**DISCOVERY FORM**

**COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT**

Suffolk County, ss Eastern Housing Court

DOCKET NO:

,

**Plaintiff – Landlord(s)**

vs. **DEFENDANT'S REQUEST FOR DISCOVERY (INTERROGATORIES AND DOCUMENT REQUESTS)**

,

**Defendant - Tenant**

**RESCHEDULED TRIAL DATE:**

Notice to Plaintiff

1. Because this Discovery has been filed and served, the trial date is automatically postponed for two weeks until the date stated above. If a jury trial has been requested and your case is in District Court then a pre-trial conference will be held at which time a jury trial date will usually be assigned.
2. You are required by law to answer the interrogatories (questions) below truthfully and fully, under the pains and penalties of perjury. Before each of your answers, you must re-state the interrogatory to which you are responding. Include all information that is available to you and to those who work with and for you. You must also provide any and all requested documents in your possession or that of your agents or employees.
3. No later than ten (10) days after you or your attorney receives this Request for Discovery, the defendant must receive your responses to these questions and documents requested. Answers should be mailed or delivered to the defendant’s apartment.
4. You are also required to supplement and/or amend your responses to this Discovery if after you have responded you learn:
	1. the identity of other persons with information about the questions asked (including expert witnesses you intend to have testify at trial); and/or
	2. that any of the information you gave in the responses was incorrect when made or is

no longer correct.

1. If any documents that are responsive to the requests for production of documents below are redacted (crossed out or deleted) or are not produced based on a claim of privilege or on any other grounds, please identify as to each such document or part of such document:
	1. The nature of the privilege claimed;
	2. The factual and legal basis of the claim of privilege or ground for not producing the document;
	3. The title of the document;
	4. The author of the document;
	5. Each person to whom an original or copy of the document was provided; and
	6. The subject matter and a description of the material withheld, to the fullest extent possible short of waiving the claimed privilege.

DEFINITIONS

1. The terms “you,” “plaintiff,” and “landlord” include the plaintiff named above and any and all other persons or entities with any ownership in the premises, as well as plaintiff’s agents, employees, relatives, attorneys, and anyone acting on their behalf.
2. The term “apartment” refers to the house or unit that the tenant occupies, including the exterior and common areas. If the tenant has occupied more than one apartment under an arrangement with the plaintiff, this covers any and all apartments occupied by the tenant.
3. The term “tenant” includes the defendant(s) named above and his or her agents, relative(s), attorney(s), and anyone else acting on the tenant’s behalf.
4. The term “building” refers to the building, common areas, grounds, and any other apartments at the address where the tenant’s apartment is located.
5. The term “document” includes: writings, videotapes, electronic mail or other documents electronically stored and/or transmitted, drawings, graphs, charts, photographs, digital images, recordings, contracts, agreements, correspondence, memoranda, reports, notes, requests, bills, orders, notices, writs, declarations, complaints, answers and other court pleadings, schedules, tabulations, checks, diary entries, telegrams, diagrams, films, newspaper clippings, and other writings and recordings of whatever nature. A draft or non-identical copy is a separate document within the meaning of this term.
6. The term “concerning” means referring to, relating to, supporting, describing, reflecting, constituting, or in any other way referencing.
7. Unless otherwise specified, the applicable time period for these requests is the period of the tenant’s occupancy of the apartment(s), plus one month before such occupancy and one month afterward if the tenant has vacated.

INTERROGATORIES (Questions)

Tenancy

1. What is the name, address, telephone number, occupation, and relationship to the tenant’s apartment of the person answering these questions?
2. Please describe all the terms of the tenancy, including, but not limited to:
	1. The original rent;
	2. The day of each month on which rent is due;
	3. Whether the rental agreement was oral or in writing, and the time period of such an agreement;
	4. Any additional terms of the original tenancy; and
	5. Any changes in the terms of the tenancy (including, but not limited to, changes in rent), including the date(s) of all such changes, whether the changed terms were in writing, and what the changed terms were.

Landlord’s Claims

1. State each and every one of your reasons for evicting the tenant, whether or not stated in the complaint. If you claim the tenant, household member, or guest has violated a provision of the lease or rental agreement, please describe each such violation in full and complete detail, including, but not limited to:
	1. What happened;
	2. The dates of each such alleged violation;
	3. When and how you learned of the alleged violation;
	4. The names and addresses of anyone with knowledge of or information about such alleged violation;
	5. The substance of the information known to each person; and
	6. What if anything you did after becoming aware of each alleged violation, including the substance and date(s) of any written or oral communication to the tenant regarding such alleged violation and the tenant’s response(s) to such communication(s).
2. Please identify all agents of the landlord who have been involved in any way with the allegations asserted in the Notice to Quit, including but not limited to agents who have engaged in email communications regarding the allegations. For each agent, please identify:
	1. Their name and title;
	2. Any and all communications in which they have been engaged regarding the events that form the basis of the allegations;
	3. Any individuals, aside from counsel, with whom they have spoken about the events that form the basis of the allegations; and
	4. Any other role they have played in responding to the events that form the basis of the allegations.
3. For each person with knowledge of the facts alleged in the landlord’s complaint and/or the tenant’s answer/counterclaims, please state:
	1. His/her name, current (or last known) address and telephone number;
	2. The substance of the information known to such person; and
	3. The expert training/qualifications of such person, if any.
4. For each person you intend to call as a witness at trial, please state:
	1. His/her name, current (or last known) address, and current (or last known) telephone number;
	2. An overview of their anticipated testimony; and
	3. The expert training/qualifications of such person, if any.
5. State the type of Notice to Quit (or notice of termination of tenancy), if any, relied on in this action, the method of service, the date of service, the name of the person who received the notice, and the name and address of the person who served the notice. If more than one copy of the notice was served on the tenant, please specify the information for each form of service. If the Notice to Quit was also served on any person or agency other than the tenant, please provide similar information regarding such service.
6. Please identify each and every agent of the landlord (excluding counsel) involved in the decision to terminate the tenant’s tenancy. For each individual, please state:
	1. The agent’s name and title;
	2. The agent’s primary roles and responsibilities;
	3. The agent’s specific involvement in the decision to terminate the tenant’s tenancy, including but not limited to any meetings, telephone calls, and/or email exchanges in which they were involved related to this decision.
7. Please describe the basis for your claim that the allegations asserted in the Notice to Quit impact the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property, or the general public, including but not limited to:
	1. The individual(s) whose health or safety is impacted by these allegations;
	2. Whether you claim that these allegations impact either the health or safety of these individuals;
	3. How, specifically, these individuals’ health or safety has been impacted;
	4. Any and all specific instances in which individuals’ health or safety has been impacted by the allegations; and
	5. The basis for your assertion that these individual(s) health or safety is impacted.
8. Please state whether the landlord maintains video cameras anywhere in or around the building and identify the location(s) of all video cameras at the building.
9. Please describe how video footage is maintained by the landlord, including but not limited to the length of time for which video footage is kept, who oversees maintenance of the footage, in what circumstances video footage is kept for longer than the normally prescribed period, and who decides to keep video footage for longer than the normally prescribed period.
10. Please state “yes” or “no” whether any emails have been exchanged among agents of the landlord (excluding counsel) regarding any of the allegations in the Notice to Quit or the decision to terminate the tenant’s tenancy.
11. [**COMPLAINTS FROM OTHER RESIDENTS]** Please identify each and every complaint the landlord has received from other residents at the building regarding the tenant and/or conduct related to the tenant’s unit. For each complaint, please state:
	1. The name and contact information of the individual who made the complaint;
	2. The date of the complaint;
	3. The substance of the complaint;
	4. The individual(s) to whom the complaint was made;
	5. The form of the complaint, whether by phone, email, text, letter, etc.; and
	6. What the landlord’s response to the complaint was, if any.
12. **[COMPLAINTS FROM OTHER RESIDENTS]** Please describe the record-keeping system used by the landlord for documenting, registering, or otherwise processing or recording complaints from residents regarding disturbances at the premises, including but not limited to what happens when a complaint is made, who makes a record of the complaint, and where the record is kept.
13. **[UNAUTHORIZED OCCUPANT]** Please identify each and every unauthorized occupant you allege is residing in the tenant’s apartment without the permission of the landlord.
14. [**UNAUTHORIZED OCCUPANT]** Please describe the basis of your allegation that the tenant is permitting an unauthorized occupant to reside in her apartment, including but not limited to who, if anyone, has observed such occupants entering or exiting the tenant’s apartment or the building, when they have observed such occupants entering and exiting the tenant’s apartment or the building, and/or any other evidence substantiating this allegation.
15. **[PROPERTY DAMAGE]** Please describe in full and complete detail all property damage you allege the tenant’s guests have caused to the building, including but not limited to the date(s) on which the property was damaged, by whom it was damaged, and all individuals who observed the property being damaged.
16. **[POLICE INVOLVEMENT]** Describe each and every communication the landlord or its agents has had with the Boston Police Department (BPD) regarding the tenant and/or the allegations in the Notice to Quit, including, but not limited to:
	1. The date of the communication;
	2. The agent(s) of the landlord who engaged in or received the communication;
	3. The agent(s) of the BPD who engaged in or received the communication;
	4. The names of any other individuals who were present for the communication;
	5. The method of the communication, whether by email, phone, letter, text, etc.;
	6. The substance of the communication.

Public and Subsidized Housing

1. If the tenant receives a subsidy or lives in a subsidized unit, please state:
	1. The name of the subsidy program and the administering agency;
	2. The full contract rent under the subsidy program;
	3. The tenant’s portion of the rent; and
	4. Any changes to the contract rent and/or the tenant’s portion since the tenancy started,

but not exceeding six years from when the action was commenced.

1. Please describe the steps you took to terminate the tenancy as required by the lease or program rules, including, but not limited to, on what date, how, and by whom the Notice to Quit was served upon the housing authority administering the tenant’s Section 8 voucher.

Disability

1. Please describe in full detail your knowledge, belief, and/or information, at any time through and including the date of your interrogatory responses, that the Tenant or a household member has a mental and/or physical disability of any kind, including but not limited to the substance of, and the factual basis for, such knowledge, information and/or belief (including, for example, reports, observations, and communication with others).
2. Please describe in detail any requests made by or on behalf of the tenant or household member for an accommodation or accommodation otherwise considered (e.g., a change in rules or policy, a physical change to the apartment, not proceeding with an eviction, or other special treatment) due to her/his disability, including, but not limited to:
	1. When and how the tenant or other person asked you for an accommodation or an accommodation was otherwise considered (in relation to the Tenant’s Answer or by other means);
	2. What s/he requested that you do or not do on account of her/his disability or that you otherwise considered; and
	3. Your response (and/or conclusion).
3. With respect to any disability-related request(s) for accommodation made by or on behalf of the Tenant (or household member), please describe in full factual detail the date and substance of such request(s) and the date and substance of your response(s).
4. If you assert that the requested accommodation or any other accommodation that would permit the Tenant and/or household member to continue occupying the Apartment would be unreasonable and/or would constitute an undue financial or administrative burden, please describe the reasons for such assertion(s) in full, factual detail.

Other

1. For each conversation you have had with the tenant about the reason(s) for eviction or that concerns your claims and/or the tenant’s defenses or counterclaims in this action, please state when, who was present, and what was said.

DOCUMENT REQUESTS

Tenancy and Termination

1. All documents related to the composition of the tenant’s household (i.e., the identity of all people who occupy or who have lived at any time in the apartment).
2. All letters and other written communications between the landlord and the tenant.
3. All Notices to Quit ever served by the landlord on the tenant or on an agency providing a subsidy for the tenant and returns of service for each such notice.
4. All documents related to any complaints received from any source about the tenant and/or members of the tenant’s household or guests.
5. All documents related in any way to any of your reasons for evicting the tenant.
6. All documents related in any way to the landlord’s claims and/or to the tenant’s defenses or counterclaims (to the extent not addressed elsewhere in your responses to these document requests).
7. All documents reflecting or related in any way to the landlord or its agents’ communications with or from the Boston Police Department regarding the tenant and/or the allegations in the Notice to Quit.
8. All documents you plan to present at trial.

Public and Subsidized Housing/Governmental Assistance

1. All written documents concerning the exact type or nature of any rental subsidy attached to the building or involved in the tenancy.
2. All documents in any tenant file that the owner or manager maintains for the tenant.
3. All documents related to any informal conference and/or grievance hearings during the tenancy.
4. All letters and other written communications between the landlord and any housing authority, DHCD, MassHousing, HUD, and any other relevant agency regarding the tenant or the apartment.

Other

1. Any and all documents concerning behavior on the part of the tenant or household member during the time period of his/her occupancy of the Apartment that you consider a lease or tenancy violation not previously provided in response to other requests.
2. Any documents concerning lawsuits or claims related to the apartment and/or building and/or involving the landlord and the tenant.
3. Any documents concerning the tenant’s or household member’s disability and/or request for accommodation (i.e., a change in rules or policy, a physical change in the apartment and/or common areas, etc.) that the tenant or anyone on his/her behalf has made to you and your response to such request, and any offers of reasonable accommodation that you otherwise have made to the tenant or household member.
4. Any and all documents substantiating or concerning whether any request(s) for accommodation(s) made by or on behalf of the tenant or household member would constitute an undue financial or administrative burden on the landlord.
5. Any and all documents substantiating or concerning whether any request(s) for accommodation(s) made by or on behalf of the Tenant would be otherwise unreasonable.
6. All documents regarding any policy of the landlord regarding persons with disabilities including any reasonable accommodation plans or policies, all attachments and/or appendices, and any forms or releases that are used in connection with any such policies.
7. Any documents concerning any incident(s)of domestic violence against the tenant or a household member at in the apartment including but not limited to police reports, restraining orders, requests for lock changes for safety reasons and/or and early lease termination of the tenancy agreement.

[TENANT], DEFENDANT

\_\_\_\_\_\_/s/ [TENANT]\_\_\_\_\_\_\_\_\_\_\_

[Tenant name,

Address,

Phone Numer,

Email]

I hereby certify that I emailed a copy of this document to the landlord’s lawyer, , on [date].

/s/