



June 26, 2025

Via E-Mail

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Re: Burbank v. Martinez
Claim No.: I8H5974
Our File No.: 2304-0049
Date of Loss: 11/25/2024

SECOND MEET AND CONFER RE PLAINTIFFS' DISCOVERY RESPONSES

Dear Counsel:

Please be advised that Plaintiffs' responses to Form Interrogatories and Requests for Production are deficient as set forth below. Please note that this is our second attempt to meet and confer on the issues raised in this letter. As you know, we have pending motions to compel already on file with the Court.

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).

The failure to provide complete 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).)

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REPLY TO: SAN DIEGO

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1. Jennifer Burbank's Responses

Jennifer's response to Form Interrogatory 12.3 is incomplete as it does not provide a date for the statements obtained. A range is not an appropriate response. The response to Form Interrogatory 12.4 is incomplete and evasive. The interrogatory specifically asks for the dates taken. Providing a 20-month potential range is insufficient. The response to 12.6 is similarly deficient in that the entire call of the interrogatory is not responded to. The subsections (a) and (b) are not responded to. As such, please provide (a) the name, title, identification number, and employer of the PERSON who made the report; and (b) the date and type of report made.

As to Form Interrogatories 14.1 and 14.2, please respond to the entire question. 14.1 specifically asks for the statute, ordinance, or regulation that was violated. As with 14.2, subsection (b) remains unanswered.

With respect to 17.1, the response provided subsection (d) provides inadequate information with respect to the documentation supporting the responses. For example, stating that supporting documents include "text messages" without further specification (or identification by an exhibit number or bates range) does not provide enough information to identify these documents. Please supplement this response.

2. James Burbank's Responses

As to Form Interrogatory 2.5(c), the response states that James lived at the subject unit from 09/08/2030 to the present. This appears to be a clerical error, but please confirm.

James did not provide a complete response to Form Interrogatory 2.6(b). The interrogatory clearly requests the dates of employment, the job title, and nature of work for each employer you have had from five years before the INCIDENT until today. Please provide the outstanding additional information.

With respect to Form Interrogatory 6.5(c), James states that he bought Ibuprofen in October 2025. Again, this appears to be a clerical error, however, please confirm.

The responses to Form Interrogatories 12.1-12.3 appear to be evasive. It is unbelievable that there are no witnesses to the incident. While it is possible that there were no interviews, the videos provided include recorded statements of different individuals.

The response to Form Interrogatory 12.4 is incomplete and evasive. The interrogatory specifically asks for the dates taken. Providing a 20-month potential range is insufficient. The response to 12.6 is similarly deficient in that the entire call of the interrogatory is not responded to. The subsections (a) and (b) are not responded to. As

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As to Form Interrogatories 14.1 and 14.2, please respond to the entire question. 14.1 specifically asks for the statute, ordinance, or regulation that was violated. As with 14.2, subsection (b) remains unanswered.

With respect to 17.1, the response provided subsection (d) provides inadequate information with respect to the documentation supporting the responses. For example, stating that supporting documents include “text messages” without further specification (or identification by an exhibit number or bates range) does not provide enough information to identify these documents. Please supplement this response.

B. Responses to Requests for Production

The responses to requests for production are also deficient and non-compliant. Pursuant to Code of Civil Procedure section 2031.280(a), any documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling shall be identified with the specific request number to which the documents respond. Plaintiffs’ responses for which documents will be produced simply state, “Please see documents attached hereto.” Plaintiffs also provided a link for which there were 644 items produced. There is no indication as to which documents or items are responsive to the different requests. 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 Cal.App.4th 1470, 1476.) We reserve the right to raise additional objections once the documents are properly tied to the requests to which they are responsive.

C. Conclusion

Please provide amended, code compliant responses to the Form Interrogatories and Requests for Production on or before close of business on **July 10, 2025**. Should you need additional time to confer with your clients and supplement the deficient responses as outlined above, we are happy to grant an extension contingent upon a reciprocal extension of time for the Defendants to bring any motions to compel further responses.

If we do not receive responses, we will seek appropriate court intervention, including amending our pending motions to compel and requests for sanctions. Thank

Re: **Burbank v Martinez**

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you for your attention to this matter. Please feel free to contact our office with any questions.

Sincerely,

Lynberg & Watkins, APC



Shanna M. Van Wagner
Partner

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