The following responses to Propounding Party’s first set of form interrogatories are provided pursuant to Code of Civil Procedure sections 2030.210, et seq., and are provided in good faith based on information now known to Responding Party. However, such responses are provided only on the express condition that Responding Party reserves the right to correct in good faith any errors or omissions inadvertently incorporated into these responses.

Form Interrogatory No. 1.1

Counsel for Responding Party, whose contact information is listed above. Jerry Merry of Responding Party, who may be contacted through counsel.
Form Interrogatory No. 3.1

Are you a corporation? If so, state:
(a) the name stated in the current articles of incorporation;
(b) all other names used by the corporation during the past 10 years and the dates each was used;
(c) the date and place of incorporation;
(d) the ADDRESS of the principal place of business; and
(e) whether you are qualified to do business in California.

Response to Form Interrogatory No. 3.1

Yes.
(a) Madera Framing, Inc.;
(b) None;
(c) May 8, 2002 in Loomis, California;
(d) 3356 Swetzer Court, Loomis, California;
(e) Yes.

Form Interrogatory No. 3.2

Are you a partnership? If so, state:
(a) the current partnership name;
(b) all other names used by the partnership during the past 10 years and the dates each was used;
(c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
(d) the name and ADDRESS of each general partner; and
(e) the ADDRESS of the principal place of business.

Response to Form Interrogatory No. 3.2

No.

Form Interrogatory No. 3.3

Are you a limited liability company? If so, state:
(a) the name stated in the current articles of organization;
(b) all other names used by the company during the past 10 years and the dates each was used;

(c) the date and place of filing of the articles of organization;

(d) the ADDRESS of the principal place of business; and

(e) whether you are qualified to do business in California.

Response to Form Interrogatory No. 3.3

No.

Form Interrogatory No. 3.4

Are you a joint venture? If so, state:

(a) the current joint venture name;

(b) all other names used by the joint venture during the past 10 years and the dates each was used;

(c) the name and ADDRESS of each joint venturer; and

(d) the ADDRESS of the principal place of business.

Response to Form Interrogatory No. 3.4

No.

Form Interrogatory No. 3.5

Are you an unincorporated association? If so, state:

(a) the current unincorporated association name;

(b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and

(c) the ADDRESS of the principal place of business.

Response to Form Interrogatory No. 3.5

No.

Form Interrogatory No. 3.6

Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:

(a) the name;
(b) the dates each was used;
(c) the state and county of each fictitious name filing; and
(d) the ADDRESS of the principal place of business.

**Response to Form Interrogatory No. 3.6**

No.

**Form Interrogatory No. 3.7**

Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:

(a) identify the license or registration;
(b) state the name of the public entity; and
(c) state the dates of issuance and expiration.

**Response to Form Interrogatory No. 3.7**

Yes.

(a) Corporate registration;
(b) California Secretary of State;
(c) Issued May 8, 2002, expiration not available.

(a) Contractors license No. 811404;
(b) California Department of Consumer Affairs, Contractors State License Board;
(c) Issued August 14, 2002, expires August 31, 2016.

**Form Interrogatory No. 4.1**

At the time of the INCIDENT, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability insurance coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the INCIDENT? If so, for each policy state:

(a) the kind of coverage;
(b) the name and ADDRESS of the insurance company;
(c) the name, ADDRESS, and telephone number of each named insured;
(d) the policy number;
(e) the limits of coverage for each type of coverage contained in the policy;

(f) whether any reservation of rights or controversy or coverage dispute exists between

you and the insurance company; and

(g) the name, ADDRESS, and telephone number of the custodian of the policy.

Response to Form Interrogatory No. 4.1

(a) Commercial general liability;

(b) Steadfast Insurance Company, PO Box 66965, Chicago, IL 60666;

(c) Responding Party, who may be contacted through counsel;

(d) SCO 3747116-01;

(e) $1 million General Aggregate Limit and $1 million Products-Completed Operations

Hazard Limit;

(f) Reservation of rights issued, coverage denied;

(g) Unknown. Responding Party’s investigation is ongoing;

(a) Commercial general liability;

(b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New

Hampshire;

(c) Responding Party, who may be contacted through counsel;

(d) PNG0001235-00;

(e) $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $1 Million

Products / Completed Operations Aggregate Limit;

(f) Reservation of rights, presently defending;

(g) Unknown. Responding Party’s investigation is ongoing;

(a) Commercial general liability;

(b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New

Hampshire;

(c) Responding Party, who may be contacted through counsel;

(d) PNG0001235-01;

(e) $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $1 Million

Products / Completed Operations Aggregate Limit;
Product s/ Completed Operations Aggregate Limit;
   (f) Reservation of rights, coverage denied;
   (g) Unknown. Responding Party’s investigation is ongoing;
   (a) Commercial general liability;
   (b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New Hampshire;
   (c) Responding Party, who may be contacted through counsel;
   (d) PNG0001235-02;
   (e) $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $2 Million Products / Completed Operations Aggregate Limit;
   (f) Reservation of rights, coverage denied;
   (g) Unknown. Responding Party’s investigation is ongoing;
   (a) Commercial general liability;
   (b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New Hampshire;
   (c) Responding Party, who may be contacted through counsel;
   (d) PNG0001235-03;
   (e) $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $2 Million Products / Completed Operations Aggregate Limit;
   (f) Reservation of rights, coverage denied;
   (g) Unknown. Responding Party’s investigation is ongoing;
   (a) Commercial general liability;
   (b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New Hampshire;
   (c) Responding Party, who may be contacted through counsel;
   (d) PNG0001235-04;
   (e) Responding Party is informed and believes the limits are $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $2 Million Products / Completed Operations Aggregate Limit;
Aggregate Limit;
(f) Reservation of rights, coverage denied;
(g) Unknown. Responding Party’s investigation is ongoing;
(a) Commercial general liability;
(b) North American Capacity Insurance Company, 650 Elm Street, Manchester, New Hampshire;
(c) Responding Party, who may be contacted through counsel;
(d) PNG0001235-05;
(e) $1 Million Per Occurrence, $2 Million General Aggregate Limit, and $2 Million Products/Completed Operations Aggregate Limit;
(f) Reservation of rights, coverage denied;
(g) Unknown. Discovery is continuing and Responding Party’s investigation is ongoing;
(a) Commercial general liability;
(b) Financial Pacific Insurance Company, 7041 Koll Center Parkway, #290, Pleasanton, California;
(c) Responding Party, who may be contacted through counsel;
(d) 180337A through C, 60438140;
(e) Responding Party is informed and believes the limits are $1 million per claim, $2 million aggregate. Discovery is continuing and Responding Party’s investigation is ongoing;
(f) Reservation of rights issued, coverage denied;
(g) Unknown. Discovery is continuing and Responding Party’s investigation is ongoing;
(a) Commercial general liability;
(b) Navigators Insurance, 433 California Street, San Francisco, California;
(c) Responding Party, who may be contacted through counsel;
(d) SF12CGL01905700;
(e) Responding Party is informed and believes the limits are $1 million per claim, $2
million aggregate. Discovery is continuing and Responding Party’s investigation is ongoing;

(f) Defending under reservation of rights;

(g) Unknown. Discovery is continuing and Responding Party’s investigation is ongoing.

**Form Interrogatory No. 4.2**

Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the INCIDENT? If so, specify the statute.

**Response to Form Interrogatory No. 4.2**

No.

**Form Interrogatory No. 12.1**

State the name, ADDRESS, and telephone number of each individual:

(a) who witnessed the INCIDENT or the events occurring immediately before or after the INCIDENT;

(b) who made any statement at the scene of the INCIDENT;

(c) who heard any statements made about the INCIDENT by any individual at the scene; and

(d) who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge of the INCIDENT (except for expert witnesses covered by Code of Civil Procedure section 2034).

**Response to Form Interrogatory No. 12.1**

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, *et seq.*, as well as protected expert information pursuant to *Williamson v. Superior Court (Shell Oil Company)* (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that
it seeks information accessible to and/or already in the possession of Propounding Party, per Code
of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Jerry Merry, Carl
Rounds, and employees of Responding Party, who may be contacted through counsel, as well as
owners and employees of plaintiff, Western National Construction, and all contractors and
suppliers involved in the One Pearl Place project.

Form Interrogatory No. 12.2

Have YOU OR ANYONE ACTING ON YOUR BEHALF interviewed any individual
concerning the INCIDENT? If so, for each individual state:

(a) the name, ADDRESS, and telephone number of the individual interviewed;
(b) the date of the interview; and
(c) the name, ADDRESS, and telephone number of the PERSON who conducted the
interview.

Response to Form Interrogatory No. 12.2

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and
ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation
involves a construction project spanning multiple years. Responding Party objects to this
interrogatory to the extent that it seeks information that is protected by the attorney-client
privilege, including but not limited to the provisions in Evidence Code sections 950 through 962.
Responding Party objects to this interrogatory to the extent that it seeks information protected by
the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq.,
as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil
Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that
it seeks information accessible to and/or already in the possession of Propounding Party, per Code
of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: No.

Form Interrogatory No. 12.3

Have YOU OR ANYONE ACTING ON YOUR BEHALF obtained a written or
recorded statement from any individual concerning the INCIDENT? If so, for each statement state:

(a) the name, ADDRESS, and telephone number of the individual from whom the statement was obtained;

(b) the name, ADDRESS, and telephone number of the individual who obtained the statement;

(c) the date the statement was obtained; and

(e) the name, ADDRESS, and telephone number of each PERSON who has the original statement or a copy.

Response to Form Interrogatory No. 12.3

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: No.

Form Interrogatory No. 12.4

Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff’s injuries? If so, state:

(a) the number of photographs or feet of film or videotape;

(b) the places, objects, or persons photographed, filmed, or videotaped;
(c) the date the photographs, films, or videotapes were taken;
(d) the name, ADDRESS, and telephone number of the individual taking the photographs, films, or videotapes; and
(e) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the photographs, films, or videotapes.

Response to Form Interrogatory No. 12.4

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Other than those responsive materials already produced by other parties, no.

Form Interrogatory No. 12.5

Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210-2034.310) concerning the INCIDENT? If so, for each item:
(a) the type (i.e., diagram, reproduction, or model);
(b) the subject matter; and
(c) the name, ADDRESS, and telephone number of each PERSON who has it.
Response to Form Interrogatory No. 12.5

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Other than construction plans, drawings, and representations produced by other parties, no.

Form Interrogatory No. 12.6

Was a report made by any PERSON concerning the INCIDENT? If so, state:

(a) the name, title, identification number, and employer of the PERSON who made the report;

(b) the date and type of report made;

(c) the name, ADDRESS, and telephone number of the PERSON for whom the report was made; and

(d) the name, ADDRESS, and telephone number of each PERSON who has the original or copy of the report.

Response to Form Interrogatory No. 12.6

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.
privilege, including but not limited to the provisions in Evidence Code sections 950 through 962.

Responding Party objects to this interrogatory to the extent that it seeks information protected by
the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq.,
as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil
Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that
it seeks information accessible to and/or already in the possession of Propounding Party, per Code
of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Responding Party is
informed and believes that Plaintiff and its agents have prepared numerous reports concerning the
INCIDENT.

**Form Interrogatory No. 12.7**

Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the
INCIDENT? If so, for each inspection state:

(a) the name, **ADDRESS**, and telephone number of the individual making the
inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210-
2034.310); and

(b) the date of the inspection.

**Response to Form Interrogatory No. 12.7**

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and
ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation
involves a construction project spanning multiple years. Responding Party objects to this
interrogatory to the extent that it seeks information that is protected by the attorney-client
privilege, including but not limited to the provisions in Evidence Code sections 950 through 962.
Responding Party objects to this interrogatory to the extent that it seeks information protected by
the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq.,
as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil
Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that
it seeks information accessible to and/or already in the possession of Propounding Party, per Code
of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Other than inspections which have occurred since the filing of this suit, no.

**Form Interrogatory No. 13.1**

Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

(a) the name, **ADDRESS**, and telephone number of the individual or party;

(b) the time, date, and place of the surveillance;

(c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and

(d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

**Response to Form Interrogatory No. 13.1**

Responding Party objects to this interrogatory as the term “**INCIDENT**” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962.

Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, *et seq.*, as well as protected expert information pursuant to **Williamson v. Superior Court (Shell Oil Company)** (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: No.

**Form Interrogatory No. 13.2**

Has a written report been prepared on the surveillance? If so, for each written report state:
(a) the title;
(b) the date;
(c) the name, ADDRESS, and telephone number of the individual who prepared the report; and
(d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

Response to Form Interrogatory No. 13.2

Not applicable.

Form Interrogatory No. 14.1

Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the INCIDENT? If so, identify the name, ADDRESS, and telephone number of each PERSON and the statute, ordinance, or regulation that was violated.

Response to Form Interrogatory No. 14.1

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this request as it calls for a legal conclusion. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Responding Party has insufficient information at this time to contend any violations of statute, ordinance, or
regulation. Responding Party’s investigation is continuing and ongoing.

Form Interrogatory No. 14.2

Was any PERSON cited or charged with a violation of any statute, ordinance, or regulation as a result of this INCIDENT? If so, for each PERSON state:

(a) the name, ADDRESS, and telephone number of the PERSON;

(b) the statute, ordinance, or regulation allegedly violated;

(c) whether the PERSON entered a plea in response to the citation or charge and, if so, the plea entered; and

(d) the name and ADDRESS of the court or administrative agency, names of the parties, and case number.

Response to Form Interrogatory No. 14.2

Responding Party objects to this interrogatory as the term “INCIDENT” is vague and ambiguous, rendering the entire interrogatory overbroad and unduly burdensome. This litigation involves a construction project spanning multiple years. Responding Party objects to this request as it calls for a legal conclusion. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: Responding Party does not know if any PERSON was cited or charged with the violation of any statute, ordinance, or regulation.

Form Interrogatory No. 15.1

Identify each denial of a material allegation and each special or affirmative defense in your
pleadings and for each:

(a) state all facts upon which you base the denial or special or affirmative defenses;

(b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
knowledge of those facts;

(c) identify all DOCUMENTS and other tangible things that support your denial or
special or affirmative defense, and state the name, ADDRESS, and telephone number of the
PERSON who has each DOCUMENT.

Response to Form Interrogatory No. 15.1

First Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive any defenses. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party may
have been careless or negligent, and that such carelessness or negligence may have been the
proximate cause of Propounding Party’s alleged damages. Investigation and discovery are
continuing and ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Second Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive any defenses. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party may
have been careless or negligent, and that such carelessness or negligence may have been the
proximate cause of Propounding Party’s alleged damages. Investigation and discovery are
continuing and ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Third Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as not to waive any defenses. (See *Steiner v. Rowley* (1950) 35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party may have failed to mitigate the damages it now alleges in its complaint.

Investigation and discovery are continuing and ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Fourth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as not to waive any defenses. (See *Steiner v. Rowley* (1950) 35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party and/or others may have been the proximate cause of the damages now alleged by Propounding Party. Investigation and discovery are continuing and ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;

   (c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

      Fifth Affirmative Defense

   (a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive any defenses. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party and/or others may have been the proximate cause of the damages now alleged by Propounding Party. Investigation and discovery are continuing and ongoing;

   (b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

   (c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

      Sixth Affirmative Defense

   (a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive any defenses. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Responding Party is informed and believes that Propounding Party may have filed its lawsuit in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

   (b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

   (c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Seventh Affirmative Defense
(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that
Propounding Party may have afforded insufficient notice to Responding Party of the damages the
former alleges against the latter in its complaint. Discovery is continuing and Responding Party’s
investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Eighth Affirmative Defense
(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that
Propounding Party may have afforded insufficient notice to Responding Party of the damages the
former alleges against the latter in its complaint. Discovery is continuing and Responding Party’s
investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Ninth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that
Propounding Party may waived its claims against Responding Party that it now raises in the
present lawsuit, at least in part due to an underlying settlement agreement between Propounding
Party and Responding Party. Discovery is continuing and Responding Party’s investigation is
ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Tenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that
Propounding Party may have no valid claims against Responding Party due to an underlying
settlement agreement between Propounding Party and Responding Party, and because Responding
Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in
excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is
continuing and Responding Party’s investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Eleventh Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twelfth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Discovery is continuing and Responding Party’s investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Fourteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Fifteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Sixteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Seventeenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have afforded insufficient notice to Responding Party of the damages the former alleges against the latter in its complaint. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Eighteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;
(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Nineteenth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party's investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twentieth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in
excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is
continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Twenty-First Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that
Propounding Party may have no valid claims against Responding Party due to an underlying
settlement agreement between Propounding Party and Responding Party, and because Responding
Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in
excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is
continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other
contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit,
or summary of or from the documents of Responding Party. The burden or expense of preparing
or making it would be substantially the same for Propounding Party. Responding Party refers
Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Twenty-Second Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
Nevertheless, Responding Party is informed and believes that Propounding Party and/or others may have been the proximate cause of the damages now alleged by Propounding Party. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Third Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Fourth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding
Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Fifth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.)

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Sixth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)
Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Seventh Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950)

Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the
documentation produced by Western National Construction.

Twenty-Eighth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See *Steiner v. Rowley* (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Twenty-Ninth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See *Steiner v. Rowley* (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-First Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party, and because Responding Party is informed and believes that Propounding Party filed its lawsuit against Responding Party in excess of 10 years after Responding Party ceased work at One Pearl Place. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-First Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-Second Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-Third Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-Fourth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party's investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-Fifth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Nevertheless, Responding Party is informed and believes that Propounding Party may have no valid claims against Responding Party due to an underlying settlement agreement between Propounding Party and Responding Party. Discovery is continuing and Responding Party's investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;
(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Thirty-Sixth Affirmative Defense

(a) Facts supporting the affirmative defense are still being developed. Responding Party is pleading in the alternative so as to not waive the defense. (See Steiner v. Rowley (1950) 35 Cal.2d 713, 718-719.) Discovery is continuing and Responding Party’s investigation is ongoing;

(b) Responding Party, Propounding Party, all other parties in this matter, and other contractors and suppliers involved in the One Pearl Place project;

(c) Objection. This interrogatory requires the making of a compilation, abstract, audit, or summary of or from the documents of Responding Party. The burden or expense of preparing or making it would be substantially the same for Propounding Party. Responding Party refers Propounding Party to all prior documents produced by the former in this latter, as well as to the documentation produced by Western National Construction.

Form Interrogatory No. 17.1

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;

(b) state all facts upon which you base your response;

(c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and

(d) identify all DOCUMENTS and other tangible things that support your response and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

///
Response to Form Interrogatory No. 17.1

No.

(a) Request for Admission No. 2;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party is informed and believes that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 3;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party is informed and believes that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 4;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party is informed and believes that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 5;
(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party is informed and believes that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 6;
(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: The change orders attached as Exhibit B to Propounding Party’s requests are all issued to a different entity, Madera Construction. At this time Responding Party lacks knowledge to determine whether any of its work at One Pearl Place consisted of the work memorialized in Exhibit B. On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 7;
(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party is informed and believes that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 8;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: The change orders attached as Exhibit B to Propounding Party’s requests are all issued to a different entity, Madera Construction. At this time Responding Party lacks knowledge to determine whether any of its work at One Pearl Place consisted of the work memorialized in Exhibit B. On that basis Responding denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 9;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is unsure which plans and specifications Propounding Party is referring to, as Propounding Party did not attach them to their requests or otherwise define or refer to them. Responding Party is informed and believes that the plans and specifications were in a state a flux, with multiple revisions. Responding Party is also currently investigating the extent of its work at One Pearl Place. On that basis Responding Party lacks sufficient knowledge to admit or deny the
matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 10;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is unsure which relevant industry standards Propounding Party is referring to, as Propounding Party did not attach them to their requests or otherwise define or refer to them. Responding Party is also currently investigating the extent of its work at One Pearl Place. On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 11;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is unsure which relevant manufacturer recommendations Propounding Party is referring to, as Propounding Party did not attach them to their requests or otherwise define or refer to them. Responding Party is also currently investigating the extent of its work at One Pearl Place. On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;
(d) Responding Party is presently investigating for supporting documentation.

Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 12;

(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party states as follows:
Responding Party is unsure which relevant ordinances, codes, or statutes Propounding Party is
referring to, as Propounding Party did not attach them to their requests or otherwise define or refer
to them. Responding Party is also currently investigating the extent of its work at One Pearl Place.
On that basis Responding Party denies the matter. Discovery is continuing and Responding
Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation.
Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 13;

(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party is informed and believes
that it did not enter into a construction subcontract with WESTERN for the benefit of CILKER to
perform CONSTRUCTION WORK on the PROJECT;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible
things supporting the response. Discovery is continuing and Responding Party’s investigation is
ongoing;

(a) Request for Admission No. 14;

(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party is informed and believes
that it did not enter into any written agreement that would serve to indemnify CILKER with
respect to losses relating to One Pearl Place. On that basis Responding Party denies the matter;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible
things supporting the response. Discovery is continuing and Responding Party’s investigation is
ongoing;

(a) Request for Admission No. 15;
(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party is informed and believes
that it did not enter into any obligation, written or oral, that would serve to require Responding
Party to name Propounding Party as an additional insured on any of Responding Party’s liability
policies;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible
things supporting the response. Discovery is continuing and Responding Party’s investigation is
ongoing;

(a) Request for Admission No. 17;
(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party states as follows:
Responding Party is informed and believes it did not enter into any obligation, written or oral, that
would serve to require Responding Party to expressly indemnify Propounding Party with respect to
losses relating to One Pearl Place. However, such circumstances would not preclude Propounding
Party from indemnifying Responding Party under the principles of equitable indemnity. On that
basis only admitted the matter in part;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible

MADERA FRAMING’S RESPONSES TO PLAINTIFF’S FORM INTERROGATORIES – CASE NO. 113CV258281
things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 18;

(b) Without waiving the objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows:
Responding Party is currently investigating the extent of its work at One Pearl Place. On that basis
Responding Party denies the matter. Discovery is continuing and Responding Party’s
investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation.
Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 20;

(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party states as follows:
Responding Party is informed and believes that Propounding Party utilized the services of Gentry
& Associates, White Residential Services, and others for the purposes of, at least in part,
supervising the work of Responding Party. On that basis Responding Party denies the matter;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, all who may be contacted through counsel;

(d) The deposition transcript of Steven Gentry; The document productions of White
Residential Services and WESTERN NATIONAL CONSTRUCTION relating to the former;

(a) Request for Admission No. 22;

(b) Without waiving the objections raised in Responding Party’s response to this
Request for Admission, served concurrently herewith, Responding Party states as follows:
Responding Party is informed and believes that Propounding Party utilized the services of Gentry
& Associates, White Residential Services, and others for the purposes of, at least in part,
inspecting the work of Responding Party. On that basis Responding Party denies the matter;
(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The deposition transcript of Steven Gentry; The document productions of White Residential Services and WESTERN NATIONAL CONSTRUCTION relating to the former;

(a) Request for Admission No. 23;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Nevertheless, Responding Party is informed and believes that the general purpose it was asked to perform work at One Pearl Place was to complete and/or repair work performed by others, and thus in that regard Responding Party’s work was performed pursuant to clarifications to the plans and specifications;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The document productions of Responding Party, Propounding Party, and WESTERN NATIONAL CONSTRUCTION. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 24;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is informed and believes that no assignment, in any form, took place between Rounds & Brooker, Inc. dba Madera Construction and Madera Framing, Inc., in relation to One Pearl Place. On that basis Responding Party denies the matter;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 25;
(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is informed and believes that no assignment, in any form, took place between Rounds & Buroker, Inc. dba Madera Construction and Madera Framing, Inc., in relation to One Pearl Place. On that basis Responding Party states the request is not applicable, as it is contingent on the response to Request for Admission No. 24;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 26;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is informed and believes that no assignment, in any form, took place between Rounds & Buroker, Inc. dba Madera Construction and Madera Framing, Inc., in relation to One Pearl Place. On that basis Responding Party denies the matter;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is informed and believes there are no documents or other tangible things supporting the response. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 27;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding
Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party admits the sole fact that it filed a lawsuit, but not that it was the holder of any rights and benefits of anyone else. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 28;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 29;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;
sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 30;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 31;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks
sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 32;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: The request is unintelligible as it references Interstate Wallboard and Pacific Wallboard, without any reference or definition of these entities. Additionally, Responding Party is informed and believes that while at least some of the employees for Responding Party were the same as Rounds & Buroker, Inc. dba Madera Construction, not all employees were the same. On that basis Responding Party denies the matter. Discovery is continuing, and Responding Party’s investigation is ongoing.

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 33;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. Nonetheless, Responding Party is informed and believes that it did not commingle any assets with Madera Construction. On that
basis Responding Party denies the matter;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 34;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. Nonetheless, Responding Party is informed and believes that Responding Party did not use the assets of Madera Construction. On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 35;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is ongoing;
(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it
to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is
ongoing;

(a) Request for Admission No. 36;

(b) Without waiving objections raised in Responding Party’s response to this Request
for Admission, served concurrently herewith, Responding Party stats as follows: Responding
Party is currently investigating the extent of its work at One Pearl Place. Part of Responding
Party’s investigation includes the exact nature of the relationship with who Responding Party is
informed and believes was the most recent framer working at One Pearl Place before Responding
Party, Rounds & Buroker, Inc. dba Madera Construction. On that basis Responding Party lacks
sufficient knowledge to admit or deny the matter. Discovery is continuing and Responding Party’s
investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

(d) Responding Party is presently investigating for documentation that would allow it
to admit or deny the matter. Discovery is continuing and Responding Party’s investigation is
ongoing;

(a) Request for Admission No. 37;

(b) Without waiving objections raised in Responding Party’s response to this Request
for Admission, served concurrently herewith, Responding Party stats as follows: Responding
Party is currently investigating the extent of its work at One Pearl Place. Part of Responding
Party’s investigation includes the exact nature of the relationship with who Responding Party is
informed and believes was the most recent framer working at One Pearl Place before Responding
Party, Rounds & Buroker, Inc. dba Madera Construction. Nonetheless, Responding Party is
informed and believes that at all time is maintained adequate capitalization. On that basis
Responding Party denies the matter. Discovery is continuing and Responding Party’s
investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for non-privileged, non-confidential supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 38;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. Propounding Party also does not list or otherwise define which statutes, codes or ordinances (e.g., Corporations Code) constitute “formalities.” On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 39;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is currently investigating the extent of its work at One Pearl Place. Part of Responding Party’s investigation includes the exact nature of the relationship with who Responding Party is informed and believes was the most recent framer working at One Pearl Place before Responding Party, Rounds & Buroker, Inc. dba Madera Construction. At this time, however, Responding Party is informed and believes the full array of officers and directors between the two entities were
different. On that basis Responding Party denies the matter. Discovery is continuing and
Responding Party’s investigation is ongoing;
(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, Madera Construction, all who may be contacted through counsel;
(d) Records with the California Secretary of State, which are equally available to
Propounding Party. Responding Party is presently investigating for documentation that would
allow it to admit or deny the matter. Discovery is continuing and Responding Party’s investigation
is ongoing;
(a) Request for Admission No. 41;
(b) Without waiving objections raised in Responding Party’s response to this Request
for Admission, served concurrently herewith, Responding Party stats as follows: Responding
Party is currently investigating the extent of its work at One Pearl Place. Part of Responding
Party’s investigation includes the exact nature of the relationship with who Responding Party is
informed and believes was the most recent framer working at One Pearl Place before Responding
Party, Rounds & Buroker, Inc. dba Madera Construction. Nonetheless, Responding Party is
informed and believes that its operations were never controlled by Madera Construction. On that
basis Responding Party denies the matter. Discovery is continuing and Responding Party’s
investigation is ongoing;
(c) Propounding Party, Responding Party, and WESTERN NATIONAL
CONSTRUCTION, Madera Construction, all who may be contacted through counsel;
(d) Responding Party is presently investigating for supporting documentation.
Discovery is continuing and Responding Party’s investigation is ongoing;
(a) Request for Admission No. 42;
(b) Without waiving objections raised in Responding Party’s response to this Request
for Admission, served concurrently herewith, Responding Party stats as follows: Responding
Party is currently investigating the extent of its work at One Pearl Place. Part of Responding
Party’s investigation includes the exact nature of the relationship with who Responding Party is
informed and believes was the most recent framer working at One Pearl Place before Responding
Party, Rounds & Buroker, Inc. dba Madera Construction. Nonetheless, Responding Party is informed and believes that Responding Party never controlled the operations of Madera Construction. On that basis Responding Party denies the matter. Discovery is continuing and Responding Party’s investigation is ongoing;

c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, Madera Construction, all who may be contacted through counsel;

d) Responding Party is presently investigating for supporting documentation. Discovery is continuing and Responding Party’s investigation is ongoing;

(a) Request for Admission No. 43;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is informed and believes that settlement agreement between Propounding Party and Responding Party releases latter of all claims in this litigation raised by Propounding Party.

c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The settlement agreement attached by Propounding Party;

(a) Request for Admission No. 44;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding Party is informed and believes that settlement agreement between Propounding Party and Responding Party releases latter of all claims in this litigation raised by WESTERN NATIONAL CONSTRUCTION.

c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The settlement agreement attached by Propounding Party;

(a) Request for Admission No. 45;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party stats as follows: Responding
Party is informed and believes that settlement agreement between Propounding Party and Rounds & Buroker, Inc. dba Madera Construction releases latter of all claims in this litigation raised by Propounding Party.

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The settlement agreement attached by Propounding Party;

(a) Request for Admission No. 46;

(b) Without waiving objections raised in Responding Party’s response to this Request for Admission, served concurrently herewith, Responding Party states as follows: Responding Party is informed and believes that settlement agreement between Propounding Party and Rounds & Buroker, Inc. dba Madera Construction releases latter of all claims in this litigation raised by the WESTERN NATIONAL CONSTRUCTION.

(c) Propounding Party, Responding Party, and WESTERN NATIONAL CONSTRUCTION, all who may be contacted through counsel;

(d) The settlement agreement attached by Propounding Party;

Form Interrogatory No. 50.1

For each agreement alleged in the pleadings:

(a) identify each DOCUMENT that is part of the agreement and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

(b) state each part of the agreement not in writing, the name, ADDRESS, and telephone number of each PERSON agreeing to that provision, and the date that part of the agreement was made;

(c) identify all DOCUMENTS that evidence any part of the agreement not in writing and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

(d) identify all DOCUMENTS that are part of any modification to the agreement, and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;
(e) state each modification not in writing, the date, and the name, ADDRESS, and telephone number of each PERSON agreeing to the modification, and the date the modification was made;

(f) identify all DOCUMENTS that evidence any modification of the agreement not in writing and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT.

Response to Form Interrogatory No. 50.1

Responding Party objects to this interrogatory it is vague as to time. Responding Party objects to this interrogatory as it calls for a legal conclusion. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows:

(a) The settlement agreement between Propounding Party and Responding Party, which has previously been produced by Responding Party, has been produced by Western National Construction, and which is the subject of Responding Party’s motion for summary judgment against Propounding Party;

(b) Responding Party is informed and believes there is no portion of the settlement agreement between Propounding Party and Responding Party that is not in writing;

(c) Responding Party is informed and believes there are no documents that evidence any portion of the settlement agreement between Propounding Party and Responding Party that is not in writing;
(d) Responding Party is informed and believes there are no documents that constitute a
modification to the settlement agreement between Propounding Party and Responding Party;

(e) Responding Party is informed and believes there are no modifications to the
settlement agreement between Propounding Party and Responding Party that are not in writing;

(f) Responding Party is informed and believes there are no documents that evidence a
modification, not in writing, to the settlement agreement between Propounding Party and
Responding Party.

Form Interrogatory No. 50.2

Was there a breach of any agreement alleged in the pleadings? If so, for each breach
describe and give the date of every act or omission that you claim is the breach of the agreement.

Response to Form Interrogatory No. 50.2

Responding Party objects to this interrogatory it is vague as to time. Responding Party
objects to this interrogatory as it calls for a legal conclusion. This litigation involves a
construction project spanning multiple years. Responding Party objects to this interrogatory to the
extent that it seeks information that is protected by the attorney-client privilege, including but not
limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to
this interrogatory to the extent that it seeks information protected by the attorney work product
protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected
expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21
Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information
accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure
section 2030.230.

Without waiving these objections, Responding Party states as follows: Yes, Propounding
Party has breached the settlement agreement by naming Responding Party in the present action.

Form Interrogatory No. 50.3

Was performance of any agreement alleged in the pleadings excused? If so, identify each
agreement excused and state why performance was excused.
Response to Form Interrogatory No 50.3

Responding Party objects to this interrogatory it is vague as to time. Responding Party objects to this interrogatory as it calls for a legal conclusion. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: performance of the settlement agreement between Propounding Party and Responding Party was not excused.

Form Interrogatory No. 50.4

Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

Response to Form Interrogatory No. 50.4

Responding Party objects to this interrogatory it is vague as to time. Responding Party objects to this interrogatory as it calls for a legal conclusion. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information
accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: the settlement agreement between Propounding Party and Responding Party has never been terminated in any way.

**Form Interrogatory No. 50.5**

Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

**Response to Form Interrogatory No. 50.5**

Responding Party objects to this interrogatory it is vague as to time. Responding Party objects to this interrogatory as it calls for a legal conclusion. This litigation involves a construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, *et seq.*, as well as protected expert information pursuant to *Williamson v. Superior Court (Shell Oil Company)* (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: the settlement agreement between Propounding Party and Responding Party is enforceable.

**Form Interrogatory No. 50.6**

Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

**Response to Form Interrogatory No. 50.6**

Responding Party objects to this interrogatory it is vague as to time. Responding Party objects to this interrogatory as it calls for a legal conclusion. This litigation involves a
construction project spanning multiple years. Responding Party objects to this interrogatory to the extent that it seeks information that is protected by the attorney-client privilege, including but not limited to the provisions in Evidence Code sections 950 through 962. Responding Party objects to this interrogatory to the extent that it seeks information protected by the attorney work product protection doctrine in Code of Civil Procedure section 2018.010, et seq., as well as protected expert information pursuant to Williamson v. Superior Court (Shell Oil Company) (1978) 21 Cal.3d 829. Responding Party objects to this interrogatory on the ground that it seeks information accessible to and/or already in the possession of Propounding Party, per Code of Civil Procedure section 2030.230.

Without waiving these objections, Responding Party states as follows: the settlement agreement between Propounding Party and Responding Party is unambiguous.

DATED: November 24, 2015

BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation

By: ALEXANDER R. MOORE, ESQ.
    JOHN A. CASTRO, ESQ.
Attorneys for Defendant/Cross-Defendant Madera Framing, Inc.

VERIFICATION TO FOLLOW

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MADERA FRAMING’S RESPONSES TO PLAINTIFF’S FORM INTERROGATORIES – CASE NO. 113CV258281