

West's Annotated Code of Maryland  
Maryland Rules (Refs & Annos)  
Title 3. Civil Procedure--District Court  
Chapter 400. Discovery

MD Rules, Rule 3-421

RULE 3-421. INTERROGATORIES TO PARTIES

Currentness

**(a) Scope.** Unless otherwise limited by order of the court in accordance with this Rule, the scope of discovery by interrogatories is as follows:

(1) *Generally.* A party may obtain discovery regarding any matter, not privileged, including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter, if the matter sought is relevant to the subject matter involved in the action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party. It is not ground for objection that the information sought is already known to or otherwise obtainable by the party seeking discovery or that the information will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. An interrogatory otherwise proper is not objectionable merely because the response involves an opinion or contention that relates to fact or the application of law to fact.

(2) *Insurance Agreements.* A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this subsection, an application for insurance shall not be treated as part of an insurance agreement.

(3) *Request for Documents by Interrogatory.* A party by interrogatory may request the party upon whom the interrogatory is served to attach to the response or submit for inspection the original or an exact copy of the following:

(A) any written instrument upon which a claim or defense is founded;

(B) a statement concerning the action or its subject matter previously made by the party seeking discovery, whether a written statement signed or otherwise adopted or approved by that party, or a stenographic, mechanical, electrical, or other recording, or a transcription thereof, that is a substantially verbatim recital of an oral statement made by that party and contemporaneously recorded; and

(C) any written report, whether acquired or developed in anticipation of litigation or for trial, made by an expert whom the responding party expects to call as an expert witness at trial. If the responding party fails to furnish a written report requested pursuant to this subsection, the court, upon motion of the discovering party, may enter any order that justice requires, including an order refusing to admit the testimony of the expert.

**(b) Availability; Number; Time for Filing.** Any party may serve written interrogatories directed to any other party. Unless the court orders otherwise, a party may serve only one set of not more than 15 interrogatories to be answered by the same party. Interrogatories, however grouped, combined or arranged and even though subsidiary or incidental to or dependent upon other interrogatories, shall be counted separately. Each form interrogatory contained in the Appendix to these Rules shall count as a single interrogatory. The plaintiff may serve interrogatories no later than ten days after the date on which the clerk mails the notice required by [Rule 3-307 \(d\)](#). The defendant may serve interrogatories no later than ten days after the time for filing a notice of intention to defend.

**(c) Protective Order.** On motion of a party filed within five days after service of interrogatories upon that party, and for good cause shown, the court may enter any order that justice requires to protect the party from annoyance, embarrassment, oppression, or undue burden or expense.

**(d) Response.** The party to whom the interrogatories are directed shall serve a response within 15 days after service of the interrogatories or within five days after the date on which that party's notice of intention to defend is required, whichever is later. The response shall answer each interrogatory separately and fully in writing under oath, or shall state fully the grounds for refusal to answer any interrogatory. The response shall set forth each interrogatory followed by its answer. An answer shall include all information available to the party directly or through agents, representatives, or attorneys. The response shall be signed by the party making it.

**(e) Option to Produce Business Records.** When (1) 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 those business records or a compilation, abstract, or summary of them, and (2) the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, and (3) the party upon whom the interrogatory has been served has not already derived or ascertained the information requested, it is a sufficient answer to the interrogatory to specify the records 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 the records and to make copies, compilations, abstracts, or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

**(f) Supplementation of Response.** A party who has responded to interrogatories and who obtains further material information before trial shall supplement the response promptly.

**(g) Motion for Order Compelling Discovery.** Within five days after service of the response, the discovering party may file a motion for an order compelling discovery. The motion shall set forth the interrogatory, any answer or objection, and the reasons why discovery should be compelled. Promptly after the time for a response has expired, the court shall decide the motion.

**(h) Sanctions for Failure to Respond.** When a party to whom interrogatories are directed fails to serve a response after proper service of the interrogatories, the discovering party, upon reasonable notice to other parties, may move for sanctions. The court, if it finds a failure of discovery, may enter such orders in regard to the failure as are just, including an order refusing to allow the failing party to support or oppose designated claims or defenses or prohibiting that party from introducing designated matters in evidence, or an order striking out pleadings or parts thereof, staying further proceedings until the discovery is provided, dismissing the action or any part thereof, or entering a judgment by default against the failing party if the court is satisfied that it has personal jurisdiction over that party.

**Cross reference:** Rule 1-341.

**(i) Use of Answers.** Answers served by a party to interrogatories may be used by any other party at the trial or a hearing to the extent permitted by the rules of evidence. If only part of an answer is offered in evidence by a party, an adverse party may require the offering party to introduce at that time any other part that in fairness ought to be considered with the part offered.

**Cross reference:** Rule 1-204.

**Source:** This Rule is derived as follows:

Section (a) is derived from former M.D.R. 417 e.

Section (b) is derived from former M.D.R. 417 a.

Section (c) is derived from former M.D.R. 417 f.

Section (d) is derived from former M.D.R. 417 b.

Section (e) is derived from former M.D.R. 417 e 4.

Section (f) is new.

Section (g) is derived from former M.D.R. 417 c.

Section (h) is derived from former M.D.R. 417 d.

Section (i) is derived from former M.D.R. 417 g.

**Credits**

[Adopted April 6, 1984, eff. July 1, 1984. Amended April 7, 1986, eff. July 1, 1986; March 22, 1991, eff. July 1, 1991; Oct. 31, 2002, eff. Jan. 1, 2003.]

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