

1 Samuel A. Wyman (SBN 163030)
sawyman@wolfewyman.com
2 Rebecca J. Collaco (SBN 242772)
rjcollaco@wolfewyman.com
3 WOLFE & WYMAN LLP
2175 N. California Blvd., Suite 645
4 Walnut Creek, California 94596-3502
Telephone: (925) 280-0004
5 Facsimile: (925) 280-0005

6 Attorneys for Defendant/
Cross-Defendant/Cross-Complainant
7 ALLIANCE BUILDING
PRODUCTS, INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 CILKER APARTMENTS, LLC,

11 v.

12 WESTERN NATIONAL CONSTRUCTION, et al.
13 and DOES 1-100, inclusive,

14 Defendants.
15

Case No.: 113CV258281

**NOTICE OF DEPOSIT OF ALLIANCE
BUILDING PRODUCTS, INC.'S EXPERT
FILE**

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19 AND RELATED CROSS-ACTIONS
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21 **TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

22 Pursuant to Case Management Order No. One, Defendant/Cross-Defendant/Cross-
23 Complainant ALLIANCE BUILDING PRODUCTS, INC. ("ABP") has electronically deposited the
24 expert file of Eugene Nesbit and Mac McGarry to the document depository, located at Aiken &
25 Welch, 1 Kaiser Plaza, Suite 250, Oakland California 94612.

26 ABP objects to the Case Management Order to the extent it calls for the deposit and
27 production of documents and/or information protected by the attorney-client and attorney work
28



1 product privilege, the mediation privilege and all other applicable protections.

2 Discovery is continuing and ABP reserves the right to amend this response and deposit
3 additional expert witness documents in the document depository. ABP further reserves the right to
4 amend its responses during the course of litigation and to rely on and introduce any and all relevant
5 information to this action at the time of trial.

6 Subject to and without waiving the foregoing objections, the documents produced herewith
7 are bates stamped ABP-MKA 000001-005824.

8 Attached hereto as exhibit "A" is a privilege log of documents withheld.

9
10 DATED: June 23, 2016

WOLFE & WYMAN LLP

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13 By: 

SAMUEL A. WYMAN
REBECCA J. COLLACO

Attorneys for Defendant/Cross-Defendant/
Cross-Complainant

ALLIANCE BUILDING PRODUCTS, INC.



Exhibit "A"

Privilege Log –Madsen, Kneppers & Associates

Author	Recipient(s)	Date	Document Description	Privilege
R. Collaco	M. McGarry	7/10/15	Email Thread	Mediation/Settlement Privilege
R. Collaco	M. McGarry	9/22/15	Email Thread	Mediation/Settlement Privilege
R. Collaco	M. McGarry	9/25/15	Email Thread	Mediation/Settlement Privilege
M. McGarry		10/02/15	Document	Mediation/Settlement Privilege
M. McGarry/ E. Nesbit		1/20/16	Document	Mediation/Settlement Privilege
R. Collaco	M. McGarry/E. Nesbit	1/21/16	Email Thread	Mediation/Settlement Privilege
R. Collaco	M. McGarry	2/22/16	Email Thread	Mediation/Settlement Privilege
R. Collaco	M. McGarry	2/26/16	Email Thread	Mediation/Settlement Privilege

WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW





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PROOF OF E-SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA) ss.

I, Syreeta Shoals, declare:

I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not a party to the within action. My business address is 2175 N. California Blvd., Suite 645, Walnut Creek, California 94596-3502.

On the date shown below, I served the document(s) described as **NOTICE OF DEPOSIT OF ALLIANCE BUILDING PRODUCTS, INC.’S EXPERT FILE** on all interested parties in said action as follows:

- BY MAIL:** as follows:
 - STATE** - I am “readily familiar” with Wolfe & Wyman LLP’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Walnut Creek, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.
 - BY CERTIFIED MAIL** as follows: I am “readily familiar” with Wolfe & Wyman LLP’s practice for the collection and processing of correspondence for mailing with the United States Postal Service; such envelope will be deposited with the United States Postal Service on the above date in the ordinary course of business at the business address shown above; and such envelope was placed for collection and mailing, by Certified United States Mail, Return Receipt Requested, on the above date according to Wolfe & Wyman LLP’s ordinary business practice.
 - BY ELECTRONIC FILING AND SERVICE** as follows: Complying with California Code of Civil Procedure Section 1010.6, my electronic business address is lcwhite@wolfewyman.com I caused the above-entitled document to be served electronically per Court Order, and in compliance with Section 1010.6 of the California Code of Civil Procedure, on the designated recipients through Santa Clara Superior Court E-Service website at <http://www.scefiling.org> to all parties on the electronic service list This service complies with the Court’s order in this case.
 - STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 23, 2016 at Walnut Creek, California.

SYREETA SHOALS