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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,

v.

XAVIER BECERRA, in His 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 T. YEE, in Her Official Capacity as State Controller, and DOES 1 - 10,

Defendants and Respondents.

Case No. 34-2013-80001667

PLAINTIFFS' MOTION TO COMPEL ADDITIONAL RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE) PROPOUNDED ON DEFENDANTS XAVIER BECERRA AND STEPHEN LINDLEY

Hearing Date: November 3, 2017
Hearing Time: 9:00 a.m.
Judge: Honorable Michael P. Kenny
Dept.: 31

Trial Date: March 16, 2018
Action Filed: October 16, 2013

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I. INTRODUCTION

Defendants do not have any right to special treatment under the Discovery Code. The requests at issue are plainly within the scope of discovery, and there is no authority that provides a defendant, having been served with discovery requests concerning the defendant's legal and factual contentions, can defer the identification and explanation of those contentions until trial. To claim a certain type of discovery is unavailable when the relevant statutory and case law clearly says otherwise is not only insufficient to defeat a motion to compel, it is sanctionable evasive conduction. Because Defendants' objections are without merit and plainly constitute an attempt to avoid confronting issues detrimental to Defendants' defense of this case, the Court should order further responses to the requests at issue, and award sanctions in light of Defendants' intransigence.

II. STATEMENT OF FACTS

On August 31, 2016, Plaintiffs served Requests for Admissions (Set Three) and Special Interrogatories (Set Four) (collectively the "Written Discovery") on Defendants. (Declaration of Scott M. Franklin in support of Plaintiffs' Motion to Compel Additional Responses to Requests for Admission (Set Three) ("Franklin Decl.") ¶ 2). Plaintiffs granted Defendants a courtesy extension as to the deadline for responding to the Written Discovery, which was extended from October 28, 2016, to November 4, 2016. (*Id.* ¶ 3). Defendants' duty to respond to the Written Discovery was stayed as a part of the Court's November 4, 2016, bifurcation order. (*Id.* ¶ 4). During an informal status conference held September 8, 2017, the Court lifted the stay applicable to the Written Discovery. (*Id.* ¶ 5).

On September 11, 2017, Plaintiffs' counsel sent Defendants' counsel a meet-and-confer letter explaining Plaintiffs' positions on the primary issues expected to be in dispute regarding Defendants' forthcoming responses to the Written Discovery. (*Id.* ¶ 6). Pursuant to an agreement of the parties, Defendants served responses to the Written Discovery on October 4, 2017. (Franklin Decl. ¶ 7). On October 6, 2017, the parties held a telephonic meet-and-confer to discuss Defendants' responses to the Written Discovery; during the conference, counsel were able to

tentatively resolve a few disputed issues, but it was clear that the larger issues, primarily concerning Defendants' refusal to comply with discovery requests seeking to confirm Defendants' legal positions and contentions, were not going to be resolved without a court order. (*Id.* ¶ 9). During the call of October 6, 2017, Defendants' counsel never indicated any change in Defendants' position that requests for admissions cannot be used to force admissions regarding a party's legal contentions. (*Id.* ¶ 10). Thus, although counsel for the parties met and conferred about the current discovery dispute, it could not be resolved informally.

III. ARGUMENT

A. Background Law

Code of Civil Procedure section 2033.220 states:

> (a) Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.
>
> (b) Each answer shall:
>
> > (1) Admit so much of the matter involved in the request as is true, either as expressed in the request itself or as reasonably and clearly qualified by the responding party.
> >
> > (2) Deny so much of the matter involved in the request as is untrue.
> >
> > (3) Specify so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge.
>
> (c) If a responding party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter.

Further, "[i]f an objection is made to a request or to a part of a request, the specific ground for the objection shall be set forth clearly in the response." *Id.* § 2033.230(b). A "party requesting admissions may move for an order compelling a further response if that party deems that . . . [a]n answer to a particular request is evasive or incomplete[or that a]n objection to a particular request is without merit or too general." *Id.* § 2033.290(a). "[I]f a timely motion to compel has

been filed, the burden is on responding party to justify any objection[.]" *Fairmont Ins. Co. v. Super. Ct.*, 22 Cal. 4th 245, 255 (2000).

B. Defendants' Claim that Twenty-Eight[1] Requests Seek Irrelevant Information, But They Do Not Provide An Explanation—Doing So Would Have Shown The Relevance Objection Is Unfounded

Defendants claim the requests at issue are "irrelevant" to the remaining causes of action in this case, and then list the causes of action still at issue, but without explaining how *any* of the requests seek information that is irrelevant to all of the still-extant causes of action. (Response to Requests for Admissions (Set Three), *passim*). "For discovery purposes, information is relevant if it 'might reasonably assist a party in *evaluating* the case, *preparing* for trial, or *facilitating* settlement....' [Citation.] Admissibility is not the test and information unless privileged, is discoverable if it might reasonably lead to admissible evidence. [Citation.] *Stewart v. Colonial W. Agency, Inc.*, 87 Cal. App. 4th 1006, 1013 (2001). "These rules are applied liberally in favor of discovery[.]" *Id.*; *see also* Civ. Proc. Code § 2017.010.[2]

Defendants' decision to omit any explanation as to why the information sought falls outside of the bounds of relevancy is itself a sufficient basis upon which the Court can overrule this oft-made objection. Civ. Proc. Code § 2033.290 (stating motion to compel may be brought where objection is "too general"); *Fairmont Ins. Co.*, 22 Cal. 4th at 255 (holding the responding party has the burden of persuasion on a motion to compel). Further, as shown below, Defendants' objection fails because the information sought *is* relevant to Plaintiffs' extant illegal tax claims. It seems clear Defendants do not want to discuss the specifics of their relevancy contentions, likely because it is impossible to do so with veracity. But the issue is front-and-center as a result of this

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[1] I.e., Request for Admissions Nos. 153, 156-160, 166-169, 171-173, 180, 186, 189-192, 195, 196, 201, 203, 206-208, 212, and 214.

[2] Code of Civil Procedure section 2017.010 states:

> any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action.

Motion—and it will be telling if Defendants fail to address this issue head-on in their opposition.

Plaintiffs' meet-and-confer letter of September 11, 2017, expressly explained why Defendants' relevancy objections are meritless. (Franklin Decl. at Ex. 1). Plaintiffs' counsel noted therein that, although Plaintiffs had not completed their legal research for the merits briefing in this case, it "seems likely *Sinclair Paint* will be a major guidepost[,]" citing multiple cases wherein the issue under review was "whether a purported regulatory fee is instead a tax[.]" (*Id.* at 4, referring to *Sinclair Paint v. State Bd. of Equalization*, 15 Cal.4th 866 (1997)).

In the letter, Plaintiff stated that "Defendants claim that discovery on any 'benefits' or 'burdens' related to the DROS Fee and the use thereof is inappropriate because distinguishing a tax from a regulatory fee is a question of law." *Id.* Defendants' counsel did not dispute that this is Defendants' position during the parties' meet-and-confer teleconference held October 6, 2017 (Franklin Decl. ¶ 2), even though that position is plainly wrong.

Sinclair Paint provides the "general guideline" "that whether impositions are 'taxes' or 'fees' is a question of law for the *appellate* courts to decide on *independent review of the facts*." *Sinclair Paint*, 15 Cal. 4th at 873-74 (emphasis added). *Sinclair Paint* conclusively holds that facts and legal contentions related to "benefits" and "burdens" are plainly at issue (and thus subject to discovery per Code of Civil Procedure section 2017.010) in an illegal tax case. It states "that 'to show a fee is a regulatory fee and not a special tax, the government should prove (1) the estimated costs of the service or regulatory activity, and (2) the basis for determining the manner in which the costs are apportioned, so that charges allocated to a payor bear a fair or reasonable relationship to the payor's burdens on or benefits from the regulatory activity.'" *Id.* at 878; *accord Cal. Ass'n of Prof. Scientists v. Dep't of Fish & Game*, 79 Cal. App. 935, 945 (2000).

Defendants try to paint the "tax vs. fee" question as a pure question of law, but that characterization would only apply if the relevant facts were not in dispute, and such facts are most certainly in dispute here, making the issue a mixed question of law and fact. *Cf. Oliver & Williams Elevator Corp. v. State Bd. of Equalization*, 48 Cal. App. 3d 890, 894 (1975) ("Since the issues here involve the applicability of taxing statutes to uncontradicted facts, we are confronted purely with a question of law"); *accord Neecke v. City of Mill Valley*, 39 Cal. App. 4th 946, 953

(1995); *see also Crocker Nat'l Bank v. City & Cty. of San Francisco*, 49 Cal. 3d 881, 888 (1989) ("Mixed questions of law and fact concern the application of the rule to the facts and the consequent determination whether the rule is satisfied."). And even assuming arguendo the issue before the court was a pure question of law where no fact discovery was necessary, that circumstance would not prevent Plaintiff from using request for admissions to prepare for trial on the legal issues (see Section III.D. *infra*) that are necessary—and therefore relevant—to proving Plaintiffs' case. Put simply, Defendants' desire to limit discovery is contrary to well-established law.

Determining whether the DROS Fee, or a portion thereof, constitutes a tax is a mixed question of law and fact that can only be established by looking at who pays the fee, what they purportedly are paying for, and what they are actually funding. *Sinclair Paint*, 15 Cal. 4th at 878. Without the foundational facts, there is no context within which the legal question can be answered. Thus, to the extent the pending discovery concerns these factual issues, or the Defendants' legal positions as to these issues, these are proper topics for discovery in an illegal tax case. Accordingly, the Court should overrule Defendants' relevancy objection.

C. Depositions and Written Discovery Are Not Mutually Exclusive Discovery Options, and Defendants Are Wrong to Claim Using Both On The Same Issues Constitutes Undue Burden and Oppression.

It is well known that discovery tools like oral depositions, requests for admissions, and interrogatories "are designed to be used in a coordinated fashion; i.e., what one method cannot get, another generally can." Cal. Prac. Guide Civ. Pro. Before Trial §§ 8:377-78 (Rutter 2017); *see also* Cal. Civ. Prac. Procedure § 13:130 (2017) ("The final set of interrogatories should be used to follow up on questions or issues that were not fully answered or resolved during deposition, and to pin down the responding party's contentions."). Just "because the same question has been answered in a previous deposition does not preclude the request for a reply to an interrogatory in the absence of a showing that the requirement of a reply would be unjust, inequitable, oppressive or burdensome. *Darbee v. Super. Ct.*, 208 Cal. App. 2d 680, 687 (1962). "[T]he burden of such a showing is upon the one who objects to the interrogatory." *Id.* There is no logical reason why the rules applicable to post-deposition interrogatories would not also apply

to post-deposition requests for admissions. In fact, because requests for admissions "differ fundamentally from other forms of discovery[—r]ather than seeking to uncover information, they seek to eliminate the need for proof"(*Murillo v. Super. Ct.*, 143 Cal. App. 4th 730, 735 (2006)—there is even less to support the contention that an request for admission can be "cumulative" of a deposition question.

Nonetheless, Defendants repeatedly[3] raise legally unsupported objections substantially similar to the following: "The request is also cumulative and therefore burdensome and oppressive, plaintiffs having already deposed defendant Stephan Lindley and Department of Justice employee David Harper regarding this and related topics." (Defs'. Resp. to Req. for Adm. No. 153). There is nothing unjust, inequitable, oppressive, or burdensome about asking a question of an individual at a deposition, which does not necessarily result in a binding judicial admission, and later propounding a similar request for admission, which *does* result in a binding judicial admission. *Scalf v. D.B. Log Homes, Inc.*, 128 Cal. App. 4th 1510, 1522 (2005) ("There is a vast difference between written discovery admissions, which are " 'a studied response, . . . that occur 'under the direction and supervision of counsel, who has full professional realization of their significance'" [citation] and glib, easily misunderstood answers given by a lay opponent in a deposition."); see also Civ. Proc. Code § 2033.410. Because Defendants' objection is nothing more than a bald assertion that runs afoul of commonly recognized principles of discovery, it should be overruled.

D. Defendants Knowingly Mischaracterize Inapposite Case Law and Ignore Relevant Law in Making an Objection that Multiple Requests for Admissions[4] Propounded by Plaintiffs Are "Improper"

The objection discussed in this section is one that Defendants have raised in response to previous sets of requests for admissions propounded by Plaintiffs. (See Plaintiffs' two prior motions to compel further responses to requests for admission on file herein)). Additionally, the issue has been briefed twice for this Court (*id.*), though the Court has not yet ruled on it. In fact,

[3] I.e., Defendants' responses to Request for Admissions Nos. 153, 195, 196, and 203.

[4] I.e., Defendants' responses to Request for Admissions Nos. 161, 162, 176, 177, 180-186, 206-209, 211, and 212.

because the current version of Defendants' objection is vague, it will be helpful to look at Defendants' prior briefing on this issue to clarify what Defendants' objection actually is.

Other than Defendants' references to off-topic case law (which is discussed in the following paragraphs), the objection is nothing more than this claim: "the request, especially when served in conduction with Form Interrogatory No. 17.1 and the other requests herein, is also an improper use of the request for admission procedure." The objection does not explain *why* the requests are supposedly improper; leaving Plaintiffs and the Court to infer how the authorities Defendant cite supposedly support their position. By looking at the statements made in Defendants' opposition to a prior motion to compel, however, it becomes clear that Defendants' objection is premised on the idea that request for admissions cannot be used to obtain admissions as to the legal contentions of a party. I.e.,

- Plaintiffs cannot use requests for admissions to force defendants to unnecessarily and prematurely take a position of any legal position of plaintiffs' choosing[,]
- requests for admissions are not a vehicle for briefing a case on the merits[, and]
- plaintiffs are well of aware of defendants' current position on [a specific legal] issue, and defendants should not be required to brief every related issue[.]

(Defs.' Opp'n. to Pls. Mot. to Compel dated April 6, 2015, at 7-8).

Defendants' objection purportedly relies on five cases, five cases shown to be inapplicable in a discovery meet-and-confer letter Plaintiffs sent Defendants almost three years ago. Because Defendants' argument has not substantively changed, neither has the analysis provided by to Defendants in 2014, which is summarized below.

1. *Cembrook v. Super. Ct.*, 56 Cal. 2d 423, 429 (1961)

Code of Civil Procedure section 2033.010 expressly states that the use of request fs for admissions at issue (i.e., requesting an admission on the application of law to fact) is proper. Furthermore, the interpretation of *Cembrook* offered by Defendants is far off the mark: the California Supreme Court expressly cites *Cembrook* for exactly the opposite of what Defendants claim is the basis for their objection.

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

Burke v. Super. Ct., 71 Cal. 2d 276, 282 (1969).

2. *Stull v. Sparrow*, 92 Cal. App. 4th 860, 864 (2001)

Stull does not discuss Defendants' contention (e.g., the supposed impropriety of using requests for admissions regarding legal contentions) at all; it simply notes, as a perfunctory issue and in a general sense, "[r]equests for admissions differ fundamentally from other forms of discovery[; r]ather than seeking to uncover information, they seek to eliminate the need for proof." Indeed, *Stull* implicitly supports Plaintiffs' position. *Stull* concerns a propounding party's ability to recover expenses for the responding party's failure to properly admit a request for admission of a legal issue – *Stull*'s discussion of the expense recovery issue is predicated on the undisputed fact that the request for admission of a legal contention was valid.

3. *St. Mary v. Super. Ct.*, 223 Cal. App. 4th 762, 783-784 (2014)

St. Mary concerns a propounding party's attempt to get 41 requests for admissions deemed admitted after the opposing party, having been denied a short courtesy extension, filed a slightly tardy discovery response. The "windfall" referred to in *St. Mary* had nothing to do with what Defendants are attempting to argue here, it had to do with a party who was abusing the process available to have requests for admissions deemed admitted by a court.

4. *Haseltine v. Haseltine*, 203 Cal. App. 2d 48, 61 (1962)

The quoted material from *Haseltine* is mixed with material that is not from *Haseltine*, a questionable practice inasmuch as the sentence, as a whole, does not reflect something stated in *Haseltine*. Regardless, Haseltine is another case that actually concerns a party's ability to obtain an award of expenses as to proving the substance of a denied request for admission. For this reason alone, it provides no support for Defendants' position. And though it is not entirely clear, it seems at least some of the requests for admission at issue in *Haseltine* were requests for admissions concerning legal contentions, which, again, implicitly indicates Defendants' objection

is contrary to established law.

5. *Elston v. City of Turlock*, 38 Cal. 3d 227, 235 (1985)

Defendants' quotation of *Elston* is baffling, as it is yet another case that concerns an issue ancillary to one or more request for admission seeking a legal contention, which cuts against the viability of Defendants' objection. *Elston* concerns requests for admissions that were deemed admitted, thus the statement that "the request at issue here did not include issues as to which the parties might conceivably agree" was taken completely out of context by Defendants. (Defs.' Resp. to Pls.' Req. for Adm., Set Three, at, e.g., 11). It is misleading to use that quote, which refers to the concept of responses that are deemed admitted, to support a discovery objection arguing that requests for admissions cannot be used to nail down legal positions.

6. Defendants' objection fails under recent, on point authority.

During the meet-and-confer process preceding this Motion, Plaintiff identified two recent cases that expressly refute Defendants' claim that requests for admissions cannot be used to obtain admission on legal issues: *City of Glendale v. Marcus Cable Assocs., LLC*, 235 Cal. App. 4th 344, 353–54 (2015) ("Requests for admission are not restricted to facts or documents, but apply to conclusions, opinions, and even legal questions."), and *Joyce v. Ford Motor Co.*, 198 Cal. App. 4th 1478, 1488–89 (2011) ("when a party is served with a request for admission concerning a legal question properly raised in the pleadings he . . . should make the admission if he is able to do so and does not in good faith intend to contest the issue at trial.") Even though these cases clearly show Defendants' objection is without merit, Defendant confirmed they were going to stand on their objection. (Franklin Decl. ¶ 9).

The discovery issue here is not a novel one, nor is it nuanced such that reasonable persons would disagree as to whether requests for admissions can be used to obtain legal contentions (see, e.g., Request for Admissions Nos. 183-185 and Defendants' responses thereto). It is clear that Defendants do not want to answer the relevant requests, presumably because providing honest binding answers would be detrimental to Defendants' case. Obviously, Defendants are not stating an objection on that ground because it would be an affront to the purpose of the discovery process, and to the purposes behind requests for admissions in specific. The objection actually

made, however, is just as troubling; it is clearly contrary to controlling law. In light of the foregoing, Defendants' flagrant disregard of the relevant law constitutes an abuse of the discovery process that justifies not only that further responses be ordered (Code of Civil Procedure section2033.290(a)), but that sanctions be awarded under Code of Civil Procedure sections 128.7(b)(2)[5] and 2023.010(d)-(f), (g).

E. Defendants' claim that they are unable to admit or deny Request for Admission No. 189 fails on its face: responding only requires defendants to confirm or deny that they are aware of information on a specific topic.

This request asks Defendants to "[a]dmit that [the California Department of Justice] is unaware of any evidence suggesting that more than ten percent of DROS FEE payers are expected to appear on the APPS list." Defendants' substantive response to this request is "[u]nable to admit or deny[,]" without any additional information. The failure to explain the claimed inability is, in and of itself, a sufficient justification to order a further response: Code of Civil Procedure section 2033.220(b) provides three possible classes of response, and Defendants' response falls into none of those classes. And even if the Court assumes that Defendants intended to assert a "lack of information or knowledge as a reason for a failure to admit all or part of a request for admission[,]" a party making such assertion is required to "state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." Code Civ. Proc. § 2033.220(c). Defendants made no such statement.

Finally, and perhaps most obviously, the request asks Defendants—representatives of the California Department of Justice—whether the Department is aware of evidence on a specific topic. After making a reasonable inquiry within the Department, Defendants will certainly be able to know if the Department knows of any evidence on the topic at issue. Either the Department is aware of something or it is not; there is no other possible legitimate response. The only reasons Defendants are "unable" to respond to this request are either that they never made a reasonable

[5] To be clear, Plaintiffs do not seek an award of sanctions under Code of Civil Procedure section 128.7 at this time, though they reserve the right to do so in a separate motion. *Id.* § 128.7(c)(1).

inquiry, or they have chosen not to respond notwithstanding the fact they have a legal obligation to do so (or both). Either way, the Court should order a further response to the relevant request.

F. Because proper responses to requests for admissions must respond to the question asked, and not a variation thereof, the court should order a further response to Request for Admission No. 205.

This request asks if $6,462,448 of money from the "DROS SPECIAL ACCOUNT" was spent on "costs arising from the operation of the DROS PROCESS[.]" Rather than responding to that inquiry, Defendants responded as if the term DROS PROCESS—which was specifically defined with a definition the Department itself uses—was actually the term "Dealers Record of Sale Program[.]" If Defendants confirm this was an oversight and that they used the terms "DROS PROCESS" and "Dealers Record of Sale Program" synonymously, then the dispute over Defendants' response will be resolved. If, however, Defendants were trying to avoid responding to the request made, then the response is evasive and a further response should be ordered. Code Civ. Proc. § 2033.220(a) ("Each answer in a response to requests for admission shall be as complete and straightforward as the information reasonably available to the responding party permits.").

IV. CONCLUSION

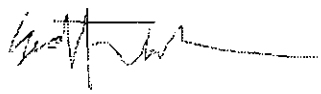
"One key legislative purpose of the discovery statutes is 'to educate the parties concerning their claims and defenses so as to encourage settlements and to expedite and facilitate trial.'" *Puerto v. Super. Ct.*, 158 Cal. App. 4th 1242, 1249 (2008). Thus, even though "the discovery process is 'designed to eliminate the element of surprise'" (*id.*), Defendants ask the court to ignore Plaintiffs' right to fairly educate themselves on Defendants' defenses in advance of trial. Because "[m]atters sought are properly discoverable if they will aid in party's preparation for trial" (*id.*), and the requests at issue will help narrow the issues and define the contours of Defendants' defense, the Court should order further responses to the requests for admissions discussed herein.

Finally, if the Court does grant such further responses, Plaintiffs request the Court also order Defendants to provide further responses to the related Form Interrogatory 17.1(b) propounded by Plaintiff, but only to the extent Defendants provide any new request for admission

denial(s) as a result of this Motion being granted.[6]

Dated: October 12, 2017

MICHEL & ASSOCIATES, P.C.



Scott M. Franklin
Attorney for Plaintiffs

[6] Counsel for the parties discussed whether filing an additional motion to compel regarding related Form Interrogatories was necessary; Plaintiffs' counsel had previously concluded that it would be more efficient to simply raise the issue as a part of this Motion, and Defendants' counsel confirmed Defendants did not object to such streamlining. (Franklin Decl. ¶ 3). If the Court requires a separate motion, Plaintiff will draft one accordingly.

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age of 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 October 12, 2017, the foregoing document described as

PLAINTIFFS' MOTION TO COMPEL ADDITIONAL RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE) PROPOUNDED ON DEFENDANTS XAVIER BECERRA AND STEPHEN LINDLEY

on the interested parties in this action by placing
☐ the original
☒ a true and correct copy
thereof enclosed in sealed envelope(s) addressed as follows:

Anthony R. Hakl
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

Attorney for Defendants

☒ (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.
Executed on October 12, 2017, at Long Beach, California.

☒ (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 October 12, 2017, at Long Beach, California.

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

LAURA PALMERIN