
**Handout Materials Content**

1. Speakers
2. *Code of Civil Procedure section 2025.010, Code of Civil Procedure section 2020.310*, and *Federal Rules of Civil Procedure, Rule 30(b)(6)*
3. Sample Notices of Deposition of PMK
4. Sample Responses to PMK Deposition

## Speakers

**Hon. Elizabeth Feffer (Ret.)**

Hon. Elizabeth R. Feffer (Ret.) has been providing mediation, arbitration, and referee services full-time since 2020, with an impressive track record of successful settlements across a broad spectrum of civil cases. She has also arbitrated numerous cases through hearing and final award. As a mediator, Judge Feffer has received praise from clients for her attentive approach, taking the time to fully comprehend the intricacies and dynamics of each case, and working diligently to ensure all parties reach a fair and reasonable resolution. Judge Feffer's personable yet professional demeanor and persuasive nature has earned her the reputation of being an effective mediator. Her practical and insightful perspective allows her to realistically address the parties' needs while fostering a constructive environment for resolution.
Email: judgefeffer@adrservices.com
Case Manager: Ella Fishman – ellateam@adrservices.com

**John Golper, Esq.**

John Golper, Esq. is one of the preeminent labor and employment litigators in California, bringing over 48 years of unparalleled expertise to the dispute resolution arena. Since 2019, he has spent as much time mediating employment disputes as he has as an advocate. Mr. Golper is now dedicated to fostering resolution as a full-time neutral at ADR Services, Inc. focusing on resolving all types of labor and employment law and business disputes.
Email: jgolper@adrservices.com
Case Manager: Haward Cho – hawardlateam@adrservices.com

**Sandy Jossen, Esq.**

For over 41 years, Sanford Jossen, Esq. has been a key figure in alternative dispute resolution. Since 1987, he has mediated or arbitrated thousands of cases across a wide variety of civil litigation matters. Mr. Jossen served as a panelist for the Los Angeles Superior Court's arbitration panel from 1987 to the conclusion of the program. He also served on the Los Angeles Superior Court's mediation panel from its inception to the conclusion of the program, when he was on the Executive Board – reflecting his insight into ADR proceedings. Beyond this experience, he was a seminal member of the California Court of Appeal's mediation program and a seminal member of the United States District Court, Central District's mediation panel, where he remains active.
Email: sjossen@adrservices.com
Case Manager: Janet Solis – janet@adrservices.com

*Code of Civil Procedure section 2025.010* (A person deposed in a civil proceeding "may be a natural person, an organization such as a public or private corporation, a partnership, an association, or a governmental agency")*Code of Civil Procedure section 2025.230* ("If the deponent named is not a natural person, the deposition notice shall describe with reasonable particularity the matters on which examination is requested. In that event, the deponent shall designate and produce at the deposition those of its officers, directors, managing agents, employees, or agents who are most qualified to testify on its behalf as to those matters to the extent of any information known or reasonably available to the deponent.")

*Code of Civil Procedure section 2020.310* ("If the deponent is an organization, the subpoena shall describe with reasonable particularity the matters on which examination is requested. The subpoena shall also advise the organization of its duty to make the designation of employees or agents who will attend the deposition . . . .")

*Federal Rules of Civil Procedure, Rule 30(b)(6)* ("Notice or Subpoena Directed to an Organization. In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination. The named organization must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify. Before or promptly after the notice or subpoena is served, the serving party and the organization must confer in good faith about the matters for examination. A subpoena must advise a nonparty organization of its duty to confer with the serving party and to designate each person who will testify. The persons designated must testify about information known or reasonably available to the organization. This paragraph (6) does not preclude a deposition by any other procedure allowed by these rules.")

# Sample Notices of Deposition of PMK

SANFORD JOSSEN, ESQ. - #103724
Law Offices of Sanford Jossen
136 Main Street, Suite E
El Segundo, CA 90245
Telephone No.: (310) 546-9118
Facsimile No.: (310) 546-3806
E-Mail: Jossenlaw@aol.com

Attorneys for Plaintiffs,
[redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF** [redacted]

[redacted]

Plaintiffs,

vs.

[redacted]

Defendants.

**CASE NO.:** [redacted]

*[Assigned to the Hon. Anne Hwang, Department 32]*

**PLAINTIFFS NOTICE OF TAKING THE DEPOSITIONS OF DEFENDANT PARASYS, INC. PERSON MOST KNOWLEDGEABLE**

**DATE:** [redacted]
**TIME:** 10:30 A.M.
**PLACE:** VIRTUAL MEETING ROOM

**COMPLAINT FILED:** [redacted]
**TRIAL DATE:** [redacted]

**TO DEFENDANT,** [redacted] **AND THEIR ATTORNEY'S OF RECORD** [redacted]

**PLEASE TAKE NOTICE** that Plaintiffs, [redacted], will take the

deposition of the following deponents, on the following dates, time and location:

**DEPONENT: PERSON MOST KNOWLEDGEABLE**

**DATE:** [redacted]

**TIME: 10:30 A.M.**

**PLACE: VIRTUAL MEETING ROOM**

Said depositions shall be taken pursuant to the California Code of Civil Procedure, §§ 2025.010, 2025.230 and 2025.280. The testimony may be recorded by audio tape or video tape in addition to recording the testimony by stenographic method through the instant visual display of the testimony with the certified shorthand reporter.

This deposition is taken pursuant to the provisions of California Code of Civil Procedure §2020.010 and §2025.010, and if said deposition is not completed on said date, said deposition will continue from day to day, excluding weekends and holidays, until completed.

**MATTERS ON WHICH EXAMINATION IS REQUESTED**

Pursuant to the California Code of Civil Procedure, §2025.230, Defendant, [redacted], is requested to designate and produce for deposition those officers, directors, managing agents, employees and/or agents who are most qualified to testify on defendant's behalf as to the following matters:

**SUBJECT MATTER NO. 1:**

The standards to be followed in the use of force including applications of handcuffs.

**SUBJECT MATTER NO. 2:**

When the use of force should be employed.

**SUBJECT MATTER NO. 3:**

What actions should be followed to avoid the use of force.

**SUBJECT MATTER NO. 4:**

Whether [redacted] actions in this case, as depicted in the subject video complied with [redacted] policy.

**SUBJECT MATTER NO. 5:**

Whether [redacted] actions in this case, as depicted in the subject video complied with [redacted] policy.

**SUBJECT MATTER NO. 6:**

Whether [redacted] actions in this case, as depicted in the subject video complied with [redacted] policy.

**SUBJECT MATTER NO. 7:**

Restraint training for [redacted] employees.

**SUBJECT MATTER NO. 8:**

Training and use of de-escalation of potentially violent confrontations.

DATED: September 25, 2023

**SANFORD JOSSEN**
Attorney for Plaintiffs

[redacted]

Attorneys for Plaintiffs, [redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES (UNLIMITED)**

[redacted]

Plaintiffs,

vs.

[redacted]

Defendants.

**CASE NO.** [redacted]

**NOTICE OF TAKING DEPOSITION(S) OF PERSON(S) MOST QUALIFIED AT DEFENDANT,** [redacted] **[C.C.P. §§2025.230];**

**NOTICE TO PRODUCE DOCUMENTS AND THINGS AT TIME OF DEPOSITION [C.C.P. §2025.280]**

**Deponent:** [redacted]
**Date:** **March 21, 2019**
**Time:** **10:00 a.m.**
**Location:** Law Offices of Sanford Jossen
136 Main Street, Suite E
El Segundo, California 90245
Tel: (310) 546-9118

**TRIAL DATE:** [redacted]
**CASE FILED:** [redacted]

TO DEFENDANT, [redacted], AND TO ITS ATTORNEYS:

PLEASE TAKE NOTICE that on **March 21, 2019, at 10:00 a.m.**, at the Law Offices of Sanford Jossen, located at 136 Main Street, Suite E, El Segundo, California, Tel. (310) 546-9118, plaintiffs, [redacted], shall take the

deposition(s) of the person(s) most qualified at defendant, [redacted] to testify on the matters set forth herein, before a Notary Public in and for the State of California. Said depositions shall be taken pursuant to the *California Code of Civil Procedure,* §§ 2025.010, 2025.230 and 2025.280. The testimony may be recorded by audio tape or video tape in addition to recording the testimony by stenographic method through the instant visual display of the testimony with the certified shorthand reporter.

**NOTE: If the above date and time is not convenient for the witness(es) and/or counsel, counsel for defendant, [redacted] should contact plaintiffs' counsel immediately to discuss alternative dates and times.**

If said deposition is not completed on said date, the same will continue from day to day, excluding Sundays and legal holidays, until completed.

**DEFINITIONS**

Words in [redacted] in this Notice of Taking Deposition are defined as follows:

**SUBJECT INCIDENT** means and refers to the vehicle vs. motorcycle collision that occurred on [redacted], at the intersection of [redacted] and [redacted] in the [redacted], wherein a certain BMW bearing California License No. [redacted] collided with the motorcycle Plaintiffs' were riding which incident is more fully described in Traffic Collision Report No. [redacted].

**SUBJECT INTERSECTION** means and refers to the intersection of Culver Boulevard and Sawtelle Boulevard in Culver City, California.

**PERMISSIVE LEFT TURN** means and refers to a traffic signal indication where left turns are made through gaps in oncoming traffic.

**PROTECTIVE LEFT TURN** means and refers to a traffic signal indication giving left turns the right to enter the intersection free from conflict with drivers and pedestrians.

**EXCLUSIVELY PROTECTIVE LEFT TURN SIGNAL** means and refers to a left turn signal face with three lights (red, yellow-arrow, and green arrow) that stops all left turns when the green arrow is not displayed and left turns are allowed only when the green arrow is on.

**EXCLUSIVELY PERMISSIVE LEFT TURN SIGNAL** means and refers to a signal face that lets left turns filter through gaps in opposing traffic but gives no protected left turn phase.

**PROTECTED-PERMISSIVE LEFT TURN SIGNAL** means and refers to a signal with five lights (red, yellow, green, yellow arrow, green arrow) that allows left turns to be made through gaps in the traffic during the circular green portion of the cycle. Traffic turning left is protected from conflict whenever the green arrow is on. When just the circular green is on, the left turns must yield to oncoming traffic.

**PLAINTIFFS' VEHICLE** means and refers to the Harley Davidson motorcycle Plaintiffs' were riding at the time of the **SUBJECT INCIDENT**.

**DEFENDANT [redacted] VEHICLE** means and refers to that BMW vehicle [redacted] was operating at the time of the **SUBJECT INCIDENT**.

**MATTERS ON WHICH EXAMINATION IS REQUESTED**

Pursuant to the *California Code of Civil Procedure,* §2025.230, defendant, [redacted] CITY, is requested to designate and produce for deposition those officers, directors, managing agents, employees and/or agents who are most qualified to testify on defendant's behalf as to the following matters:

**SUBJECT MATTER NO. 1:**

The design of the **SUBJECT INTERSECTION**, including left turning lanes, signage and signalization at the time of the **SUBJECT INCIDENT**.

**SUBJECT MATTER NO. 2:**

The approval of the traffic signals and signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**.

**SUBJECT MATTER NO. 3:**

The installation of the signals and signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**.

///

///

**SUBJECT MATTER NO. 4:**

The traffic signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**, including but not limited to the signal phases for westbound and southbound left turning traffic.

**SUBJECT MATTER NO. 5:**

When the traffic signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT** were determined and approved, including but not limited to the signal phases for westbound and southbound left turning traffic.

**SUBJECT MATTER NO. 6:**

Who determined and approved the traffic signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**, including but not limited to the signal phases for westbound and southbound left turning traffic.

**SUBJECT MATTER NO. 7**:

All design plans, drawings and schematics approved by [redacted] for the installation of the signals and signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**.

**SUBJECT MATTER NO. 8:**

The factors, reasons, criteria and facts considered in installing the signal phases at the **SUBJECT INTERSECTION** for westbound left turning vehicles.

**SUBJECT MATTER NO. 9:**

The factors, reasons, criteria and facts considered in installing the signal phases at the **SUBJECT INTERSECTION** for southbound left turning vehicles.

**SUBJECT MATTER NO. 10:**

The factors, reasons, criteria and facts considered in installing a **PROTECTED-PERMISSIVE LEFT TURN SIGNAL** at the **SUBJECT INTERSECTION** for westbound left turning vehicles.

///

///

**SUBJECT MATTER NO. 11:**

The factors, reasons, criteria and facts considered in installing an **EXCLUSIVELY PROTECTIVE LEFT TURN SIGNAL** at the **SUBJECT INTERSECTION** for southbound left turning vehicles.

**SUBJECT MATTER NO. 12:**

The traffic engineering studies performed by [redacted] or on behalf of [redacted] in connection with the **SUBJECT INTERSECTION** in the ten (10) years before the **SUBJECT INCIDENT**.

**SUBJECT MATTER NO. 13:**

The number of vehicle accidents (vehicle vs. vehicle and vehicle vs pedestrian) at the **SUBJECT INTERSECTION** from January 1, 2003, until October 18, 2017.

**SUBJECT MATTER NO. 14:**

The number of left turning vehicle accidents (vehicle vs. vehicle and vehicle vs pedestrian) occurring at the **SUBJECT INTERSECTION** from January 1, 2003, until October 18, 2017.

**SUBJECT MATTER NO. 15:**

The number of westbound left turning vehicle accidents (vehicle vs. vehicle and vehicle vs pedestrian) occurring at the **SUBJECT INTERSECTION** from January 1, 2003, until October 18, 2017.

**SUBJECT MATTER NO. 16:**

The total number of southbound left turning vehicle accidents (vehicle vs. vehicle and vehicle vs pedestrian) that occurred at the **SUBJECT INTERSECTION** in the 10 years before the **SUBJECT INCIDENT**.

**NOTICE IS FURTHER GIVEN** that in addition to attending at the time and place above-specified, the deponent(s) and defendant, CULVER CITY, are required to produce at the deposition, for inspection, copying, photographing and/or photocopying, each and all of the following documents and things:

///

///

**DEMAND NO. 1:**

Traffic Collision Report No. [redacted] including all photographs, notes, supplemental reports and statements.

**DEMAND NO. 2:**

All photographs taken in connection with the investigation of the **SUBJECT INCIDENT** and Traffic Collision Report No. [redacted].

**DEMAND NO. 3:**

All Statewide Integrated Traffic Records System (SWITRS) computer printouts from January 1, 2007, through December 31, 2017, for the **SUBJECT INTERSECTION**.

**DEMAND NO. 4:**

All [redacted] internal accident records system printouts of collisions (auto vs. auto and auto vs. pedestrian) from January 1, 2007, through December 31, 2017, for the **SUBJECT INTERSECTION**.

**DEMAND NO. 5:**

All Traffic Collision Reports (names of partes can be redacted) for accidents at the **SUBJECT INTERSECTION** from January 1, 2007, through December 31, 2017.

**DEMAND NO. 6:**

All Traffic Collision Reports (names of partes can be redacted) for westbound left turning head on collisions (vehicle vs. vehicle) that occurred at the **SUBJECT INTERSECTION** in the 10 years before the **SUBJECT INCIDENT**.

**DEMAND NO. 7:**

[redacted] policies, guidelines and standards for defining and reviewing high accident locations in Culver City.

**DEMAND NO. 8:**

All design plans, drawings and schematics approved by [redacted] for the installation of the signals and signal phases at the **SUBJECT INTERSECTION** at the time of the **SUBJECT INCIDENT**.

**DEMAND NO. 9:**

All records, reports, surveys, memorandum and documents that relate to or indicate the factors, reasons, criteria and facts considered in installing the signal phases at the **SUBJECT INTERSECTION** for westbound left turning vehicles.

**DEMAND NO. 10:**

All records, reports, surveys, memorandum and documents that relate to or indicate the factors, reasons, criteria and facts considered in installing the signal phases at the **SUBJECT INTERSECTION** for southbound left turning vehicles.

**DEMAND NO. 11:**

All records, reports, surveys, memorandum and documents that relate to or indicate the factors, reasons, criteria and facts considered in installing a **PROTECTED-PERMISSIVE LEFT TURN SIGNAL** at the **SUBJECT INTERSECTION** for westbound left turning vehicles.

**DEMAND NO. 12:**

All records, reports, surveys, memorandum and documents that relate to or indicate the factors, reasons, criteria and facts considered in installing an **EXCLUSIVELY PROTECTIVE LEFT TURN SIGNAL** at the **SUBJECT INTERSECTION** for southbound left turning vehicles.

**DEMAND NO. 13:**

All two way and/or directional traffic counts (including pedestrians) for a 24 hour period (including AM and PM peak periods) for the **SUBJECT INTERSECTION** from January 1, 2007, to December 31, 2017.

**DEMAND NO. 14:**

All traffic volume counts for left turns from each direction at the **SUBJECT INTERSECTION** from January 1, 2007, to December 31, 2017.

**DEMAND NO. 15:**

All roadway design plans and/or "as-built" roadway plans for the **SUBJECT INTERSECTION**, including all subsequent roadway modification plans for the **SUBJECT INTERSECTION**.

**DEMAND NO. 16:**

All roadway design plans and/or "as-built" roadway plans for the **SUBJECT INTERSECTION** showing signing, striping, roadway markings and crosswalk markings, including any subsequent roadway modification plans affecting roadway design plans and/or "as-built" roadway plans for the **SUBJECT INTERSECTION** showing signing, striping, roadway markings and crosswalk markings.

**DEMAND NO. 17:**

All traffic signal design plans and/or "as-built" traffic design plans for the **SUBJECT INTERSECTION**, including any subsequent traffic signal modification plans.

**DEMAND NO. 18:**

All traffic signal timing plans for the **SUBJECT INTERSECTION**, including any subsequent traffic signal timing plan changes.

**DEMAND NO. 19:**

All project reports, studies, analyses and other **DOCUMENTS** relative to placement of "protected permissive" or "separate left turn" traffic signal at the **SUBJECT INTERSECTION**.

**DEMAND NO. 20:**

All project reports, studies, analyses and other **DOCUMENTS** relative to consideration of placing separate left turn phasing of the traffic signal at the **SUBJECT INTERSECTION**.

**DEMAND NO. 21:**

All traffic signal maintenance records for the **SUBJECT INTERSECTION** from January 1, 2007 to December 31, 2017.

**DEMAND NO. 22:**

All aerial photographs of the **SUBJECT INTERSECTION** taken from January 1, 2000 to the present.

**DEMAND NO. 23:**

All "engineering and traffic surveys" i.e., speed surveys for the approaches to the **SUBJECT INTERSECTION** from January 1, 2000 to the present.

**DEMAND NO. 24:**

[redacted] policies, guidelines, warrants and standards relative to placement of separate left turn or protected permissive traffic signalization at [redacted] street intersection locations.

**DEMAND NO. 25:**

All engineering studies, internally generated memorandums, E-mails and/or reports relative to the **SUBJECT INTERSECTION** for improvements to signing, stripping and traffic signalization.

**DEMAND NO. 26:**

All project reports relative to the need for changing the traffic signal phasing, design, timing and operation at the **SUBJECT INTERSECTION**.

**DEMAND NO. 27:**

All complaints or requests from private parties relative to the **SUBJECT INTERSECTION** with respect to the following:

a. Traffic signalization;

b. Warning signs;

c. Advance warning signs;

d. Speed limit signing and/or reduction;

e. Crosswalk makings;

f. Pavement striping or pavement markings.

DATED: February 14, 2019

LAW OFFICES OF SANFORD JOSSEN

and

LAW OFFICE OF R. BRIAN KRAMER

BY: _____

SANFORD JOSSEN, ESQ.
R. BRIAN KRAMER, ESQ.
Attorneys for Plaintiffs, [redacted]

SANFORD JOSSEN, ESQ. - #103724
Law Offices of Sanford Jossen
136 Main Street, Suite E
El Segundo, CA 90245
Telephone No.: (310) 546-9118
Facsimile No.: (310) 546-3806
E-Mail: Jossenlaw@aol.com

Attorney for Plaintiff,
[redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF [redacted]**

| | |
|---|---|
| [redacted]<br><br>Plaintiff,<br><br>vs.<br><br>[redacted]<br><br>Defendants. | CASE NO. [redacted]<br><br>*[Assigned to the Honorable Judge Michael P. Vicencia, Dept. S26]*<br><br>**PLAINTIFFS NOTICE OF TAKING THE DEPOSITIONS OF DEFENDANT [redacted] PERSON MOST KNOWLEDGEABLE**<br><br>**DATE:**<br>**TIME:**<br>**PLACE: VIRTUAL MEETING ROOM**<br><br>COMPLAINT FILED: [redacted]<br>TRIAL DATE: [redacted] |

**TO DEFENDANT, [redacted] AND THEIR ATTORNEYS OF [redacted]**

**PLEASE TAKE NOTICE** that Plaintiff, [redacted] will take the deposition of the following deponents, on the following dates, time and location:

**DEPONENT: PERSON MOST KNOWLEDGEABLE**

**DATE:**

**TIME:**

**PLACE: VIRTUAL MEETING ROOM**

This deposition is taken pursuant to the provisions of California Code of Civil Procedure §2020.010 and §2025.010, and will continue from day to day, excluding weekends and holidays, until completed.

It is requested that counsel for the deponents notify this office five (5) days prior to the deposition if a translator is required for these proceedings.

This deposition will be recorded stenographically and may utilize instant visual display of the testimony of the deponent.

Notice is further given that this office has requested a realtime-ready court reporter. If any other attorney who is present wishes to be connected to the court reporter's system, it is your obligation to contact this office to make arrangements for the proper court reporting agency's technical-support personnel to contact you regarding your software needs and to ensure that the court reporter brings adequate cabling and supplies.

This deposition may utilize instant visual display of the testimony of the deponent, pursuant to Code of Civil Procedure §2025.220(a)(5). In addition, an individual may be realtime present via an Internet connection during the deposition proceeding.

This deposition may be recorded by videotape, and said videotape deposition of this deponent may be used at the time of trial, pursuant to Code of Civil Procedure Section 2025.220(a)(5).

PLEASE TAKE NOTICE that, pursuant to California Rule of Court 3.1010 and Code of Civil Procedure section 2025.310, this deposition will be conducted via videoconferencing technology, and counsel for the noticing party plans to appear remotely via this technology. Counsel for the noticing party proposes a Stipulation wherein the deponent need not appear at his or her deposition in person and in the presence of the deposition officer, and assumes that counsel for all parties receiving this notice agrees to said Stipulation in the absence of any timely objections in this regard.

**The deponent is required to have access to a computer with a webcam and a stable internet connection in order for the deposition to proceed virtually via videoconference.** If the deponent does not have said access, counsel for the deponent is requested to advise counsel for the noticing party to discuss alternate arrangements no later than five days prior to the date of the deposition.

Counsel for the noticing party will provide information for virtual access to the remote deposition videoconferencing portal at least two days prior the deposition date. This may include the application Zoom, Skype, or similar application, or logging into the Court Reporter's website.

**MATTERS ON WHICH EXAMINATION IS REQUESTED**

Pursuant to the California Code of Civil Procedure, §2025.230, Defendant, [redacted] is requested to designate and produce for deposition those officers, directors, managing agents, employees and/or agents who are most qualified to testify on defendant's behalf as to the following matters:

**SUBJECT MATTER NO. 1:**

Safety procedures.

**SUBJECT MATTER NO. 2:**

**SUBJECT MATTER NO. 3:**

**NOTICE IS FURTHER GIVEN** that in addition to attending at the time and place above-specified, the deponent(s) and defendant, are required pursuant to Code of Civil Procedure §2025.280 to produce at the deposition, for inspection, copying, photographing and/or photocopying, each and all of the following documents and things:

**INSTRUCTIONS**

The following instructions are to be considered applicable to this request with respect to each document sought herein:

1. **ORIGINAL DOCUMENTS**

In producing these documents, you are requested to produce originals, not copies, of the documents requested. You are also requested to furnish all documents known or available to you, regardless of whether these documents are held or produced directly by you or your agent, employees, representatives, investigators, partners, or by your attorneys or their agents, employees, representatives or investigators. The documents which are sought by this request for production shall include not only those documents which are in the dominion or control of yourself, or your representatives or agents, but also those which are held by anyone on your behalf, and not merely such documents as are known to you of your own personal knowledge.

2. **COPIES**

If a document was prepared in several copies, or if additional copies were thereafter made, and if such copies are not identical or are no longer identical by reason of subsequent notations or modifications of any kind whatsoever, including without limitation, notations on the front and the back of the pages thereof, then each such non-identical copy is a separate document and must be produced.

3. **PRIVILEGES**

In the event that you seek to withhold any documents on the basis that it is properly entitled to limitation of discovery, or is subject to a claim of privilege, please identify each such document withheld by providing the following information:

A. The date of the document;

B. The subject to which the document relates;

C. The author of the document, and the author's address;

D. The name of the recipient, addressee, or party for whom such document was intended, and the name of all other persons to whom the document or copies thereof were furnished, as well as those to whom it, or copies thereof, became available at any time, together with the job title and address of each person so identified; and,

E. The basis for the claim or privilege. If you assert a privilege as to any portion of any categories of materials described herein, please produce the remainder of that category as to which you do not assert a privilege.

4. **LOST DOCUMENTS OR THINGS**

If any document to be produced was, but is no longer in your possession and control, or is no longer in existence, state whether it is:

(a) Missing or lost, destroyed or transferred voluntarily or involuntarily to others, and if so, to whom; or how otherwise disposed of; and,

(b) For each such instance, explain the circumstances surrounding the authorization for such disposition; the person authorizing such disposition; and the date of such disposition.

5. **DEFINITIONS**

A. As used in this Request, the term **"DOCUMENT"** and or **"WRITING"**, as that term is defined by the California Evidence Code, means, without limitation, the following items: printed, recorded or produced by mechanical or computer generated process, or written or produced by hand, and includes without limitation, handwritings, type writings, printing, photostating, photographing and every other means of recording or preserving a verbatim summary or record of any form of communication or representation, including letters, words, pictures, sounds, symbols or any combination thereof and/or all transcript copies thereof; all records, reports, papers, documents, books, logs, diaries, calendars letters, notes, memoranda, agreements, communications, brochures, correspondence, telegrams, computer diskettes, copies of computer diskettes, computer print-outs in any form, summaries of records of telephone conversations, summaries of records of meetings or

conferences, summaries of reports of investigations, paste-ups, lay-outs, mock-ups statements, receipts, invoices, records of account and other writings as that term is defined by Evidence Code §250.

6. The terms **"REFER OR RELATING TO"** means connected with, reflecting, having an association with, depicting, illustrating, discussing, mentioning or otherwise having some direct or indirect relation to the allegations contained in Plaintiff's Complaint in this matter.

7. **"YOU"** shall mean and include [redacted] INC.

8. "**PREMISES**" shall mean the premises located [redacted] at the location where Plaintiff alleges he was injured.

9. "**COMPLAINT**" shall refer to the complaint filed on [redacted] in the [redacted] Superior Court, Case Number: [redacted]

10. "**INCIDENT**" shall include the circumstances and events surrounding the alleged incident, injury, or other occurrence giving rise to the Complaint.

**DOCUMENTS TO BE PRODUCED**

1. Copies of all inspection reports provided by **YOU** in connection with the inspection of the **PREMISES** for the period of one (1) year before through one (1) year after the accident which is the subject of this action.

2. Copies of any citations given by **YOU** in connection with the condition of the subject **PREMISES** for the period of one (1) year before to one (1) year after Plaintiff's **INCIDENT**.

3. All documents constituting any contracts, amendments, addendums, schedules or agreements of any kind between any third party for the maintenance of the subject **PREMISES** where the subject incident occurred for the period of one (1) year before to one (1) year after Plaintiff's **INCIDENT**.

4. Any and all photographs taken both prior to and subsequent to Plaintiff's **INCIDENT** which depicts the area where Plaintiff alleges he was injured on the subject **PREMISES**.

5. Any and all letters, memoranda, notes and other **WRITINGS**, as that term is defined by California Evidence Code, which were sent by **YOU**, to the owner or operator of the subject **PREMISES** at any time for the period of one (1) year before to one (1) year after Plaintiff's **INCIDENT**, which concern or make reference to the condition of the **PREMISES** where Plaintiff alleges he was injured.

6. Any and all letters, memoranda, notes and other **WRITINGS**, as that term is defined by California Evidence Code, which were sent by **YOU** for the period of one (1) year before to one (1) year after Plaintiff's **INCIDENT**, which concern or make reference to the maintenance of the **PREMISES** particularly including the area where Plaintiff was allegedly injured on the **PREMISES**.

7. Any and all reports which were prepared which concern or describe the circumstances surrounding Plaintiff's **INCIDENT** and injuries he sustained therein.

8. Any and all permits, records, reports and/or documents

concerning the subject **PREMISES** which references the location of Plaintiff's **INCIDENT** for the period one (1) year prior to the **INCIDENT** until the date of the **INCIDENT**.

9. All reports and documents prepared by **YOU** regarding Plaintiff's **INCIDENT**.

10. All **DOCUMENTS** or **WRITINGS** that support YOUR contention that YOU did not cause or contribute to the **INCIDENT**.

11. All **DOCUMENTS** or **WRITINGS YOU** generated relative to the subject premises within a period one (1) year prior to the accident to one (1) years subsequent to the subject accident.

12. All logs, **DOCUMENTS** or **WRITINGS**, as that term is defined by the California Evidence Code, which commemorate any inspections which were performed by **YOU** of the subject **PREMISES**.

13. Any diary, log book or similar written record for one (1) year prior to the subject accident which was maintained by **YOU** of the day to day occurrences which references any type of incident or injury at the same location as Plaintiff's accident.

14. Any and all letters, memoranda, notes and other **WRITINGS**, as that term is defined by California Evidence Code, which were received by you one (1) year prior to and one (1) year subsequent to Plaintiff's accident, from any source, which concerns or make reference to the condition of the premises where Plaintiff alleges the accident occurred.

15. Any and all letters, memoranda, notes and other **WRITINGS**, as

that term is defined by California Evidence Code, which were received by you two (2) years prior to and two (2) years subsequent to Plaintiff's accident, from any source, which concerns or make reference to the maintenance of the **PREMISES** where Plaintiff alleges the accident occurred.

16. Copies of all insurance policies in effect on the date Plaintiff's accident which included the subject **PREMISES.**

17. Any and all reports which were prepared which concern or describe the circumstances surrounding Plaintiff's accident and injuries he sustained therein.

18. All **WRITINGS** upon which YOU intend to rely to establish that **YOU** are not liable for Plaintiff's injuries arising out of this INCIDENT.

DATED: April , 2024

**SANFORD JOSSEN**
Attorney for Plaintiff

# Sample Responses to PMK Deposition

[redacted]

Attorneys for Defendant[redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

[redacted]

Plaintiff,

vs.

[redacted] COMPANY USA, LLC [redacted] through 100 inclusive,

Defendants.

Case No. 20STCV[redacted]

*Hon. Christopher K. Lui, Dept. 76*

**DEFENDANT[redacted]**

**OBJECTIONS TO PLAINTIFF'S NOTICE OF TAKING DEPOSITION OF PERSON MOST KNOWLEDGEABLE**

**Date:** **September 29, 2023**
**Time:** **10:00 AM PST**
**Place:** **Remote Videoconference via Zoom**

Action Filed: [redacted]020
FAC Filed: March 19, 2021
SAC Filed: August 20, 2021
Trial Date: [redacted]023

**TO PLAINTIFF[redacted] AND HIS ATTORNEYS OF RECORD:**

Defendant[redacted] USA, LLC ("Defendant") objects to the Notice of Taking Deposition of Person Most Knowledgeable ("PMK") pursuant to *Code of Civil Procedure* §§ 2025.210 *et seq.* and 2031.210 *et seq.* as follows:

///

## INTRODUCTION

Discovery and investigation are ongoing in this action. The following responses are based upon Defendant's present knowledge with regard to information and documentation sought in connection with the PMK Notice (the "Notice"). The following responses are given without prejudice to Defendant's right to produce at a subsequent time, including time of trial, all subsequently discovered evidence and documents relating to the proof of presently known facts and subsequently discovered facts. The information set forth below is true and correct to the best of Defendant's knowledge at this time but is subject to correction for inadvertent errors or omissions, if any errors or omissions are later found to exist. The right to supplement, modify, or correct these responses prior to and at trial on the basis of additional discovery and development of facts is expressly reserved.

## GENERAL OBJECTIONS

1. Defendant objects to Notice and the attempted scheduling of the deposition for September 29, 2023 unilaterally and in violation of Appendix 3.A. Guidelines for Civility in litigation, section (e). In any event, neither any proposed Deponent nor Defendant's counsel are available on the unilaterally noticed date, and the Deponent with not be appearing on September 29, 2023. As indicated in communication with Plaintiff's counsel, Defendant is willing to meet and confer with Plaintiff at an appropriate time about the timing of the deposition.

2. Defendant objects to the Notice in its entirety, and to each document demand included therein, on the grounds that each fails to provide an adequate time for the deponent to prepare and/or produce the requested documents.

3. Defendant objects to the Notice in its entirety on the grounds that the discovery sought is unduly cumulative or duplicative, and/or can be obtained from another source that is more convenient, less burdensome, or less expensive.

///

///

///

4. Defendant objects to the Notice in its entirety on the grounds that the selected method of discovery is unduly burdensome and expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in this litigation. See Civ. Proc. Code § 2019.030.

5. Defendant has based the following responses on the assumption that, in propounding this Request, Plaintiff did not intend to seek information protected by the attorney-client privilege, the attorney work-product doctrine, or the constitutionally protected right of privacy. To the extent this Request, or any part or parts thereof, are intended to or purport to elicit such information, Defendant objects thereto and asserts such privileges to the fullest extent provided by law.

6. Defendant objects to the Notice in its entirety, and to each document demand included therein, to the extent that each seeks to impose discovery obligations upon the deponent that are broader than, or inconsistent with, the California Code of Civil Procedure, the California Rules of Court, the Local Rules of the Los Angeles County Superior Court, and/or any other applicable state, federal or local court rules.

7. Defendants object to the Notice in its entirety, and to each document demand included therein, to the extent that each purports to require the deponent to obtain information not in the deponent's possession, custody, or control.

8. Defendants object to the Notice in its entirety, and to each document demand included therein, on the ground that each is vague, ambiguous, compound and does not describe the information sought with sufficient particularity.

9. Defendant reserves all rights to object as to the relevancy, materiality and admissibility of its responses to this Request or any subject matter related thereto.

10. Defendant reserves all rights to object on any grounds to the use of any of these responses or any subject matter related thereto, in any subsequent proceeding, including the trial of this or any action.

///

///

11. Defendant objects to the Notice in its entirety, and to each document demand included therein, to the extent that each calls for information that is publicly available or equally available to Plaintiff.

12. Defendant objects to the Notice in its entirety, and to each document demand included therein, pursuant to Civ. Proc. Code § 2031.210(d), to the extent that they require the search and production of electronically stored information such as emails, which are not reasonably searchable or accessible because of undue burden and expense, and Defendant will not search for or produce such data in the absence of an agreement or court order.

13. Defendant asserts that its discovery and investigation of the facts of this case are ongoing and that it reserves the right to supplement these responses if and when additional facts or documents responsive to this Request are identified.

14. These objections are applicable to each and every one of the following responses and objections, and the failure to repeat one of these objections in response to a specific Request shall not be deemed a waiver of such objections. Moreover, when Defendant specifically repeats one or more of these objections it will not be deemed a waiver of the other general objections.

Each of these foregoing General Objections are expressly incorporated by reference into Defendant's response to each of its responses to the requests below.

**RESPONSE/OBJECTIONS TO SPECIFIC CATEGORIES**

**DEFENDANT'S POLICIES AND PROCEDURES**

**CATEGORY NO. 1:**

Defendant's rules, procedures, policies, and practices that pertain to, concern, or relate to each of the following, from January 1, 2017, through August 30, 2019 (the "Relevant Period"):

a. Lock out tag out procedures that apply to hourly and salary employees;

b. Progressive discipline;

c. Disciplinary action;

d. The taking and granting of any kind of leave/vacation;

///

e. Accommodation of any employee with impairments or disabilities, as well as conducting interactive meetings;

f. Evaluation, investigation, recording, and resolution of complaints of discrimination, harassment or retaliation based on disability and age, irrespective of who initiated each complaint and who brought the matter to defendant's attention;

g. Investigation of the potential violation of any of defendant's rules, procedures, policies, and practices, including all individuals involved, all documents that used and secured, all types of witnesses who will be investigated, and all reports, reviews, and other considerations in support of said investigation – related to violations of Defendants policies re discrimination, retaliation and harassment and the lock out tag out procedures;

h. Ensuring that no employee is subjected to retaliation, discrimination, and harassment for complaining of illegal activity and activity believed to be illegal;

**RESPONSE TO CATEGORY NO. 1:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Jim [redacted] will be produced on September 26 in his capacity as a witness and as PMK for Categories 1(b)-(h). Plaintiff has already done comprehensive written discovery and taken numerous depositions relating to Category 1(a) and, as such, this Subcategory is burdensome, oppressive, harassing, duplicative and improper.

**CATEGORY NO. 2:**

The promulgation, distribution, and enforcement of defendant's employment policies, rules, and procedures above during the Relevant Period;

**RESPONSE TO CATEGORY NO. 2:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Jim [redacted] will be produced on September 26 in his capacity as a witness and as PMK for Category 2.

**CATEGORY NO. 3:**

Any training on the rules, policies, and practices, as reflected in the subheadings under heading ("1") above.

**RESPONSE TO CATEGORY NO. 3:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Jim [redacted] will be produced on September 26 in his capacity as a witness and as PMK for Category 3 as it relates to Category 1(b)-(h).

**PLAINTIFF'S EMPLOYMENT WITH DEFENDANT**

**CATEGORY NO. 4:**

All factual bases for defendant's termination of plaintiff's employment;

///

**RESPONSE TO CATEGORY NO. 4:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Plaintiff has already done comprehensive written discovery taken numerous depositions relating to Category 4 and, as such, this Subcategory is burdensome, oppressive, harassing, duplicative and improper. In particular, Defendant has provided responses and supplemental/corrected responses relating to this Category and has further responded to follow-up/clarifying written discovery (requests for admission and related form interrogatory).

**CATEGORY NO. 5:**

All (a) complaints, (b) investigations, and (c) remedial actions defendant took in response to any complaint or concern presented to defendant by any person or entity concerning or pertaining to plaintiff at the [redacted]

**RESPONSE TO CATEGORY NO. 5:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Upon reasonable, diligent, and good faith investigation, Defendant cannot comply with this Category because no responsive

information regarding "complaints or concerns" "presented to defendant by any person or entity concerning or pertaining to plaintiff at the Irwindale [redacted] has ever existed. Discovery and investigation are ongoing. Defendant expressly reserves the right to supplement this response if responsive information is discovered.

**CATEGORY NO. 6:**

All other employees during the Relevant Period who have been investigated, disciplined, and/or discharged for the same reasons that support plaintiff's employment termination, and/or a violation of LOTO procedure.

**RESPONSE TO CATEGORY NO. 6:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Plaintiff has already done comprehensive written discovery and taken numerous depositions relating to Category 6 and, as such, this Category is burdensome, oppressive, harassing, duplicative and improper.

**CATEGORY NO. 7:**

All other employees during the Relevant Period who were not investigated, disciplined, or discharged, for the same reasons of plaintiff's employment termination, and/or a violation of the LOTO procedure;

**RESPONSE TO CATEGORY NO. 7:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private

information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Upon reasonable, diligent, and good faith investigation, Defendant cannot comply with this Category because no responsive information regarding "complaints or concerns" "presented to defendant by any person or entity concerning or pertaining to plaintiff at the Irwindale [redacted] has ever existed. Discovery and investigation are ongoing. Defendant expressly reserves the right to supplement this response if responsive information is discovered.

**CATEGORY NO. 8:**

Defendant's past employment practices in determining whether to terminate employment because of the employee's violations of the LOTO procedure, or the reason why Plaintiff was terminated;

**RESPONSE TO CATEGORY NO. 8:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Jim [redacted] will be produced on September 26 in his capacity as a witness and as PMK for Category 8.

**CATEGORY NO. 9:**

Defendant's receipt of information or awareness or appreciation of:

a. Plaintiff's health or sickness of any kind;

b. Any physical, mental, or emotional or psychological condition, impairment or disability plaintiff had, might have had, or was perceived as having or of which there was a record;

information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Upon reasonable, diligent, and good faith investigation, Defendant cannot comply with this Category because no responsive information regarding "complaints or concerns" "presented to defendant by any person or entity concerning or pertaining to plaintiff at the Irwindale [redacted] has ever existed. Discovery and investigation are ongoing. Defendant expressly reserves the right to supplement this response if responsive information is discovered.

**CATEGORY NO. 8:**

Defendant's past employment practices in determining whether to terminate employment because of the employee's violations of the LOTO procedure, or the reason why Plaintiff was terminated;

**RESPONSE TO CATEGORY NO. 8:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Jim [redacted] will be produced on September 26 in his capacity as a witness and as PMK for Category 8.

**CATEGORY NO. 9:**

Defendant's receipt of information or awareness or appreciation of:

a. Plaintiff's health or sickness of any kind;

b. Any physical, mental, or emotional or psychological condition, impairment or disability plaintiff had, might have had, or was perceived as having or of which there was a record;

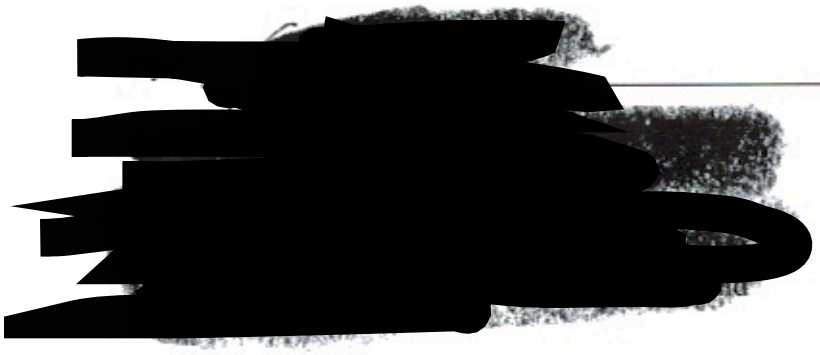
c. Any kind of work limitation or inability to work because of any of the factors noted herein in subsections (1) and (2); and

d. whether plaintiff's medical condition were considered in connection with defendant's decision to terminate plaintiff's employment or to engage in any other adverse employment action.

**RESPONSE TO CATEGORY NO. 9:**

Defendant objects to this Category on the grounds that it is overbroad as to time and scope, vague, ambiguous, uncertain, argumentative, conclusory, assumes facts which have not been established or do not exist, actually or potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, is actually or potentially violative of the attorney-client privilege and attorney work product doctrine, seeks information in the possession, custody, or control of Plaintiff or equally available to him and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Plaintiff has already done comprehensive written discovery and taken numerous depositions relating to Category 9 and, as such, this Category is burdensome, oppressive, harassing, duplicative and improper.

DATED: September 20, 2023



[redacted]
Telephone: [redacted]
Facsimile: [redacted]

Attorneys for Defendant
[redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

[redacted] individual,

Plaintiff,

vs.

[redacted] OES 1 THROUGH 10,

Defendants.

Case No. 19STCV[redacted]

*Hon.* [redacted]

**DEFENDANT [redacted] OBJECTIONS TO PLAINTIFF'S NOTICE OF TAKING DEPOSITION OF PERSON MOST KNOWLEDGEABLE; REQUEST FOR PRODUCTION OF DOCUMENTS AT DEPOSITION**

Date: July 13, 2021
Time: 10:00 a.m.
Location: VTC

Action Filed: January 30, [redacted]
Trial Date: August 23, [redacted]

**TO PLAINTIFF [redacted] AND HIS ATTORNEYS OF RECORD:**

Defendant [redacted] ("Defendant") objects to the Notice of Taking Deposition of Person Most Knowledgeable ("PMK") and Request for Production of Documents at Deposition pursuant to *Code of Civil Procedure* §§ 2025.210 *et seq.*, 2025.230 and 2031.210 *et seq.* as follows:

**INTRODUCTION**

Discovery and investigation are ongoing in this action. The following responses are based upon Defendant's present knowledge with regard to information responsive to Plaintiff's PMK Deposition Notice and related Request for Production of Documents (the "Request"). The following

not been established, is actually or potentially violative of the attorney-client privilege and/or work product doctrine and seeks testimony which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Category on the grounds that the potential PMK [redacted] as just deposed as a witness on June 9 and 10, thereby rendering this notice and category burdensome and oppressive and designed to vex, harass, and annoy Defendant and improper subjects the potential deponent to repetitive and/or multiple sessions of deposition.

**REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

All DOCUMENTS RELATING TO any warning or probation placed on the accreditation status of [redacted] residency program by the Accreditation Council for Graduate Medical Education.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Defendant objects to this Request on the grounds that it is shotgun and not stated with reasonable particularity per *Code of Civil Procedure* § 2031.030(c)(1), overbroad, vague, ambiguous, uncertain, conclusory, assumes facts which have not been established, potentially seeks information protected by the constitutional right of privacy per Article I, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff, seeks confidential business records and/or documentation in violation of *Evidence Code* § 1157, actually seeks documentation violative of the attorney-client privilege and/or work product doctrine, and seeks documentation which is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

DATED: July 8, 2021 [redacted]

By: [redacted]

Attorneys for Defendant [redacted]

the discovery of admissible evidence. Defendant further objects to this Category on the grounds that the potential PMK(s), [redacted] were just deposed as witnesses on June 9 and 10, thereby rendering this notice and category burdensome and oppressive and designed to vex, harass, and annoy Defendant and improper subjects the potential deponents to repetitive and/or multiple sessions of deposition.

**CATEGORY NO. 3:**

Any and all matters relating to Defendant's efforts to engage in a timely, good faith interactive process, pursuant to California Government Code § 12940(n).

**RESPONSE TO CATEGORY NO. 3:**

Defendant objects to this Category on the grounds that it does not describe with reasonable particularity the matters on which examination is requested per *Code of Civil Procedure* § 2025.230, is overbroad, vague, ambiguous, uncertain calls for a legal conclusion, calls for an expert opinion or determination by the trier of fact, lacks foundation, is speculative and assume facts which have not been established, is actually or potentially violative of the attorney-client privilege and/or work product doctrine and seeks testimony which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Category on the grounds that the potential PMK(s), [redacted] were just deposed as witnesses on June 9 and 10, thereby rendering this notice and category burdensome and oppressive and designed to vex, harass, and annoy Defendant and improper subjects the potential deponents to repetitive and/or multiple sessions of deposition.

**CATEGORY NO. 4:**

Any and all matters relating to the accreditation status of [redacted] residency program in internal medicine.

**RESPONSE TO CATEGORY NO. 4:**

Defendant objects to this Category on the grounds that it does not describe with reasonable particularity the matters on which examination is requested per *Code of Civil Procedure* § 2025.230, is overbroad, vague, ambiguous, uncertain calls for a legal conclusion, calls for an expert opinion or determination by the trier of fact, lacks foundation, is speculative and assume facts which have

thereby rendering these burdensome and oppressive and designed to vex, harass, and annoy Defendant.

7. These objections are applicable to each and every one of the following responses and objections, and the failure to repeat one of these objections in response to a specific Request shall not be deemed a waiver of such objections. Moreover, when Defendant specifically repeats one or more of these objections it will not be deemed a waiver of the other general objections.

8. Defendant objects to the entire Notice on the grounds that Plaintiff unilaterally noticed the depositions without obtaining confirmation that the dates would work for the deponent(s) or counsel in violation of Appendix 3.A. Guidelines for Civility in litigation, section (e). Defendant is willing to meet and confer as to scheduling and issues relating to the PMK categories below.

**DEFINITIONAL OBJECTIONS**

9. Defendant objects to the definitions of the terms "YOU" and "YOUR" as overbroad, burdensome, oppressive, designed to vex, harass, and annoy Defendant, violative of the attorney-client privilege and/or work product doctrine and designed to seek information or documentation which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence given the inclusion of "YOUR attorneys, investigators, physicians, experts, employees, agents, officers, directors, partners, managers, members and shareholders."

10. Defendant objects to the definitions of the term "PERSON(S)" as overbroad, burdensome, oppressive, designed to vex, harass, and annoy Defendant, violative of the attorney-client privilege and/or work product doctrine and designed to seek information or documentation which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence given the inclusion of "any individual, corporation, partnership, joint venture, association or other form of legal entity unless the context indicates otherwise."

Each of the foregoing General and Definitional Objections are expressly incorporated by reference into Defendant's response to each of its responses to the requests below.

///

///

responses are given without prejudice to Defendant's right to produce at a subsequent time, including time of trial, all subsequently discovered evidence and documents relating to the proof of presently known facts and subsequently discovered facts. The information set forth below is true and correct to the best of Defendant's knowledge at this time but is subject to correction for inadvertent errors or omissions, if any errors or omissions are later found to exist. The right to supplement, modify, or correct these responses prior to and at trial on the basis of additional discovery and development of facts is expressly reserved.

## GENERAL OBJECTIONS

1. Defendant has based the following responses on the assumption that, in propounding this Request, Plaintiff did not intend to seek information protected by the attorney-client privilege, the attorney work-product doctrine, or the constitutionally protected right of privacy. To the extent this Request, or any part or parts thereof, are intended to or purport to elicit such information, Defendant objects thereto and asserts such privileges to the fullest extent provided by law.

2. Defendant reserves all rights to object as to the relevancy, materiality and admissibility of its responses to this Request or any subject matter related thereto.

3. Defendant reserves all rights to object on any grounds to the use of any of these responses or any subject matter related thereto, in any subsequent proceeding, including the trial of this or any action.

4. Defendant asserts that its discovery and investigation of the facts of this case are ongoing and that it reserves the right to supplement these responses if and when additional facts or documents responsive to this Request are identified.

5. These objections are applicable to each and every one of the following responses and objections, and the failure to repeat one of these objections in response to a specific Request shall not be deemed a waiver of such objections. Moreover, when Defendant specifically repeats one or more of these objections it will not be deemed a waiver of the other general objections.

6. Defendant objects to each of the instant requests for production on the grounds that and to the extent that they are identical to prior requests made upon, and responded to, by Defendant,

## RESPONSE/OBJECTIONS TO SPECIFIC MATTERS

**CATEGORY NO. 1:**

Any and all matters relating to the extent to which Plaintiff's request for reasonable accommodation constituted undue hardship to Defendant pursuant to California Government Code § 12926(u).

**RESPONSE TO CATEGORY NO. 1:**

Defendant objects to this Category on the grounds that it does not describe with reasonable particularity the matters on which examination is requested per *Code of Civil Procedure* § 2025.230, is overbroad, vague, ambiguous, uncertain calls for a legal conclusion, calls for an expert opinion or determination by the trier of fact, lacks foundation, is speculative and assume facts which have not been established, is actually or potentially violative of the attorney-client privilege and/or work product doctrine and seeks testimony which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Category on the grounds that the potential PMK(s), [redacted], were just deposed as witnesses on June 9 and 10, thereby rendering this notice and category burdensome and oppressive and designed to vex, harass, and annoy Defendant and improper subjects the potential deponents to repetitive and/or multiple sessions of deposition.

**CATEGORY NO. 2:**

Any and all matters relating to whether Defendant considered Plaintiff's requests for reasonable accommodation to satisfy the definition of reasonable accommodation pursuant to California Government Code § 12926(p).

**RESPONSE TO CATEGORY NO. 2:**

Defendant objects to this Category on the grounds that it does not describe with reasonable particularity the matters on which examination is requested per *Code of Civil Procedure* § 2025.230, is overbroad, vague, ambiguous, uncertain calls for a legal conclusion, calls for an expert opinion or determination by the trier of fact, lacks foundation, is speculative and assume facts which have not been established, is actually or potentially violative of the attorney-client privilege and/or work product doctrine and seeks testimony which is irrelevant and not reasonably calculated to lead to

[redacted]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES, VAN NUYS COURTHOUSE EAST**

[redacted]

Plaintiff,

vs.

[redacted]
Corporation, and [redacted]
California resident; Does 1 through 100, inclusive,

Defendants.

Case No. [redacted]

[Judge [redacted] / Dept. A]

**DEFENDANT[redacted] RESPONSES AND OBJECTIONS TO PLAINTIFF'S NOTICE OF DEPOSITION OF DEFENDANT[redacted] PERSON(S) MOST QUALIFIED AND DEMAND FOR PRODUCTION OF DOCUMENTS**

Date: May 18, 2021
Time: 10:00 a.m.
Place: Via Zoom

Action Filed: July 1[redacted]
Trial Date: None Set

PROPOUNDING PARTY: Plaintiff[redacted]

RESPONDING PARTY: Defendant[redacted]

Pursuant to California Code of Civil Procedure Sections 2025.410(a) and (b), Defendant [redacted] ("Defendant") hereby responds and objects to Plaintiff[redacted] ("Plaintiff") Notice of Deposition by Way of Remote Videoconferencing [redacted] Inc.'s Person Most Qualified and Demand for Production of Documents as follows:

## GENERAL OBJECTIONS

1. As previously communicated to Plaintiff's counsel, there is currently no "person most qualified" employed at Defendant [redacted] Inc. to testify as to any of the 10 subject matter categories set forth in Plaintiff's Notice of Deposition. As a courtesy to Plaintiff because she insisted on proceeding with the deposition, Defendant has agreed to produce the only remaining employee of Defendant [redacted] Inc. to testify in a very limited capacity to subject matter categories 1, 2, 5, 6, 8, and 9 only.

2. Defendant has based the following objections on the assumption that, in identifying these subject matters and requests for production of documents, Plaintiff does not intend to seek information protected by the attorney/client privilege and/or the attorney work-product doctrine, or the constitutionally protected right of privacy. To the extent these subject matters and requests for production of documents, or any part of parts thereof, are intended to or purport to elicit such information, Defendant objects thereto and asserts such privileges to the fullest extent provided by law.

3. Defendant reserves all rights to object as to the competency, relevancy, materiality and admissibility or use of any of these subject matters and requests for production of documents, or the subject matter related thereto in any subsequent proceeding, including the trial of this or any other action.

4. These objections are applicable to each and every one of the following objections, and the failure to repeat one of these objections in response to a specific subject matters and requests for production of documents shall not be deemed a waiver of such objections. Moreover, when Defendant specifically repeats one or more of these objections, it will not be deemed a waiver of the other general objections.

///

///

///

///

///

## OBJECTIONS TO SUBJECT MATTERS

**SUBJECT MATTER NO. 1:**

YOUR employee complaint policy and procedures applicable in October 2019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 1:**

There is no "person most qualified" at Defendant [redacted] Inc. to testify to Subject Matter No. 1. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 1 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, his understanding of the policy, or how the policy should have been or was implemented in this case since he is not the person most qualified to do so.

**SUBJECT MATTER NO. 2:**

YOUR disability and/or medical leave policy and procedures applicable in September 2019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 2:**

There is no "person most qualified" at Defendant [redacted] Inc. to testify to Subject Matter No. 2. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 2 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, or how the policy should have been or was implemented in this case since he is not the person most qualified to do so.

/ / /

/ / /

**SUBJECT MATTER NO. 3:**

The investigation YOU conducted in response to Plaintiffs complaints of harassment, discrimination, retaliation and forced resignation in October through December 272019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 3:**

There is no "person most qualified" at Defendant [redacted] Inc. to testify to the Subject Matter No. 3. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 3 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will not be producing a deponent to testify to this Subject Matter.

**SUBJECT MATTER NO. 4:**

The training YOU provided or required managers and/or supervisors, including, but not limited to, Defendant [redacted] to receive in 2019, concerning employees with disabilities or medical conditions that limits the employee's ability to perform the essential job duties of his/her current position with or without reasonable accommodation.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 4:**

There is no "person most qualified" at Defendant [redacted] nc. to testify to the Subject Matter No. 4. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 4 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will not be producing a deponent to testify to this Subject Matter.

**SUBJECT MATTER NO. 5:**

YOUR policies and procedures regarding how to conduct an investigation after an employee lodges a formal complaint of discrimination, harassment, and/or retaliation applicable in October 2019.

///

///

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 5:**

There is no "person most qualified" at Defendant [redacted]c. to testify to the Subject Matter No. 5. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 5 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, his understanding of the policy, or how the policy should have been or was implemented in this case since he is not the person most qualified to do so.

**SUBJECT MATTER NO. 6:**

YOUR policies and procedures regarding how to prevent discrimination, harassment, and/or retaliation based on disability or medical condition applicable in September 2019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 6:**

There is no "person most qualified" at [redacted]Inc. to testify to the Subject Matter No. 6. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 6 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, his understanding of the policy, or how the policy should have been or was implemented in this case since he is not the person most qualified to do so.

**SUBJECT MATTER NO. 7:**

The hiring, training, supervision, discipline, and retention of [redacted]as the California State [redacted]for [redacted]n September 2019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 7:**

There is no "person most qualified" at Defendant [redacted]. to testify to the Subject Matter No. 7. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 7 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will not be producing a deponent to testify to this Subject Matter.

**SUBJECT MATTER NO. 8:**

YOUR conflict of interest policy applicable in 2019.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 8:**

There is no "person most qualified" at Defendant [redacted] to testify to the Subject Matter No. 8. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 8 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, his understanding of the policy, or how the policy should have been implemented in this case since he is not the person most qualified to do so.

**SUBJECT MATTER NO. 9:**

YOUR "Expected conduct for YOUR staff: contractors, and volunteers" in 2019 as described in the Bernie 2020 Staff Manual.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 9:**

There is no "person most qualified" at Defendant [redacted] to testify to the Subject Matter No. 9. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 9 on the grounds that it is overbroad as to subject matter and scope. Subject to and without waiving the foregoing objections, Defendant responds that as a courtesy to

Plaintiff, it will produce its sole remaining employee to testify only as to the existence of the purported policy and what the purported policy states (*i.e.*, the words reflected in the policy). The deponent will not testify as to the meaning of the policy, his understanding of the policy, or how the policy should have been or was implemented in this case since he is not the person most qualified to do so.

**SUBJECT MATTER NO. 10:**

YOUR policies and procedures applicable in December 2019, for paying final wages and accrued vacation to YOUR California employees who have given prior notice of their resignation.

**RESPONSE AND OBJECTION TO SUBJECT MATTER NO. 10:**

There is no "person most qualified" at [redacted]c. to testify to the Subject Matter No. 10. The sole remaining employee of Defendant neither has personal knowledge nor information readily available to him to testify to this Subject Matter. Accordingly, Defendant objects to Subject Matter No. 10 on the grounds that it is overbroad as to subject matter and scope. Defendant further objects to Subject Matter No. 10 on the grounds that it seeks information neither relevant to this action not reasonably likely to lead to the discovery of admissible evidence since there are no causes of action in Plaintiff's Complaint relating to the payment of final wages or accrued vacation. Subject to and without waiving the foregoing objections, Defendant responds that it will not be producing a deponent to testify to this Subject Matter.

**OBJECTIONS TO REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

Copies of DOCUMENTS that refer or relate to training materials YOU provided YOUR employees, managers, supervisors, officers, or directors related to YOUR harassment, discrimination, and retaliation policies and procedures.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Defendant objects to Request No. 1 on the grounds that it is vague and ambiguous and overbroad as to time, scope, and subject matter. Defendant further objects to this Request on the grounds that it assumes facts not in evidence and seeks documents neither relevant to this action nor

reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Defendant responds that after conducting a diligent search and reasonable inquiry it is unable to comply with this Request because no responsive documents are within its possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 2:**

Copies of DOCUMENTS that refer or relate to YOUR disciplinary policies and procedures in effect during Plaintiff's employment for violations of YOUR harassment, discrimination, and retaliation policies.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Defendant objects to Request No. 2 on the grounds that it is vague and ambiguous and overbroad. Defendant further objects to this Request on the grounds that it is harassing in that it is duplicative of Requests previously propounded by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request have already been produced to Plaintiff.

**REQUEST FOR PRODUCTION NO. 3:**

Copies of all DOCUMENTS that refer or relate to any and all meetings or other contacts Plaintiff had with YOUR Human Resources personnel, managers, directors, or advisors regarding any of the matters referenced in the Complaint.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Defendant objects to Request No. 3 on the grounds that it is vague and ambiguous, overbroad, burdensome, and assumes facts not in evidence. Defendant further objects to this Request on the grounds that it seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to Request No. 3 on the grounds that it seeks documents that are confidential and/or proprietary. Finally, Defendant objects to this Request on the grounds that it is harassing in that it is duplicative of Requests previously propounded by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that it has already produced all non-objectionable responsive documents within its possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 4:**

Copies of EMPLOYER'S manuals, handbooks, directives, memoranda, or other DOCUMENTS from January 1, 2019, to the present time, which represent written policies and/or procedures pertaining to disability discrimination, harassment, retaliation, and termination of employment.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Defendant objects to Request No. 4 on the grounds that it is vague and ambiguous, overbroad as to time, scope, and subject matter, and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that is assumes facts not in evidence. Defendant also objects to Request No. 4 on the grounds that it is harassing in that it is duplicative of prior Requests made by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request have already been produced to Plaintiff.

**REQUEST FOR PRODUCTION NO. 5:**

Copies of DOCUMENTS, including, but not limited to, brochures, pamphlets, codes of conduct, instructions, training information, policies, or procedures created or distributed by YOU to YOUR employees, managers, supervisors, advisors, officers, or directors applicable between 2015 and 2019 regarding YOUR policies and/or procedures designed to prevent discrimination, harassment, retaliation, or the mistreatment of employees in the workplace.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Defendant objects to Request No. 5 on the grounds that it is vague and ambiguous, overbroad as to time, scope, and subject matter, and seeks documents neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it assumes facts not in evidence. Defendant also objects to Request No. 5 on the grounds that it is harassing in that it is duplicative of prior Requests made by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request have already been produced.

///

**REQUEST FOR PRODUCTION NO. 6:**

Copies of all DOCUMENTS relating to YOUR policies or procedures on how YOUR officers, directors, advisors, managers and/or supervisors were trained to respond to employee complaints of harassment, discrimination, or retaliation and the proper procedures for resolving the same.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Defendant objects to Request No. 6 on the grounds that it is overbroad as to time, scope, and subject matter. Defendant further objects to this Request on the grounds that it seeks documents neither relevant to this action nor reasonably likely to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Defendant responds that after conducting a diligent search and reasonable inquiry it is unable to comply with this Request because no responsive documents are within its possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 7:**

Copies of all notes, memoranda, statements and/or affidavits taken by any person who investigated any complaint filed by Plaintiff against YOU during her employment.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Defendant objects to Request No. 7 on the grounds that it is vague and ambiguous as the term "filed" and assumes facts not in evidence. Defendant further objects to this Request on the grounds that it seeks documentation protected from disclosure by the constitutional right of privacy set forth at Article 1, Section 1 of the California Constitution to the extent it seeks private information about persons other than Plaintiff. Defendant also objects to Request No. 7 on the grounds that it violates the attorney-client privilege and attorney-work product doctrine. *See Nacht & Lewis Architects, Inc. v. Superior Court*, 47 Cal.App.4th 214 (1996) and *City of Long Beach v. Superior Court*, 64 Cal.App.3d 65, 80 (1976). Defendant further objects to this Request on the grounds that it is harassing in that it is duplicative of prior Requests propounded by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request within its possession, custody, or control have already been produced.

**REQUEST FOR PRODUCTION NO. 8:**

Copies of all DOCUMENTS reviewed or considered by YOU in connection with any investigation conducted by YOU or on YOUR behalf relating to Plaintiff's separation from YOUR employment on December 17, 2019.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Defendant objects to Request No. 8 on the grounds that it is vague and ambiguous and assumes facts not in evidence. Defendant further objects to this Request on the grounds that it is harassing in that it is duplicative of prior Requests propounded by Plaintiff in this action. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request within its possession, custody, or control have already been produced.

**REQUEST FOR PRODUCTION NO. 9:**

Copies of all e-mails to and from the Plaintiff between May 2019 and the present that refer, relate to, or mentions complaints about Defendan[redacted]

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Defendant objects to Request No. 9 on the grounds that it seeks documents neither relevant to this action nor reasonably likely to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it unduly burdensome, oppressive, harassing, and overbroad as to time, scope, and subject matter. Defendant further objects to Request No. 9 on the grounds that it seeks documents which are either equally available to or solely in the possession of Plaintiff. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request within its possession, custody, or control have already been produced by Defendant.

**REQUEST FOR PRODUCTION NO. 10:**

Copies of all DOCUMENTS reflecting, describing, or referring to COMMUNICATIONS between Plaintiff and YOU that occurred at any time on or after December 17, 2019 regarding her complaints of discrimination, harassment, and/or retaliation.

/ / /

/ / /

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Defendant objects to Request No. 10 on the grounds that it seeks documents neither relevant to this action nor reasonably likely to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it unduly burdensome, oppressive, harassing, and overbroad as to time, scope, and subject matter. Defendant further objects to Request No. 10 on the grounds that it seeks documents which are either equally available to or solely in the possession of Plaintiff. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request within its possession, custody, or control have already been produced.

**REQUEST FOR PRODUCTION NO. 11:**

Copies of DOCUMENTS that refer or relate to YOUR policies and procedures applicable in December 2019, for paying final wages and accrued vacation to YOUR California employees who have given prior notice of their resignation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Defendant objects to Request No. 11 on the grounds that it is overbroad and seeks documents neither relevant to this action nor reasonably likely to lead to the discovery of admissible evidence since Plaintiff has not asserted any claims in this action relating to the payment of final wages and/or accrued vacation. Subject to and without waiving the foregoing objections, Defendant responds that any documents responsive to this Request within its possession, custody, or control have already been produced.

DATED: May 10, 2021

[redacted]

By: [redacted]

Attorneys for Defendant [redacted]

# VERIFICATION

**STATE OF CALIFORNIA** )
) **ss.**
**COUNTY OF LOS ANGELES** )

[redacted], declares:

That I am the [redacted] and am authorized to make this Verification for and on its behalf.

That I have read the foregoing [redacted]**NC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S NOTICE OF DEPOSITION OF DEFENDAN[redacted]RSON(S) MOST QUALIFIED AND DEMAND FOR PRODUCTION OF DOCUMENTS** that the answers contained in that document are not within my personal knowledge; that I am informed that there is no single person who has personal knowledge of all these matters; that the answers in this document are based upon information assembled by current and former employees and agents of [redacted] and that I am informed and believe that the answers based upon that information are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Washington, D.C. on May 6, 2021.

[redacted]