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DEPARTMENT OF JUSTICE

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October 24, 2016

Hon. Michael P. Kenny
Department 31
Sacramento County Superior Court
720 Ninth Street
Sacramento, CA 95814

RE: *David Gentry, et al. v. Kamala D. Harris, et al.*
Superior Court of California, County of Sacramento, Case No. 34-2013-80001667

Dear Judge Kenny:

This matter is currently set for hearing on Friday, October 28, 2016, at 9:00 a.m., regarding (1) Plaintiffs' Motion to Compel Further Responses to Requests for Production (Set Three) and (2) Plaintiffs' Motion to Compel Further Responses to Special Interrogatories (Set Three). With this letter, the parties respectfully request that the Court set aside an additional reasonable amount of time at the conclusion of Friday's hearing to discuss the status and potential procedures for resolving an additional discovery dispute that has developed between the parties.

Separate from the requests currently at issue for Friday's hearing, plaintiffs have served the following additional discovery requests on defendants Attorney General Kamala D. Harris and Chief Stephen P. Lindley: (1) Requests for Admissions (Set Three); (2) Form Interrogatories (Set Four); (3) Special Interrogatories (Set Four); and (4) Request for Production of Documents (Set Four).

In short, defendants object to this additional discovery as unnecessary and unduly burdensome. Defendants maintain that further written discovery at this point in the litigation should not be allowed, or at least substantially curtailed, considering all of the circumstances. These include, for example, the scope of the discovery that already has occurred; the primarily legal, as opposed to factual, issues involved in this case; the general "Rule of 35" applicable to requests for admissions and interrogatories; and the availability of alternative discovery devices, such as depositions.

Plaintiffs, in sum, contend that the most recent discovery requests are justified and that Defendants' blanket objection is overbroad and lacking in reasonable detail. Plaintiffs have reviewed each individual request at issue, and Plaintiffs are prepared to explain the need and propriety of each of the additional discovery requests to the Court. Further, the additional

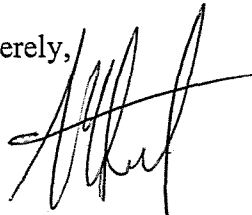
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discovery sought is justified because Defendant have been reluctant to identify their positions on certain legal issues in this action, which means Plaintiffs cannot narrowly tailor discovery to specific claims and defenses. In short, plaintiffs disagree with defendants regarding the need and scope of any additional discovery.

Having met and conferred about the matter in writing and over the telephone, counsel for the parties propose an informal discovery conference with the Court regarding alternatives for resolving this most recent dispute, or at least narrowing it. This Court previously permitted non-statutory alternatives for resolving discovery disputes in this case. The parties are proposing a discussion about alternatives for the latest dispute in the interest of conserving the resources of the Court and the parties, rather than immediately filing a motion for protective order (in the case of defendants) or a motion to compel (in the case of plaintiffs). The parties understand formal motions may be necessary, and even preferred by the Court, but they are open to discussing alternatives for resolving this latest dispute.

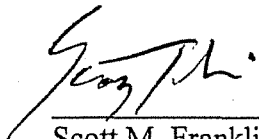
Sincerely,



ANTHONY R. HAKL
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

Approved as to form:



Scott M. Franklin
Counsel for Plaintiffs

DECLARATION OF SERVICE BY E-MAIL and U.S. Mail

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**
No.: **34-2013-80001667**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

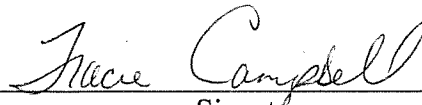
On October 26, 2016, I served the attached **LETTER TO JUDGE KENNY RE: DISCOVERY DISPUTE RESOLUTION OPTIONS** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Scott Franklin
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
E-mail Address: SFranklin@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 26, 2016, at Sacramento, California.

Tracie L. Campbell

Declarant



Signature

STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
P.O. BOX 944255
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