Objections to Interrogatories and Requests for Production

* **Overbroad**. Be specific when making this objection--state why the request is overbroad.
* **Vague or Ambiguous**. Be specific when making this objection—state what language is vague and why.
* **Irrelevant**. This objection usually won’t hold up in court, as the request merely needs to be calculated to lead to admissible evidence. See CR 26(b)(1).
* **Unduly Burdensome**. Use this objection when the request would require the responding party to perform an undue amount of work. The factors the court weighs are: 1) the amount of work to respond, 2) the relative magnitude of the relevant issue(s) in dispute, and 3) the requesting party’s ability to obtain the information on its own. Of note, a discovery request is not objectionable simply because the requesting party already has access to the information requested.
* **Attorney Client Privilege (Or Other Privilege, Such as Therapist-Patient or Doctor-Patient)**. You don’t need to respond beyond the objection, but you might need to provide a log providing some details of the kind of communication you’re withholding. The log is so the opposing party can verify that it’s an attorney client privileged communication.
* **Attorney Work Product**. See CR 26(b)(4).
* **Assumes Facts Not in Evidence**. Use this objection when the question assumes something your client disputes. For example, the question “why did [client] hit plaintiff” would be objectionable if the client disputes having hit plaintiff. Normally this objection is not available when answering interrogatories or requests for production – it is a trial for trial. Instead in an interrogatory objection you might say “I didn’t hit plaintiff.”
* **Calls for a “Dress Rehearsal for Trial” or “All the Facts”.** A request for “everyone with knowledge” of “all relevant facts” is overbroad, unduly burdensome, and a dress rehearsal for trial. See Weber v. Biddle, 72 Wn.2d 22, 29 (1967).
* **5th Amendment**. Assert the fifth when responding to the discovery request might otherwise implicate your client or jeopardize your client’s defense in a criminal matter.
* **Calls for Opinion / Expert Opinion**. This objection often does not hold up in court, but occasionally it does. See CR 33(b).
* **Calls for a Legal Conclusion**. This objection often does not hold up in court, but occasionally it does. See CR 33(b). If the discovery request calls for an application of facts to the law, the objection will typically be overruled. If the request calls for a pure legal conclusion, the objection should be upheld.
* **Calls for Information Regarding Consulting Expert or Non-Testifying Expert**. According to CR 26(b)(5), the party seeking discovery can usually only request information regarding experts the responding party expects to testify rather than experts with whom the responding party merely consulted.
* **Lack of Knowledge**. Can only assert this objection if the client has performed a “reasonable inquiry” and still doesn’t know the answer.
* **Calls for List of Testifying Lay Witnesses**. The requesting party can ask for a list of your testifying expert witnesses, but not usually a list of your testifying non-expert witnesses, unless local rules say otherwise. Of note, the requesting party is allowed to ask for a list of people with knowledge of specific facts.

Magic language following objections: **Subject to and without waiving any objection, [client] answers as follows:**