



ONE STOP DESTINATION FOR
WORLD CLASS LEGAL SUPPORT
SERVICES

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**SUPREME COURT OF NEW YORK
COUNTY OF NEW YORK**

-----X
H

Plaintiff,

P, W, G, J, S, E, T, and EA

Defendants.

Index No. _____

**DEFENDANT'S
FIRST SET OF
INTERROGATORIES**

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To:

PLEASE TAKE NOTICE that Defendant, E, by their attorney, _____, Principal of _____, requests that Plaintiff H, answers the following Interrogatories pursuant to Article 31 of the Civil Practice Law and Rules within thirty (30) days after service thereof.

DEFINITIONS

1. "Plaintiff" refers to H, and includes any person or entity acting or purporting to act on its behalf, including, but not limited to, present or former agents, representatives, attorneys, parents, subsidiaries, affiliates, officers, members, managers, directors, principals, shareholders, employees, direct and

indirect partners, heirs, executors, administrators, successors and assigns.

2. The term “document” means each and every form of communication and includes, without limitation, all written, printed, typed, recorded, audio/digitally recorded, voice recorded, any materials maintained electronically (including, but not limited to electronic mail, word documents, Portable Document Format (PDF) files, Joint Photographic Experts Group (JPEG) files, Tagged Image File Format (TIF) files, or Graphic Interchange Format (GIF) files) or graphic matter of any kind, type, nature, or description, in whatever form (e.g., final and draft versions) that is or has been in defendant’s actual or constructive possession, custody, or control, including, but not limited to, all printed and electronic copies of electronic mail, notes, correspondence, memoranda, tapes, stenographic or handwritten notes, written forms of any kind, charts, blueprints, drawings, sketches, graphs, plans, articles, specifications, diaries, letters, telegrams, photographs, minutes, contracts, agreements, reports, surveys, computer printouts, data compilations of any kind, teletypes, facsimiles, invoices, order forms, checks, drafts, statements, credit memos, reports, summaries, books, ledgers, notebooks, schedules transparencies, recordings, audio/digital recordings, catalogs, advertisements, promotional materials, films, video tapes, audio tapes, digital/audio recordings, voicemail recordings, brochures, pamphlets, or any written or recorded materials of any kind, however stored (whether in tangible or electronic form), recorded, produced, or reproduced, including backup tapes. The term “document” includes not only originals, but also any copies or reproductions of all such written, printed, typed, recorded or graphic matter upon which any notations, comments, or markings of any kind have been made that do not appear on the original documents or that are otherwise not identical to the original documents. Any document with marks such as initials, comments or notations of any kind is not identical to one without such marks and is to be produced as a separate document.

3. The term “communicate” or “communication” means any oral, written, audio/ digitally recorded, voice recorded, or electronic transmission of information, including meetings, discussions,

conversations, telephone calls, electronic mail messages, memoranda, letters, analyst reports, telecopies, facsimiles, conferences, messages, notes, videotapes, photographs, microfilm, microfiche, magnetic disks, digital/audio recordings, voicemail recordings, or other media of any kind and includes transmittal of information in the form of facts, ideas, inquiries or otherwise.

4. “And/Or” “Or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

5. The term “fact” includes all circumstances, events and evidence pertaining to, relating to, or touching upon the matter in question.

6. “Pertaining to” means; consisting of, constituting, evidencing, reflecting, comprising, relating to or referring to in any way relevant within the meaning of the CPLR.

7. “Representative” means and shall include each and every present and former director, officers, employee, agent or other person acting or purporting to act on behalf of any entity (including, but not limited to, a partnership, corporation, etc.) or any predecessor, subsidiary, affiliates, agent, division or department thereof.

8. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

9. The terms “person” or “persons” refers to natural persons, proprietorships, governmental agencies, corporations, partnerships, trusts, joint ventures, groups, associations, organizations, and all other entities.

10. The singular includes the plural and the plural includes the singular.

11. The term “Property” means the premises on which work was performed.

12. The term “Contract” means subcontract/contract between H and E.

13. The term “Professional services” means the services provided by E and includes entitled work.

14. The term “entitled work” means work allotted to E relating to demolition, construction and/or alteration work performed at the property and includes any design work appurtenant thereto and the provision of materials of furtherance thereof.

INSTRUCTIONS

1. Write each interrogatory in full before answer.
2. Answer each interrogatory separately. When an interrogatory has several parts, answer each part separately.
3. If you cannot give a complete answer, answer as much of the interrogatory as you can, and state why you cannot give a complete answer.
4. Produce all documents which you identify in any answer to these interrogatories and which are in Plaintiff’s possession, custody or control. If any document’s identified are not in Plaintiff’s possession, custody or control, provide an authorization for the release of any such documents.
5. If you claim a document or communication is privileged, name the type of privilege you claim and its legal basis. Identify all documents or communications whether or not you claim they are privileged.

INTERROGATORIES

1. State with specificity the date on which Plaintiff H and Defendant E entered into a contract for improvement of the property.
2. State with specificity the names and addresses of person/s who executed the contract on H’s behalf.
3. State with specificity the terms and conditions of the contract which stipulated the date on which

E was supposed to commence and complete the entitled work.

4. State with specificity the names and addresses of all the other sub-contractors/contractors who were hired by H to whom the payment is still due.
5. State with specificity the work which E performed and whether E performed the work in stipulated duration under the contract.
6. State whether the entire agreed price was paid by H concerning the professional services provided by E for improvement of the property.
7. State that exact proportionate amount that H paid out of part payment of \$ _____ that E received.
8. State the specific reason why H did not pay the balance amount to E.
9. State with specificity the names and addresses of the persons in H who took the decision not to pay the balance amount to E.
10. State with specificity any fact to show E did breach any term or condition of the contract.
11. State with specificity any incident when E has failed to perform it duties under entitled work.
12. State with specificity when H intimated E in writing that E had failed to perform the entitled work.
13. State with specificity if any lawyer's notice was sent to E intimating non-performance of E's work.
14. State whether any complaint was made against E for non-performance or breach of contract.
15. State with specificity the basis on which H claims that its lien upon the property is prior to the interest or lien of E.

Dated: _____
New York, New York

By: _____

E's Attorney

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