

Request for Production of Documents in a Debt Collection Suit

Instructions, Example and Sample Form

Use a **Request for Production of Documents** to ask the plaintiff for documents, tapes and records they have about your case. To learn more about Request for Production of Documents and how to use them, visit www.MassLegalHelp.org and search [Request for Production of Documents](#).

Use the following instructions to complete the Request for Production of Documents on page 5. We have also included an Example Request for Production of Documents form for Kerry Timberland on page 3. Kerry Timberland is not a real person.

1. At the top left corner of the form you will see "_____, ss". This is where you write the county you live in. Put in the same county that is on the complaint that the plaintiff sent to you.
 - In the example, Kerry lives in Dorchester so she lives in Suffolk County.
2. On the "____ Division" line, write in where the court is located.
 - The Court is located in Dorchester so Kerry wrote in "Dorchester."
3. Write in the docket number on the "Docket no._____" line. You can find this number on the complaint that the plaintiff sent you.
 - Kerry's number was on the top right corner of the complaint so she copied it onto the form as "2011-CV-3833"
4. The "_____plaintiff" line needs to say who is suing you. Copy the name listed on the complaint before the word "plaintiff".
 - The Bank of New Debt is suing Kerry so she wrote "Bank of New Debt" on the line before "plaintiff".
5. The "_____defendant" line needs to say who is being sued. Copy the name listed on the complaint before the word "defendant" on the form. It is probably your name.
 - The Bank of New Debt is suing Kerry so she wrote her name on the line before "defendant".
6. To make a checkmark \checkmark , hold down the Alt key on your keyboard and type 251 at the same time.
7. **In the body of the "Request for Production of Documents"** check or write in the documents you want the plaintiff to provide you. People ask for documents to see what the plaintiff will show at trial, what evidence the plaintiff has have and the strength of the plaintiff's case.
8. Kerry wants to see any agreements that the plaintiff has that say that Kerry owes

money to the Bank of New Debt because she does not think they have the right to collect this debt. She also wants to see the papers the plaintiff will present at trial.

9. Sign your name on the Request.
10. In the “Certificate of Service” section put:
 - i. the date,
 - ii. your signature,
 - iii. the plaintiff’s attorney’s name and address; and
 - iv. check “hand delivery” or “first class mail.”
11. Make two copies of all of the forms you are sending.
 - i. File the original at the Court. Deliver it in person or mail it.
 - ii. Mail a copy of the package to the plaintiff’s attorney.
 - iii. Keep a copy of everything yourself.
12. The plaintiff should send a package of information to you. This information should be the plaintiff’s response to your Request for Production of Documents.

Example Request for Production of Documents

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT OF THE COMMONWEALTH

SUFFOLK, ss.

DORCHESTER DISTRICT COURT

DOCKET NO. 2011-CV-3833

Bank of New Debt)

Plaintiff,)

)

)

v.)

)

Kerry Timberland,)

Defendant.)

)

DEFENDANT'S REQUEST FOR
PRODUCTION OF DOCUMENTS

For the purpose of this Request, the following definitions shall apply:

“Agreement” shall refer to the alleged terms and conditions calling for the repayment of funds underlying this cause of action.

“Creditor” shall refer to the parties past or present authorized to collect on the subject debt.

“Debt” shall refer to the alleged monies owed in connection with this cause of action.

“Defendant” shall refer to the party being sued in this action.

“Document” includes any written, recorded, electronic, or graphic matter, however produced or reproduced, that is or was ever in the possession, custody, or control of the Creditor.

“Document” includes the originals and all drafts and copies which differ in any respect from the original. “Document” includes all of the above materials, whether privileged or not. If any of the documents designated below are withheld on the grounds of privilege or work product, such document should be identified by author, recipient, date, and nature of the document.

With respect to any document designated below which was once, but is no longer, in the Creditor’s possession, custody, or control, please indicate the date the document ceased to be in the Creditor’s possession, custody, or control, the manner in which it ceased, and the name and address of its present custodian.

If the document is responsive to more than one request, it need be produced only once, but the written response should identify all the requests to which it is responsive.

REQUEST FOR PRODUCTION OF DOCUMENTS

The below checked documents are requested:

- 1. All written agreements entered into by the Defendant and the Creditor.
- 2. All written communications, applications, correspondence or records thereof relating to the debt.
- 3. All written communications, letters, or records thereof between the Defendant and the Creditor during the course of the debt agreement.
- 4. All accounts, ledgers, records or other documents including payment receipts, notes, and memoranda in which the Creditor has recorded the debits and credits made to the Defendant's account.
- 5. Any and all documents, statements, reports, notes, or any other documents that support or dispute the substance of the evidence the Creditor intends to offer at trial.
- 6. All documents contained in any file maintained by the Creditor regarding the Defendant that are relevant to the allegations that form the basis of the Creditor's allegations in this action.
- 7. Any and all documents relating to the service of process of any notice of default, Summons or Complaint.
- 8. All documents the Creditor intends to introduce as evidence at the trial in this action.
- 9. All reports or statements of potential witnesses that the defendant violated the terms of any agreement.

Respectfully Submitted,

Signed: Kerry

Timberland

Your name: **Kerry Timberland**

Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for the Plaintiff (*check one*) in hand () or by regular first class mail postage pre-paid () at this address: Law Firm of Ted Roco for Bank of New Debt, 1 Kimble St, Boston, MA 02222 On (date) June 30, 2012.

Kerry Timberland
Signature

June 30,
Date

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT OF THE COMMONWEALTH

_____, ss.

_____ DISTRICT COURT
DOCKET NO. _____

_____,)
Plaintiff,)
)
)
v.)
)
_____,)
Defendant.)
_____)

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- 9. All reports or statements of potential witnesses that the defendant violated the terms of any agreement.

Respectfully Submitted,

Signed: _____

Your name:

Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for the Plaintiff (*check one*) in hand () or by regular first class mail postage pre-paid () at this address:

_____ on (date) _____.

Signature

Date