

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF  
DIVISION

|            |   |                 |
|------------|---|-----------------|
| _____ ,    | ) |                 |
|            | ) |                 |
| Plaintiff, | ) |                 |
|            | ) |                 |
| v.         | ) | CIVIL NO. _____ |
|            | ) |                 |
| _____ ,    | ) |                 |
|            | ) |                 |
| Defendant. | ) |                 |

MOTION TO COMPEL ANSWERS TO  
INTERROGATORIES AND REQUEST FOR PRODUCTION

COMES NOW the judgment creditor, the United States of America, and moves this Court to compel answers to interrogatories and responses to requests to produce documents pursuant to Rules 33, 34, 37, and 69 of the Federal Rules of Civil Procedure. Further, the United States requests an order compelling the judgment debtor, \_\_\_\_\_, to answer the Interrogatories and comply with the Request for Production of Documents of the Judgment Creditor, the United States of America.

Attached hereto and incorporated herein is a memorandum in support of this motion.

Respectfully submitted,

[NAME]  
United States Attorney

By: \_\_\_\_\_  
[NAME]  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box \_\_\_\_\_  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) \_\_\_\_-\_\_\_\_

CERTIFICATE OF SERVICE

IT IS CERTIFIED that service of a true copy of the foregoing Motion to Compel Discovery, Memorandum in support thereof and attached Declaration was made by the United States mail this \_\_\_\_\_ day of \_\_\_\_\_, 199\_, upon:

\_\_\_\_\_  
[NAME]  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box \_\_\_\_\_  
Ben Franklin Station  
Washington, D.C. 20044

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|            | ) |                 |
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MEMORANDUM IN SUPPORT OF MOTION TO COMPEL  
ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION

On \_\_\_\_\_, 199\_, judgment was entered in favor of the United States and against \_\_\_\_\_, in the amount of \$\_\_\_\_\_, plus interest, in the above-captioned case. The entire amount of the judgment plus interest to date remains outstanding.

The United States served interrogatories and request for production in aid of the judgment and execution, pursuant to Rule 69 of the Federal Rules of Civil Procedure, upon \_\_\_\_\_ on \_\_\_\_\_, 199\_. On \_\_\_\_\_, 199\_, pursuant to \_\_\_\_\_'s request, by his/her counsel, the United States agreed to extend to \_\_\_\_\_, 199\_, the time for him/her to respond to said interrogatories and request for production. On \_\_\_\_\_, 199\_, \_\_\_\_\_, through his/her counsel, telephonically informed \_\_\_\_\_, Trial Attorney, Tax Division, Department of Justice, Washington, D.C., that \_\_\_\_\_ would not respond to

the interrogatories and request for production by the \_\_\_\_\_, 199\_, deadline, and further, that \_\_\_\_\_ would probably not answer the interrogatories and request for production at all. To this date there has been no response to either the interrogatories or the request for production.

Rule 69(a) of the Federal Rules of Civil Procedure permits a judgment creditor to obtain discovery from the judgment debtor in the manner provided in the Federal Rules of Civil Procedure, in aid of a judgment or execution. Rule 33 provides for the use of interrogatories to parties and Rule 34 provides for the use of requests for production. Rule 37(a)(2) allows for a party to move for a court order compelling an answer to discovery taken under Rules 33 or 34 when a party fails to comply with such discovery.

In this case, \_\_\_\_\_, even after an extension of thirty days from the initial due date, is late in responding to the United States' discovery requests. There is no just reason why this Court, in exercising its powers under Rule 37(a)(2), should not order Mr. \_\_\_\_\_ to answer the United States' Interrogatories and Request for Production immediately, and in the manner required under the Federal Rules of Civil Procedure.

# CONCLUSION

For the foregoing reason, this Court should grant an order compelling judgment debtor, \_\_\_\_\_, to answer the Interrogatories and Request for Production of Judgment Creditor, United States of America.

Respectfully submitted,

[NAME]  
United States Attorney

By: \_\_\_\_\_  
[NAME]  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box \_\_\_\_\_  
Ben Franklin Station  
Washington, D.C. 20044  
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DECLARATION UNDER PENALTY OF PERJURY

1. My name is \_\_\_\_\_, and I am the trial attorney for the Tax Division of the United States Department of Justice, to whom the above-captioned case has been assigned. In my capacity as trial attorney, various files relating to the judgment against Mr. \_\_\_\_\_ and efforts to collect such judgment are in my custody, possession, and control.

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America, that the foregoing information set forth in the Memorandum in Support of Motion to Compel Answers to Interrogatories and Request for Production is true and correct,

based upon the files pertaining to this matter which are under my custody, possession and control.

Executed on this \_\_\_\_ day of \_\_\_\_\_, 199\_.

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[NAME]  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box \_\_\_\_\_  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) \_\_\_\_-\_\_\_\_\_