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GOSSO COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

By Fax

1 C. D. Michel - S.B.N. 144258
2 Scott M. Franklin - S.B.N. 240254
3 Sean A. Brady - S.B.N. 262007
4 MICHEL & ASSOCIATES, P.C.
5 180 E. Ocean Boulevard, Suite 200
6 Long Beach, CA 90802
7 Telephone: 562-216-4444
8 Facsimile: 562-216-4445
9 Email: cmichel@michellawyers.com

10 Attorneys for Plaintiffs/Petitioners

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SACRAMENTO

13 DAVID GENTRY; JAMES PARKER;
14 MARK MIDLAM; JAMES BASS; and
15 CALGUNS SHOOTING SPORTS
16 ASSOCIATION,

17 Plaintiffs and Petitioners,

18 vs.

19 KAMALA HARRIS, in her official capacity
20 as Attorney General for the State
21 of California; STEPHEN LINDLEY, in his
22 official capacity as Acting Chief for the
23 California Department of Justice; BETTY
24 YEE, in her official capacity as State
25 Controller for the State of California; and
26 DOES 1-10,

27 Defendants and Respondents.

) CASE NO. 34-2013-80001667

) **NOTICE OF ERRATA RE:
) DECLARATION OF SCOTT M.
) FRANKLIN IN SUPPORT OF RENEWED
) MOTION TO COMPEL FURTHER
) RESPONSES TO REQUEST FOR
) ADMISSIONS, SET ONE, PROPOUNDED
) ON DEFENDANTS KAMALA HARRIS
) AND STEPHEN LINDLEY**

) Date: February 19, 2016
) Time: 9:00 a.m.
) Dept.: 31
) Judge: Hon. Michael P. Kenny
) Action filed: 10/16/13

28 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Plaintiffs hereby requests that the Court take notice of the following errata:

The Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley, filed on January 22, 2016, was unintentionally filed without a copy of the relevant separate statement, which should have been attached thereto as Exhibit 1B. Though the separate statement is already on file in this action, Plaintiffs intended to provide copies of all the

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relevant documents to the Court as declaration exhibits for ease of review. Accordingly, a true and correct copy of the separate statement, labeled as Exhibit 1B, is provided herewith.

Dated: January 25, 2016

MICHEL & ASSOCIATES, P.C.



Scott M. Franklin
Attorneys for Plaintiffs

EXHIBIT 1B

FILED
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GDSSC COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

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MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
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4 Telephone: (562) 216-4444
Facsimile: (562) 216-4445
5 Email: cmichel@michellawyers.com

6 Attorneys for Plaintiffs

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SACRAMENTO

10
11 DAVID GENTRY, JAMES PARKER,
MARK MIDLAM, JAMES BASS, and
12 CALGUNS SHOOTING SPORTS
ASSOCIATION,

13 Plaintiffs and Petitioners,

14 v.

15 KAMALA HARRIS, in Her Official
16 Capacity as Attorney General For the State
of California; STEPHEN LINDLEY, in
17 His Official Capacity as Acting Chief for
the California Department of Justice,
18 JOHN CHIANG, in his official capacity as
State Controller, and DOES 1 - 10,

19 Defendants and Respondents.

Case No. 34-2013-80001667

PLAINTIFFS' SEPARATE STATEMENT IN
SUPPORT OF MOTION TO COMPEL
FURTHER RESPONSES TO REQUEST FOR
ADMISSIONS, SET ONE, PROPOUNDED ON
DEFENDANTS KAMALA HARRIS AND
STEPHEN LINDLEY

Date: April 24, 2015
Time: 9:00 a.m.
Dept: 31
Judge: The Honorable Michael P. Kenny
Trial Date: None Set
Action Filed: October 16, 2013

By Fax

21 Plaintiffs/Petitioners David Gentry, James Parker, Mark Midlam, James Bass, and
22 Calguns Shooting Sports Association (collectively "Plaintiffs") hereby submit this Separate
23 Statement pursuant to California Rules of Court, rule 3.1345, in support of Plaintiffs' Motion to
24 Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants [and
25 Respondents Kamala Harris and Stephen Lindley (collectively "Defendants").

26 For the convenience of the Court, Plaintiffs note that each of the disputed responses at
27 issue is the same as the others. Therefore, the Plaintiffs' argument herein (i.e., the "Reason Why
28 Further Response Is Required") is the same as to each disputed response.

1 **REQUEST FOR ADMISSION NO. 83:**

2 Admit that it is the position of CAL DOJ [i.e., the California Department of
3 Justice] that law-abiding citizens who participate in the DROS PROCESS [i.e.,
4 the background check process that occurs when a firearm purchase or transfer
5 occurs in California; CAL DOJ's own usage of "DROS PROCESS" can be found
6 at <http://oag.ca.gov/firearms/pubfaqs>) place an unusual burden on the general
7 public as to the illegal possession of firearms.

6 **INITIAL RESPONSE:**

7 Defendants object to this request. It is irrelevant, defendants having admitted that
8 the use of DROS funds does not operate as a tax. The request is also an improper
9 use of the request for admission procedure. The purpose of that procedure is to
10 expedite trials and to eliminate the need for proof when matters are not
11 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
12 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
13 issue implicated by this request becomes relevant, defendants will contest the
14 issue at trial. The request for admission device is not intended to provide a
15 windfall to litigants in granting a substantive victory in the case by deeming
16 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
17 783-784. Section 2033 is "calculated to compel admissions as to all things that
18 cannot reasonably be controverted" not to provide "gotcha," after-the-fact
19 penalties for pressing issues that were legitimately contested. (*Haseltine v.*
20 *Haseltine* (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City of Turlock* (1985)
21 38 Cal.3d 227, 235 ["Although the admissions procedure is designed to expedite
22 matters by avoiding trial on undisputed issues, the request at issue here did not
23 include issues as to which the parties might conceivably agree."], superseded by
24 statute on another basis as described in *Tackett v. City of Huntington Beach*
25 91944) 22 Cal.App.4th 60, 64-65.)

17 **AMENDED RESPONSE:**

18 Defendants object to this request. It is irrelevant, defendants having admitted that
19 the use of DROS funds does not operate as a tax. The request is also an improper
20 use of the request for admission procedure. The purpose of that procedure is to
21 expedite trials and to eliminate the need for proof when matters are not
22 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
23 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
24 issue implicated by this request becomes relevant, defendants will contest the
25 issue at trial. The request for admission device is not intended to provide a
26 windfall to litigants in granting a substantive victory in the case by deeming
27 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
28 783-784. Section 2033 is "calculated to compel admissions as to all things that
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penalties for pressing issues that were legitimately contested. (*Haseltine v.*
Haseltine (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City of Turlock* (1985)
38 Cal.3d 227, 235 ["Although the admissions procedure is designed to expedite
matters by avoiding trial on undisputed issues, the request at issue here did not
include issues as to which the parties might conceivably agree."], superseded by
statute on another basis as described in *Tackett v. City of Huntington Beach*
91944) 22 Cal.App.4th 60, 64-65.)

Without waving this objection, defendants respond as follows:

1 Unable to admit or deny.

2 **REASON WHY FURTHER RESPONSE IS REQUIRED:**

3 **1. Defendants' Response Is Not Sufficient Because It Is Not Statutorily Authorized**

4 Defendants' substantive response, e.g., "[u]nable to admit or deny[,]" does not fall within
5 section 2033.220(b)(3) because that section only applies if the "responding party lacks sufficient
6 information of knowledge" on the truth of the matter at issue. Indeed, Defendants' response
7 completely fails to state, as required by section 2033.220(b)(3), that "a reasonable inquiry
8 concerning the matter in the particular request has been made, and that the information known or
9 readily obtainable is insufficient to enable [Defendants] to admit the matter." Failure to comply
10 with section 2033.220(b)(3) alone justifies an order requiring further response.

11 More important than the procedural deficiency, however, is that Defendants appear to be
12 improperly attempting to hide non-responsive answers under a guise of inability to comply. That
13 is, a responding party does not have the option to claim an inability to admit or deny in response
14 to a request for admission if the responding party has sufficient information or knowledge to
15 provide some level of a substantive response. Civ. Proc. Code § 2033.220(b)(3). Defendants,
16 including the Attorney General of this state, plainly have the knowledge and information required
17 to comply with six requests for admission that seek the application of law to fact.

18 **2. Defendants' Objection Is Without Merit**

19 Each portion of the relevant objection is quoted and then discussed to explain how the
20 entirety of the objection is without merit.

21 *Defendants object to this request. It is irrelevant, defendants having admitted that*
22 *the use of DROS funds does not operate as a tax.*

23 Defendants have not "admitted the use of DROS funds does not operate as a tax" as
24 Defendants claim; they actually admitted, in response to Request for Admission No. 13 herein,
25 that "*it is the position of CAL DOJ that the use of DROS FEE FUNDS to fund APPS does not in*
26 *any way operate as a tax under state law.*" (Emphasis added). Indeed, the requests at issue are
27 relevant *specifically because* Plaintiffs are challenging the legal position being taken by
28 Defendants. Defendants are effectively trying to make the claim that because they admit what

1 their legal position is, Plaintiffs cannot seek information about it. Requests for admission are
2 indisputably a proper tool to obtain information concerning a “matter in controversy between the
3 parties[,]” expressly including the “application of law to fact.” Civ. Proc. Code § 2033.010.

4 The request is also an improper use of the request for admission procedure. The purpose
5 of that procedure is to expedite trials and to eliminate the need for proof when matters
6 are not legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
7 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal issue
8 implicated by this request becomes relevant, defendants will contest the issue at trial.

9 Code of Civil Procedure section 2033.010 expressly states that the use at issue (requesting
10 an admission on the application of law to fact) is proper. Furthermore, the interpretation of
11 *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly
12 cites *Cembrook* for exactly the *opposite* of what Defendants are arguing here.

13 When a party is served with a request for admission concerning a legal question
14 properly raised in the pleadings he cannot object simply by asserting that the
15 request calls for a conclusion of law. He should make the admission if he is able to
16 do so and does not in good faith intend to contest the issue at trial, thereby ‘setting
17 at rest a triable issue.’ (*Cembrook v. Superior Court of City and County of San
18 Francisco, supra*, 56 Cal.2d 423, 429, 15 Cal.Rptr. 127, 364 P.2d 303.)

19 *Burke v. Superior Court*, 71 Cal. 2d 276, 282 (1969).

20 In fact, Defendants’ expressed plan to wait until trial to contest the substantive issues
21 underlying the relevant requests is exactly the kind of conduct requests for admissions are
22 intended to prevent. It is clear that requests for admissions can be used to set at rest triable issues,
23 be they factual *or* legal. Finally, it should be noted that *Stull* does not discuss Defendants’
24 contention (e.g., the supposed impropriety of using requests for admissions regarding legal
25 contentions) at all; it simply notes, as a perfunctory issue and in a general sense, that “[r]equests
26 for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to
27 uncover information, they seek to eliminate the need for proof.” *Stull*, 92 Cal. App. 4th at 864.
28 Indeed, *Stull* implicitly supports *Plaintiffs’* position. *Stull* concerns a propounding party’s ability
to recover expenses for the responding party’s failure to properly admit a request for admission of
a legal issue—*Stull’s* discussion of the expense recovery issue is predicated on the undisputed
fact that the request for admission of a legal contention was valid. *Id.* at 862-64.

1 The request for admission device is not intended to provide a windfall to litigants in
2 granting a substantive victory in the case by deeming material issues admitted. *St. Mary*
3 *v. Superior Court* (2014) 223 Cal.App.4th 762, 783-784.” Section 2033 is “calculated to
4 compel admissions as to all things that cannot reasonably be controverted” not to
5 provide “gotcha,” after-the-fact penalties for pressing issues that were legitimately
6 contested. (*Haseltine v. Haseltine* (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City*
7 *of Turlock* (1985) 38 Cal.3d 227, 235 [“Although the admissions procedure is designed
8 to expedite matters by avoiding trial on undisputed issues, the request at issue here did
9 not include issues as to which the parties might conceivably agree.”], superseded by
10 statute on another basis as described in *Tackett v. City of Huntington Beach* (1994) 22
11 Cal.App.4th 60, 64-65.)

12 Again, the cited material is completely off the mark and in no way supports the claim that
13 requests for admissions cannot be used regarding legal contentions. *St. Mary* concerns a
14 propounding party’s attempt to get forty-one requests for admissions deemed admitted after the
15 opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery
16 response. *St. Mary*, 223 Cal. App. 4th at 766-67. The “windfall” referred to in *St. Mary* had
17 nothing to do with what Defendants are attempting to argue here, it had to do with a party who
18 was abusing the process available to have requests for admissions deemed admitted by a court. *Id.*
19 at 783-84.

20 Similarly, the citations to *Haseltine* and *Elston* are clearly inappropriate. The quoted
21 material from *Haseltine* is mixed with material that is not from *Haseltine*, a questionable practice.
22 Regardless, *Haseltine* is another case, like *St. Mary*, that actually concerns a party’s ability to
23 obtain an award of expenses as to proving the substance of a denied request for admission.
24 *Haseltine*, 203 Cal. App. 2d 48, 60-61.

25 And Defendants’ quotation of *Elston* is baffling, as it is yet another case that concerns an
26 issue ancillary to one or more requests for admission seeking a *legal* contention. *Elston*, 38 Cal.
27 3d at 231. *Elston* concerns requests for admission that were *deemed* admitted after a neglectful
28 attorney failed to timely file responses, not where they were *voluntarily* admitted, thus the
statement that “the request at issue here did not include issues as to which the parties might
conceivably agree” is taken completely out of context by Defendants. *Id.* at 235. It is misleading
for Defendants to use the quoted passage to imply it is relevant to situations other than the context
of a party seeking relief on claims that were “deemed admitted” in direct opposition to that
party’s litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts

1 with the truism that requests for admissions can be used to nail down the legal positions of a
2 litigant.

3 Because Defendants cannot make a good faith claim that they are unable to respond to the
4 relevant request, and because the objection stated is without merit, a further response should be
5 ordered.

6 **REQUEST FOR ADMISSION NO. 84:**

7 Admit that it is the position of CAL DOJ that law-abiding citizens who participate
8 in the DROS PROCESS do not place an unusual burden on the general public as
to the illegal possession of firearms.

9 **INITIAL RESPONSE:**

10 Defendants object to this request. It is irrelevant, defendants having admitted that
11 the use of DROS funds does not operate as a tax. The request is also an improper
12 use of the request for admission procedure. The purpose of that procedure is to
13 expedite trials and to eliminate the need for proof when matters are not
legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
14 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
15 issue implicated by this request becomes relevant, defendants will contest the
16 issue at trial. The request for admission device is not intended to provide a
17 windfall to litigants in granting a substantive victory in the case by deeming
18 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
19 783-784. Section 2033 is “calculated to compel admissions as to all things that
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21 38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
22 matters by avoiding trial on undisputed issues, the request at issue here did not
23 include issues as to which the parties might conceivably agree.”], superseded by
24 statute on another basis as described in *Tackett v. City of Huntington Beach*
25 91944) 22 Cal.App.4th 60, 64-65.)

26 **AMENDED RESPONSE:**

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28 the use of DROS funds does not operate as a tax. The request is also an improper
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11 information of knowledge” on the truth of the matter at issue. Indeed, Defendants’ response
12 completely fails to state, as required by section 2033.220(b)(3), that “a reasonable inquiry
13 concerning the matter in the particular request has been made, and that the information known or
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16 More important than the procedural deficiency, however, is that Defendants appear to be
17 improperly attempting to hide non-responsive answers under a guise of inability to comply. That
18 is, a responding party does not have the option to claim an inability to admit or deny in response
19 to a request for admission if the responding party has sufficient information or knowledge to
20 provide some level of a substantive response. Civ. Proc. Code § 2033.220(b)(3). Defendants,
21 including the Attorney General of this state, plainly have the knowledge and information required
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4 Defendants. Defendants are effectively trying to make the claim that because they admit what
5 their legal position is, Plaintiffs cannot seek information about it. Requests for admission are
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7 parties[.]” expressly including the “application of law to fact.” Civ. Proc. Code § 2033.010.

8 *The request is also an improper use of the request for admission procedure. The*
9 *purpose of that procedure is to expedite trials and to eliminate the need for proof when*
10 *matters are not legitimately contested. (Cembrook v. Superior Court (1961) 56 Cal.2d*
11 *423, 429; see also Stull v. Sparrow (2001) 92 Cal.App.4th 860, 864.) In the event the*
12 *legal issue implicated by this request becomes relevant, defendants will contest the issue*
13 *at trial.*

14 Code of Civil Procedure section 2033.010 expressly states that the use at issue (requesting an
15 admission on the application of law to fact) is proper. Furthermore, the interpretation of
16 *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly
17 cites *Cembrook* for exactly the *opposite* of what Defendants are arguing here.

18 When a party is served with a request for admission concerning a legal question
19 properly raised in the pleadings he cannot object simply by asserting that the
20 request calls for a conclusion of law. He should make the admission if he is able to
21 do so and does not in good faith intend to contest the issue at trial, thereby ‘setting
22 at rest a triable issue.’ (*Cembrook v. Superior Court of City and County of San*
23 *Francisco, supra*, 56 Cal.2d 423, 429, 15 Cal.Rptr. 127, 364 P.2d 303.)

24 *Burke v. Superior Court*, 71 Cal. 2d 276, 282 (1969).

25 In fact, Defendants’ expressed plan to wait until trial to contest the substantive issues
26 underlying the relevant requests is exactly the kind of conduct requests for admissions are
27 intended to prevent. It is clear that requests for admissions can be used to set at rest triable issues,
28 be they factual *or* legal. Finally, it should be noted that *Stull* does not discuss Defendants’
contention (e.g., the supposed impropriety of using requests for admissions regarding legal
contentions) at all; it simply notes, as a perfunctory issue and in a general sense, that “[r]equests
for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to

1 uncover information, they seek to eliminate the need for proof.” *Stull*, 92 Cal. App. 4th at 864.
2 Indeed, *Stull* implicitly supports *Plaintiffs’* position. *Stull* concerns a propounding party’s ability
3 to recover expenses for the responding party’s failure to properly admit a request for admission of
4 a legal issue—*Stull’s* discussion of the expense recovery issue is predicated on the undisputed
5 fact that the request for admission of a legal contention was valid. *Id.* at 862-64.

6 *The request for admission device is not intended to provide a windfall to litigants in*
7 *granting a substantive victory in the case by deeming material issues admitted. St. Mary*
8 *v. Superior Court (2014) 223 Cal.App.4th 762, 783-784.” Section 2033 is “calculated*
9 *to compel admissions as to all things that cannot reasonably be controverted” not to*
10 *provide “gotcha,” after-the-fact penalties for pressing issues that were legitimately*
11 *contested. (Haseltine v. Haseltine (1962) 203 Cal.App.2d 48, 61; see also Elston v. City*
12 *of Turlock (1985) 38 Cal.3d 227, 235 [“Although the admissions procedure is designed*
13 *to expedite matters by avoiding trial on undisputed issues, the request at issue here did*
14 *not include issues as to which the parties might conceivably agree.”], superseded by*
15 *statute on another basis as described in Tackett v. City of Huntington Beach (1994) 22*
16 *Cal.App.4th 60, 64-65.)*

17 Again, the cited material is completely off the mark and in no way supports the claim that
18 requests for admissions cannot be used regarding legal contentions. *St. Mary* concerns a
19 propounding party’s attempt to get forty-one requests for admissions deemed admitted after the
20 opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery
21 response. *St. Mary*, 223 Cal. App. 4th at 766-67. The “windfall” referred to in *St. Mary* had
22 nothing to do with what Defendants are attempting to argue here, it had to do with a party who
23 was abusing the process available to have requests for admissions deemed admitted by a court. *Id.*
24 at 783-84.

25 Similarly, the citations to *Haseltine* and *Elston* are clearly inappropriate. The quoted
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27 Regardless, *Haseltine* is another case, like *St. Mary*, that actually concerns a party’s ability to
28 obtain an award of expenses as to proving the substance of a denied request for admission.
Haseltine, 203 Cal. App. 2d 48, 60-61.

1 And Defendants' quotation of *Elston* is baffling, as it is yet another case that concerns an
2 issue ancillary to one or more requests for admission seeking a *legal* contention. *Elston*, 38 Cal.
3 3d at 231. *Elston* concerns requests for admission that were *deemed* admitted after a neglectful
4 attorney failed to timely file responses, not where they were *voluntarily* admitted, thus the
5 statement that "the request at issue here did not include issues as to which the parties might
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9 party's litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts
10 with the truism that requests for admissions can be used to nail down the legal positions of a
11 litigant.
12

13
14 Because Defendants cannot make a good faith claim that they are unable to respond to the
15 relevant request, and because the objection stated is without merit, a further response should be
16 ordered.

17 **REQUEST FOR ADMISSION NO. 85:**

18 Admit that it is the position of CAL DOJ that law-abiding citizens who participate
19 in the DROS PROCESS pose no greater burden on the public as to illegal firearm
20 possession than do law abiding citizens who have not participated in the DROS
PROCESS.

21 **INITIAL RESPONSE:**

22 Defendants object to this request. It is irrelevant, defendants having admitted that
23 the use of DROS funds does not operate as a tax. The request is also an improper
24 use of the request for admission procedure. The purpose of that procedure is to
25 expedite trials and to eliminate the need for proof when matters are not
26 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
27 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
28 issue implicated by this request becomes relevant, defendants will contest the
issue at trial. The request for admission device is not intended to provide a
windfall to litigants in granting a substantive victory in the case by deeming
material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
783-784. Section 2033 is "calculated to compel admissions as to all things that

1 cannot reasonably be controverted” not to provide “gotcha,” after-the-fact
2 penalties for pressing issues that were legitimately contested. (*Haseltine v.*
3 *Haseltine* (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City of Turlock* (1985)
4 38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
5 matters by avoiding trial on undisputed issues, the request at issue here did not
6 include issues as to which the parties might conceivably agree.”], superseded by
7 statute on another basis as described in *Tackett v. City of Huntington Beach*
8 91944) 22 Cal.App.4th 60, 64-65.)

6 **AMENDED RESPONSE:**

7 Defendants object to this request. It is irrelevant, defendants having admitted that
8 the use of DROS funds does not operate as a tax. The request is also an improper
9 use of the request for admission procedure. The purpose of that procedure is to
10 expedite trials and to eliminate the need for proof when matters are not
11 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
12 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
13 issue implicated by this request becomes relevant, defendants will contest the
14 issue at trial. The request for admission device is not intended to provide a
15 windfall to litigants in granting a substantive victory in the case by deeming
16 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
17 783-784. Section 2033 is “calculated to compel admissions as to all things that
18 cannot reasonably be controverted” not to provide “gotcha,” after-the-fact
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25 91944) 22 Cal.App.4th 60, 64-65.)

17 Without waving this objection, defendants respond as follows:

18 Unable to admit or deny.

19 **REASON WHY FURTHER RESPONSE IS REQUIRED:**

20 **1. Defendants’ Response Is Not Sufficient Because It Is Not Statutorily Authorized**

21 Defendants’ substantive response, e.g., “[u]nable to admit or deny[,]” does not fall within
22 section 2033.220(b)(3) because that section only applies if the “responding party lacks sufficient
23 information of knowledge” on the truth of the matter at issue. Indeed, Defendants’ response
24 completely fails to state, as required by section 2033.220(b)(3), that “a reasonable inquiry
25 concerning the matter in the particular request has been made, and that the information known or
26 readily obtainable is insufficient to enable [Defendants] to admit the matter.” Failure to comply
27 with section 2033.220(b)(3) alone justifies an order requiring further response.
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1 More important than the procedural deficiency, however, is that Defendants appear to be
2 improperly attempting to hide non-responsive answers under a guise of inability to comply. That
3 is, a responding party does not have the option to claim an inability to admit or deny in response
4 to a request for admission if the responding party has sufficient information or knowledge to
5 provide some level of a substantive response. Civ. Proc. Code § 2033.220(b)(3). Defendants,
6 including the Attorney General of this state, plainly have the knowledge and information required
7 to comply with six requests for admission that seek the application of law to fact.

8 **2. Defendants' Objection Is Without Merit**

9 Each portion of the relevant objection is quoted and then discussed to explain how the
10 entirety of the objection is without merit.

11 *Defendants object to this request. It is irrelevant, defendants having admitted that*
12 *the use of DROS funds does not operate as a tax.*

13 Defendants have not “admitted the use of DROS funds does not operate as a tax” as
14 Defendants claim; they actually admitted, in response to Request for Admission No. 13 herein,
15 that “*it is the position of CAL DOJ that the use of DROS FEE FUNDS to fund APPS does not in*
16 *any way operate as a tax under state law.*” (Emphasis added). Indeed, the requests at issue are
17 relevant *specifically because* Plaintiffs are challenging the legal position being taken by
18 Defendants. Defendants are effectively trying to make the claim that because they admit what
19 their legal position is, Plaintiffs cannot seek information about it. Requests for admission are
20 indisputably a proper tool to obtain information concerning a “matter in controversy between the
21 parties[,]” expressly including the “application of law to fact.” Civ. Proc. Code § 2033.010.

22 The request is also an improper use of the request for admission procedure. The purpose
23 of that procedure is to expedite trials and to eliminate the need for proof when matters
24 are not legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
see also Stull v. Sparrow (2001) 92 Cal.App.4th 860, 864.) In the event the legal issue
implicated by this request becomes relevant, defendants will contest the issue at trial.

25 Code of Civil Procedure section 2033.010 expressly states that the use at issue (requesting
26 an admission on the application of law to fact) is proper. Furthermore, the interpretation of
27 *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly
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1 cites *Cembrook* for exactly the *opposite* of what Defendants are arguing here.

2 When a party is served with a request for admission concerning a legal question
3 properly raised in the pleadings he cannot object simply by asserting that the
4 request calls for a conclusion of law. He should make the admission if he is able to
5 do so and does not in good faith intend to contest the issue at trial, thereby ‘setting
at rest a triable issue.’ (*Cembrook v. Superior Court of City and County of San
Francisco, supra*, 56 Cal.2d 423, 429, 15 Cal.Rptr. 127, 364 P.2d 303.)

6 *Burke v. Superior Court*, 71 Cal. 2d 276, 282 (1969).

7 In fact, Defendants’ expressed plan to wait until trial to contest the substantive issues
8 underlying the relevant requests is exactly the kind of conduct requests for admissions are
9 intended to prevent. It is clear that requests for admissions can be used to set at rest triable issues,
10 be they factual *or* legal. Finally, it should be noted that *Stull* does not discuss Defendants’
11 contention (e.g., the supposed impropriety of using requests for admissions regarding legal
12 contentions) at all; it simply notes, as a perfunctory issue and in a general sense, that “[r]equests
13 for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to
14 uncover information, they seek to eliminate the need for proof.” *Stull*, 92 Cal. App. 4th at 864.
15 Indeed, *Stull* implicitly supports *Plaintiffs’* position. *Stull* concerns a propounding party’s ability
16 to recover expenses for the responding party’s failure to properly admit a request for admission of
17 a *legal* issue—*Stull’s* discussion of the expense recovery issue is predicated on the undisputed
18 fact that the request for admission of a legal contention was valid. *Id.* at 862-64.

19 The request for admission device is not intended to provide a windfall to litigants in
20 granting a substantive victory in the case by deeming material issues admitted. *St. Mary*
21 *v. Superior Court* (2014) 223 Cal.App.4th 762, 783-784.” Section 2033 is “calculated to
22 compel admissions as to all things that cannot reasonably be controverted” not to
23 provide “gotcha,” after-the-fact penalties for pressing issues that were legitimately
24 contested. (*Haseltine v. Haseltine* (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City*
25 *of Turlock* (1985) 38 Cal.3d 227, 235 [“Although the admissions procedure is designed
to expedite matters by avoiding trial on undisputed issues, the request at issue here did
26 not include issues as to which the parties might conceivably agree.”], superseded by
statute on another basis as described in *Tackett v. City of Huntington Beach* (1994) 22
Cal.App.4th 60, 64-65.)

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1 Again, the cited material is completely off the mark and in no way supports the claim that
2 requests for admissions cannot be used regarding legal contentions. *St. Mary* concerns a
3 propounding party's attempt to get forty-one requests for admissions deemed admitted after the
4 opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery
5 response. *St. Mary*, 223 Cal. App. 4th at 766-67. The "windfall" referred to in *St. Mary* had
6 nothing to do with what Defendants are attempting to argue here, it had to do with a party who
7 was abusing the process available to have requests for admissions deemed admitted by a court. *Id.*
8 at 783-84.

9 Similarly, the citations to *Haseltine* and *Elston* are clearly inappropriate. The quoted
10 material from *Haseltine* is mixed with material that is not from *Haseltine*, a questionable practice.
11 Regardless, *Haseltine* is another case, like *St. Mary*, that actually concerns a party's ability to
12 obtain an award of expenses as to proving the substance of a denied request for admission.
13 *Haseltine*, 203 Cal. App. 2d 48, 60-61.

14 And Defendants' quotation of *Elston* is baffling, as it is yet another case that concerns an
15 issue ancillary to one or more requests for admission seeking a *legal* contention. *Elston*, 38 Cal.
16 3d at 231. *Elston* concerns requests for admission that were *deemed* admitted after a neglectful
17 attorney failed to timely file responses, not where they were *voluntarily* admitted, thus the
18 statement that "the request at issue here did not include issues as to which the parties might
19 conceivably agree" is taken completely out of context by Defendants. *Id.* at 235. It is misleading
20 for Defendants to use the quoted passage to imply it is relevant to situations other than the context
21 of a party seeking relief on claims that were "deemed admitted" in direct opposition to that
22 party's litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts
23 with the truism that requests for admissions can be used to nail down the legal positions of a
24 litigant.

25 Because Defendants cannot make a good faith claim that they are unable to respond to the
26 relevant request, and because the objection stated is without merit, a further response should be
27 ordered.

28

1 **REQUEST FOR ADMISSION NO. 86:**

2 Admit that it is the position of CAL DOJ that law-abiding citizens who participate
3 in the DROS PROCESS pose a greater burden on the public as to illegal firearm
4 possession than do law abiding citizens who have not participated in the DROS
5 PROCESS.

6 **INITIAL RESPONSE:**

7 Defendants object to this request. It is irrelevant, defendants having admitted that
8 the use of DROS funds does not operate as a tax. The request is also an improper
9 use of the request for admission procedure. The purpose of that procedure is to
10 expedite trials and to eliminate the need for proof when matters are not
11 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
12 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
13 issue implicated by this request becomes relevant, defendants will contest the
14 issue at trial. The request for admission device is not intended to provide a
15 windfall to litigants in granting a substantive victory in the case by deeming
16 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
17 783-784. Section 2033 is “calculated to compel admissions as to all things that
18 cannot reasonably be controverted” not to provide “gotcha,” after-the-fact
19 penalties for pressing issues that were legitimately contested. (*Haseltine v.*
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21 38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
22 matters by avoiding trial on undisputed issues, the request at issue here did not
23 include issues as to which the parties might conceivably agree.”], superseded by
24 statute on another basis as described in *Tackett v. City of Huntington Beach*
25 91944) 22 Cal.App.4th 60, 64-65.)

26 **AMENDED RESPONSE:**

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28 the use of DROS funds does not operate as a tax. The request is also an improper
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38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
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include issues as to which the parties might conceivably agree.”], superseded by
statute on another basis as described in *Tackett v. City of Huntington Beach*
91944) 22 Cal.App.4th 60, 64-65.)

Without waving this objection, defendants respond as follows:

Unable to admit or deny.

1 indisputably a proper tool to obtain information concerning a “matter in controversy between the
2 parties[,]” expressly including the “application of law to fact.” Civ. Proc. Code § 2033.010.

3 The request is also an improper use of the request for admission procedure. The purpose
4 of that procedure is to expedite trials and to eliminate the need for proof when matters
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8 Code of Civil Procedure section 2033.010 expressly states that the use at issue (requesting
9 an admission on the application of law to fact) is proper. Furthermore, the interpretation of
10 *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly
11 cites *Cembrook* for exactly the *opposite* of what Defendants are arguing here.

12 When a party is served with a request for admission concerning a legal question
13 properly raised in the pleadings he cannot object simply by asserting that the
14 request calls for a conclusion of law. He should make the admission if he is able to
15 do so and does not in good faith intend to contest the issue at trial, thereby ‘setting
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20 underlying the relevant requests is exactly the kind of conduct requests for admissions are
21 intended to prevent. It is clear that requests for admissions can be used to set at rest triable issues,
22 be they factual *or* legal. Finally, it should be noted that *Stull* does not discuss Defendants’
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25 for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to
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12 opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery
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party’s litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts
with the truism that requests for admissions can be used to nail down the legal positions of a

1 litigant.

2 Because Defendants cannot make a good faith claim that they are unable to respond to the
3 relevant request, and because the objection stated is without merit, a further response should be
4 ordered.

5 **REQUEST FOR ADMISSION NO. 88:**

6 Admit that it is the position of CAL DOJ that law-abiding firearm owners have a
7 greater interest, as compared to other law-abiding citizens who do not own
8 firearms, in insuring firearms are not in the possession of persons who are not
legally permitted to possess a firearm.

9 **INITIAL RESPONSE:**

10 Defendants object to this request. It is irrelevant, defendants having admitted that
11 the use of DRÓS funds does not operate as a tax. The request is also an improper
12 use of the request for admission procedure. The purpose of that procedure is to
13 expedite trials and to eliminate the need for proof when matters are not
14 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
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5 Unable to admit or deny.

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22 **2. Defendants’ Objection Is Without Merit**

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3 for Defendants to use the quoted passage to imply it is relevant to situations other than the context
4 of a party seeking relief on claims that were “deemed admitted” in direct opposition to that
5 party’s litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts
6 with the truism that requests for admissions can be used to nail down the legal positions of a
7 litigant.

8 Because Defendants cannot make a good faith claim that they are unable to respond to the
9 relevant request, and because the objection stated is without merit, a further response should be
10 ordered.

11 **REQUEST FOR ADMISSION NO. 89:**

12 Admit that it is the position of CAL DOJ that law-abiding firearms owners do not
13 have a greater interest, as compared to other law-abiding citizens who do not own
14 firearms, in insuring firearms are not in the possession of persons who are not
legally permitted to possess a firearm.

15 **INITIAL RESPONSE:**

16 Defendants object to this request. It is irrelevant, defendants having admitted that
17 the use of DROS funds does not operate as a tax. The request is also an improper
18 use of the request for admission procedure. The purpose of that procedure is to
19 expedite trials and to eliminate the need for proof when matters are not
20 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
21 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
22 issue implicated by this request becomes relevant, defendants will contest the
23 issue at trial. The request for admission device is not intended to provide a
24 windfall to litigants in granting a substantive victory in the case by deeming
25 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
783-784. Section 2033 is “calculated to compel admissions as to all things that
cannot reasonably be controverted” not to provide “gotcha,” after-the-fact
penalties for pressing issues that were legitimately contested. (*Haseltine v.*
Haseltine (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City of Turlock* (1985)
38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
matters by avoiding trial on undisputed issues, the request at issue here did not
include issues as to which the parties might conceivably agree.”], superseded by
statute on another basis as described in *Tackett v. City of Huntington Beach*
91944) 22 Cal.App.4th 60, 64-65.)

26 **AMENDED RESPONSE:**

27 Defendants object to this request. It is irrelevant, defendants having admitted that
28 the use of DROS funds does not operate as a tax. The request is also an improper
use of the request for admission procedure. The purpose of that procedure is to
expedite trials and to eliminate the need for proof when matters are not

1 legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
2 see also *Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal
3 issue implicated by this request becomes relevant, defendants will contest the
4 issue at trial. The request for admission device is not intended to provide a
5 windfall to litigants in granting a substantive victory in the case by deeming
6 material issues admitted. *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762,
7 783-784. Section 2033 is “calculated to compel admissions as to all things that
8 cannot reasonably be controverted” not to provide “gotcha,” after-the-fact
penalties for pressing issues that were legitimately contested. (*Haseltine v.*
Haseltine (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City of Turlock* (1985)
38 Cal.3d 227, 235 [“Although the admissions procedure is designed to expedite
matters by avoiding trial on undisputed issues, the request at issue here did not
include issues as to which the parties might conceivably agree.”], superseded by
statute on another basis as described in *Tackett v. City of Huntington Beach*
91944) 22 Cal.App.4th 60, 64-65.)

9 Without waving this objection, defendants respond as follows:

10 Unable to admit or deny.

11 **REASON WHY FURTHER RESPONSE IS REQUIRED:**

12 **1. Defendants’ Response Is Not Sufficient Because It Is Not Statutorily Authorized**

13 Defendants’ substantive response, e.g., “[u]nable to admit or deny[,]” does not fall within
14 section 2033.220(b)(3) because that section only applies if the “responding party lacks sufficient
15 information of knowledge” on the truth of the matter at issue. Indeed, Defendants’ response
16 completely fails to state, as required by section 2033.220(b)(3), that “a reasonable inquiry
17 concerning the matter in the particular request has been made, and that the information known or
18 readily obtainable is insufficient to enable [Defendants] to admit the matter.” Failure to comply
19 with section 2033.220(b)(3) alone justifies an order requiring further response.

21 More important than the procedural deficiency, however, is that Defendants appear to be
22 improperly attempting to hide non-responsive answers under a guise of inability to comply. That
23 is, a responding party does not have the option to claim an inability to admit or deny in response
24 to a request for admission if the responding party has sufficient information or knowledge to
25 provide some level of a substantive response. Civ. Proc. Code § 2033.220(b)(3). Defendants,
26 including the Attorney General of this state, plainly have the knowledge and information required
27 to comply with six requests for admission that seek the application of law to fact.
28

1 **2. Defendants' Objection Is Without Merit**

2 Each portion of the relevant objection is quoted and then discussed to explain how the
3 entirety of the objection is without merit.

4 *Defendants object to this request. It is irrelevant, defendants having admitted that*
5 *the use of DROS funds does not operate as a tax.*

6 Defendants have not “admitted the use of DROS funds does not operate as a tax” as
7 Defendants claim; they actually admitted, in response to Request for Admission No. 13 herein,
8 that “*it is the position of CAL DOJ that the use of DROS FEE FUNDS to fund APPS does not in*
9 any way operate as a tax under state law.” (Emphasis added). Indeed, the requests at issue are
10 relevant *specifically because* Plaintiffs are challenging the legal position being taken by
11 Defendants. Defendants are effectively trying to make the claim that because they admit what
12 their legal position is, Plaintiffs cannot seek information about it. Requests for admission are
13 indisputably a proper tool to obtain information concerning a “matter in controversy between the
14 parties[,]” expressly including the “application of law to fact.” Civ. Proc. Code § 2033.010.
15

16 The request is also an improper use of the request for admission procedure. The purpose
17 of that procedure is to expedite trials and to eliminate the need for proof when matters
18 are not legitimately contested. (*Cembrook v. Superior Court* (1961) 56 Cal.2d 423, 429;
19 *see also Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864.) In the event the legal issue
20 implicated by this request becomes relevant, defendants will contest the issue at trial.

21 Code of Civil Procedure section 2033.010 expressly states that the use at issue (requesting
22 an admission on the application of law to fact) is proper. Furthermore, the interpretation of
23 *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly
24 cites *Cembrook* for exactly the *opposite* of what Defendants are arguing here.

25 When a party is served with a request for admission concerning a legal question
26 properly raised in the pleadings he cannot object simply by asserting that the
27 request calls for a conclusion of law. He should make the admission if he is able to
28 do so and does not in good faith intend to contest the issue at trial, thereby ‘setting
29 at rest a triable issue.’(*Cembrook v. Superior Court of City and County of San*
30 *Francisco, supra*, 56 Cal.2d 423, 429, 15 Cal.Rptr. 127, 364 P.2d 303.)

1 *Burke v. Superior Court*, 71 Cal. 2d 276, 282 (1969).

2 In fact, Defendants' expressed plan to wait until trial to contest the substantive issues
3 underlying the relevant requests is exactly the kind of conduct requests for admissions are
4 intended to prevent. It is clear that requests for admissions can be used to set at rest triable issues,
5 be they factual *or* legal. Finally, it should be noted that *Stull* does not discuss Defendants'
6 contention (e.g., the supposed impropriety of using requests for admissions regarding legal
7 contentions) at all; it simply notes, as a perfunctory issue and in a general sense, that "[r]equests
8 for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to
9 uncover information, they seek to eliminate the need for proof." *Stull*, 92 Cal. App. 4th at 864.
10 Indeed, *Stull* implicitly supports *Plaintiffs'* position. *Stull* concerns a propounding party's ability
11 to recover expenses for the responding party's failure to properly admit a request for admission of
12 a *legal* issue—*Stull's* discussion of the expense recovery issue is predicated on the undisputed
13 fact that the request for admission of a legal contention was valid. *Id.* at 862-64.

14 The request for admission device is not intended to provide a windfall to litigants in
15 granting a substantive victory in the case by deeming material issues admitted. *St. Mary*
16 *v. Superior Court* (2014) 223 Cal.App.4th 762, 783-784." Section 2033 is "calculated to
17 compel admissions as to all things that cannot reasonably be controverted" not to
18 provide "gotcha," after-the-fact penalties for pressing issues that were legitimately
19 contested. (*Haseltine v. Haseltine* (1962) 203 Cal.App.2d 48, 61; see also *Elston v. City*
20 *of Turlock* (1985) 38 Cal.3d 227, 235 ["Although the admissions procedure is designed
21 to expedite matters by avoiding trial on undisputed issues, the request at issue here did
22 not include issues as to which the parties might conceivably agree."], superseded by
23 statute on another basis as described in *Tackett v. City of Huntington Beach* (1994) 22
24 Cal.App.4th 60, 64-65.)

20 Again, the cited material is completely off the mark and in no way supports the claim that
21 requests for admissions cannot be used regarding legal contentions. *St. Mary* concerns a
22 propounding party's attempt to get forty-one requests for admissions deemed admitted after the
23 opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery
24 response. *St. Mary*, 223 Cal. App. 4th at 766-67. The "windfall" referred to in *St. Mary* had
25 nothing to do with what Defendants are attempting to argue here, it had to do with a party who
26 was abusing the process available to have requests for admissions deemed admitted by a court. *Id.*
27 at 783-84.

28 Similarly, the citations to *Haseltine* and *Elston* are clearly inappropriate. The quoted

1 material from *Haseltine* is mixed with material that is not from *Haseltine*, a questionable practice.
2 Regardless, *Haseltine* is another case, like *St. Mary*, that actually concerns a party's ability to
3 obtain an award of expenses as to proving the substance of a denied request for admission.
4 *Haseltine*, 203 Cal. App. 2d 48, 60-61.

5 And Defendants' quotation of *Elston* is baffling, as it is yet another case that concerns an
6 issue ancillary to one or more requests for admission seeking a *legal* contention. *Elston*, 38 Cal.
7 3d at 231. *Elston* concerns requests for admission that were *deemed* admitted after a neglectful
8 attorney failed to timely file responses, not where they were *voluntarily* admitted, thus the
9 statement that "the request at issue here did not include issues as to which the parties might
10 conceivably agree" is taken completely out of context by Defendants. *Id.* at 235. It is misleading
11 for Defendants to use the quoted passage to imply it is relevant to situations other than the context
12 of a party seeking relief on claims that were "deemed admitted" in direct opposition to that
13 party's litigation position. Defendants are clearly wrong arguing that *Elston* somehow conflicts
14 with the truism that requests for admissions can be used to nail down the legal positions of a
15 litigant.

16 Because Defendants cannot make a good faith claim that they are unable to respond to the
17 relevant request, and because the objection stated is without merit, a further response should be
18 ordered.

19
20 Dated: February 17, 2015

Michel & Associates, P.C.

21 

22 _____
Scott M. Franklin
23 Attorney for Plaintiffs
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4 I, Laura L. Quesada, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age of 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, CA 90802.

6 On February 17, 2015, the foregoing document described as

7 **PLAINTIFFS' SEPARATE STATEMENT IN SUPPORT OF MOTION TO COMPEL**
8 **FURTHER RESPONSES TO REQUEST FOR ADMISSIONS, SET ONE, PROPOUNDED**
9 **ON DEFENDANTS KAMALA HARRIS AND STEPHEN LINDLEY**

9 on the interested parties in this action by placing

10 the original

11 a true and correct copy

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

13 Anthony R. Hakl
14 Deputy Attorney General
15 1300 I Street, Suite 125
16 P.O. Box 944255
17 Sacramento, CA 94244-2550
18 *Attorney for Defendants*

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 served,
23 service is presumed invalid if postal cancellation date is more than one day after date of
24 deposit for mailing an affidavit.

25 Executed on February 17, 2015, at Long Beach, California.

26 (PERSONAL SERVICE) As follows: I am "readily familiar" with the firm's practice of
27 collection and processing correspondence for mailing. Under the practice it would be
28 deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at
Long Beach, 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 is more than one day after
date of deposit for mailing an affidavit.

Executed on February 17, 2015, at Long Beach, California.

(VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
collection and processing correspondence for overnight delivery by UPS/FED-EX. Under 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 February 17, 2015, at Long Beach, California.

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

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


CHRISTINA SANCHEZ

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

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

On January 25, 2016, the foregoing document(s) described as

DECLARATION OF SCOTT M. FRANKLIN IN SUPPORT OF RENEWED MOTION TO COMPEL FURTHER RESPONSES TO REQUEST FOR ADMISSIONS, SET ONE, PROPOUNDED ON DEFENDANTS KAMALA HARRIS AND STEPHEN LINDLEY

on the interested parties in this action by placing

- the original
- a true and correct copy

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

Kamala D. Harris, Attorney General of California
Office of the Attorney General
Anthony Hakl, Deputy Attorney General
1300 I Street, Suite 1101
Sacramento, CA 95814

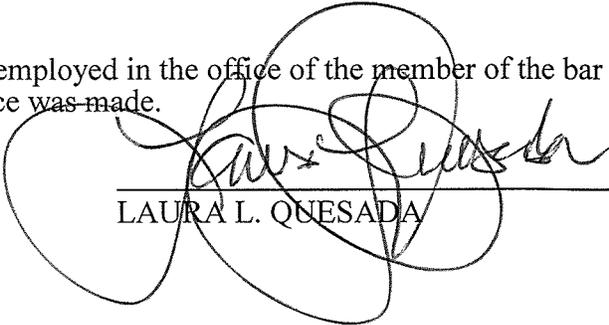
X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.
Executed on January 25, 2016, at Long Beach, California.

X (VIA ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.
Executed on January 25, 2016, at Long Beach, California.

 (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.
Executed on January 25, 2016, at Long Beach, California.

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

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



LAURA L. QUESADA