WESTERN NATIONAL CONSTRUCTION RESPONSES TO LDI MECHANICAL, INC. AND AMPAM LDI MECHANICAL, INC.’S SPECIAL INTERROGATORIES, SET ONE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CILKER APARTMENTS, LLC,

Plaintiff,

v.

WESTERN NATIONAL CONSTRUCTION, et. al.,

Defendants.

Case No. 1-13-CV-258281
Judge: Hon. Peter Kirwan
Dept: 1

WESTERN NATIONAL CONSTRUCTION RESPONSES TO LDI MECHANICAL, INC. AND AMPAM LDI MECHANICAL, INC.’S SPECIAL INTERROGATORIES, SET ONE

All Related Cross-Actions.

Filed: 12/26/13
Trial: 06/13/16

Propounding Party: LDI MECHANICAL, INC. AND AMPAM LDI MECHANICAL, INC.

Responding Party: WESTERN NATIONAL CONSTRUCTION

Set Number: ONE
Pursuant to Sections 2030.210, et seq., of the California Code of Civil Procedure, Defendant, Cross-Complainant and Cross-Defendant WESTERN NATIONAL CONSTRUCTION ("Responding Party") hereby submits these objections and responses to the Defendant and Cross-Defendant LDI MECHANICAL, INC. AND AMPAM LDI MECHANICAL, INC.’s ("LDI") Form Interrogatories Set One.

PRELIMINARY STATEMENT

These responses, while based on diligent inquiry and investigation by Responding Party, reflect only the current state of Responding Party's knowledge, understanding, and belief, based upon the information reasonably available to it at this time. As this action proceeds, and further investigation and discovery are conducted, additional or different facts and information could be revealed to Responding Party. Moreover, Responding Party anticipates that Propounding Party may make legal or factual contentions presently unknown to and unforeseen by Responding Party which may require Responding Party to adduce further facts in rebuttal to such contentions. Consequently, Responding Party may not yet have knowledge and may not fully understand the significance of information potentially pertinent to these responses. Accordingly, these responses are provided without prejudice to Responding Party's right to rely upon and use any information that it subsequently discovers, or that was omitted from these responses as a result of mistake, inadvertence, surprise, or excusable neglect. Without in any way obligating itself to do so, Responding Party reserves the right to modify, supplement, revise, or amend these responses, and to correct any inadvertent errors or omissions which may be contained herein, in light of the information that Responding Party may subsequently obtain or discover.

Each of the following responses is made solely for the purpose of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court. All objections and grounds are expressly reserved and may be interposed at the time of trial, hearing, or otherwise. Furthermore, each of the objections contained herein is incorporated by reference as though fully set forth in each response.

Nothing contained herein is to be construed as a waiver of any attorney-client privilege, work product doctrine, or any other applicable privilege or doctrine. To the extent any interrogatory may be
construed as calling for disclosure of information protected from discovery by the attorney-client privilege, the work product doctrine, or any other privilege or protection, a continuing objection to each and every such interrogatory is hereby interposed.

RESPONSES TO SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY NO. 1:

Identify the PERSON who located the DOCUMENT Bates stamped WNC123643 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 1:

Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome. This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.

SPECIAL INTERROGATORY NO. 2:

Identify the PERSON who located the DOCUMENT Bates stamped WNC123644 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 2:

Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and
given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome.

This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.

SPECIAL INTERROGATORY NO. 3:

Identify the PERSON who located the DOCUMENT Bates stamped WNC123636 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 3:

Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome.

This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.

SPECIAL INTERROGATORY NO. 4:

Identify the PERSON who located the DOCUMENT Bates stamped WNC124253 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 4:

Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome.

This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.
Objection. This request is vague and ambiguous as to the terms “located” and “for production,”
this request assumes the fact that any individual documents, let alone the specific document referenced,
were segregated in such a way that any specific individual can be identified to located this document,
this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and
given its incredibly low probative value, the burden involved in seeking to identify the specific person
who located this specific document for production in this action is oppressive and unduly burdensome.
This request likewise seeks to invade the attorney work product privilege. Subject to and without
waiving said objections, Responding Party hereby responds as follows: Responding Party, after
reasonable inquiry is unable to identify any single individual who identified or located this specific
document for production. The production of the great volume of documents in this action involved
many persons, including counsel for WNC, such that the identification of the individual who located this
specific document within WNC’s records for production in this action is not reasonably possible.

SPECIAL INTERROGATORY NO. 5:

Identify the PERSON who located the DOCUMENT Bates stamped WNC124235 for production
in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 5:

Objection. This request is vague and ambiguous as to the terms “located” and “for production,”
this request assumes the fact that any individual documents, let alone the specific document referenced,
were segregated in such a way that any specific individual can be identified to located this document,
this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and
given its incredibly low probative value, the burden involved in seeking to identify the specific person
who located this specific document for production in this action is oppressive and unduly burdensome.
This request likewise seeks to invade the attorney work product privilege. Subject to and without
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many persons, including counsel for WNC, such that the identification of the individual who located this
specific document within WNC’s records for production in this action is not reasonably possible.
SPECIAL INTERROGATORY NO. 6:
Identify the PERSON who located the DOCUMENT Bates stamped WNC124200 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 6:
Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome. This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.

SPECIAL INTERROGATORY NO. 7:
Identify the PERSON who located the DOCUMENT Bates stamped WNC123603 for production in this action.

RESPONSE TO SPECIAL INTERROGATORY NO. 7:
Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome. This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after
reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.

**SPECIAL INTERROGATORY NO. 8:**

Identify the PERSON who located the DOCUMENT Bates stamped WNC124199 for production in this action.

**RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

Objection. This request is vague and ambiguous as to the terms “located” and “for production,” this request assumes the fact that any individual documents, let alone the specific document referenced, were segregated in such a way that any specific individual can be identified to located this document, this request is likewise not reasonably calculated to lead to the discovery of admissible evidence, and given its incredibly low probative value, the burden involved in seeking to identify the specific person who located this specific document for production in this action is oppressive and unduly burdensome. This request likewise seeks to invade the attorney work product privilege. Subject to and without waiving said objections, Responding Party hereby responds as follows: Responding Party, after reasonable inquiry is unable to identify any single individual who identified or located this specific document for production. The production of the great volume of documents in this action involved many persons, including counsel for WNC, such that the identification of the individual who located this specific document within WNC’s records for production in this action is not reasonably possible.
Dated: May 20, 2016

LORBER, GREENFIELD & POLITO, LLP

By: ________________________, ________________________,
   Joyla Z. Greenfield, Esq.,
   Sean D. Allen, Esq.,
   Zachary R. Tomlin, Esq.
Attorneys for Defendant/Cross-Complainant
WESTERN NATIONAL CONSTRUCTION

Dated: May 20, 2016

GREEN & HALL, APC

By: ________________________,
   Samuel M. Danskin, Esq.
Attorneys for Defendant/Cross-Complainant
WESTERN NATIONAL CONSTRUCTION

WESTERN NATIONAL CONSTRUCTION RESPONSES TO LDI MECHANICAL, INC. AND AMPAM LDI
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