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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

DAVID GENTRY, JAMES PARKER, MARK MIDLAM, JAMES BASS, and CALGUNS SHOOTING SPORTS ASSOCIATION, Plaintiffs and Petitioners, vs. KAMALA HARRIS, in Her Official Capacity as Attorney General for the State of California; STEPHEN LINDLEY, in His Official Capacity as Acting Chief for the California Department of Justice, BETTY YEE, in Her Official Capacity as State Controller for the State of California, and DOES 1-10. Defendants and Respondents.	CASE NO. 34-2013-80001667 **NOTICE OF MOTION AND MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET THREE, PROPOUNDED ON DEFENDANTS KAMALA HARRIS AND STEPHEN LINDLEY; MEMORANDUM IN SUPPORT THEREOF** Date: 10/28/16 Time: 9:00 a.m. Dept.: 31 Action filed: 10/16/2013

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 28, 2016, at 9:00 a.m. or as soon thereafter as the matter may be heard, in Department 31 of the Sacramento County Superior Court, located at 720 9th Street, Sacramento, CA 95814, Plaintiffs/Petitioners David Gentry, James Parker, Mark Midlam, James Bass, and Calguns Shooting Sports Association (collectively "Plaintiffs") will and hereby do move this Court for an order compelling Defendants/Respondents Kamala Harris and Stephen Lindley (collectively "Defendants") to produce further responses to Plaintiffs' Special

Interrogatories, Set Three, propounded on Defendants on September 4, 2015.

This Motion is brought pursuant to Code of Civil Procedure sections 2030.220, subdivision (a), and 2030.300, subdivisions (a)(1) and (a)(3), on the grounds that Defendants have provided interrogatory responses that include unfounded objections and statements that are evasive and incomplete. A declaration in conformance with Code of Civil Procedure section 2016.040 is provided herewith.

This Motion is based upon this notice, the attached memorandum of points and authorities, the Request for Judicial Notice, the supporting Declaration of Scott M. Franklin, the separate statement of disputed issues concurrently served and filed with this Motion, all papers and pleadings currently on file with the Court, and such oral and documentary evidence as may be presented to the Court at the time of the hearing.

Please take further notice that pursuant to Local Rule 1.06(A), the Court will make a tentative ruling on the merits of this matter by 2:00 p.m., the Court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the Court's website. If the party does not have online access, they may call the dedicated phone number for the department referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the Court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

Dated: April 25, 2016

MICHEL & ASSOCIATES, P.C.

Scott M. Franklin, Attorney for Plaintiffs

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I. INTRODUCTION

This Motion concerns Defendants' responses to Plaintiffs' Special Interrogatory ("SI") Nos. 25, 29, and 30. Because Defendants' responses are improperly evasive and their boilerplate objections are without merit, this Motion should be granted.

II. STATEMENT OF FACTS

A. Factual Background of this Case

This case concerns the California Department of Justice's (the "Department") use of money collected under the guise of the Dealers' Record of Sale ("DROS") fee and placed in the DROS Special Account. (Compl. ¶ 1.) The Department uses money from the DROS Special Account to fund law enforcement activities based on data produced by the Armed and Prohibited Person System ("APPS"[1]), e.g., special agents traveling to a residence to seize firearms from a person identified by way of APPS. (*Id.* ¶¶ 6-7.) And yet, it appears the Defendants are using DROS fee money to fund general law enforcement activities that are, at most, tangentially related to APPS.[2] Plaintiffs claim, among other things, that the Department has failed to properly set the amount of the DROS fee and that the Department is illegally imposing a tax via the DROS fee. (*Id.* ¶¶ 96,110.)

B. History of the Current Discovery Dispute

Plaintiffs served a third set of SIs on Defendants on September 4, 2015. (Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Special Interrogatories, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley [the "Franklin Decl."] ¶ 2.) Pursuant to a courtesy extension granted by Plaintiffs, Defendants provided responses on October 19, 2015. (*Id.* ¶ 3.) Soon thereafter, Plaintiffs' counsel evaluated the responses and determined them to be insufficient, and accordingly, he sent a letter to Defendants' counsel on December 14, 2015, explaining in detail how the responses provided were insufficient. (*Id.* ¶ 4.) Counsel for the parties telephonically discussed the sufficiency of Defendants' responses on

[1] The APPS database is derived by cross-checking certain governmental records with the intent of identifying people who obtained a firearm legally but then kept the firearm after becoming legally ineligible to do so. (Compl. ¶ 66.)

[2] See *supra* Section III.B.

December 16, 2016, and Defendants' counsel ultimately agreed to consider providing amended responses. (*Id.* ¶ 5.)

On January 22, 2016, Defendants provided an amended response to relevant discovery. (Franklin Decl. ¶ 6.) And on January 29, 2016, Defendants provided a second amended response to the relevant discovery. (*Id.* ¶ 7.) Nonetheless, Plaintiffs thereafter still believed Defendants had not properly responded to several SIs, so Plaintiffs' counsel sent a second meet-and-confer letter to Defendants counsel on February 19, 2016. (*Id.* ¶ 8.) Defendants provided a third amended response to the relevant discovery on March 25, 2016. (*Id.* ¶ 9.) As a result of the parties good faith meet-and-confer efforts, all of Defendants' disputed responses have been resolved except the three that are the basis for this Motion. (*Id.* ¶ 10.) The Motion was filed within forty-five days of the production of Defendants' most recent response, and the parties have also agreed in writing to a filing deadline of April 25, 2016, so this Motion is timely under Code of Civil Procedure section 2030.300, subdivision (c). (*Id.* ¶ 11.)

III. ARGUMENT

A. Standard for Compelling Further Responses to Interrogatories

"On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that [the] answer to a particular interrogatory is evasive or incomplete [or if a]n objection to an interrogatory is without merit or too general." (Code Civ. Proc., § 2030.300, subd. (a)(1)-(3).)[3] Evasive and incomplete interrogatory responses violate the responding party's duty to provide responses that are "as complete and straightforward as the information reasonably available to the responding party permits." (§ 2030.220(a); *accord Guzman v. General Motors Corp.* (1984) 154 Cal.App.3d 438, 442 [noting a responding party must "state the truth, the whole truth, and nothing but the truth in answering written interrogatories"].)

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[3] All statutory cites are to the Code of Civil Procedure, except as expressly stated.

B. Defendants Should Not be Allowed to Publically Tout Specific Cases as "APPS Cases" without the Basis of Such Claim Being Subject to Reasonable Discovery

1. Background About the So-Called "APPS Cases" and Why the Department's Statements About them Are Relevant

The Department's 2013-2014 Biennial Report[4] includes a list of a dozen "[s]ignificant APPS cases[.]" (Franklin Decl. ¶ 12.) Some of the cases on the list appear to be within a reasonable understanding of the term "APPS case[;]" e.g., when Department agents investigated an APPS subject who had a prohibiting event (an involuntary mental health commitment) and sixty-six handguns registered in his name, resulting in the seizure of over 200 firearms, that definitely appears to be an "APPS case." (*Ibid.*) But the majority of the cases on the list, as described, do not appear to have any reasonable connection to APPS. (*Ibid.*) If non-APPS cases are being funded via the DROS fee, or non-APPS cases are being portrayed as APPS successes to justify spending DROS fee money on APPS, either would be relevant to how the Department is obtaining and using money from the DROS Special Account—the core issue in this Action. (Compl. ¶¶ 95-100, *passim.*)

In light of the apparent disconnect between the so-called "APPS cases" and the implementation of APPS, Defendants propounded interrogatories seeking an explanation as to why two specific "APPS cases[,]" as described, have no connection to APPS. As to SI No. 29, that "APPS case" was not based on a "hit" in the APPS system being investigated, it resulted from an anonymous tip that a felon was working at a shooting range. (Sep. Statement at p. 4.) The fact that a felon worked at a shooting range does not implicate APPS at all; in fact, nothing in the description of this "APPS case" refers to the Department removing firearms identified via APPS from the felon. (*Id.* at pp. 4-5)

Similarly, in SI No. 30 the "APPS case" concerned an alleged "straw purchase" whereby a non-prohibited person legally bought a firearm and then provided that firearm to a prohibited person. (*Id.* at p. 5.) Again, as described, this activity has nothing to do with APPS. The firearm that was the subject of the alleged straw purchase would not have given a "hit" as to the alleged straw purchaser, as he was not the recorded purchaser. If the Department was specifically

[4] The Department is statutorily required to provide a "written report of its activities" to the Governor every other year. (Gov. Code, § 11091.)

following up on the straw purchase, then by definition, APPS was not involved, as it was the legal purchaser, not the intended ultimate recipient (the prohibited person), that was "associated" with the relevant firearm in the firearm transfer records cross-checked via APPS.

During the meet-and-confer process, Plaintiffs' counsel indicated that, if the "APPS cases" discussed in SI Nos. 29 and 30 were ongoing, that might impact the analysis of whether information related thereto was privileged under Evidence Code section 1040. (Franklin Decl. ¶ 8.) Defendants' counsel responded that "the investigations referred to in those interrogatories are not ongoing[, but that n]evertheless, [D]efendants stand on their objections." (*Ibid.*)

2. Defendants' Boilerplate Objections Are Without Merit

Defendants provided the same objections to Interrogatories No. 29 and 30, viz., that the information sought is irrelevant, and they conflict with the work product doctrine and the attorney-client, official information, law enforcement, and executive privileges. (Sep. Statement at pp. 4-5). In reality, these objections boil down to a relevancy-based objection (which is clearly defeated *infra* in Section III.B.2.iii.) and: (1) an attorney-client privilege-based objection, (2) an attorney work product doctrine-based objection, and (3) an Evidence Code section 1040 official information-based objection. (*See Marylander v. Superior Court* (2000) 81 Cal.App.4th 1119, 1126 [re-affirming that, in litigation, Evidence Code section 1040 "represents the exclusive means by which a public entity may assert a . . . privilege based on the necessity for secrecy"].) The objections are all unfounded and should be ignored.

i. Defendants' Attorney-Client Privilege Claim Is Without Merit

California Evidence Code section 954 states that a client may refuse to disclose (1) confidential communications (2) between the client and the attorney. Evidence Code section 954 only applies to communications; the attorney-client privilege does not apply to facts, even if the facts are mentioned in, or relevant to, an attorney-client communication. (See *Benge v. Superior Court* (1982) 131 Cal.App.3d 336, 349.) Furthermore, the privilege does not apply to communications between an attorney and a client regarding business advice, i.e., advice outside the normal scope of legal services provided by an attorney. (*See Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 735.) Finally, the privilege does not apply to where it has

been waived by the disclosure of a significant part of the relevant communication. (Evid. Code, § 912(a); *see Southern Cal. Gas Co. v. California Pub. Util. Com.* (1990) 50 C.3d 31, 46 [holding that a "significant part" means disclosure of enough substantive information as to reveal the specific content of the alleged confidential communication].)

Defendants' bare attorney-client objection fails on its face, as Defendants provide no factual information as to how the information sought falls within Evidence Code section 954's definition of attorney-client communications. On the other hand, the Biennial Report's discussion of "APPS cases" provides sufficient evidence that Defendants' attorney-client objection must fail.

First, there is no dispute that the Department made factual statements identifying that the two cases at issue are "APPS cases." Disclosure of the *facts* upon which those statements were made—if any—does not require the disclosure of any *communication*, even assuming the relevant facts were discussed as part of an attorney-client communication. (*Benge*, *supra*, 131 Cal.App.3d at 349.) "[T]he attorney-client privilege only protects disclosure of *communications* between the attorney and the client; it does not protect disclosure of underlying facts which may be referenced within a qualifying communication." (*State Farm Fire & Casualty Co. v. Superior Court* (1997) 54 Cal.App.4th 625, 639.) Indeed, if these two cases were truly "APPS cases," then (1) the information analysts who processed the relevant APPS data after a "hit," and (2) the special agents who did the fieldwork described in the Biennial Report would all be privy to the relevant facts *without any* communication with a Department lawyer. (See Compl. ¶¶ 66, 68 [discussing how APPS works and that how law enforcement uses certain funds on APPS-related law enforcement activities].) That is, the pertinent information would exist outside any attorney-client communication wherein the information was discussed. The Department does not get to cloak this operational information in the attorney-client privilege just because the information may have been known to an attorney in the Department. (See *Costco Wholesale Corp. v. Superior Court*, *supra*, 47 Cal.4th at 735.)

Second, the publication of the fact that a case is an "APPS case" requires no legal advice, so Defendants' attorney-client privilege claim is dubious. Whether or not the two salient cases were based on, or somehow used, APPS data is not a question that an attorney would have an

answer to, at least not an answer that is dependent upon the attorney's attorney-client relationship with a client. Thus, if this matter somehow turns on advice provided by an attorney (and Plaintiffs contend it does not), that advice would concern the business of law enforcement based on the use of APPS data, which is outside the scope of Evidence Code section 954's protection.

Third, it was Defendants who opened this discussion by claiming the germane cases are "APPS cases." The Department's decision to identify specific matters as "APPS cases" occurred voluntarily and completely outside the scope of litigation. Further, there is only one reasonable way to define the term "APPS case" as it relates to law enforcement activities: the investigation and potential seizure of firearms from people who are identified as armed and prohibited via the operation of APPS. Accordingly, unless Defendants can convincingly argue that "APPS case" has some other reasonable definition, Defendants have already made a "significant part" of the relevant information public, i.e., they stated the "APPS cases" were APPS cases. Whatever attorney-client privilege that might have applied regarding how the "APPS cases" were characterized vanished when the Department publically identified them as "APPS cases." (Evid. Code, § 912(a).)

Because the attorney-client privilege is not applicable to SI Nos. 29 and 30 for the reasons stated above, Defendants' objection fails.

ii. Application of the Attorney Work Product Doctrine will Unjustly Stymie Legitimate Discovery

California's attorney work product doctrine, codified in Code of Civil Procedure section 2018.020, states the general policy protecting an attorney's work product from being unfairly exposed. The doctrine provides absolute protection for an attorney's "brain work" (e.g., opinions, conclusions, impressions), but for other attorney work product, like notes of a witness interview, such material can be obtained upon a showing "that denial of discovery will unfairly prejudice the party seeking discovery in preparing that party's claim or defense or will result in an injustice." (§ 2018.030.) The information sought in SI Nos. 29 and 30 cannot justifiably be withheld under either aspect of the attorney work product doctrine.

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The information sought is clearly not attorney "brain work." Plaintiffs seek information about how APPS data was used, if at all, in two specific "APPS cases." Whether or not a particular investigation resulted from the processing of a specific APPS "hit" is a matter of fact, not "brain work," and thus, the information sought is not protected under the first class of information identified in section 2018.020.

As to the second class of information described *supra* at Section II.A., attorneys are not part of the APPS process, so there is no inherent reason why Department attorneys would have the information sought. Regardless, if an attorney somehow generated work product that provides the information sought, that information would have been obtained directly from data processing staff or the law enforcement agents who were actually involved in the field work described in the Biennial Report. Therefore, assuming the information sought actually exists, only two scenarios are possible regarding non-"brain work" attorney work product: (1) Defendants are aware of the original source of the information sought, but they are knowingly not identifying that source, or (2) the only source of the information sought is attorney work product. Either way, the second work product doctrine does not protect the information sought, for at least two reasons.

First, as Plaintiffs seek only non-derivative information (i.e., Plaintiffs do not want anything an attorney reasonably had a hand in creating), the attorney work product doctrine does not reach the information sought. (Cf. *Southern Pac. Co. v. Superior Court*, (1969) 3 Cal.App.3d 195, 198-199 ["The facts sought, those presently relied upon by plaintiffs to prove their case, are discoverable no matter how they came into the attorney's possession."].) Second, even if the foregoing is incorrect, there is no adequate substitute for the information sought, and the Department is presumably the only source for the salient information. Because the information sought will tend to prove or disprove an important issue in this case—i.e., whether the Department is spending funds for general law enforcement activities but accounting for them as if they were APPS-related—Plaintiffs can meet the burden to overcome the conditional privilege stated in section 2018.030. If the Department can publically state that non-APPS cases are actually APPS cases but Plaintiffs are denied very narrow discovery regarding that issue, "that denial of discovery will unfairly prejudice the party seeking discovery in preparing that party's

claim or defense or will result in an injustice." (§ 2018.030, subd. (b).) Accordingly, the work product doctrine provides no basis upon which Defendants can avoid producing the salient information.

iii. No Governmental Privilege Justifies Defendants' Attempt to Withhold the Information Sought

Defendants' official information, law enforcement, and executive privilege objections are all subject to the same standard of review, which is found in Evidence Code section 1040. (See *County of Orange v. Superior Court* (2000) 79 Cal.App. 4th 759, 765-768 [evaluating law enforcement's claim of privilege regarding investigative file for an active murder investigation under Evidence Code section 1040]; *Marylander*, *supra*, 81 Cal.App.4th at p. 1125 [using the standard set forth in Evidence Code section 1040 to evaluate claims made under the common law privilege known as the executive or deliberative process privilege].) Evidence Code section 1040 states, in pertinent part, that

> [a] public entity has a privilege to refuse to disclose official information [if d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice. . . . In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.

(Evid. Code, § 1040, subd. (b).)

Here, the information sought is nothing more than confirmation of whether two "APPS cases" are really APPS-based. If the "APPS cases" are APPS-based—as the label clearly implies—then the information sought is nothing more than confirmation that the Department's labeling of "APPS cases" was correct. Assuming Defendants will stand behind the claim that these two cases are reasonably identified as "APPS cases," then there is zero "necessity for preserving the confidentiality of the information[:]" the Department already disclosed the relevant facts by labeling the "APPS cases" with that name. Furthermore, the two cases at issue are closed, so there is no law enforcement-related reason to keep any relevant information privileged. (See *County of Orange*, *supra*, 79 Cal.App. at pp. 768-769.)

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If, however, Defendants circulated a report to the public and the governor wherein non-APPS cases were referred to as "APPS cases[,]" disclosure of that fact is plainly in the public interest, for at least three reasons. First, if the Department is funding non-APPS-based law enforcement activities under the auspices of APPS, that maneuver makes it impossible to tell what is really being spent on APPS-based enforcement. This is a *critical* issue at this moment in time—Defendant Harris is currently in the process of lobbying the legislature to make a permanent, multi-million dollar funding decision based on the costs allegedly attributable to APPS and APPS enforcement activities. (Franklin Decl. ¶ 13.)

It was only a few years ago that the Governor slashed approximately $59,000,000 from the Division of Law Enforcement's budget, which was about one-quarter of its budget for fiscal year 2012-2013. (Franklin Decl. ¶ 14.) The Bureau of Firearms, which performs the Department's APPS-based law enforcement activities, is part of the Division of Law Enforcement. (*Id.* ¶ 14.) If the Department is inflating the costs attributed to APPS with costs related to non-APPS cases, that is information the public and the legislature has a right, and a current need, to access. (Cal. Const., art. I, § 3, subd. (b)(1) ["The people have the right of access to information concerning the conduct of the people's business"].) Similarly, if extreme non-APPS cases—e.g., the case the Department described as "Parents Jailed after Agents Find Guns and Drugs in Home with Small Children"—are being identified as "APPS cases," that misleads the public as how APPS works and what results are actually APPS-based. (Franklin Decl. ¶ 12.)

Second, regardless of whether the misrepresentation was intentional or not, the public generally has a strong interest in holding the government accountable for careless or misleading statements. (*Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 164 ["Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files."].)

Third, as is specifically relevant hereto, the misrepresentation of non-APPS cases as "APPS cases" raises concerns about whether such funding is statutorily authorized and whether it improperly impacts the amount of the DROS fee being charged, and therefore all DROS fee payers. Again, intermingling APPS-based and non-APPS costs make it difficult, if not impossible,

to determine how much money is actually being taken from the DROS Special Account pursuant to the 2011 change in Penal Code section 28225 that was intended to provide funding for one specific thing: APPS-based law enforcement activities. (Stats. 2011, ch. 743, § 1, subd. (g) ["it is the intent of the Legislature . . . to allow the DOJ to utilize the Dealer Record of Sale Account for the additional, limited purpose of funding enforcement of (APPS)"].)

The facts plainly weigh in favor of disclosure, especially in light of the fact that Plaintiffs seek little more than confirmation that two statements made by the Department in a statutorily required report were accurate. Indeed, Defendants cannot refuse to respond to the SIs because it might undercut Defendants' arguments in this litigation; that kind of interest is irrelevant under Evidence Code section 1040, subdivision (b). Plaintiffs cannot identify any way in which the public could conceivably benefit from the relevant information being kept secret. The two criminal cases at issue are closed, so there is no investigatory need to keep the information secret, if it even can be considered secret after being implicitly disclosed in the 2013-2014 Biennial Report. In light thereof, all of Defendants' governmental privilege objections, just like all of their boilerplate objections, should be disregarded.

C. Defendants Are Attempting to Evade Responding to an Interrogatory Concerning a Matter at the Heart of this Action

Interrogatory No. 25 ask Defendants the basis for their response to Interrogatory No. 24, which ask Defendants to "[s]tate the total amount of expenditures attributed to tasks referred to in Penal Code section 28225 for the fiscal year 2013-2014[.]" (Sep. Statement at p. 2.) Defendants claim they "are unable to answer this interrogatory[.]" (*Id* at pp. 2-3.) Accordingly, Defendants' response to Interrogatory No. 25 should be an explanation of why they purportedly cannot respond. But instead, Defendants' response to Interrogatory No. 25 refers to the calculation of $29,144,382, which is a total of DROS money spent in fiscal year 2013-2014 on eight different "programs" within the Department. (*Id.* at p. 3; Franklin Decl. ¶ 15.) What Plaintiffs asked, and what Defendants responded to, concern two very different things, and Defendants' response to Interrogatory No. 25 blurs the line between the two. The distinction—and the relevance thereof—might not be obvious on first glance, but Defendants' evasive response goes to the

dispute at the center of this Action.

By providing a response to Interrogatory No. 25 based on program-wide expenditure subtotals and not the specific expenditure classes described in Penal Code section 28225, Defendants are avoiding taking a position on a key factual issue in this case. Plaintiffs' First Amended Complaint specifically alleges that since at least 2004, the Department has failed to perform its duty to review the amount of the DROS fee and ensure it is "no more than is necessary to fund" the activities listed in Penal Code section 28225. (Compl. ¶¶ 89-100; Penal Code, § 28225.)

Plaintiffs asked Defendants to identify "the total amount of expenditures attributed to tasks referred to in Penal Code section 28225 for the fiscal year 2013-2014" so Plaintiffs could attempt to calculate if the DROS fee is actually "no more than is necessary to fund" the activities listed in Penal Code section 28225. (Penal Code, § 28225, subd. (b).) Defendants' response to Interrogatory No. 25 ignores the fact that costs other than section 28225 costs are being funded out of the DROS Special Account, so the total "program" expenditures coming out of the DROS Special Account in fiscal year 2013-14 do not equal the total costs of the tasks referred to in 28225 regarding the same fiscal year.

For example, section 28225 does not address costs for attorneys, but the Department spent approximately $181,000 of DROS Special Account funds on attorneys in fiscal year 2013-14. (Franklin Decl. ¶ 16.) Plaintiffs have not yet confirmed what work the DROS Special Account-funded attorneys were doing during fiscal year 2013-2014, but it appears that in the two fiscal years preceding fiscal year 2013-2014, money was going out of the DROS Special Account to pay for attorneys representing the Bureau of Firearms, or employees thereof, in lawsuits "related to Penal Codes and CCW's [sic, permits to carry concealed carry weapon]." (*Id.* ¶ 17.)

Defendants' responses to Interrogatories No. 24 and 25 refute one another, meaning Defendants' responses are clearly not "as complete and straightforward as the information reasonably available to the responding party permits." (§ 2030.220, subd. (a).) Therefore, Defendants should be ordered to provide a further response to Interrogatory No. 25 that actually explains why Defendants cannot provide a response to Interrogatory No. 24.

IV. CONCLUSION

As explained above, the disputed responses concern key aspects of this action, and Defendants' responses are incomplete and appear impermissibly crafted to evade. Plaintiffs respectfully request the Court grant this Motion and provide the relief requested hereby.

Dated: April 25, 2016

MICHEL & ASSOCIATES, P.C.

Scott M. Franklin, Attorney for the Plaintiffs

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 April 25, 2016, the foregoing document(s) described as

NOTICE OF MOTION AND MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE, PROPOUNDED ON DEFENDANTS KAMALA HARRIS AND STEPHEN LINDLEY; MEMORANDUM IN SUPPORT THEREOF

on the interested parties in this action by placing
[ ] the original
[X] 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 April 25, 2016, at Long Beach, California.

__ (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.
Executed on April 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