



May 2, 2025

Via E-Mail

Joseph Kellener
David R. Greene
Dignity Law Group, APC
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Re: Burbank v. Martinez
Claim No.: I8H5974
Our File No.: 2304-0049
Date of Loss: 11/25/2024

MEET AND CONFER RE PLAINTIFFS' DISCOVERY RESPONSES

Dear Counsel:

Please be advised that Plaintiffs' responses to Form Interrogatories and Requests for Admissions are deficient as set forth below. Please note that we are currently awaiting the corresponding verifications. The proof of service is inaccurate in that it states that I was served with the responses to Form Interrogatories and Requests for Admissions on April 30, 2025. No such service occurred.

We are still awaiting the Responses to Requests for Production of Documents, the production of the documents, as well as the corresponding verifications. Please provide those immediately as they are overdue per our correspondence of May 1, 2025. Given that we have not received these responses or the document production, we are reserving the right to further meet and confer on the responses to requests for production.

A. Responses to Form Interrogatories

Plaintiffs have failed to provide substantive responses to validly issued, judicially approved form interrogatories. "Misuses of the discovery process include but are not limited to...(d) Failing to respond or to submit to an authorized method of discovery." Code Civ. Proc. § 2023.010(d).

Both Plaintiffs did not respond to the background interrogatories, namely 2.2; 2.3; 2.4; 2.6; and 2.7. Objections were waived due to your failure to respond by the

LOS ANGELES

1150 S. Olive Street
Eighteenth Floor
Los Angeles, CA 90015
Tel 213-624-8700
Fax 213-892-2763

ORANGE COUNTY

1100 Town & Country Road
Suite #1450
Orange, CA 92868
Tel 714-937-1010
Fax 714 937-1003

SAN DIEGO

185 West F Street
4th Floor
San Diego, CA 92101
Tel 619-814-2169
Fax 619-356-4968

REPLY TO: SAN DIEGO

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extension deadline. Furthermore, these are judicially approved form interrogatories that are standard in every case. The failure to provide responses to these interrogatories constitutes a misuse of the discovery process. Further, the plaintiffs have a **duty to provide “complete” answers**. Each answer in the response must be “as *complete* and *straightforward* as the information reasonably available to the responding party permits. If an interrogatory cannot be answered completely, it shall be answered to the extent possible.” (CCP § 2030.220(a), (b) (emphasis added).) False or evasive responses are improper. Indeed, an evasive response is grounds for sanctions. (see CCP § 2023.010(f).)

1. Jennifer Burbank’s Responses

Ms. Burbank’s injury claims involve what appear to be mental health related claims. In her response to Form Interrogatory 6.7, she states that “physical therapy sessions are ongoing, potential counseling/therapy, not yet assigned a specialist.” While this may be a typo, please amend the responses to disclose what type of injury(ies) she is alleging that would require physical therapy.

The response to Form Interrogatory 7.1 is wholly inadequate. Plaintiff has a duty to review the documentation and items in her possession to provide this information to the defense. How does Plaintiff not know the value of the items she is claiming as damaged? The response to Form Interrogatory 7.3 then states that the damaged items were “tossed away” which raises a spoliation of evidence issue.

With respect to Form Interrogatory 8.2, Ms. Burbank is making a wage loss claim but does not provide any information as to her employer, the nature of her employment, or any other identifying information so that Defendants can issue a subpoena for these records. The claim of privacy is laughable and improper. Ms. Burbank is alleging lost wages in this litigation. She cannot then refuse to provide any documentation for the defense to evaluate this claim. If she wishes to withdraw this claim, there will be no need to supplement this response. Similarly, the response to 8.3 is inadequate as it specifically requests a date. The response to 8.4 is incomplete as it does not state how the amount was calculated. The remainder of the 8.0 series is deficient for the failure to respond to the entire interrogatory. These responses are evasive and sanctionable.

As to the response to Form Interrogatory 10.3(b), it is incomplete. Simply putting “Defendant” is not sufficiently specific as there are multiple named Defendants in this action. Form Interrogatory 11.1(b) and (c) were not responded to. Please amend.

The response to 12.4 is incomplete and evasive. The interrogatory specifically asks for the number of photographs or videos; the places; and the person taking the photographs and in possession of same. Simply putting “plaintiff” is insufficient as there are two plaintiffs in this case. The response to 12.6 is similarly deficient in that the entire call of the interrogatory is not responded to. The response of broadly listing a category

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(e.g. LAHD) without further specification as required in the interrogatory is again evasive.

As to Form Interrogatory 14.2, please respond to (b) and (c). If Plaintiffs contend that the Defendants were cited/charged, then what is the basis or grounds for that citation/charge?

With respect to 17.1, plaintiff has failed to respond to (d) which requires the identification of all documents and other tangible things that the response, and provide the contact information for each person who has each document or thing.

2. James Burbank's Responses

Plaintiff failed to respond to Form Interrogatory 6.4(d). It is not credible that plaintiff would seek medical treatment and have no receipt for the services.

The response to Form Interrogatory 7.1 is wholly inadequate. Zero information was provided. Plaintiff cannot state "not applicable" but still make a claim for property damage. The response to Form Interrogatory 7.3 then states that the damaged items were "tossed away" which raises a spoliation of evidence issue.

With respect to Form Interrogatory 8.2, Mr. Burbank is making a wage loss claim but does not provide any information such that Defendants can issue a subpoena for these records. The claim of privacy is laughable and improper. Mr. Burbank is alleging lost wages in this litigation. He cannot then refuse to provide further information, including the name of his employer as required in the background interrogatories.

The response to 12.4 is incomplete and evasive. The interrogatory specifically asks for the number of photographs or videos; the places; and the person taking the photographs and in possession of same. Simply putting "plaintiff" is insufficient as there are two plaintiffs in this case. The response to 12.6 is similarly deficient in that the entire call of the interrogatory is not responded to. The Building Inspector made the report for himself?

As to Form Interrogatory 14.2, please respond to (b) and (c). If Plaintiffs contend that the Defendants were cited/charged, then what is the basis or grounds for that citation/charge?

With respect to 17.1, plaintiff has failed to respond to (d) which requires the identification of all documents and other tangible things that the response and provide the contact information for each person who has each document or thing.

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B. Responses to Requests for Admissions

Both plaintiffs' response to request for admission no. 5 is not code compliant. The response provided violates Code of Civil Procedure § 2033.220(c), which requires that if a responding party lacks sufficient information to admit or deny, it must state that it "has made reasonable inquiry and that the information known or readily obtainable by [it] is insufficient to enable [it] to admit or deny."

C. Responses to Requests for Production

As noted above, there were no responses provided. All objections have been waived. We will be seeking court intervention for the failure to respond.

D. Conclusion

We are optimistic that we can resolve these issues informally. Please provide amended, code compliant responses to the Form Interrogatories and Requests for Admission on or before close of business on **May 9, 2025**. If we do not receive responses, we will seek appropriate court intervention, including motions to compel and requests for sanctions. Thank you for your attention to this matter. Please feel free to contact our office with any questions.

Sincerely,

Lynberg & Watkins, APC

A handwritten signature in blue ink, appearing to read "Shanna M. Van Wagner".

Shanna M. Van Wagner
Partner

cc: Lane E. Webb, Esq. (via email)
Stephanie George (via email)