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

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

**DEFENDANT BRAD MARTINEZ’S
 REPONSES TO PLAINTIFF JENNIFER
 BURBANK’S FORM
 INTERROGATORIES, SET ONE**

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

PROPOUNDING PARTY: Plaintiff, JENNIFER BURBANK

RESPONDING PARTY: Defendant, BRAD MARTINEZ

SET NO.: ONE

TO PLAINTIFF AND HER RESPECTIVE ATTORNEYS OF RECORD:

Pursuant to Sections 2030.210, *et seq.*, of the California Code of Civil Procedure,
 Defendant BRAD MARTINEZ (“Responding Party”) hereby submits these objections and
 responses to the First Set of Form Interrogatories propounded by Plaintiff JENNIFER BURBANK

1 (“Propounding Party”) as follows:

2 **PRELIMINARY STATEMENT**

3 Responding Party has not completed its investigation of the facts relating to this case, its
4 discovery or its preparation for trial. All responses and objections contained herein are based only
5 upon information that is presently available to and specifically known by Responding Party. It is
6 anticipated that further discovery, independent investigation, legal research and analysis will
7 supply additional facts and add meaning to known facts, as well as establish entirely new factual
8 conclusions and legal contentions, all of which may lead to substantial additions to, changes in and
9 variations from the responses set forth herein.

10 These responses, while based on diligent inquiry and investigation by Responding Party,
11 reflect only the current state of Responding Party’s knowledge, understanding, and belief, based
12 upon the information reasonably available to it at this time. As this action proceeds, and further
13 investigation and discovery are conducted, additional or different facts and information could be
14 revealed to Responding Party. Moreover, Responding Party anticipates that Propounding Party
15 may make legal or factual contentions presently unknown to and unforeseen by Responding Party
16 which may require Responding Party to adduce further facts in rebuttal to such contentions.
17 Consequently, Responding Party may not yet have knowledge and may not fully understand the
18 significance of information potentially pertinent to these responses. Accordingly, these responses
19 are provided without prejudice to Responding Party’s right to rely upon and use any information
20 that it subsequently discovers, or that was omitted from these responses as a result of mistake,
21 inadvertence, surprise, or excusable neglect. Without in any way obligating itself to do so,
22 Responding Party reserves the right to modify, supplement, revise, or amend these responses, and
23 to correct any inadvertent errors or omissions which may be contained herein, in light of the
24 information that Responding Party may subsequently obtain or discover.

25 Nothing in this response should be construed as an admission by Responding Party with
26 respect to the admissibility or relevance of any fact or document, or of the truth or accuracy of any
27 characterization or statement of any kind contained in Propounding Party’s interrogatories.

28 Each of the following responses is made solely for the purpose of this action. Each

1 response is subject to all objections as to relevance, materiality, and admissibility, and to any and
2 all objections on any ground that would require exclusion of any response if it were introduced in
3 court. All objections and grounds are expressly reserved and may be interposed at the time of
4 trial, hearing, or otherwise. Furthermore, each of the objections contained herein is incorporated
5 by reference as though fully set forth in each response.

6 The following objections and responses are made without prejudice to Responding Party's
7 right to produce at trial, or otherwise, evidence regarding any subsequently discovered
8 information. Responding Party accordingly reserves the right to modify and amend any and all
9 responses herein as research is completed and contentions are made.

10 Nothing contained herein is to be construed as a waiver of any attorney-client privilege,
11 work product doctrine, or any other applicable privilege or doctrine. To the extent any
12 interrogatory may be construed as calling for disclosure of information protected from discovery
13 by the attorney-client privilege, the work product doctrine, or any other privilege or protection, a
14 continuing objection to each and every such interrogatory is hereby interposed.

15 **GENERAL OBJECTIONS TO INTERROGATORIES**

16 Responding Party generally objects to the Interrogatories as follows:

17 A. Responding Party objects generally to the Interrogatories to the extent that they seek to
18 elicit information that is neither relevant to the subject matter of this action, nor reasonably
19 calculated to lead to the discovery of admissible evidence.

20 B. Responding Party objects generally to the Interrogatories to the extent that they are
21 unreasonably overbroad in scope, and thus burdensome and oppressive, in that each such
22 interrogatory seeks information pertaining to items and matters that are not relevant to the subject
23 matter of this action, or, if relevant, so remote therefrom as to make its disclosure of little or no
24 practical benefit to Propounding Party, while placing a wholly unwarranted burden and expense on
25 Responding Party in locating, reviewing and producing the requested information.

26 C. Responding Party objects generally to the Interrogatories to the extent that they are
27 burdensome and oppressive, in that ascertaining the information necessary to respond to them
28 would require the review and compilation of information from multiple locations, and voluminous

1 records and files, thereby involving substantial time of employees of Responding Party and great
2 expense to Responding Party, whereas the information sought to be obtained by Propounding
3 Party would be of little use or benefit to Propounding Party.

4 D. Responding Party objects generally to the Interrogatories to the extent that they are
5 vague, uncertain, overbroad, and without limitation as to time or specific subject matter.

6 E. Responding Party objects generally to the Interrogatories to the extent that they seek
7 information at least some of which is protected by the attorney-client privilege or the attorney
8 work-product doctrine, or both.

9 F. Responding Party objects generally to the Interrogatories to the extent that they seek to
10 have Responding Party furnish information that is a matter of the public record, and therefore is
11 equally available to the Propounding Party as they are to Responding Party.

12 G. Responding Party objects generally to the Interrogatories to the extent that they seek to
13 have Responding Party furnish information that is proprietary to Responding Party and contain
14 confidential information.

15 H. Responding Party objects to the interrogatories, and to any individual interrogatory set
16 forth therein, to the extent that they are compound and constitute an impermissible effort to
17 circumvent the 35 special interrogatory limit set by Section 2030.030 of the California Code of
18 Civil Procedure.

19 I. Responding Party expressly incorporates each of the foregoing General Objections into
20 each specific response to the interrogatories set forth below as if set forth in full therein. An
21 answer to an interrogatory is not intended to be a waiver of any applicable specific or general
22 objection to such interrogatory.

23 Without waiver of the foregoing, Responding Party further responds as follows:

24 **RESPONSES TO FORM INTERROGATORIES**

25 **RESPONSE TO FORM INTERROGATORY NO. 1.1:**

26 Responding Party, and counsel of record, Shanna M. Van Wagner, Esq. of Manning &
27 Kass, Ellrod, Ramirez, Trester, LLP, 225 Broadway, Suite 2000, San Diego, California 92101.

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FORM INTERROGATORY NO. 2.1:

State:

- a. Your name;
- b. Every name you have used in the past; and
1. c. The dates you used each name

RESPONSE TO FORM INTERROGATORY NO. 2.1:

Subject to, and without waiving the foregoing objections, Responding Party responds as follows:

- a. Brad Martinez;
- b. Bradford Martinez; and
- c. Brad Martinez (Birth to Present) and Bradford Martinez (Birth to Present).

FORM INTERROGATORY NO. 2.2:

State the date and place of your birth.

RESPONSE TO FORM INTERROGATORY NO. 2.2:

February 28, 1972 and Arcadia, California.

FORM INTERROGATORY NO. 2.3:

At the time of the INCIDENT, did you have a driver's license? If so, state:

- a. The state or other issuing entity;
- b. The license number and type;
- c. The date of issuance; and
- d. All restrictions.

RESPONSE TO FORM INTERROGATORY NO. 2.3:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: Yes.

- a. California;
- b. A3577729 and Class C;
- c. January 10, 2024; and

d. No restrictions.

FORM INTERROGATORY NO. 2.4:

At the time of the INCIDENT, did you have any other permit or license for the operation of a motor vehicle? If so, state:

- a. The state or other issuing entity;
- b. The license number and type;
- c. The date of issuance; and
- d. All restrictions.

RESPONSE TO FORM INTERROGATORY NO. 2.4:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 2.5:

State:

- a. Your present ADDRESS;
- b. Your residence ADDRESSES for the past five years; and
- c. The dates you lived at each ADDRESS.

RESPONSE TO FORM INTERROGATORY NO. 2.5:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows:

- a. 1113 North Hidalgo Avenue, Alhambra, California 91801;
- b. 1113 North Hidalgo Avenue, Alhambra, California 91801; and
- c. 2009 to present.

FORM INTERROGATORY NO. 2.6:

State:

a. The name, ADDRESS, and telephone number of your present employer or place of self-employment; and

b. The name, ADDRESS, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the INCIDENT until today.

RESPONSE TO FORM INTERROGATORY NO. 2.6:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows:

a. WSP, 888 South Figueroa, Los Angeles, California 90017, (213) 362-9470; and

b. IT Professional.

FORM INTERROGATORY NO. 2.7:

State:

a. The name and ADDRESS of each school or other academic or vocational institution you have attended, beginning with high school;

b. The dates you attended;

c. The highest grade level you have completed; and

d. The degrees received.

RESPONSE TO FORM INTERROGATORY NO. 2.7:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows:

a. Arcadia High School and California State Polytechnic University;

b. Arcadia High School (Class of 1990), California State Polytechnic University (Class of 1999),

c. Master of Arts; and

d. Arcadia High School (High School Diploma) and California State Polytechnic

University (Bachelor of Arts and Master of Arts).

FORM INTERROGATORY NO. 2.8:

Have you ever been convicted of a felony? If so, for each conviction state:

- a. The city and state where you were convicted;
- b. The date of conviction;
- c. The offense; and
- d. The court and case number.

RESPONSE TO FORM INTERROGATORY NO. 2.8:

Objection. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 2.9:

Can you speak English with ease? If not, what language and dialect do you normally use?

RESPONSE TO FORM INTERROGATORY NO. 2.9:

Yes.

FORM INTERROGATORY NO. 2.10:

Can you read and write English with ease? If not, what language and dialect do you normally use?

RESPONSE TO FORM INTERROGATORY NO. 2.10:

Yes.

FORM INTERROGATORY NO. 2.11:

At the time of the INCIDENT were you acting as an agent or employee for any PERSON? If so, state:

- a. The name, ADDRESS, and telephone number of that PERSON; and
- b. A description of your duties.

RESPONSE TO FORM INTERROGATORY NO. 2.11:

Objection. This interrogatory is vague, ambiguous, overbroad, and calls for a legal

conclusion.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 2.12:

At the time of the INCIDENT did you or any other person have any physical, emotional, or mental disability or condition that may have been contributed to the occurrence of the INCIDENT? If so, for each person state:

- a. The name, ADDRESS, and telephone number;
- b. The nature of the disability or condition; and
- c. The manner in which the disability or condition contributed to the occurrence of the

INCIDENT.

RESPONSE TO FORM INTERROGATORY NO. 2.12:

Objection. This interrogatory is vague, ambiguous, and overbroad.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: None as to Responding Party. Unknown as to others.

FORM INTERROGATORY NO. 2.13:

Within 24 hours before the INCIDENT did you or any person involved in the INCIDENT use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:

- a. The name, ADDRESS, and telephone number;
- b. The nature or description of each substance;
- c. The quantity of each substance used or taken;
- d. The date and time of day when each substance was used or taken;
- e. The ADDRESS where each substance was used or taken;
- f. The name, ADDRESS, and telephone number of each person who was present
- when each substance was used or taken; and
- g. The name, ADDRESS, and telephone number of any HEALTH CARE

PROVIDER who prescribed or furnished the substance and the condition for which it was

prescribed or furnished.

RESPONSE TO FORM INTERROGATORY NO. 2.13:

Objection. This interrogatory is vague, ambiguous, and overbroad. The interrogatory seeks information that is irrelevant to the subject action, will not lead to the discovery of admissible evidence, and invades Responding Party's right to privacy.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.1:

Are you a corporation? If so, state:

- a. The name stated in the current articles of incorporation;
- b. All other names used by the corporation during the past 10 years and the dates each was used;
- c. The date and place of incorporation;
- d. The ADDRESS of the principal place of business; and
- e. Whether you are qualified to do business in California.

RESPONSE TO FORM INTERROGATORY NO. 3.1:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.2:

Are you a partnership? If so, state:

- a. The current partnership name;
- b. All other names used by the partnership during the past 10 years and the dates each was used;
- c. Whether you are a limited partnership and, if so, under the laws of what jurisdiction;
- d. The name and ADDRESS of each general partner; and
- e. The ADDRESS of the principal place of business.

RESPONSE TO FORM INTERROGATORY NO. 3.2:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.3:

Are you a limited liability company? If so, state:

- a. The name stated in the current articles of organization;
- b. All other names used by the company during the past 10 years and the date each was used;
- c. The date and place of filing of the articles of organization;
- d. The ADDRESS of the principal place of business; and
- e. Whether you are qualified to do business in California;

RESPONSE TO FORM INTERROGATORY NO. 3.3:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.4:

Are you a joint venture? If so, state:

- a. The current joint venture name;
- b. All other names used by the joint venture during the past 10 years and the dates each was used;
- c. The name and ADDRESS of each joint venture; and
- d. The ADDRESS of the principal place of business.

RESPONSE TO FORM INTERROGATORY NO. 3.4:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

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FORM INTERROGATORY NO. 3.5:

Are you an incorporated association? If so, state:

- a. The current unincorporated association name;
- b. All other names used by the unincorporated association during the past 10 years and the dates each was used; and
- c. The ADDRESS of the principal place of business.

RESPONSE TO FORM INTERROGATORY NO. 3.5:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.6:

Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:

- a. The name;
- b. The dates each was used;
- c. The state and county of each fictitious name filing; and
- d. The ADDRESS of the principal place of business.

RESPONSE TO FORM INTERROGATORY NO. 3.6:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 3.7:

Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:

- a. Identify the license or registration;
- b. State the name of the public entity; and
- c. State the dates of issuance and expiration.

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RESPONSE TO FORM INTERROGATORY NO. 3.7:

Objection. This interrogatory is improperly propounded onto Responding Party.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 4.1:

At the time of the INCIDENT, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages claims, or actions that have arisen out of the INCIDENT? If so, for each policy, state:

- a. The kind of coverage;
- b. The name and ADDRESS of the insurance company;
- c. The name, ADDRESS, and telephone number of each named insured;
- d. The policy number;
- e. The limits of coverage for each type of coverage contained in the policy;
- f. Whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- g. The name, ADDRESS, and telephone number of the custodian of the policy.

RESPONSE TO FORM INTERROGATORY NO. 4.1:

Objection. The interrogatory calls for a legal conclusion. The definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: Yes.

- a. Commercial General Liability;
- b. Travelers Insurance, One Tower Square, Hartford, Connecticut 06183;
- c) Named Defendants, who may be contacted through counsel;
- d. 609121410-656-1;
- e. Dwelling Limit of \$69,000.00, Household Furnishings Limit of \$66,000.00, Medical Payments to Others Limit of \$1,000.00, and Personal Liability Limit of \$300,000.00;

f. Carrier is defending under a reservation of rights;

g. Named Defendants.

FORM INTERROGATORY NO. 4.2:

Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the INCIDENT? If so, specify the statute.

RESPONSE TO FORM INTERROGATORY NO. 4.2:

Objection. The definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 12.1:

State the name, ADDRESS, and telephone number of each individual;

a. Who witnessed the INCIDENT or the events occurring immediately before or after the INCIDENT;

b. Who made any statement at the scene of the INCIDENT;

c. Who heard any statements made about the INCIDENT by any individual at the scene; and

d. Who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge of the INCIDENT (except for expert witnesses covered by Code of Civil Procedure section 2034).

RESPONSE TO FORM INTERROGATORY NO. 12.1:

Objection. This interrogatory seeks information equally available to Propounding Party. Responding Party does not have an obligation to obtain information that is equally available to the Propounding Party. (Code Civ. Proc. § 2030.220(c).) Responding Party is not required to prepare the Plaintiff’s case. (*Sav-On Drugs, Inc. v. Superior Court of Los Angeles County* (1975) 15 Cal. 3d 1, 5.) The defined term “INCIDENT” is overbroad, vague and ambiguous as per the Complaint, there was not one isolated incident. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030.

Subject to and without waiving the above objections, Responding Party responds as follows:

- a. Plaintiffs James and Jennifer Burbank, available through counsel;
- b. Plaintiffs James and Jennifer Burbank, available through counsel;
- c. Plaintiffs James and Jennifer Burbank, available through counsel; Defendants Brad and Vicki Martinez, available through counsel;
- d. Plaintiffs James and Jennifer Burbank, available through counsel; Defendants Brad and Vicki Martinez, available through counsel; Brian Gordon and Grace Cheng of Lotus Property Management, available through counsel.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement this response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 12.2:

Have YOU OR ANYONE ACTION ON YOUR BEHALF interviewed any individual concerning the INCIDENT? If so, for each individual state:

- a. The name, ADDRESS, and telephone number of the individual interviewed;
- b. The date of the interview; and
- c. The name, ADDRESS, and telephone number of the PERSON who conducted the interview.

RESPONSE TO FORM INTERROGATORY NO. 12.2:

Objection. This interrogatory is objectionable to the extent that it seeks the premature disclosure of expert witness opinion in violation of California Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to and without waiving these objections, Responding Party responds as follows:
No.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or

supplement this response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 12.3:

Have YOU OR ANYONE ACTING ON YOUR BEHALF obtained a written or recorded statement from any individual concerning the INCIDENT? If so, for each statement state:

a. The name, ADDRESS, and telephone number of the individual from whom the statement was obtained;

b. The name, ADDRESS, and telephone number of the individual who obtained the statement;

c. The date the statement was obtained; and

d. The name, ADDRESS, and telephone number of each PERSON who has the original statement or a copy.

RESPONSE TO FORM INTERROGATORY NO. 12.3:

Objection. This interrogatory is objectionable to the extent that it seeks the premature disclosure of expert witness opinion in violation of California Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to and without waiving these objections, Responding Party responds as follows:
No.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement this response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 12.4:

Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff’s injuries? If so, state:

a. The number of photographs or feet of film or videotape;

b. The places, objects, or persons photographed, filmed, or videotaped;

- 1 c. The date the photographs, films, or videotapes were taken;
- 2 d. The name, ADDRESS, and telephone number of the individual taking the
- 3 photographs, films, or videotapes; and
- 4 e. The name, ADDRESS, and telephone number of each PERSON who has the
- 5 original or a copy of the photographs, films, or videotapes.

6 **RESPONSE TO FORM INTERROGATORY NO. 12.4:**

7 Objection. This interrogatory is objectionable to the extent that it seeks the premature
 8 disclosure of expert witness opinion in violation of California Code of Civil Procedure sections
 9 2034.210, 2034.220, and 2034.270. The interrogatory is objected to on the grounds that it may
 10 seek information protected by the attorney-client privilege and attorney work-product in violation
 11 of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of
 12 “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

13 Subject to and without waiving these objections, Responding Party responds as follows:
 14 Aside from the photographs and illegal recordings produced by the Plaintiffs, Responding Party
 15 has conducted a diligent search for additional documents, and was unable to locate any additional
 16 documents.

17 Discovery is ongoing and Responding Party reserves the right to amend, modify, or
 18 supplement this response as additional information is revealed through the discovery process.

19 **FORM INTERROGATORY NO. 12.5:**

20 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram,
 21 reproduction, or model of any place or thing (except for items developed by expert witnesses
 22 covered by Code of Civil Procedure sections 2034-210-2034-310) concerning the INCIDENT? If
 23 so, for each item state:

- 24 a. The type (i.e. diagram, reproduction, or model);
- 25 b. The subject matter; and
- 26 c. The name, ADDRESS, and telephone number of each PERSON who has it.

27 **RESPONSE TO FORM INTERROGATORY NO. 12.5:**

28 Objection. This interrogatory is objectionable to the extent that it seeks the premature

disclosure of expert witness opinion in violation of California Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No. Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement their response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 12.6:

Was a report made by any PERSON concerning the INCIDENT? If so, state:

- a. The name, title identification number, and employer of the PERSON who made the report;
- b. The date and type of report made;
- c. The name, ADDRESS, and telephone number of the PERSON for whom the report was made; and
- d. The name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the report.

RESPONSE TO FORM INTERROGATORY NO. 12.6:

Objection. This interrogatory is objectionable to the extent that it seeks the premature disclosure of expert witness opinion in violation of California Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to and without waiving these objections, Responding Party responds as follows: Aside from the reports produced by the Plaintiffs, Responding Party has conducted a diligent search for additional documents, and was unable to locate any additional documents.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or

1 supplement this response as additional information is revealed through the discovery process.

2 **FORM INTERROGATORY NO. 12.7:**

3 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the
4 INCIDENT? If so, for each inspection state:

5 a. The name, ADDRESS, and telephone number of the individual making the
6 inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210-
7 2034.310); and

8 b. The date of the inspection.

9 **RESPONSE TO FORM INTERROGATORY NO. 12.7:**

10 Objection. This interrogatory is vague, ambiguous, and overbroad in time and scope. This
11 interrogatory is objectionable to the extent that it seeks the premature disclosure of expert witness
12 opinion in violation of California Code of Civil Procedure sections 2034.210, 2034.220, and
13 2034.270. The interrogatory is objected to on the grounds that it may seek information protected
14 by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§
15 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and
16 ambiguous as per the Complaint, there was not one isolated incident.

17 Subject to, and without waiving the foregoing objections, Responding Party responds as
18 follows: Responding Party is aware that Defendant Brad Martinez has visited the subject property
19 to look at and investigate various issues reported by the Plaintiffs throughout their tenancy.
20 Responding Party does not recall exact dates over the years.

21 Discovery is ongoing and Responding Party reserves the right to amend, modify, or
22 supplement this response as additional information is revealed through the discovery process.

23 **FORM INTERROGATORY NO. 13.1:**

24 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of any
25 individual involved in the INCIDENT or any party to this action? If so, for each surveillance
26 state:

27 a. The name, ADDRESS, and telephone number of the individual or party;

28 b. The time, date, and place of the surveillance;

c. The name, ADDRESS, and telephone number of the individual who conducted the surveillance;

d. The name, ADDRESS, and telephone number of each PERSON who has the original or a copy of any surveillance photograph, film, or videotape.

RESPONSE TO FORM INTERROGATORY NO. 13.1:

Objection. This interrogatory is vague, ambiguous, and overbroad in time and scope. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: No.

FORM INTERROGATORY NO. 13.2:

Has a written report been prepared on the surveillance? If so, for each written report state:

a. The title;

b. The date;

c. The name, ADDRESS, and telephone number of the individual who prepared the report; and

d. The name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

RESPONSE TO FORM INTERROGATORY NO. 13.2:

Objection. This interrogatory is vague, ambiguous, and overbroad in time and scope. The interrogatory is objected to on the grounds that it may seek information protected by the attorney-client privilege and attorney work-product in violation of Code Civ. Proc. §§ 2018.020 and 2018.030.

Subject to, and without waiving the foregoing objections, Responding Party responds as follows: Not applicable.

///

FORM INTERROGATORY NO. 14.1:

Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the INCIDENT? If so, identify the name, ADDRESS, and telephone number of each PERSON and the statute, ordinance, or regulation that was violated.

RESPONSE TO FORM INTERROGATORY NO. 14.1:

Objection. Responding Party objects to this interrogatory as it seeks information subject to the attorney-client privilege which is broadly construed and extends to “factual information” and “legal advice.” (*See Mitchell v. Super. Ct.* (1984) 37 Cal.3d 591, 601; Cal. Code Civ. Proc. § 2017.010 [permits discovery of *only* unprivileged matter either admissible into evidence itself or reasonably calculated to lead to the discovery of admissible evidence]). The interrogatory also seeks premature disclosure of expert opinion in violation of California Code of Civil Procedure section 2034.210. Responding Party objects to the definition of “INCIDENT” as vague and ambiguous as per the Complaint, there was not one isolated incident. (*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1287.)

Subject to and without waiving these objections, Responding Party responds as follows:
Not at this time.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement its response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 14.2:

Was any person cited or charged with a violation of any statute, ordinance, or regulation as a result of this INCIDENT? If so, for each PERSON state:

- a. The name, ADDRESS, and telephone number of the PERSON;
- b. The statute, ordinance, or regulation allegedly violated;
- c. Whether the PERSON entered a plea in response to the citation or charge and, if so, the plea entered; and
- d. The name and ADDRESS of the court or administrative agency, names of the parties, and case number.

1 **RESPONSE TO FORM INTERROGATORY NO. 14.2:**

2 Objection. Responding Party objects to this interrogatory in that it seeks information that is
3 protected by the attorney work product doctrine and attorney client privilege. Further, this
4 interrogatory is vague and ambiguous as to the definition of “INCIDENT” as per the Complaint
5 there was not one isolated incident. In addition, Responding Party objects on the grounds that this
6 interrogatory calls for an expert opinion and/or legal conclusion.

7 Subject to and without waiving the foregoing, Responding Party provides the following
8 response: Not to Responding Party’s knowledge.

9 Discovery is ongoing and Responding Party reserves the right to amend, modify, or
10 supplement its response as additional information is revealed through the discovery process..

11 **FORM INTERROGATORY NO. 15.1:**

12 Identify each denial of a material allegation and each special or affirmative defense in your
13 pleadings and for each:

- 14 a. State all facts upon which you base the denial or special or affirmative defense;
15 b. State the names, ADDRESSES, and telephone numbers of all PERSONS who have
16 knowledge of those facts; and
17 c. Identify all DOCUMENTS and other tangible things that support your denial or
18 special or affirmative defense, and state the name, ADDRESS, and telephone number of the
19 PERSON who has each DOCUMENT.

20 **RESPONSE TO FORM INTERROGATORY NO. 15.1:**

21 Responding Party objects to the interrogatory on the grounds that it requires that
22 Responding Party set forth its legal contentions, thus violating the attorney work product doctrine.
23 Responding Party objects to this request to the extent the term “material” is vague and ambiguous,
24 requiring Responding Party to speculate as to the response sought. Responding Party has filed a
25 general denial of the Complaint pursuant to *Code of Civil Procedure* §431.30. All affirmative
26 defenses alleged by Responding Party are made for the specific purpose of preserving Responding
27 Party’s rights under a number of possible scenarios which may develop before or during trial. The
28 affirmative defenses may or may not become relevant depending on the information

revealed/obtained during the litigation and at trial. Responding Party is entitled to do this under the *Code of Civil Procedure*. An investigation has been undertaken on behalf of Responding Party; however, the nature and scope of this investigation and the attendant work product, the identity of any of Responding Party's attorney's agent(s) (prior to, if applicable, designation as an expert witness pursuant to *Code of Civil Procedure* §2034) and the identity of any individual(s) who may or may not have been contacted by Responding Party's attorneys, or their agents, is protected by privacy, work product, and attorney-client privileges as embodied in Article I, Section 1 of the California Constitution, *Code of Civil Procedure* §2018, *Evidence Code* §950, et. seq., and case law, including *Soltani-Rastegar v. Superior Court*, (1989) 208 Cal.App.3d 424. Responding Party also objects to this Request on the grounds that it is premature as Responding Party has not had sufficient opportunity to complete its investigation and discovery. Further, expert designations and depositions have not taken place, and information obtained during deposition, as well as information presented at trial may support the denials and affirmative defenses raised by Responding Party. Many of the defenses are primarily based on expert witness testimony, and/or facts gleaned from such testimony. Responding Party's procedural defenses are raised in order to preserve the viability and availability of these defenses pending further discovery and trial.

Subject to and without waiving these objections, Responding Party states as follows:

a. Responding Party filed a number of affirmative defenses, which may become relevant as the discovery process reveals more information. This is done as a matter of course to preserve all possible defenses, including those of which Responding Party may still be unaware of at the time the Answer was filed. These affirmative defenses asserted by the Responding Party may or may not become relevant depending upon the information revealed through the course of discovery in this matter. Furthermore, some of these affirmative defenses set forth legal defenses that are not factual. Further, Plaintiffs' complaint provides insufficient details to identify any alleged breaches or wrongful conduct, and public records do not reflect any relevant complaints, so Defendants are unaware of any specific conditions as alleged in the Complaint. Affirmative defenses raised in Responding Party's Answer to Plaintiff's Complaint have been asserted in order to not waive those affirmative defenses. *California Academy of Sciences v. County of Fresno*

(1987) 192 Cal.App.3d 1436, 1442. Further, those affirmative defenses were pled in order to protect Responding Party's affirmative defenses in the event discovery and investigation reveal a basis for them. Discovery has not yet been completed, and the facts upon which Responding Party's affirmative defenses are based have yet to be fully developed.

b. Plaintiffs; and Defendant, who may be contacted through counsel of record;

c. Pursuant to C.C.P. § 2030.230, Responding Party directs Propounding Party to the following documents: Plaintiffs' document production; and Responding Party's document production.

Additionally, as the discovery phase is still open and active, it is premature to make a determination as to which affirmative defenses relative to these issues are appropriate. Responding Party presently has insufficient knowledge or information on which to form a belief as to whether Responding Party may have additional affirmative defenses. Responding Party has therefore reserved the right to assert those affirmative defenses which discovery would indicate are appropriate.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement the response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 17.1:

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

a. State the number of the request;

b. State all facts upon which you base your response;

c. State the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and

d. Identify all DOCUMENTS and other tangible things that support your response and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

RESPONSE TO FORM INTERROGATORY NO. 17.1:

a. 1;

- 1 b. The request is unlimited as to time and provides no specification on the duty of
- 2 care, thereby requiring Responding Party to speculate. The request also calls for a legal opinion.
- 3 Absent further clarification, Responding Party cannot respond to this request;
- 4 c. Defendants, who may be contacted through counsel of record;
- 5 d. None at this time.
- 6 a. 2
- 7 b. The request is vague, ambiguous and overbroad without further specification.
- 8 Notwithstanding, Defendants responded to each report from the plaintiffs about any concerns in
- 9 the subject property.
- 10 c. Plaintiffs and Defendants, who may be contacted through counsel of record;
- 11 d. The email and text correspondence exchanged between the Plaintiffs and
- 12 Defendants.
- 13 a. 3
- 14 b. The request does not specify any time frame for which Responding Party can
- 15 provide a meaningful response. Absent further clarification, Responding Party cannot respond
- 16 further.
- 17 c. Defendants, who may be contacted through counsel of record;
- 18 d. None at this time.
- 19 a. 4
- 20 b. The request is vague, ambiguous and overbroad without further specification. The
- 21 term “INCIDENT” is vague and ambiguous. Notwithstanding, Defendants responded to each
- 22 report from the plaintiffs about any concerns in the subject property.
- 23 c. Plaintiffs and Defendants, who may be contacted through counsel of record;
- 24 d. The email and text correspondence exchanged between the Plaintiffs and
- 25 Defendants, including repairs made to the property.
- 26 a. 6
- 27 b. The request is vague, ambiguous and overbroad without further specification.
- 28 Notwithstanding, Defendants responded to each report from the plaintiffs about any concerns in

the subject property.

c. Plaintiffs and Defendants, who may be contacted through counsel of record;

d. The email and text correspondence exchanged between the Plaintiffs and Defendants, including repairs made to the property.

a. 9

b. The request is vague, ambiguous and overbroad without further specification.

Notwithstanding, Defendants responded to each report from the plaintiffs about any concerns in the subject property.

c. Plaintiffs and Defendants, who may be contacted through counsel of record;

d. The email and text correspondence exchanged between the Plaintiffs and Defendants, including repairs made to the property.

a. 14

b. Plaintiffs and Defendants, who may be contacted through counsel of record;

c. On May 22, a text message was sent to Plaintiffs notifying them of the damage caused by their removal of the shower doors.

d. May 22 text message to Plaintiffs.

a. 16

b. Plaintiffs and Defendants, who may be contacted through counsel of record;

c. On May 22, a text message was sent to Plaintiffs notifying them of the damage caused by their removal of the shower doors.

d. May 22 text message to Plaintiffs.

FORM INTERROGATORY NO. 50.1:

For each agreement alleged in the pleadings:

a. Identify each DOCUMENT that is part of the agreement and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

b. State each part of the agreement not in writing, the name, ADDRESS, and telephone number of each PERSON agreeing to that provision, and the date that part of the agreement was made;

c. Identify all DOCUMENTS that evidence any part of the agreement not in writing and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

d. Identify all DOCUMENTS that are part of any modification to the agreement, and for each state the name, ADDRESS, and telephone number of each PERSON who has the DOCUMENT;

e. State each modification not in writing, the date, and the name, ADDRESS, and telephone number of each PERSON agreeing to the modification and the date the modification was made;

f. Identify all DOCUMENTS that evidence any modification of the agreement not in writing and for each state the name, ADDRESS, and telephone number of each PERSON who has that DOCUMENT.

RESPONSE TO FORM INTERROGATORY NO. 50.1:

Objection. Responding Party objects to this interrogatory on the ground that it seeks information protected by the attorney-client privilege (California Evidence Code § 954.) This request also seeks attorney work-product in violation of CCP sections 2018.020 and 2018.030. Subject to and without waiving the above objections, Responding Party provides the following response:

- a. Lease Agreement, Plaintiffs and Defendants, available through counsel;
- b. None;
- c. None;
- d. None;
- e. None;
- f. None.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement its response as additional information is revealed through the discovery process.

FORM INTERROGATORY NO. 50.2:

Was there a breach of any agreement alleged in the pleadings? If so, for each breach

describe and give the date of every act or omission that you claim is the breach of the agreement.

RESPONSE TO FORM INTERROGATORY NO. 50.2:

Yes. Propounding Party was in violation of the lease agreement whenever the dog was brought onto the premises. The date is unknown, as the Plaintiffs hid their dog from Defendants until it was discovered by a worker on or about June 17, 2024. Plaintiffs also breached the lease agreement on another unknown date when they removed the shower doors in the bathroom, as well as when they installed the bidet. These modifications to the leased property were never discussed or otherwise authorized by Defendants.

Discovery is ongoing and Responding Party reserves the right to amend, modify, or supplement its response as additional information is revealed through the discovery process

FORM INTERROGATORY NO. 50.3:

Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

RESPONSE TO FORM INTERROGATORY NO. 50.3:

No.

FORM INTERROGATORY NO. 50.4:

Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination and the basis of the termination.

RESPONSE TO FORM INTERROGATORY NO. 50.4:

No.

FORM INTERROGATORY NO. 50.5:

Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

RESPONSE TO FORM INTERROGATORY NO. 50.5:

No.

FORM INTERROGATORY NO. 50.6:

Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous

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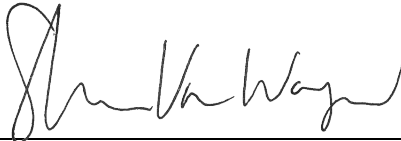
agreement and state why it is ambiguous.

RESPONSE TO FORM INTERROGATORY NO. 50.6:

No.

DATED: August 19, 2025

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: 

Lane E. Webb, Esq.
Shanna Van Wagner, Esq.
Attorneys for Defendants,
BRAD MARTINEZ, VICKI MARTINEZ,
GAIL D. CALHOUN, AS TRUSTEE OF THE
GAIL D. CALHOUN FAMILY TRUST, and
LOTUS PROPERTY MANAGEMENT, INC.

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VERIFICATION

I have read the foregoing and know its contents:

**DEFENDANT BRAD MARTINEZ’S RESPONSES TO PLAINTIFF
JENNIFER BURBANK’S FORM INTERROGATORIES, SET ONE**

I am a party to this action, and I am authorized to make this verification for and on my behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true and correct.

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

Executed on August 19, 2025, at Los Angeles, California.

Brad Martinez

Name of Signatory

Brad Martinez

Signature