

# MOTION OF DISCOVERY

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COURT NAME: \_\_\_\_\_

COUNTY/DISTRICT: \_\_\_\_\_

STATE OF \_\_\_\_\_

CASE NAME:

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Plaintiff(s),

v.

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Defendant(s).

CASE NUMBER: \_\_\_\_\_

## I. INTRODUCTION

COMES NOW, \_\_\_\_\_ (hereinafter "Moving Party"), by and through undersigned counsel, or appearing pro se, and respectfully moves this Honorable Court for an Order compelling discovery from \_\_\_\_\_ (hereinafter "Opposing Party"), pursuant to the applicable Rules of Civil Procedure.

## II. STATEMENT OF FACTS

This action was commenced on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, concerning:

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The Moving Party seeks discovery relevant to the claims and defenses in this action, specifically regarding:

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### III. LEGAL BASIS FOR DISCOVERY

This Motion is brought pursuant to Rule \_\_\_\_\_ of the \_\_\_\_\_ Rules of Civil Procedure, and all other applicable statutes and rules governing discovery in this jurisdiction. The Moving Party asserts that the information and documents sought are relevant to the subject matter involved in the pending action and are reasonably calculated to lead to the discovery of admissible evidence. The requested discovery is not unduly burdensome or expensive, nor is it cumulative or duplicative of other discovery already obtained.

### IV. DISCOVERY REQUESTS

The Moving Party hereby requests the following discovery from the Opposing Party:

- a. **Interrogatories:** The Opposing Party is hereby requested to answer, under oath, the Interrogatories attached hereto as Exhibit A.
  - b. **Requests for Production of Documents:** The Opposing Party is hereby requested to produce the documents described in the Requests for Production of Documents attached hereto as Exhibit B.
  - c. **Requests for Admission:** The Opposing Party is hereby requested to admit or deny the statements set forth in the Requests for Admission attached hereto as Exhibit C.
  - d. **Depositions:** The Moving Party seeks to depose the following individual(s):
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The scope of the deposition(s) will be limited to:

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**V. CERTIFICATION OF MEET AND CONFER**

Pursuant to Rule \_\_\_\_\_ of the \_\_\_\_\_ Rules of Civil Procedure, or other applicable local rules, the Moving Party certifies that counsel for the Moving Party has conferred with counsel for the Opposing Party in a good faith effort to resolve the issues raised in this Motion without court intervention. This conference occurred on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, via \_\_\_\_\_ (e.g., telephone, email, in-person). Despite these good faith efforts, the parties were unable to resolve the discovery dispute regarding:

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**VI. ARGUMENT / MEMORANDUM OF POINTS AND AUTHORITIES**

The discovery sought by the Moving Party is directly relevant to the claims and defenses in this action, including:

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The information requested is necessary for the Moving Party to adequately prepare its case for trial and to avoid surprise. The Opposing Party's objections to the requested discovery are without merit because:

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(Further legal arguments and citations to specific rules and case law would be inserted here.)

**VII. PRAYER FOR RELIEF**

WHEREFORE, the Moving Party respectfully requests that this Honorable Court enter an Order:

1. Compelling the Opposing Party to fully and completely respond to the Interrogatories attached as Exhibit A within \_\_\_\_\_ days of the date of this Order.
2. Compelling the Opposing Party to produce all documents responsive to the Requests for Production of Documents attached as Exhibit B within \_\_\_\_\_ days of the date of this Order.
3. Compelling the Opposing Party to respond to the Requests for Admission attached as Exhibit C within \_\_\_\_\_ days of the date of this Order.
4. Authorizing the Moving Party to depose the individual(s) listed in Section IV(d) at a mutually agreeable time and place, or as ordered by the Court.
5. Awarding the Moving Party its reasonable expenses, including attorney's fees, incurred in making this Motion, pursuant to Rule \_\_\_\_\_ of the \_\_\_\_\_ Rules of Civil Procedure.
6. Granting such other and further relief as the Court deems just and proper.

**VIII. GOVERNING LAW AND JURISDICTION**

This Motion shall be governed by and construed in accordance with the procedural rules and substantive laws of the State of \_\_\_\_\_, and the jurisdiction of this Court.

**IX. SEVERABILITY**

If any term or provision of this Motion is held to be invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Motion or invalidate or render unenforceable such term or provision in any other jurisdiction.

**X. NOTICES**

Any notices or communications regarding this Motion or the underlying case shall be directed to the parties' counsel of record at the addresses provided in the court filings, or as otherwise directed by the Court.

**XI. WAIVER**

No waiver by the Moving Party of any breach or default hereunder shall be deemed a waiver of any subsequent breach or default of the same or similar nature.

**XII. HEADINGS**

The headings in this Motion are for reference only and shall not affect the interpretation of this Motion.

**XIII. CONSTRUCTION**

This Motion shall be construed fairly and not strictly for or against any party.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted,

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**MOVING PARTY'S ATTORNEY / SELF-REPRESENTED LITIGANT**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Bar Number (if applicable): \_\_\_\_\_

Firm Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, a true and correct copy of the foregoing MOTION FOR DISCOVERY was served upon the Opposing Party's counsel of record, or the Opposing Party if self-represented, via \_\_\_\_\_ (e.g., U.S. Mail,

electronic filing, hand delivery) at the following address:

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Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

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NOTARY PUBLIC SECTION\*\*

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ (Print Name of Signatory), known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(SEAL)