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RULE 42

LIMITED INTERROGATORIES

A. Availability; procedures for use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after commencement of the action or proceeding and upon any other party with or after service of the summons upon that party.

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Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections, if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Rule 46 A. with respect to any objection to or other failure to answer an interrogatory.

B. Use at trial; scope. Answers to interrogatories may be used to the extent permitted by rules of evidence. Within

the scope of discovery under Rule 36 B. and subject to Rule 36 C., interrogatories may be used to obtain the following facts:

B.(1) The names, residence and business addresses, telephone numbers, and nature of employment, business or occupation of persons or entities having knowledge and the source of such knowledge.

B.(2) The existence, identity, description, nature, custody, and location of documents (including writings, drawings, graphs, charts, photographs, motion pictures, phono-records, and other data compilations from which information can be obtained), tangible things and real property.

B.(3) The name, address, subject matter of testimony and qualifications of expert witnesses to be called at trial.

B.(4) The existence and limits of liability of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered into the action or to indemnify or reimburse for payments made to satisfy the judgment.

B.(5) The nature and extent of any damages or monetary amounts claimed by a party in the action; the nature, extent and permanency of any mental or physical condition forming the basis of such claim; all treatments for such physical condition; all tests and examinations relating to such condition; and, all preexisting mental, physical and organic conditions bearing upon such claims.

B.(6) The address, registered agents, offices, places

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of business, nature of business, names and addresses of board of directors and officers, names and addresses and job classifications and duties of agents and employees, names and addresses of stockholders or partners and dates and places of incorporation or organization of any corporation or business entity.

B.(7) The date of birth, and the present addresses, business addresses, telephone numbers, employment or occupation or business, and marital status of any party or the employees, agents, or persons under the control of a party.

B.(8) The location, legal description, present and prior ownership, occupation and use, purchase or sale price, value, nature of improvements, interests affecting title, and records of deeds and instruments relating to title of any real property involved in an action or proceeding.

B.(9) The custody, use, location, description, present and prior ownership, purchase or sale price, value, recording of instruments relating to title and security interests, interests claimed in such property, license numbers, registration numbers, model numbers, serial numbers, make, model, delivery and place of manufacture, and manufacturer of any tangible property involved in an action or proceeding.

B.(10) The items of an account set forth in a pleading.

C. Option to produce business records or experts' reports.

Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection

of such business records, or from a compilation, abstract or summary based thereon, or from examination of reports prepared by experts in the possession of a party upon whom the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records or reports from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records or reports and to make copies, compilations, abstracts or summaries. The specification provided shall include sufficient detail to permit the interrogating party to identify readily the individual documents from which the answer may be ascertained.

D. Form of response. The interrogatories shall be so arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer or objections within the space. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories.

E. Limitations.

E.(1) Duty of attorney. It is the duty of an attorney directing interrogatories to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

E.(2) Number. A party may serve more than one set of interrogatories upon an adverse party, but the total number of interrogatories shall not exceed thirty, unless the court otherwise orders for good cause shown after the proposed additional interrogatories have been filed. In determining what constitutes an interrogatory for the purpose of applying this limitation in number, it is intended that each question be counted separately, whether or not it is subsidiary or incidental to or dependent upon or included in another question, and however the questions may be grouped, combined or arranged.

BACKGROUND NOTE

ORS sections superseded: 16.470.

COMMENT

No single rule provoked more debate within the Council than this rule. It was finally determined that interrogatories could serve a useful function, but the unlimited federal approach invited abuse in the form of excessive interrogatories. The Council decided to develop a rule that would preserve the useful aspects of interrogatories, while controlling abuse. The control provisions are contained in sections 42 B. and E. Section 42 E. combines a specific duty upon attorneys to avoid abuse with a limitation upon number. The numerical limitation was adapted from the New Hampshire rules. In determining what constitutes an interrogatory, it was the intent of the Council that in compound questions, each element of the question be considered as constituting a separate interrogatory, e.g., "What is the present home address, business address and telephone number of X?", equals three interrogatories.

The limitations of subject matter in section 42 B. are entirely new. The scope of interrogatories is, of course, subject to the general requirement that the information sought be relevant to the claims or defenses of a party. Subsection B.(10) was included because an interrogatory would replace the request for particulars on an account, presently provided by ORS 16.470.

The interrogatory procedure provided in section 42 A. and

RULE 108
INTERROGATORIES
(SEE SEPARATE MEMO)

ALTERNATIVE
ACCOUNT

A party may set forth in a pleading the items of an account alleged therein or file a copy thereof with the pleading filed by himself or by the party's agent or attorney. If the party does neither, the party shall deliver to the adverse party within 5 days after demand a copy of such signed account. Any other party may move for an order under Rule 112(a) with respect to any failure to furnish an account when demanded or when the account filed is incomplete or defective.

COMMENT:

If the Council does not adopt interrogatories, the bill of particulars could be retained. The procedure is more related to discovery than pleading. This rule is based on ORS 16.470 but modified to eliminate the harsh sanctions of the statute and to conform enforcement to other discovery devices by reference to the sanctions rule.

~~EXHIBIT A~~

May 26, 1978
Pewson
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RULE 108

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B. Use at trial; scope. Answers to interrogatories may be used to the extent permitted by rules of evidence. Within the scope of discovery under Rule ~~101~~^{3C} B. and subject to Rule ~~101~~^{3C} C., interrogatories may only be used to obtain the following ~~facts~~ ^{Facts}.

³ (1) The names, residence and business addresses, telephone numbers, and nature of employment, business or occupation of persons or entities having knowledge and the source of such knowledge.

(2) The existence, identity, description, nature, custody, and location of documents (including writings, drawings, graphs, charts, photographs, motion pictures, phono-records, and other data compilations from which information can be obtained), tangible things and real property.

(3) The name, address, subject matter of testimony and qualifications of expert witnesses to be called at trial.

(4) The existence and limits of liability of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(5) The nature and extent of any damages or monetary amounts claimed by a party in the action; the nature, extent and permanency of any mental or physical condition forming the basis of such claim; all treatments for such physical condition; all tests and examinations relating to such condition; and, all pre-existing mental, physical and organic conditions bearing upon such claims.

(6) The addresses, registered agents, offices, places of business, nature of business, names and addresses of board of directors and officers, names and addresses and job classifications and duties of agents and employees, names and addresses of stockholders or partners and dates and places of incorporation or organization of any corporation or business entity.

133 (7) The date of birth, and the present addresses, business addresses, telephone numbers, employment or occupation or business, and marital status of any party or the employees, agents, or persons under the control of a party.

(8) The location, legal description, present and prior ownership, occupation and use, purchase or sale price, value, nature of improvements, interests affecting title, and records of deeds and instruments relating to title of any real property involved in an action.

(9) The custody, use, location, description, present and prior ownership, purchase or sale price, value, recording of instruments relating to title and security interests, interests claimed in such property, license numbers, registration numbers, model numbers, serial numbers, make, model, delivery and place of manufacture, and manufacturer of any tangible property involved in an action.

10. *the terms of an account set forth in a pleading.*

C. Option to produce business records or experts' reports. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, or from examination of reports prepared by experts in the possession of a party upon whom the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records or reports from which the answer may be derived or ascertained and to afford to the party serving the ³⁴interrogatory reasonable opportunity to examine, audit or inspect such records or reports and to make copies, compilations, abstracts or summaries. The specification provided shall include sufficient detail to permit the interrogating party to identify readily the individual documents from which the answer may be ascertained.

D. Form of Response. The interrogatories shall be so arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer or objections within the space. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories.

E. Limitations.

(1) Duty of attorney. It is the duty of an attorney directing interrogatories to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

(2) Number. A party may serve more than one set of interrogatories upon an adverse party, but the total number of interrogatories shall not exceed thirty, unless the court otherwise orders for good cause shown after the proposed additional interrogatories have been filed. In determining what constitutes an interrogatory for the purpose of applying this limitation in number, it is intended that each question be counted separately, whether or not it is subsidiary or incidental to or dependent upon or included in another question, and however the questions may be grouped, combined or arranged.

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(Counting)

Rule 42.

Background note

ors. sections superseded

16.470

COMMENTARY:

No single rule provoked more debate within the council than this rule. A number of council favored no inclusion of interrogatories in these rules. It was finally determined that interrogatories could serve a useful function, but the wide open federal approach invited abuse in the form of excessive interrogatories. ~~XX~~ served as a routine matter for harassment and delay rather than to secure needed information. The council set out to develop a rule that would preserve the useful aspects of interrogatories, while controlling abuse. The ~~code~~ ^{code} ~~XXXX~~ provisions are contained in sections B and E. Section E combines a specific duty upon attorneys to avoid abuse with a limitation upon number. The numerical limitation was adapted from the New Hampshire rules. In determining what constitutes an interrogatory it was the intent of the council that ~~XX~~ ~~XXXXXXXXXXXXXXXXXXXX~~ compound questions, each element of the question be considered as constituting a separate interrogatory; e.g. State the ~~NAME~~ present address, business address of "X?" equals three interrogatories.

The ~~X~~ limitation of subject matter ~~in~~ ⁱⁿ section B are entirely new, and were developed by examination of examples of sets of interrogatories to determine common subjects of inquiry other than the main operative facts giving rise to the case. ~~XX~~ The scope of interrogatories is ~~still~~ of course subject to the general requirement that the information sought be relevant to the claims or defenses of a party. Subsection ~~X~~ ~~SECTION~~ B (10) was included because an interrogatory would replace the request for ~~XX~~ particulars on an account presently provided by ORS 16.470.

The interrogatory procedure provided in section 42 A and C is based upon Federal Rule 33. The council added the specific option in Rule C to respond to a ~~XXXXXXXXXX~~ an interrogatory by producing a report prepared by an expert.

Section D is designed to avoid shuffling between two separate documents and is based upon the New Jersey Procedure.

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section 42

RULE 42

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B.(5) The ^{apace}nature and extent of any damages or monetary amounts claimed by a party in the action; the nature, ⁺extent and permanency of any mental or physical condition forming the basis of such claim; all treatments for such physical condition; all tests and examinations relating to such condition; and, all pre-existing mental, physical and organic conditions bearing upon such claims.

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C. Option to produce business records or experts' reports. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, or from examination of reports prepared by experts in the possession of a party upon whom the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records or reports from which the answer may be derived or ascertained and to afford to the party serving the

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BACKGROUND NOTE

ORS sections superseded: 16.470.

COMMENT

unlimited
No single rule provoked more debate within the Council than this rule. It was finally determined that interrogatories could serve a useful function, but the wide open federal approach invited abuse in the form of excessive interrogatories served as a routine matter for harassment and delay rather than to secure needed information. The Council decided to develop a rule that would preserve the useful aspects of interrogatories, while controlling abuse. The control provisions are contained in sections 42 B. and E. Section E. combines a specific duty upon attorneys to avoid abuse with a limitation upon number. The numerical limitation was adapted from the New Hampshire rules. In determining what constitutes an interrogatory, it was the intent of the Council that in compound questions, each element of the question be considered as constituting a separate interrogatory, e.g., "What is the present *Home* address, business address of X?", equals three interrogatories.
and telephone number

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The limitations of subject matter in section B. are entirely new. The scope of interrogatories is, of course, also subject to the general requirement that the information sought be relevant to the claims or defenses of a party. Subsection B.(10) was included because an interrogatory would replace the request for particulars on an account presently provided by ORS 16.470.

Section 42
The interrogatory procedure provided in section 42 A. and C. is based upon Federal Rule 33. The Council added the specific option in Rule C. to respond to an interrogatory by producing a report prepared by an expert.

42
Section D. is designed to avoid shuffling between two separate documents and is based upon the New Jersey procedure.

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Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection

of such business records, or from a compilation, abstract or summary based thereon, or from examination of reports prepared by experts in the possession of a party upon whom the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records or reports from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records or reports and to make copies, compilations, abstracts or summaries. The specification provided shall include sufficient detail to permit the interrogating party to identify readily the individual documents from which the answer may be ascertained.

D. Form of response. The interrogatories shall be so arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer or objections within the space. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories.

E. Limitations.

E.(1) Duty of attorney. It is the duty of an attorney directing interrogatories to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

E.(2) Number. A party may serve more than one set of interrogatories upon an adverse party, but the total number of interrogatories shall not exceed thirty, unless the court otherwise orders for good cause shown after the proposed additional interrogatories have been filed. In determining what constitutes an interrogatory for the purpose of applying this limitation in number, it is intended that each question be counted separately, whether or not it is subsidiary or incidental to or dependent upon or included in another question, and however the questions may be grouped, combined or arranged.

BACKGROUND NOTE

ORS sections superseded: 16.470.

COMMENT

No single rule provoked more debate within the Council than this rule. It was finally determined that interrogatories could serve a useful function, but the unlimited federal approach invited abuse in the form of excessive interrogatories. The Council decided to develop a rule that would preserve the useful aspects of interrogatories, while controlling abuse. The control provisions are contained in sections 42 B. and E. Section 42 E. combines a specific duty upon attorneys to avoid abuse with a limitation upon number. The numerical limitation was adapted from the New Hampshire rules. In determining what constitutes an interrogatory, it was the intent of the Council that in compound questions, each element of the question be considered as constituting a separate interrogatory, e.g., "What is the present home address, business address and telephone number of X?", equals three interrogatories.

The limitations of subject matter in section 42 B. are entirely new. The scope of interrogatories is, of course, subject to the general requirement that the information sought be relevant to the claims or defenses of a party. Subsection B.(10) was included because an interrogatory would replace the request for particulars on an account, presently provided by ORS 16.470.

The interrogatory procedure provided in section 42 A. and

C. is based upon Federal Rule 33. The Council added the specific option in section 42 C. to respond to an interrogatory by producing a report prepared by an expert.

Section 42 D. is designed to avoid shuffling between two separate documents and is based upon the New Jersey procedure.

RULE 43

PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES

A. Scope. Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on behalf of the party making the request, to inspect and copy, any designated documents (including writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of Rule 36 B. and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 36 B.

B. Procedure. The request may be served upon the plaintiff after commencement of the action or proceeding and upon any other party with or after service of the summons upon that party.

COMMENT

Through

Sections 41 A., B. and D. are based upon Federal Rule 32. Section 41 C. is based upon ORS 45.280. ORS 45.250 ~~45.270~~ are retained as statutes because they were deemed to be rules of evidence.

RULE 42

LIMITED INTERROGATORIES

A. Availability; procedures for use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after commencement of the action ~~or~~ ~~proceeding~~ and upon any other party with or after service of the summons upon that party.

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections, if any, within 30 days after the

service of the interrogatories, except that a defendant may serve answers or objections within 45 days after service of the summons and complaint upon that defendant. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under Rule 46 A. with respect to any objection to or other failure to answer an interrogatory.

B. Use at trial; scope. Answers to interrogatories may be used to the extent permitted by rules of evidence. Within the scope of discovery under Rule 36 B. and subject to Rule 36 C., interrogatories may be used to obtain the following facts:

B.(1) The names, residence and business addresses, telephone numbers, and nature of employment, business or occupation of persons or entities having knowledge, and the source of such knowledge.

B.(2) The existence, identity, description, nature, custody, and location of documents (including writings, drawings graphs, charts, photographs, motion pictures, phono-records, and other data compilations from which information can be obtained), tangible things and real property.

B.(3) The name, address, subject matter of testimony and qualifications of expert witnesses to be called at trial.

B.(4) The existence and limits of liability of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy all or part of a

judgment which may be entered into the action or to indemnify or reimburse for payments made to satisfy the judgment.

B.(5) The nature and extent of any damages or monetary amounts claimed by a party in the action; the nature, extent, and permanency of any mental or physical condition forming the basis of such claim; all treatments for such physical condition; all tests and examinations relating to such condition; and, all preexisting mental, physical, and organic conditions bearing upon such claims.

B.(6) The address, registered agents, offices, places of business, nature of business, names, and addresses of board of directors and officers, names and addresses and job classifications and duties of agents and employees, names and addresses of stockholders or partners, and dates and places of incorporation or organization of any corporation or business entity.

B.(7) The date of birth, and the present addresses, business addresses, telephone numbers, employment or occupation or business, and marital status of any party or the employees, agents, or persons under the control of a party.

B.(8) The location, legal description, present and prior ownership, occupation and use, purchase or sale price, value, nature of improvements, interests affecting title, and records of deeds and instruments relating to title of any real property involved in an action or ~~proceeding~~.

B.(9) The custody, use, location, description, present and prior ownership, purchase or sale price, value, recording of instruments relating to title and security interests, interests claimed in such property, license numbers, registration numbers, model numbers, serial numbers, make, model, delivery and place of manufacture, and manufacturer of any tangible property involved in an action ~~or proceeding~~.

B.(10) The items of an account set forth in a pleading.

C. Option to produce business records or experts' reports.

Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based thereon, or from examination of reports prepared by experts in the possession of a party upon whom the interrogatory has been served, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records or reports from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records of reports and to make copies, compilations, abstracts, or summaries. The specification provided shall include sufficient detail to permit the interrogating party to identify readily the individual documents from which the answer may be ascertained.

D. Form of response. The interrogatories shall be so arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer or objections within the space. If sufficient space is not provided, the answering party may attach additional papers with the answers and refer to them in the space provided in the interrogatories.

E. Limitations.

E.(1) Duty of attorney. It is the duty of an attorney directing interrogatories to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

E.(2) Number. A party may serve more than one set of interrogatories upon an adverse party, but the total number of interrogatories shall not exceed thirty, unless the court otherwise orders for good cause shown after the proposed additional interrogatories have been filed. In determining what constitutes an interrogatory for the purpose of applying this limitation in number, it is intended that each question be counted separately, whether or not it is subsidiary or incidental to or dependent upon or included in another question, and however the questions may be grouped, combined, or arranged.

COMMENT

No single rule provoked more debate within the Council than this rule. It was finally determined that interrogatories could serve a useful function, but the unlimited federal approach invited abuse in the form of excessive interrogatories. The Council decided to develop a rule that would preserve the useful aspects of interrogatories, while controlling abuse. The control provisions are contained in sections 42 B. and E. Section 42 E. combines a specific duty upon attorneys to avoid abuse with a limitation upon number. The numerical limitation was adapted from the New Hampshire rules. In determining what constitutes an interrogatory, it was the intent of the Council that in compound questions, each element of the question be considered as constituting a separate interrogatory, e.g., "What is the present home address, business address and telephone number of X?", equals three interrogatories.

The limitations of subject matter in section 42 B. are entirely new. The scope of interrogatories is, of course, subject to the general requirement that the information sought be relevant to the claims or defenses of a party. Subsection B.(10) was included because an interrogatory would replace the request for particulars on an account, presently provided by ORS 16.470.

The interrogatory procedure provided in section 42 A. and C. is based upon Federal Rule 33. The Council added the specific option in section 42 C. to respond to an interrogatory by producing a report prepared by an expert.

Section 42 D. is designed to avoid shuffling between two separate documents and is based upon the New Jersey procedure.

C.(3) Objections to the form of written questions submitted under Rule 40 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 20 days after service of the last questions authorized.

D. As to completion and return of deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with under Rules 39 and 40 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

COMMENT

Sections 41 A., B., and D. are based upon Federal Rule 32. Section 41 C. is based upon ORS 45.280. ORS 45.250 through 45.270 are retained as statutes because they were deemed to be rules of evidence.

RULE 42 (RESERVED)