

1 **1-033. Interrogatories to parties.**

2 A. **Number.** Without leave of court or written stipulation, any party may serve
3 upon any other party written interrogatories, not exceeding fifty (50) in number including
4 all discrete subparts, to be answered by the party served or, if the party served is a public or
5 private corporation or a partnership or association or governmental agency, by any officer
6 or agent who shall furnish such information as is available to the party. Leave to serve
7 additional interrogatories shall be granted to the extent consistent with the principles of
8 Subparagraph (2) of Paragraph B[~~(2)~~] of Rule 1-026 NMRA.

9 B. **Service.** Interrogatories may, without leave of court, be served upon the
10 plaintiff after commencement of the action and upon any other party with or after service of
11 the summons and complaint upon that party. In cases involving multiple parties, the party
12 serving interrogatories shall serve notice upon all parties who have appeared in the action
13 that interrogatories have been served. A party propounding the interrogatories shall, upon
14 request of any party, furnish to such party a copy of the interrogatories, answers and
15 objections, if any.

16 C. **Answers and objections.**

17 (1) Each interrogatory shall be answered separately and fully in writing
18 under oath, unless it is objected to, in which event the objecting party shall state the reasons
19 for objection and shall answer to the extent the interrogatory is not objectionable.

20 (2) The answers are to be signed by the person making them[;] and the
21 objections signed by the attorney making them.

22 (3) The party upon whom the interrogatories have been served shall serve

1 a copy of the answers, and objections if any, within thirty (30) days after the service of the
2 interrogatories, except that a defendant may serve answers or objections within forty-five
3 (45) days after service of the summons and complaint upon that defendant. A shorter or
4 longer time may be directed by the court or agreed to in writing by the parties subject to Rule
5 1-029 NMRA.

6 (4) All grounds for an objection to an interrogatory shall be stated with
7 specificity. Any ground not stated in a timely objection is waived unless the party's failure
8 to object is excused by the court for good cause shown.

9 (5) The party submitting the interrogatories may move for an order under
10 Rule 1-037 NMRA with respect to any objection to or other failure to answer an
11 interrogatory.

12 D. **Scope; use at trial.** Interrogatories may relate to any matters which can be
13 inquired into under Paragraph B of Rule 1-026 NMRA, and the answers may be used to the
14 extent permitted by the Rules of Evidence.

15 An interrogatory otherwise proper is not necessarily objectionable merely because
16 an answer to the interrogatory involves an opinion or contention that relates to fact or the
17 application of law to fact, but the court may order that such an interrogatory need not be
18 answered until after designated discovery has been completed or until a pre-trial conference
19 or other later time.

20 E. **Option to produce business records.** Where the answer to an interrogatory
21 may be derived or ascertained from the business records including the electronically stored
22 information, of the party upon whom the interrogatory has been served or from an

1 examination, audit or inspection of such business records, including a compilation, abstract
2 or summary thereof, and the burden of deriving or ascertaining the answer is substantially
3 the same for the party serving the interrogatory as for the party served, it is a sufficient
4 answer to such interrogatory to specify the records from which the answer may be derived
5 or ascertained and to afford to the party serving the interrogatory reasonable opportunity to
6 examine, audit or inspect such records and to make copies, compilations, abstracts or
7 summaries. A specification shall be in sufficient detail to permit the interrogating party to
8 locate and to identify, as readily as can the party served, the records from which the answer
9 may be ascertained.

10 [As amended, effective January 1, 2002; as amended by Supreme Court Order No. 09-8300-
11 007, effective May 15, 2009.]

12 **Committee Commentary for 2009 Amendments.**

13 See the 2009 Committee Commentary to Rule 1-026 NMRA for additional information.

14 [As amended by Supreme Court Order No. 09-8300-007, effective May 15, 2009.]