{{ doc.date }}

**VIA Email only (abrady@bradyschwartz.com)**

Mr. Alexander M. Brady

Brady, Schwartz & Kassell LLP

1145 5th Avenue, Suite 120

Houston, TX 34587

Re: Written Discovery Meet-and-Confer

Jones v. Smith et al.; Sacramento County Case No. 34-2021-00283458

Dear Mr. Brady,

Please consider this letter our initial outreach in a good faith attempt to meet-and-confer regarding your client’s discovery responses. {% if propose\_call\_or\_meeting %}I propose we set a comma\_and\_list(propose\_call\_or\_meeting.true\_values(), and\_string='or') to discuss this once you’ve had a chance to review and consider our position.{% endif %}

{%p if (methods.true\_values())|length > 1 %}

On {{ discov.propound\_svc\_date }}, our client, {{ discov.propounder\_list.true\_values() }}, propounded upon your client, {{ discov.responder\_list.true\_values() }}, the following written discovery:

* {%p for method in methods.true\_values() %}
* {{ method }}, Set No. {{ objection\_categories[method].set\_no }}, consisting of {{ objection\_categories[method].number\_propounded}} {{ language\_table[method][‘plural’] }}, numbered {{ objection\_categories[method].start\_range }} through {{ objection\_categories[method].end\_range }}
* {%p endfor %}.

{% for method in methods.true\_values() %}On {{ discov.responses\_svc\_date }}, {{ discov.responder\_list.true\_values() }} served responses to those {{ language\_table[method][‘plural’] }} consisting of {{ objection\_categories[method].responses\_type }}.{% endfor %}

{%p else %}

On {{ discov.propound\_svc\_date }}, our client, {{ discov.propounder\_list.true\_values() }}, propounded upon your client, {{ discov.responder\_list.true\_values() }}, {% for method in methods.true\_values() %}{{ method }}, Set No. {{ objection\_categories[method].set\_no }}, consisting of {{ objection\_categories[method].number\_propounded}} {{ language\_table[method][‘plural’] }}, numbered {{ objection\_categories[method].start\_range }} through {{ objection\_categories[method].end\_range }},{% endfor %} and {% for method in methods.true\_values() %}on {{ discov.responses\_svc\_date }}, {{ discov.responder\_list.true\_values() }} served responses to those {{ language\_table[method][‘plural’] }} consisting of {{ objection\_categories[method].responses\_type }}.{% endfor %}

{%p endif %}

{%p if discov.responses\_untimely %}

Xxxxx’s responses were untimely, and thus all objections, including those based on privilege, are deemed waived. The Discovery Act obligates xxxx to serve substantive responses to yyyy’s {{ method }} without any objection.

{%p endif %}

**Discovery Deficiencies**

Your client’s discovery responses fail to comply with the Civil Discovery Act for the reasons detailed below.

{%p for method in methods %}

{%p for ncr in objection\_categories[method].ncr.true\_values() %}

***{{*** ***method }} No. {{ ncr }}***

The {{ language\_table[method][‘singular’] }} read as follows:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

{{ discov.responder\_list.true\_values() }}’s response to the above was:

yyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyy

This response fails to comply with the Discovery Act because {%p for objection in objection\_categories[method].objections[ncr].selected.true\_values() %}{{r dataloader.load\_row(to\_int(objection))["Summary"] | inline\_markdown }}

{{r dataloader.load\_row(to\_int(objection))["Blurb"] | inline\_markdown }}

{%p endfor %}

{%p if objection\_categories[method].objections[ncr].add\_custom\_critique %}

AND FURTHERMORE!!{{ objection\_categories[method].objections[ncr].custom\_critique }}

{%p endif %}

{%p endfor %}

{%p endfor %}

**Proposed Resolution**

Unlike some firms, we take seriously our meet-and-confer obligation to “talk the matter over, compare their views, consult, and deliberate[,]”[[1]](#footnote-1) and if we’re wrong on any of these issues, we’ll cop to it. To that end, if you know of any contrary legal authority or persuasive argument as to the issues described above, please forward it promptly to my attention. I will thoroughly review and carefully consider any relevant authorities you produce, binding/precedential or not, including unpublished appellate opinions, trial court rulings, treatises/legal encyclopedias, practice guides, out-of-state authorities, and even law review articles.

{%p if discov.proposal\_list.any\_true() %}

We are earnest in our desire to resolve this matter without wasteful litigation. As long as we can procure the discovery to which our client is entitled, we willing to consider {{ discov.proposal\_list.true\_values() }} or any other solution you may propose.

{%p endif %}

**Meet-and-Confer & Litigation Timing**

We respectfully request that you do the following:

1. Email me back at your next reasonable opportunity to confirm that you’ve received and are reviewing this letter;
2. Not later than **{{ response\_deadline }},** respond in writing to this letter with specific and on-point legal authority in support of any contrary position you may hold, or else serve verified, code-compliant further responses to {{ discov.propounder\_list }}’s {{ methods.true\_values() }};
3. {%p if request\_to\_extend\_MTC\_deadline %}
4. Confirm an agreement to continue CCP § 2031.310(b)’s 45-day Motion to Compel deadline until **{{ proposed\_MTC\_extension\_deadline }}** in order to give the parties sufficient time to confer on these issues.
5. {%p endif %}

We’re confident that reasonable minds will come to an agreement here, and we look forward to a cooperative and successful resolution of this matter.

Cordially,

{%p if doc.sign\_yes %}



{%p endif %}

Daniel R. Franklin

Managing Partner

1. *Ellis v. Toshiba Am. Info. Sys., Inc.* (2013) 218 Cal.App.4th 853, 880 [internal quotation marks, alterations, and ellipsis omitted].) [↑](#footnote-ref-1)