facts on which the **construction claim** or the **construction defect claim** is based until today.

☐ 302.5 State:
(a) the name and **address** of each school or other academic or vocational institution **you** have attended, beginning with high school;
(b) the dates **you** attended;
(c) the highest grade level **you** completed; and
(d) the degrees received.

☐ 302.6 Have **you** ever been convicted of a felony? If so, for each conviction, state:
(a) the city and state where **you** were convicted;
(b) the date of conviction;
(c) the offense; and
(d) the court and case number.

☐ 302.7 Can **you** speak English with ease? If not, what language and dialect do **you** normally use?

☐ 302.8 Can **you** read and write English with ease? If not, what language and dialect do **you** normally use?

303.0 General Background Information - Business Entity

☐ 303.1 Are **you** a corporation? If so, state:
(a) the name in **your** current articles of incorporation;

(b) all other names used by the corporation during the past 15 years and the dates each name was used;
(c) the date and place of incorporation;
(d) the **address** of the principal place of incorporation;
(e) whether **you** are qualified to do business in California; and
(f) any other state in which **you** are qualified to do business.

☐ 303.2 Are **you** a partnership? If so, state:
(a) the current name of the partnership;
(b) all other names used by the partnership during the past 15 years and the dates each name was used;
(c) whether **you** are a limited partnership and, if so, under the laws of what jurisdiction;
(d) the name and **address** of each general partner; and
(e) the **address** of the principal place of business.

☐ 303.3 Are **you** a limited liability company? If so, state:
(a) the company name stated in **your** current articles of organization;
(b) all other names used by the company during the past 15 years and the date each was used;
(c) the date and place of filing of the articles of organization;
(d) the **address** of the principal place of business;
(e) whether **you** are qualified to do business in California; and
(f) any other state in which **you** are qualified to do business.

☐ 303.4 Are **you** a joint venture? If so, state:
(a) the current name of **your** joint venture;
(b) all other names used by the joint venture during the past 15 years and the dates each name was used;
(c) the name and **address** of each joint venture; and
(d) the **address** of the principal place of business

☐ 303.5 Are **you** an unincorporated association? If so, state:
(a) the current name of **your** unincorporated association;
(b) all other names used by the unincorporated association during the past 15 years and the dates each name was used;
(c) the **address** of the principal place of business; and
(d) list the names, **addresses,** and phone numbers of all **your** board members for the past 10 years, in order of the date each took office.

☐ 303.6 Have **you** done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
(a) the fictitious business name;
(b) the dates each name was used;
(c) the state and county of each fictitious name filing; and
(d) the **address** of the principal place of business.

☐ 303.7 During the time that **you** performed any work at or relating to the **subject property**, did **you** possess a valid California contractor's license or other professional license for the work being performed? If so, state
(a) the type of license;
(b) the name, **address**, and telephone number of the holder of the license;
(c) the class or type of license;
(d) the license number;
(e) any lapse of the license while **you** performed any work at or relating to the **subject property** and the dates of those lapses;
(f) any suspension of the license while **you** performed any work at or relating to the **subject property** and the dates of those suspensions; and
(g) any inactive status of the license while **you** performed any work at or relating to the **subject property** and the dates of the inactivity.

304.0 Insurance

☐ 304.1 At or since the time of the material facts on which the **construction claim** or the **construction defect claim** is based, was there in effect any **insurance policy** through which **you** are or may be entitled to coverage for losses or expenses that have been or may be incurred related to the **construction claims** or **construction defect claims** asserted against **you**, including but not limited to defense costs, indemnity for settlements or damages awarded against **you**, or loss and adjustment expenses? If so, for each policy state:
(a) the policy number or other unique number used by the issuer to identify the **insurance policy**, and the effective dates of coverage;
(b) the kind of insurance or coverage (including without limitation commercial general liability, professional liability, directors and officers, homeowners, property, course of construction, builder's risk, automobile, or public entity liability protection);
(c) the policy level and description of any underlying insurance or self insurance that must be exhausted prior to its application (for example, for umbrella or excess insurance, please state the amount of underlying insurance or self-insurance that must be exceeded before the policy applies);
(d) the name of any **person** who is or may become a party to this action who may qualify as an insured, an additional insured, or a protected or covered **person**;
(e) whether the **insurance policy** contains a blanket additional insured provision or other provision whereby the **person** insured (or **person** protected by the **insurance policy**) includes any **person** or entity for whom one Insured or protected **person** is obligated to provide additional insured coverage in some kind of **contract** or agreement;
(f) the aggregate and per-occurrence or per-claim limit of liability for each potentially applicable coverage contained in the **insurance policy**, including the limit the insurer claims is potentially applicable (if less than the limit stated in the policy declarations);
(g) the limit of any retained amount payable by any insured relative to a claim otherwise covered by the policy, whether by means of a deductible, self-insured retention, deductible indemnity agreement, or retrospective premium provision, and whether the payment of loss and adjustment or defense expense reduces such retention obligation;
(h) whether the **insurance policy** contains an exclusion

barring coverage for damage known to any insured prior to the policy period or barring coverage for damage that first occurred prior to the coverage period;
(i) whether the indemnity limit of the **insurance policy** is diminished by the cost of defense;
(j) whether any controversy or coverage dispute exists between **you** and the insurer;
(k) whether the insurer issuing the **insurance policy** has issued a written reservation of rights; and
(*l*) the name, **address**, and telephone number of the custodian of the policy.

*(Instead of responding to items (a)–(i) above, you may attach a complete and accurate copy of each **insurance policy** responsive to this interrogatory. Even if you attach such copies, you must still give written answers to items (j)–(*l*) for each policy.)*

☐ 304.2 Are **you** self-insured under any statute for the damages, claims, or actions that have arisen out of the **construction claim** or the **construction defect claim?** If so, specify the statute.

☐ 304.3 Has any **subcontractor** who is or might be a party to this action named **you** as an additional insured on an insurance certificate or endorsement? If so, for each such **subcontractor**, state:
(a) its name, **address,** and telephone number;
(b) whether **you** or the insured have made any tender under that **subcontractor's insurance policy**;
(c) the response to **your** tender; and
(d) whether the **contract** between the **subcontractor** and **you** required the **subcontractor** to carry an **insurance policy** naming **you** as an additional insured**.**

305.0 Subject Property Damages

☐ 305.1 Do **you** attribute any loss of or damage to **subject property** to the facts on which the **construction claim** or the **construction defect claim** is based? If so, for each **subject property**,
(a) identify the **subject property**;
(b) describe the nature and location of the loss or damage to the **subject property**;
(c) state when **you** became aware of the loss or damage;
(d) state the amount of damage **you** are claiming for each piece of **subject property** and how the amount was calculated.

☐ 305.2 Has the **subject property** been sold during the past 10 years? If so, state:
(a) the name, **address**, and telephone number of seller;
(b) the date of sale; and
(c) the sale price.
(*This interrogatory does not apply to sales of individual units when the answering party is an **association**.)*

☐ 305.3 Has a written estimate or evaluation been made for any item of loss or damage identified in **your** answer to 305.1? If so, for each estimate or evaluation state:
(a) the name, **address**, and telephone number of the **person** who prepared it and the date prepared;
(b) the name, **address**, and telephone number of each **person** who has a copy of it;
(c) the amount of damage stated; and
(d) the basis of the estimate or evaluation.

☐ 305.4 State the exact manner in which title is held to each piece of **subject property** for which **you** are claiming damages in this litigation.

☐ 305.5 For each piece of **subject property**, or improvements on **subject property**, in which **you** have an ownership interest, state:
(a) the date **you** received an ownership interest in the **subject property** or improvements;
(b) whether **you** are the original purchaser;
(c) the name of the **person** who transferred title in the **subject property** or improvements to **you;**
(d) the purchase price.

☐ 305.6 Did **you** receive any written or oral disclosures, homeowner's manuals, written or oral warranties, or other representations at or about the time **you** purchased any **subject property** or improvements on the **subject property**? If so,
(a) identify all written disclosures, homeowner's manuals, or written warranties **you** received.
(b) state the name, **address**, and telephone number of the **person** who has each **document** containing such materials;
(c) describe any oral warranties or representations **you** were given;
(d) identify any **person** who made those oral warranties and when and where they were made.

☐ 305.7 Did **you** prepare or provide any written or oral disclosures, homeowner manuals, written or oral warranties, or other representations at or about the time **you** sold or transferred any **subject property** or improvements on **subject property**? If so,
(a) identify any written disclosures, homeowner manuals, or written warranties;
(b) state the name, **address**, and telephone number of the **person** who has each version of each **document** containing such materials;
(c) describe any oral warranties or representations **you** provided;
(d) identify any **person** to whom **you** made those oral warranties and when and where the oral warranties were made.

☐ 305.8 Have **you** made any improvements to any **subject property** in which **you** have any ownership interest? If so, state:
(a) each improvement you made, including without limitation painting, landscaping, pool or spa installation, light fixture changes, cabinet changes, floor covering replacement, or room additions;
(b) the date each such improvement was made; and
(c) the name, **address**, and telephone number of the **person** who performed the improvement.

☐ 305.9 Have **you** performed maintenance - including without limitation roof repair, painting, and caulking - to any **subject property** in which **you** have an ownership interest? If so, state:

(a) the nature of each act of maintenance;
(b) the date each act of maintenance was performed; and
(c) the name, **address**, and telephone number of the **person** who performed each act of **maintenance**.

☐ 305.10 During the past two years, has the **subject property** been appraised? If so, for each appraisal state:
(a) the date of the appraisal;
(b) the name, **address**, and telephone number of the **person** who performed the appraisal; and
(c) the appraised value given for the **subject property**.

☐ 305.11 For each problem or defect **you** contend exists in any **subject property** owned by **you,** describe in detail:
(a) the nature of any problem or defect;
(b) the date **you** first became aware of such problem or defect;
(c) the actions taken by **you**, if any, in response to the problem or defect, including reporting it to any party in this litigation; and
(d) the response, if any, by any party in this litigation to **your** report of the problem or defect.

☐ 305.12 If **you** have repaired or attempted to repair any **construction claim** or **construction defect claim you** allege exists in any **subject property** owned by **you**, state:
(a) a description of the problem or defect repaired or attempted to be repaired;
(b) a description of the repair or attempted repair;
(c) the date of the repair or attempted repair;
(d) the cost of the repair or attempted repair; and
(e) the name, **address**, and telephone number of the **person** who performed the repair or attempted repair.

☐ 305.13 Have **you** ever hired any **person**, including but not limited to a **contractor**, **design professional,** or engineer (but excluding those hired by **your** attorney), to inspect, prepare a bid regarding, or repair a condition that **you** contend in this litigation is a **construction claim** or **construction defect claim**? If so, for each, state
(a) the date of the inspection;
(b) the name, **address**, and telephone number of the **person** performing the inspection;
(c) the general nature of the problem or defect inspected; and
(d) the cost of the inspection.

☐ 305.14 Have **you** ever made any insurance or warranty claims or claims to any **person** for the **construction claim** or **construction defect claim** alleged in this action? If so, state:
(a) the name, **address**, and phone number of the individual or entity to whom **you** made the claim;
(b) the approximate date of the claim; and
(c) the resolution of that claim.

306.0 *[Reserved]*

307.0 *[Reserved]*

308.0 *[Reserved]*

309.0 Other Damages

☐ 309.1 Are there any other damages that **you** attribute to the **construction claim** or **construction defect claim** alleged in this action? If so, for each item of damage state:
(a) the nature;
(b) the date it occurred;
(c) the amount; and
(d) the name, **address**, and telephone number of each **person** whom you assert suffered damages.

☐ 309.2 Do any **documents** support the existence or amount of any item of damages claimed in interrogatory 309.1? If so, describe each **document** and state the name, **address**, and telephone number of the **person** who has each **document**.

310.0 Other Claims and Previous Claims

☐ 310.1 In the past 10 years, have **you** filed any action (not counting this one) or made a written claim or demand for compensation for damages to the **subject property**? If so, for each action, claim, or demand state:
(a) the name, **address**, and telephone number of each **person** against whom the claim or demand was made or the action filed;
(b) the court, names of parties, and case number of each action filed;
(c) the name, **address**, and telephone number of any attorney representing **you**;
(d) a general description of the action, claim, or demand;
(e) whether the claim or action has been resolved or is still pending; and
(f) if applicable, how it was resolved, including the amount of any judgment or settlement, description of repairs made or ordered, or any other resolution.

311.0 Investigations—General

☐ 311.1 Do **you** or **anyone acting on your behalf** know of any photographs, films, videotapes, recordings, or electronically stored information depicting any place, object, event, or individual concerned in the **construction claim** or the **construction defect claim**? If so, for each type of media, state:
(a) the number of photographs, length of film or videotape, or megabytes of an electronic recording;
(b) the places, objects, or **persons** photographed, filmed, videotaped, or otherwise recorded;
(c) the date each photograph, film, videotape, or electronic recordings was taken or recorded;
(d) the name, **address**, and telephone number of each individual who took these photographs or recorded these films, videotapes, or electronic recordings; and
(e) the name, **address**, and telephone number of each **person** who has the original media or copies of these photographs, films, videotapes, or electronic recordings.

☐ 311.2 Do **you** or **anyone acting on your behalf** know of any diagram, reproduction, or model of any place or thing concerning the **construction claim** or the **construction defect claim**? If so, for each item state:
(a) the type of item (such as blueprint, diagram, reproduction, model, etc.);
(b) its subject matter;
and
(c) the name, **address**, and telephone number of each **person** who has the item.

☐ 311.3 Has any report been made by any **person** concerning the **construction claim** or the **construction defect claim**? If so, state:
(a) the name, title, and employer of the **person** who made the report;
(b) the date and type of report made;
(c) the name, **address**, and telephone number of the **person** for whom the report was made; and
(d) the name, **address**, and telephone number of each **person** who has an original or copy of the report.

☐ 311.4 Have **you** or **anyone acting on your behalf** (except for consultants retained by counsel or expert trial witnesses) inspected the **subject property** on which the **construction claim** or the **construction defect claim** is based? If so, for each inspection state:
(a) the name, **address**, and telephone number of the individual making the inspection;
and
(b) the date of the inspection.

312.0 Statutory or Regulatory Violations

☐ 312.1 Do **you** or **anyone acting on your behalf** contend that any **person** involved in the occurrence of the material facts on which the **construction claim** or **construction defect claim** is based violated any statute, ordinance, or regulation, and that such violation was a legal (proximate) cause of the **construction claim** or **construction defect claim**? If so, for each contention, identify the name, **address**, and telephone number of each **person** involved, and the statute, ordinance, or regulation violated.

313.0 Fraud, Misrepresentation, or Breach of Fiduciary Duty

☐ 313.1 Describe each **construction claim** or **construction defect claim** at the **subject property** that **you** contend someone else knew about but did not disclose to **you** at the time of the purchase, development, design, construction, or provision of service or supplies to the **subject property.** For each claim:
(a) state all facts on which **you** base **your** response;
(b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts;
and
(c) identify all **documents** and other tangible things that support **your** response and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

☐ 313.2. Describe each specific concealment and misrepresentation that **you** claim was concealed from or made to **you** in connection with the purchase, development, design, construction, or provision of services or supplies to the **subject property.** For each one:
(a) state all facts on which **you** base **your** response, including when, how, and by whom any concealment occurred and any misrepresentation was communicated to **you**;
(b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of these facts;
and
(c) identify all **documents** and other tangible things that support **your** response and state the name, **address**, and telephone number of any **person** who has each **document** or thing.

314.0 Contracts

☐ 314.1 For each agreement alleged in the **pleadings**:
(a) identify each **document** that is part of the agreement and state the name, **address**, and telephone number of the **person** who has each **document**;
(b) describe each part of the agreement not in writing, along with the name, **address**, and telephone number of each **person** agreeing to that provision, and the date that part of the agreement was made;
(c) identify all **documents** that evidence any part of the agreement not in writing, and for each, state the name, **address**, and telephone number of each **person** who has the **document**;
(d) identify all **documents** that are part of any modification to the agreement and for each, state the name, **address**, and telephone number of each **person** who has the **document**;
(e) describe each modification to the agreement not in writing, along with the date the modification was made and the name, **address**, and telephone number of each **person** agreeing to the modification;
(f) identify all **documents** that evidence any modification of the agreement not in writing and for each state the name, **address**, and telephone number of the **person** who has each **document**;
and
(g) state the name, **address,** and telephone number of the **person** most knowledgeable regarding the negotiations and **contracting** for any services **you** performed at any **subject property.**

☐ 314.2 Was there a breach of any agreement alleged in the **pleadings**? If so, describe every act or omission that **you** allege to be a breach of the agreement and give the date of each.

☐ 314.3 Was performance excused for any agreement alleged in the **pleadings**? If so, identify each agreement and state why performance was excused.

☐ 314.4 Was any agreement alleged in the **pleadings** terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of the termination, and the basis of the termination.

☐ 314.5 Is any agreement alleged in the **pleadings** unenforceable? If so, identify each unenforceable

agreement and state why it is unenforceable.

☐ 314.6 Is any agreement alleged in the **pleadings** ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

☐ 314.7 Did **you** contract out any of the work **you** were to perform on the **subject property** to another **person** or entity? If so,

(a) state the name, **address**, and phone number of the **person** with whom **you** entered the **contract**;
(b) state if the **contract** was oral or in writing;
and
(c) describe the terms of the **contract**.

315.0 *[Reserved]*

316.0 *[Reserved]*

317.0 *[Reserved]*

318.0 *[Reserved]*

319.0 *[Reserved]*

320.0 Individual Homeowner Claims

(A Homeowners Association or Common Interest Development need not respond to this section.)

☐ 320.2 Is the **subject property your** primary residence? If not, describe how often **you** reside and when you last resided at the **subject property**.

☐ 320.3 Have **you** ever rented or leased the **subject property** to another **person**? If so, state:

(a) the names, **addresses,** and last known telephone number of all **persons** who rented or leased the **subject property**;
(b) the names, **addresses,** and last known telephone number of all **persons** who occupied the property under each rental or lease agreement;
and
(c) the beginning and ending dates of each rental or lease agreement.

321.0 Scope of Work (Contractors and Subcontractors)

☐ 321.1 State the name, **address**, telephone number, job title, and job duties of each of **your** current or former **supervising employees** who were involved in the construction or supervision of construction of any improvements to the **subject property**.

☐ 321.2 Describe the scope of work that **you** performed and any materials that **you** supplied at the **subject property**.

☐ 321.3 Describe all locations on the **subject property** where **you** performed work or services (by phase number, unit number, building number or **address**, or common area description).

☐ 321.4 State all dates, including first and last, that **you**:

(a) performed work or supervision for or at the **subject property**; or
(b) supplied materials for the **subject property**.

☐ 321.5 For all **contracts** identified in **your** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **contracts**, do **you** contend that any **contractor or subcontractor** other than **you** performed any portion of work or supplied any portion of materials that **you** contracted to deliver? If so,

(a) identify the terms of the **contract** under which work was performed;
and
(b) identify the terms of the **contract** under which materials were supplied.

☐ 321.6 For all **contracts** identified in **your** response to Interrogatory 314.1, including all agreements, change orders, or additional work orders related to such **contracts**, do **you** contend that **you** performed any work or provided any material on the **subject property** that is not listed in the written **contract**? If so:

(a) identify the work performed;
and
(b) identify the materials provided.

☐ 321.7 Did **you** issue any warranty for work performed or materials supplied on the **subject property**? If so, state:

(a) what the warranty covered;
and
(b) the dates it was in effect.

☐ 321.8 Did **you** perform any work or supply any materials–under warranty or otherwise–at the **subject property** after the certificate of completion on that **subject property** was issued? If so, state:

(a) what work was performed, the dates the work was performed, and the **address**;
and
(b) what materials were supplied, the dates they were supplied, and the delivery **address**.

☐ 321.9 Were **you** provided with a copy of any plans, reports, or specifications for the project before performing the work? If so,

(a) identify all plans, reports, or specifications;
(b) state the date when each plan, report, or specification was provided to **you**;
and
(c) state the names, **addresses**, and telephone numbers of all **persons** who provided **you** with each plan, report or specification.

☐ 321.10 Before performing **your** work at the project, did **you** communicate any objections to or requests for changes or modifications to any portion of those plans, reports, or specifications you listed above in 321.9t? If so,

(a) identify each plan, report, or specification that was the subject of the objection or request for change or modification;
(b) state the names, **addresses**, and telephone numbers of all **persons** to whom **you** communicated **your** objections or requests for changes or modifications;
and
(c) describe the result, if any, of each of **your** objections or requests for changes or modifications.

☐ 321.11 Did **you** rely on any **documents** or oral instructions other than those listed in **your** responses to interrogatories 321.5 or 321.9 to complete **your** work at the project? If so,
(a) identify all **documents** and other tangible things that **you** relied on, and state the name, **address,** and telephone number of the **person** who has each **document** or thing; and
(b) state each oral instruction **you** were given and the name, **address,** and telephone number of the **person** who gave **you** the oral instruction; and
(c) state the date when **you** were provided the **documents** or instruction.

☐ 321.12 Did **you** communicate any criticisms (including but not limited to sequencing problems) to any **developer**, **design professional**, **contractor**, **subcontractor**, or **supplier** on the project during construction? If so,
(a) state all criticisms and the dates they arose;
(b) state the name, **address**, telephone number, and job title of every **person** to whom **you** communicated **your** criticism; and
(c) describe any resolutions of issues **you** raised.

☐ 321.13 During the time that **you** performed any work at the **subject property**, did **you** contract to have any unlicensed **subcontractor** or **design professional** perform work at the **subject property**? If so,
(a) identify each such **person** or entity by name, **address**, and telephone number; and
(b) describe the type of work you had each such **person** perform.

322.0 Design Professionals (Architects/Engineers)

☐ 322.1 Did **you** or any of **your** employees design any portion of the **subject property** or project in this litigation? If so, state:
(a) who retained **you** to perform the design work;
(b) the dates of **your** retention or **contract**;
(c) the portion of the **subject property** or project **you** designed;
(d) which Building Code provisions applied to **your** design for the **subject property** or project;
(e) the design parameters **you** relied on in **your** design work for the **subject property** or project;
(f) who approved **your** design for the **subject property** or project;
(g) the date of each approval of **your** design work for the **subject property** or project; and
(h) the names of all **supervising employees**, past or present, who participated in the design of the **subject property** or project.

☐ 322.2 Did **you** revise or amend **your** design for the **subject property** after the earliest date of approval identified above in 322.1(g)? If so, state:
(a) the dates of all revisions or amendments to **your** original design;
(b) the substance or description of all revisions or amendments to **your** original design;
(c) the reason **you** revised or amended **your** original design;
(d) the name and job title of any person who approved any revisions or amendments to **your** original design; and
(e) the dates of approval of any revisions or amendments to **your** original design.

☐ 322.3 Did **you** perform any on-site services at the **subject property**? If so, state:
(a) the dates on which **you** visited the **subject property** to perform services;
(b) the services **you** performed on each date; and
(c) the portions of construction **you** observed while on site.

☐ 322.4 Did **you** observe any deviation from the intended design at the **subject property**? If so, state;
(a) the nature of the deviation and date **you** observed it;
(b) whether **you** reported any deviation from the intended design;
(c) when and to whom **you** reported such deviation; and
(d) whether any corrective actions were taken with respect to any observed deviation.

323.0 Manufacturers

☐ 323.1 For each **product** that **you** supplied or manufactured, name the product or series, prior or later versions of it, and describe what changes (design or otherwise) have been made to it over its lifespan.

☐ 323.2 For each **product** identified in response to the preceding interrogatory, state:
(a) who designed the **product**;
(b) how it was tested or certified;
(c) what standards applied to its manufacture;
(d) any test reports or certifications of the **product**, by date; and
(e) the name, **address**, and telephone number of the facility where the **product** was manufactured.

☐ 323.3 For each **product** identified above, state:
(a) the quality control systems in place at each manufacturing site listed in **your** response to 323.2(e);
(b) the date when the quality control system was established;
(c) the criteria used for the quality control system; and
(d) the names, **addresses**, and job titles of all **persons** who have been in charge of the quality control system over the last 10 years.

☐ 323.4 How and where was each **product** identified above stored until shipped?

☐ 323.5 How was each **product** identified above shipped? For each, state:
(a) the method of shipment;
(b) where it was shipped; and
(c) who accepted delivery of it and when.

☐ 323.6 Do **you** have a customer service department? If so:
(a) state the name, **address**, telephone number, and job title of the **person** in charge; and
(b) describe any complaints received concerning any **product** identified above and how they were handled.

☐ 323.7 Is there or has there ever been a warranty for any **product** identified above? If so, what are the terms of the warranty?

☐ 323.8 Who was in charge of the sales of the **product** for this project? State the person's name, address, telephone number and job title.

☐ 323.9 Are there any brochures, advertisements, or sales materials for any **product** identified above?

☐ 323.10 Are there any installation instructions or manufacturer recommendations for any **product** identified above? If so, state:
(a) the name, **address**, telephone number, and job title of the **person** who wrote them;
(b) all changes or modifications to them, and the dates the changes or modifications were made; and
(c) the name, **address**, telephone number, and job title of the **person** to whom the changes or modifications were provided.

324.0 Denials and Special or Affirmative Defenses

☐ 324.1 Identify each denial of a material allegation and each special or affirmative defense in **your pleadings**, and for each:
(a) state all facts on which **you** base the denial or special or affirmative defense;
(b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts; and
(c) identify all **documents** and other tangible things that support **your** denial or special or affirmative defense, and state the name, **address**, and telephone number of the **person** who has each **document**.

325.0 Defendant's Contentions

☐ 325.1 Do **you** contend that any **person**, other than **you** or the plaintiff, contributed to the existence of the **construction claim** or **construction defect claim** or the damages claimed by the plaintiff? If so**:**
(a) state the name, **address**, and telephone number of each **person** who contributed;
(b) state all facts on which you base **your** contention;
(c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
(d) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

☐ 325.2 Do **you** contend that plaintiff did not incur damages arising from the facts on which the **construction claim** or the **construction defect claim** is based? If so:
(a) state all facts on which you base your contention;
(b) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
(c) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

☐ 325.3 Do **you** contend that any of the property damage claimed by plaintiff thus far in this case was not caused by the **construction claim** or **construction defect claim**? If so:
(a) identify each item of property damage;
(b) state all facts on which you base **your** contention;
(c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
(d) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

☐ 325.4 Do **you** contend that any of the costs claimed by plaintiff thus far in this case for repairing the property damage are unreasonable? If so:
(a) identify each cost item;
(b) state all facts on which **you** base **your** contention;
(c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of the facts; and
(d) identify all **documents** and other tangible things that support **your** contention and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

326.0 Responses to Request for Admissions

☐ 326.1 Is **your** response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
(a) state the number of the request;
(b) state all facts on which **you** base **your** response;
(c) state the names, **addresses**, and telephone numbers of all **persons** who have knowledge of those facts; and
(d) identify all **documents** and other tangible things that support **your** response, and state the name, **address**, and telephone number of the **person** who has each **document** or thing.

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

(SIGNATURE)

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