

[caption]

RESPONSE TO REQUEST FOR PRODUCTION AND INSPECTION

[name], [Petitioner/Respondent], serves the following Response to the Request for Production and Inspection:

Conditions to Response

1. [Petitioner/Respondent]'s responses are based on [his/her] present knowledge after a reasonable investigation and on [his/her] interpretation and construction of the request.
2. [Petitioner/Respondent] reserves the right to redact any portions of otherwise responsive and nonprivileged documents that contain irrelevant, nonresponsive, or privileged information.
3. [Petitioner/Respondent] will supplement responses when, if, and as required by the Texas Rules of Civil Procedure.
4. Any response that [Petitioner/Respondent] will produce certain documents is not a representation that such documents exist but, rather, an undertaking to produce them if and to the extent that they exist and are in [Petitioner/Respondent]'s possession, custody, or control. \* { {Request No. 1:

Response No. 1:

\*[ Production, inspection, or other requested action will be permitted as requested\*[ subject to the objection[insert s] stated below in this response]\*.

]\*\*[ [Petitioner/Respondent] objects to the time and place of production set forth in the request for production. [Petitioner/Respondent] will produce the requested documents and make them available for inspection and copying at \*[upon reasonable notice] \*\* [on \*[at \*\* [between the hours of and 1 \* \* [ subject to the objection[insert s] stated below in this response] \* ] \* [period]

]\*\*[ No items have been identified--after diligent search--that are responsive to the request.

]\*\*[ [Petitioner/Respondent] objects to this request for production for the following reason[insert s]:

Objection is made to the production request to the extent the proposed discovery is not relevant to the subject matter of the suit and will not lead to the discovery of admissible evidence. Tex. R. Civ. P. 192.3(a). The proposed discovery goes beyond the subject matter of the case and reasonable expectations of obtaining information that will aid resolution of the dispute. Tex. R. Civ. P. 192 cmt. 1

]\*\*[ Objection is made to the production request to the extent the request would require the responding party to create a document not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within a party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or supporting data of a testifying expert. In re Colonial Pipeline Co., 968 S.W.2d 938, 942 (Tex. 1998); see also Tex. R. Civ. P. 192.3(b).

]\*\*[ Objection is made to the production request to the extent that it seeks the identity, mental impressions, opinions, and/or documents or tangible things containing such information of consulting experts either informally consulted or specially retained in anticipation of litigation or preparation for trial that were not reviewed by a testifying expert witness. Tex. R. Civ P. 192.3(e).

]\*\*[ Objection is made to the production request to the extent that the discovery sought is unreasonable cumulative or duplicative. Tex R. Civ. P. 192.4(a).

]\*\*[ Objection is made to the production request to the extent the discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex R. Civ P. 192.4(a).

]\*\*[ Objection is made to the production request to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. Tex. R. Civ. P. 192.4(b).

]\*\*[ Objection is made to the production request to the extent it subjects [Petitioner/Respondent] to undue burden, unnecessary expense, harassment, or annoyance. Tex. R. Civ. P. 192.6(b).

]\*\*[ Objection is made to the production request to the extent it subjects [Petitioner/Respondent] to an invasion of personal, constitutional, or property rights. Tex. R. Civ. P. 192.6(b).

]\*\*[ Objection is made to the production request because it is overly broad and is not in compliance with rule 196.1(b), which requires the request to specify the items to be produced or inspected, either by individual item or category, and describe with reasonable particularity each item and category. See also Tex. R. Civ P. 193 cant. 2.

]\*\*[ Objection is made to the production request because it was served on [Petitioner/Respondent] later than thirty days before the end of the discovery period. Tex. R. Civ. P. 196.1(a).

]\*\*[ Objection is made to the request for production of data or information that exists in electronic or magnetic form because [opposing party] failed to specify the form in which [opposing party] wants it produced. Tex. R. Civ. P. 196.4.

]\*\*[ Objection is made to the request for production of data or information that exists in electronic or magnetic form because [Petitioner/Respondent] cannot - through reasonable efforts - retrieve the data or information requested. Tex. R. Civ. P. 196.4.

]\*\*[ Objection is made to the request for production of data or information that exists in electronic or magnetic form because [Petitioner/Respondent] cannot - through reasonable efforts - produce the data requested in the form requested. Tex. R. Civ. P. 196.4.

]\*\*[

]\*\*[li formation or material responsive to the request has been withheld.

[Petitioner/Respondent] asserts the following privilege[insert s]:

\*[Work-product privilege ]\*\*[Husband-wife privilege

]\*\*[Privilege for communication to members of the clergy

] \* \* [Trade secret privilege  
] \* \* [Physician-patient privilege  
] \* \* [Mental health information privilege  
]\*\*[Peer review committee privileges (Texas Occupation Code §160.007(e))  
]\*\*[Hospital committee privilege (Texas Health & Safety Code §161.032)  
]\*\*[Blood donor privilege (Texas Health & Safety Code §162.010(e)) ]\*\*[Privilege  
against self-incrimination  
]\*\*[Disclosure of a Membership list  
]\*\*[Health and safety audit privilege  
]\*\*[  
]\*\*[attorney signature block]  
[certificate of service]