**MASTER DISCOVERY OBJECTION’S SHEET:**

**Demand for Production***:*

***Asked and answered:***

* This request for production of documents, in substance, has been previously propounded. (See Request for Production of Documents, Set No. [number], Request for Production No. [number]). Continuous discovery into the same matter constitutes oppression, and Responding Party further objects on that ground. (*Professional Career Colleges v. Superior Court* (1989) 207 Cal.App.3d 490, 493-94).
* Asked and answered in prior requests.
* Nonprivileged documents in plaintiff’s possession in the requested category have already been produced to propounding party, and/or are equally available to propounding party.

***Attorney-client privilege:***

* This request seeks documents subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and it extends to “factual information” and “legal advice.” (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 601).
* Attorney-client privilege protects disclosure of the information sought. (Evid. Code §952; *Brown v. Superior Court* (1963) 218 Cal.App.2d 430).

***Attorney work-product privilege:***

* This request seeks attorney work product, which Responding Party’s counsel has prepared in anticipation of trial; therefore, it violates the attorney work-product doctrine. (Code Civ. Proc. §§ 2018.020, 2018.030).
* The request seeks documents which are protected from disclosure by the attorney work-product privilege. (C.C.P. §2018.030; *Brown v. Superior Court* (1963) 218 Cal.App.2d 430).
* This request violates the attorney-client privilege and/or attorney work product protection.

***Burdensome, oppressive, overbroad:***

* This request is so broad and unlimited in time and scope as to be an unwarranted annoyance and embarrassment to Responding Party, and, further, it is oppressive. To comply with this request would be an undue burden on, and expense to, Responding Party.

***Collateral source rule:***

* This request seeks information not relevant to the subject matter of this lawsuit and is not calculated to lead to the discovery of admissible evidence, in violation of the collateral source rule. Furthermore, this request is an invasion of Responding Party’s right to privacy. (See *Hrnjak v. Graymar* (1971) 4 Cal.3d 1; *Pacific Gas & Electric Company v. Superior Court* (1994) 28 Cal.App.4th 174; *Helfend v. SCRTD* (1970) 2 Cal.3d 1). Responding Party may present evidence of Responding Party’s total medical bills, and defendant(s) may move post-trial for a reduction based on amounts paid. (*Hanif v. Housing Authority* (1988) 200 Cal.App.3d 635*; Nishihama v. City and County of San Francisco* (2001) 93 Cal.App.4th 291, 309; *Greer v. Buzgheia* (2006) 141 Cal.App.4th 1150, 1157; *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541, 567 [leaving collateral source rule unchanged]).
* This request is improper because it seeks collateral source information. “The collateral source rule operates to prevent a defendant from reducing a plaintiff’s damages with evidence that the plaintiff received compensation from a source independent of the defendant.” (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176). The rule is meant to prevent a defendant from escaping liability for a wrong merely because a plaintiff had the foresight to plan ahead and obtain insurance coverage.
* This request is improper because it seeks collateral source information. (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176).
* This request seeks disclosure of protected information related to the payment of medical bills by a collateral source*. Gersick v. Schilling* (1950) 97 Cal.App.2d 641, 649-50.
* This request seeks disclosure of protected information related to the payment of medical bills by a collateral source. (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176).

***Educational records:***

* A party has a constitutional right to privacy in his or her educational records, and such records are protected from disclosure under both federal and state law. (*Rim of the World Unified School Dist. v. Superior Court* (2002) 104 Cal.App.4th 1393; 20 U.S.C. § 1232g, subd. (a)(4)(A); Ed. Code § 49076). Even when discovery of a party’s private information is directly relevant to the issues, this privilege is not automatically waived, since there must remain a careful balancing of the compelling need for the discovery against the party’s fundamental right of privacy. (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 864). Moreover, even in instances where the balancing of the private and public interest weighs in favor of disclosure, “the scope of [such] disclosure must be narrowly circumscribed.” (*San Diego Trolley*, supra, 87 Cal.App.4th at p. 1097, citation omitted). The burden is on the party seeking constitutionally protected information, such as educational records, to establish direct relevance, and mere speculation that some portion of said records may be relevant to some issue in this case is insufficient to satisfy this burden. (*Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1017).

***Employment records:***

* Generally, “the public interest in preserving confidential information outweighs the interest of a private litigant in obtaining the confidential information” contained in personnel files. (*San Diego Trolley, Inc. v. Superior Court* (2001) 87 Cal.App.4th 1083, 1097, citation omitted [hereinafter San Diego Trolley]). Consequently, “[u]nless the litigant can show a compelling need for the particular documents and that the information cannot reasonably be obtained through depositions or from nonconfidential sources,” courts ordinarily will not grant disclosure of entire personnel files. (*Ibid*). Even when discovery of private information is directly relevant to the issues, this privilege is not automatically waived, since there must remain a careful balancing of the compelling need for the discovery against the plaintiff’s fundamental right of privacy. (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 864). Moreover, even in instances where the balancing of the private and public interest weighs in favor of disclosure, “the scope of [such] disclosure must be narrowly circumscribed.” (*San Diego Trolley*, supra, 87 Cal.App.4th at p. 1097, citation omitted).
* This demand seeks plaintiff’s personnel records which, if disclosed, would violate plaintiff’s right to privacy and which are protected from disclosure. *Board of Trustees v. Superior Court* (1981) 119 Cal.App.3d 516, 174 C.R. 160.
* The documents and information demanded in this request requires the disclosure of documents and information contained in a personnel file, the contents of which are protected from disclosure absent a showing of a compelling need therefore and that the information cannot reasonably be obtained through depositions or from non-confidential sources. *El Dorado Savings and Loan Assn. v. Superior Court* (1987) 190 Cal. App. 3d 342, 345, 346*; Board of Trustees v. Superior Court* (1981) 119 Cal. App. 3d 516, 525, 529; *Dept. of Air Force v. Rose* (1976) 425 U.S. 352, 372; *Harding Lawson Associates v. Superior Court* (1992) 10 Cal. App. 4th 7, 10. This Request invades the employee’s right of privacy and is in violation of Code of Civil Procedure Section 1985.6 in that the employee has not been given proper notice of the Request for Production of their employee records.

***Equally available:***

* Nonprivileged documents in plaintiff’s possession in the requested category have already been produced to propounding party, and/or are equally available to propounding party.
* A portion of the documents from the described category are within Defendant's possession, custody, and control.

***Irrelevant:***

* This request seeks information that is irrelevant to the subject matter of this suit, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc. § 2017.010).
* This request calls for documents neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. (C.C.P. §2017(a); *Deaile v. General Telephone* (1974) 40 Cal.App.3d 841).
* This request seeks documents neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this request invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive.

***Photographs***

* This request is vague, ambiguous, overbroad, calls for speculation, assumes facts not in evidence, burdensome, cumulative, and harassing. It also invades Plaintiff’s right to privacy and seeks information/documents not reasonably calculated to lead to the discovery of admissible evidence. Finally, it invades the attorney-client communication, attorney work product, and expert witness privilege.

***Vehicle Damages***

* This request is vague, ambiguous, overbroad, calls for speculation, assumes facts not in evidence, burdensome, cumulative, and harassing. It also invades Plaintiff’s right to privacy and seeks information/documents not reasonably calculated to lead to the discovery of admissible evidence. Finally, it invades the attorney-client communication, attorney work product, and expert witness privilege.

***Medical records/medical history:***

* This request seeks to discover medical treatment or medical records that are entirely unrelated to the issues in this litigation, in violation of Responding Party’s constitutionally protected right to privacy under Article I, section I of the California Constitution. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 842; *Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1014-16). To require a party to delineate his or her entire medical history is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad. *(Britt v. Superior Court* (1978) 20 Cal.3d 844, 864). Although an injured parties’ privacy rights are subordinate to the right of discovery in an injury case, this is true only with respect to relevant medical history. (*Vinson*, supra, 43 Cal.3d at p. 842). Thus, the disclosure of all of a party’s medical history and medical records cannot be compelled, even though they may, in some sense, be relevant to the substantive issues of litigation. (In re *Lifschutz* (1970) 2 Cal.3d 415, 435). Rather, only medical records that are directly relevant to the lawsuit are discoverable. (*Ibid*). Consequently, Responding Party can still assert [his/her] right of privacy to protect the disclosure of medical information not directly relevant to the lawsuit.
* This seeks to discover the decedent’s entire medical history and/or treatment, which is completely unrelated to the issues in this litigation and is in violation of the physician-patient privilege. Pursuant to the patient-litigant exception, the physician-patient privilege is waived only as to communications relevant to an issue “[…] concerning the condition of the patient if such an issue has been tendered by […] ‘the patient or someone claiming through the patient.’” (*Rittenhouse v. Superior Court* (1991) 235 Cal.App.3d 1584, 1591, citing Evid. Code § 996). This privilege survives death of the patient, and the right to claim or waive it is controlled by the deceased patient’s personal representatives (*Rittenhouse*, supra, 235 Cal.App.3d at p. 1588).
* This request invades the Plaintiff’s constitutional right to privacy afforded by the California Constitution, Art. I §1; is impermissibly overbroad and therefore oppressive and burdensome; and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff’s medical history which, except as answered, does not relate to the injuries which are the subject matter of this action. (*Britt v. Superior Court* (1978) 20 Cal.3d 844).
* Plaintiff objects to identifying any healthcare providers who examined or treated him/her prior to the incident based on the fact that any such information, should it exist, is privileged from disclosure. The request seeks to invade Plaintiff's right of privacy, is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff's medical history.
* Plaintiff objects to producing documents from any healthcare providers who examined or treated her prior to the incident based on the fact that any such information, should it exist, is privileged from disclosure. The request seeks to invade Plaintiff's right of privacy, is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff's medical history.

***Nonparty’s private information:***

* This request seeks the private information of a nonparty. Any party to an action may assert a nonparty’s constitutional right to privacy. (*Valley Bank of Nevada v. Superior Court* (*Barkett*) (1975) 15 Cal.3d 652, 658; *Pioneer Electronics (USA), Inc. v. Superior Court* (*Olmstead*) (2007) 40 Cal.4th 360, 371-75). Furthermore, even assuming the documents sought by this request were relevant to the subject matter of this litigation, the nonparty must be given notice and an opportunity to object to such disclosure. (Id. at 637). No such notice or opportunity has been given in this instance.

***Privilege against self-incrimination:***

* Pursuant to Evidence Code section 940, the California Constitution, and the United States Constitution, a person has a privilege to refuse to disclose any matter that may tend to incriminate him or her, and Responding Party hereby asserts said privilege.

***Social security information:***

* A party’s Social Security number is “clearly irrelevant to the subject matter of the action.” (*Smith v. Superior Court* (1961) 189 Cal.App.2d 6, 9, 13).

***Tax returns and W-2s:***

* Information regarding tax returns, including income tax returns, W-2 forms, and 1099 forms, is privileged under federal and state law. (See *Webb v. Standard Oil Co.* (1957) 49 Cal.2d 509; *Brown v. Superior Court* (1977) 71 Cal.App.3d 141; *Aday v. Superior Court* (1961) 55 Cal.2d 789; *Schnabel v. Superior Court* (1993) 5 Cal.4th 704). This privilege is to be broadly construed. (*Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 6-7).
* This request seeks Plaintiff’s privileged tax information, including Plaintiff’s W-2 forms, which are protected from disclosure. (Revenue & Tax Code §19282; *Cobb v. Superior Court* (1979) 99 Cal.App.3d 543; *Brown v. Superior Court* (1977) 71 Cal.App.3d 141).

***Vague and ambiguous:***

* This request is so vague and ambiguous as to constitute an unwarranted annoyance and embarrassment to Responding Party, and, further, is oppressive because complying with this interrogatory would impose an undue burden and expense on Responding Party.
* Plaintiff objects to the production request as being vague and ambiguous. Moreover, it calls for documents that are irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and seek to invade Plaintiff's privacy.
* This request is oppressive and burdensome because it is vague, ambiguous, and unintelligible [as to the phrase \_\_\_\_\_\_\_\_\_\_\_\_\_] so as to make a response impossible without speculation as to the meaning of the request.
* Plaintiff objects to this production request as being vague and ambiguous. Further, it is irrelevant, not reasonably calculated to lead to the discovery of admissible evidence and seeks to invade Plaintiff's privacy.

***Overly broad:***

* This request is burdensome, and remote, and as such is not calculated to lead to the discovery of information relevant to the subject matter of this action or to the discovery of admissible evidence. (*CBS v. Superior Court* (1968) 263 Cal.App.2d 12). To answer this request would result in oppression to Plaintiff in that this request is overly broad, indefinite as to time, and without reasonable limitation in scope. (*West Pico v. Superior Court* (1961) 56 Cal.2d 407).

***Seeks legal analysis:***

* This request is oppressive, harassing, and burdensome; the information sought seeks Plaintiff’s counsel’s legal analysis and theories regarding laws, ordinances, safety orders, etc., which are equally available to Defendant; the question also invades the attorney work-product privilege. (*Alpine v. Superior Court* (1968) 259 Cal.App.2d 45; *Burke v. Superior Court* (1969) 71 Cal 2d 276, 286).

***Boilerplate:***

* This request is boilerplate in form, requiring reference back to preceding requests, introductions, etc., thus making the request oppressive, burdensome, ambiguous, and unintelligible. *West Pico v. Superior Court* (1961) 56 Cal.2d 407.

***Peace officer personnel records:***

* This request seeks documents that are peace officer personnel records under Penal Code §832.7. These peace officer personnel records are discoverable only pursuant to Civ. Proc. Code §1043. *City of Fresno v. Superior Court* (Green) (1988) 205 Cal.App.3d 1459.

***Privacy:***

* This request seeks documents protected by the right of privacy afforded by the California Constitution, Art. I §1.
* This request seeks documents protected by and in violation of the Plaintiff’s right of privacy afforded by the California Constitution, Art. I §1.
* This request seeks documents neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this request invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive.
* This request invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, oppressive, and unduly harassing.

***Category not reasonably particularized:***

* The propounding party failed to designate a reasonably particularized category of documents. (C.C.P. §2031.030(c)(2)).
* The request is vague, ambiguous, and unintelligible as to the term/phrase \_\_\_\_\_\_\_\_, and therefore propounding party failed to designate a reasonably particularized category of documents, in violation of C.C.P. §2031.030(c)(2).

***Mistake in numbering:***

* The requests in this set of \_\_\_\_\_\_\_\_\_\_\_\_ are not formatted in conformity with the requirements of C.C.P. §2031(c)(1) in that the requests are not ordered consecutively and are not each separately identified by a unique number. Responding to these requests as erroneously numbered would lead to confusion.

***Medical conclusion objection:***

* This request seeks an expert medical opinion and/or conclusion.

***Trial Witnesses:***

* The request seeks disclosure of trial witnesses (other than experts) and is therefore violative of the attorney work-product privilege. *City of Long Beach v. Superior Court* (1976) 64 Cal.App.2d 65.
* This request seeks disclosure of trial witnesses other than experts and is therefore violates of the attorney work-product privilege. *City of Long Beach v. Superior Court* (1976) 64 Cal.App.3d 65.

***Expert Witnesses:***

* This request seeks premature disclosure of expert opinion, in violation of Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. Responding Party has not decided which, if any, expert witnesses may be called at trial; insofar as this interrogatory seeks to ascertain the identity, writings, and opinions of Responding Party’s experts who, to date, have been retained or utilized solely as advisors or consultants, it is also violative of the work-product privilege. (*See South Tahoe Public Utilities District v. Superior Court* (1979) 90 Cal.App.3d 135; *Sheets v. Superior Court* (1967) 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973) 34 Cal.App.3d 270).
* Attorney work-product privilege. Plaintiff has not yet decided which, if any, expert witnesses will be called at trial. Any experts used by plaintiff to date are for purposes of consultation and case preparation. (C.C.P. §2018.030; *Sheets v. Superior Court* (1967) 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973) 34 Cal.App.3d 270).
* This request seeks to ascertain information provided by a consulting expert witness by Plaintiff’s counsel and, as such, is violative of the attorney work-product privilege. (C.C.P. §2018.030; *Kenney v. Superior Court* (1967) 255 Cal.App.2d 106).
* The request seeks to ascertain information or other data which a consultant expert witness has provided plaintiff in the preparation of his case and, as such, is violative of the attorney work-product privilege. (C.C.P. §2018.030; *Scotsman Mfg. v. Superior Court* (1966) 242 Cal.App.2d 527).
* This request seeks documents that disclose the identity, writings, and/or opinions of Plaintiff’s experts who have been retained and/or utilized to date solely as an advisor or consultant.
* This request seeks the identity of expert witnesses and production of expert reports in violation of California Code of Civil Procedure section 2034.
* Responding Party has not yet decided which, if any, expert witnesses may be called at trial, and any experts utilized by responding party to date are for purposes of consultation and case preparation. *Sheets v. Superior Court* (1967), 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973), 34 Cal.App.3d 270.
* This request seeks data concerning an expert witness (who may be a trial witness) beyond his identity, address, date of first contact, and simple statistical data. As such, the interrogatory is violative of the attorney work-product privilege; it is also oppressive and burdensome to plaintiff. (*Kenney v. Superior Court* (1967) 255 Cal.App.2d 106; *South Tahoe Public Utility Dist. v. Superior Court* (1979) 90 Cal.App.3d 135, 138).
* The request seeks to ascertain information or other data which a consultant expert witness has provided plaintiff in the preparation of his case and, as such, is violative of the attorney work-product privilege. (C.C.P. §2018.030; *Scotsman Mfg. v. Superior Court* (1966) 242 Cal.App.2d 527).

***Non-Expert Witnesses:***

* This request seeks to ascertain the anticipated testimony of witnesses who are not “experts” and as such violates the attorney work-product privilege. (*Holguin v. Superior Court* (1972) 22 Cal.App.3d 812; *City of Long Beach v. Superior Court* (1976) 64 Cal.App.3d 65; *Mowry v. Superior Court* (1962) 202 Cal.App.2d 229).
* Plaintiff objects to the production of witness statements. Such statements as well as names of any such individuals who were interviewed are protected by the attorney client privilege and/or the attorney work product privilege. Defendants have failed to show good cause for the production of any such statements of witnesses.
* The identity of witnesses is protected by the attorney work-product privilege where, as in this case, “disclosure would reveal the attorney’s tactics, impressions, or evaluation of the case (absolute privilege) or would result in opposing counsel taking undue advantage of the attorney’s industry or efforts (qualified privilege).” (*Coito v. Superior Court* (2012) 54 Cal.4th 480).

***Calls for expert opinion:***

* Responding Party is not a medical doctor, economist, medical billing reviewer, biomechanical expert, nor an accident reconstructionist in order to determine such issues as liability, fault, causation, negligence, and apportionment.
* Responding Party objects that this Request tends to solicit a professional opinion from a lay person, and as such, has no foundational basis.
* Responding Party is not a medical doctor, economist nor a medical billing reviewer in order to determine such issues as liability, fault, causation, negligence, and apportionment and whether or not the medical services provided to Plaintiff in this matter were or were not due to the subject incident.

***Legal reasoning:***

* This interrogatory seeks the legal reasoning and theories of Responding Party’s contentions. Responding Party is not required to prepare Propounding Party’s case. (*Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 5; *Ryan v. Superior Court* (1960) 186 Cal.App.2d 813, 819).
* This interrogatory seeks the legal reasoning or theory supporting Plaintiff’s contentions. Such theories and reasoning are absolutely protected as attorney work product. (C.C.P. §2018.030; *Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 5; *Burke v. Superior Court* (1969) 71 Cal.2d 276, 284-285).

**Interrogatories:**

***Asked and answered:***

* This interrogatory, in substance, has been previously propounded. (See [Form/Special] Interrogatories, Set No. [number], Interrogatory No. [number]). Continuous discovery into the same matter constitutes oppression and Responding Party further objects on that ground. (*Professional Career Colleges v. Superior Court* (1989) 207 Cal.App.3d 490, 493-94).
* Asked and answered in prior interrogatories.

***Attorney-client privilege:***

* This interrogatory seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and it extends to “factual information” and “legal advice.” (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 601).
* Attorney-client privilege protects disclosure of the information sought. (Evid. Code §952; *Brown v. Superior Court* (1963) 218 Cal.App.2d 430).
* This interrogatory violates the attorney-client privilege and/or attorney work product protection.

***Attorney work-product privilege:***

* This interrogatory seeks attorney work product, which Responding Party’s counsel has prepared in anticipation of trial; therefore, it violates the attorney work-product doctrine. (Code Civ. Proc. §§ 2018.020, 2018.030).
* The question seeks information which is protected from disclosure by the attorney work-product privilege. (C.C.P. §2018.030; *Brown v. Superior Court* (1963) 218 Cal.App.2d 430).
* This interrogatory seeks to invade Plaintiff’s counsel’s work-product privilege in that it calls for counsel to provide an analysis of written data. (C.C.P. §2018.030; *Kaiser v. Superior Court* (1969) 275 Cal.App.2d 801).
* This interrogatory violates the attorney-client privilege and/or attorney work product protection.

***Burdensome, oppressive, overbroad:***

* This interrogatory is so broad and unlimited in time and scope as to be an unwarranted annoyance and embarrassment to Responding Party, and, further, it is oppressive. To comply with this request would be an undue burden on, and expense to, Responding Party. The request is calculated to annoy and harass Responding Party. (See Code Civ. Proc. § 2030.090, subd. (b); *Columbia Broadcasting System, Inc. v. Superior Court* (1968) 263 Cal.App.2d 12, 19).

***Collateral source rule:***

* This interrogatory seeks information not relevant to the subject matter of this lawsuit and is not calculated to lead to the discovery of admissible evidence, in violation of the collateral source rule. Furthermore, this interrogatory is an invasion of Responding Party’s right to privacy. (See *Hrnjak v. Graymar* (1971) 4 Cal.3d 1; *Pacific Gas & Electric Company v. Superior Court* (1994) 28 Cal.App.4th 174; *Helfend v. SCRTD* (1970) 2 Cal.3d 1). Responding Party may present evidence of Responding Party’s total medical bills, and defendant(s) may move post-trial for a reduction based on amounts paid. (*Hanif v. Housing Authority* (1988) 200 Cal.App.3d 635; *Nishihama v. City and County of San Francisco* (2001) 93 Cal.App.4th 291, 309; *Greer v. Buzgheia* (2006) 141 Cal.App.4th 1150, 1157; *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541, 567 [leaving collateral source rule unchanged]).
* This interrogatory is improper because it seeks collateral source information. “The collateral source rule operates to prevent a defendant from reducing a plaintiff’s damages with evidence that the plaintiff received compensation from a source independent of the defendant.” (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176). The rule is meant to prevent a defendant from escaping liability for a wrong merely because a plaintiff had the foresight to plan ahead and obtain insurance coverage.
* This interrogatory is improper because it seeks collateral source information. (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176).
* Objection. This interrogatory seeks disclosure of protected information related to the payment of medical bills by a collateral source. *Gersick v. Schilling* (1950) 97 Cal.App.2d 641, 649-50.
* This interrogatory seeks disclosure of protected information related to the payment of medical bills by a collateral source. (*McKinney v. California Portland Cement* (2002) 96 Cal.App.4th 1214, 1222; citing *Pacific Gas & Electric Co. v. Superior Court* (1994) 28 Cal.App.4th 174, 176).

***Compilation required:***

* This interrogatory would necessitate the preparation of a compilation, abstract, audit, or summary from documents in Responding Party’s possession; because such preparation would be similarly burdensome and/or expensive to both the propounding and responding parties, Responding Party hereby offers to permit review of the following documents, [INSERT DOCUMENT NAME], from which propounding party can audit, inspect, copy, or summarize. Responding Party will make said document available for review upon reasonable request. (Code Civ. Proc. § 2030.230; *Brotsky v. State Bar* (1962) 57 Cal.2d 287).

***Equally available:***

* This interrogatory is objectionable to the extent that it seeks information equally available to the propounding party. (See Code Civ. Proc. § 2030.220, subd. (c); *Alpine Mutual Water Co. v. Superior Court* (1968) 259 Cal.App.2d 45).
* The question calls for information which is available to all parties equally and is therefore oppressive and burdensome to plaintiff. (C.C.P. §2030.090; [RPDs: 2031.060] *Pantzalas v. Superior Court* (1969) 272 Cal.App.2d 499; *Alpine v. Superior Court* (1968) 259 Cal.App.2d 45).

***Continuing:***

* This is improper because it constitutes a “continuing” and requires Responding Party to supplement an answer that was initially correct with later acquired information. (Code Civ. Proc. § 2030.060, subd. (g).)

***Incorporation by reference:***

* This is improper because it is not “full and complete in and of itself,” in violation of Code of Civil Procedure section 2030.060, subdivision (d).

***More than thirty-five special interrogatories:***

* This fails to comply with Code of Civil Procedure section 2030.030, subdivision (b), as the propounding party has exceeded the limit of special interrogatories. A party may not serve more than thirty-five (35) total special interrogatories without a supporting declaration setting forth the need for the additional interrogatories. (Code Civ. Proc. § 2030.030).

***Prefatory instructions:***

* This set of discovery utilizes preliminary instructions, in violation of Code of Civil Procedure section 2030.060, subdivision (d).

***Specially defined term(s):***

* This is improper because the specially defined term(s) carried over from - to [is/are] not capitalized. (Civ. Code § 2030.060, subd. (e)).

***Subparts, compound, conjunctive, disjunctive:***

* This interrogatory contains subparts, or a compound, conjunctive, or disjunctive question, in violation of Code of Civil Procedure section 2030.060, subdivision (f).
* This interrogatory is improper in form because it is compound.
* This interrogatory is in direct violation of the Civil Discovery Act in that it is compound, conjunctive, disjunctive, and contains subparts, thereby attempting to improperly circumvent the Rule of 35. (See California Code of Civil Procedure §§ 2030.030; 2030.060; see also *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1290). It is therefore not full and complete unto itself pursuant to *Catanese v. Superior Court* (Ray) 46 Cal.App.4th 1159.

***Preliminary instructions:***

* Code of Civil Procedure section 2030.060, subdivision (d) prohibits the use of preliminary instructions, except for those approved by the Judicial Council. Additionally, a party responding to interrogatories must respond in writing separately to each interrogatory. (Code Civ. Proc. § 2030.210, subd. (a)).

***Partial responses:***

* This interrogatory includes partial responses, which is inappropriate. (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771,783 ["Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions."]).

***Irrelevant:***

* This interrogatory seeks information that is irrelevant to the subject matter of this suit, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc. § 2017.010).
* This interrogatory calls for information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. (C.C.P. §2017(a); *Deaile v. General Telephone* (1974) 40 Cal.App.3d 841).
* This interrogatory seeks information neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this interrogatory invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive.

***Medical records/medical history:***

* This interrogatory seeks to discover medical treatment or medical records that are entirely unrelated to the issues in this litigation, in violation of Responding Party’s constitutionally protected right to privacy under Article I, section I of the California Constitution. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 842; *Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1014-16). To require a party to delineate his or her entire medical history is not reasonably calculated to lead to the discovery of admissible evidence and is overbroad. (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 864). Although an injured parties’ privacy rights are subordinate to the right of discovery in an injury case, this is true only with respect to relevant medical history. (*Vinson*, supra, 43 Cal.3d at p. 842). Thus, the disclosure of all of a party’s medical history and medical records cannot be compelled, even though they may, in some sense, be relevant to the substantive issues of litigation. (In re *Lifschutz* (1970) 2 Cal.3d 415, 435). Rather, only medical records that are directly relevant to the lawsuit are discoverable. (*Ibid*). Consequently, Responding Party can still assert [his/her] right of privacy to protect the disclosure of medical information not directly relevant to the lawsuit.
* This seeks to discover the decedent’s entire medical history and/or treatment, which is completely unrelated to the issues in this litigation and is in violation of the physician-patient privilege. Pursuant to the patient-litigant exception, the physician-patient privilege is waived only as to communications relevant to an issue “[…] concerning the condition of the patient if such an issue has been tendered by […] ‘the patient or someone claiming through the patient.’” (*Rittenhouse v. Superior Court* (1991) 235 Cal.App.3d 1584, 1591, citing Evid. Code § 996). This privilege survives death of the patient, and the right to claim or waive it is controlled by the deceased patient’s personal representatives. (*Rittenhouse*, supra, 235 Cal.App.3d at p. 1588).
* This interrogatory invades the Plaintiff’s constitutional right to privacy afforded by the California Constitution, Art. I §1; is impermissibly overbroad and therefore oppressive and burdensome; and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff’s medical history which, except as answered, does not relate to the injuries which are the subject matter of this action. (*Britt v. Superior Court* (1978) 20 Cal.3d 844).
* Plaintiff objects to identifying any healthcare providers who examined or treated her prior to the incident based on the fact that any such information, should it exist, is privileged from disclosure. The interrogatory seeks to invade Plaintiff's right of privacy, is not reasonably calculated to lead to the discovery of admissible evidence, and is irrelevant to the subject matter of this action in that it seeks disclosure of Plaintiff's medical history.

***Nonparty’s private information:***

* This interrogatory seeks the private information of a nonparty. Any party to an action may assert a nonparty’s constitutional right to privacy. (*Valley Bank of Nevada v. Superior Court* (*Barkett*) (1975) 15 Cal.3d 652, 658; *Pioneer Electronics (USA), Inc. v. Superior Court* (*Olmstead*) (2007) 40 Cal.4th 360, 371-75). Furthermore, even assuming the information sought by this interrogatory were relevant to the subject matter of this litigation, the nonparty must be given notice and an opportunity to object to such disclosure. (Id. at 637). No such notice or opportunity has been given in this instance.

***Legal reasoning:***

* This interrogatory seeks the legal reasoning and theories of Responding Party’s contentions. Responding Party is not required to prepare Propounding Party’s case. (*Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 5; *Ryan v. Superior Court* (1960) 186 Cal.App.2d 813, 819).
* This interrogatory seeks the legal reasoning or theory supporting Plaintiff’s contentions. Such theories and reasoning are absolutely protected as attorney work product. (C.C.P. §2018.030; *Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 5; *Burke v. Superior Court* (1969) 71 Cal.2d 276, 284-285).

***Privilege against self-incrimination:***

* Pursuant to Evidence Code section 940, the California Constitution, and the United States Constitution, a person has a privilege to refuse to disclose any matter that may tend to incriminate him or her, and Responding Party hereby asserts said privilege.

***Social security information:***

* A party’s Social Security number is “clearly irrelevant to the subject matter of the action.” (*Smith v. Superior Court* (1961) 189 Cal.App.2d 6, 9, 13).

***Tax returns and W-2s:***

* Information regarding tax returns, including income tax returns, W-2 forms, and 1099 forms, is privileged under federal and state law. (See *Webb v. Standard Oil Co.* (1957) 49 Cal.2d 509; *Brown v. Superior Court* (1977) 71 Cal.App.3d 141; *Aday v. Superior Court* (1961) 55 Cal.2d 789; *Schnabel v. Superior Court* (1993) 5 Cal.4th 704). This privilege is to be broadly construed. (*Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 6-7).
* This request seeks Plaintiff’s privileged tax information, including Plaintiff’s W-2 forms, which are protected from disclosure. (Revenue & Tax Code §19282; *Cobb v. Superior Court* (1979) 99 Cal.App.3d 543; *Brown v. Superior Court* (1977) 71 Cal.App.3d 141).

***Vague and ambiguous:***

* This interrogatory is so vague and ambiguous as to constitute an unwarranted annoyance and embarrassment to Responding Party, and, further, is oppressive because complying with this interrogatory would impose an undue burden and expense on Responding Party. (See Code Civ. Proc. § 2030.090, subd. (b)).
* This interrogatory is oppressive and burdensome because it is vague, ambiguous, and unintelligible [as to the phrase \_\_\_\_\_\_\_\_\_\_\_\_\_] so as to make a response impossible without speculation as to the meaning of the interrogatory.
* Plaintiff objects to this interrogatory as being vague and ambiguous. Further, it is irrelevant, not reasonably calculated to lead to the discovery of admissible evidence and seeks to invade Plaintiff's privacy.

***Overly broad:***

* This interrogatory is burdensome, and remote, and as such is not calculated to lead to the discovery of information relevant to the subject matter of this action or to the discovery of admissible evidence. (*CBS v. Superior Court* (1968) 263 Cal.App.2d 12). To answer this interrogatory would result in oppression to Plaintiff in that this interrogatory is overly broad, indefinite as to time, and without reasonable limitation in scope. (*West Pico v. Superior Court* (1961) 56 Cal.2d 407).

***Seeks legal analysis:***

* This interrogatory is oppressive, harassing, and burdensome; the information sought seeks Plaintiff’s counsel’s legal analysis and theories regarding laws, ordinances, safety orders, etc., which are equally available to Defendant; the question also invades the attorney work-product privilege. (*Alpine v. Superior Court* (1968) 259 Cal.App.2d 45; *Burke v. Superior Court* (1969) 71 Cal 2d 276, 286).

***Boilerplate:***

* This interrogatory is boilerplate in form, requiring reference back to preceding questions, introductions, etc., thus making the question oppressive, burdensome, ambiguous, and unintelligible. *West Pico v. Superior Court* (1961) 56 Cal.2d 407.

***Seeks an abstract:***

* To the extent that Defendant seeks an abstract, summary, or compilation of the dates, nature of treatment, and consultation, along with the reasons for such examination, Defendant is directed, pursuant to C.C.P. §2030.230, to the medical records themselves as identified in the response to this interrogatory. Plaintiff does not have an abstract, summary, or compilation of the information which is contained in these records.

***Seeks facts at trial:***

* This interrogatory seeks to ascertain all facts or other data which plaintiff intends to offer at trial and, as such, is violative of the attorney work-product privilege. (*Singer v. Superior Court* (1969) 54 Cal.2d 318).

***Mistake in numbering:***

* The questions in this set of \_\_\_\_\_\_\_\_\_\_\_\_ are not formatted in conformity with the requirements of C.C.P. §2030.060, in that the questions are not ordered consecutively and are not each separately identified by a unique number. Responding to these questions/demands/requests as erroneously numbered would lead to confusion.

***Privacy:***

* This question seeks information protected by the right of privacy afforded by the California Constitution, Art. I §1.
* This question seeks information protected by and in violation of the Plaintiff’s right of privacy afforded by the California Constitution, Art. I §1.
* This question seeks information neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this request invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive.
* This interrogatory invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, oppressive, and unduly harassing.

***Medical conclusion objection:***

* This interrogatory seeks an expert medical opinion and/or conclusion.

**Over 10 Years:**

* Moreover, this request is overly broad as to time, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

***Narrative:***

* Plaintiff objects to this special interrogatory on the grounds that it calls for Plaintiff to provide a narrative response to this interrogatory. Plaintiff further objects in that the subject interrogatory is vague and ambiguous, calls for an expert opinion and a legal conclusion. Moreover, it seeks to invade attorney client and/or attorney work product privilege.

**Equally Available to the Defense (NEW)**

* Plaintiff objects to the production request/INTERROGATORY as being vague, ambiguous, compound, overbroad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Further, it calls for an expert opinion and a legal conclusion, and seeks to invade the attorney client and attorney work product privilege. Additionally, such documents are equally available to Defendant making this request burdensome, oppressive, and harassing to Plaintiff. [[SOMETIMES, answer: Without waiving said objections, and subject to the aforementioned objections, Plaintiff responds as follows: Aside from those documents between Plaintiff’s attorney and the Defense in regards to this lawsuit, none to Plaintiff’s knowledge.]]

***Expert Witnesses:***

* This interrogatory seeks premature disclosure of expert opinion, in violation of Code of Civil Procedure sections 2034.210, 2034.220, and 2034.270. Responding Party has not decided which, if any, expert witnesses may be called at trial; insofar as this interrogatory seeks to ascertain the identity, writings, and opinions of Responding Party’s experts who, to date, have been retained or utilized solely as advisors or consultants, it is also violative of the work-product privilege. (See *South Tahoe Public Utilities District v. Superior Court* (1979) 90 Cal.App.3d 135; *Sheets v. Superior Court* (1967) 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973) 34 Cal.App.3d 270).
* Attorney work-product privilege. Plaintiff has not yet decided which, if any, expert witnesses will be called at trial. Any experts used by plaintiff to date are for purposes of consultation and case preparation. (C.C.P. §2018.030; *Sheets v. Superior Court* (1967) 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973) 34 Cal.App.3d 270).
* This interrogatory seeks to ascertain information provided by a consulting expert witness by Plaintiff’s counsel and, as such, is violative of the attorney work-product privilege. (C.C.P. §2018.030; *Kenney v. Superior Court* (1967) 255 Cal.App.2d 106).
* This interrogatory seeks data concerning an expert witness (who may be a trial witness) beyond his identity, address, date of first contact, and simple statistical data. As such, the interrogatory is violative of the attorney work-product privilege; it is also oppressive and burdensome to plaintiff. (*Kenney v. Superior Court* (1967) 255 Cal.App.2d 106; *South Tahoe Public Utility Dist. v. Superior Court* (1979) 90 Cal.App.3d 135, 138).
* The question seeks to ascertain information or other data which a consultant expert witness has provided plaintiff in the preparation of his case and, as such, is violative of the attorney work-product privilege. (C.C.P. §2018.030; *Scotsman Mfg. v. Superior Court* (1966) 242 Cal.App.2d 527).
* This question seeks the identity of expert witnesses and production of expert reports in violation of California Code of Civil Procedure section 2034.
* Additionally, Responding Party has not yet decided which, if any, expert witnesses may be called at trial, and any experts utilized by responding party to date are for purposes of consultation and case preparation. *Sheets v. Superior Court* (1967), 257 Cal.App.2d 1; *Sanders v. Superior Court* (1973), 34 Cal.App.3d 270.

***Trial Witnesses:***

* The question seeks disclosure of trial witnesses (other than experts) and is therefore violative of the attorney work-product privilege. *City of Long Beach v. Superior Court* (1976) 64 Cal.App.2d 65
* This interrogatory seeks to ascertain the anticipated testimony of witnesses who are not “experts” and as such violates the attorney work-product privilege. (*Holguin v. Superior Court* (1972) 22 Cal.App.3d 812; *City of Long Beach v. Superior Court* (1976) 64 Cal.App.3d 65; *Mowry v. Superior Court* (1962) 202 Cal.App.2d 229).

***Non Expert Witnesses:***

* The identity of witnesses is protected by the attorney work-product privilege where, as in this case, “disclosure would reveal the attorney’s tactics, impressions, or evaluation of the case (absolute privilege) or would result in opposing counsel taking undue advantage of the attorney’s industry or efforts (qualified privilege).” (*Coito v. Superior Court* (2012) 54 Cal.4th 480).
* The question calls for a professional opinion from a lay witness; consequently, the question is oppressive, harassing, and without a foundational showing of competence.
* This question seeks disclosure of trial witnesses other than experts and is therefore violates of the attorney work-product privilege. *City of Long Beach v. Superior Court* (1976) 64 Cal.App.3d 65.

***Calls for expert opinion:***

* Responding Party is not a medical doctor, economist, medical billing reviewer, biomechanical expert, nor an accident reconstructionist in order to determine such issues as liability, fault, causation, negligence, and apportionment.
* Responding Party objects that this Special Interrogatory tends to solicit a professional opinion from a lay person, and as such, has no foundational basis. Further objection, this Special Interrogatory lacks foundation and calls for a legal conclusion beyond the expertise, scope, knowledge or skill of Responding Party.
* Responding Party is not a medical doctor, economist nor a medical billing reviewer in order to determine such issues as liability, fault, causation, negligence, and apportionment and whether or not the medical services provided to Plaintiff in this matter were or were not due to the subject incident.

***Legal conclusion objection:***

* This Special Interrogatory seeks a legal conclusion of an ultimate fact rather than a conclusion of an evidentiary fact which invades the domain of the trier of act.
* This Special Interrogatory lacks foundation and calls for a legal conclusion beyond the expertise, scope, knowledge or skill of Responding Party.

**CELL phone:**

Objection. This request seeks information neither relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence. In addition, this interrogatory invades Plaintiff’s constitutional right to privacy, and is overbroad, burdensome, and oppressive. Discovery and investigation are ongoing. Plaintiff reserves the right to supplement and/or amend this response.