**MASTER DISCOVERY OBJECTION’S SHEET:**

**Demand for Production***:*

*Tips:*

* *Make sure you aren’t repeating objections within individual responses. Objections can be shared throughout the entirety of the responses, though. If an individual response includes two different objections which share a smaller objection (For example, “This request violates attorney work product” within two larger objection blocks), then ensure that the smaller objection is only included within the individual response once.*
* *Also, do not include two objections from the same category of objections within an individual response.*
* *Be cautious about including broader objections that are similar. Try and only include one that encompasses multiple, rather than stacking a bunch that are similar.*
* *"The word 'Objection.' should appear only once at the very beginning of each response, and not before each objection."*

***Asked and answered:***

* Asked and answered in prior requests.

***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 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).

***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. (*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).

***Anything related to medical bills (use this when a question asks for medical payments or bills in any shape of form):***

* 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.

***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).

***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.

***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).

***Photographs (If a request mentions photographs, use only this objection, no others)***

* 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 or 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.
* 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.

***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).

***Vague and ambiguous (use only one):***

* 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 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.

***Category not reasonably particularized:***

* The propounding party failed to designate a reasonably particularized category of documents. (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 (whenever a request asks for something that could be construed as requiring an opinion or conclusion that a medical expert would normally provide):***

* 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.

***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).

***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).
* 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. This Request tends to solicit a professional opinion from a lay person, and as such, has no foundational basis

***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).