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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Janet Dole,

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No. CV-10-2645-PHX-LOA

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Plaintiff/Judgment Creditor,)

ORDER

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vs.

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Nouveau Riche Corporation,

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Defendant/Judgment Debtor.)

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This matter is before the Court on Plaintiff’s Motion for Order for Interrogatories, which the Court construes as a Motion for Judgment Debtor’s Examination via Interrogatories. (Docs. 23-24) Judgment in favor of Plaintiff was entered on April 12, 2011, doc. 21, and there is no evidence that it has been paid. To aid in the enforcement of the judgment, Plaintiff requests an order directing judgment debtor Nouveau Riche Corporation to answer the interrogatories (written questions) pursuant to Fed.R.Civ.P. 69 and A.R.S. § 12-1631. (Docs. 23, 24)

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Federal Rule Civil Procedure 69(a)(2) provides that a “judgment creditor . . . may obtain discovery from any person--including the judgment debtor--as provided in these rules or by the procedure of the state where the court is located.” Fed.R.Civ.P. 69(a)(2). While less conventional than an oral deposition, because Rule 33(a), Fed.R.Civ.P., authorizes a party to obtain discovery by way of written questions and answers by service on any other party no more than 25 written interrogatories, including all discrete subparts, Plaintiff, as a judgment creditor, may properly use interrogatories to obtain information from

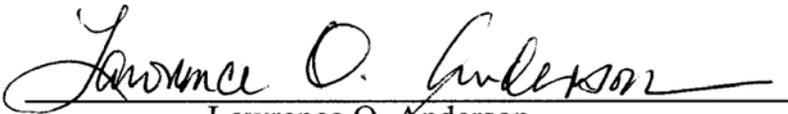
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1 Nouveau Riche Corporation, a judgment debtor. *United States v. McWhirter*, 376 F.2d 102,
2 106 (5th Cir. 1967) (“[w]e conclude that Rule 69(a) authorizes the government to propound
3 written interrogatories to the appellees under Rule 33.”). Thus, a judgment creditor may
4 propound discovery to a judgment debtor by interrogatories, requests for production and/or
5 inspection of documents. See Fed.R.Civ.P. 33, and 34. *Odnil Music Ltd. v. Katharsis LLC*,
6 2007 WL 1703763, * 2 (E.D.Cal., Jun 11, 2007). If a judgment debtor fails to respond to
7 properly crafted discovery, the court may compel responses and impose sanctions if the
8 debtor lacked substantial justification for failing to respond. *Id.* (citing Fed.R.Civ.P. 34(b),
9 37(a)).

10 Nevertheless, Plaintiff’s proposed interrogatories are defective and provide
11 wholly inadequate instructions for compliance. (Doc. 24 at 2-5) First, Plaintiff’s proposed
12 interrogatories, including all discrete subparts, substantially exceed the 25 interrogatory limit
13 set forth in Rule 33(a), Fed.R.Civ.P. Plaintiff has also inappropriately combined a request
14 for the production of documents authorized by Rule 34, Fed.R.Civ.P., see no. 13, with
15 written interrogatories. They are separate discovery methods and should have separate
16 instructions for each. Moreover, no instructions are provided how Nouveau Riche
17 Corporation may file its answers under seal, consistent with the District Court’s Local Rules,
18 to protect the confidentiality of the proprietary information requested by Plaintiff. The form
19 of the interrogatories is also deficient because each interrogatory does not allow any space,
20 much less adequate space, to answer each interrogatory immediately after the interrogatory
21 itself. Finally, Plaintiff provides no information on how she intends to serve the requested
22 discovery on Nouveau Riche Corporation which has not appeared in the District Court.

23 **IT IS ORDERED** that Plaintiff’s Motion for Judgment Debtor’s Examination
24 via Interrogatories, docs. 23-24, is **DENIED** without prejudice.

25 Dated this 16th day of May, 2011.

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28 Lawrence O. Anderson
 United States Magistrate Judge