

(e) Special Interrogatory for Use with Request for Admission.

In addition to the interrogatories that may be served pursuant to this Rule, whenever a party serves one or more requests for admission under Rule 36, that party may also serve, along with the request(s) for admission, alone or in addition to other interrogatories served pursuant to this Rule, and without prejudice as to any numerical limitation herein, the following interrogatory:

"Is your response to each request for admission served with this interrogatory 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 upon which you base your response; (c) state the name, address, and telephone number of each person who has 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."

Proposed addition to Federal Rules of Civil Procedure, Rule 33 (Interrogatories).

In California, the Judicial Council of California approved a set of form interrogatories for use in civil cases, which contain an interrogatory (No. 17.1) nearly identical to the one here. Practitioners have found that this interrogatory, combined with a well-drafted set of requests for admission, can be a powerful tool to root out baseless claims and dispose of them on summary judgment. In essence, this interrogatory in conjunction with requests for admission served under Rule 36, can provide sufficient grounds in some cases to dispose of claims and causes of action even before depositions or other, more expensive forms of discovery and investigation need take place.

Whereas this tool may be most effective in exposing weaknesses in a plaintiff's case, it is also a powerful tool to bring out weaknesses in a defendant's defenses or alternative theories of the case.