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Gabriel Valley Gun Club
7

ORIGINAL FILED
SEP 10 2012
LOS ANGELES
SUPERIOR COURT

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF LOS ANGELES
10 EAST DISTRICT

11 CALMAT CO. dba VULCAN MATERIAL)
COMPANY, WESTERN DIVISION, a)
12 Delaware corporation,)
13 Plaintiff,)
14 vs.)
15 SAN GABRIEL VALLEY GUN CLUB, a)
non-profit California corporation; and DOES)
16 1-1000, inclusive,)
17 Defendants.)

CASE NO: KC062582

**NOTICE OF MOTION AND MOTION OF
DEFENDANT SAN GABRIEL VALLEY
GUN CLUB TO COMPEL FURTHER
RESPONSES TO SPECIAL
INTERROGATORIES (SET ONE) FROM
PLAINTIFF CALMAT CO. dba VULCAN
MATERIALS COMPANY, WESTERN
DIVISION; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF SCOTT M.
FRANKLIN**

[Filed concurrently with Separate
Statement of Items in Dispute; and
[Proposed] Order]

*Hon. R. Bruce Minto, presiding
(Matter Reassigned from Hon. Dan T. Oki)*

Date: October 2, 2012
Time: 8:30 a.m.
Dept.: H

24 ///

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

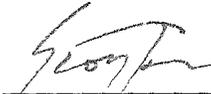
2 PLEASE TAKE NOTICE that on October 2, 2012, at 8:30 a.m. or as soon thereafter as the
3 matter may be heard, in Department H of the Los Angeles Superior Court, 400 Civic Center Plaza,
4 California, Defendant San Gabriel Valley Gun Club (the "Club") will and hereby does move this
5 Court for an order compelling Plaintiff CalMat Co. dba Vulcan Materials Company, Western
6 Division ("Vulcan") further produce responses to the Club's Special Interrogatories (Set One).

7 This motion is brought pursuant to Code of Civil Procedure sections 2030.220 and
8 2030.300, and is brought on the grounds that Vulcan has provided evasive, incomplete, and non-
9 responsive statements in response to certain special interrogatories propounded by the Club. A
10 declaration in conformance with Code of Civil Procedure section 2016.040 is provided herewith.

11 This motion is based upon this notice, the attached memorandum of points and authorities,
12 the supporting declaration of Scott M. Franklin, the separate statement of items in dispute
13 concurrently served and filed with this motion, upon all papers and pleadings currently on file
14 with the Court, and upon such oral and documentary evidence as may be presented to the Court at
15 the time of the hearing.

16 Dated: September 10, 2012

MICHEL & ASSOCIATES, P.C.

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19 _____
20 Scott M. Franklin, attorney for San Gabriel
21 Valley Gun Club
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 From approximately 1947 to 2006, the Club operated a shooting range and related
4 facilities on property leased from Vulcan or one of Vulcan’s predecessors in interest. On
5 September 4, 2008, Vulcan sued the Club in federal court. Vulcan’s federal case included claims
6 for relief alleging that Vulcan had been injured as a result of the ongoing presence of spent
7 ammunition at the previously-leased real property. Vulcan’s federal complaint comprised causes
8 of action under the Comprehensive Environmental Responsibility, Compensation, and Liability
9 Act (“CERCLA”) and under state law.

10 On October 22, 2011, in ruling on a motion for summary judgment brought by the Club,
11 the federal court ordered that Vulcan’s case be dismissed. The basis for that ruling was that: 1)
12 Vulcan’s CERCLA claims were not ripe for adjudication, and 2) the federal court was declining to
13 exercise supplemental jurisdiction over the remaining claims, which were all state law claims.

14 Vulcan filed the instant action on November 22, 2011. The instant action seeks damages
15 under contract and tort theories regarding the current condition of the property previously leased
16 by the Club.

17 **II. STATEMENT OF FACTS**

18 The Club served Special Interrogatories, Set One (“SI Set One”) on May 22, 2012.
19 (Declaration of Scott M. Franklin, [the “Franklin Decl.”] at ¶ 3). Pursuant to a courtesy extension
20 granted by the Club, Vulcan provided responses to SI Set One on June 28, 2012. (*Id.* at ¶ 4). The
21 Club quickly evaluated the responses and determined them to be unacceptable, and accordingly,
22 the Club sent a letter on July 6, 2012, explaining in detail how over half of the responses provided
23 were insufficient. (*Id.* at ¶ 5). The parties had a telephonic meeting to discuss Vulcan’s
24 insufficient responses to SI Set One, among other insufficient discovery responses, on July 23,
25 2012. (*Id.* at ¶ 6). Vulcan indicated it would provide further responses as to all disputed
26 discovery requests during that telephonic conference. (*Id.*).

27 The Club sent an email on July 24, 2012, that proposed Vulcan would provide further
28 responses to the disputed SI Set One Response, and all of the other disputed responses then

1 outstanding, on August 22, 2012. (*Id.* at ¶ 7). That email also stated that a motion to compel was
2 being set for October 2, 2012, with regard to SI Set One and several other sets of discovery to
3 which Vulcan had provided insufficient responses. (Franklin Decl. at ¶ 7). Vulcan agreed to
4 provide the demanded further responses by email on July 24, 2012, and agreed to the relevant
5 motion to compel hearing being set for October 2, 2012. (*Id.* at ¶ 8).

6 Vulcan’s counsel requested a one-week extension to the August 22, 2012, production
7 deadline on August 16, 2012, based on a “medical issue.” (*Id.* at ¶ 9). The Club granted the
8 request to move the production date to August 29, 2012, by email on August 17, 2012, stating the
9 request was “being granted on the express condition that good faith and non-evasive further
10 responses will be provided.” (*Id.*).

11 The supplemental (i.e., further) responses provided on August 29, 2012, were both evasive
12 and evidenced something well less than a good faith effort, resulting in the Club sending a letter
13 on September 7, 2012 directed at resolving the multiple insufficient responses that still remained.
14 (*Id.* at ¶ 10). Though that letter and the prior discussion between counsel for the parties shows that
15 a reasonable and good faith attempt at an informal resolution has been attempted, the letter of
16 September 7 included a request that the parties hold a telephonic meeting as soon as possible to
17 make one last attempt at resolving this matter prior to the hearing set for October 2, 2012. (*Id.*).

18 III. ARGUMENT

19 A. Relevant Law

20 “On receipt of a response to interrogatories, the propounding party may move for an order
21 compelling a further response if the propounding party deems that [the] answer to a particular
22 interrogatory is evasive or incomplete.” Civ. Proc. Code § 2030.300(a)(1). Evasive and
23 incomplete interrogatory responses violate the responding party’s duty to provide responses that
24 are “as complete and straightforward as the information reasonably available to the responding
25 party permits.” *Id.* § 2030.220(a); *accord Guzman v. Gen. Motors Corp.*, 154 Cal. App. 3d 438,
26 442 (1984) (noting a responding party must “state the truth, the whole truth, and nothing but the
27 truth in answering written interrogatories”); *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783 (1978)
28 (holding it is improper to provide “deftly worded conclusionary answers to evade a series of

1 explicit questions”). A motion seeking further interrogatory responses must be served within 45
2 days after service of the response at issue. *Id.* § 2030.300(c). Inasmuch as this Motion is being
3 served twelve days after service of the disputed responses, it is timely.

4 **B. Vulcan’s Responses to Special Interrogatories Nos. 6 & 10 Are Impermissibly**
5 **Evasive**

6 In a case where the plaintiff seeks over \$6.72 million in damages, discovery
7 gamesmanship and evasive responses cannot be ignored. The insufficient responses evaluated
8 below and in the other discovery motions filed herewith must be supplemented if the Club is
9 going to have a fair chance to defend itself in this action.

10 **1. Special Interrogatory No. 6**

11 This interrogatory asks Vulcan to

12 [d]escribe with particularity each and every location, including the boundaries of
13 that location expressed via latitude and longitude coordinates, that is both adjacent
14 to the PROPERTY [previously leased by the Club] and which YOU [i.e., Vulcan]
15 contend is contaminated with lead.

16 Vulcan’s further response¹ was as follows.

17 Subject to and without waiving the foregoing objections, Vulcan further responds
18 as follows: Vulcan contends that the area behind the rifle range and the area of the
19 shotgun range represent those areas adjacent to the Property which are
20 contaminated as witnessed by the Club’s counsel during more than one site
21 inspection.

22 The Complaint filed by Vulcan in this action makes it clear that Vulcan seeks damages for
23 “costs to repair and restore [the property previously rented by the Club] and neighboring
24 properties to proper conditions” (Compl. at 19:26-20:6). It is plainly reasonable for the Club
25 to inquire as to the actual size and location of the area Vulcan contends it needs to “repair and
26 restore.” At the least, the Club needs to know that information because: 1) potential surface
27 cleanup costs cannot be estimated without some value for the amount of allegedly-affected surface
28 area, 2) because some neighboring property owners may not require or want Vulcan to clean up
their allegedly-impacted property (meaning Vulcan cannot seek damages for such cleanup), and 3)

¹ See the attached Separate Statement to see the previous response to Special Interrogatory No. 6 provided by Vulcan, which is also evasive.

1 without an actual defined area, the Club cannot assess if the conditions in a given area could have
2 actually been the result of the Club's conduct.

3 Further, the tools needed to provide reasonably accurate latitude and longitude coordinates
4 for the areas at issue (e.g., Google Earth) are free and can be used by laypersons. Inasmuch as this
5 is a complex environmental contamination case with potentially millions of dollars at issue,
6 Vulcan's response ("the area behind the rifle range and the area of the shotgun range") is clearly
7 not "as complete and straightforward as the information reasonably available to the responding
8 party permits." Civ. Proc. Code § 2030.220(a). Accordingly, the Court should order a (second)
9 further response to Special Interrogatory No. 6.

10 **2. Special Interrogatory No. 10**

11 This interrogatory asks Vulcan to "[s]tate the earliest date [Vulcan] believe[s it] stored
12 mined material at the PROPERTY [previously leased by the Club]. Vulcan responded² by stating:
13 "subject to and without waiving the foregoing objections, Vulcan further responds as follows:
14 The early to mid 90's."

15 Vulcan's response is not a good faith effort at a response. First, this interrogatory asks for
16 a date, not a date range. If it was true that the best response Vulcan could give was a seven-year
17 window, Vulcan was required to state that it could not fully respond. Civ. Proc. Code 203.220(c).
18 Second, at least one *dated* document³ produced in the preceding federal action makes it clear that
19 the storing of mined material was occurring in 1991. Thus, Vulcan's failure to respond
20 accordingly indicates this vague response was not the result of a lack of responsive information,
21 but of either a complete lack of effort, or of an intention to obfuscate. The response at issue is not
22 "as complete and straightforward as the information reasonably available to the responding party
23 permits." Civ. Proc. Code § 2030.220(a). Accordingly, the Court should order a (second) further
24 response to Special Interrogatory No. 10.

25 _____
26 ² See the attached Separate Statement to see the previous response to Special
27 Interrogatory No. 10 provided by Vulcan, which is also evasive.

28 ³ This document, and all other documents from the federal action that are relevant
to this motion, will be provided in a formal request for judicial notice.

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IV. CONCLUSION

For the foregoing reasons, the Club requests the Court order (second) further responses to Special Interrogatories Nos. 6 and 10.

Dated: September 10, 2012

MICHEL & ASSOCIATES, P.C.



Scott M. Franklin, Attorney for San Gabriel
Valley Gun Club

1 **DECLARATION OF SCOTT M. FRANKLIN**

2 I, Scott M. Franklin, declare as follows:

3 1. I am an attorney at law duly licensed to practice before all the courts of the State of
4 California and an attorney in the law firm of Michel and Associates, P.C., attorneys of record for
5 Defendant San Gabriel Valley Gun Club.

6 2. I have personal knowledge of the following facts, and if called as a witness, I
7 could and would competently testify thereto.

8 3. The Club served Special Interrogatories, Set One ("SI Set One") on May 22, 2012.
9 A true and correct copy of SI Set One is attached hereto as Exhibit 1.

10 4. Pursuant to a courtesy extension granted by the Club, Vulcan provided responses to
11 SI Set One on June 28, 2012. A true and correct copy of Vulcan's responses to SI Set One is
12 attached hereto as Exhibit 2.

13 5. Within a week of receiving Vulcan's responses to SI Set One, I evaluated the
14 responses and determined them to be unacceptable. Accordingly, I sent a letter on July 6, 2012,
15 explaining in detail how over half of the responses provided were insufficient. A true and correct
16 copy of my letter of July 6, 2012, is attached hereto as Exhibit 3.

17 6. The parties had a telephonic meeting to discuss Vulcan's insufficient responses to
18 SI Set One, among other insufficient discovery responses, on July 23, 2012. Vulcan indicated it
19 would provide further responses as to all disputed discovery requests during that telephonic
20 conference.

21 7. I sent an email on July 24, 2012, that proposed Vulcan would provide further
22 responses to the disputed SI Set One Response, and all of the other disputed responses then
23 outstanding, on August 22, 2012. That email also stated that a motion to compel was being set for
24 October 2, 2012, with regard to SI Set One and several other sets of discovery to which Vulcan
25 had provided insufficient responses.

26 8. Vulcan agreed to provide the demanded further responses by email on July 24,
27 2012, and agreed to the relevant motion to compel being set for October 2, 2012. An email string
28 including a true and correct copy of my email of July 24, 2012, a true and correct copy of Ken

1 Ehrlich's response email of July 24, 2012, and a true and correct copy of my confirmation email
2 of July 24, 2012, is attached hereto as Exhibit 4.

3 9. Vulcan's counsel requested a one-week extension to the August 22, 2012,
4 production deadline on August 16, 2012, based on a "medical issue." The Club granted the
5 request to move the production date to August 29, 2012, by email on August 17, 2012, stating the
6 request was "being granted on the express condition that good faith and non-evasive further
7 responses will be provided." An email string including a true and correct copy of Elizabeth
8 Culley's email of August 16, 2012, and a true and correct copy my response email of August 17,
9 2012, is attached hereto as Exhibit 5.

10 10. The supplemental (i.e., further) responses provided on August 29, 2012, were both
11 evasive and evidenced something less than a good faith effort, resulting in the Club sending a
12 letter on September 7, 2012 directed at resolving the multiple insufficient responses that still
13 remained. A true and correct copy of the supplemental responses to SI Set One is attached hereto
14 as Exhibit 6. Though that letter and the prior discussion between counsel for the parties shows
15 that a reasonable and good faith attempt at an informal resolution has been attempted, the letter of
16 September 7 included a request that the parties hold a telephonic meeting to make one last attempt
17 at resolving this matter prior to the hearing set for October 2, 2012. A true and correct copy of my
18 letter of September 7, 2012, is attached hereto as Exhibit 7.

19
20 I declare under penalty of perjury under the laws of California that the foregoing is true
21 and correct, and that this declaration was executed on September 10, 2012, at Long Beach,
22 California.

23 
24 _____
25 Scott M. Franklin, declarant
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27
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EXHIBIT 1

1 C.D. Michel — SBN 144258
W. Lee Smith — SBN 196115
2 Scott M. Franklin — SBN 240254
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3 180 East Ocean Boulevard, Suite 200
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4 Telephone: (562) 216-4444
Facsimile: (562) 216-4445
5
6 Attorneys for Defendant San
Gabriel Valley Gun Club

7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**
10 **EAST DISTRICT**

11 CALMAT CO. dba VULCAN MATERIAL)
COMPANY, WESTERN DIVISION, a)
12 Delaware corporation,)
13 Plaintiff,)
14 vs.)
15 SAN GABRIEL VALLEY GUN CLUB, a)
non-profit California corporation; and DOES)
16 1-1000, inclusive,)
17 Defendants.)

CASE NO: KC062582J
**SPECIAL INTERROGATORIES, SET
ONE PROPOUNDED ON CALMAT CO.
dba VULCAN MATERIAL COMPANY**

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19 **PROPOUNDING PARTY: SAN GABRIEL VALLEY GUN CLUB**
20 **RESPONDING PARTY: CALMAT CO. dba VULCAN MATERIAL COMPANY**
21 **SET NO.: ONE**

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1 SPECIAL INTERROGATORIES

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3 SPECIAL INTERROGATORY NO. 1:

4 IDENTIFY (“IDENTIFY” means to provide all information reasonably available to YOU,
5 including but not limited to, information as necessary to distinguish or locate whatever or whoever
6 is being identified, including, as applicable: names, addresses, telephone numbers, telecopier
7 numbers, identification numbers [including, but not limited to, account, check, employee, invoice,
8 policy, purchase order, serial, social security, taxpayer identification, or transaction numbers],
9 location of employment, position of employment, makes or brands, models, purchase or
10 acquisition dates, sale or disposal dates, and forms of payment [including, but not limited to, cash,
11 check, credit, or debit]) every person YOU (“YOU” and “YOUR” refer to Plaintiff Calmat Co.
12 Dba Vulcan Material Company, Western Division, its past and present affiliates, successors,
13 agents, investigators, attorneys, officers, directors, employees, agents, representatives, and any
14 other person or entity acting or purporting to act on YOUR behalf or over whom YOU exercised
15 management and control. The term YOU shall be expressly understood to refer to YOUR
16 predecessors, including, but not limited to, entities known as Consolidated Rock Products
17 Company, Conrock Company, Calmat Properties Company, Calmat Company, Owl Rock
18 Products, Krist Construction Company, Azusa Rock, and Portland Cement) believe was involved
19 in drafting the FINAL LEASE (“FINAL LEASE” refers to the lease between YOU and THE
20 CLUB [“THE CLUB” refers to Defendant San Gabriel Valley Gun Club] dated May 20, 1992).

21 SPECIAL INTERROGATORY NO. 2:

22 IDENTIFY every person YOU believe was involved in the negotiation of the FINAL
23 LEASE.

24 SPECIAL INTERROGATORY NO. 3:

25 IDENTIFY all governmental agencies YOU have contacted regarding the presence of lead
26 at the PROPERTY (“PROPERTY” refers to the parcel of property known as Assessor’s
27 Identification No. 8684-008-014, commonly known as 4001 Fish Canyon Road, leased to THE
28 CLUB, it being understood that this definition of PROPERTY also expressly includes portions of

1 the PROPERTY that were at one point part of the real property leased to THE CLUB, even
2 though such portions may not currently be part of the parcel known as Assessor's Identification
3 No. 8684-008-014).

4 **SPECIAL INTERROGATORY NO. 4:**

5 If YOU have not contacted a governmental agency regarding the presence of lead at the
6 PROPERTY, state all reasons why YOU have not made such contact.

7 **SPECIAL INTERROGATORY NO. 5:**

8 IDENTIFY all governmental agencies that have contacted YOU regarding the presence of
9 lead at the PROPERTY.

10 **SPECIAL INTERROGATORY NO. 6:**

11 Describe with particularity each and every location, including the boundaries of that
12 location expressed via latitude and longitude coordinates, that is both adjacent to the PROPERTY
13 and which YOU contend is contaminated with lead.

14 **SPECIAL INTERROGATORY NO. 7:**

15 IDENTIFY all Army Corps of Engineers personnel, including contractors, that YOU
16 communicated with regarding SHOOTING RANGE MATERIALS ("SHOOTING RANGE
17 MATERIALS" refers to spent shot, spent bullets including fragments thereof, ammunition
18 casings, ammunition propellant, wadding, and "clay pigeon" targets, including fragments thereof
19 fragments) present on any property directly abutting the PROPERTY.

20 **SPECIAL INTERROGATORY NO. 8:**

21 IDENTIFY all Army Corps of Engineers personnel, including contractors, that YOU
22 communicated with regarding SHOOTING RANGE MATERIALS present on the PROPERTY.

23 **SPECIAL INTERROGATORY NO. 9:**

24 IDENTIFY all persons who have accessed the PROPERTY since June 26, 2011, to
25 examine the PROPERTY regarding the presence of a SHOOTING RANGE MATERIAL located
26 thereat.

27 **SPECIAL INTERROGATORY NO. 10:**

28 State the earliest date YOU believe YOU stored mined material at the PROPERTY.

1 **SPECIAL INTERROGATORY NO. 11:**

2 IDENTIFY the person(s) who YOU believe made the initial decision to store mined
3 material at the PROPERTY.

4 **SPECIAL INTERROGATORY NO. 12:**

5 IDENTIFY all persons who YOU believe to have done groundwater testing on YOUR
6 behalf with regard to the current condition of the PROPERTY.

7 **SPECIAL INTERROGATORY NO. 13:**

8 IDENTIFY all service providers, including both humans and business entities, who YOU
9 believe provided shooting range-related cleanup services regarding real property YOU once
10 owned in Ventura County, California.

11 **SPECIAL INTERROGATORY NO. 14:**

12 IDENTIFY all governmental agencies that YOU believe YOU contacted regarding
13 SHOOTING RANGE MATERIAL cleanup related to real property YOU previously owned in
14 Ventura County, California.

15 **SPECIAL INTERROGATORY NO. 15:**

16 IDENTIFY all of YOUR employees, current or former, and including contractors, who
17 YOU believe to have participated in negotiating the sale of land in Ventura County, California,
18 that was formerly used as a shooting range.

19 **SPECIAL INTERROGATORY NO. 16:**

20 IDENTIFY any person who, prior to 2004, made a request to THE CLUB on YOUR
21 behalf that THE CLUB remove spent ammunition from the PROPERTY.

22 **SPECIAL INTERROGATORY NO. 17:**

23 IDENTIFY every one of YOUR employees, current or former, who spoke to Fred
24 Wooldridge regarding the PROPERTY.

25 **SPECIAL INTERROGATORY NO. 18:**

26 IDENTIFY all of YOUR employees, current or former, and including contractors, who
27 YOU believe to have communicated with the operator of the shooting range previously located on
28 land owned by YOU in Ventura County, California, with regard to the cleanup of SHOOTING

1 RANGE MATERIAL.

2 **SPECIAL INTERROGATORY NO. 19:**

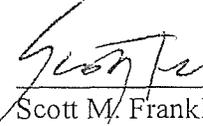
3 When did YOU first determine that the CLUB should be contacted regarding the removal
4 of SHOOTING RANGE MATERIAL from the PROPERTY?

5 **SPECIAL INTERROGATORY NO. 20:**

6 IDENTIFY all persons who made a written request to THE CLUB that spent ammunition
7 be removed from the property, it being understood that demands are considered to be a type of
8 request for the purpose of this interrogatory.

9 Dated: May 22, 2012

MICHEL & ASSOCIATES, P.C.

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12 Scott M. Franklin
13 Attorneys for Defendant San Gabriel Valley
14 Gun Club
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Christina Sanchez, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 E. Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On May 22, 2012, I served the foregoing document(s) described as

8 **SPECIAL INTERROGATORIES, SET ONE PROPOUNDED ON CALMAT CO. dba**
9 **VULCAN MATERIAL COMPANY**

10 on the interested parties in this action by placing

11 the original

12 a true and correct copy

13 thereof enclosed in sealed envelope(s) addressed as follows:

14 Kenneth A. Ehrlich
15 Paul A. Kroger
16 JEFFER, MANGELS, BUTLER & MITCHELL, LLP
17 1900 Avenue of the Stars, 7th Floor
18 Los Angeles, CA 90067

19 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for mailing. Under the practice it would be deposited with the
21 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
22 California, in the ordinary course of business. I am aware that on motion of the party
23 served, service is presumed invalid if postal cancellation date is more than one day after
24 date of deposit for mailing an affidavit.

25 Executed on May 22, 2012, at Long Beach, California.

26 (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
27 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under
28 the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for
receipt on the same day in the ordinary course of business. Such envelope was sealed and
placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for
in accordance with ordinary business practices.

Executed on May 22, 2012, at Long Beach, California.

29 X (PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of
30 the addressee.

31 Executed on May 22, 2012, at Long Beach, California.

32 X (STATE) I declare under penalty of perjury under the laws of the State of California that
33 the foregoing is true and correct.

34 (FEDERAL) I declare that I am employed in the office of the member of the bar of this
35 court at whose direction the service was made.

36 
37 CHRISTINA SANCHEZ

EXHIBIT 2

1 JEFFER MANGELS BUTLER & MITCHELL LLP
KENNETH A. EHRLICH (Bar No. 150570)
2 KEhrlich@jmbm.com
ELIZABETH A. CULLEY (Bar No. 258250)
3 ECulley@jmbm.com
1900 Avenue of the Stars, Seventh Floor
4 Los Angeles, California 90067-4308
Telephone: (310) 203-8080
5 Facsimile: (310) 203-0567

6 Attorneys for Plaintiff CALMAT CO. dba VULCAN
MATERIALS COMPANY, WESTERN DIVISION
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 CALMAT CO. dba VULCAN MATERIALS
12 COMPANY, WESTERN DIVISION, a
Delaware Corporation,

13 Plaintiff,

14 v.

15 SAN GABRIEL VALLEY GUN CLUB, a non-
16 profit California Corporation; and DOES 1-
1000, inclusive,

17 Defendants.
18
19
20
21
22

CASE NO. KC062582J

**RESPONSES TO SPECIAL
INTERROGATORIES, SET ONE,
PROPOUNDED ON CALMAT CO. DBA
VULCAN MATERIALS COMPANY**

23
24 PROPOUNDING PARTY: DEFENDANT SAN GABRIEL VALLEY GUN CLUB

25 RESPONDING PARTY: PLAINTIFF CALMAT CO. dba VULCAN MATERIALS
26 COMPANY

27 SET NO.: ONE
28

UNITED ON
RECYCLED PAPER
A 8779241v1
RESPONSES TO SPECIAL INTERROGATORIES, SET ONE
PROPOUNDED ON CALMAT CO. DBA VULCAN MATERIALS COMPANY

1 Pursuant to Code of Civil Procedure Section 2030.010 *et seq.*, Plaintiff Vulcan
2 Materials Company, Western Division ("Vulcan") hereby responds and objects to Defendant San
3 Gabriel Valley Gun Club's ("Gun Club") First Set of Special Interrogatories.

4 **PRELIMINARY STATEMENT**

5 A. These responses are made solely for the purpose of, and in relation to, this
6 action. Each answer is given subject to all appropriate objections (including but not limited to
7 objections concerning competency, relevancy, materiality, propriety and admissibility) which would
8 require the exclusion of any statement contained herein if made by a witness present and testifying
9 in court. All such objections and ground therefore are reserved and may be interposed at the time of
10 trial.

11 B. Vulcan is pursuing its investigation and analysis of the facts and law relating
12 to this case and has not completed discovery or its preparation for trial. Therefore, the responses set
13 forth herein are given without prejudice to Vulcan's right to produce evidence of any subsequent
14 facts or interpretations thereof, or to add to, modify or otherwise change or amend the responses
15 herein. The information hereinafter set forth is true and correct to Vulcan's best knowledge as of
16 this date, and is subject to correction for inadvertent errors, mistakes or omissions if any such errors,
17 mistakes or omissions should be found to exist. These responses are based upon records and
18 information presently available to Vulcan. References in a response to a preceding or subsequent
19 response incorporate both the information and objections set forth in the referenced response.

20 C. Vulcan reserves the right to introduce at trial any and all evidence heretofore
21 or hereinafter produced by the parties in this action or by any third party that supports or tends to
22 support Vulcan's contentions at trial or in support of or in opposition to any motion in this case. To
23 the extent that Vulcan identifies evidence or documents in response to a request herein, she does so
24 without prejudice to establish at a later date any additional facts that may be discovered as a result
25 of any additional investigation and discovery.

26 D. Any response contained herein does not constitute a waiver of any applicable
27 privilege, nor does any response contained herein waive any objection, including relevancy, to the
28 admission of such responses or responsive documents in evidence.

1 E. Except for explicit facts admitted herein, no incidental or implied admissions
2 of any nature whatsoever are intended hereby, are implied, or should be inferred. The fact that a
3 request has been responded to herein should not be taken as an admission, or a concession of the
4 existence of any facts set forth or assumed by the request, or that such response constitutes evidence
5 of any fact. In addition, the fact that Vulcan has responded in part or all to any request is not
6 intended and shall not be construed to be a waiver by Vulcan of all or any part of any objection to
7 any request.

8 **GENERAL OBJECTIONS**

9 The following general objections ("General Objections") apply to each individual
10 interrogatory propounded by Plaintiff and are incorporated into each response thereto by Vulcan:

11 1. Vulcan objects generally to each interrogatory to the extent that the request seeks
12 information that is neither relevant to the subject matter of this action nor reasonably calculated to
13 lead to the discovery of admissible evidence.

14 2. Vulcan objects generally to each interrogatory insofar as the request may be
15 construed as calling for information and/or the identification of documents which is subject to the
16 rights of privacy and/or confidentiality of third parties. Vulcan will not reproduce such information
17 and/or documents.

18 3. Vulcan objects generally to each interrogatory to the extent that it exceeds the scope
19 of permissible discovery under Code of Civil Procedure section 2017.010, including but not limited
20 to, information related to a subject matter that is not relevant or at issue in this action.

21 4. Vulcan objects and responds on the basis of its understanding and interpretation of
22 each request. If Vulcan understands or interprets any one or part of a request differently, Vulcan
23 reserves the right to supplement any of these responses, either with additional objections or
24 otherwise.

25 5. Vulcan objects to each interrogatory to the extent that it calls for information that is
26 subject to the attorney-client privilege, the attorney work-product doctrine or any other privilege,
27 immunity or protection available under law. Inadvertent disclosure of any information subject to
28 any applicable privilege or doctrine, including, but not limited to, the attorney-client privilege and

1 the work-product doctrine, is not intended to be, and shall not operate as, a waiver of such privilege
2 or doctrine, in whole or in part. Nor is any such inadvertent disclosure intended to be, nor shall it
3 constitute, a waiver of the right to object to any use of such information.

4 6. It should not be inferred from the form or substance of any objection or response that
5 Vulcan agrees with Plaintiff's characterization of the facts in any request.

6 7. Vulcan objects generally to each interrogatory to the extent that it misconstrues
7 and/or misrepresents Vulcan's obligations pursuant to the Code of Civil Procedure or purports to
8 impose obligations different from or in addition to those provided under the Code of Civil
9 Procedure. Vulcan shall respond to the requests in accordance with its obligations under the Code
10 of Civil Procedure and not otherwise.

11 8. Vulcan objects generally to each interrogatory insofar as each interrogatory is vague,
12 ambiguous or overbroad as to time.

13 9. Vulcan objects generally to each individual interrogatory relative to documents on
14 the grounds and to the extent it seeks information relative to documents protected by the attorney-
15 client privilege, the work-product doctrine or any other applicable privilege.

16 10. Subject to the foregoing Preliminary Statement and General Objections, which are
17 hereby incorporated by reference into each individual response below, and without waiving same,
18 Vulcan responds as follows to the individual interrogatories.

19 **RESPONSES TO SPECIAL INTERROGATORIES**

20 **SPECIAL INTERROGATORY NO. 1:**

21 IDENTIFY ("IDENTIFY" means to provide all information reasonably available to
22 YOU including but not limited to, information as necessary to distinguish or locate whatever or
23 whoever is being identified, including, as applicable: names, addresses, telephone numbers,
24 telecopier numbers, identification numbers [including, but not limited to, account, check, employee,
25 invoice, policy, purchase order, serial, social security, taxpayer identification, or transaction
26 numbers], location of employment, position of employment, makes or brands, models, purchase or
27 acquisition dates, sale or disposal dates, and forms of payment [including, but not limited to, cash,
28 check, credit, or debit]) every person YOU ("YOU" and "YOUR" refer to Plaintiff Calmat Co. Db

1 Vulcan Material Company, Western Division, its past and present affiliates, successors, agents,
2 investigators, attorneys, officers, directors, employees, agents, representatives, and any other person
3 or entity acting or purporting to act on YOUR behalf or over whom YOU exercised management
4 and control. The term YOU shall be expressly understood to refer to YOUR predecessors,
5 including, but not limited to, entities known as Consolidated Rock Products Company, Conrock
6 Company, Calmat Properties Company, Calmat Company, Owl Rock Products, Krist Construction
7 Company, Azusa Rock, and Portland Cement) believe was involved in drafting the FINAL LEASE
8 ("FINAL LEASE" refers to the lease between YOU and THE CLUB ["THE CLUB" refers to
9 Defendant San Gabriel Valley Gun Club] dated May 20, 1992).

10 RESPONSE TO SPECIAL INTERROGATORY NO. 1:

11 In addition to the General Objections set forth above, Vulcan objects to this
12 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
13 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
14 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
15 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
16 further objects on the grounds and to the extent that this interrogatory was propounded for the
17 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
18 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
19 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

20 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
21 sufficient to respond to this interrogatory in connection with the Federal Action. Specifically,
22 Vulcan has produced documents concerning the negotiation and execution of the various leases for
23 the subject property. The identity of the requested individuals can be derived from these documents
24 by the Gun Club as easily as by Vulcan. Vulcan reserves the right to supplement and/or amend this
25 response should additional information be ascertained.

26
27
28

1 SPECIAL INTERROGATORY NO. 2:

2 IDENTIFY every person YOU believe was involved in the negotiation of the FINAL
3 LEASE.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 2:

5 In addition to the General Objections set forth above, Vulcan objects to this
6 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
7 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
8 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
9 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
10 further objects on the grounds and to the extent that this interrogatory was propounded for the
11 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
12 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
13 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

14 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
15 sufficient to respond to this interrogatory in connection with the Federal Action. Specifically,
16 Vulcan has produced documents concerning the negotiation and execution of the various leases for
17 the subject property. The identity of the requested individuals can be derived from these documents
18 by the Gun Club as easily as by Vulcan. Vulcan reserves the right to supplement and/or amend this
19 response should additional information be ascertained.

20
21 SPECIAL INTERROGATORY NO. 3:

22 IDENTIFY all governmental agencies YOU have contacted regarding the presence
23 of lead at the PROPERTY ("PROPERTY" refers to the parcel of property known as Assessor's
24 Identification No. 8684-008-014, commonly known as 4001 Fish Canyon Road, leased to THE
25 CLUB, it being understood that this definition of PROPERTY also expressly includes portions of
26 the PROPERTY that were at one point part of the real property leased to THE CLUB, even though
27 such portions may not currently be part of the parcel known as Assessor's Identification No. 8684-
28 008-014).

1 RESPONSE TO SPECIAL INTERROGATORY NO. 3:

2 In addition to the General Objections set forth above, Vulcan objects to this
3 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
4 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
5 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
6 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
7 further objects on the grounds and to the extent that this interrogatory was propounded for the
8 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
9 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
10 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

11 Vulcan is presently unaware of any such communications. Vulcan reserves the right
12 to supplement and/or amend this response should additional information be ascertained.

13
14 SPECIAL INTERROGATORY NO. 4:

15 If YOU have not contacted a governmental agency regarding the presence of lead at
16 the PROPERTY, state all reasons why YOU have not made such contact.

17 RESPONSE TO SPECIAL INTERROGATORY NO. 4:

18 In addition to the General Objections set forth above, Vulcan objects to this
19 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
20 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
21 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
22 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
23 further objects on the grounds and to the extent that this interrogatory was propounded for the
24 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
25 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
26 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

27 Vulcan is not required to.

28

1 SPECIAL INTERROGATORY NO. 5:

2 IDENTIFY all governmental agencies that have contacted YOU regarding the
3 presence of lead at the PROPERTY.

4 RESPONSE TO SPECIAL INTERROGATORY NO. 5:

5 In addition to the General Objections set forth above, Vulcan objects to this
6 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
7 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
8 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
9 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
10 further objects on the grounds and to the extent that this interrogatory was propounded for the
11 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
12 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
13 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

14 Vulcan is presently unaware of any such communications. Vulcan reserves the right
15 to supplement and/or amend this response should additional information be ascertained.

16
17 SPECIAL INTERROGATORY NO. 6:

18 Describe with particularity each and every location, including the boundaries of that
19 location expressed via latitude and longitude coordinates, that is both adjacent to the PROPERTY
20 and which YOU contend is contaminated with lead.

21 RESPONSE TO SPECIAL INTERROGATORY NO. 6:

22 In addition to the General Objections set forth above, Vulcan objects to this
23 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
24 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
25 objects to this Interrogatory to the extent that it calls for information not discoverable under the
26 Discovery Act. Vulcan further objects to this Interrogatory to the extent that it seeks information
27 protected by the attorney-client privilege, the attorney work-product doctrine or any other
28 applicable rule or privilege. Vulcan further objects on the grounds and to the extent that this

1 interrogatory was propounded for the purposes of harassing Vulcan as the information sought by
2 this interrogatory was already produced by Vulcan in the Federal Action between the parties, and is
3 accordingly, already in the Gun Club's possession. Vulcan further objects on the grounds that this
4 interrogatory calls for expert testimony from a lay witness. Subject to and without waiving the
5 foregoing objections Vulcan responds as follows:

6 To date, Vulcan has produced all documents within its possession, custody and/or
7 control depicting the contamination. Vulcan is not aware of any documents showing the locations
8 via longitude and latitude coordinates of areas both adjacent to the PROPERTY and which Vulcan
9 contends is contaminated with lead.

10
11 SPECIAL INTERROGATORY NO. 7:

12 IDENTIFY all Army Corps of Engineers personnel, including contractors, that YOU
13 communicated with regarding SHOOTING RANGE MATERIALS ("SHOOTING RANGE
14 MATERIALS" refers to spent shot, spent bullets including fragments thereof, ammunition casings,
15 ammunition propellant, wadding, and "clay pigeon" targets, including fragments thereof fragments)
16 present on any property directly abutting the PROPERTY.

17 RESPONSE TO SPECIAL INTERROGATORY NO. 7:

18 In addition to the General Objections set forth above, Vulcan objects to this
19 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
20 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
21 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
22 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
23 further objects on the grounds and to the extent that this interrogatory was propounded for the
24 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
25 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
26 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

27 After a reasonable and diligent search for information Vulcan has not located any
28 information regarding purported communications between Vulcan and Army Corps of Engineers

1 personnel regarding contamination on property directly abutting the PROPERTY.

2
3 SPECIAL INTERROGATORY NO. 8:

4 IDENTIFY all Army Corps of Engineers personnel, including contractors, that YOU
5 communicated with regarding SHOOTING RANGE MATERIALS present on the PROPERTY.

6 RESPONSE TO SPECIAL INTERROGATORY NO. 8:

7 In addition to the General Objections set forth above, Vulcan objects to this
8 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
9 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
10 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
11 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
12 further objects on the grounds and to the extent that this interrogatory was propounded for the
13 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
14 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
15 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

16 Vulcan is presently unaware of any such communications. Vulcan reserves the right
17 to supplement and/or amend this response should additional information be ascertained.

18
19 SPECIAL INTERROGATORY NO. 9:

20 IDENTIFY all persons who have accessed the PROPERTY since June 26, 2011, to
21 examine the PROPERTY regarding the presence of a SHOOTING RANGE MATERIAL located
22 thereat.

23 RESPONSE TO SPECIAL INTERROGATORY NO. 9:

24 In addition to the General Objections set forth above, Vulcan objects to this
25 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
26 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
27 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
28 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan

1 further objects on the grounds and to the extent that this interrogatory was propounded for the
2 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
3 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
4 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

5 Charles St. John
6 The Gun Club's consultant
7

8 SPECIAL INTERROGATORY NO. 10:

9 State the earliest date YOU believe YOU stored mined material at the PROPERTY.

10 RESPONSE TO SPECIAL INTERROGATORY NO. 10:

11 In addition to the General Objections set forth above, Vulcan objects to this
12 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
13 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
14 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
15 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
16 further objects on the grounds and to the extent that this interrogatory was propounded for the
17 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
18 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
19 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

20 Vulcan has no independently verifiable information to specify the earliest date that
21 Vulcan "stored mined material at the PROPERTY." Evidence developed in the Federal Action
22 suggests that Vulcan may have placed material at the PROPERTY in or about the early or mid 90's.
23

24 SPECIAL INTERROGATORY NO. 11:

25 IDENTIFY the person(s) who YOU believe made the initial decision to store mined
26 material at the PROPERTY.

27 RESPONSE TO SPECIAL INTERROGATORY NO. 11:

28 In addition to the General Objections set forth above, Vulcan objects to this

1 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
2 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
3 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
4 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
5 further objects on the grounds and to the extent that this interrogatory was propounded for the
6 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
7 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
8 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

9 Vulcan has no independently verifiable information to specify the persons who
10 "made the initial decision to store mined material at the PROPERTY."

11
12 SPECIAL INTERROGATORY NO. 12:

13 IDENTIFY all persons who YOU believe to have done groundwater testing on
14 YOUR behalf with regard to the current condition of the PROPERTY.

15 RESPONSE TO SPECIAL INTERROGATORY NO. 12:

16 In addition to the General Objections set forth above, Vulcan objects to this
17 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
18 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
19 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
20 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
21 further objects on the grounds and to the extent that this interrogatory was propounded for the
22 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
23 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
24 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

25 None.
26
27
28

1 SPECIAL INTERROGATORY NO. 13:

2 IDENTIFY all service providers, including both humans and business entities, who
3 YOU believe provided shooting range-related cleanup services regarding real property YOU once
4 owned in Ventura County, California.

5 RESPONSE TO SPECIAL INTERROGATORY NO. 13:

6 In addition to the General Objections set forth above, Vulcan objects to this
7 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
8 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
9 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
10 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
11 further objects on the grounds and to the extent that this interrogatory was propounded for the
12 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
13 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
14 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

15 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
16 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
17 this response should additional information be ascertained.

18
19 SPECIAL INTERROGATORY NO. 14:

20 IDENTIFY all governmental agencies that YOU believe YOU contacted regarding
21 SHOOTING RANGE MATERIAL cleanup related to real property YOU previously owned in
22 Ventura County, California.

23 RESPONSE TO SPECIAL INTERROGATORY NO. 14:

24 In addition to the General Objections set forth above, Vulcan objects to this
25 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
26 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
27 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
28 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan

1 further objects on the grounds and to the extent that this interrogatory was propounded for the
2 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
3 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
4 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

5 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
6 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
7 this response should additional information be ascertained.

8
9 SPECIAL INTERROGATORY NO. 15:

10 IDENTIFY all of YOUR employees, current or former, and including contractors,
11 who YOU believe to have participated in negotiating the sale of land in Ventura County, California,
12 that was formerly used as a shooting range.

13 RESPONSE TO SPECIAL INTERROGATORY NO. 15:

14 In addition to the General Objections set forth above, Vulcan objects to this
15 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
16 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
17 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
18 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
19 further objects on the grounds and to the extent that this interrogatory was propounded for the
20 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
21 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
22 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

23 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
24 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
25 this response should additional information be ascertained.

26
27 SPECIAL INTERROGATORY NO. 16:

28 IDENTIFY any person who, prior to 2004, made a request to THE CLUB on YOUR

1 behalf that THE CLUB remove spent ammunition from the PROPERTY.

2 RESPONSE TO SPECIAL INTERROGATORY NO. 16:

3 In addition to the General Objections set forth above, Vulcan objects to this
4 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
5 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
6 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
7 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
8 further objects on the grounds and to the extent that this interrogatory was propounded for the
9 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
10 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
11 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

12 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
13 sufficient to respond to this interrogatory in connection with the Federal Action. Vulcan reserves
14 the right to supplement and/or amend this response should additional information be ascertained.

15
16 SPECIAL INTERROGATORY NO. 17:

17 IDENTIFY every one of YOUR employees, current or former, who spoke to Fred
18 Wooldridge regarding the PROPERTY.

19 RESPONSE TO SPECIAL INTERROGATORY NO. 17:

20 In addition to the General Objections set forth above, Vulcan objects to this
21 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
22 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
23 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
24 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
25 further objects on the grounds and to the extent that this interrogatory was propounded for the
26 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
27 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
28 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

1 Vulcan has no independently verifiable information to specifically identify
2 employees, current or former, who spoke to Fred Wooldridge regarding the PROPERTY. However,
3 Vulcan understands that Charles St. John and/or Brian Anderson may have spoken to Mr.
4 Wooldridge.

5
6 SPECIAL INTERROGATORY NO. 18:

7 IDENTIFY all of YOUR employees, current or former, and including contractor's,
8 who YOU believe to have communicated with the operator of the shooting range previously located
9 on land owned by YOU in Ventura County, California, with regard to the cleanup of SHOOTING
10 RANGE MATERIAL.

11 RESPONSE TO SPECIAL INTERROGATORY NO. 18:

12 In addition to the General Objections set forth above, Vulcan objects to this
13 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
14 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
15 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
16 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
17 further objects on the grounds and to the extent that this interrogatory was propounded for the
18 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
19 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
20 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

21 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
22 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
23 this response should additional information be ascertained.

24
25 SPECIAL INTERROGATORY NO. 19:

26 When did YOU first determine that the CLUB should be contacted regarding the
27 removal of SHOOTING RANGE MATERIAL from the PROPERTY?
28

1 RESPONSE TO SPECIAL INTERROGATORY NO. 19:

2 In addition to the General Objections set forth above, Vulcan objects to this
3 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
4 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
5 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
6 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
7 further objects on the grounds and to the extent that this interrogatory was propounded for the
8 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
9 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
10 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

11 In approximately 2004-2005.

12
13 SPECIAL INTERROGATORY NO. 20:

14 IDENTIFY all persons who made a written request to THE CLUB that spent
15 ammunition be removed from the property, it being understood that demands are considered to be a
16 type of request for the purpose of this interrogatory.

17 RESPONSE TO SPECIAL INTERROGATORY NO. 20:

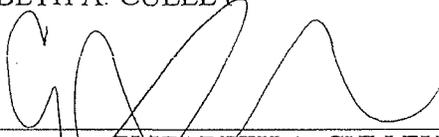
18 In addition to the General Objections set forth above, Vulcan objects to this
19 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
20 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
21 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
22 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
23 further objects on the grounds and to the extent that this interrogatory was propounded for the
24 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
25 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
26 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

27 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
28 sufficient to respond to this interrogatory in connection with the Federal Action. Vulcan reserves

1 the right to supplement and/or amend this response should additional information be ascertained.

2
3
4
5 DATED: June 28, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP
KENNETH A. EHRLICH
ELIZABETH A. CULLEY

6
7
8 By: 

ELIZABETH A. CULLEY

9 Attorneys for Plaintiff CALMAT CO. DBA VULCAN
10 MATERIALS COMPANY, WESTERN DIVISION
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PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067.

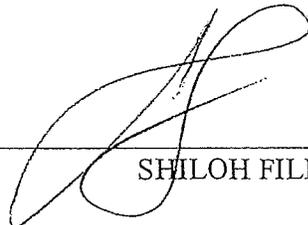
On June 28, 2012 I served the document(s) described as **RESPONSES TO SPECIAL INTERROGATORIES, SET ONE, PROPOUNDED ON CALMAT CO. DBA VULCAN MATERIALS COMPANY** on the following in this action addressed as follows:

**C.D. Michel
W. Lee Smith
Thomas E. Maciejewski
MICHEL & ASSOCIATES, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802
Telephone: 562.216.4444
Facsimile: 562.216.4445
Attorneys for Defendant San Gabriel Valley Gun Club**

- (BY MAIL) I am "readily familiar" with the business' practice for collection and processing correspondence for mailing. Under that practice true and correct copies of the aforementioned document(s) was deposited, in a sealed envelope with postage thereon fully prepaid, with the U.S. Postal Service on that same day to be mailed via first class mail at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY ELECTRONIC SERVICE) On _____, I transmitted the aforementioned document(s) directly, through an agent, or through a designated electronic filing service provider to the aforementioned electronic notification address(es). The transmission originated from my electronic notification address, which is _____, and was reported as complete and without error. Pursuant to Rule 2.260(f)(4), I will maintain a printed form of this document bearing my original signature and will make the document available for inspection and copying on the request of the court or any party to the action or proceeding in which it is filed, in the manner provided in rule 2.257(a).
- (BY OVERNIGHT DELIVERY) I placed the aforementioned document(s) in a sealed envelope with postage thereon fully prepaid and I caused said envelope to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on June 28, 2012 at Los Angeles, California.

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



SHILOH FILIN

EXHIBIT 3

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JULY 6, 2012

VIA U.S. POST & EMAIL

Elizabeth A. Culley
JEFFER, MANGELS, BUTLER & MITCHELL, LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

**Re: Plaintiff Vulcan's Responses to Special Interrogatories (Set One) and
Request for Production of Documents (Set One) propounded by Defendant
San Gabriel Valley Gun Club (*Vulcan v. San Gabriel Valley Gun Club*, E.D.
Cal. Case No. KC062582)**

Ms. Culley:

My office is in receipt of the abovementioned responses. After reviewing the responses, it is clear that many of the Special Interrogatory responses are insufficient. As to Vulcan's responses to the Requests for Production of Documents, those responses seem to be sufficient, though a few points of clarification are needed. Accordingly, I request a telephonic discovery dispute meet-and-confer as soon as possible. If you would like to discuss these issues at the in-person meeting Vulcan has already agreed to regarding the previous round of insufficient discovery responses provided by Vulcan, we have no objection to that. As I mentioned in my email of July 5, 2012, I should be available to meet in person on July 9, 10, or 13. If I don't hear back from you by COB on July 9, 2012, regarding the scheduling of that meeting, I will reserve a motion hearing date for a motion to compel on the morning of July 10, 2012.

In my previous meet-and-confer letter that I provided to you as a courtesy, I restated the relevant requests and responses so that you could conveniently look at our comments "in context" without having to compare two documents. This, of course, made that letter very long. Based on your decision to repeatedly raise that the length of my last letter as a negative in your June 28, 2012, this letter does not include the context provided in my last letter.

Special Interrogatories

Special Interrogatory No. 1

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Amazing Technologies Corp., 51 Cal. App. 4th 1513, 1516*

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(1997).

Second, Vulcan's attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory "necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed," and that the answer provided "specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. As it has been for more than thirty years, "A broad statement that the information is available from a mass of documents is insufficient." *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous section 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat'l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a "compilation, abstract, audit, or summary of or from . . . documents." Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participating in the drafting who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan's interpretation of section 2030.230 is not reasonable, and Vulcan's section 2030.230 claim is without merit.

As to requirement 2, Vulcan alleges "Vulcan has produced documents sufficient to respond to this interrogatory in connection with the Federal Action" and that "Vulcan has produced documents concerning the negotiation and execution of the various leases for the subject property." Thus, Vulcan contends that "the identity of the requested individuals can be derived from these documents by the Gun Club as easily as by Vulcan." This is not accurate.

This interrogatory asks Vulcan to IDENTIFY persons *involved in drafting* the FINAL LEASE. Even if it is true that Vulcan has "produced documents concerning the negotiation and execution of the various leases for the subject property" that does not answer the question asked. Indeed, the statement Vulcan makes that "[t]he identity of the requested individuals can be derived from these documents by the Gun Club as easily as by Vulcan" is patently incorrect. Just because Vulcan provided records that identify some people who *might* have been involved in the drafting process (e.g., the signatories of the lease at issue), that is not a sufficient good faith attempt to identify the all of the people that were involved in the drafting of a document. Just because a person's name is *stated* in the approximately 3,000 pages produced by Vulcan in the Federal action, that does not identify whether or not they were

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involved in drafting the lease at issue. Thus, even assuming all request information is within the 3,000 pages cited, Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: "specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Special Interrogatory No. 2

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp.)*, 51 Cal. App. 4th 1513, 1516 (1997).

Second, Vulcan's attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory "necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed," and that the answer provided "specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. As it has been for more than thirty years, "A broad statement that the information is available from a mass of documents is insufficient." *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat'l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a "compilation, abstract, audit, or summary of or from . . . documents." Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participating in the drafting who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan's interpretation of section 2030.230 is not reasonable, and Vulcan's section 2030.230 claim is without merit.

As to requirement 2, Vulcan alleges "Vulcan has produced documents sufficient to respond to this interrogatory in connection with the Federal Action" and that "Vulcan has produced documents concerning the negotiation and execution of the various leases for the subject property." Thus, Vulcan contends that "the identity of the requested individuals can be derived from these documents by the Gun Club as easily as by Vulcan." This is not accurate.

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This interrogatory asks Vulcan to IDENTIFY persons *involved in* negotiating the FINAL LEASE. Even if it is true that Vulcan has “produced documents concerning the negotiation and execution of the various leases for the subject property” that does not answer the question asked. Indeed, the statement Vulcan makes that “[t]he identity of the requested individuals can be derived from these documents by the Gun Club as easily as by Vulcan” is patently incorrect. Just because Vulcan provided records that identify some people who *might* have been involved in the negotiation process (e.g., the signatories of the lease at issue), that is not a sufficient good faith attempt to identify all of the people that were involved in the negotiation of a document. Just because a person’s name is *stated* in the approximately 3,000 pages produced by Vulcan in the Federal action, that does not identify whether or not they were involved in negotiating the lease at issue. Thus, even assuming all request information is within the 3,000 pages cited, Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: “specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Special Interrogatory No. 6

First, most of Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Amazing Technologies Corp.)*, 51 Cal. App. 4th 1513, 1516 (1997). As to Vulcan’s objection that this testimony calls for expert testimony from a lay witness, the objection is baseless and justifies a sanction award. Civ. Proc. Code § 2030.300(a)(3). The interrogatory seeks a response based on what Vulcan itself currently contends, something that is no doubt within Vulcan’s knowledge.

Second, even if it is true that “Vulcan has produced all documents within its possession, custody and/or control depicting the contamination[.]” that does not answer the question asked. SGVGC has the right to know, *as to this action*, which specific areas Vulcan is claiming to be contaminated with lead. For example, SGVGC is aware of no document that clearly depicts the boundaries of the supposed contamination on the property north of the former gun club site, and yet Vulcan’s complaint appears to indicate contamination has occurred somewhere in that area.

Third, this request at issue is an interrogatory, not a request for production of documents. Thus, Vulcan is off-topic when it states that “Vulcan is not aware of any documents showing the locations via longitude and latitude coordinates of areas both adjacent to the PROPERTY and which Vulcan contends is contaminated with lead.”

Google Earth allows even unsophisticated users to identify latitude and longitude measurements of a particular geographical location. Nonetheless, Vulcan did not even attempt answer the interrogatory asked in simple terms. Thus, Vulcan is bound to provide a further response. *See* Civ. Proc. Code § 2030.220(a)-(b) (“Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits. [] If an interrogatory cannot be answered completely, it shall be answered to the extent possible.”).

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Special Interrogatory No. 10

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp., 51 Cal. App. 4th 1513, 1516 (1997))*.

Second, Vulcan's response is evasive, and hard to believe. Vulcan contends it has "no independently verifiable information to specify the earliest date that Vulcan 'stored mined material at the PROPERTY.'" The question does not ask for *actual* earliest date Vulcan stored mined material at the PROPERTY, it asks for the earliest date Vulcan *believes* it stored material at the PROPERTY. Nor does the interrogatory ask Vulcan to state what the evidence in the Federal action suggests, and Vulcan statements that extent are non-responsive (i.e., "Evidence developed in the Federal Action suggests that Vulcan may have placed material at the PROPERTY in or about the early or mid 90's."). A further response is required because Vulcan's response is not as complete and straightforward as the information reasonably available permits. Civ. Proc. Code § 2030.220(a)-(b).

Special Interrogatory No. 11

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp., 51 Cal. App. 4th 1513, 1516 (1997))*.

Second, Vulcan's response is evasive, and hard to believe. Vulcan contends it has "no independently verifiable information to specify the persons who "made the initial decision to store mined material at the PROPERTY." The question does not ask for *definitive* answer, it asks for the Vulcan's *belief* as to who made the decision at issue. Further, there is no authority that requires a discovery response be based on "independently verifiable information[.]" whatever that term means. Based on the evidence produced in the Federal action alone (e.g., the depositions of Thomas Sheedy and Preston Cowan) it seems there is ample "independently verifiable information" to answer this interrogatory. A further response is required because Vulcan's response is not as complete and straightforward as the information reasonably available permits. Civ. Proc. Code § 2030.220(a)-(b).

Special Interrogatory No. 13

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super. Ct. (Aamazing Technologies Corp., 51 Cal. App. 4th 1513, 1516 (1997))*.

Second, Vulcan's attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory "necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed," and that the answer provided "specify the writings from which the answer may be derived or ascertained[; t]his

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specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. As it has been for more than thirty years, “A broad statement that the information is available from a mass of documents is insufficient.” *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat’l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a “compilation, abstract, audit, or summary of or from . . . documents.” Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for the names of the service providers at issue, it asks for the providers to be *identified*, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue may require personal knowledge of those who did were somehow involved with the project at issue who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan’s interpretation of section 2030.230 is not reasonable, and Vulcan’s section 2030.230 claim is without merit. A further response should be provided.

Special Interrogatory No. 14

First, Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super. Ct. (Amazing Technologies Corp.)*, 51 Cal. App. 4th 1513, 1516 (1997).

Second, Vulcan’s attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory “necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed,” and that the answer provided “specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. As it has been for more than thirty years, “A broad statement that the information is available from a mass of documents is insufficient.” *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat’l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

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As to requirement 1, this interrogatory does not require the creation of a “compilation, abstract, audit, or summary of or from . . . documents.” Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in the production of more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable. In this instance, Vulcan’s attempt to utilize section 2030.230 is especially unreasonable, inasmuch as there are less than a dozen governmental agencies that could reasonably have been listed in response to this interrogatory. And as to requirement 2, Vulcan provides no specificity at all. A further response should be provided.

Special Interrogatory No. 15

First, Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Amazing Technologies Corp.*, 51 Cal. App. 4th 1513, 1516 (1997).

Second, Vulcan’s attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory “necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed,” and that the answer provided “specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. As it has been for more than thirty years, “A broad statement that the information is available from a mass of documents is insufficient.” *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat’l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a “compilation, abstract, audit, or summary of or from . . . documents.” Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participate in the sale of a former gun range in Ventura County who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan’s interpretation of section 2030.230 is not reasonable, and Vulcan’s section 2030.230 claim is without merit.

And as to requirement 2, Vulcan provides no specificity at all. Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: “specification shall be in

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sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Special Interrogatory No. 16

First, Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp.*, 51 Cal. App. 4th 1513, 1516 (1997).

Second, Vulcan’s attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory “necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed,” and that the answer provided “specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. As it has been for more than thirty years, “A broad statement that the information is available from a mass of documents is insufficient.” *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat’l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a “compilation, abstract, audit, or summary of or from . . . documents.” Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participating in the management of the relevant lease relationship who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan’s interpretation of section 2030.230 is not reasonable, and Vulcan’s section 2030.230 claim is without merit.

As to requirement 2, Vulcan alleges “Vulcan has produced documents sufficient to respond to this interrogatory in connection with the Federal Action” and nothing more.

Just because Vulcan provided records that identify some people who *might* have made the type of request at issue, that is not a sufficient good faith attempt to identify who actually made such a request. Just because a person’s name is *stated* in the approximately 3,000 pages produced by Vulcan

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in the Federal action, that does not identify whether or not they were involved in making the type of request at issue. Thus, even assuming all request information is within the 3,000 pages cited, Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: “specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Special Interrogatory No. 17

First, Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp., 51 Cal. App. 4th 1513, 1516 (1997))*.

Second, Vulcan’s response is evasive, and hard to believe. Vulcan contends it has “no independently verifiable information to specifically identify employees, current or former, who spoke to Fred Wooldridge regarding the PROPERTY.” Vulcan’s response that “Charles St. John and/or Brian Anderson may have spoken to Mr. Wooldridge” is especially hard to fathom, presuming they are both still employees of Vulcan, and considering how contentious Mr. Wooldridge’s presence at the site was. A further response is required because Vulcan’s response is not as complete and straightforward as the information reasonably available permits. Civ. Proc. Code § 2030.220(a)-(b).

Special Interrogatory No. 18

First, Vulcan’s objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Aamazing Technologies Corp., 51 Cal. App. 4th 1513, 1516 (1997))*.

Second, Vulcan’s attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory “necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed,” and that the answer provided “specify the writings from which the answer may be derived or ascertained[; t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained.” Civ. Proc. Code § 2030.230. As it has been for more than thirty years, “A broad statement that the information is available from a mass of documents is insufficient.” *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat’l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a “compilation, abstract, audit, or summary of or from . . . documents.” Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section

Ms. Elizabeth Culley
July 6, 2012
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2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced. Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participate in the cleanup of a former gun range in Ventura County who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan's interpretation of section 2030.230 is not reasonable, and Vulcan's section 2030.230 claim is without merit.

And as to requirement 2, Vulcan provides no specificity at all. Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: "specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Special Interrogatory No. 20

First, Vulcan's objections are without merit and too general, making the response susceptible to a motion to compel further response and potentially sanctions. Civ. Proc. Code § 2030.300(a)(3), (d); *Korea Data Systems Co. Ltd. v. Super.Ct. (Amazing Technologies Corp.)*, 51 Cal. App. 4th 1513, 1516 (1997).

Second, Vulcan's attempt to exercise the option provided under section 2030.230 is unwarranted and does not provide the required specification; again, potentially sanctionable conduct. *Id.* § 2030.300(a)(2), (d). There are two key requirements for exercising the 2030.230 option: 1) that an interrogatory "necessitate[s] the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed," and that the answer provided "specify the writings from which the answer may be derived or ascertained; [t]his specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. As it has been for more than thirty years, "A broad statement that the information is available from a mass of documents is insufficient." *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783-784 (1978). Further, several unpublished rulings show the courts reject the type of disingenuous 2030.230 (former 2030(f)(2)) claim being made here. *Hung on Tong Soc. v. Super. Ct.*, 2010 WL 1170922 at *5 (Mar. 26, 2010); *Beck v. Old Republic Nat'l Title Co.*, 2009 WL 189847 at *9 (Jan. 28, 2009); *Lynn v. Williams*, Trial Order 2003 WL 2546407 (July 2, 2003).

As to requirement 1, this interrogatory does not require the creation of a "compilation, abstract, audit, or summary of or from . . . documents." Under the interpretation Vulcan is attempting to utilize here, any interrogatory potentially resulting in more than one item of response can trigger the section 2030.20 option. Such interpretation is unreasonable.

Furthermore, the interrogatory does not ask for just the names of the persons at issue, it asks for the persons to be identified, e.g., addresses, telephone numbers, social security number, the type of information that is not necessarily (and probably is unlikely to be) included in the records produced.

Ms. Elizabeth Culley
July 6, 2012
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Additionally, because answering the interrogatory at issue appears to require personal knowledge of those who did participate in the management aspects of SGVGC's tenancy who are still in contact with Vulcan (e.g., Brian Ferris) and not the summarizing of documents, the answer sought is outside the scope of those answers that could invoke section 2030.230. Vulcan's interpretation of section 2030.230 is not reasonable, and Vulcan's section 2030.230 claim is without merit.

And as to requirement 2, Vulcan provides no specificity at all. Vulcan has failed to provide the required level of specification to utilize the section 2030.230 option: "specification shall be in sufficient detail to permit the propounding party to locate and to identify, as readily as the responding party can, the documents from which the answer may be ascertained." Civ. Proc. Code § 2030.230. Accordingly, a further response is required.

Requests for Production

Several of Vulcan's responses to requests for production (responses re: requests nos. 11, 12, 17-23) state the following:

Subject to, and without waiving, the foregoing objections, Vulcan will produce all responsive documents within its possession, custody or control. Vulcan's investigation and compilation of all responsive documents within its possession, custody or control is continuing and Vulcan will produce responsive documents on a continuing basis as they are discovered and compiled.

Please confirm that, as to the responses at issue, all responsive documents *currently* in Vulcan's possession, custody, or control have been produced. By use of the word "will" in this answer, it is unclear if Vulcan was referring to some indefinite point in the future, the production that was made last week, or a combination of the two.

Request No. 13

This request asks for documents dated August 2010 or later. As you know, Vulcan was not required to provide supplemental discovery responses in the Federal action as a result of a stipulation. Though there is a request for production (No. 33) in the Federal action that asked for documents related to an appraisal occurring after November 2006, Vulcan responded to that request on November 6, 2009, with a response that stated no responsive documents were located at that time. Accordingly, Vulcan's response to Request No. 13 herein does not make sense:

All responsive documents were already produced by Vulcan to the Gun Club in the Federal Action, and are accordingly within the Gun Club's possession.

Please provide a further response to clarify that, as to the time frame at issue in this question (July 31, 2010, to the present), Vulcan is not aware of any responsive documents.

Request No. 16

Vulcan's response this request states that "All responsive documents were already produced by Vulcan to the Gun Club in the Federal Action, and are accordingly within the Gun Clubs possession."

Ms. Elizabeth Culley
July 6, 2012
Page 12 of 12

The request, however, is not limited to the SGVGC location, and seeks documents regarding other facilities, i.e., the former Los Cazadores location in Ventura County, California. Thus, it appears a further response is need, if only to correct what may well be a simple clerical error.

Sincerely,
MICHEL & ASSOCIATES, P.C.



Scott M. Franklin

EXHIBIT 4

Scott Franklin

From: Scott Franklin
Sent: Tuesday, July 24, 2012 4:30 PM
To: 'Ehrlich, Kenneth A.'
Cc: eculley@jmbm.com
Subject: RE: Proposed rescheduling (Vulcan v. SGVGC) [MA-Interwoven.FID43878]

Thank you for confirming. I should have the draft joint motion to you either tomorrow or Thursday.

Sincerely,

Scott Franklin Attorney	Direct: (562) 216-4474 Main: (562) 216-4444 Fax: (562) 216-4445 Email: SFranklin@michellawyers.com Web: www.michellawyers.com
MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense	180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802

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From: Ehrlich, Kenneth A. [<mailto:KAE@JMBM.com>]
Sent: Tuesday, July 24, 2012 4:28 PM
To: Scott Franklin; Culley, Elizabeth
Subject: RE: Proposed rescheduling (Vulcan v. SGVGC) [MA-Interwoven.FID32202]

Looks fine.

From: Scott Franklin [<mailto:SFranklin@michellawyers.com>]
Sent: Tuesday, July 24, 2012 3:59 PM
To: Culley, Elizabeth
Cc: Ehrlich, Kenneth A.
Subject: Proposed rescheduling (Vulcan v. SGVGC) [MA-Interwoven.FID32202]

Ms. Culley:

I have run the time calculations and locked in a MTC hearing date (October 2, 2012), and it looks like the trial date Mr. Ehrlich suggested (March 4, 2012) will work. If we follow the schedule below, it should allow Vulcan the 4 week extension that was requested in light of your and Mr. Ehrlich's upcoming trial commitments.

- 08/22/12 (production deadline for further response re: SI Set 1, FI Set 1, POD Set 1, and RFA Set 1)
- 10/02/12 (hearing re: MTC further responses re: SI Set 1, FI Set 1, POD Set 1, and RFA Set 1, if needed)
- 11/12/12 (approximate deadline for filing MSJs, based on proposed 03/04/13 trial date)(the actual deadline will depend on the MSJ hearing date actually selected by the Court)
- 03/04/13 (trial)

I want to make sure Vulcan agrees to the foregoing schedule before I draft the joint motion to extend our trial date, which I plan to send to you this week. Because of the Court's backlog on noticed hearing dates, I will have to go in ex parte to shorten time, or else this will all be for naught, as the MSJ filing deadline will occur well before our motion to extend gets heard.

Also, please confirm that SGVGC has an extension regarding the filing of MTCs re: response re: SI Set 1, FI Set 1, POD Set 1, and RFA Set 1 to September 11, 2012.

Thank you,

Scott Franklin
Attorney

Direct: (562) 216-4474
Main: (562) 216-4444
Fax: (562) 216-4445
Email: SFranklin@michellawyers.com
Web: www.michellawyers.com

MICHEL & ASSOCIATES, P.C.
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Environmental - Land Use - Licenses - Employment Law
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180 E. Ocean Blvd.
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Long Beach, CA 90802

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EXHIBIT 5

Scott Franklin

From: Scott Franklin
Sent: Friday, August 17, 2012 9:03 AM
To: 'Culley, Elizabeth'
Subject: RE: Proposed rescheduling (Vulcan v. SGVGC) [MA-Interwoven.FID43878]

Ms. Culley:

We agree to an additional week, further responses are now due August 29, 2012. Please send courtesy copies of the response documents in Word or Word Perfect by email on the 29th.

Based on the insufficient and evasive discovery responses provided the last time my office agreed to a response extension in this case, I am compelled state that this extension is being granted on the express condition that good faith and non-evasive further responses will be provided.

Thank you,

Scott Franklin
Attorney

Direct: (562) 216-4474
Main: (562) 216-4444
Fax: (562) 216-4445
Email: SFranklin@michellawyers.com
Web: www.michellawyers.com

MICHEL & ASSOCIATES, P.C.
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From: Culley, Elizabeth [mailto:ECulley@JMBM.com]
Sent: Thursday, August 16, 2012 4:57 PM
To: Scott Franklin
Subject: Re: Proposed rescheduling (Vulcan v. SGVGC) [MA-Interwoven.FID43878]

Thank you. Would you be willing to give us one more week on the discovery? I am having a medical issue.

On Aug 16, 2012, at 4:54 PM, "Scott Franklin" <SFranklin@michellawyers.com> wrote:

Ms. Culley:

The further responses are due August 22, 2012 (see below). I just checked with my assistant, and the stipulation was filed August 2, 2012, but we have not yet received a conformed copy. I will send one when we get it.

Sincerely,

EXHIBIT 6

1 JEFFER MANGELS BUTLER & MITCHELL LLP
KENNETH A. EHRLICH (Bar No. 150570)
2 KEhrlich@jmbm.com
ELIZABETH A. CULLEY (Bar No. 258250)
3 ECulley@jmbm.com
1900 Avenue of the Stars, Seventh Floor
4 Los Angeles, California 90067-4308
Telephone: (310) 203-8080
5 Facsimile: (310) 203-0567

6 Attorneys for Plaintiff CALMAT CO. dba VULCAN
MATERIALS COMPANY, WESTERN DIVISION

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 CALMAT CO. dba VULCAN MATERIALS
12 COMPANY, WESTERN DIVISION, a
Delaware Corporation,
13 Plaintiff,
14
v.
15 SAN GABRIEL VALLEY GUN CLUB, a non-
16 profit California Corporation; and DOES 1-
1000, inclusive,
17 Defendants.

CASE NO. KC062582J
**SUPPLEMENTAL RESPONSES TO
SPECIAL INTERROGATORIES, SET ONE,
PROPOUNDED ON CALMAT CO. DBA
VULCAN MATERIALS COMPANY**

18
19
20
21
22
23
24 PROPOUNDING PARTY: DEFENDANT SAN GABRIEL VALLEY GUN CLUB
25 RESPONDING PARTY: PLAINTIFF CALMAT CO. dba VULCAN MATERIALS
26 COMPANY
27 SET NO.: ONE
28

JMBM | Jeffer Mangels
Butler & Mitchell LLP

1 Pursuant to Code of Civil Procedure Section 2030.010 *et seq.*, Plaintiff Vulcan
2 Materials Company, Western Division ("Vulcan") hereby responds and objects to Defendant San
3 Gabriel Valley Gun Club's ("Gun Club") First Set of Special Interrogatories.

4 **PRELIMINARY STATEMENT**

5 A. These responses are made solely for the purpose of, and in relation to, this
6 action. Each answer is given subject to all appropriate objections (including but not limited to
7 objections concerning competency, relevancy, materiality, propriety and admissibility) which would
8 require the exclusion of any statement contained herein if made by a witness present and testifying
9 in court. All such objections and ground therefore are reserved and may be interposed at the time of
10 trial.

11 B. Vulcan is pursuing its investigation and analysis of the facts and law relating
12 to this case and has not completed discovery or its preparation for trial. Therefore, the responses set
13 forth herein are given without prejudice to Vulcan's right to produce evidence of any subsequent
14 facts or interpretations thereof, or to add to, modify or otherwise change or amend the responses
15 herein. The information hereinafter set forth is true and correct to Vulcan's best knowledge as of
16 this date, and is subject to correction for inadvertent errors, mistakes or omissions if any such errors,
17 mistakes or omissions should be found to exist. These responses are based upon records and
18 information presently available to Vulcan. References in a response to a preceding or subsequent
19 response incorporate both the information and objections set forth in the referenced response.

20 C. Vulcan reserves the right to introduce at trial any and all evidence heretofore
21 or hereinafter produced by the parties in this action or by any third party that supports or tends to
22 support Vulcan's contentions at trial or in support of or in opposition to any motion in this case. To
23 the extent that Vulcan identifies evidence or documents in response to a request herein, she does so
24 without prejudice to establish at a later date any additional facts that may be discovered as a result
25 of any additional investigation and discovery.

26 D. Any response contained herein does not constitute a waiver of any applicable
27 privilege, nor does any response contained herein waive any objection, including relevancy, to the
28 admission of such responses or responsive documents in evidence.

1 E. Except for explicit facts admitted herein, no incidental or implied admissions
2 of any nature whatsoever are intended hereby, are implied, or should be inferred. The fact that a
3 request has been responded to herein should not be taken as an admission, or a concession of the
4 existence of any facts set forth or assumed by the request, or that such response constitutes evidence
5 of any fact. In addition, the fact that Vulcan has responded in part or all to any request is not
6 intended and shall not be construed to be a waiver by Vulcan of all or any part of any objection to
7 any request.

8 **GENERAL OBJECTIONS**

9 The following general objections ("General Objections") apply to each individual
10 interrogatory propounded by Plaintiff and are incorporated into each response thereto by Vulcan:

11 1. Vulcan objects generally to each interrogatory to the extent that the request seeks
12 information that is neither relevant to the subject matter of this action nor reasonably calculated to
13 lead to the discovery of admissible evidence.

14 2. Vulcan objects generally to each interrogatory insofar as the request may be
15 construed as calling for information and/or the identification of documents which is subject to the
16 rights of privacy and/or confidentiality of third parties. Vulcan will not reproduce such information
17 and/or documents.

18 3. Vulcan objects generally to each interrogatory to the extent that it exceeds the scope
19 of permissible discovery under Code of Civil Procedure section 2017.010, including but not limited
20 to, information related to a subject matter that is not relevant or at issue in this action.

21 4. Vulcan objects and responds on the basis of its understanding and interpretation of
22 each request. If Vulcan understands or interprets any one or part of a request differently, Vulcan
23 reserves the right to supplement any of these responses, either with additional objections or
24 otherwise.

25 5. Vulcan objects to each interrogatory to the extent that it calls for information that is
26 subject to the attorney-client privilege, the attorney work-product doctrine or any other privilege,
27 immunity or protection available under law. Inadvertent disclosure of any information subject to
28 any applicable privilege or doctrine, including, but not limited to, the attorney-client privilege and

1 the work-product doctrine, is not intended to be, and shall not operate as, a waiver of such privilege
2 or doctrine, in whole or in part. Nor is any such inadvertent disclosure intended to be, nor shall it
3 constitute, a waiver of the right to object to any use of such information.

4 6. It should not be inferred from the form or substance of any objection or response that
5 Vulcan agrees with Plaintiff's characterization of the facts in any request.

6 7. Vulcan objects generally to each interrogatory to the extent that it misconstrues
7 and/or misrepresents Vulcan's obligations pursuant to the Code of Civil Procedure or purports to
8 impose obligations different from or in addition to those provided under the Code of Civil
9 Procedure. Vulcan shall respond to the requests in accordance with its obligations under the Code
10 of Civil Procedure and not otherwise.

11 8. Vulcan objects generally to each interrogatory insofar as each interrogatory is vague,
12 ambiguous or overbroad as to time.

13 9. Vulcan objects generally to each individual interrogatory relative to documents on
14 the grounds and to the extent it seeks information relative to documents protected by the attorney-
15 client privilege, the work-product doctrine or any other applicable privilege.

16 10. Subject to the foregoing Preliminary Statement and General Objections, which are
17 hereby incorporated by reference into each individual response below, and without waiving same,
18 Vulcan responds as follows to the individual interrogatories.

19 **RESPONSES TO SPECIAL INTERROGATORIES**

20 **SPECIAL INTERROGATORY NO. 1:**

21 IDENTIFY ("IDENTIFY" means to provide all information reasonably available to
22 YOU including but not limited to, information as necessary to distinguish or locate whatever or
23 whoever is being identified, including, as applicable: names, addresses, telephone numbers,
24 telecopier numbers, identification numbers [including, but not limited to, account, check, employee,
25 invoice, policy, purchase order, serial, social security, taxpayer identification, or transaction
26 numbers], location of employment, position of employment, makes or brands, models, purchase or
27 acquisition dates, sale or disposal dates, and forms of payment [including, but not limited to, cash,
28 check, credit, or debit]) every person YOU ("YOU" and "YOUR" refer to Plaintiff Calmat Co. Db

1 Vulcan Material Company, Western Division, its past and present affiliates, successors, agents, " investigators, attorneys, officers, directors, employees, agents, representatives, and any other person
2 or entity acting or purporting to act on YOUR behalf or over whom YOU exercised management
3 and control. The term YOU shall be expressly understood to refer to YOUR predecessors,
4 including, but not limited to, entities known as Consolidated Rock Products Company, Conrock
5 Company, Calmat Properties Company, Calmat Company, Owl Rock Products, Krist Construction
6 Company, Azusa Rock, and Portland Cement) believe was involved in drafting the FINAL LEASE
7 ("FINAL LEASE" refers to the lease between YOU and THE CLUB ["THE CLUB" refers to
8 Defendant San Gabriel Valley Gun Club] dated May 20, 1992).

9
10 RESPONSE TO SPECIAL INTERROGATORY NO. 1:

11 In addition to the General Objections set forth above, Vulcan objects to this
12 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
13 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
14 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
15 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
16 further objects on the grounds and to the extent that this interrogatory was propounded for the
17 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
18 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
19 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

20 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
21 sufficient to respond to this interrogatory in connection with the Federal Action. Specifically,
22 Vulcan has produced documents concerning the negotiation and execution of the various leases for
23 the subject property. The identity of the requested individuals can be derived from these documents
24 by the Gun Club as easily as by Vulcan. Vulcan reserves the right to supplement and/or amend this
25 response should additional information be ascertained.

26 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 1:

27 Subject to and without waiving the foregoing objections, Vulcan further responds as
28 follows:

1 Brian Ferris

2
3 SPECIAL INTERROGATORY NO. 2:

4 IDENTIFY every person YOU believe was involved in the negotiation of the FINAL
5 LEASE.

6 RESPONSE TO SPECIAL INTERROGATORY NO. 2:

7 In addition to the General Objections set forth above, Vulcan objects to this
8 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
9 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
10 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
11 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan

12 further objects on the grounds and to the extent that this interrogatory was propounded for the
13 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
14 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
15 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

16 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
17 sufficient to respond to this interrogatory in connection with the Federal Action. Specifically,
18 Vulcan has produced documents concerning the negotiation and execution of the various leases for
19 the subject property. The identity of the requested individuals can be derived from these documents
20 by the Gun Club as easily as by Vulcan. Vulcan reserves the right to supplement and/or amend this
21 response should additional information be ascertained.

22 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 2:

23 Subject to and without waiving the foregoing objections, Vulcan further responds as
24 follows:

25 Tom Jenkins

26 Brian Ferris

27 Robert Carter

28 Tom Davis

1 SPECIAL INTERROGATORY NO. 6:

2 Describe with particularity each and every location, including the boundaries of that
3 location expressed via latitude and longitude coordinates, that is both adjacent to the PROPERTY
4 and which YOU contend is contaminated with lead.

5 RESPONSE TO SPECIAL INTERROGATORY NO. 6:

6 In addition to the General Objections set forth above, Vulcan objects to this
7 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
8 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
9 objects to this Interrogatory to the extent that it calls for information not discoverable under the
10 Discovery Act. Vulcan further objects to this Interrogatory to the extent that it seeks information
11 protected by the attorney-client privilege, the attorney work-product doctrine or any other
12 applicable rule or privilege. Vulcan further objects on the grounds and to the extent that this
13 interrogatory was propounded for the purposes of harassing Vulcan as the information sought by
14 this interrogatory was already produced by Vulcan in the Federal Action between the parties, and is
15 accordingly, already in the Gun Club's possession. Vulcan further objects on the grounds that this
16 interrogatory calls for expert testimony from a lay witness. Subject to and without waiving the
17 foregoing objections Vulcan responds as follows:

18 To date, Vulcan has produced all documents within its possession, custody and/or
19 control depicting the contamination. Vulcan is not aware of any documents showing the locations
20 via longitude and latitude coordinates of areas both adjacent to the PROPERTY and which Vulcan
21 contends is contaminated with lead.

22 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 6:

23 Subject to and without waiving the foregoing objections, Vulcan further responds as
24 follows:

25 Vulcan contends that the area behind the rifle range and the area of the shotgun range
26 represent those areas adjacent to the Property which are contaminated as witnessed by the Club's
27 counsel during more than one site inspection.

28

1 SPECIAL INTERROGATORY NO. 10:

2 State the earliest date YOU believe YOU stored mined material at the PROPERTY.

3 RESPONSE TO SPECIAL INTERROGATORY NO. 10:

4 In addition to the General Objections set forth above, Vulcan objects to this
5 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
6 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
7 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
8 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
9 further objects on the grounds and to the extent that this interrogatory was propounded for the
10 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
11 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
12 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

13 Vulcan has no independently verifiable information to specify the earliest date that
14 Vulcan "stored mined material at the PROPERTY." Evidence developed in the Federal Action
15 suggests that Vulcan may have placed material at the PROPERTY in or about the early or mid 90's.

16 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 10:

17 Subject to and without waiving the foregoing objections, Vulcan further responds as
18 follows:

19 The early to mid 90's.

20
21 SPECIAL INTERROGATORY NO. 11:

22 IDENTIFY the person(s) who YOU believe made the initial decision to store mined
23 material at the PROPERTY.

24 RESPONSE TO SPECIAL INTERROGATORY NO. 11:

25 In addition to the General Objections set forth above, Vulcan objects to this
26 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
27 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
28 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client

1 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
2 further objects on the grounds and to the extent that this interrogatory was propounded for the
3 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
4 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
5 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

6 Vulcan has no independently verifiable information to specify the persons who
7 "made the initial decision to store mined material at the PROPERTY."

8 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 11:

9 Subject to and without waiving the foregoing objections, Vulcan further responds as
10 follows:

11 Tom Sheedy

12 Mike Broom

13 Kit Kelstrum

14 Walt Lucariella

15 Mike Kurstader

16 Tom Davis

17 Gene Block

18 Rick Phillips

19 Tom Jenkins

20
21 SPECIAL INTERROGATORY NO. 13:

22 IDENTIFY all service providers, including both humans and business entities, who
23 YOU believe provided shooting range-related cleanup services regarding real property YOU once
24 owned in Ventura County, California.

25 RESPONSE TO SPECIAL INTERROGATORY NO. 13:

26 In addition to the General Objections set forth above, Vulcan objects to this
27 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
28 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further

JMBM
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1 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
2 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
3 further objects on the grounds and to the extent that this interrogatory was propounded for the
4 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
5 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
6 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

7 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
8 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
9 this response should additional information be ascertained.

10 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 13:

11 Subject to and without waiving the foregoing objections, Vulcan further responds as
12 follows:

- 13 CDM
- 14 ENV America Incorporated
- 15 Aurora Industrial Hygiene
- 16 Kleinfelder, Inc.

17
18 SPECIAL INTERROGATORY NO. 14:

19 IDENTIFY all governmental agencies that YOU believe YOU contacted regarding
20 SHOOTING RANGE MATERIAL cleanup related to real property YOU previously owned in
21 Ventura County, California.

22 RESPONSE TO SPECIAL INTERROGATORY NO. 14:

23 In addition to the General Objections set forth above, Vulcan objects to this
24 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
25 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
26 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
27 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
28 further objects on the grounds and to the extent that this interrogatory was propounded for the

1 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
2 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
3 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

4 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
5 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
6 this response should additional information be ascertained.

7 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 14:

8 Subject to and without waiving the foregoing objections, Vulcan further responds as
9 follows:

- 10 United Water Conservation District
- 11 Ventura County
- 12 Ventura County Resource Management Agency
- 13 Ventura County Environmental Health Division
- 14 California Regional Water Quality Control Board
- 15 Department of Toxic Substances Control

16
17 SPECIAL INTERROGATORY NO. 15:

18 IDENTIFY all of YOUR employees, current or former, and including contractors,
19 who YOU believe to have participated in negotiating the sale of land in Ventura County, California,
20 that was formerly used as a shooting range.

21 RESPONSE TO SPECIAL INTERROGATORY NO. 15:

22 In addition to the General Objections set forth above, Vulcan objects to this
23 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
24 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
25 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
26 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
27 further objects on the grounds and to the extent that this interrogatory was propounded for the
28 purposes of harassing Vulcan as the information sought by this interrogatory was already produced

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Butler & Mitchell LLP

1 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
2 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

3 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
4 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
5 this response should additional information be ascertained.

6 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 15:

7 Subject to and without waiving the foregoing objections, Vulcan further responds as
8 follows:

9 Brian Anderson

10 Charles St. John

11 Brian Ferris

12 Michael Linton

13
14 SPECIAL INTERROGATORY NO. 16:

15 IDENTIFY any person who, prior to 2004, made a request to THE CLUB on YOUR
16 behalf that THE CLUB remove spent ammunition from the PROPERTY.

17 RESPONSE TO SPECIAL INTERROGATORY NO. 16:

18 In addition to the General Objections set forth above, Vulcan objects to this
19 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
20 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
21 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
22 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
23 further objects on the grounds and to the extent that this interrogatory was propounded for the
24 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
25 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
26 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

27 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents
28 sufficient to respond to this interrogatory in connection with the Federal Action. Vulcan reserves

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Jetter Mangelis
Butler & Mitchell LP

1 the right to supplement and/or amend this response should additional information be ascertained.

2 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 16:

3 Subject to and without waiving the foregoing objections, Vulcan further responds as
4 follows:

5 While Vulcan contends that prior to 2004, it made a request to the Club to remove
6 SPENT AMMUNITION from the Property, aside from what was included in the Leases, after
7 conducting a reasonable and diligent inquiry, Vulcan is unable to specifically identify any specific
8 person making the specific request to remove SPENT AMMUNITION from the Property.

9
10 SPECIAL INTERROGATORY NO. 17:

11 IDENTIFY every one of YOUR employees, current or former, who spoke to Fred
12 Wooldridge regarding the PROPERTY.

13 RESPONSE TO SPECIAL INTERROGATORY NO. 17:

14 In addition to the General Objections set forth above, Vulcan objects to this
15 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
16 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
17 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
18 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
19 further objects on the grounds and to the extent that this interrogatory was propounded for the
20 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
21 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
22 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

23 Vulcan has no independently verifiable information to specifically identify
24 employees, current or former, who spoke to Fred Wooldridge regarding the PROPERTY. However,
25 Vulcan understands that Charles St. John and/or Brian Anderson may have spoken to Mr.
26 Wooldridge.

27 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 17:

28 Subject to and without waiving the foregoing objections, Vulcan further responds as

1 follows:

2 Charles St. John

3 Brian Anderson

4
5 SPECIAL INTERROGATORY NO. 18:

6 IDENTIFY all of YOUR employees, current or former, and including contractors,
7 who YOU believe to have communicated with the operator of the shooting range previously located
8 on land owned by YOU in Ventura County, California, with regard to the cleanup of SHOOTING
9 RANGE MATERIAL.

10 RESPONSE TO SPECIAL INTERROGATORY NO. 18:

11 In addition to the General Objections set forth above, Vulcan objects to this
12 Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this
13 action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further
14 objects to this Interrogatory to the extent that it seeks information protected by the attorney-client
15 privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan
16 further objects on the grounds and to the extent that this interrogatory was propounded for the
17 purposes of harassing Vulcan as the information sought by this interrogatory was already produced
18 by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's
19 possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

20 Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan will produce documents
21 sufficient to respond to this interrogatory. Vulcan reserves the right to supplement and/or amend
22 this response should additional information be ascertained.

23 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 18:

24 Subject to and without waiving the foregoing objections, Vulcan further responds as
25 follows:

26 Sheri Ortega

27 Brian Anderson

28 Charles St. John

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Jeffer Mangels
Butler & Mitchell LLP

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Brian Ferris

Michael Linton

SPECIAL INTERROGATORY NO. 20:

IDENTIFY all persons who made a written request to THE CLUB that spent ammunition be removed from the property, it being understood that demands are considered to be a type of request for the purpose of this interrogatory.

RESPONSE TO SPECIAL INTERROGATORY NO. 20:

In addition to the General Objections set forth above, Vulcan objects to this Interrogatory to the extent that it seeks information that is not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Vulcan further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, the attorney work-product doctrine or any other applicable rule or privilege. Vulcan further objects on the grounds and to the extent that this interrogatory was propounded for the purposes of harassing Vulcan as the information sought by this interrogatory was already produced by Vulcan in the Federal Action between the parties, and is accordingly, already in the Gun Club's possession. Subject to and without waiving the foregoing objections Vulcan responds as follows:

Pursuant to Cal. Code Civ. Proc. 2030.230, Vulcan has produced documents sufficient to respond to this interrogatory in connection with the Federal Action. Vulcan reserves the right to supplement and/or amend this response should additional information be ascertained.

SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 20:

Sheri Ortega

Kenneth A. Ehrlich

Joel D. Deutsch

1 DATED: August 29, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP
KENNETH A. EHRLICH
ELIZABETH A. CULLEY

2
3
4 By: 

ELIZABETH A. CULLEY

Attorneys for Plaintiff CALMAT CO. DBA VULCAN
MATERIALS COMPANY, WESTERN DIVISION

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JMBM | jeff mangers
Butler & Mitchell LLP

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067.

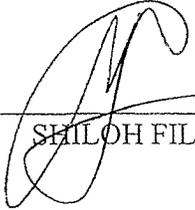
On August 29, 2012 I served the document(s) described as **SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES, SET ONE, PROPOUNDED ON CALMAT CO. DBA VULCAN MATERIALS COMPANY** on the following in this action addressed as follows:

**C.D. Michel
W. Lee Smith
Scott Franklin
Thomas E. Maciejewski
MICHEL & ASSOCIATES, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802
Telephone: 562.216.4444
Facsimile: 562.216.4445
Attorneys for Defendant San Gabriel Valley Gun Club**

- (BY MAIL) I am "readily familiar" with the business' practice for collection and processing correspondence for mailing. Under that practice true and correct copies of the aforementioned document(s) was deposited, in a sealed envelope with postage thereon fully prepaid, with the U.S. Postal Service on that same day to be mailed via first class mail at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on August 29, 2012 at Los Angeles, California.

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



SHILOH FILIN

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

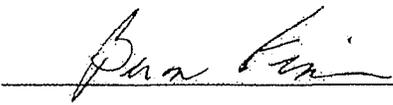
I have read the foregoing **RESPONSES TO SPECIAL INTERROGATORIES, SET ONE, PROPOUNDED ON CALMAT CO. DBA VULCAN MATERIALS COMPANY** and know its contents.

CHECK APPLICABLE PARAGRAPH

- I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- I am an Officer a partner, the Vice President, Assistant General Counsel of Calmat Co. dba Vulcan Materials Company, Western Division, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated herein are true.
- I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

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

Executed on August 29, 2012, at ^{TOMS RIVER, NJ} ~~Glendale~~, California.

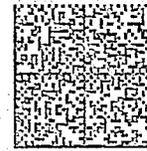

BRIAN FERRIS

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EXHIBIT 7

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September 7, 2012

VIA U.S. POST & E-MAIL

Elizabeth A. Culley
JEFFER, MANGELS, BUTLER & MITCHELL, LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

eculley@jmbm.com

**Re: Insufficient Further Responses to Discovery Propounded by San Gabriel Valley Gun Club
(*Vulcan v. SGVGC*, LASC Case No. KC062582J)**

Dear Ms. Culley:

My office is in receipt of Vulcan's Supplemental Responses to Form Interrogatories (Set One), Special Interrogatories (Set One), and Request for Admission (Set One). The further (i.e., supplemental) responses are insufficient, as discussed below.

Accordingly, I request a telephonic discovery dispute meet-and-confer as soon as possible. Notwithstanding the foregoing, I will be filing a motion to compel on September 10, 2012,¹ though I hope Vulcan will provide sufficient responses prior to the October 2, 2102, hearing date that is already on calendar pursuant to the agreement of the parties. My office has no intention of taking the October 2 hearing off calendar unless all of the insufficiencies described below have been remedied prior to October 2, 2012.

¹The fact that this meet-and-confer letter is being sent three days before the related motion filing deadline is unfortunate. Nonetheless, I must be clear in confirming that this situation is not the result of any dilatory intention on the part of my office. Rather, this tightened time frame is a result of my office granting a one week extension to the previously agreed-upon (see my email of July 24, 2012, and Ken Ehrlich's response thereto) discovery production date of August 22, 2012. That extension necessarily resulted in this meet-and-confer letter being delivered one week later than we originally intended.

Special Interrogatories

Special Interrogatory No. 6:

Describe with particularity each and every location, including the boundaries of that location expressed via latitude and longitude coordinates, that is both adjacent to the PROPERTY and which YOU contend is contaminated with lead.

Further Response to Special Interrogatory No. 6:

Subject to and without waiving the foregoing objections, Vulcan further responds as follows: Vulcan contends that the area behind the rifle range and the area of the shotgun range represent those areas adjacent to the Property which are contaminated as witnessed by the Club's counsel during more than one site inspection.

Reason why Second Further Response to Special Interrogatory No. 6 Is Required:

This is not a good faith effort at a response. Considering Vulcan has access to free software like Google Earth, there is no reason Vulcan cannot at least attempt to provide the coordinates for the locations at issue. A further response should be provided. *See* Civ. Proc. Code § 2030.220(a) (Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Special Interrogatory No. 10:

State the earliest date YOU believe YOU stored mined material at the PROPERTY.

Further Response to Special Interrogatory No. 10:

Subject to and without waiving the foregoing objections, Vulcan further responds as follows: The early to mid 90's.

Reason why Second Further Response to Special Interrogatory No. 10 Is Required:

This is not a good faith effort at a response. Considering the documents produced in the federal action (e.g., VUL00816, which is a memo dated 12/05/91 referring to a “waste pile on the rifle range”), Vulcan can provide a date in response to this interrogatory, not a seven-year window. *See* Civ. Proc. Code § 2030.220(a) (Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Requests for Admission

Preliminary Statement

Vulcan's preliminary statement contends: “At the Case Management Conference in the instant state court matter, Vulcan offered a stipulation to allow the parties to use all of the discovery completed in the Federal Litigation for all purposes in the current state court litigation. Defendant rejected this stipulation.”

These statements are incorrect: Vulcan has yet to offer a stipulation. What Vulcan did was propose the idea of a stipulation; thus, Defendants never rejected anything, as nothing was ever offered that could have been rejected. As you may recall, on June 19, 2012 (after the Case Management Conference in this case), I emailed you and expressly stated that "I will give good faith consideration to any draft stipulation Vulcan provides[.]" and I further explained why I was hesitant to have my client join the type of stipulation you proposed. Indeed, your email of July 10, 2012, stated "I will also send you a draft stipulation to deem all discovery conducted in the Federal Action admissible in this action" without responding to my concerns, and you have never provided a draft stipulation for me to review.

This is the *third time* you have made untrue assertions about the "offered" discovery stipulation. (See Vulcan's Response to Requests for Admission (Set One); letter of Scott M. Franklin to Elizabeth Culley dated June 29, 2012). Please cease discovery shenanigans like this, starting with the correction of the relevant section of the Preliminary Statement.

Request for Admission No. 6:

Admit that before January 1, 2004, VULCAN never told THE CLUB that the presence of SPENT AMMUNITION ("SPENT AMMUNITION" refers to any constituent of a firearm cartridge expelled from a firearm during the normal operation of a firearm, including, but not limited to, shot, bullets, bullet fragments, particulate matter, empty bullet cases, and wadding) at the PROPERTY could cause damage to the PROPERTY.

Further Response Request for Admission No. 6:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence of a specific conversation with the Club prior to January 1, 2004 that the presence of SPENT AMMUNITION at the PROPERTY could cause damage to the PROPERTY.

Reason Why Second Further Response to Request for Admission No. 6 Is Required:

Vulcan cannot set aside some information in responding to this request ("aside from the language specifically included in the Lease Agreements"), nor can it unnecessarily qualify the response to a simple question ("[Vulcan] has not uncovered any evidence of a specific conversation . . .") under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) ("Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits."). Because this request can be responded to without the verbal contortions used in Vulcan's further response, a second further response is required. *Id.*

Request for Admission No. 7:

Admit that before January 1, 2004, VULCAN never told THE CLUB that the presence of SPENT AMMUNITION at the PROPERTY was causing damage to the PROPERTY.

Further Response to Request for Admission No. 7:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows:

Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence of a specific conversation with the Club prior to January 1, 2004 that the presence of SPENT AMMUNITION at the PROPERTY was causing damage to the PROPERTY.

Reason Why Second Further Response to Request for Admission No. 7 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence of a specific conversation . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 8:

Admit that before January 1, 2004, VULCAN never told THE CLUB that the presence of lead from bullets shot at the PROPERTY was causing damage to the PROPERTY.

Further Response to Request for Admission No. 8:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence of a specific conversation with the Club prior to January 1, 2004 that the presence of lead from bullets shot at the Property was causing damage to the Property.

Reason Why Second Further Response to Request for Admission No. 8 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence of a specific conversation . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 9:

Admit that before January 1, 2004, VULCAN never told THE CLUB that lead from bullets shot at the PROPERTY could cause damage to the PROPERTY.

Further Response to Request for Admission No. 9:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence of a specific conversation with the Club prior to January 1, 2004 that lead from bullets shot at the Property could cause damage to the Property.

Reason Why Second Further Response to Request for Admission No. 9 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence of a specific conversation . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 10:

Admit that VULCAN did not ask THE CLUB to remove SPENT AMMUNITION from the PROPERTY at any time before January 1, 2003.

Further Response to Request for Admission No. 10:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence that it had a specific conversation with the Club asking the Club to remove SPENT AMMUNITION from the Property any time before January 1, 2003.

Reason Why Second Further Response to Request for Admission No. 10 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence of a specific conversation . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 11:

Admit that VULCAN did not ask THE CLUB to remove lead from the PROPERTY at any time before January 1, 2003.

Further Response to Request for Admission No. 11:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language specifically included in the Lease Agreements, it has not uncovered any evidence that it had a specific conversation with the Club asking the Club to remove lead from the Property any time before January 1, 2003.

Reason Why Second Further Response to Request for Admission No. 11 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence of a specific conversation . . .”) under

Ms. Elizabeth Culley
September 7, 2012
Page 6 of 21

the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 12:

Admit that VULCAN never contacted THE CLUB before 2004 to specifically demand THE CLUB remove SPENT AMMUNITION from the PROPERTY.

Further Response to Request for Admission No. 12:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language included in the Lease Agreements, it has not uncovered any evidence that it contacted the Club before 2004 to specifically demand the Club remove SPENT AMMUNITION from the Property.

Reason Why Further Response to Request for Admission No. 12 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence that it contacted the Club before 2004 to specifically demand . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 13:

Admit that VULCAN never contacted THE CLUB before 2004 to specifically demand THE CLUB remove lead from the PROPERTY.

Further Response to Request for Admission No. 13:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language included in the Lease Agreements, it has not uncovered any evidence that it contacted the Club before 2004 to specifically demand the Club remove SPENT AMMUNITION from the Property.

Reason Why Second Further Response to Request for Admission No. 13 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence that it contacted the Club before 2004 to specifically demand . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further

response is required. *Id.*

Request for Admission No. 14:

Admit that VULCAN never contacted THE CLUB before 2004 to specifically request THE CLUB to remove any SPENT AMMUNITION from the PROPERTY.

Further Response to Request for Admission No. 14:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language included in the Lease Agreements, it has not uncovered any evidence that it contacted the Club before 2004 to specifically demand the Club remove SPENT AMMUNITION from the Property.

Reason Why Second Further Response to Request for Admission No. 14 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence that it contacted the Club before 2004 to specifically demand . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Further, the request asks about a “request[.]” and Vulcan improperly treated the request as if it inquired regarding a “demand[.]” two indisputably different things. Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 15:

Admit that VULCAN never contacted THE CLUB before 2004 to specifically request THE CLUB to remove any lead from the PROPERTY.

Further Response to Request for Admission No. 15:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that, aside from the language included in the Lease Agreements, it has not uncovered any evidence that it contacted the Club before 2004 to specifically demand the Club remove lead from the Property.

Reason Why Second Further Response to Request for Admission No. 15 Is Required:

Vulcan cannot set aside some information in responding to this request (“aside from the language specifically included in the Lease Agreements”), nor can it unnecessarily qualify the response to a simple question (“[Vulcan] has not uncovered any evidence that it contacted the Club before 2004 to specifically demand . . .”) under the relevant code section. *See* Civ. Proc. Code § 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). Because this request can be responded to without the verbal contortions used in Vulcan’s further response, a second further response is required. *Id.*

Request for Admission No. 25:

Admit that after VULCAN had begun the WASTE PILE ("WASTE PILE" refers to the pile of WASTE MATERIAL placed by VULCAN on the PROPERTY), Rick Phillips made a comment to Preston Cowan expressing the idea that placing WASTE MATERIAL on the PROPERTY could result in future problems regarding the lead bullets or fragments thereof being buried.

Further Response to Request for Admission No. 25:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that Preston Cowan testified in his deposition in the Federal Litigation that after Vulcan had begun the WASTE PILE, Rick Phillips made a comment to Preston Cowan expressing the idea that placing WASTE MATERIAL on the PROPERTY could result in future problems regarding the burial of lead.

Reason Why Further Response to Request for Admission No. 25 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement at deposition, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) ("[e]ach response shall answer the substance of the requested admission"), 2033.220(a) ("Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.").

Request for Admission No. 26:

Admit that VULCAN is not aware of any person who was present at any conversation between Preston Cowan and Rick Phillips other than Preston Cowan and Rick Phillips.

Further Response to Request for Admission No. 26:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that it is not aware of any person who was present at any conversation between Preston Cowan and Rick Phillips regarding the "WASTE PILE" (as that term is defined herein) other than Preston Cowan and Rick Phillips.

Reason Why Second Further Response to Request for Admission No. 26 Is Required:

Vulcan cannot add unnecessary limitations to its response: either it has the awareness at issue or it does not, the request was simply not limited to conversations re: the WASTE PILE. Properly responding to this request requires nothing more than contacting the Vulcan-affiliated persons listed in Vulcan's further response to Form Interrogatory 12.1 to ask if they are aware of topic at issue. That is not an unreasonable burden, thus a proper response should be provided.

Request for Admission No. 28:

Admit that Preston Cowan told Tom Sheedy that placing WASTE MATERIAL on the PROPERTY was resulting in lead being buried beneath the WASTE MATERIAL.

Further Response to Request for Admission No. 28:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that Preston Cowan testified in his deposition in the Federal Litigation that he told Tom Sheedy that Rick Phillips had expressed the idea that placing WASTE MATERIAL on the PROPERTY could result in future problems regarding the burial of lead.

Reason Why Second Further Response to Request for Admission No. 28 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement at deposition, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 32:

Admit that on several occasions between 1989 and 2000, Preston Cowan oversaw the use of heavy equipment to relocate material from the WASTE PILE that had flowed onto the range floor at the PROPERTY.

Further Response to Request for Admission No. 32:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that he oversaw the use of heavy equipment to relocate material from the WASTE PILE that had flowed onto the range floor at the PROPERTY after heavy rains.

Reason Why Second Further Response to Request for Admission No. 32 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 33:

Admit that on several occasions between 1989 and 2000, Preston Cowan used heavy equipment to relocate material from the WASTE PILE that had flowed onto the range floor at the PROPERTY.

Further Response to Request for Admission No. 33:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that he used heavy equipment to relocate material from the WASTE PILE that had flowed onto the range floor at the PROPERTY after heavy rains eroded the WASTE PILE.

Reason Why Second Further Response to Request for Admission No. 33 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 34:

Admit that VULCAN relocated material from the range floor to the top of the WASTE PILE.

Further Response to Request for Admission No. 34:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that he relocated material from the range floor to the top of the WASTE PILE when heavy rain eroded the WASTE PILE.

Reason Why Second Further Response to Request for Admission No. 34 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 35:

Admit that a VULCAN employee used a truck of some type to relocate WASTE MATERIAL from an area at the base of the WASTE PILE to the top of the WASTE PILE.

Further Response to Request for Admission No. 35:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that he used a loader and a dump truck to relocate WASTE MATERIAL from an area at the base of the WASTE PILE to the top of the WASTE PILE after heavy rains eroded the WASTE PILE.

Reason Why Second Further Response to Request for Admission No. 35 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 36:

Admit that material relocated from the base of the WASTE PILE to the top of the WASTE PILE contained whatever was in the WASTE PILE that had slid to the range floor.

Further Response to Request for Admission No. 36:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that the material relocated from the base of the WASTE PILE to the top of the WASTE PILE contained whatever was in the WASTE PILE that had slid to the range floor.

Reason Why Second Further Response to Request for Admission No. 36 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 37:

Admit that bullets and WASTE PILE material slid from the WASTE PILE onto a flat area immediately south of the WASTE PILE.

Further Response to Request for Admission No. 37:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that in the Federal Litigation, Preston Cowan submitted a declaration stating that when heavy rains eroded the WASTE PILE, he believed that the material that slid from the WASTE PILE onto a flat area immediately south of the WASTE PILE contained bullets and WASTE PILE material.

Reason Why Second Further Response to Request for Admission No. 37 Is Required:

This request *does not* ask for Vulcan to admit that Preston Cowan made a certain statement in a declaration, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 40:

Admit that Tom Jenkins delivered a DRAFT LEASE ("DRAFT LEASE" refers to a draft of the May 20, 1992 LEASE between THE CLUB and VULCAN) to THE CLUB on February 10, 1992.

Further Response to Request for Admission No. 40:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows:

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Vulcan admits that Tom Jenkins signed the February 10, 1992 Letter of Transmittal of the February 19, 1992 Draft Lease which indicated that it was hand delivered. SGVGC004962.

Reason Why Second Further Response to Request for Admission No. 40 Is Required:

This request *does not* ask for Vulcan to admit that Tom Jenkins signed a particular document, but that is the question Vulcan chose to answer. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 48:

Admit that VULCAN's March 5, 1992 response to THE CLUB's written comments to the DRAFT LEASE does not mention SPENT AMMUNITION or the cleanup thereof.

Further Response to Request for Admission No. 48:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that its March 5, 1992 response to the Club's written comments to the DRAFT LEASE does not contain the words "SPENT AMMUNITION."

Reason Why Second Further Response to Request for Admission No. 48 Is Required:

This response is clearly provided in bad faith, and is plain evidence of a failed attempt at discovery gamesmanship. The request does not ask about *the words* “spent ammunition[,]” it asks about the term “SPENT AMMUNITION” that is defined in the relevant set of discovery. Vulcan and its counsel surely know the difference between the words used to define a certain type of material and the material itself. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 49:

Admit that VULCAN's March 5, 1992 response to THE CLUB's written comments to the DRAFT LEASE does not mention fired lead bullets or the cleanup thereof.

Further Response to Request for Admission No. 49:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that its March 5, 1992 response to the Club's written comments to the DRAFT LEASE does not contain the words "fired lead bullets."

Reason Why Further Response to Request for Admission No. 49 Is Required:

This response is clearly provided in bad faith, and is plain evidence of a failed attempt at discovery gamesmanship. The request does not ask about *the words* “fired lead bullets[,]” it asks about

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the fired lead bullets themselves. In fact, it is clear that this request asks about material that could be classified as "fired lead bullets" (as opposed to those words) because it has a follow up clarification ("or the cleanup thereof") that would make no sense if the request was actually referring to the words "fired lead bullets[.]" Vulcan and its counsel surely know the difference between the words used to define a certain type of material and the material itself. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) ("[e]ach response shall answer the substance of the requested admission"), 2033.220(a) ("Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.").

Request for Admission No. 76:

Admit that the term of the LEASE between VULCAN and THE CLUB expired on May 20, 2002.

Further Response to Request for Admission No. 76:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that the LEASE states that it expires on May 20, 1992, but that on May 15, 2002, Vulcan and the Club entered into an agreement that allowed Vulcan to lease the Property on an eighteen month rolling term and incorporated the terms of the LEASE.

Reason Why Second Further Response to Request for Admission No. 76 Is Required:

This request does not ask what is *stated* in the lease at issue, it asks when the term of that lease expired, which is a different, though admittedly related, question to the one Vulcan actually responded to. Nonetheless, Vulcan has a duty to respond to the request asked, even where though it requires the application of law to fact. Civ. Proc. Code §§ 2033.010 ; 2033.210(b) ("[e]ach response shall answer the substance of the requested admission"), 2033.220(a) ("Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.").

Request for Admission No. 85:

Admit that none of the leases or licenses in place between 1947 and 2006 between VULCAN and THE CLUB mentioned SPENT AMMUNITION.

Further Response to Request for Admission No. 85:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that none of the leases or licenses in place between 1947 and 2006 included the words "SPENT AMMUNITION."

Reason Why Second Further Response to Request for Admission No. 85 Is Required:

This response is clearly provided in bad faith, and is plain evidence of a failed attempt at discovery gamesmanship. The request does not ask about *the words* "spent ammunition[.]" it asks about the term "SPENT AMMUNITION" that is defined in the relevant set of discovery. Vulcan and

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its counsel surely know the difference between the words used to define a certain type of material and the material itself. Thus, the response is evasive and improper, and a further response is required. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 87:

Admit that between 1947 and 2006, VULCAN was aware that lead was being deposited on the PROPERTY.

Further Response to Request for Admission No. 87:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Vulcan admits that at some point between 1947 and 2006 it became aware that lead was being deposited on the Property.

Reason Why Second Further Response to Request for Admission No. 87 Is Required:

The request at issue inquires about a complete period of time (1947-2007), Vulcan’s response is vague and limited, and only responds to a portion of the request (“at some point between 1947 and 2006 . . .”). To the extent Vulcan can only respond to a portion of a request, it is required to “Specify so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge.” Civ Pro. Code § 2033.220(b)(3)-(c). Vulcan is required to provide a full and complete response under the Code. Civ. Proc. Code §§ 2033.210(b) (“[e]ach response shall answer the substance of the requested admission”), 2033.220(a) (“Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”).

Request for Admission No. 92:

Admit that, at no time during any lease negotiation did VULCAN discuss with THE CLUB what type of cleanup of the PROPERTY was expected by VULCAN upon the end of the leasehold relationship.

Further Response to Request for Admission No. 92:

Subject to and without waiving the foregoing responses, Vulcan further responds as follows: Other than what is specified in the Lease Agreements themselves, Vulcan admits that it did not specifically discuss the details of the cleanup required by the Club upon the end of the leasehold relationship.

Reason Why Second Further Response to Request for Admission No. 92 Is Required:

Vulcan’s response is limited more narrowly than Request No. 92 is. That is, the request asks if Vulcan “discussed” the issue at hand with SGVGC, and Vulcan’s response states it did not “specifically discuss.” If Vulcan’s use of “specifically discuss” was intended to be synonymous with discuss, a further response explaining that fact is required. Civ. Proc. Code § 2033.220(a) (“Each

answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.”). If, however, Vulcan was intending to use “specifically discuss” as a term that is understood to be more narrow than the use of the term “discuss” in Request No. 92, Vulcan had a responsibility to explain why it was not fully responding to the request. Civ Pro. Code § 2033.220(b)(3)-(c). In either scenario, a further response is required.

Form Interrogatories

Form Interrogatory No. 9.1:

Are there any other damages that you attribute to the INCIDENT? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount; and
- (d) the name, ADDRESS, and telephone number of each PERSON to whom an obligation was incurred.

Further Response to Form Interrogatory No. 9.1:

Subject to and without waiving the foregoing objections, Vulcan further responds as follows:

(a) Nature of Damages: (1) Damages associated with the costs incurred for investigating, assessing, monitoring and remediating the Contamination; (2) loss of property value incurred due to the existence of the Contamination including but not limited to, loss of permanent value as caused by the stigma of environmental contamination; (3) loss of future rent; (4) costs to repair and restore the Azusa Property and neighboring properties to proper condition; (5) statutory costs; (6) punitive and exemplary damages; (7) treble damages; and (8) attorney's fees and costs of suit.

(b) Approximately January 1947 to November 2006

(c) A minimum of \$6,720,000.00

(d) Calmat Co. dba Vulcan Materials Company, Western Division, a Delaware Corporation who can be contacted through the above-captioned counsel.

Reason Why Second Further Response to Form Interrogatory No. 9.1 Is Required:

This form interrogatory inquires as to four subcategories of information “*each* item of damage[.]” (Emphasis added). The further response provided groups all damage amounts into a single sum: \$6,720,000.00. A second further response needs to be provided to respond to the specific question asked, i.e., a response that states the amount of damages sought for *each* item of damages listed in Vulcan’s further response to Form Interrogatory 9.1(a). See Civ. Proc. Code § 2030.220(a)-(b) (interrogatory responses must be as complete and straightforward as the information reasonably available to the responding party permits”).

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Form Interrogatory No. 9.2:

Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

Further Response to Form Interrogatory No. 9.2:

Subject to and without waiving the foregoing objections, Vulcan further responses as follows: The following Lease Agreements which are in the possession of Vulcan who can be contacted through the above-captioned counsel:

1947 Lease - January 1, 1947 - August 31, 1950
1950 Lease - August 31, 1950 - January 1, 1958
1958 Lease - January 1, 1958 - August 31, 1961
1961 Lease - September 1, 1961 - December 10, 1970
1970 Lease - December 11, 1970 - December 11, 1977
1977 Lease - December 11, 1977 - February 3, 1988
1988 Lease - February 4, 1988 - May 19, 1992
1992 Lease - May 20, 1992, as amended on May 15, 2002 - November 6, 2006

Reason Why Second Further Response to Form Interrogatory No. 9.2 Is Required:

This form interrogatory seeks to identify persons in possession of documents supporting the existence of damages identified in Form Interrogatory 9.1, and it implicitly requires Vulcan to identify all such documents. Vulcan's further response lists nothing other than leases that are in the possession of Vulcan's counsel. To list only leases when there are certain damage-related documents available (attorney's billings, receipts re: costs of suit, etc.) is evasive and incomplete. A further response is required to meet Vulcan's duty under the Code of Civil Procedure. *See* Civ. Proc. Code § 2030.220(a)-(b) (interrogatory responses must be as complete and straightforward as the information reasonably available to the responding party permits").

Form Interrogatory No. 17.1 re: Request for Admission No. 18²

Admit that at VULCAN had no contractual right to enter the PROPERTY to dump material on the PROPERTY between June 17, 1987 and May 19, 1992. (Response: Deny)

Further Response to Form Interrogatory No. 17.1 re: Request for Admission No. 18:

(b) Nothing contractually prohibited Vulcan from entering "the PROPERTY to dump material on the PROPERTY between June 17, 1987 and May 19, 1992."

(c) Brian Ferris - can be contacted through the above-captioned counsel
Herb Bock
2331 Freeborn Street
Bradbury, California 91008

Richard Phillips
45866 Shasta Place
El Monte, California

John Armato - can be contacted through Defendant's counsel
Brian Anderson - can be contacted through the above-captioned counsel

(d) The documents supporting Vulcan's response to this Request for Admission are each of the Leases (as previously defined) at issue in this Complaint.

Reason Why Second Further Response to Form Interrogatory No. 17.1 re: Request for Admission No. 18 Is Required:

Vulcan avoids the question at issue, and fails to site a lease provision that gave it the right to enter on the subject property (a trespass, if unauthorized). Further, Vulcan has no basis for claiming that "Nothing contractually prohibited Vulcan from entering "the PROPERTY to dump material on the PROPERTY between June 17, 1987 and May 19, 1992." Indeed, the existence of a lease itself, without an express provision to the contrary, contractually prohibits the conduct at issue. *See Kaiser Co. Reid*, 30 Cal. 2d 610, 618 (1947). If Vulcan does not provide a further response that actually supports its

² The predicate question for all 17.1 interrogatories is as follows:

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 Request for Admission 18 or change the response to that request to an admission, Vulcan will be knowingly violating the relevant discovery law. Civ Pro. Code §§ 2030.220; 2033.220.

Form Interrogatory No. 17. 1 re: Requests for Admission Nos. 52-54:

Request for Admission No. 52: Admit that, prior to May 20, 1992, VULCAN never indicated to THE CLUB that the DRAFT LEASE PROVISION was intended to address SPENT AMMUNITION. (Response: Deny)

Request for Admission No. 53: Admit that, prior to May 20, 1992, VULCAN never indicated to THE CLUB that the DRAFT LEASE PROVISION was intended to address lead bullets that had been fired at the PROPERTY. (Response: Deny)

Request for Admission No. 54: Admit that, prior to 2005, VULCAN never indicated to THE CLUB that the DRAFT LEASE PROVISION was intended to address SPENT AMMUNITION. (Response: Deny)

Further Responses to Form Interrogatory No. 17. 1 re: Requests for Admission Nos. 52-54

Request for Admission 52:

(b) Herb Bock testified at his deposition in the Federal Litigation that during the negotiation of the 1992 lease, the Gun Club knew that the DRAFT LEASE PROVISION could address SPENT AMMUNITION and that the Gun Club "did not want Vulcan to tell [it] . . . what type of ammunition [it] could use on the range." Bock Depo at 56:15-20.

(c) Herb Bock
2331 Freeborn Street
Bradbury, California 91008

(d) Bock Deposition transcript which is in the possession of the Club.

Request for Admission 53:

(b) Herb Bock testified at his deposition in the Federal Litigation that during the negotiation of the 1992 lease, the Gun Club knew that the DRAFT LEASE PROVISION could address lead bullets that had been fired at the Property and that the Gun Club "did not want Vulcan to tell [it] . . . what type of ammunition [it] could use on the range." Bock Depo at 56:15-20.

(c) Herb Bock
2331 Freeborn Street
Bradbury, California 91008

(d) Bock Deposition transcript which is in the possession of the Club.

Request for Admission 54:

(b) Herb Bock testified at his deposition in the Federal Litigation that during the negotiation of the 1992 lease, the Gun Club knew that the DRAFT LEASE PROVISION could address SPENT AMMUNITION and that the Gun Club "did not want Vulcan to tell [it] . . . what type of ammunition [it] could use on the range." Bock Depo at 56:15-20.

(c) Herb Bock

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2331 Freeborn Street
Bradbury, California 91008

(d) Bock Deposition transcript which is in the possession of the Club.

Reason Why Second Further Response to Form Interrogatories No. 17.1 re: Request for Admissions Nos. 52-54 Is Required:

Put simply, the responses at issue are not true, based on the document cited, i.e., the transcript of the deposition of Herb Bock, at 56:15-20. The cited testimony, and the context surrounding it, makes it clear that his understanding was, at best, that Vulcan was intending to limit the type of ammunition could be *brought onto* the subject property, not what type of spent ammunition could be left at the property. E.g., "I do remember that they didn't want to give Vulcan the authority to dictate what type of ammunition or propellant powers and stuff like that we could bring on the premises." (Bock Deposition at 55:19-23). If Vulcan does not provide a further response that actually supports its response to Requests for Admission Nos. 52-54 or change the responses to those requests to admissions, Vulcan will be knowingly violating the relevant discovery law. Civ Pro. Code §§ 2030.220; 2033.220.

Further Response to FI 17.1 re: Request for Admission No. 60:

Admit that VULCAN did not seek permission from THE CLUB to create the WASTE PILE.
(Response: Deny)

Further Response to FI 17.1 re: Request for Admission No. 60:

(b) Thomas Sheedy testified at his deposition in the Federal Litigation that after Vulcan made the decision to create the WASTE PILE, he had a discussion with Rick Phillips at the Gun Club about the creation of the WASTE PILE, including where it would be placed and the logistics of creating it. Sheedy Depo. At 47:10-48:6.

(c) Thomas Sheedy
5275 La Canada Boulevard
La Canada-Flintridge, CA 91011

Rick Phillips
45866 Shasta Place
El Monte, California

(d) Sheedy Deposition transcript which is in the possession of the Club.

Reason Why Second Further Response to Form Interrogatory No. 17.1 re: Request for Admission No. 60 Is Required:

Vulcan fails to provide any basis for its denial: the fact that Tom Sheedy and Rick Phillips had a discussion about the creation of the waste pile in no way addresses whether permission was sought from SGVGC regarding the creation of the waste pile. If Vulcan does not provide a further response that actually supports its response to Request for Admission 60 or change the response to that request

Ms. Elizabeth Culley
September 7, 2012
Page 20 of 21

to an admission, Vulcan will be knowingly violating the relevant discovery law. Civ Pro. Code §§ 2030.220; 2033.220.

Form Interrogatory No. 17.1 re Request for Admission No. 79:

Admit that VULCAN never made any comment about SPENT AMMUNITION at the PROPERTY to THE CLUB's former attorney, Robert Carter. (Response: Deny)

Further Response to Form Interrogatory 17.1 re: Request for Admission No. 79 :

(b) In the 1992 Draft Lease (Exhibit 4 to the Brian Ferris Deposition) which was transmitted to Robert Carter, Vulcan specifically included a provision specifically referring to spent ammunition and the type of bullets used at the Property. 1992 Draft Lease § 9. Mr. Carter then responded to Vulcan on February 24, 1992 (Exhibit 5 to Brian Ferris Deposition) specifically regarding this provision. On March 5, 1992, Vulcan responded to Mr. Carter regarding this provision. (Exhibit 6 to Brian Ferris Deposition). Then Vulcan and Mr. Carter had a telephone conversation regarding this provision (Exhibit 7 to Brian Ferris Deposition). Ultimately, the Club and Vulcan signed a lease with a modified version of this provision. (Exhibit 8 to Brian Ferris Deposition).

(c) Brian Ferris - can be contacted through the above captioned counsel

Robert Carter - address unknown

Tom Jenkins

329 Auburn Way

Claremont, CA

Phone: (909) 626-8796

Tom Davis

Davis Consulting Services

P.O. Box 4183

Orange, California 92863

(d) Brian Ferris Deposition Exhibits 4-8.

Reason Why Second Further Response to FI 17.1 re: RFA No. 79 Is Required:

None of the documents cited support the denial at issue. Specifically, none of the exhibits refer to *spent* ammunition, and unless Vulcan is specifically representing that Brian Ferris remembers discussing spent ammunition during the phone call referred to in Vulcan's response, this is an insufficient response. If Vulcan does not provide a further response that actually supports its response to response to Request for Admission 79 or change the response to that request to an admission, Vulcan will be knowingly violating the relevant discovery law. Civ Pro. Code §§ 2030.220; 2033.220.

Form Interrogatory 17.1 re: Request for Admission No. 80:

Admit that VULCAN never made any comment about lead bullets present at the PROPERTY to THE CLUB's former attorney, Robert Carter.

Further Response to Form Interrogatory 17.1 re: Request for Admission No. 80 :

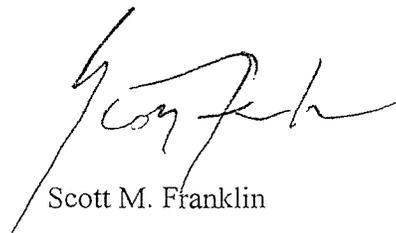
(b) In the 1992 Draft Lease (Exhibit 4 to the Brian Ferris Deposition) which was transmitted to Robert Carter, Vulcan specifically included a provision specifically referring to spent ammunition and the type of bullets used at the Property. 1992 Draft Lease § 9. Mr. Carter then responded to Vulcan on February 24, 1992 (Exhibit 5 to Brian Ferris Deposition) specifically regarding this provision. On March 5, 1992, Vulcan responded to Mr. Carter regarding this provision. (Exhibit 6 to Brian Ferris Deposition). Then Vulcan and Mr. Carter had a telephone conversation regarding this provision (Exhibit 7 to Brian Ferris Deposition). Ultimately, the Club and Vulcan signed a lease with a modified version of this provision. (Exhibit 8 to Brian Ferris Deposition).

Reason Why Second Further Response to Form Interrogatory 17.1 re: Request for Admission No. 80 Is Required:

None of the documents cited support the denial at issue. Specifically, none of the exhibits refer to *lead bullets*, and unless Vulcan is specifically representing that Brian Ferris remembers discussing lead bullets during the phone call referred to in Vulcan's response, this is an insufficient response. If Vulcan does not provide a further response that actually supports its response to response to Request for Admission 80 or change the response to that request to an admission, Vulcan will be knowingly violating the relevant discovery law. Civ Pro. Code §§ 2030.220; 2033.220.

Sincerely,

Michel & Associates, P.C.



Scott M. Franklin

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4 I, Christina Sanchez, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On September 10, 2012, I served the foregoing document(s) described as

7 **NOTICE OF MOTION AND MOTION OF DEFENDANT SAN GABRIEL VALLEY GUN**
8 **CLUB TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES (SET**
9 **ONE) FROM PLAINTIFF CALMAT CO. dba VULCAN MATERIALS COMPANY,**
10 **WESTERN DIVISION; MEMORANDUM OF POINTS AND AUTHORITIES;**
11 **DECLARATION OF SCOTT M. FRANKLIN**

on the interested parties in this action by placing

10 the original

a true and correct copy

11 thereof enclosed in sealed envelope(s) addressed as follows:

12 Kenneth A. Ehrlich
13 Elizabeth A. Culley
14 Jeffer, Mangels, Butler & Mitchell, LLP
15 1900 Avenue of the Stars, Seventh Floor
16 Los Angeles, CA 90067-4308

15 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
16 processing correspondence for mailing. Under the practice it would be deposited with the
17 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
18 California, in the ordinary course of business. I am aware that on motion of the party
19 served, service is presumed invalid if postal cancellation date is more than one day after
20 date of deposit for mailing an affidavit.

Executed on September 10, 2012, at Long Beach, California.

19 X (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
20 addressee.

Executed on September 10, 2012, at Long Beach, California.

21 (OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
22 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under
23 the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for
24 receipt on the same day in the ordinary course of business. Such envelope was sealed and
25 placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for
26 in accordance.

Executed on September 10, 2012, at Long Beach, California.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that
26 the foregoing is true and correct.

27 
28 CHRISTINA SANCHEZ

FIRM: MICHEL & ASSOCIATES, P.C.
 150 E. OCEAN BLVD.
 SUITE 200
 LONG BEACH CA 90802
 PH: 562/216-4444

Signal
 ATTORNEY SERVICE
 INCORPORATED

DATE: 9/10/12 SECRETARY: Christina ATTORNEY: SMF ATTORNEY FILE #: 1067355

DO TODAY **RETURN TODAY**
 Mark X for special assignment(s). RUSH CHARGES APPLY

Long Beach 562-595-1337
 Torrance 310-316-1256
 Fax 562-595-6294

PLAINTIFF: Calmar Co. VS. DEFENDANT: Service
 COURT: LASC JUDICIAL DIST: East CITY: Pomona CASE #: KC062582

APPROVED DIRECT BILLING: CARRIER NAME: ADDRESS: CITY, STATE, & ZIP: ADJUSTER: INSURED: CLAIM NUMBER: DATE OF LOSS:

LIST ALL DOCUMENTS: HEARING DATE FEES PAID/ DATE FEES ATTACHED 180.00

- 1) MIC further resp to SI set one 2) Sep Stmt 3) Proposed order
- 2) MIC further resp to FI set one 2) Sep Stmt 3) Proposed order
- 3) MIC further resp to PIH set one 2) Sep Stmt 3) Proposed order

INSTRUCTIONS: FILE BY _____ SERVE BY _____

OFFICE USE	
COURT	94
PROCESS	
DELIVERY	
RETURN	

DEPT. _____ CLERK _____
 IMPORTANT
 FILE
 SERVE
 DELIVER
 COPY
 OTHER
 Please file today.
 Today is the deadline
 Call me if you have
 any issues.
 Thanks!

RESIDENCE BUSINESS
 MALE _____ FEMALE _____ RACE _____ AGE _____ HT _____ WT _____ HAIR _____

RECEIVED

SEP 10 2012

EAST DISTRICT

DATE: 9/10/12 ORIGINAL SUBMIT RUNNER: 405
 25 MIN. WAIT TIME
 OKAY BACK TO COURT REJECTED OKAY BACK TO COURT

LASC - POMONA
 POMONA COURTS
 POMONA CA 91766
 DATE PAID: 09/10/12 03:41 PM
 RECEIPT #: POM115119029
 CIT/CASE: KC062582
 LEA/DEF#: _____
 PAYMENT: \$180.00 310
 RECEIVED:
 CHECK: \$180.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

NO CONFORM	SHERIFF	COURTESY	DROP CAW	DROP DP	RCV CAW	RCV DP	FILE C
			9/10/12		9/10/12		9/10/12