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Attorneys for Defendants BRAD MARTINEZ, VICKI MARTINEZ and GAIL D. CALHOUN,
AS TRUSTEE OF THE GAIL D. CALHOUN FAMILY TRUST

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – ALHAMBRA COURTHOUSE

JAMES BURBANK, an individual;
JENNIFER BURBANK, an individual;

Plaintiffs,

vs.

BRAD MARTINEZ, an individual; VICKI
MARTINEZ, an individual; GAIL D.
CALHOUN, as TRUSTEE of the GAIL D.
CALHOUN FAMILY TRUST; LOTUS
PROPERTY MANAGEMENT, INC.; BRIAN
GORDON, an individual; SALLY
GUTIERREZ, an individual; GRACE
CHENG, an individual; DOES 1 – 50,
inclusive;

Defendants.

CASE NO: 24NNCV06082

*Assigned for All Purposes to:
Hon. Sarah J. Heidel .– Dept. V*

**DEFENDANT BRAD MARTINEZ’S
REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF JAMES
BURBANK, SET ONE**

*Trial Date: None Set
Complaint Filed: November 25, 2024*

PROPOUNDING PARTY : BRAD MARTINEZ

RESPONDING PARTY : JAMES BURBANK

SET NO. : ONE

**TO PLAINTIFF JAMES BURBANK AND TO HIS RESPECTIVE ATTORNEYS
OF RECORD:**

PLEASE TAKE NOTICE that, in accordance with California Code of Civil Procedure
section 2031.010, et seq. and 2031.210, et seq., Defendant BRAD MARTINEZ (“Propounding
Party”) hereby requests that Plaintiff JAMES BURBANK (“Responding Party”) respond fully,
separately, in writing and under oath to each of the following requests within thirty (30) days after

1 service of these requests; and that Responding Party produce for inspection and copying each and
2 all of the documents and other things of evidence described below at the office of Lynberg &
3 Watkins, APC, located at 185 West F Street, 4th Floor, San Diego, CA 92101, within thirty (30)
4 days after service of these requests.

5 PLEASE TAKE FURTHER NOTICE THAT, in accordance with California Code of Civil
6 Procedure section 2031.240, Propounding Party requests that, if a document or other thing of
7 evidence responsive to any of the following requests is withheld due to a claimed privilege, that
8 Responding Party also:

- 9 1. Expressly make the claim of privilege; and
- 10 2. Identify the documents, tangible things, and/or electronically stored information not
11 being produced or disclosed with sufficient particularity to enable Propounding Party to assess the
12 claim of privilege, including:
 - 13 a. The date, subject matter, and No. of pages of each document;
 - 14 b. The name(s) of the person or persons who participated in the preparation or
15 creation of the documents;
 - 16 c. A list of all persons to whom the document was shown, circulated, copied
17 or disclosed; and the privilege or protection being claimed.

18 **INSTRUCTIONS**

19 A DOCUMENT is deemed to be in YOUR possession, custody, care or control if it is in
20 YOUR physical custody, or if it is in the physical custody of any other person and YOU either
21 own such DOCUMENT in whole or in part or have a right by contract, statute or otherwise to use,
22 inspect, examine or copy such DOCUMENT on demand or on any terms; or if YOU have an
23 understanding, express or implied, that YOU may use, inspect, examine or copy such
24 DOCUMENT on any terms; or YOU have, as a practical matter, been able to use, inspect,
25 examine or copy such DOCUMENT when YOU have sought to do so. Such DOCUMENTS shall
26 include, but are not limited to, originals (or copies where originals are not available), any
27 information preserved in electronic form, and any marginal or interlineal comment appearing on
28 any DOCUMENTS. To the extent that any of the DOCUMENTS responsive to these requests

originate from electronic files, those files are to be bates-numbered and produced in searchable PDF images, including relevant metadata.

DEFINITIONS

The term "DOCUMENTS" shall mean a writing as defined by California Evidence Code Section 250, including, but not limited to, handwriting, typewriting, printing, photography, photocopies, transmittals by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. It also includes, without limitation, electronically stored information generated and/or stored on YOUR computers, including e-mail, web pages, word processing files, audio and video files, images, computer databases, or on storage media, including hard drives (external and internal), thumb drives, CD-ROMS, and DVDs. To the extent that any of the DOCUMENTS responsive to these demands originate from electronic files, those files are to be produced in native format.

As used herein, the terms "YOU" and "YOUR" means Plaintiff JAMES BURBANK ("Responding Party") and his representatives, agents, assignors, and all persons or entities presently or formally acting for or purporting to act on behalf of same.

The term "COMPLAINT" shall refer to the Operative Complaint filed by Plaintiff on or about November 25, 2024, in the Superior Court of California, County of Los Angeles, Case Number 24NNCV06082.

The term "SUBJECT PROPERTY" shall refer to the rented apartment located at 518 N. Stoneman Avenue, Alhambra, California, as identified by Plaintiffs in their COMPLAINT.

The term "INCIDENT" or "INCIDENTS" shall refer to the factual allegations made in Plaintiff's COMPLAINT which Plaintiff alleges caused him to incur the alleged injuries and damages stated therein.

The term "DEFENDANTS" shall refer to named Defendants BRAD MARTINEZ, VICKI MARTINEZ and GAIL D. CALHOUN, AS TRUSTEE OF THE GAIL D. CALHOUN FAMILY TRUST.

1 **REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

2 **REQUEST FOR PRODUCTION NO. 1:**

3 All bills, receipts, invoices, checks, insurance statements, insurance bills, bookkeeping
4 records, accounting records, correspondence, personal diaries, or any other DOCUMENTS
5 reflecting in nature and/or amount any expenses, other than medical expenses, allegedly incurred
6 by YOU as a result of the INCIDENT.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 If YOU are claiming lost income or loss of earnings as a result of this INCIDENT, all
9 DOCUMENTS, correspondence, income statements, partnership records, checks, deposit receipts,
10 bank statements, work forms, accounting records, bookkeeping records, personal diaries,
11 calendars, and tax returns reflecting the nature and/or the amount of all income or earnings
12 received by YOU, including but not limited to, income from employers, partnerships, investments,
13 pension payments, self-employment and rental income, during each year for the four (4) years
14 prior to the date of the INCIDENT to the present.

15 **REQUEST FOR PRODUCTION NO. 3:**

16 If YOU are claiming any other special damages (beyond those listed in the requests above)
17 as a result of this INCIDENT, all DOCUMENTS, bills, receipts, checks, invoices, medical bills,
18 medical receipts, insurance bills, insurance statements, bookkeeping records, and accounting
19 records of any type that reflect the nature and/or amount of all other such special claimed losses
20 and the date incurred for.

21 **REQUEST FOR PRODUCTION NO. 4:**

22 All photographs in YOUR possession, custody, or control that depict the INCIDENT
23 LOCATION. (Note that black and white or low-resolution photocopies of photographs are not
24 responsive to this request. Please provide high resolution color copies, negatives, or non-
25 compressed digital copies of any photographs.).

26 **REQUESTS FOR PRODUCTION NO. 5:**

27 All DOCUMENTS in YOUR possession, custody, or control that support YOUR claims
28 for damages as alleged in YOUR COMPLAINT.

1 **REQUEST FOR PRODUCTION NO. 6:**

2 All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR
3 allegation that DEFENDANTS had notice of each condition alleged in YOUR COMPLAINT.

4 **REQUEST FOR PRODUCTION NO. 7:**

5 All DOCUMENTS in YOUR possession, custody or control that pertain to each and every
6 condition at the SUBJECT PROPERTY that is alleged to have caused YOU harm.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 A copy of YOUR Medicare, Medicaid, Medi-CAL, and/or health insurance card(s) from
9 the date of the INCIDENT to the present.

10 **REQUEST FOR PRODUCTION NO. 9:**

11 All DOCUMENTS provided by and/or sent to YOU from the Center for Medicare/
12 Medicaid Services (CMS) in relation to injuries YOU allege were sustained as a result of the
13 INCIDENT.

14 **REQUEST FOR PRODUCTION NO. 10:**

15 All correspondence with Medicare, Medi-CAL, Center for Medicare Services, Center for
16 Medi-CAL Services, or any other entities affiliated with Medicare in relation to injuries YOU
17 allege were sustained as a result of the INCIDENT.

18 **REQUEST FOR PRODUCTION NO. 11:**

19 All Medicare conditional payment summaries and final demand letters that YOU received
20 from Medicare in relation to injuries YOU allege were sustained as a result of the INCIDENT.

21 **REQUEST FOR PRODUCTION NO. 12:**

22 All DOCUMENTS that support each of YOUR contentions of liability against
23 DEFENDANTS in relation to the INCIDENT.

24 **REQUEST FOR PRODUCTION NO. 13:**

25 All DOCUMENTS, including photographs, in YOUR possession, custody, or control that
26 depict YOUR injuries alleged in YOUR COMPLAINT.

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REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS in YOUR possession, custody, or control regarding or pertaining to any and all communications between YOU and DEFENDANTS.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 4.1.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 6.1.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 6.4.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 6.5.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 6.6.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 6.7.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 7.1.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 7.2.

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REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 7.3.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 8.4.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 8.6.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 8.7.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 8.8.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 10.1.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 10.2.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 10.3.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 12.1.

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REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 12.3.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 12.4.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 12.5.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 12.6.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 13.2.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS in YOUR possession, custody or control that are identified, referred to, or that support YOUR response to Propounding Party's Form Interrogatory No. 50.1.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR first cause of action for Negligence as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR second cause of action for Breach of Implied Warranty of Habitability as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR third cause of action for Nuisance as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR fourth cause of action for Breach of the Implied Covenant of Peaceful and Quiet Enjoyment as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR fifth cause of action for Constructive Eviction as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR sixth cause of action for Retaliatory Eviction as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR seventh cause of action for Negligent Infliction of Emotional Distress as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR eighth cause of action for Violation of Civil Code Section 1940.2 as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR ninth cause of action for Violation of Civil Code Section 1942.4 as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR tenth cause of action for Violation of the Unruh Civil Rights Act, Civil Code Section 51, et seq., as alleged in YOUR COMPLAINT.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS in YOUR possession, custody or control that pertain to YOUR eleventh cause of action for Housing Discrimination in Violation of FEHA [Gov. Code Section 12955] as alleged in YOUR COMPLAINT.

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1 **REQUEST FOR PRODUCTION NO. 49:**

2 All DOCUMENTS evidencing any indoor air quality testing or data conducted at the
3 SUBJECT PROPERTY during YOUR tenancy.

4 **REQUEST FOR PRODUCTION NO. 50:**

5 All DOCUMENTS evidencing any mold testing or data conducted at the SUBJECT
6 PROPERTY during YOUR tenancy.

7 **REQUEST FOR PRODUCTION NO. 51:**

8 All DOCUMENTS evidencing any complaints made by YOU to any government agency
9 regarding YOUR tenancy at the SUBJECT PROPERTY

10
11 DATED: March 21, 2025

LYNBERG & WATKINS
A Professional Corporation

12
13 By: 

14 LANE E. WEBB, Esq.
15 SHANNA VAN WAGNER, Esq.
16 Attorneys for Defendants BRAD MARTINEZ,
17 VICKY MARTINEZ and GAIL D. CALHOUN,
as Trustee of the GAIL D. CALHOUN FAMILY
TRUST

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 185 W F Street, Suite 400, San Diego, CA 92101.

On **March 21, 2025**, I served the foregoing document(s) described as **DEFENDANT BRAD MARTINEZ'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF JAMES BURBANK, SET ONE** on the interested parties by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Joseph Kellener
David R. Greene
Dignity Law Group, APC
14401 Sylvan St, Ste 102
Van Nuys, CA 91401
Tel: (323) 212 5365
Email: info@dignitylawgroup.com

Counsel for Plaintiff(s):

- ☐ **BY MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, I deposited such envelope in the mail at San Diego, California.
- ☒ **BY E-MAIL:** I caused all of the pages of the above-entitled document to be sent to the recipient(s) noted via email at the respective email address(es) indicated above.
- ☐ **BY FEDERAL EXPRESS/OVERNIGHT MAIL:** I caused the above-described document to be served on the interested parties noted as follows by Federal Express/Overnight Mail.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the office(s) of the addressee via messenger.
- ☐ **BY ELECTRONIC TRANSFER** via electronic filing service provider and pursuant to *California Rules of Court*, Rule 2.251, sent by e-Service through e-Filing Portal at the time the documents were electronically filed. The service was made on the email addresses listed with the court.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **March 21, 2025**, at San Diego, California.



Danielle Trevino