February 27, 2023

Dear xxxxx,

On February 1, 2023, our client Michael H. Anderson propounded Special Interrogatories, Set Three, consisting of 34 interrogatories, upon your client, Defendant Alexis Waterford.

On February 24, 2023, Waterford served a hybrid set of responses to each interrogatory containing objections and certain substantive responses.

Please consider this letter our initial outreach in a good-faith attempt to meet-and-confer regarding your client’s responses, which were deficient as follows:

***Interrogatory No. 4***

Interrogatory No. 4 states:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Waterford’s ’s response was:

yyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyy

The above response is not code-compliant.

First, the duty to answer interrogatories extends beyond personal knowledge. If a party lacks personal knowledge sufficient to respond fully, the party must make “a reasonable and good-faith effort to obtain the information” from other sources. (CCP § 2030.220(c); Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants (2007) 148 Cal.App.4th 390, 406.) For example, the responding party must obtain and disclose information from sources under its control (Deyo v. Kilbourne (1978) 84 Cal.App.3d 771, 782), as well as information in its counsel's possession. (Smith v. Super. Ct. (1961) 189 Cal.App.2d 6, 11 [upholding, in personal injury case, interrogatory seeking names of persons who witnessed accident].)

Next, Counsel for corporate entities responding to discovery must ensure that the officer or agent designated to answer the interrogatories (1) makes reasonable inquiries of employees, agents, and persons under the company’s control and (2) conducts a reasonable search of the company’s business records. The entity must gather information necessary to answer the interrogatories from all sources under its control, even if the information is not personally known to the designated officer or agent. (Gordon v. Super. Ct. (1984) 161 Cal.App.3d 157, 167-168.)

Further, [optional, custom user-entered criticism.]

***Interrogatory No. 5***

Interrogatory No. 5 states:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Waterford’s ’s response was:

yyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyy

The above response is not code-compliant.

Black-letter law authorizes interrogatories that call for responses that furnish factual grounds for lay opinions or legal contentions. (CCP § 2030.010(b).) "An interrogatory is not objectionable because an answer to it involves an opinion or contention that relates to fact or the application of law to fact, or would be based on information obtained or legal theories developed in anticipation of litigation or in preparation for trial calls for a legal contention. (Ibid.; see also Rifkind v. Super. Ct. (1994) 22 Cal.App.4th 1255, 1261.)

Nonprivileged information that is relevant to the subject matter of the action is discoverable, even if it is inadmissible, if it appears reasonably calculated to lead to the discovery of admissible evidence. This standard gives the propounding party a broad right to discovery. (CCP § 2017.010; Williams v. Super. Ct. (2017), 3 Cal.5th 531, 541.) Any doubts about discoverability are resolved in favor of disclosure. (See Williams, 3 Cal.5th at 542.) “California’s pretrial discovery procedures are designed to minimize the opportunities for fabrication and forgetfulness, and to eliminate the need for guesswork about the other side’s evidence, with all doubts about discoverability resolved in favor of disclosure.” (Glenfed Dev. Corp. v. Super. Ct. (1997) 53 Cal.App.4th 1113, 1119.) To accomplish the legislative purpose behind the discovery statutes, they “must be construed liberally in favor of disclosure.” (Emerson Elec. Co. v Super. Ct. (1997) 16 Cal.4th 1101, 1107, quoting Greyhound Corp. v Super. Ct. (1961) 56 Cal.2d 355, 377 [emphasis added].)

***Request for Documents No.3***

Request for Documents No. 3 states:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Waterford’s response was:

yyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyy

The above response is not code-compliant.

If only part of an item or category demanded is objectionable, the response must contain an agreement to comply with the remainder, or a representation of inability to comply. [CCP § 2031.240(a)] (General objections to the entire request are unauthorized and constitute discovery misuse; see ¶ 8:1071 (dealing with interrogatories).)

Documents produced by the responding party must be sorted and labeled to correspond with the categories in the document demand. [CCP § 2031.280(a)] (Prior law permitted production of documents as they were kept in the ordinary course of business.) Sanctions possible for noncompliance: Sanctions may be assessed for production of documents that are in complete disorder if the court finds that the producing party is responsible for the disordered state. [Kayne v. Grande Holdings Ltd. (2011) 198 CA4th 1470, 1476, 130 CR3d 751, 755—producing party ordered to pay more than $74,000 of costs incurred by opposing party to organize documents; see ¶ 8:1508.2a]

Further, [optional, custom user-entered criticism.]

Cordially,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Big Shot Lawyer