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5 Attorneys for Defendants,
ANDREWS SPORTING GOODS, INC
6 dba TURNERS OUTDOORSMAN
and SG DISTRIBUTING, INC.
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8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN DIEGO

11 Judicial Council Coordination Proceeding)
12 Special Title (Rule 1550(b)))

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

13 FIREARM CASES)

14 Coordinated actions:)

15 THE PEOPLE OF THE STATE OF)
16 CALIFORNIA, ex rel. the County of Los)
Angeles, et. al.,)

Superior Court of California City & County of
San Francisco No. 303753

17 v.)

Superior Court of California County of Los
Angeles No. BC210894

18 ARCADIA MACHINE & TOOL, et. al.,)
19

Superior Court of California County of Los
Angeles No. BC214794

20 THE PEOPLE OF THE STATE OF)
CALIFORNIA, by and through JAMES K.)
21 HAHN, City Attorney of the City of Los)
Angeles, et. al.,)

**DEFENDANT ANDREWS SPORTING
GOODS, INC.'S, DBA TURNERS
OUTDOORSMAN AND S.G.
DISTRIBUTING, INC.'S OBJECTIONS
TO PLAINTIFFS' NOTICES OF
DEPOSITIONS OF BILL ORTIZ.**

22 v.)

23 ARCADIA MACHINE & TOOL, et. al.,)
24

25 THE PEOPLE OF THE STATE OF)
CALIFORNIA, by and through San)
26 Francisco City Attorney Louise H. Renne,)
v.)

27 ARCADIA MACHINE & TOOL, et. al.)
28

1 Pursuant to California Code of Civil Procedure section 2025(g), and Case Management
2 Order Numbers 1 and 5, Andrews Sporting Goods, Inc. ("ASG") and S.G. Distributing, Inc.
3 ("SGD") hereby submit their objections to Plaintiffs' Notice of Deposition of Bill Ortiz.

4 On December 5, 2003, ASG and SGD separately filed their final fact witness list which
5 identified Gary Michael Lum and Bill Ortiz as fact witnesses both ASG and SGD intended to call
6 to trial.

7 On March 18, 2003, Plaintiffs filed their separate Notice of Deposition of Gary Michael
8 Lum and Notice of Deposition of Bill Ortiz. Plaintiffs also sent a letter via facsimile notifying
9 ASG and SGD that they intended to depose Gary Michael Lum and Bill Ortiz. Plaintiffs' letter
10 stated that their grounds for proceeding with a deposition at this late date is a provision in Case
11 Management Order No. 5 that allows depositions of persons identified in the final fact witness list
12 that were not identified prior to discovery deadline.

13 Case Management Order No. 5 section C states:

14 August 6, 2002 [is the] deadline to complete all fact discovery, including depositions.
15 However, if a party subsequently discloses new fact witnesses, the opposing party
shall have the right to take their depositions.

16 December 6, 2002 [is the] Deadline to provide final fact witness lists, identifying
17 information and a brief statement of the nature of their expected testimony. Any
18 witness identified on the list who was not formally identified before the discovery
deadline on May 31, 2002, can be deposed by the party or parties receiving this final
witness list.

19 On March 27, 2003, Defendants ASG and SGD filed their Supplemental Designation of
20 Fact Witnesses. This supplement states that pursuant to Case Management Order No. 1 Paragraph
21 6(C), we have provided prompt notice to all counsel of those parties that ASG and SGD no longer
22 intend to call to trial. As stated in the supplement, ASG and SGD no longer intend to call Bill
23 Ortiz and Gary Michael Lum to trial and have removed them from the final fact witness list
24 pursuant to Case Management Order No. 1.

25 Case Management Order No. 1 section 6 subpart C states:

26 The Plaintiffs and Defendants shall identify the fact witnesses they intend to call at
27 trial [by a date or to be set latter] except rebuttal witnesses or witnesses to be called
28 solely for purpose of impeachment. Each party shall provide the name, address and
telephone number of each witness and a brief statement of the nature of the expected
testimony of the witness. Only those persons whom the parties actually then intend to

1 call at trial, rather than those they might call, shall be included. *Thereafter, all parties*
2 *shall be responsible for providing prompt notice* of any additional witnesses they
3 intend to call at trial and *of any decisions not to call witnesses previously identified.*
Absent a showing of good cause, fact witnesses not identified in the foregoing manner
and by the respective deadlines to be set later may not be called to testify at trial.

4 Defendants ASG and SGD object to the depositions of Bill Ortiz on the grounds that he is
5 no longer identified as a fact witness that Defendants intend to call to trial as required by Case
6 Management Order No. 5 section C before allowing depositions of persons beyond the Discovery
7 Cut off Date of August 9, 2002. Therefore, Plaintiffs' reliance on Case Management Order No. 5
8 as grounds for deposing Bill Ortiz is now meritless. Plaintiffs' attempts to depose Bill Ortiz
9 should be denied as untimely pursuant to Case Management Order No. 5.

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12 Dated: April 1, 2003

TRUTANICH • MICHEL, LLP:

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14 C. D. Michel

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