

PHUONG DAVE VO. ESQ.. SBN: 257186

VO LAW FIRM, APLC

7372 Prince Drive, Suite 108

Huntington Beach, CA 92647

Telephone: 714-375-9858

Facsimile: 714-375-9856

Attorney for Plaintiffs.

BOSCO TUAN TRAN. SONNY TRAN

& SONNY & BOSCO. INC.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

LONG BEACH COURTHOUSE – SOUTH DISTRICT

BOSCO TUAN TRAN, an individual:) Case No.: NC057268

SONNY TRAN, an individual: SONNY &)

BOSCO. INC.. a corporation duly licensed by) [Assigned for all purposes to the Hon. Judge
the State of California.) Ross M. Klein]

Plaintiffs.

vs.

) **PLAINTIFF'S, SONNY TRAN,**
) **OPPOSITION TO DEFENDANT'S**
) **MOTION TO COMPEL FURTHER**
) **RESPONSES TO FORM**
) **INTERROGATORIES; MEMORANDUM**
) **OF POINTS AND AUTHORITIES;**
) **DECLARATION OF ATTORNEY DAVE**
) **VO**

WARREN E & P. INC.. a corporation duly)
licensed by the State of Wyoming and)
affiliate of WARREN RESOURCES OF)
CALIFORNIA. INC.. and DOES 1-50,)
inclusive.)

Defendants.

) Date: May 23, 2013
) Time: 8:30 a.m.
) Dept.: 11

) Complaint filed: March 6, 2012

RELATED CROSS-CLAIMS

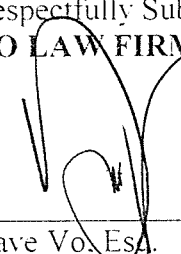
1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 ***PLEASE TAKE NOTICE THAT*** on May 23, 2013 at 8:30 am in Department 11 of the above
3 entitled court, the Plaintiff, SONNY TRAN. , will oppose Defendant WARREN E&P. INC.'s Motion to
4 Compel Further Responses to Form Interrogatories.
5

6 This Opposition will be based on this Notice, the attached Memorandum of Points and Authorities,
7 all pleadings, papers, records and files in this action and such oral and evidence as may be presented at the
8 time of this motion.
9
10

11 Dated: May 9, 2013
12
13
14

Respectfully Submitted,
VO LAW FIRM, APLC

15 
16 Dave Vo, Esq.
17 Attorney for Plaintiff.
18 SONNY TRAN
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I.
INTRODUCTION

As the Court is well aware by now, this case is a dispute over a driveway between two commercial property owners, Plaintiffs, Bosco Tuan Tran ("Bosco"), Sonny Tran ("Sonny"), and Sonny & Bosco, Inc. ("S & B") (hereinafter shall be collectively referred to as "Plaintiffs"), and Defendant, Warren E & P, Inc. and/or Warren Resources of California, Inc. (hereinafter "Warren" or "Defendant"). Throughout the litigation of this case, Defendant often like to "play the blame game" and paint a negative image of the Plaintiffs to the Court without taking any responsibilities for Defendant's own actions and/or inaction. For example, Defendant kept blaming Plaintiffs for its dilatory performance of discovery when this case was filed in March 2012, and Defendant was shortly served with the complaint thereafter. It could have performed discovery over a year ago, but it chose not to and waited until the last three months before the trial date to do so. In addition, Defendant kept accusing Plaintiffs for delaying the litigation of this case, but in reality, it makes no sense for Plaintiffs to cause such delay because they need the driveway at issue in this case for their business. Hence, such accusation is entirely misplaced and false.

Defendant filed three (3) motions to demurrer throughout this action, and Plaintiffs were only able to file their final and Second Amended Complaint ("SAC") in September 2012. Based on the Court's ruling on Defendant's Motion to Demurrer to Plaintiffs' First Amended Complaint ("FAC") on or about August 28, 2012, the only causes of action that were remaining in Plaintiffs' complaint were 1) Quiet Title through Adverse Possession and/or Prescriptive Easement and 2) Injunctive Relief. These two causes of action are equitable in nature and not legal ones. For this very reason, Plaintiffs made proper and legal objections to Defendant's inquiries and requests with respect monetary or general damages as it is not an issue in Plaintiffs' action anymore. In fact, Defendant's lead counsel, Attorney Joshua Dale, even agreed in an email that monetary/general damages are not relevant to Plaintiff's present action. *Please see Exhibit K attached to*

1 *Attorney Vo's Decl.*¹ Irrespective of this fact, Defendant still insisted on burdening the Court with the
2 pending Motion.

3 What was most egregious about this Motion is how fast Defendant filed it with the Court without
4 providing Plaintiffs reasonable time to remedy any alleged deficiencies of Plaintiffs' responses. The
5 responses to Defendant's first set for discovery was due on or about April 23, 2013, which Plaintiffs timely
6 served on Defendant without any requests for extension to provide said responses on or about April 19, 2013.
7 On April 24, 2013 (Wednesday), around 5:40 p.m., Plaintiffs received Defendant's Meet and Confer Letter
8 regarding the alleged deficient responses via facsimile. *Please see Exhibit A attached to Attorney Vo's Decl.*
9 On the letter, Defendant gave Plaintiffs to April 26, 2013 (Friday by 5:00 p.m.) to remedy the alleged
10 deficiencies; otherwise, Defendant would file the Motion to Compel - that is less than two days to remedy
11 any alleged deficiencies. Given the fact that the discovery cut-off in this case is not until May 17, 2013, and
12 the last date to hear discovery motion is not until June 3, 2013, the short time period that Defendant gave to
13 Plaintiffs to remedy any alleged deficiencies was certainly unreasonable. Nevertheless, Plaintiffs complied
14 with Defendant's demand and sent Defendant a response letter (via facsimile & mail) on April 25, 2013, and
15 further responses to the form interrogatories (via mail) on April 26, 2013. *Please see Exhibits B, C, D & E*
16 *attached to Attorney Vo's Decl.* By April 29, 2013 (Monday), Defendant filed the pending Motion without
17 even taking into consideration of Plaintiffs' further responses that were provided in response to Defendant's
18 Meet and Confer Letter. By expeditiously filing this Motion with the Court, Defendant did not provide
19 enough time for the parties to reasonably and further Meet and Confer on the alleged deficiencies in
20 Plaintiffs' responses before unduly burdening the Court with this Motion, which is entirely unnecessary as
21 Plaintiff will elaborate hereinbelow.
22
23
24
25

26 ///

27
28 ¹ Attorney Vo's Decl. shall refer to the declaration of Attorney Dave Vo filed concurrently and in support of this opposition to the pending Motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.

ARGUMENTS

A. PLAINTIFFS' OBJECTIONS AND ANSWERS WERE PROPER AND ADEQUATE, AND NOT MERITLESS AND UNREASONABLE AS DEFENDANT ALLEGED

1. Form Interrogatory Nos. 2.2, 2.3 and 2.5

With respect to Form Interrogatory 2.2. Plaintiff Sonny had provided further response to this Interrogatory. and thus. it is not an issue on this Motion anymore. Had Defendant not "jumped the gun" in filing this Motion. it would not have inserted this Interrogatory as an issue in this Motion. Please see Exhibits C, D, E, Q & R attached to Attorney Vo's Decl.

With respect to Form Interrogatory 2.5. which was requesting Plaintiff Sonny's driver license information. Plaintiff objected based on Constitutional Right to Privacy. but did provide Plaintiff Sonny's California driver license information except for the license number in his second further response to said Interrogatory.

With respect to Form Interrogatory No. 2.5. which was requesting Plaintiff Sonny's present residence information. Plaintiff Sonny objected based on Constitutional Right to Privacy. and stated that Plaintiff Sonny may be contacted through his attorney of record.

Defendant contends that it needs Plaintiff Sonny's driver license number and residence information because it needs to perform a background check on him. such as whether he has a criminal record or was involved in any civil lawsuit. This is entirely inappropriate because Plaintiff Sonny's character is not an issue in this case. Plaintiff would like to remind the Court that this case is a straightforward Quiet Title claim and the driveway at issue in this case is on a commercial property. There are no issue in this case. including Defendant's cross-complaint where all the claims relate to the commercial property. that would bring Plaintiff Sonny's character into issue. As the Court is well aware. character evidences are rarely admissible at trial. unless character is at issue in the case. which it is not here. Moreover. such information is

1 not relevant to the issues in this case, and is certainly not reasonably calculated to lead to the discovery of
2 admissible evidence. Besides the aforementioned points, Defendant was provided with Plaintiff Sonny's date
3 of birth, which it can use to easily checkup if he was ever involved in any civil lawsuits and so forth. The
4 attempted intrusion into Plaintiff Sonny's right of privacy by Defendant is certainly unnecessary and uncalled
5 for. Thus, Defendant's contention that it needs Plaintiff Sonny's driver license number and residence
6 information is baseless and misplaced.
7

8 2. Form Interrogatory Nos. 8.4, 8.7, 8.8, and 9.1

9 Here, Defendant is seeking information about Plaintiff Sonny's monetary damages. Initially, Plaintiff
10 Sonny provided information to these Form Interrogatories, but after receiving Defendant's Meet and Confer
11 Letter, Plaintiff Sonny provided further responses to said Interrogatories by objecting to them based on
12 irrelevancy and not reasonably calculated to lead to the discovery of admissible evidence. *Please see*
13 *Plaintiff's Separate Statement in Support of this Opposition*. Like the prior set of Form Interrogatories, had
14 Defendant not "jumped the gun" in filing this Motion, it would not have noticed the further responses
15 provided by Plaintiff Sonny.
16

17 In this set of Form Interrogatories (Nos. 8.4, 8.7, 8.8, and 9.1), Defendant is primarily requesting
18 information about any monetary damages suffered by Plaintiff Sonny. However, and as mentioned above,
19 Plaintiff's operative complaint, which is the SAC, is only seeking equitable remedy and not legal (Quiet Title
20 & Injunctive Relief). *Please see Exhibit I attached to Attorney Vo's Decl.* Plaintiff Sonny concedes that,
21 before ruling of the Court in August 2012 pertaining to Defendant's Motion to Demurrer to Plaintiffs' FAC
22 and before the SAC was filed, he was claiming monetary and/or general damages; however, it is not an issue
23 anymore at this time. In fact, Plaintiffs were working with Defendant and did agree to sign a stipulation to
24 that effect, but the parties did not agree to some points in the proposed Stipulation, and thus, the parties end
25 up not executing it. *Please see Paragraphs 7 & 8 of Attorney Vo's Decl.*
26
27
28

1 For the foregoing reasons, Plaintiff Sonny's objections to the above Form Interrogatories were proper
2 and adequate as monetary and/or general damages are no longer an issue in Plaintiff's case in chief anymore.

3 **3. Form Interrogatory No. 17.1**

4 Form Interrogatory 17.1 specifically requests the following:

5 "Is your response to each request for admission served with these
6 interrogatories an unqualified admission. If not, for each response that is
7 not an unqualified admission:

8 (a) state the number of the request:

9 (b) state all facts upon which you base your response;

10 (c) state the names, ADDRESSES, and telephone numbers of all
11 PERSONS who have knowledge of those facts; and
12

13 (d) identify all DOCUMENTS and other tangible things that support your
14 response and state the name, ADDRESS, and telephone number of the
15 PERSON who has each DOCUMENT or thing."
16

17 Plaintiff Sonny complied with this Interrogatory and provided a response for category (a) through (d).
18 He did not make any objections to this Interrogatory as Defendant contended. *Please see Defendant and*
19 *Plaintiff's Separate Statements in Support of this Opposition.* In reviewing arguments, it seems that
20 Defendant is not contending that Plaintiff Sonny did not comply with Interrogatory 17.1 as instructed, but
21 rather Defendant has an issue with the actual responses provided to its Request for Admissions ("RFAs").
22 This is an improper and inappropriate Motion to address any issues that Defendant might have with Plaintiff
23 Sonny's responses to its RFAs. The proper and appropriate Motion to address such issue is a Motion to
24 Compel further responses to Defendant's RFAs and not this Motion. Moreover, as long as Plaintiff Sonny
25 provided the information that is requested by this Interrogatory, he is in full compliance to it, and whether
26
27
28

1 Defendant agreed or disagreed to the information provided does not necessary make Plaintiff Sonny's
2 responses deficient. Thus, Defendant's contention that Plaintiff Sonny did not provide proper and adequate
3 response to Interrogatory No. 17.1 is entirely untrue and unsubstantiated.

4 **B. DEFENDANT'S LACK OF GOOD FAITH EFFORT TO RESOLVE THE DISCOVERY**
5 **ISSUES ADDRESSED HEREIN BEFORE FILING THIS MOTION CAUSED UNDUE**
6 **BURDEN ON THE COURT**

7 Code Civ. Proc. §2030.300(b) provides that the motion "shall be accompanied by a meet and confer
8 declaration under Section 2016.040."

9 A meet and confer declaration in support of a motion shall state facts showing *a reasonable and*
10 *good faith attempt* at an informal resolution of each issue presented by the motion. [*emphasis*
11 *added*]. Code Civ. Proc. §2016.040.

12
13 As fully set forth above and stated in Attorney Vo's Decl., Plaintiff Sonny was only given less than two
14 (2) days to remedy any alleged deficiencies in his responses to Defendant's first set of Form Interrogatories.
15 Even after Plaintiff complied with Defendant's demand, and even before Defendant had a chance to review
16 Plaintiff Sonny's further responses to the Form Interrogatories, Defendant expeditiously filed the pending
17 Motion, which is less than five (5) days, including the weekend, from the date that Defendant faxed its Meet
18 and Confer Letter to Plaintiff. The hasty and rush filing of this Motion is certainly not considered a
19 "reasonable and good faith attempt" to meet and confer with respect to the discovery issues addressed above
20 - mostly when the discovery cut-off and hearing dates have not elapsed yet. Therefore, Defendant failed to
21 meet and confer in a reasonable and good faith manner as required by Code Civ. Proc. §2016.040.
22

23
24 **C. MONETARY SANCTIONS AGAINST DEFENDANT AND ITS COUNSEL ARE**
25 **WARRANTED FOR CLEARLY BRINGING THIS FRIVOLOUS MOTION**

26 Misuses of the discovery process include, but are not limited to... (h) Making or opposing,
27 unsuccessfully and without substantial justification, a motion to compel or to limit discovery.

28 Code Civ. Proc. §2023.010.

1 Furthermore. in relevant part, the court, after notice to any affected party, person or attorney.
2 and after opportunity for hearing may impose . . . sanctions against anyone engaging in
3 conduct that is a misuse of the discovery process. . .

4 Code Civ. Proc. §2023.030.

5 As to a motion to compel further responses to interrogatories:

6 The court shall impose a monetary sanction . . . against any party, person, or attorney who
7 unsuccessfully makes or opposes a motion to compel a further response to interrogatories.
8 unless it finds that the one subject to the sanction acted with substantial justification or that
9 other circumstances make the imposition of the sanction unjust (*emphasis added*).
10

11 Code Civ. Proc. §2030.300(d).

12 In this case, there is no excuse or justification for Defendant to file the pending Motion - especially.
13 within five (5) days from the date of its Meet and Confer Letter. Furthermore, there is no genuine issue that
14 arose, and as such, Defendant was not substantially justified in bringing this Motion. Defendant received
15 responses to its discovery. This is an undisputed fact. Plaintiff's provided further responses to Defendant's
16 first set of Form Interrogatories. This is also an undisputed fact. Plaintiff's objections and responses were
17 proper and full compliance with the Code as discussed above. In fact, the declaration of Attorney Vo
18 submitted herewith attests to the efforts expended on the part of this responding party to avoid this motion.
19 The purpose of discovery sanctions is to prevent abuse of the discovery process and correct the problem
20 presented. Do v. Superior Court (2003) 109 Cal. App. 4th 1210, 1213. It is evident from the facts presented
21 that Defendant filed this frivolous motion even though Plaintiff Sonny did his best to cooperate and work
22 with Defendant to resolve any discovery issues in order to not burden the Court.
23

24 Pursuant to Code Civ. Proc. §§2023.010, 2023.030, and 2030.300, and the power of this court to impose
25 monetary sanctions against the losing party on a motion to compel further responses to interrogatories.
26

1 Plaintiff Sonny submits that given the multiple attempts by Plaintiff to avoid this motion, sanctions should
2 properly be awarded to Plaintiff Sonny and against Defendant Warren and its counsel of record in the
3 amount of \$2,100.00, as reflected in the Declaration of Attorney Vo. (Code Civ. Proc. §2023.040 requires a
4 declaration setting forth facts supporting the amount of sanctions.)
5


6 **III.**

7 **CONCLUSION**

8
9 During a time where the Court system is inundated with cases and further budget cuts are imminent.
10 Defendant and its counsel has burdened the Court by filing a frivolous discovery motion. For the reasons
11 indicated above, Defendant Warren's Motion should be denied in its entirety, and monetary sanction should
12 be imposed on Defendant and its counsel in the amount of \$2,100.00.
13

14
15 Dated: May 9, 2013
16
17

Respectfully Submitted,
VO LAW FIRM, APLC

18 
19 _____
20 Dave Vo. Esq.
21 Attorney for Plaintiff.
22 SONNY TRAN
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ORANGE

)
) ss:
)

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action;
my address is 7372 Prince Drive, Suite 108, Huntington Beach, CA 92647.

On May 10, 2013, I served the foregoing document described as **PLAINTIFF SONNY TRAN'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSES TO THE FIRST SET OF FORM INTERROGATORIES** on the interested parties by placing a true copy thereof, enclosed in a sealed envelope as follows:

*Joshua Dale, Esq.
Michel & Associates, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802*

 X (BY U.S. MAIL) I caused such envelope, with postage fully prepaid thereon, to be placed in the United States mail at
Anaheim, California.

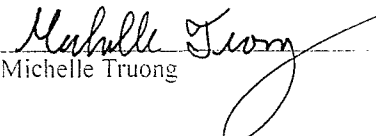
 (BY PERSONAL SERVICE) I caused such envelope to be hand-delivered to the offices above addresses.

 (BY FACSIMILE TRANSMISSION) I caused the above-referenced document(s) to be transmitted to the above-named
person(s) at the following telecopier number [XXXXXX] at or about the hours of a/p.m.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that
practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Huntington 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 or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on May 10, 2013, at Orange County, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am
employed in the office of a member of the bar of this Court at whose direction the service was made.


Michelle Truong

PHUONG DAVE VO, ESQ., SBN: 257186

VO LAW FIRM, APLC

7372 Prince Drive, Suite 108

Huntington Beach, CA 92647

Telephone: 714-375-9858

Facsimile: 714-375-9856

Attorney for Plaintiffs,

BOSCO TUAN TRAN, SONNY TRAN

& SONNY & BOSCO, INC.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

LONG BEACH COURTHOUSE – SOUTH DISTRICT

BOSCO TUAN TRAN, an individual;) Case No.: NC057268

SONNY TRAN, an individual; SONNY &)

BOSCO, INC., a corporation duly licensed by) [Assigned for all purposes to the Hon. Judge
the State of California,) Ross M. Klein]

Plaintiffs,

vs.

WARREN E & P, INC., a corporation duly)
licensed by the State of Wyoming and)
affiliate of WARREN RESOURCES OF)
CALIFORNIA, INC., and DOES 1-50,)
inclusive,)

Defendants.

) Date: May 23, 2013

) Time: 8:30 a.m.

) Dept.: 11

) Complaint filed: March 6, 2012

////

1 Plaintiff, Sonny Tran ("Sonny"), respectfully submits this separate statement, pursuant to California
2 Rule of Court Rule 3.1345, in opposition to Defendant's, Warren E & P, Inc., Motion to Compel Further
3 Responses to Form Interrogatories. Set forth below are (a) Defendant's requests, (b) Plaintiff's response
4 and/or further responses, (c) Defendant's reasons to compel further responses, and (d) Plaintiff's reasons to
5 deny Defendant's motion to compel.
6

7 **SEPARATE STATEMENT OF ISSUES IN DISPUTE IN SUPPORT OF OPPOSITION TO**
8 **MOTION TO COMEPL FURTHER RESPONSES TO FORM INTERROGATORIES, SET ONE**

9 **FORM INTERROGATORY NO. 2.2:**

10 This Interrogatory is no longer an issue in this Motion any longer as Plaintiff had provided further
11 response to this Interrogatory to Defendant.

12 **FORM INTERROGATORY NO. 2.3:**

13 At the time of the INCIDENT, did you have a driver's license? If so, state:

14 (a) the State or other issuing entity.

15 (b) the license number and type.

16 (c) the date of issuance; and

17 (d) all restrictions.
18

19 **RESPONSE TO FORM INTERROGATORY NO. 2.3**

20
21 Objection. This interrogatory violates Plaintiff's Constitutional right to privacy. In addition, this
22 interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this
23 interrogatory is not related to the subject matter of this lawsuit. Without waiving said objection, Plaintiff
24 responds as follows:

25 Yes, Plaintiff has a valid Nevada Driver License.
26

27 **FURTHER RESPONSE TO FORM INTERROGATORY NO. 2.3**

28 Objection. This interrogatory violates Plaintiff's Constitutional right to privacy. In addition, this

interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this interrogatory is not related to the subject matter of this lawsuit. Without waiving said objection, Plaintiff responds as follows:

Yes,

a) Nevada.

b) Nevada Driver License, Class C

c) August 26, 2010

d) No restriction.

REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED

Plaintiff responded that he has a driver's license, but refused to provide the license numbers and types, the date of issuance, and all restrictions. "Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits." (Code Civ. Proc., §2030.220, subd. (a).) Contrary to the specious objection provided with those responses, there is no privacy right in basic identifying information where Plaintiffs have tendered their background as an issue for discovery by voluntarily initiating a lawsuit. Thus, Plaintiff's driver's license information is highly relevant.

REASON WHY NO FURTHER RESPONSE IS NECESSARY

"No evidence is admissible except relevant evidence." Evid. Code §350.

"'Relevant evidence' means evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." Evid. Code §210.

Defendant is demanding that Plaintiff Sonny provides his driver license number because Defendant needs it to perform a background check on him, such as whether he has a criminal record, involvement in any civil lawsuit and so forth. This is entirely inappropriate because Plaintiff Sonny's character is not an issue in this case. This case is a straightforward Quiet Title claim and the driveway at issue in this case is on a commercial property. There are no issue in this case, including Defendant's cross-complaint where all the

1 claims relate to the commercial property, that would bring Plaintiff Sonny's character into issue. Character
2 evidences are rarely admissible at trial, unless character is at issue in the case, which it is not here.
3 Moreover, such information is not relevant to the issues in this case, and is certainly not reasonably
4 calculated to lead to the discovery of admissible evidence. Besides the aforementioned points, Defendant
5 was provided with Plaintiff Sonny's date of birth, which it can use to easily checkup if he was ever involved
6 in any civil lawsuits and so forth. Although Plaintiff Sonny is one of the Plaintiffs in this case, it does not
7 mean that, by filing a lawsuit, he has lost his right to privacy. The attempted intrusion into Plaintiff Sonny's
8 right of privacy by Defendant is certainly unnecessary and uncalled for.

9
10 **FORM INTERROGATORY NO. 2.5:**

11 State:

- 12
13 (a) your present residence ADDRESS;
14 (b) your residence ADDRESS for the past five years; and
15 (c) the dates you lived at each ADDRESS.

16 **RESPONSE TO FORM INTERROGATORY NO. 2.5**

17
18 Objection. This interrogatory violates Plaintiff's Constitutional right to privacy. In addition, this
19 interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this
20 interrogatory is not related to the subject matter of this lawsuit. Without waiving said objection, Plaintiff
21 responds as follows:

22
23 Plaintiff may be contacted through her attorneys of record at the address and phone number stated
24 above.

25 **REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED**

26 "Each answer in a response to interrogatories shall be as complete and straightforward as the
27 information reasonably available to the responding party permits." (Code Civ. Proc., § 2030.220, subd. (a).)
28

1 Contrary to the specious objection provided with this response, there is no privacy right in basic identifying
2 information where Plaintiff has tendered his background as an issue for discovery by voluntarily initiating a
3 lawsuit. Plaintiff cannot withhold relevant information for the purpose of delaying these proceedings and
4 preventing his credibility as a witness from being called into question. Especially given the fact that the
5 Judicial Counsel saw fit to include biographical information – including addresses and other identifying
6 information - in these Form Interrogatories.
7

8 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

9 "No evidence is admissible except relevant evidence." Evid. Code §350.

10 "'Relevant evidence' means evidence, including evidence relevant to the credibility of a witness or
11 hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of
12 consequence to the determination of the action." Evid. Code §210.
13

14 Defendant is demanding that Plaintiff Sonny provides his home residence address because Defendant
15 needs it to perform a background check on him, such as whether he has a criminal record, involvement in
16 any civil lawsuit and so forth. This is entirely inappropriate because Plaintiff Sonny's character is not an
17 issue in this case. This case is a straightforward Quiet Title claim and the driveway at issue in this case is on
18 a commercial property. There are no issue in this case, including Defendant's cross-complaint where all the
19 claims relate to the commercial property, that would bring Plaintiff Sonny's character into issue. Character
20 evidences are rarely admissible at trial, unless character is at issue in the case, which it is not here. Thus.
21 why is his home address needed? Moreover, such information is not relevant to the issues in this case, and is
22 certainly not reasonably calculated to lead to the discovery of admissible evidence. Besides the
23 aforementioned points, Defendant was provided with Plaintiff Sonny's date of birth, which it can use to
24 easily checkup if he was ever involved in any civil lawsuits and so forth. Although Plaintiff Sonny is one of
25 the Plaintiffs in this case, it does not mean that, by filing a lawsuit, he has lost his right to privacy. The
26
27
28

1 attempted intrusion into Plaintiff Sonny's right of privacy by Defendant is certainly unnecessary and uncalled
2 for.

3 **FORM INTERROGATORY NO. 8.4:**

4 State your monthly income at the time of the INCIDENT and how the amount was calculated

5 **RESPONSE TO FORM INTERROGATORY NO. 8.4**

6
7 The Plaintiff lacks the ability to comply with this particular Interrogatory irrespective of
8 Plaintiff's reasonable and good faith effort because Plaintiff is not in possession of any documents or
9 information to provide an affirmative response. Plaintiff will provide supplemental responses as information
10 is discovered.

11 **FURTHER RESPONSE TO FORM INTERROGATORY NO. 8.4**

12
13 Not Applicable.

14 **REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED**

15 Plaintiff has repeatedly alleged that he lost tens of thousands of dollars of business income because
16 the Warren Parties constructed the subject fence. Now, in response to legitimate inquiries into financial
17 information that only Plaintiff would have, Plaintiff claims to lack an ability to comply because he does not
18 have "documents or information" that would support his claims of lost income, plaintiff also claims he will
19 provide supplemental discovery responses as he discovers more information.
20

21 This sort of response is clearly designed to stall the proceedings and obfuscate the issues. It
22 demonstrates a patent lack of good faith during the discovery process. Plaintiff's bad faith response also
23 evinces a lack of respect for the position in which he placed the Warren parties by initiating civil litigation
24 and then refusing to cooperate with basic rules of the Discovery Act. Plaintiff is refusing to provide even
25 basic information about the nature of his claims. "Each answer in a response to interrogatories shall be as
26 complete and straightforward as the information reasonably available to the responding party permits."
27
28

1 (Code Civ. Proc., § 2030.220 subd. (a).) The Warren Parties are entitled to this financial information.
2 Frankly, it strains the bounds of credulity to believe that Plaintiff does not have this information in his
3 possession.

4 Furthermore, Plaintiff must comply with its duty under the Discovery Act to diligently and in good
5 faith compile this information to answer these interrogatories. "If the responding party does not have
6 personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, *but shall make a*
7 *reasonable and good faith effort to obtain the information by inquiry* to other natural persons or
8 organizations...." (Code Civ. Proc., §2030.220, subd. (c) (emphasis added); *Regency Health Services, Inc. v.*
9 *Superior Court* (2d Dist. 1998) 64 Cal.App.4th 1496, 1504.) Plaintiff's response evidences no effort to
10 respond to these interrogatories. This is information that would be in Plaintiff's custody or control, not the
11 custody of the Warren parties, and therefore, Plaintiff has a duty to provide this information.
12

13
14 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

15 On April 26, 2013, Plaintiff Sonny provided his further response to this Interrogatory, which he
16 stated "not applicable." The reason for said response is because Plaintiff Sonny changed his response to
17 Interrogatory No 8.1 (the preceding Interrogatory), which asked whether Plaintiff Sonny attribute any loss of
18 income or earning capacity to the INCIDENT. Plaintiff Sonny answered "No." By providing "No" to
19 Interrogatory No. 8.1, he did not have to provide any of the subsequent responses, including Interrogatory
20 No. 8.4. Had Defendant waited to review Plaintiff's further response to said Interrogatory and not hastily
21 filed the pending Motion, it would notice why Plaintiff did not need to answer this Interrogatory any longer
22 and not need to burden the Court with this issue.
23

24
25 The reason why Plaintiff Sonny answered "No" to Interrogatory No. 8.1 is because Plaintiff's
26 operative complaint, which is the Second Amended Complaint, is only seeking equitable remedy and not
27 legal (Quiet Title & Injunctive Relief). Hence, monetary and/or general damages are not at issue any longer
28

1 in Plaintiff's case in chief. For that reason, any requests or questions regarding claim of monetary damages
2 by Plaintiff is not relevant and not calculated to lead to the discovery of admissible evidence in this case.

3 **FORM INTERROGATORY NO. 8.7:**

4 State the total income you have lost to date as a result of the INCIDENT and how the amount was
5 calculated.
6

7 **RESPONSE TO FORM INTERROGATORY NO. 8.7**

8 The Plaintiff lacks the ability to comply with this particular Interrogatory irrespective of
9 Plaintiff's reasonable and good faith effort because Plaintiff is not in possession of any documents or
10 information to provide an affirmative response. Plaintiff will provide supplemental responses as information
11 is discovered.
12

13 **FURTHER RESPONSE TO FORM INTERROGATORY NO. 8.7**

14 Not Applicable.

15 **REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED**

16 Plaintiff claims to lack an ability to comply because he does not have "documents or information"
17 that would support its claims of lost income. Plaintiff also claims he will provide supplemental discovery
18 responses as he discovers more information. This response is unacceptable. Plaintiff is under a duty to make
19 reasonable and good faith effort to obtain his financial information. (Code Civ. Proc., § 2030.220, subd. (c);
20 *Regency Health Services, Inc. v. Superior Court* (2d Dist. 1998) 64 Cal.App.4th 1496, 1504.) As discussed,
21 only Plaintiff is in a position to know the amount of alleged losses suffered as a result of the Warren parties'
22 actions. Plaintiff's refusal to provide this information cannot be justified by any claim that he somehow lacks
23 this information.
24
25

26 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

27 On April 26, 2013, Plaintiff Sonny provided his further response to this Interrogatory, which he
28

1 stated "not applicable." The reason for said response is because Plaintiff Sonny changed his response to
2 Interrogatory No 8.1 (the preceding Interrogatory), which asked whether Plaintiff Sonny attribute any loss of
3 income or earning capacity to the INCIDENT. Plaintiff Sonny answered "No." By providing "No" to
4 Interrogatory No. 8.1, he did not have to provide any of the subsequent responses, including Interrogatory
5 No. 8.7. Had Defendant waited to review Plaintiff's further response to said Interrogatory and not hastily
6 filed the pending Motion, it would notice why Plaintiff did not need to answer this Interrogatory any longer
7 and not need to burden the Court with this issue.

8
9 The reason why Plaintiff Sonny answered "No" to Interrogatory No. 8.1 is because Plaintiff's
10 operative complaint, which is the Second Amended Complaint, is only seeking equitable remedy and not
11 legal (Quiet Title & Injunctive Relief). Hence, monetary and/or general damages are not at issue any longer
12 in Plaintiff's case in chief. For that reason, any requests or questions regarding claim of monetary damages
13 by Plaintiff is not relevant and not calculated to lead to the discovery of admissible evidence in this case.

14
15 **FORM INTERROGATORY NO. 8.8:**

16 Will you lose income in the future as a result of the INCIDENT? If so, state:

- 17 (a) the facts upon which you base this contention;
18 (b) an estimate of the amount;
19 (c) an estimate of how long you will be unable to work; and
20 (d) how the claim for future income is calculated.

21
22 **RESPONSE TO FORM INTERROGATORY NO. 8.8**

23 The Plaintiff lacks the ability to comply with this particular Interrogatory irrespective of
24 Plaintiff's reasonable and good faith effort because Plaintiff is not in possession of any documents or
25 information to provide an affirmative response. Plaintiff will provide supplemental responses as information
26 is discovered.
27
28

1 **FURTHER RESPONSE TO FORM INTERROGATORY NO. 8.8**

2 Not Applicable.

3 **REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED**

4 Plaintiff's response on an inability to answer makes little sense in the context of the repeated
5 averments made in this litigation about ongoing monetary damages allegedly suffered due to the Warren
6 parties' construction of their fence. Plaintiff claims damages and loss of income from the construction of the
7 subject fence, yet claims that he lacks the ability to comply with this Interrogatory because he is not in
8 possession of any documents or information to provide an affirmative response.

9
10 This lawsuit was filed in March of 2012. There has been more than ample time for Plaintiff to
11 account for his earnings, damages, and loss of income that he has repeatedly identified allegedly suffered in
12 filing to the Court. If anyone has proof of his own lost profits, damages, or income attributable to his claims.
13 It would be Plaintiff. Supplemental answers are insufficient at this point of the proceedings with trial weeks
14 away. Plaintiff is under a duty to provide this information or it will be excluded at trial. *R & B Auto Ctr., Inc.*
15 *v. Farmers Grp., Inc.* (2006) 140 Cal. App. 4th 327.)

16
17 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

18
19 On April 26, 2013, Plaintiff Sonny provided his further response to this Interrogatory, which he
20 stated "not applicable." The reason for said response is because Plaintiff Sonny changed his response to
21 Interrogatory No 8.1 (the preceding Interrogatory), which asked whether Plaintiff Sonny attribute any loss of
22 income or earning capacity to the INCIDENT. Plaintiff Sonny answered "No." By providing "No" to
23 Interrogatory No. 8.1, he did not have to provide any of the subsequent responses, including Interrogatory
24 No. 8.8. Had Defendant waited to review Plaintiff's further response to said Interrogatory and not hastily
25 filed the pending Motion, it would notice why Plaintiff did not need to answer this Interrogatory any longer
26 and not need to burden the Court with this issue.
27
28

1 The reason why Plaintiff Sonny answered "No" to Interrogatory No. 8.1 is because Plaintiff's
2 operative complaint, which is the Second Amended Complaint, is only seeking equitable remedy and not
3 legal (Quiet Title & Injunctive Relief). Hence, monetary and/or general damages are not at issue any longer
4 in Plaintiff's case in chief. For that reason, any requests or questions regarding claim of monetary damages
5 by Plaintiff is not relevant and not calculated to lead to the discovery of admissible evidence in this case.

6
7 **FORM INTERROGATORY NO. 9.1:**

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

- 9 (a) the nature;
10 (b) the date it occurred;
11 (c) the amount; and
12 (d) the name, ADDRESS, and telephone number of each PERSON to whom an obligation was incurred.
13

14 **RESPONSE TO FORM INTERROGATORY NO. 9.1**

15 Yes,

- 16 a) Loss of business and usage for the driveway at issue in this case.
17 b) From September 2011 to the present.
18 c) Not available. Discovery is still pending.
19 d) Defendant, WARREN E & P, INC. & WARREN RESOURCES OF CALIFORNIA, INC. and
20 DVLM, Inc. – contact information is known to Defendant's attorney of record.
21

22 **FURTHER RESPONSE TO FORM INTERROGATORY NO. 9.1**

23 Yes,

- 24 a) Primarily the usage for the driveway at issue in this case. As for loss of business/profits, it is no
25 longer an issue in Plaintiff's case-in-chief.
26 b) From September 2011 to the present.
27
28

1 c) Not available. Discovery is still pending.

2 d) Defendant, WARREN E & P, INC. & WARREN RESOURCES OF CALIFORNIA, INC.–
3 contact information is known to Defendant's attorney of record.

4 **REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED**

5 Again, Plaintiff claims that he suffers damages flowing from the subject fence, yet offers no
6 information about its damages whatsoever. Instead, Plaintiff equivocates regarding its damages and refuses
7 to substantiate its claims, and then asserts that discovery is still ongoing. However, Plaintiff is under a duty
8 to make a reasonable and good faith effort to obtain financial information about his claims. (Code Civ. Proc.,
9 § 2030.220, subd. (c); *Regency Health Services, Inc. v. Superior Court* (2d Dist. 1998) 64 Cal.App.4th 1496,
10 1504.) Plaintiff is clearly in the position at this point in litigation to ascertain his own damages, and know
11 which documents.
12

13
14 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

15 On April 26, 2013, Plaintiff Sonny provided his further response to this Interrogatory to the best of
16 his knowledge and ability. The Interrogatory is requesting information on any damages that Plaintiff Sonny
17 is contending in this action. As specifically provided, the only damage left in Plaintiff's operative complaint
18 is the usage of the driveway, which is an equitable remedy and not legal (Quiet Title & Injunctive Relief).
19 For that reason, any requests or questions regarding claim of monetary damages by Plaintiff is not relevant
20 and not calculated to lead to the discovery of admissible evidence in this case. Thus, Defendant's contention
21 that Plaintiff must provide an amount of damages in said Interrogatory is unreasonable and baseless. As for
22 erroneous mentioned of DVLM, Inc., Plaintiff specifically stated in the response letter, dated April 25, 2013,
23 to Defendant's Meet and Confer Letter, that it was a typo, so Defendant should not have made this an issue
24 for this Interrogatory.
25

26
27 ///

FORM INTERROGATORY NO. 17.1:

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;

(b) state all facts upon which you base your response;

(c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and

(d) identify all DOCUMENTS and other tangible things that support your response and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

RESPONSE TO FORM INTERROGATORY NO. 17.1

a) Response Number(s): 9

b) This Request is asking for a legal conclusion and even an expert opinion. Mr. Tran is a layperson and he does not know what are the elements and legal definition of a prescriptive easement. Moreover, Mr. Tran is claiming adverse possession and not only a prescriptive easement.

c) BOSCO TUAN TRAN, SONNY TRAN, SONNY & BOSCO, INC. and Defendant, WRCI – who may be contacted through their respective attorney of record.

d) Plaintiff's second amended complaint.

a) Response Number(s): 10

b) Same as under response no. 9 hereinabove, which is incorporated herein by reference.

c) Same as under response no. 9 hereinabove, which is incorporated herein by reference.

d) Same as under response no. 9 hereinabove, which is incorporated herein by reference.

a) Response Number(s): 11

b) This Request is asking for a legal conclusion and even an expert opinion. Mr. Tran is a layperson and he does not know what is considered "a consideration."

c) BOSCO TUAN TRAN, SONNY TRAN, SONNY & BOSCO, INC. and Defendant, WRCI – who may be contacted through their respective attorney of record.

d) Plaintiff's second amended complaint.

a) Response Number(s): 12

b) Same as under response no. 11 hereinabove, which is incorporated herein by reference.

c) Same as under response no. 11 hereinabove, which is incorporated herein by reference.

d) Same as under response no. 11 hereinabove, which is incorporated herein by reference.

a) Response Number(s): 13

b) Same as under response no. 12 hereinabove, which is incorporated herein by reference.

c) Same as under response no. 12 hereinabove, which is incorporated herein by reference.

d) Same as under response no. 12 hereinabove, which is incorporated herein by reference.

a) Response Number(s): 14

- 1 b) Mr. Tran did lost business from the FENCE blocking the DRIVEWAY and certainly is aware of
this.
2 c) BOSCO TUAN TRAN, SONNY TRAN, SONNY & BOSCO, INC. and Defendant, WRCI – who
may be contacted through their respective attorney of record.
3 d) List of Lost Customers since September 2011, Plaintiffs' financial documents, tax returns.

- 4 a) Response Number(s): 15
5 b) Mr. Tran did receive complaint from customers regarding the DRIVEWAY being blocked and
how hard it was to exit the tires shop after services on their tires and so forth.
6 c) BOSCO TUAN TRAN, SONNY TRAN, SONNY & BOSCO, INC. and Defendant, WRCI – who
may be contacted through their respective attorney of record.
7 d) Not available.

- 8 a) Response Number(s): 16
9 b) This Request is not relevant because monetary damages are no longer an issue in Plaintiff's case.
10 c) BOSCO TUAN TRAN, SONNY TRAN, SONNY & BOSCO, INC. and Defendant, WRCI – who
may be contacted through their respective attorney of record.
11 d) Plaintiff's second amended complaint.

REASON WHY FURTHER RESPONSE SHOULD BE COMPELLED

RFA #9

13 Plaintiff refuses to provide information justifying its denial of the pertinent request for admission the
14 ground that the admission called for a legal conclusion. This objection is utterly without merit and calculated
15 to further delay these proceedings. An interrogatory can ask the responding party for information about its
16 factual and legal contentions. (Code Civ. Proc., § 2030.010, Subd. (b) ["An interrogatory is not
17 objectionable because an answer to it involves an opinion or contention that relates to fact or the application
18 of law to fact, or would be based on information obtained or legal theories developed in anticipation of
19 litigation or in preparation for trial."].)

21 The further objection given that commonly-used terms in this litigation are somehow too ambiguous
22 for Plaintiff to provide an answer is also without merit. Again, the term "prescriptive easement" is used by
23 Plaintiffs throughout their complaint. Plaintiff is expected to consult with his counsel in crafting responses
24 that require a fact to law application, including consultations regarding the definition of and "prescriptive
25 easement." (See *Rifkind v. Superior Court* (2d Dist. 1994) 22 Cal.App.4th 1255.) Refusing to answer
26 questions based upon a feigned lack of understanding of the basis of his own lawsuit is patently dilatory
27
28

1 when based on such objections. Plaintiff is under a duty to provide “complete and straightforward” answers.
2 (Code Civ. Proc., § 2030.220, subd. (a).)

3 **RFA #10**

4 Again, Plaintiff cannot refuse to answer this question because it calls for a legal conclusion.

5 **RFA #11**

6
7 Plaintiffs are expected to consult with their counsel in crafting responses that requires a fact to law
8 application, including consultations regarding the definition of commonly-used term “consideration.” (See
9 *Rifkind v. Superior Court* (2d Dist. 1994) 22 Cal.App.4th 1255.)

10 **RFA #12**

11 Again, Plaintiff has a duty to consult with counsel regarding the definition of “consideration” and
12 supply an answer to this Interrogatory. (Code Civ. Proc., § 2030.010, subd. (b) [“An interrogatory is not
13 objectionable because an answer to it involves an opinion or contention that relates to fact or the application
14 of law to fact, or would be based on information obtained or legal theories developed in anticipation of
15 litigation or in preparation for trial.”].)

16 **RFA #13**

17
18 Plaintiffs are expected to consult with their counsel in crafting responses that require a fact to law
19 application, including consultations regarding the definition of commonly-used term “consideration.” (See
20 *Rifkind v. Superior Court* (2d Dist. 1994) 22 Cal.App.4th 1255.)

21 **RFA #14**

22
23 This clearly not a good faith response because it is obvious no due diligence was exercised in
24 compiling information that would support Plaintiff’s response. Plaintiff claims to have “lost business”
25 because of the subject fence. However, Plaintiff does not identify specific facts that support this broad
26
27
28

1 statement, as is required for such a response. Thus Plaintiff does not identify any witnesses to this purported
2 lost business or provide any facts as to the times such business was lost and the amounts.

3 Plaintiff also identifies a tax return and makes a vague reference to financial documents in support of
4 its claim that it lost business, but fails to provide any specific information about these documents such that
5 the Warren parties might identify and obtain them. Plaintiff also did not produce copies of whatever such
6 documents to which he was referring. "Each answer in a response to the responding party permits." (Code
7 Civ. Proc., § 2030.220, subd. (a).) It is a common maxim of California law that "discovery statutes have
8 generally been construed to uphold the right to discovery wherever reasonable and possible." (*Obregon v.*
9 *Superior Court* (2d Dist. 1998) 67 Cal.App.4th 424, 434.)
10

11 **RFA #15**

12 Plaintiff claims to have received complaints from its customers about accessing its business,
13 however, Plaintiff does not identify specific facts that support this broad statement, as is required for such a
14 response. it is improper to provide "deftly worded conclusionary answers designed to evade a series of
15 explicit questions." (*Deyo v. Kilbourne* (2d Dist. 1978) 84 Cal.App.3d 771, 783.)
16

17 **RFA #16**

18 "Unless otherwise limited by order of the court... *any party may obtain discovery regarding any*
19 *matter, not privileged, that is relevant to the subject matter involved...* if the matter either is itself admissible
20 in evidence or appears *reasonably calculated to lead to the discovery of admissible evidence...*" (Code Civ.
21 Proc., § 2017.010 [emphasis added].) Furthermore, "[o]bjections to interrogatories should be based on good
22 faith belief in their merit and not be made for the purpose of withholding relevant information." (Super. Ct.
23 L.A. County, Local Rules, rule 3.26, Appendix 3.A, subd. (g)(3).)
24

25
26 ////

27
28 ////

1 “[T]he relevancy of the subject matter’ criterion is ‘a broader concept than ‘relevancy to the
2 issues...’” (*Pac. Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal. 3d 161, 172 [citations omitted].) “Matters
3 sought are properly discoverable if they will aid in a party’s preparation for trial.” (*Ibid.*)

4 Monetary damages are clearly relevant to these proceedings and reasonably calculated to lead to the
5 discovery of admissible evidence because Plaintiff claims to this day to have lost business, income, and
6 profits because of the fence. (See, e.g., Sonny Tran’s Responses to Form Interrogatories, Set One,
7 Interrogatory Nos. 8.8 and 9.1; and see Plaintiffs’ Motion for Preliminary Injunction, at 6:20-28.)

8 Plaintiff cannot claim that monetary damages are not at issue in one set of discovery responses and
9 contradict that claim in another set of discovery responses as they have done here. Thus, Plaintiff’s claim that
10 “monetary damages are not an issue in [its] case anymore,” is belied by its own statements in other discovery
11 responses.
12

13 The Warren Parties have offered to waive discovery into these issues if the Plaintiffs are willing to
14 sign a stipulated judicial admission backing their purported claim that they are no longer seeking the
15 monetary damages supported by the withheld information. As of the date of this motion, Plaintiffs or a ruling
16 from this Court that Plaintiffs’ monetary damages are no longer relevant to this lawsuit, the Warren Parties
17 are entitled to this information.
18

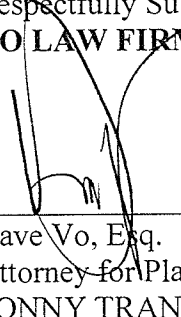
19
20 **REASON WHY NO FURTHER RESPONSE IS NECESSARY**

21 Plaintiff Sonny complied with this Interrogatory and provided a response for category (a) through (d)
22 as instructed by said Interrogatory. He did not make any objections to this Interrogatory as Defendant
23 contended. Plaintiff Sonny provided the responses to this best of his knowledge and ability. Any requests
24 for admissions with respect to monetary and/or general damages, Plaintiff Sonny has provided the reasons
25 why he made his objections or responses to said requests. It seems that Defendant does not have an issue
26 with whether Plaintiff Sonny comply with Interrogatory 17.1, but rather Defendant has an issue with the
27
28

1 actual responses provided to its Request for Admissions ("RFAs"). As mentioned in Plaintiff Sonny's
2 objection to the pending Motion, this is an improper and inappropriate Motion to address any issues that
3 Defendant might have with Plaintiff Sonny's responses to its RFAs. The proper and appropriate Motion to
4 address such issue is a Motion to Compel further responses to Defendant's RFAs and not this Motion. Most
5 importantly, as long as Plaintiff Sonny provided the information that is requested by this Interrogatory, he is
6 in full compliance to it, and whether Defendant agreed or disagreed to the information provided does not
7 necessary make Plaintiff Sonny's responses deficient. Thus, Defendant failed to provide a legal and sound
8 reason why Plaintiff Sonny should provide further responses to this Interrogatory.
9

10
11
12 Dated: May 9, 2013

Respectfully Submitted,
VO LAW FIRM, APLC



Dave Vo, Esq.
Attorney for Plaintiff,
SONNY TRAN

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ORANGE

)
) ss:
)

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my address is 7372 Prince Drive, Suite 108, Huntington Beach, CA 92647.

On May 10, 2013, I served the foregoing document described as **PLAINTIFF SONNY TRAN'S SEPARATE STATEMENT OF ISSUE IN SUPPORT OF OPPOSITION TO DEFENDANT'S MOTION TO COMPEL FURTHER RESPONSES TO THE FIRST SET OF FORM INTERROGATORIES** on the interested parties by placing a true copy thereof, enclosed in a sealed envelope as follows:

***Joshua Dale, Esq.
Michel & Associates, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802***

 X (BY U.S. MAIL) I caused such envelope, with postage fully prepaid thereon, to be placed in the United States mail at Anaheim, California.

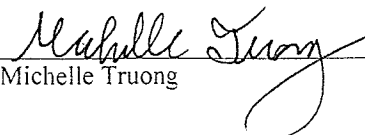
 (BY PERSONAL SERVICE) I caused such envelope to be hand-delivered to the offices above addresses.

 (BY FACSIMILE TRANSMISSION) I caused the above-referenced document(s) to be transmitted to the above-named person(s) at the following telecopier number [XXXXXX] at or about the hours of a/p.m.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Huntington 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 or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on May 10, 2013, at Orange County, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am employed in the office of a member-of the bar of this Court at whose direction the service was made.


Michelle Truong

PLEASE PRESS FIRMLY

PLEASE PRESS FIRMLY



Flat Rate
Mailing Envelope

For Domestic and International Use

Visit us at usps.com



Any amount of mailable material may be enclosed, as long as the envelope is not modified, and the contents are entirely confined within the envelope with the adhesive provided as the means of closure.

INTERNATIONAL RESTRICTIONS APPLY:

**4-POUND WEIGHT LIMIT ON
INTERNATIONAL APPLIES**

Customs forms are required. Consult the *International Mail Manual (IMM)* at pe.usps.gov or ask a retail associate for details.

From: //

VOCAL FIRM
A PROFESSIONAL CORPORATION
7372 Prince Drive, Suite 108
Huntington Beach, CA 92647

TO: Joshua R. Dale, Esq.
MICHEL & ASSOCIATES, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802

Country of Destination: Pays de destination:

USPS packaging products have been awarded Cradle to Cradle CertificationSM for their ecologically-intelligent design. For more information go to mbdc.com/usps



Please recycle.



This packaging is the property of the U.S. Postal Service[®] and is provided solely for use in sending Priority Mail[®] shipments. Misuse may be a violation of federal law. This packaging is not for resale. EP14F © U.S. Postal Service, Oct. 2008. All rights reserved.