

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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R, Individually, and On Behalf
of All Others Similarly situated,

CASE NO.:

Plaintiff,

-against-

O,

THE DEFENDANT'S FIRST SET OF
INTERROGATORIES

Defendant.

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Pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure, the Defendant O (hereinafter referred as the “Defendant” or “O”), requests the Plaintiff R (hereinafter referred as the “Plaintiff” or “R”) to answer fully, under oath, each of the following Interrogatories, within thirty (30) days after service thereof.

DEFINITIONS

1. “Plaintiff” means R.
2. “Defendant” refers to O, and includes any person or entity acting or purporting to act on its behalf, including, but not limited to, present or former agents, representatives, attorneys, parents, subsidiaries, affiliates, officers, members, managers, directors, principals, shareholders, employees, direct and indirect partners, heirs, executors, administrators, successors and assigns.
3. “Describe”, “specify” and/or “state shall mean to set forth fully and unambiguously, using technical terms or words of art, if necessary, each and every fact relevant to the answer called for by the Interrogatory of which the Plaintiff has knowledge.
4. “Document” and/or “documents” means all data, papers, and books, transcriptions, pictures,

drawings or diagrams or every nature, whether transcribed by hand or by some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, including written papers or memoranda which summarize oral conversations, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books; records; reports; contracts; agreements; video, audio and other electronic recordings; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads; scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail); facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards; letters; telegrams; publications; inter- and intra- office communications; photocopies; microfilm; maps; drawings; diagrams; sketches; analyses; transcripts; electronically stored information (ESI) and any other documents within plaintiff's possession, custody or control from which information can be obtained or translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English. The term "document" includes not only originals, but also any copies or reproductions of all such written, printed, typed, recorded or graphic matter upon which any notations, comments, or markings of any kind have been made that do not appear on the original documents or that are otherwise not identical to the original documents. Any document with marks such as initials, comments or notations of any kind is not identical to one without such marks and is to be produced as a separate document.

5. “Communication” and/or “communications” means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, notes, telegrams, facsimiles, electronic mail (e-mail), memoranda, documents, writings, or other forms of communications, including but not limited to both oral and written communications.
6. “Concern” and/or “concerning” shall be construed in a broadest sense and shall mean directly or indirectly describing, setting forth, discussing, reflecting, mentioning, commenting upon, supporting, evidencing, constituting, contradicting, relating to, referencing or referring to the subject or topic in question, either in whole or in part.
7. “Pertaining to” means; consisting of, constituting, evidencing, reflecting, comprising, relating to or referring to in any way relevant within the meaning of the FRCP.
8. “Person” means any natural person, corporation, partnership, proprietorship, division, firm, association, or other organization, entity or group of persons.
9. “Representative” means and shall include each and every present and former director, officers, employee, agent or other person acting or purporting to act on behalf of any entity (including, but not limited to, a partnership, corporation, etc.) or any predecessor, subsidiary, affiliates, agent, division or department thereof.
10. “Identify” when applied to persons, means to state his full name, present or last address, present or last known position or business affiliation, during the time period of these interrogatories.
11. “Identify” when applied to any other entity, means to state its full name, the address of its principal place of business and the name of its officers.
12. “And” “and/or” “or” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. The use

of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.

13. “Any” and “all” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request. Furthermore, the use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa. The singular form of any noun shall be deemed to include the plural, and vice-versa.
14. “Include” or “including” shall be construed to include the phrase without limitation.
15. “Refer to” or “refers to” means mentioning, discussing, making reference to or relating to in any way.
16. “You” or “your” means the Plaintiff R bringing this class action.
17. “Class Action Complaint”, unless otherwise noted, means the original and any amended Class Action Complaint served by the Plaintiff in this action.
18. “Website” means XYZ.
19. The words used in the singular shall be interpreted to include the plural and words used in the plural shall be interpreted to include the singular.
20. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, whenever necessary to bring into the scope of the specification all responses which might otherwise be construed outside the scope.
21. The use of any masculine or feminine pronoun includes both the masculine or feminine.

GENERAL INSTRUCTIONS

For the purposes of these Interrogatories, the following instructions shall apply:

1. The provisions of Local Rules 26.2, 26.3, and 33.3 relating to claims of privilege, uniform definitions, and interrogatories respectively, apply to and are incorporated by reference.
2. The information requested is for all information known to you available at the time of answering.
3. To the extent any information called for by these Interrogatories is unknown, so state and set forth such remaining information as is known. If any estimate description can reasonably be made in place of unknown information, set forth the best estimate or general description, clearly designating the answer as such, in place of unknown information, and the basis upon which the estimate or general description is made.
4. To the extent any Interrogatory is objected to, set forth all reasons therefor. If any claim of privilege is asserted as a ground for not answering any Interrogatory, whether in whole or in part, describe the factual basis for such claim in sufficient detail so as to permit the court to adjudicate the validity of the claim.
5. The answers to these Interrogatories shall be promptly supplemented and amended as required by Rule 26(e) of the Federal Rules of Civil Procedure.
6. These Interrogatories shall be deemed continuing, so as to require additional answers if further information is obtained between the time answers are served and the time of trial. Such additional answers shall be served from time to time, but not later than (30) days after such additional information is received.

INTERROGATORIES

1. State with specificity your total number of visits to the Website, including the date and time of each visit, before ____.
2. Concerning your visit to the Website on ____, state with specificity the time of visit.

3. State with specificity “each occasion” with details such as date and time, when you were unable to complete the transaction/s, on or before _____.
4. Identify the members of the alleged Class/Sub-class of blind and/or visually impaired individuals who were unable to complete a transaction and/or were blocked from experiencing all of the Website’s features.
5. State with specificity the name of screen-reading software / program, including its features, which you use apart from the mentioned program - ABC (“ABC”).
6. If answer to the abovementioned is in affirmation, state with specificity the details of such software/s and/or program/s whose operation was also prevented by the alleged access barriers of the Website.
7. State with specificity each and every occasion when you approached and alerted the Defendant about the alleged access barriers contained on the Website, and still the Defendant failed and refused to remove the alleged access barriers.
8. State with specificity how you apprised yourself of the fact that the Website contains a feature that “*a pop-up window appears inviting customers to sign up for a discount*” and which is allegedly used by the sighted people, as alleged in ¶ 28 (e) of the Class Action Complaint.
9. State with specificity each and every occasion when you cautioned the Defendant about its discriminatory conduct and the Defendant even then failed to take any steps to remedy the alleged ongoing violations.

Dated: _____
New York, New York

By: _____

Attorneys for the Defendant