IRFLP 413 Uniform and Non-Uniform Interrogatories; Limitations; Procedure

Idaho Rules of Family Law Procedure Rule 413. Uniform and Non-Uniform Interrogatories; Limitations; Procedure.

A. Uniform Interrogatories. The Uniform Family Law Interrogatories set forth in Form 2, are approved for use as a standard or guide recommended in preparation of interrogatories under these Rules. The use of Uniform Interrogatories shall be governed by Rule 414 [1] and this Rule. The use of Uniform Interrogatories is not mandatory. They are not to be used as a standard set of interrogatories for submission in all cases. Each interrogatory should be used only where it fits the particular case.

B. Presumptive limitations. Except as provided in these rules, a party shall not serve upon any other party more than forty (40) interrogatories, which may be any combination of uniform or non-uniform interrogatories. Any uniform interrogatory and its subparts shall be counted as one interrogatory. Any subpart to a non-uniform interrogatory shall be considered as a separate interrogatory.

C. Stipulations to serve additional interrogatories. If a party believes that good cause exists for the service of more than forty (40) interrogatories upon any other party, that party shall consult with the party upon whom the additional interrogatories would be served and attempt to secure a written stipulation as to the number of additional interrogatories that may be served.

D. Leave of court to serve additional interrogatories. If a stipulation permitting the service of additional interrogatories is not secured, a party desiring to serve additional interrogatories may do so only by leave of court. Upon written motion or application showing good cause therefore, the court in its discretion may grant to a party leave to serve a reasonable number of additional interrogatories upon any other party. The party seeking leave to serve additional interrogatories shall have the burden of establishing that the issues presented in the action warrant the service of additional interrogatories, or that such additional interrogatories are a more practical or less burdensome method of obtaining the information sought, or other good cause therefor. No such motion or application may be heard or considered by the court unless accompanied by the proposed additional interrogatories to be served.

E. Spacing. A space sufficient for the answer shall be left within or immediately below each interrogatory or subpart thereof. The responding party shall insert the answer in the space provided, or if more space is needed, on a separate sheet, restating the question before giving the answer.

F. Propounding and responding to interrogatories. The method of propounding and responding to interrogatories shall be as follows:

1. The propounding party shall serve a copy of the interrogatories upon each other party to the action, identifying which party or parties the interrogatories are directed to.

2. The responding party shall:

a. fully answer each interrogatory, unless it is objected to, in which event the reasons for the objection may be stated in place of an answer,

b. sign the response under oath, and

c. within 30 days of service of the interrogatories, serve the original answers and objections upon the propounding party and a copy upon all other parties.

The party submitting the interrogatories may move for an order under Rule 443 [2] with respect to any objection to or other failure to respond to any interrogatory.

G. Interrogatories not filed with court. The interrogatories and the responses shall not be filed with the court.

H. Notice of serving. The party serving either interrogatories or responses thereto shall file with the court a notice of when the interrogatories or responses were served and by whom.

I. Retention of originals. The propounding party shall retain both the original interrogatories and the original of the sworn answers until one year after final disposition of the action. At that time, both originals may be destroyed, unless the court on motion of any party and for good cause shown orders that the originals be preserved for a longer period.

J. Duty to supplement responses. The duty to respond described in subpart F.2. of this rule shall be a continuing duty, and each party shall make additional or amended responses before a motion hearing or trial in the event new or different information is discovered or revealed.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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[1] http://isc.idaho.gov/irflp414
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