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FILED
LOS ANGELES SUPERIOR COURT

OCT 14 2010

JOHN A. CLARKE, CLERK
BY BARNETTA SMITH, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

Lucy Messerschmidt, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

VH Property Corporation dba Trump National
Golf Club and DOES 1 through 100,

Defendants.

CASE NO. BC 403 087

(Action filed on December 2, 2008;
Assigned to Hon. Mark V. Mooney)

**Plaintiff Lucy Messerschmidt's Reply
Brief in Support of Her Motion to
Compel Defendant VH Property
Corporation dba Trump National Golf
Club to Respond Further to Her 1st
C.C.P. § 2031 Document Request and
for Sanctions Against Defendant VH
Property Corporation**

**Supplemental Declaration of Jeffrey W.
Cowan**

[CRC Rule 3.1345 Statement of Items in
Dispute filed separately]

Date: October 21, 2010
Time: 8:30 a.m.
Dept.: 68

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Plaintiff Lucy Messerschmidt's Reply re Notice of Motion and Motion to Compel Defendant VH Property Corporation
dba Trump National Golf Club to Respond Further to Her 1st C.C.P. § 2031 Document Request, etc.

1 **I. THE REQUESTED ORDER SHOULD ISSUE.**

2 Plaintiff Lucy Messerschmidt respectfully submits that the Court should grant her
3 motion to compel Defendant Trump to respond further and produce all responsive documents
4 (including privileged documents – which are likely the most relevant documents in Trump’s
5 possession or control to prove her individual and class claims) for at least four reasons:

- 6 • Trump admits that its prior lawyer failed to negotiate and accept an offered
7 extension before its discovery deadline expired while tacitly conceding that its
8 former counsel was negligent (“Trump concedes that Mr. Skogen could have
9 handled the situation differently”; *see* Opposition, p. 7, fn 4);
- 10 • Trump’s late response failed to assert the attorney-client privilege or work
11 product objection to three specific requests (Nos. 2, 14 & 15), and Trump’s
12 purported assertion of such objections through incorporated “General
13 Objections” is neither lawful nor sufficient to preserve them according to the
14 controlling statutes (C.C.P. §§ 2031.210 and 2031.300) and applicable 2nd
15 District case law;
- 16 • There was nothing improper about the scope of Ms. Messerschmidt’s document
17 requests (in fact, Trump’s current lawyers regularly propounded similar requests
18 and have done so in this lawsuit; see the Supplemental Cowan declaration); and
- 19 • Ms. Messerschmidt did not unfairly rush to file this motion. Several months ago,
20 she asked Trump’s lawyers to serve supplemental responses curing the subject
21 “technical” objections. Trump refused. Trump also ignored written invitations
22 to confer regarding the specific facts and authorities on which Ms.
23 Messerschmidt bases this motion. Plus, fast track concerns and the
24 approximately 3.5 months needed to have a motion heard in Department 68 made
25 it entirely reasonable for Ms. Messerschmidt to file this motion once it became
26 clear that the parties 2nd mediation on September 21, 2010 had failed.

1 A. Trump’s Lawyer Negligently Blew The Deadline To Respond To Plaintiff’s Document
2 Request By Rejecting An Offer To Discuss and Extend the Deadline Before It Expired.

3 There can be little doubt that Trump’s lawyer allowed his discovery deadline to expire.

4 Trump admits that its 2nd lawyer (Mr. Skogen) failed to accept the offer of a discovery
5 extension (by reaching a meeting of the minds as to its terms) before 11:59 p.m. on March 31,
6 2010. (Skogen Decl., ¶¶ 6-7) Trump also admits that its lawyer failed to contact Ms.
7 Messerschmidt’s lawyer and work out these details during the entire week available to him
8 between March 24, 2009 (when Trump’s lawyer professed to be too busy to talk with Ms.
9 Messerschmidt’s lawyer at the courthouse) and the deadline’s expiration at midnight on April 1,
10 2009. (Skogen Decl., ¶ 14, p. 3:7-10) Also telling is former counsel’s tacit concession (by not
11 disputing the testimony of Ms. Messerschmidt’s lawyer) that he referred to contacting his
12 malpractice carrier. (Motion, Cowan Decl., ¶ 19)

13 1. Trump is responsible for not timely negotiating the offered extension.

14 Nor does Trump dispute the accuracy of defense counsel’s April 2, 2010 voice mail
15 message (Motion, Exhibit 8), which makes clear that no extension had been granted and that
16 defense counsel wanted to negotiate its terms after the deadline had expired:

17 *“Hi Jeffrey, it’s Tony Skogen with Littler. I’m calling about,*
18 *uh, the Lucy Messerschmidt case. **Uh, I am going to need to take you***
19 ***up on your offer, uh, for additional time.** I still don’t have the*
20 *materials, uh, from uh the Greenberg firm, uh, and it is my*
21 *understanding that, that most of the discovery was was pretty, pretty*
22 *much done and, and ready to go, um, so I’m trying to sort that out, um,*
23 *with the other firm. . . .*

24 *. . . If you could give me a call 310-772-7262, I would*
25 *appreciate it. **Also again, I’m requesting a uh...extension.***
26 ***Uh...probably another 2 weeks should do it, but uh...please give me a***
27 ***call.** Thanks.” (Emphasis added)*

1 Former defense counsel’s words (“I am going to need to take you up on your offer, uh,
2 for additional time”) – combined with his declaration’s admission that he was too busy (during
3 an entire week?) to take the few minutes necessary to talk to Mr. Cowan and work out a new
4 discovery deadline before it expired on March 31 – compel a finding that defense counsel
5 allowed the discovery deadline to expire through no fault of Ms. Messerschmidt’s lawyer.
6 [Trump tacitly admits the point in footnote 4 of the Opposition.]

7 In light of these facts, Trump’s contention that Ms. Messerschmidt’s lawyer engaged in
8 sharp practice (“Gotcha”) lacks merit. Ms. Messerschmidt had granted multiple extensions
9 previously but always before the deadline had expired. Her lawyer had offered to do so again on
10 March 24. Trump’s lawyer deferred the conversation by claiming to be too busy but offered to
11 telephone to discuss it – and then failed to do so for nine days. How is it Ms. Messerschmidt’s
12 fault that Trump failed to act before the deadline expired?

13 These undisputed facts compel a finding that a waiver occurred pursuant to C.C.P. §
14 2031.300 because there existed neither a meeting of the minds about a discovery extension nor
15 the mandatory written agreement of such that C.C.P. § 2031.270(a)-(b) requires.¹

16 2. On These Facts, Ms. Messerschmidt’s lawyer has a legal duty to try to enforce
17 the waiver of objections.

18 Also lacking merit is Trump’s argument that Ms. Messerschmidt has been overly
19 aggressive in seeking to enforce the waiver and obtain perhaps the most highly relevant
20 documents that Trump has (privileged and work product documents regarding the meal and rest
21 break claims and the termination of Ms. Messerschmidt’s employment). Trump fails to
22 acknowledge that extending a deadline before it expires is a professional courtesy and
23 (generally) causes no cognizable prejudice to the granting party. See LASC Rule 7.12(a).
24 Granting an extension retroactively, however, after a deadline has expired, would entail not a
25

26 _____
27 ¹ Section 2031.300(a) provides in relevant part as follows regarding late responses: “The
28 party to whom the demand for inspection. . . is directed ***waives any objection to the demand, including one based on privilege or on the protection for work product*** under Chapter 4
(commencing with Section 2018.010).” (Emphasis added)

1 courtesy but instead relinquishing a substantive right (the ability to get documents without
2 qualification because of the waived objections).

3 Another fact is most relevant here: the context in which Trump’s lawyer failed to act. If
4 defense counsel had missed the discovery deadline because of a personal emergency or some
5 other dire, unpredictable event (*e.g.*, a natural disaster or terrorist threat), retroactively extending
6 the deadline (*i.e.*, stipulating to relief from waiver) would have made sense – and would have
7 been done – because a court would almost surely grant relief from waiver on such facts.

8 But that did not happen. There was no emergency. There were no facts beyond the
9 control of Trump’s lawyer. And there was no excusable neglect. Rather, defense counsel (who
10 had colleagues at his national law firm Littler Mendelson working on this matter and at his
11 disposal) flat out forgot to focus on his discovery deadline (counsel blames the “press of
12 business” in his declaration).² As a result, Ms. Messerschmidt submits that this situation is
13 profoundly different from situations in which it would be appropriate to not pursue the waiver –
14 and in fact it would have violated her lawyer’s duty of zealous advocacy if he failed to seek to
15 enforce the waiver on these facts.³ *See Grindle v. Lorbeer*, 196 Cal. App.3d 1461, 1467 (1987)
16 (confirming that lawyers have a duty of zealous representation); *Birch v. Orange County*, 51
17 Cal. App. 7, 12 (1921) (an attorney should be diligent and “zealous to a reasonable degree”).

18 B. Trump’s Late Response Fails to Assert The Attorney-Client or Work Product Doctrine
19 to Items 2, 13 and 14.

20 Ms. Messerschmidt respectfully submits that the Court should compel Trump to produce
21 all responsive documents not only because it waived all objections but also because its late
22 response failed to assert privilege objections *specifically* to Items 2, 13 and 14.

23 _____
24 ² Littler’s web site states in part: “These days, Littler’s employment litigation practice is the
25 nation’s largest.” *See* <http://www.littler.com/AboutLittler/Pages/Home.aspx>

26 ³ The situation here is akin to one in which a defense lawyer asks plaintiff’s counsel to
27 stipulate to vacate an entry of default or a default judgment. If the facts indicate that relief is
28 warranted, such a stipulation is proper. But if the facts indicate that the default was properly entered
and relief is likely to be denied, then it would violate plaintiff’s counsel’s fiduciary duty to so
stipulate and give up such an key substantive right.

1 Trump’s argues (wrongly) that its purported incorporation of general objections –
2 something that § 2031.210(a) expressly proscribes – should protect against the finding of any
3 waiver. The argument lacks merit for multiple reasons.

4 First, nothing in the applicable statutes supports Trump’s contention. Second,
5 *Scottsdale Ins. Co. v. Superior Court*, 59 Cal. App. 4th 263, 273-274 (1997), cited in the
6 moving papers, is a 2nd District case in which the court parsed the subject language in § 2031
7 and concluded that a party’s failure to assert the attorney-client privilege expressly to a specific
8 response waived it. The *Scottsdale Ins.* court could have not been more clear:

9 “This language can be construed in only one way: to require a complete response
10 to each and every requested item whether by agreement to produce the item, a
11 statement that the item cannot be produced, or by objection which, if it relies
12 upon privilege, sets forth the particular privilege. Failure to assert the privilege
13 means that no timely response has been served to preserve the privilege.”

14 *Id.* at 274.

15 Second, Trump’s reliance on *Korea Data Systems Co. v. Superior Court*, 51 Cal. App.
16 4th 1513, 1516 (1997), is misplaced. *Korea Data Systems* is a 4th District case. Its holding and
17 reasoning are contrary to the 2nd District’s holding and reasoning in *Scottsdale Ins. Co.* because
18 the *Korea Data* court found that the purported assertion of a privilege through the use of
19 incorporated general objections was enough to prevent a waiver even though the applicable
20 statutory language requires specific objections to each item and the practice in question was
21 sanctionable. As a result, *Korea Data Systems*’ holding “guts” § 2031.201(a)’s requirement
22 notwithstanding the Legislature’s clear, plain provision that specific objections must be asserted
23 to each item in a document request.⁴

24
25
26 _____
27 ⁴ Such an outcome is contrary to the California Supreme Court’s repeated confirmation that
28 courts are to give a plain meaning interpretation to statutes. *See People v. Morris*, 46 Cal. 3d 1, 15
(1988) (“The most basic principle of statutory construction is that courts must give effect to statutes
according to the ordinary import of the language used in framing them.”)

1 Importantly, the court in *Scottsdale Ins. Co.* referenced *Korea Data Systems Co. v.*
2 *Superior Court* and distinguished it (*Korea Data Systems* involved the failure to serve a
3 privilege log, as opposed to serving a late response) without either rejecting or accepting its
4 holding. As a result, the holding and reasoning in *Scottsdale* are binding in this lawsuit.

5 *Scottsdale* also is the better authority because it applies a detailed plain-language
6 interpretation of the applicable statutes. It also follows the Legislature’s values in codifying §
7 2031.300: discovery responses with specific objections must be on time or else a party waives
8 all objections (notwithstanding any prior case law regarding the “sanctity” of the attorney-client
9 privilege). In contrast, *Korea Data Systems* “exception” rests on no statutory language and
10 constitutes a judicially created “exception” that flies in the face of the statute’s plain language.
11 The court just substituted its values for those of the Legislature.

12 Following *Korea Data Systems* here in the 2nd District would not only fly in the face of
13 *Scottsdale Ins. Co.* but also result in a judicial system in which lawyers could always cut corners
14 and stall and delay by asserting every privilege and other boilerplate objection known to man in
15 a General Objection without suffering any real consequences.⁵ Given the “real world” realities
16 of litigation, the result likely would be hours and hours diverted to meet and confer efforts
17 followed by an eventual supplemental response – and without any consequences. Imagine how
18 much time (weeks and months) or money would be wasted with such a rule in the 2nd District –
19 and how burdens would be shifted unfairly to the asking party – because responding lawyers
20 relying on *Kora Data Systems*’ judicially created rule flouted the Code’s express requirement to
21 assert specific objections to each request. The policy arguments in Ms. Messerschmidt’s CRC
22 Rule 3.1345 Statement make clear how allowing such practice is grossly unfair and inefficient
23 (and contrary to the applicable statutory language).

24

25

26

27 ⁵ The court in *Scottsdale* (in the penultimate paragraph) expressed its disapproval with the
28 fact that responding counsel did not investigate what documents were responsive to a document
request until after the response was served. *Id.* at 276.

1 C. The Subject Requests Are Proper – As Evidenced by the Regular Use of Similar
2 Requests by Trump’s Lawyers.

3 Next, Trump’s argument that the subject requests are either overly broad or unethical for
4 seeking to include privileged information lack merit for several important reasons.

5 1. It is lawful to include privileged documents in the scope of a document request.

6 First, arguments about vagueness were waived by the late response.

7 Second, it is standard – and entirely proper – to seek “all” documents that pertain to a
8 particular subject and for the request to be interpreted to include privileged documents. Indeed,
9 *the Court need look no further than the C.C.P. § 2031 requests recently served by Trump’s*
10 *current lawyers* (Exhibits 27 (see, e.g., Items 1 through 7 therein), 28 and 29 to the Supp.

11 Cowan Decl) to find similarly phrased broad requests from Trump for documents

12 *with* instructions on page 3 or 4 for the plaintiff to identify the asserted privilege if a request
13 includes privileged documents:

14 “If any DOCUMENT is withheld under a claim of privilege or other protection,
15 so as to aid the Court and the parties hereto to determine the validity of the claim
16 of privilege or other protection, please provide the following information with
17 respect to any such DOCUMENT.”

18 Trump’s own discovery requests expose the lack of merit (hypocrisy?) in its argument.

19 If Trump’s lawyers truly intended to carve out “sacred” privileged documents from their
20 requests because of a purported ethical duty to do so, they would have drafted their requests to
21 state that they exclude privileged documents. Of course that is not the case – and for a good
22 reason. It is necessary in discovery to seek privileged documents – which are indisputably
23 highly relevant – to ensure that they are not used against the requesting party at the last minute
24 (thereby resulting in trial by surprise). The Court surely is familiar with the standard process: A
25 document request is made, the responding party timely objects by asserting applicable
26 privileges, and that typically is the end of the matter assuming the asserted privileges actually
27 apply. The requesting party cannot receive the privileged documents, and the asserting party is
28 barred from using such documents at trial (e.g., to show its benevolent state of mind).

1 Nor does C.C.P. § 2017.010 establish that it is “wrong” to request privileged documents.
2 Instead, it provides that litigants generally lack the right as a matter of course to get relevant
3 documents that are privileged. In fact, the Legislature authorized lawyers to seek (initially)
4 privileged information by (1) not expressly barring such requests, (2) providing in § 2023.010
5 that it is a misuse of discovery to persist over objection and without substantial justification to
6 try to get information beyond the scope permissible discovery, and (3) providing in § 2031.300
7 that a failure to respond on time waives all objections (including privilege). [Consistent with
8 this process, the Judicial Counsel failed to revise form interrogatories Nos. 12.2 and 12.3 after
9 *Nacht & Lewis Architects v. Superior Court*, 47 Cal. App. 4th 214 (1996), held that those
10 questions potentially violated the work product doctrine.]

11 2. Trump’s “vagueness” argument lacks merit and was waived

12 Trump’s arguments that the subject requests are too “vague” to be reasonably construed
13 to include privileged documents lacks merit for at least two reasons. First, it is a bootstrap
14 argument because it was waived pursuant to § 2031.300.

15 Second, there is nothing reasonable in construing a request for “all” documents relating
16 to a cause of action as pertaining to only business records. Freshly minted lawyers invariably
17 learn this lesson from their supervising partner when drafting their first responses to discovery,
18 and the 2nd District has adopted similar views on interpreting such language. *See In re Wyman's*
19 *Estate*, 208 Cal. App. 2d 489, 492 (1962) (citing California Supreme Court and appellate court
20 decisions since 1925 where “any” was interpreted to mean “all”); *Zabrucky v. McAdams*, 129
21 Cal. App. 4th 618 (2005) (reversing trial court due to failure to give prohibition in CC&Rs
22 against the erection of “any structures” a broad, inclusive interpretation.).

23 3. Trump’s “prejudice” argument is misplaced because work product objections
24 were waived.

25 Trump also argues incorrectly that Ms. Messerschmidt has not met the statutory burden
26 that C.C.P. § 2018.030(a)-(b) establishes of showing prejudice to discover qualified work
27 product. The objection is misplaced because the late response and failure to expressly assert the
28 work product objection waived it. In any event, she will suffer prejudice because the moving

1 papers address how the requested documents are directly relevant to proving her claims (and
2 Trump effectively concedes that the subject privileged documents are relevant).

3 D. Trump Never Moved for Relief From Waiver While Ms. Messerschmidt Met and
4 Conferred For Over a Year.

5 Trump admits that it has not moved for relief from waiver. Trump also admits that it
6 never raised the issue after mentioning it once nine months ago. Trump's excuse that it never
7 moved for relief from waiver because it was still "meeting and conferring" flies in the face of
8 the evidence. In February 2010, Ms. Messerschmidt asked Trump to address specifically the
9 analysis and authorities in the draft CRC Rule 3.1345 Statement she had provided. (Motion,
10 Exhibit 21). Trump never responded.

11 Then in July 2010, Ms. Messerschmidt sent Trump a transcript of Mr. Skogen's voice-
12 mail message – thereby inviting further dialogue. (Motion, Exhibit 25). Trump ignored that
13 opportunity to confer further as well.

14 Mindful of her fast-track obligations if mediation failed, Ms. Messerschmidt reserved a
15 date that would allow this motion to be heard promptly if the September 21 mediation failed.
16 Trump apparently gave no focus to this issue. Given that Trump had ignored Ms.
17 Messerschmidt's prior efforts to substantively discuss the authorities and analysis on which she
18 was basing her motion, Ms. Messerschmidt respectfully submits that she more than satisfied her
19 statutory duty to try in good faith to resolve these waiver issues informally.

20 E. Trump Ignored Ms. Messerschmidt's Earlier Requests for the Promised Supplemental
21 Responses Curing Technical Defects.

22 Trump inaccurately contends that Ms. Messerschmidt failed to ask for promised
23 supplemental responses curing certain technical defects. (*See, e.g.*, Trump's Sep. Statement p.
24 14:25-26)

25 Earlier this year, Trump's current lawyers had promised to provide these supplemental
26 responses by June 1, 2010. Trump failed to deliver. Ms. Messerschmidt raised the issue.
27 Trump refused to commit to providing the promised supplemental responses by a new date
28 certain. (Motion, Ex. 26) Hence, it was reasonable to include this issue in the subject motion.

1 F. Sanctions

2 Trump admits to missing the subject deadline because his lawyer was too busy (and later
3 apparently forgot) to accept Ms. Messerschmidt’s offer for a new discovery deadline before it
4 expired. Plus, the *Korea Data* case on which Trump (wrongly) relies itself states that
5 purporting to assert and incorporate “General Objections” is sanctionable. *See Korea Data*
6 *Systems v. Superior Court, supra*, 51 Cal. App. 4th at 1516.

7 In light of the subject facts and law (waiver, no specifically asserted privilege objections,
8 no motion for relief from waiver), Ms. Messerschmidt respectfully submits that Trump has acted
9 without substantial justification in opposing this motion and that she should receive the
10 requested sanctions.

11
12 **II. CONCLUSION**

13 When lawyers miss discovery deadlines or fail to assert objections through inexcusable
14 negligence, clients sometimes end up bearing the consequences.

15 Here, Trump failed to respond on time to the subject document request, it has not moved
16 for (or obtained) relief from waiver, and its general objections are insufficient to preserve the
17 attorney-client privilege or work product doctrine pursuant to controlling 2nd District case law.

18 For the reasons set forth herein, Plaintiff Lucy Messerschmidt respectfully asks that the
19 Court compel Trump to respond further to Plaintiff’s 1st document request – and in particular
20 Items 2, 14 and 15 (which are highly relevant to proving her claims).

21 Because no substantial justification exists for Trump’s opposition to this motion Plaintiff
22 Lucy Messerschmidt further respectfully submits that Trump should be ordered to pay at least
23 \$6,888.20 in sanctions in compensation for the expense of having this motion heard.

24
25 Respectfully submitted,

26 **THE COWAN LAW FIRM**

27 By:


28 Jeffrey W. Cowan
Attorney for **Plaintiff Lucy**
Messerschmidt

DATED: October 14, 2010

Supplemental Declaration of Jeffery W. Cowan

1. I Jeffery W. Cowan declare that I am licensed to practice law in the State of California and am trial counsel in this lawsuit for Plaintiff Lucy Messerschmidt. I have personal knowledge and if called upon to do so would and could testify to the following:
2. Attached hereto as Exhibit 27 is a true and correct copy of the 1st CCP Section 2031.010 document request (with its more than 90 categories!) that defense counsel’s firm Hodel Briggs Winter served on October 1, 210.
3. Attached hereto as Exhibit 28 is a true and correct copy of the 2nd C.C.P. § 2031.010 et seq document request that defense counsel served on me in this action on October 1, 2010.
4. Attached hereto as Exhibit 29 is a true and correct copy of a document request that the Hodel Briggs Winter firm served in another lawsuit it was defending.
5. Every time I have checked with the Department 68 clerk or calendar assistant about scheduling a motion, I have been told that the earliest date is 3 to 4 months away. This occurred most recently in early October 2010. As a result, scheduling this motion so that it could be filed and heard promptly if the September 21, 2010 mediation failed was the only practical way to ensure that fast-track obligation were satisfied.
6. I was out of state on October 5-7, 2010. At the request of Trump’s lawyers, while I was away I coordinated a conference call with defense counsel (Kymberleigh Damron-Hsiao of the Hodel Briggs Winter firm) and the Department 68 clerk to see if we could stipulate to move this motion to November 4, 2010 (when we have a status conference scheduled and when trial counsel Glenn Briggs is not scheduled to be out of town) and also allow Trump to have a motion for relief from waiver heard that day. The courtroom assistant to whom we spoke refused our requests. He also refused to move this motion to November 4 (even after I noted that doing so should not have caused any extra work for the Court’s research lawyer or the Court because the motion would have already been worked up two weeks earlier; and only the hearing date of the motion would change).

1 7. I later told Ms. Damron-Hsiao that I would not oppose any *ex parte* application Trump
2 might bring to move my motion to November 4 (when trial counsel Glenn Briggs is
3 scheduled to be in town) and invited her to contact me if she had other creative ways we
4 might be able to solve the problem that would still allow my motion to be heard in the
5 short-term. Ms. Damron-Hsiao never got back to me with further suggestions.
6
7
8

9 I declare under penalty of perjury under the law of the State of California that the
10 foregoing is true and correct and that I execute this declaration on October 14, 2010 at Santa
11 Monica, California.

12
13 
14 **Jeffery W. Cowan**

EXHIBIT 27

1 GLENN L. BRIGGS (SB#174497)
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7 VH PROPERTY CORP., dba TRUMP NATIONAL GOLF
CLUB

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 LUCY MESSERSCHMIDT, on behalf
of herself and others similarly situated,
12 Plaintiffs,

13 Plaintiff,

14 v.

15 VH PROPERTY CORPORATION,
doing business as TRUMP NATIONAL
16 GOLF CLUB, and DOES 1 to 100,

17 Defendants.

Case No. **BC403037**

[Assigned to the Honorable Mark V.
Mooney, Judge – Department 68]

**DEFENDANT VH PROPERTY
CORP.'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF LUCY
MESSERSCHMIDT**

Trial Date: None Set
Complaint Filed: December 2, 2008

18
19 PROPOUNDING PARTY: Defendant, VH PROPERTY CORP., dba TRUMP
NATIONAL GOLF CLUB

20 RESPONDING PARTY: Plaintiff, LUCY MESSERSCHMIDT

21 SET NUMBER: ONE
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1 Pursuant to California Civil Procedure Code Section 2031.010, *et seq.*, defendant VH
2 PROPERTY CORP., dba TRUMP NATIONAL GOLF CLUB (hereinafter "Trump"), hereby
3 demands that plaintiff Lucy Messerschmidt ("Plaintiff") produce for inspection and copying
4 at 10:00 a.m., on November 1, 2010, at the offices of Hodel Briggs Winter LLP, 8105 Irvine
5 Center Drive, Suite 1400, Irvine, California 92618, all documents within the scope of the
6 following requests for production of documents which are within the possession, custody,
7 and control of Plaintiff, or his agents, representatives, investigators, auditors or attorneys.
8 The inspection will continue from day to day thereafter at the same location for a reasonable
9 period so as to allow completion of the inspection and copying. Alternatively, true legible
10 copies may be provided at that time.

11
12 Furthermore, Plaintiff is required, pursuant to California Civil Procedure Code
13 Section 2031.010, *et seq.*, to serve upon the undersigned a written response within thirty (30)
14 days after service of this request.

15
16 Plaintiff's responses must specially identify the documents, papers, books, accounts,
17 letters, photographs, objects or other tangible things which relate to each numbered request.
18 In addition, Plaintiff must state that inspection or copying will be permitted as requested, or
19 state specific objection as to why such inspection and copying will not be permitted.

20 21 INSTRUCTIONS

22 **A. Definitions**

23
24 1. As used herein, the terms "DOCUMENT" or "DOCUMENTS" mean all media
25 on which information is recorded or stored, including, but not limited to, any kind of written,
26 typewritten, printed, handwritten or otherwise recorded material whatsoever, any notes,
27 memoranda, charges, complaints, claims, affidavits, statements, papers, files, forms, data,
28 tapes, cassettes, disks, magnetic cards, printouts, letters, reports, summaries, compilations,

1 chronicles, publications, books, manuals, handbooks, certificates, minutes, agenda,
2 communications, contracts, agreements, telegrams, teletypes, telefax, records,
3 correspondence, diaries, calendars, appointment books, logs, audio and/or video recordings
4 and transcriptions of recordings, microfilm, microfiche, electronic records or representations
5 of any kind, including electronic mail (e-mail), information stored on computer or any type
6 of computer readable storage media and capable of being reproduced by printed
7 representation of any form, whether or not ever printed out or displayed, and including file
8 memos, directories and distribution lists, graphs, charts, photographs, pictures, diagrams, or
9 any other writing, however produced or reproduced, and further includes, without limitation,
10 originals, all file copies, all other copies, no matter how prepared, and all drafts prepared in
11 connection with such documents whether or not used, within the possession, custody, and/or
12 control of Plaintiff, or her agents, attorneys, physicians, psychologists, psychiatrists,
13 accountants, counselors and/or any other persons who may act on her behalf, excepting only
14 those documents which are privileged or otherwise protected from discovery, as to which the
15 claim of privilege or protection is specifically stated by written notice to Trump.

16
17 2. As used herein, the term "DEFENDANT" or "TRUMP" refers to defendant
18 VH PROPERTY CORP., dba TRUMP NATIONAL GOLF CLUB and/or to any past or
19 present officers, directors, employees and/or agents of said-named entities, and/or all of its
20 respective divisions, subsidiaries, affiliated or related or predecessor companies.

21
22 3. As used herein, the terms "PLAINTIFF," "YOU" and "YOUR" refers to
23 plaintiff Lucy Messerschmidt and/or her attorneys, agents and all other persons acting or
24 purporting to act on her behalf.

25
26 4. As used herein, the term "COMPLAINT" refers to the Complaint filed by
27 Plaintiff on December 2, 2008 in the Superior Court of the State of California, County of Los
28 Angeles, Case No. BC403087.

1 5. As used herein, the term "COMMUNICATIONS" refers to the exchange of
2 information by any means including without limitation, telephone, telecopy, telex,
3 facsimile, electronic mail, or other electronic medium, or any other media, letter,
4 memorandum, notes or other writing method, meeting, discussion, conversation,
5 conference, telephone call or other form of verbal expression
6

7 **B. Instructions**
8

9 1. Documents Withheld

10 If any DOCUMENT is withheld under a claim of privilege or other protection,
11 so as to aid the Court and the parties hereto to determine the validity of the claim of privilege
12 or other protection, please provide the following information with respect to any such
13 DOCUMENT:
14

15 a. The identity of the person(s) who prepared the DOCUMENT, who
16 signed it, and over whose name it was sent or issued;
17

18 b. The identity of each person(s) to whom the DOCUMENT was directed;
19

20 c. The nature and substance of the DOCUMENT with sufficient
21 particularity to enable the Court and parties hereto to identify the DOCUMENT;
22

23 d. The date of the DOCUMENT;
24

25 e. The identity of each person(s) who has custody of, or control over the
26 DOCUMENT and each copy thereof;
27
28

1 f. The identity of each person(s) to whom copies of the DOCUMENT
2 were furnished;

3
4 g. The number of pages;

5
6 h. The basis on which any privilege or other protection is claimed; and

7
8 i. Whether any non-privileged or non-protected matter is included in the
9 DOCUMENT.

10
11 2. Partial Production

12
13 Whenever PLAINTIFF objects to a particular request, or portion thereof,
14 PLAINTIFF must produce all documents called for which are not subject to that objection.
15 Similarly, wherever a document is not produced in full, please state with particularity the
16 reason or reasons it is not being produced in full, and describe, to the best of PLAINTIFF'S
17 knowledge, information and belief and with as much particularity as possible, those portions
18 of the DOCUMENT which are not produced.

19
20 3. Orderly Response

21
22 Wherever it is reasonably practicable, please produce documents in such
23 manner as will facilitate their identification with the particular request or category of
24 requests to which they are responsive.

1 **REQUEST FOR PRODUCTION NO. 3:**

2 Any and all DOCUMENTS that support, evidence, refer or relate to
3 PLAINTIFF's third cause of action for Retaliation in violation of California Labor Code §
4 98.6.

5
6 **REQUEST FOR PRODUCTION NO. 4:**

7 Any and all DOCUMENTS that support, evidence, refer or relate to
8 PLAINTIFF's fourth cause of action for Wrongful Termination in Violation of Public
9 Policy.

10
11 **REQUEST FOR PRODUCTION NO. 5:**

12 Any and all DOCUMENTS that support, evidence, refer or relate to
13 PLAINTIFF's fifth cause of action for Retaliation.

14
15 **REQUEST FOR PRODUCTION NO. 6:**

16 Any and all DOCUMENTS that support, evidence, refer or relate to
17 PLAINTIFF's sixth cause of action for Failure to Pay Wages in Violation of California
18 Labor Code § 203.

19
20 **REQUEST FOR PRODUCTION NO. 7:**

21 Any and all DOCUMENTS that evidence, support, mention or refute any
22 allegation in the COMPLAINT.

23
24 **REQUEST FOR PRODUCTION NO. 8:**

25 All personal and/or business calendars, journals, diaries, notebooks, personal
26 notes, logs, appointment books or the like, possessed or maintained by, or on behalf of,
27 PLAINTIFF, from August 2006 to May 25, 2008.

28

1 **REQUEST FOR PRODUCTION NO. 9:**

2 Any and all DOCUMENTS that memorialize, evidence, mention, reference or
3 relate to YOUR employment with TRUMP, including, but not limited to, (a) performance
4 reviews; (b) descriptions of YOUR duties and responsibilities and positions held; (c) policies
5 and procedures regarding any and all aspects of YOUR employment with TRUMP;
6 (d) warnings, disciplines, commendations or any other documentation of YOUR work
7 performance; (e) correspondence to or from YOUR supervisor or superiors; and (f)
8 DOCUMENTS indicating the amount or level of YOUR compensation (including, but not
9 limited to, wages, bonuses, final paycheck and benefits).

10
11 **REQUEST FOR PRODUCTION NO. 10:**

12 Any and all DOCUMENTS that discuss, reference, relate or otherwise pertain
13 to any other lawsuits filed by PLAINTIFF or filed by others on PLAINTIFF's behalf, or any
14 other complaints, charges, grievances or other legal or equitable claims made by
15 PLAINTIFF, or made by others on PLAINTIFF's behalf, against an employer other than
16 TRUMP.

17
18 **REQUEST FOR PRODUCTION NO. 11:**

19 Any and all DOCUMENTS, including but not limited to journals, calendars,
20 logs, charts, diaries, or schedules that PLAINTIFF used to track or record the days on which
21 she did not take an uninterrupted meal period of at least 30 minutes.

22
23 **REQUEST FOR PRODUCTION NO. 12:**

24 Any and all DOCUMENTS, including but not limited to journals, calendars,
25 logs, charts, diaries, or schedules that PLAINTIFF used to track or record the days she
26 performed services as a Hostess for TRUMP.

1 **REQUEST FOR PRODUCTION NO. 13:**

2 Any and all DOCUMENTS, including but not limited to journals, calendars,
3 logs, charts, diaries, or schedules that PLAINTIFF used to track or record the amount of time
4 worked each shift as a Hostess for TRUMP.

5
6 **REQUEST FOR PRODUCTION NO. 14:**

7 Any and all DOCUMENTS, including but not limited to journals, calendars,
8 logs, charts, diaries, or schedules that PLAINTIFF used to track or record the amount of time
9 worked each shift as a Hostess for TRUMP.

10
11 **REQUEST FOR PRODUCTION NO. 15:**

12 Any and all DOCUMENTS that reflect the days on which PLAINTIFF claims
13 to have worked more than five (5) hours and contends that she did not take a 30-minute
14 uninterrupted meal period.

15
16 **REQUEST FOR PRODUCTION NO. 16:**

17 Any and all DOCUMENTS that reflect the days on which PLAINTIFF worked
18 more than ten (10) hours and contends that she did not take two 30-minute uninterrupted
19 meal periods.

20
21 **REQUEST FOR PRODUCTION NO. 17:**

22 Any and all DOCUMENTS that reflect the days on which PLAINTIFF worked
23 more than five (5) hours but less than (10) before taking a 30-minute uninterrupted meal
24 period.

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1 **REQUEST FOR PRODUCTION NO. 18:**

2 Any and all DOCUMENTS that reflect the days on which PLAINTIFF
3 contends that she was unable to take a 30-minute uninterrupted meal period because she was
4 interrupted by work.

5
6 **REQUEST FOR PRODUCTION NO. 19:**

7 Any and all DOCUMENTS that reflect the number of days PLAINTIFF
8 contends she did not take a 30-minute uninterrupted meal period to which she was otherwise
9 entitled.

10
11 **REQUEST FOR PRODUCTION NO. 20:**

12 Any and all DOCUMENTS that reflect the number of meal periods
13 PLAINTIFF contends she did not take and to which she was otherwise entitled.

14
15 **REQUEST FOR PRODUCTION NO. 21:**

16 Any and all DOCUMENTS memorializing, constituting, evidencing,
17 referencing or relating to any COMMUNICATIONS from PLAINTIFF to TRUMP in which
18 PLAINTIFF informed TRUMP that she was not taking or was unable to take one or more
19 30-minute uninterrupted meal periods.

20
21 **REQUEST FOR PRODUCTION NO. 22:**

22 Any and all DOCUMENTS evidencing, discussing, referencing or relating to
23 the identity of any person employed by TRUMP from January 20, 2006 to the present who
24 PLAINTIFF contends did not take one or more meal periods.

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1 **REQUEST FOR PRODUCTION NO. 23:**

2 Any and all DOCUMENTS evidencing, discussing, reflecting, referencing or
3 relating to the days on which meal periods were missed by any person employed by TRUMP
4 from January 20, 2006 to the present.

5
6 **REQUEST FOR PRODUCTION NO. 24:**

7 Any and all DOCUMENTS, including but not limited to journals, calendars,
8 logs, charts, diaries, or schedules that PLAINTIFF used to track or record the days on which
9 she did not take an uninterrupted rest break of at least 10 minutes to which she was otherwise
10 entitled.

11
12 **REQUEST FOR PRODUCTION NO. 25:**

13 Any and all DOCUMENTS that reflect the days on which PLAINTIFF
14 contends she did not take one or more 10-minute rest breaks to which she was otherwise
15 entitled.

16
17 **REQUEST FOR PRODUCTION NO. 26:**

18 Any and all DOCUMENTS that reflect the days on which PLAINTIFF
19 contends her 10-minute rest break was interrupted as a result of work.

20
21 **REQUEST FOR PRODUCTION NO. 27:**

22 Any and all DOCUMENTS that reflect the number of days on which
23 PLAINTIFF contends she did not take one or more 10-minute uninterrupted rest breaks to
24 which she was otherwise entitled.

25
26 **REQUEST FOR PRODUCTION NO. 28:**

27 Any and all DOCUMENTS that memorialize, constitute, evidence, reference
28 or relate to COMMUNICATIONS from PLAINTIFF to TRUMP in which PLAINTIFF

1 informs TRUMP that she was not taking or was unable to take one or more 10-minute rest
2 breaks to which she was otherwise entitled.

3
4 **REQUEST FOR PRODUCTION NO. 29:**

5 PLAINTIFF's mobile phone records (including bills) from August 2006 to
6 April 25, 2008.

7
8 **REQUEST FOR PRODUCTION NO. 30:**

9 Monthly statements for PLAINTIFF's major credit cards (including
10 Mastercard, Visa, American Express, Discover) from August 2006 to April 25, 2008.

11
12 **REQUEST FOR PRODUCTION NO. 31:**

13 Monthly statements for PLAINTIFF's primary checking account reflecting the
14 use of PLAINTIFF's debit card from August 2006 to April 25, 2008.

15
16 **REQUEST FOR PRODUCTION NO. 32:**

17 Any and all DOCUMENTS evidencing, discussing, referencing or relating to
18 the days on which 10-minute rest breaks were missed by any person employed by TRUMP
19 from January 2006 to the present.

20
21 **REQUEST FOR PRODUCTION NO. 33:**

22 Any and all DOCUMENTS memorializing, evidencing, discussing, referencing
23 or relating to payments that PLAINTIFF received from TRUMP from August 2006 to April
24 25, 2008.

1 **REQUEST FOR PRODUCTION NO. 34:**

2 Any and all DOCUMENTS constituting, memorializing, evidencing,
3 discussing, referencing or relating to any written policies regarding meal periods that
4 PLAINTIFF received from TRUMP.
5

6 **REQUEST FOR PRODUCTION NO. 35:**

7 Any and all DOCUMENTS constituting, memorializing, evidencing,
8 discussing, referencing or relating to any written policies regarding rest breaks that
9 PLAINTIFF received from TRUMP.
10

11 **REQUEST FOR PRODUCTION NO. 36:**

12 Any and all DOCUMENTS constituting, memorializing, evidencing,
13 reflecting, referencing or relating to COMMUNICATIONS from TRUMP to PLAINTIFF
14 regarding its meal period policy.
15

16 **REQUEST FOR PRODUCTION NO. 37:**

17 Any and all DOCUMENTS constituting, memorializing, evidencing,
18 reflecting, referencing or relating to COMMUNICATIONS from TRUMP to PLAINTIFF
19 regarding its rest break policy.
20

21 **REQUEST FOR PRODUCTION NO. 38:**

22 Any and all DOCUMENTS that memorialize, evidence, reflect, reference or
23 relate to any discussion(s) which PLAINTIFF has had with any individual concerning the
24 fact that PLAINTIFF is suing TRUMP.
25
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1 **REQUEST FOR PRODUCTION NO. 39:**

2 Any and all DOCUMENTS that memorialize, evidence, reflect, reference or
3 relate to any discussion(s) which PLAINTIFF has had with any individual concerning
4 PLAINTIFF's claim or belief that TRUMP harmed PLAINTIFF in any way.

5
6 **REQUEST FOR PRODUCTION NO. 40:**

7 Any and all DOCUMENTS that constitute, memorialize, evidence, reflect,
8 reference or relate to any COMMUNICATIONS from PLAINTIFF to putative class
9 members regarding the subject matter of this lawsuit.

10
11 **REQUEST FOR PRODUCTION NO. 41:**

12 Any and all DOCUMENTS that constitute, memorialize, evidence, reflect,
13 reference or relate to any COMMUNICATIONS from PLAINTIFF to TMZ.

14
15 **REQUEST FOR PRODUCTION NO. 42:**

16 Any and all DOCUMENTS that constitute, memorialize, evidence, reflect,
17 reference or relate to any COMMUNICATIONS from PLAINTIFF to any media outlet,
18 including but not limited to internet sites, newspapers, television stations, and radio stations.

19
20 **REQUEST FOR PRODUCTION NO. 43:**

21 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
22 PLAINTIFF's allegation in paragraph 7 of the COMPLAINT that "[a]t all relevant times,
23 Trump had an unwritten policy that prohibited its hostesses (and perhaps other employees)
24 from taking [] the ten minute breaks to which they were entitled upon having worked 4 hours
25"

1 **REQUEST FOR PRODUCTION NO. 44:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 7 of the COMPLAINT that "[a]t all relevant times,
4 Trump had an unwritten policy that prohibited its hostesses (and perhaps other employees)
5 from taking . . . the unpaid 30 minute breaks to which they were entitled upon working 5 or
6 more hours."

7
8 **REQUEST FOR PRODUCTION NO. 45:**

9 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
10 PLAINTIFF's allegation in paragraph 9 of the COMPLAINT that "[i]nitially and through
11 about June 20, 2007, Plaintiff worked a six hour shift between four to five days a week."

12
13 **REQUEST FOR PRODUCTION NO. 46:**

14 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
15 PLAINTIFF's allegation in paragraph 9 of the COMPLAINT that "[t]hereafter, Plaintiff
16 regularly worked an 8 hour shift (from 8 a.m. to 3 p.m.) five days a week."

17
18 **REQUEST FOR PRODUCTION NO. 47:**

19 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
20 PLAINTIFF's allegation in paragraph 10 of the COMPLAINT that "[t]hroughout her
21 employment, the golf club's managers would deny Plaintiff permission to take either the
22 meal breaks . . . or rest breaks . . . that California law requires for employees working an
23 eight hour day."

24
25 **REQUEST FOR PRODUCTION NO. 48:**

26 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
27 PLAINTIFF's allegation in paragraph 10 of the COMPLAINT that "[r]equests to managers
28

1 to take such breaks – including an (approximately) April 2008 request to manager Brian
2 Wolbers – were ignored.”

3
4 **REQUEST FOR PRODUCTION NO. 49:**

5 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
6 PLAINTIFF’s allegation in paragraph 10 of the COMPLAINT that “[a]s a result [of missing
7 meal periods or rest breaks], Plaintiff often had to work eight hours without being able to go
8 to the bathroom or to eat.”

9
10 **REQUEST FOR PRODUCTION NO. 50:**

11 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
12 PLAINTIFF’s allegation in paragraph 10 of the COMPLAINT that “[t]hroughout her
13 employment, the golf club’s managers would deny Plaintiff permission to take either the
14 meal breaks . . . or rest breaks . . . that California law requires for employees working an
15 eight hour day.”

16
17 **REQUEST FOR PRODUCTION NO. 51:**

18 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
19 PLAINTIFF’s allegation in paragraph 11 of the COMPLAINT that “[i]n April 2008 an
20 incident occurred when manager Brian Wolbers said he was going to change Plaintiff’s work
21 schedule by not having her work for several days when Donald Trump was scheduled to be
22 in on the premises.”

23
24 **REQUEST FOR PRODUCTION NO. 52:**

25 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
26 PLAINTIFF’s allegation in paragraph 11 of the COMPLAINT that “Mr. Wolbers told
27 Plaintiff he was doing this because Mr. Trump ‘likes to see fresh faces’ and ‘young girls.’”
28

1 **REQUEST FOR PRODUCTION NO. 53:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 10 of the COMPLAINT that "Plaintiff – age 45 at the
4 time – complained initially to a manager in the restaurant named Sue Kwiatkowski and then
5 to manager Lili Amini (an event coordinator who worked closely with the club's general
6 manager David Conforti), which resulted in her keeping her shift but also having Mr.
7 Wolbers loudly berate her for 'opening [her] mouth.'"

8
9 **REQUEST FOR PRODUCTION NO. 54:**

10 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
11 PLAINTIFF's allegation in paragraph 12 of the COMPLAINT that "[o]n April 21, 2008
12 Plaintiff was asked by manager Brian Wolbers to work overtime to receive training on new
13 restaurant reservation software that had been installed that day."

14
15 **REQUEST FOR PRODUCTION NO. 55:**

16 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
17 PLAINTIFF's allegation in paragraph 12 of the COMPLAINT that "Plaintiff objected
18 because (a) she had received no breaks (not even to go to the bathroom), was tired after
19 working eight hours on her feet, and wanted a break; and (b) she already has [sic] learned
20 that day how to operate the software from the persons who had installed it while she was on
21 duty."

22
23 **REQUEST FOR PRODUCTION NO. 56:**

24 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
25 PLAINTIFF's allegation in paragraph 12 of the COMPLAINT that "[t]his resulted in a
26 confrontation with Mr. Wolbers in which he publicly berated her in front of other employees
27 while eventually acquiescing and begrudgingly telling Plaintiff she could go home."

1 **REQUEST FOR PRODUCTION NO. 57:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 13 of the COMPLAINT that "[s]everal days later,
4 manager Wolbers falsely complained that Plaintiff had given notice of the resignation of her
5 employment and tried to coerce her (unsuccessfully) into signing a document stating that she
6 was quitting her job."
7

8 **REQUEST FOR PRODUCTION NO. 58:**

9 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
10 PLAINTIFF's allegation in paragraph 14 of the COMPLAINT that "Plaintiff then reported
11 the foregoing confrontation with manager Wolbers to Tom Sperandi, the head of Trump's
12 human resources department, and – when asked - said she wanted to keep her job and would
13 like that an investigation be conducted."
14

15 **REQUEST FOR PRODUCTION NO. 59:**

16 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
17 PLAINTIFF's allegation in paragraph 14 of the COMPLAINT that "Mr. Sperandio, who had
18 the authority to hire or fire employees or set company policy, was a managing agent of
19 Trump, agreed to do [conduct an investigation]."
20

21 **REQUEST FOR PRODUCTION NO. 60:**

22 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
23 PLAINTIFF's allegation in paragraph 14 of the COMPLAINT that "Trump fired Plaintiff a
24 week later and said that no investigation had been conducted because manager Wolbers
25 allegedly was not willing to participate."
26
27
28

1 **REQUEST FOR PRODUCTION NO. 61:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 15 of the COMPLAINT that "[a]fter Plaintiff was
4 fired, it took about a week for her to receive her final paycheck."

5
6 **REQUEST FOR PRODUCTION NO. 62:**

7 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
8 PLAINTIFF's allegation in paragraph 15 of the COMPLAINT that PLAINTIFF'S final
9 paycheck "did not include any time for vacation pay that should have accrued."

10
11 **REQUEST FOR PRODUCTION NO. 63:**

12 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
13 PLAINTIFF's allegation in paragraph 17 of the COMPLAINT that "Trump regularly forced
14 Plaintiff and other employees at its golf club to work without being able to take an
15 uninterrupted 30 minute meal break."

16
17 **REQUEST FOR PRODUCTION NO. 64:**

18 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
19 PLAINTIFF's allegation in paragraph 17 of the COMPLAINT that "Trump regularly refused
20 to let Plaintiff and its other employees take the full paid 10 minute rest breaks to which they
21 were entitled for every 4 hours worked"

22
23 **REQUEST FOR PRODUCTION NO. 65:**

24 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
25 PLAINTIFF's allegation in paragraph 19 of the COMPLAINT that "Plaintiff and other class
26 members are entitled to recover an hour's pay for each missed break"

27
28

1 **REQUEST FOR PRODUCTION NO. 66:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 22 of the COMPLAINT that "[t]here are common
4 questions of law and fact as to the class which predominate over questions affecting only
5 individual members"

6
7 **REQUEST FOR PRODUCTION NO. 67:**

8 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
9 PLAINTIFF's allegation in paragraph 23 of the COMPLAINT that "[t]he wage claims of
10 Plaintiff pled as class action claims are typical of the claims of all members of the class."

11
12 **REQUEST FOR PRODUCTION NO. 68:**

13 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
14 PLAINTIFF's allegation in paragraph 23 of the COMPLAINT that "Plaintiff, as a
15 representative party, will fairly and adequately protect the interests of the class by vigorously
16 pursuing this suit through her lawyers,"

17
18 **REQUEST FOR PRODUCTION NO. 69:**

19 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
20 PLAINTIFF's allegation in paragraph 23 of the COMPLAINT that PLAINTIFF's lawyers
21 are "skilled and experienced in handling matters of this type."

22
23 **REQUEST FOR PRODUCTION NO. 70:**

24 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
25 PLAINTIFF's allegation in paragraph 24 of the COMPLAINT that "[a] class action is
26 superior to other available means for the fair and efficient adjudication of this dispute."
27
28

1 **REQUEST FOR PRODUCTION NO. 71:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 24 of the COMPLAINT that "[t]he damages suffered
4 by each individual member likely will be relatively small, especially given the burden and
5 expense of the individual prosecution of the complex litigation necessitated by Trump's
6 conduct."

7
8 **REQUEST FOR PRODUCTION NO. 72:**

9 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
10 PLAINTIFF's allegation in paragraph 24 of the COMPLAINT that "it would be
11 impracticable if not virtually impossible for the class members individually to effectively
12 redress the wrongs done to them."

13
14 **REQUEST FOR PRODUCTION NO. 73:**

15 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
16 PLAINTIFF's allegation in paragraph 24 of the COMPLAINT that "[i]ndividualized actions
17 present the potential for inconsistent or contradictory judgments."

18
19 **REQUEST FOR PRODUCTION NO. 74:**

20 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
21 PLAINTIFF's allegation in paragraph 29 of the COMPLAINT that "[b]y engaging in the
22 aforementioned unfair business acts and practices, Trump and the defendants enriched
23 themselves at the expense of Plaintiff and the Plaintiff Class and gained an unfair advantage
24 over its competitors and employees."

25
26 **REQUEST FOR PRODUCTION NO. 75:**

27 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
28 PLAINTIFF's allegation in paragraph 30 of the COMPLAINT that "[a]s a result of its unfair

1 business practices, [TRUMP has] reaped unfair benefits and illegal profits at the expense of
2 Plaintiff and its other current and former employees that comprise the Plaintiff Class.”

3
4 **REQUEST FOR PRODUCTION NO. 76:**

5 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
6 PLAINTIFF’s allegation in paragraph 31 of the COMPLAINT that “[t]he foregoing unfair
7 business practices of Trump [] entitle Plaintiff and the class to seek preliminary and
8 permanent injunctive relief.”

9
10 **REQUEST FOR PRODUCTION NO. 77:**

11 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
12 PLAINTIFF’s allegation in paragraph 39 of the COMPLAINT that TRUMP terminated
13 PLAINTIFF’s employment because she “opposed and objected to the foregoing violations of
14 the Labor Code or the foregoing age discrimination.”

15
16 **REQUEST FOR PRODUCTION NO. 78:**

17 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
18 PLAINTIFF’s allegation in paragraph 40 of the COMPLAINT that “[t]he termination of
19 [PLAINTIFF’s] employment also caused Plaintiff to suffer significant emotional distress and
20 depression”

21
22 **REQUEST FOR PRODUCTION NO. 79:**

23 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
24 PLAINTIFF’s allegation in paragraph 43 of the COMPLAINT that PLAINTIFF opposed
25 “Trump’s use of age as a primary basis in making staffing decisions and reducing her
26 scheduled hours.”

1 **REQUEST FOR PRODUCTION NO. 80:**

2 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
3 PLAINTIFF's allegation in paragraph 44 of the COMPLAINT that "Trump fired
4 [PLAINTIFF] in retaliation for her having opposed the foregoing age discrimination."
5

6 **REQUEST FOR PRODUCTION NO. 81:**

7 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
8 PLAINTIFF's allegation in paragraph 45 of the COMPLAINT that "[PLAINTIFF] submitted
9 a complaint regarding the foregoing conduct to the California Department of Fair
10 Employment and Housing and received a right to sue letter,"
11

12 **REQUEST FOR PRODUCTION NO. 82:**

13 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
14 PLAINTIFF's allegation in paragraph 46 of the COMPLAINT that "[a]s a result of
15 [PLAINTIFF's] unlawful termination of her employment, Plaintiff has suffered lost income
16 damages in an amount to be proved at trial but already believed to exceed \$15,000."
17

18 **REQUEST FOR PRODUCTION NO. 83:**

19 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
20 PLAINTIFF's allegation in paragraph 10 of the COMPLAINT that "[t]he termination f her
21 employment also caused Plaintiff to suffer significant emotional distress,"
22

23 **REQUEST FOR PRODUCTION NO. 84:**

24 Any and all DOCUMENTS that evidence, support, refute, refer or relate to
25 PLAINTIFF's allegation in paragraph 10 of the COMPLAINT that TRUMP failed to pay
26 PLAINTIFF "all accrued wages on the same day [it] fired her."
27
28

1 **REQUEST FOR PRODUCTION NO. 85:**

2 Any and all DOCUMENTS that memorialize, evidence, mention, reference or relate
3 to any economic damages PLAINTIFF alleges to have suffered, including past and future
4 pay and benefit loss, as a result of the alleged conduct attributed to TRUMP.
5

6 **REQUEST FOR PRODUCTION NO. 86:**

7 Any and all DOCUMENTS that memorialize, evidence, mention, reference or relate
8 to any emotional distress PLAINTIFF alleges to have suffered as a result of the conduct
9 attributed to TRUMP (including but not limited to any medical or psychiatric records).
10

11 **REQUEST FOR PRODUCTION NO. 87:**

12 Any and all DOCUMENTS that memorialize, evidence, mention, reference or relate
13 to any treatment PLAINTIFF has sought or received for any emotional distress PLAINTIFF
14 alleges to have suffered as a result of the conduct attributed to TRUMP (including any
15 prescriptions, medical or psychiatric records as well as any invoices or documents reflecting
16 payment for expenses incurred in seeking such treatment).
17

18 **REQUEST FOR PRODUCTION NO. 88:**

19 All DOCUMENTS that memorialize, evidence, mention, reference or relate to
20 PLAINTIFF's: (a) receipt of wages, salaries, commissions, fees, earnings, wage statements,
21 unemployment insurance payments, disability insurance payments, or any other financial
22 benefits in any form after April 25, 2008; (b) application for receipt of any financial benefit
23 from any municipal, county, state or federal agency including, but not limited to,
24 unemployment benefits, disability benefits or social security benefits; and (c) denial or
25 approval of eligibility for any financial benefit for which you applied after April 25, 2008.
26
27
28

1 **REQUEST FOR PRODUCTION NO. 89:**

2 All DOCUMENTS that memorialize, evidence, mention, reference or relate to
3 PLAINTIFF's employment, application for employment, or attempt to secure employment
4 with any individual, partnership, corporation, government entity or other employer after
5 April 25, 2008.
6

7 **REQUEST FOR PRODUCTION NO. 90:**

8 Any and all DOCUMENTS that memorialize, evidence, mention, reference or relate
9 to the start date, terms and condition of employment, and compensation provided to
10 PLAINTIFF for any employment PLAINTIFF has obtained since the termination of
11 PLAINTIFF's employment with TRUMP.
12

13 **REQUEST FOR PRODUCTION NO. 91:**

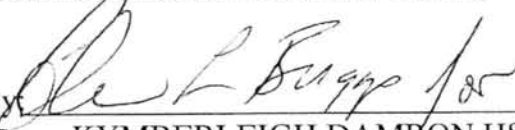
14 All of PLAINTIFF'S completed state and federal income tax returns for 2006, 2007,
15 2008, 2009, and 2010, including 1040 forms and all schedules filed therewith.
16

17 **REQUEST FOR PRODUCTION NO. 92:**

18 All of PLAINTIFF'S federal W-2 forms for 2006, 2007, 2008, 2009 and 2010.
19

20 DATED: September 30, 2010

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
KYMBERLEIGH DAMRON-HSIAO

21
22
23 By 

24 KYMBERLEIGH DAMRON HSIAO

25 Attorneys for Defendant
26 VH PROPERTY CORP., dba TRUMP
27 NATIONAL GOLF CLUB
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

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 business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, California 92618.

On **October 1, 2010**, I served the foregoing document(s) described as: **DEFENDANT VH PROPERTY CORP.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF LUCY MESSERSCHMIDT** on the interested parties by placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

Jeffrey W. Cowan
The Cowan Law Firm
1541 Ocean Avenue, Suite 200
Santa Monica, CA 90401-1204
Telephone: (310) 394-1420
Facsimile: (310) 394-1430

Anthony J. Orshansky
David H. Yeremian
ORSHANSKY & YEREMIAN LLP
16133 Ventura Boulevard
Suite 1245
Encino, CA 91436
T: 818.205.1212
F: 818.205.1616

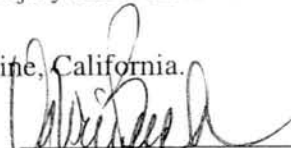
BY MAIL: I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs Winter LLP for collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Irvine, 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.

BY FACSIMILE: I caused said document(s) to be transmitted to a facsimile machine maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said facsimile number(s) are the most recent numbers appearing on documents filed and served by the addressee(s). I received electronic confirmation from the facsimile machine that said document was successfully transmitted without error. A copy of said electronic confirmation is maintained in this office.

BY OVERNIGHT DELIVERY: I am readily familiar with the practice of Hodel Briggs Winter LLP for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by the overnight delivery service for overnight delivery.

STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **October 1, 2010**, at Irvine, California.



Valerie Beechler

EXHIBIT 28

1 GLENN L. BRIGGS (SB#174497)
gbriggs@hbwillp.com
2 KYMBERLEIGH DAMRON-HSIAO (SB#240508)
kdamronhsiao@hbwillp.com
3 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive
4 Suite 1400
Irvine, CA 92618
5 T: 949.450.8040
F: 949.450.8033

6 Attorneys for Defendant
7 VH PROPERTY CORP., dba TRUMP NATIONAL GOLF
CLUB

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10
11 LUCY MESSERSCHMIDT, on behalf
of herself and others similarly situated,
12 Plaintiffs,

13 Plaintiff,

14 v.

15 VH PROPERTY CORPORATION,
doing business as TRUMP NATIONAL
16 GOLF CLUB, and DOES 1 to 100,

17 Defendants.

Case No. **BC403037**

[Assigned to the Honorable Mark V.
Mooney. Judge – Department 68]

**DEFENDANT VH PROPERTY
CORP.'S SECOND SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF LUCY
MESSERSCHMIDT**

Trial Date: None Set
Complaint Filed: December 2, 2008

18
19 PROPOUNDING PARTY: Defendant, VH PROPERTY CORP., dba TRUMP
NATIONAL GOLF CLUB

20 RESPONDING PARTY: Plaintiff, LUCY MESSERSCHMIDT

21 SET NUMBER: TWO

1 Pursuant to California Civil Procedure Code Section 2031.010, *et seq.*, defendant VH
2 PROPERTY CORP., dba TRUMP NATIONAL GOLF CLUB (hereinafter “Trump”), hereby
3 demands that plaintiff Lucy Messerschmidt (“Plaintiff”) produce for inspection and copying
4 at 10:00 a.m., on November 1, 2010, at the offices of Hodel Briggs Winter LLP, 8105 Irvine
5 Center Drive, Suite 1400, Irvine, California 92618, all documents within the scope of the
6 following requests for production of documents which are within the possession, custody,
7 and control of Plaintiff, or his agents, representatives, investigators, auditors or attorneys.
8 The inspection will continue from day to day thereafter at the same location for a reasonable
9 period so as to allow completion of the inspection and copying. Alternatively, true legible
10 copies may be provided at that time.

11
12 Furthermore, Plaintiff is required, pursuant to California Civil Procedure Code
13 Section 2031.010, *et seq.*, to serve upon the undersigned a written response within thirty (30)
14 days after service of this request.

15
16 Plaintiff’s responses must specially identify the documents, papers, books, accounts,
17 letters, photographs, objects or other tangible things which relate to each numbered request.
18 In addition, Plaintiff must state that inspection or copying will be permitted as requested, or
19 state specific objection as to why such inspection and copying will not be permitted.

20 21 INSTRUCTIONS

22 **A. Definitions**

23
24 1. As used herein, the terms “DOCUMENT” or “DOCUMENTS” mean all media
25 on which information is recorded or stored, including, but not limited to, any kind of written,
26 typewritten, printed, handwritten or otherwise recorded material whatsoever, any notes,
27 memoranda, charges, complaints, claims, affidavits, statements, papers, files, forms, data,
28 tapes, cassettes, disks, magnetic cards, printouts, letters, reports, summaries, compilations,

1 chronicles, publications, books, manuals, handbooks, certificates, minutes, agenda,
2 communications, contracts, agreements, telegrams, teletypes, telefax, records,
3 correspondence, diaries, calendars, appointment books, logs, audio and/or video recordings
4 and transcriptions of recordings, microfilm, microfiche, electronic records or representations
5 of any kind, including electronic mail (e-mail), information stored on computer or any type
6 of computer readable storage media and capable of being reproduced by printed
7 representation of any form, whether or not ever printed out or displayed, and including file
8 memos, directories and distribution lists, graphs, charts, photographs, pictures, diagrams, or
9 any other writing, however produced or reproduced, and further includes, without limitation,
10 originals, all file copies, all other copies, no matter how prepared, and all drafts prepared in
11 connection with such documents whether or not used, within the possession, custody, and/or
12 control of Plaintiff, or her agents, attorneys, physicians, psychologists, psychiatrists,
13 accountants, counselors and/or any other persons who may act on his behalf, excepting only
14 those documents which are privileged or otherwise protected from discovery, as to which the
15 claim of privilege or protection is specifically stated by written notice to Trump.

16
17 2. As used herein, the term "DEFENDANT" or "TRUMP" refers to defendant
18 VH PROPERTY CORP., dba TRUMP NATIONAL GOLF CLUB and/or to any past or
19 present officers, directors, employees and/or agents of said-named entities, and/or all of its
20 respective divisions, subsidiaries, affiliated or related or predecessor companies.

21
22 3. As used herein, the terms "PLAINTIFF," "YOU" and "YOUR" refers to
23 plaintiff Lucy Messerschmidt and/or her attorneys, agents and all other persons acting or
24 purporting to act on her behalf.

25
26 4. As used herein, the term "COMPLAINT" refers to the Complaint filed by
27 Plaintiff on December 2, 2008 in the Superior Court of the State of California, County of Los
28 Angeles, Case No. BC403087.

1 5. As used herein, the term "COMMUNICATIONS" refers to the exchange of
2 information by any means including without limitation, telephone, telecopy, telex, facsimile,
3 electronic mail, or other electronic medium, or any other media, letter, memorandum, notes
4 or other writing method, meeting, discussion, conversation, conference, telephone call or
5 other form of verbal expression
6

7 **B. Instructions**
8

9 1. Documents Withheld
10

11 If any DOCUMENT is withheld under a claim of privilege or other protection,
12 so as to aid the Court and the parties hereto to determine the validity of the claim of privilege
13 or other protection, please provide the following information with respect to any such
14 DOCUMENT:
15

16 a. The identity of the person(s) who prepared the DOCUMENT, who
17 signed it, and over whose name it was sent or issued;
18

19 b. The identity of each person(s) to whom the DOCUMENT was directed;
20

21 c. The nature and substance of the DOCUMENT with sufficient
22 particularity to enable the Court and parties hereto to identify the DOCUMENT;
23

24 d. The date of the DOCUMENT;
25

26 e. The identity of each person(s) who has custody of, or control over the
27 DOCUMENT and each copy thereof;
28

1 f. The identity of each person(s) to whom copies of the DOCUMENT
2 were furnished;

3
4 g. The number of pages;

5
6 h. The basis on which any privilege or other protection is claimed; and

7
8 i. Whether any non-privileged or non-protected matter is included in the
9 DOCUMENT.

10
11 2. Partial Production

12
13 Whenever PLAINTIFF objects to a particular request, or portion thereof,
14 PLAINTIFF must produce all documents called for which are not subject to that objection.
15 Similarly, wherever a document is not produced in full, please state with particularity the
16 reason or reasons it is not being produced in full, and describe, to the best of PLAINTIFF'S
17 knowledge, information and belief and with as much particularity as possible, those portions
18 of the DOCUMENT which are not produced.

19
20 3. Orderly Response

21
22 Wherever it is reasonably practicable, please produce documents in such
23 manner as will facilitate their identification with the particular request or category of
24 requests to which they are responsive.

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4. Construction of “And” and “Or”

As used herein, the words “and” and “or” shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

5. Construction of the Singular and Plural Forms

As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

II.
REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 93:

Any and all DOCUMENTS that constitute, memorialize, evidence, mention, reference or relate to any declarations, affidavits, or statements, in any form, obtained or received by PLAINTIFF or PLAINTIFF’s attorneys from any individual regarding any or all allegations in the COMPLAINT.

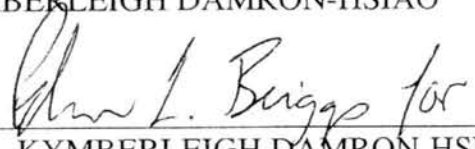
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REQUEST FOR PRODUCTION NO. 94:

Any and all DOCUMENTS referenced in PLAINTIFF's responses to Special Interrogatories, Set One.

DATED: September 30, 2010

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
KYMBERLEIGH DAMRON-HSIAO

By:  for

KYMBERLEIGH DAMRON-HSIAO

Attorneys for Defendant
VH PROPERTY CORP., dba TRUMP
NATIONAL GOLF CLUB

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)
3 COUNTY OF ORANGE) ss:

4 I am employed in the County of Orange, State of California. I am over the age of 18, and
5 not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine
Center Drive, Suite 1400, Irvine, California 92618.

6 On **October 1, 2010**, I served the foregoing document(s) described as: **DEFENDANT**
7 **VH PROPERTY CORP.'S SECOND SET OF REQUESTS FOR PRODUCTION OF**
8 **DOCUMENTS TO PLAINTIFF LUCY MESSERSCHMIDT** on the interested parties by
placing a true and correct copy thereof in a sealed envelope(s) addressed as follows:

9 Jeffrey W. Cowan
10 The Cowan Law Firm
11 1541 Ocean Avenue, Suite 200
12 Santa Monica, CA 90401-1204
13 Telephone: (310) 394-1420
14 Facsimile: (310) 394-1430

Anthony J. Orshansky
David H. Yeremian
ORSHANSKY & YEREMIAN LLP
16133 Ventura Boulevard
Suite 1245
Encino, CA 91436
T: 818.205.1212
F: 818.205.1616

15 **BY MAIL:** I caused such envelope, with postage thereon fully prepaid, to be placed in the
16 United States mail at Irvine, California. I am readily familiar with the practice of Hodel Briggs
17 Winter LLP for collection and processing correspondence for mailing. Under that practice, it
18 would be deposited with the United States Postal Service on that same day with postage thereon
19 fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion
20 of the party served, service is presumed invalid if postal cancellation date or postage meter date
21 is more than one day after date of deposit for mailing in affidavit.

22 **BY FACSIMILE:** I caused said document(s) to be transmitted to a facsimile machine
23 maintained by the office of the addressee(s) at the facsimile machine number(s) indicated. Said
24 facsimile number(s) are the most recent numbers appearing on documents filed and served by
25 the addressee(s). I received electronic confirmation from the facsimile machine that said
26 document was successfully transmitted without error. A copy of said electronic confirmation is
27 maintained in this office.

28 **BY OVERNIGHT DELIVERY:** I am readily familiar with the practice of Hodel Briggs
Winter LLP for the collection and processing of correspondence for overnight delivery and
know that the document(s) described herein will be deposited in a box or other facility regularly
maintained by the overnight delivery service for overnight delivery.

STATE: I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on **October 1, 2010**, at Irvine, California.



Valerie Beechler

EXHIBIT 29

1 GLENN L. BRIGGS (SB# 174497)
2 S. SEAN SHAHABI (SB# 204710)
3 HODEL BRIGGS WINTER LLP
4 8105 Irvine Center Drive, Suite 1400
Irvine, CA 92618
Telephone: (949) 450-8040
Facsimile: (949) 450-8033

5 Attorneys for Defendant,
[REDACTED]

6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 [REDACTED],
12 Plaintiff,
13 v.
14 [REDACTED], a
15 corporation, [REDACTED], a
16 corporation, [REDACTED], a
17 corporation, [REDACTED], a corporation, and
[REDACTED], inclusive,
18 Defendants.

CASE NO. [REDACTED]
[REDACTED]
[REDACTED]

DEFENDANT [REDACTED]
**FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF** [REDACTED]

19
20
21 PROPOUNDING PARTY: DEFENDANT [REDACTED]
22 RESPONDING PARTY: PLAINTIFF [REDACTED]
23 SET NO.: ONE (1)
24 NUMBERS: 1 - 74
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1 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
2 [REDACTED] requests that Plaintiff [REDACTED] produce,
3 for inspection and copying, the documents or other tangible things described below that
4 are in Plaintiff's possession, custody or control. [REDACTED] requests that the production,
5 inspection and copying of such documents or other tangible things take place on
6 [REDACTED] at 9:30 a.m., at the law offices of Hodel Briggs Winter LLP, 8105
7 Irvine Center Drive, Suite 1400, Irvine, California 92618. The demand may be complied
8 with by delivering, on or before [REDACTED] copies of responsive documents
9 (verified as true and correct) to counsel for [REDACTED] at the law offices of Hodel Briggs
10 Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, California 92618, with the
11 understanding that [REDACTED] reserves the right to inspect the originals upon request.

12
13 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff shall
14 serve a written response subscribed under oath on or before November 30, 2004, thirty
15 (30) days after service of this demand plus three (3) days for mailing.

16
17 Plaintiff's responses must specially identify the documents, papers, books,
18 accounts, letters, photographs, objects or other tangible things which relate to each
19 numbered request. In addition, Plaintiff must state that inspection or copying will be
20 permitted as requested, or state specific objection as to why such inspection and copying
21 will not be permitted.

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I.

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. As used herein, the terms "DOCUMENT" or "DOCUMENTS" mean all media on which information is recorded or stored, including, but not limited to, any kind of written, typewritten, printed, handwritten or otherwise recorded material whatsoever, any notes, memoranda, charges, complaints, claims, affidavits, statements, papers, files, forms, data, tapes, cassettes, disks, magnetic cards, printouts, letters, reports, summaries, compilations, chronicles, publications, books, manuals, handbooks, certificates, minutes, agenda, communications, contracts, agreements, telegrams, teletypes, telefax, records, correspondence, diaries, calendars, appointment books, logs, audio and/or video recordings and transcriptions of recordings, microfilm, microfiche, electronic records or representations of any kind, including electronic mail (e-mail), information stored on computer or any type of computer readable storage media and capable of being reproduced by printed representation of any form, whether or not ever printed out or displayed, and including file memos, directories and distribution lists, graphs, charts, photographs, pictures, diagrams, or any other writing, however produced or reproduced, and further includes, without limitation, originals, all file copies, all other copies, no matter how prepared, and all drafts prepared in connection with such documents whether or not used, within the possession, custody, and/or control of Plaintiff, or his/her agents, attorneys, physicians, psychologists, psychiatrists, counselors and/or any other persons who may act on his/her behalf, excepting only those documents which are privileged or otherwise protected from discovery, as to which the claim of privilege or protection is specifically stated by written notice to [REDACTED]

1 b. The identity of each person(s) to whom the DOCUMENT was
2 directed;

3
4 c. The nature and substance of the DOCUMENT with sufficient
5 particularity to enable the Court and parties hereto to identify the DOCUMENT;

6
7 d. The date of the DOCUMENT;

8
9 e. The identity of each person(s) who has custody of, or control over the
10 DOCUMENT and each copy thereof;

11
12 f. The identity of each person(s) to whom copies of the DOCUMENT
13 were furnished;

14
15 g. The number of pages;

16
17 h. The basis on which any privilege or other protection is claimed; and

18
19 i. Whether any non-privileged or non-protected matter is included in
20 the DOCUMENT.

21
22 2. Partial Production

23
24 Whenever PLAINTIFF objects to a particular request, or portion thereof,
25 PLAINTIFF must produce all documents called for which are not subject to that
26 objection. Similarly, wherever a document is not produced in full, please state with
27 particularity the reason or reasons it is not being produced in full, and describe, to the best
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1 of PLAINTIFF'S knowledge, information and belief and with as much particularity as
2 possible, those portions of the DOCUMENT which are not produced.

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3. Orderly Response

Wherever it is reasonably practicable, please produce documents in such manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. Construction of "And" and "Or"

As used herein, the words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

5. Construction of the Singular and Plural Forms

As used herein, the singular form shall include the plural and vice versa whenever such dual construction will serve to bring within the scope of this request any documents which would otherwise not be brought within its scope.

1 II.

2 REQUESTS FOR PRODUCTION OF DOCUMENTS

3
4 REQUEST FOR PRODUCTION NO. 1:

5 Any and all DOCUMENTS, including, applications, forms, correspondence,
6 letters, memoranda, records, notes or documents of any nature, transmitted by
7 PLAINTIFF to [REDACTED]

8
9 REQUEST FOR PRODUCTION NO. 2:

10 Any and all DOCUMENTS, including, applications, forms, correspondence,
11 letters, memoranda, records, notes or documents of any nature, received by PLAINTIFF
12 from [REDACTED].

13
14 REQUEST FOR PRODUCTION NO. 3:

15 Any and all DOCUMENTS, including, applications, forms, correspondence,
16 letters, memoranda, records, notes or documents of any nature, transmitted by
17 PLAINTIFF to defendants [REDACTED]

18 [REDACTED]
19
20 REQUEST FOR PRODUCTION NO. 4:

21 Any and all DOCUMENTS, including, applications, forms, correspondence,
22 letters, memoranda, records, notes or documents of any nature, received by PLAINTIFF
23 from defendants [REDACTED]

24 [REDACTED]
25
26 REQUEST FOR PRODUCTION NO. 5:

27 All personal and/or business calendars, journals, diaries, notebooks,
28 personal notes, logs, appointment books or the like, possessed or maintained by, or on

1 behalf of, PLAINTIFF, from the date PLAINTIFF first applied for employment with
2 [REDACTED] through the date PLAINTIFF serves his responses to these Requests.

3
4 REQUEST FOR PRODUCTION NO. 6:

5 Any and all DOCUMENTS which in any way evidence, relate, or otherwise
6 pertain to conversations or other communications with, or statements by [REDACTED] or any
7 present or former employees, officers, or agents of [REDACTED] relating in any manner to
8 [REDACTED]

9
10 REQUEST FOR PRODUCTION NO. 7:

11 Any and all DOCUMENTS which in any way evidence, relate, or otherwise
12 pertain to conversations or other communications with, or statements by defendants [REDACTED]
13 [REDACTED]

14 [REDACTED] or any present or former employees, officers, or agents of defendants
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18
19 REQUEST FOR PRODUCTION NO. 8:

20 Any and all DOCUMENTS that evidence, relate, or refer to any damages or
21 injuries sustained by PLAINTIFF to which PLAINTIFF contends he is entitled to redress
22 in this lawsuit.

23
24 REQUEST FOR PRODUCTION NO. 9:

25 Any and all DOCUMENTS PLAINTIFF submitted to the California
26 Department of Fair Employment and Housing ("DFEH") in connection with any claim
27 PLAINTIFF initiated with the DFEH based on the allegations set forth in PLAINTIFF'S
28 COMPLAINT.

1 REQUEST FOR PRODUCTION NO. 10:

2 Any and all DOCUMENTS PLAINTIFF received from the DFEH in
3 connection with any claim PLAINTIFF initiated with the DFEH based on the allegations
4 set forth in PLAINTIFF'S COMPLAINT.

5
6 REQUEST FOR PRODUCTION NO. 11:

7 Any and all DOCUMENTS PLAINTIFF submitted to the United States
8 Equal Employment Opportunity Commission ("EEOC") in connection with any claim
9 PLAINTIFF initiated with the EEOC based on the allegations set forth in PLAINTIFF'S
10 COMPLAINT.

11
12 REQUEST FOR PRODUCTION NO. 12:

13 Any and all DOCUMENTS PLAINTIFF received from the EEOC in
14 connection with any claim PLAINTIFF initiated with the EEOC based on the allegations
15 set forth in PLAINTIFF'S COMPLAINT.

16
17 REQUEST FOR PRODUCTION NO. 13:

18 Any and all DOCUMENTS PLAINTIFF submitted to any government
19 agency (other than the DFEH or EEOC) in connection with any claim PLAINTIFF
20 initiated with the government agency based on the allegations set forth in PLAINTIFF'S
21 COMPLAINT.

22
23 REQUEST FOR PRODUCTION NO. 14:

24 Any and all DOCUMENTS PLAINTIFF received from any government
25 agency (other than the DFEH or EEOC) in connection with any claim PLAINTIFF
26 initiated with the government agency based on the allegations set forth in PLAINTIFF'S
27 COMPLAINT.

28

1 REQUEST FOR PRODUCTION NO. 15:

2 Any and all DOCUMENTS, including but not limited to, any bills,
3 statements, reports, canceled checks or receipts, which evidence payment by YOU, or any
4 person acting on YOUR behalf, to any doctor, psychiatrist, psychologist, chiropractor or
5 other health care provider, for consultation, treatment or services rendered as a
6 consequence of the events alleged in YOUR COMPLAINT.

7
8 REQUEST FOR PRODUCTION NO. 16:

9 Any and all DOCUMENTS that evidence, refer or relate to any
10 communications between YOU and any doctor, psychiatrist, psychologist, chiropractor,
11 social worker or any other person who provided counseling and/or medical treatment to
12 YOU from January, 2000 to the present.

13
14 REQUEST FOR PRODUCTION NO. 17:

15 Any and all DOCUMENTS relating to any communications between YOU
16 and any insurance carrier or group health organization concerning medical treatment,
17 physical injuries, mental or emotional distress, or disability, from January, 2000 to the
18 present.

19
20 REQUEST FOR PRODUCTION NO. 18:

21 Any and all DOCUMENTS that evidence, relate to or in any way show
22 YOUR efforts to obtain employment, from [REDACTED] to the present, including, but
23 not limited to, resumes, job applications, notes, and letters to and from any prospective
24 employer and/or any employment agency.

25
26 REQUEST FOR PRODUCTION NO. 19:

27 Any and all DOCUMENTS that evidence, refer, or relate to any offers of
28 employment YOU received, from [REDACTED] to the present.

2034-1

1 REQUEST FOR PRODUCTION NO. 20:

2 Any and all DOCUMENTS that evidence, refer, or relate to any offers of
3 employment that YOU declined, from [REDACTED] to the present.
4

5 REQUEST FOR PRODUCTION NO. 21:

6 Any and all DOCUMENTS, including but not limited to receipts, deposit
7 slips, check stubs, W-2 forms, 1099 forms and monthly banking statements) that evidence,
8 refer, or relate to all income or monies YOU earned or received in employment, self-
9 employment, from YOUR labor union, or otherwise, whether wages, gifts, loans or
10 passively earned income, from [REDACTED] to the present.
11

12 REQUEST FOR PRODUCTION NO. 22:

13 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
14 receipt of unemployment benefits, if any, from the time YOU applied for employment
15 with [REDACTED] in [REDACTED] to the present.
16

17 REQUEST FOR PRODUCTION NO. 23:

18 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
19 receipt of workers' compensation benefits, if any, from the time YOU applied for
20 employment with [REDACTED] in [REDACTED] to the present.
21

22 REQUEST FOR PRODUCTION NO. 24:

23 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
24 receipt of disability benefits, if any, from the time YOU applied for employment with
25 [REDACTED] to the present.
26
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1 REQUEST FOR PRODUCTION NO. 25:

2 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
3 receipt of social security benefits, if any, from the time YOU applied for employment with
4 [REDACTED] in [REDACTED] to the present.
5

6 REQUEST FOR PRODUCTION NO. 26:

7 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
8 receipt of retirement benefits, if any, from the time YOU applied for employment with
9 [REDACTED] in [REDACTED] to the present.
10

11 REQUEST FOR PRODUCTION NO. 27:

12 Any and all DOCUMENTS, that evidence, refer or relate to any claim for or
13 receipt of monies and/or benefits from YOUR labor union, if any, from the time YOU
14 applied for employment with [REDACTED] in [REDACTED] to the present.
15

16 REQUEST FOR PRODUCTION NO. 28:

17 Any and all DOCUMENTS which in any way discuss, relate to, or
18 otherwise support the allegation in Paragraph 8 of the COMPLAINT that [REDACTED]
19 [REDACTED] is an individual with a physical disability as that term is defined by California
20 Government Code Section 12926.”
21

22 REQUEST FOR PRODUCTION NO. 29:

23 Any and all DOCUMENTS which in any way discuss, relate to, or
24 otherwise support the allegation in Paragraph 9 of the COMPLAINT that “[o]n or about
25 [REDACTED]
26 [REDACTED]
27
28

1 REQUEST FOR PRODUCTION NO. 30:

2 Any and all DOCUMENTS which in any way discuss, relate to, or
3 otherwise support the allegation in Paragraph 9 of the COMPLAINT that "MR.
4 [REDACTED] was interviewed by defendant [REDACTED]'s supervisor, [REDACTED]"
5

6 REQUEST FOR PRODUCTION NO. 31:

7 Any and all DOCUMENTS which in any way discuss, relate to, or
8 otherwise support the allegation in Paragraph 9 of the COMPLAINT that "[f]ollowing the
9 interview, [REDACTED] made an offer of employment to MR. [REDACTED]"
10

11 REQUEST FOR PRODUCTION NO. 32:

12 Any and all DOCUMENTS which in any way discuss, relate to, or
13 otherwise support the allegation in Paragraph 9 of the COMPLAINT that "[t]he offer of
14 employment was conditioned on MR. [REDACTED]' ability to pass a drug screening."
15

16 REQUEST FOR PRODUCTION NO. 33:

17 Any and all DOCUMENTS which in any way discuss, relate to, or
18 otherwise support the allegation in Paragraph 9 of the COMPLAINT that [REDACTED]
19 instructed MR. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22

23 REQUEST FOR PRODUCTION NO. 34:

24 Any and all DOCUMENTS which in any way discuss, relate to, or
25 otherwise support the allegation in Paragraph 10 of the COMPLAINT that "[o]n or about
26 [REDACTED] went to defendants [REDACTED]
27 [REDACTED] to undergo defendant
28 [REDACTED]"
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1 REQUEST FOR PRODUCTION NO. 35:

2 Any and all DOCUMENTS which in any way discuss, relate to, or
3 otherwise support the allegation in Paragraph 10 of the COMPLAINT that “[t]he
4 laboratory technician for defendant [REDACTED]

5 [REDACTED] told [REDACTED]

6 [REDACTED]

7

8 REQUEST FOR PRODUCTION NO. 36:

9 Any and all DOCUMENTS which in any way discuss, relate to, or
10 otherwise support the allegation in Paragraph 10 of the COMPLAINT that [REDACTED]

11 [REDACTED]

12 [REDACTED]

13

14 REQUEST FOR PRODUCTION NO. 37:

15 Any and all DOCUMENTS which in any way discuss, relate to, or
16 otherwise support the allegation in Paragraph 10 of the COMPLAINT that [REDACTED]

17 [REDACTED]

18 [REDACTED]

19

20 REQUEST FOR PRODUCTION NO. 38:

21 Any and all DOCUMENTS which in any way discuss, relate to, or
22 otherwise support the allegation in Paragraph 10 of the COMPLAINT that [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26

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1 REQUEST FOR PRODUCTION NO. 39:

2 Any and all DOCUMENTS which in any way discuss, relate to, or
3 otherwise support the allegation in Paragraph 10 of the COMPLAINT that [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8

9 REQUEST FOR PRODUCTION NO. 40:

10 Any and all DOCUMENTS which in any way discuss, relate to, or
11 otherwise support the allegation in Paragraph 10 of the COMPLAINT that [REDACTED]

12 [REDACTED]

13

14 REQUEST FOR PRODUCTION NO. 41:

15 Any and all DOCUMENTS which in any way discuss, relate to, or
16 otherwise support the allegation in Paragraph 11 of the COMPLAINT that “[o]n or about
17 [REDACTED] an individual named [REDACTED] called MR. [REDACTED].”

18

19 REQUEST FOR PRODUCTION NO. 42:

20 Any and all DOCUMENTS which in any way discuss, relate to, or
21 otherwise support the allegation in Paragraph 11 of the COMPLAINT that “[REDACTED]
22 [REDACTED] who represented that he was from defendants [REDACTED]

23 [REDACTED]

24 [REDACTED]

25

26 REQUEST FOR PRODUCTION NO. 43:

27 Any and all DOCUMENTS which in any way discuss, relate to, or
28 otherwise support the allegation in Paragraph 11 of the COMPLAINT that “[REDACTED]

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1 [REDACTED] then informed MR. [REDACTED] that someone from [REDACTED]

2 [REDACTED]

3 [REDACTED]

4
5 REQUEST FOR PRODUCTION NO. 44:

6 Any and all DOCUMENTS which in any way discuss, relate to, or
7 otherwise support the allegation in Paragraph 12 of the COMPLAINT that "[o]n or about

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11
12 REQUEST FOR PRODUCTION NO. 45:

13 Any and all DOCUMENTS which in any way discuss, relate to, or
14 otherwise support the allegation in Paragraph 12 of the COMPLAINT that [REDACTED]

15 [REDACTED]

16 [REDACTED]

17
18 REQUEST FOR PRODUCTION NO. 46:

19 Any and all DOCUMENTS which in any way discuss, relate to, or
20 otherwise support the allegation in Paragraph 12 of the COMPLAINT that [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24
25 REQUEST FOR PRODUCTION NO. 47:

26 Any and all DOCUMENTS which in any way discuss, relate to, or
27 otherwise support the allegation in Paragraph 12 of the COMPLAINT that [REDACTED] said
28 that she would find out and call him back."

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1 REQUEST FOR PRODUCTION NO. 48:

2 Any and all DOCUMENTS which in any way discuss, relate to, or
3 otherwise support the allegation in Paragraph 13 of the COMPLAINT that [REDACTED]
4 [REDACTED] when he had not heard from her, MR. [REDACTED] calle [REDACTED].”

6 REQUEST FOR PRODUCTION NO. 49:

7 Any and all DOCUMENTS which in any way discuss, relate to, or
8 otherwise support the allegation in Paragraph 13 of the COMPLAINT that “MR.
9 [REDACTED] was informed that [REDACTED] was not available.”

11 REQUEST FOR PRODUCTION NO. 50:

12 Any and all DOCUMENTS which in any way discuss, relate to, or
13 otherwise support the allegation in Paragraph 13 of the COMPLAINT that “MR.
14 [REDACTED] left a message for [REDACTED] requesting that she call him.”

16 REQUEST FOR PRODUCTION NO. 51:

17 Any and all DOCUMENTS which in any way discuss, relate to, or
18 otherwise support the allegation in Paragraph 14 of the COMPLAINT that [REDACTED]
19 [REDACTED] when he had still not heard from her, MR. [REDACTED] again called [REDACTED]

21 REQUEST FOR PRODUCTION NO. 52:

22 Any and all DOCUMENTS which in any way discuss, relate to, or
23 otherwise support the allegation in Paragraph 14 of the COMPLAINT that “MR.
24 [REDACTED] was informed that [REDACTED] was not available.”

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1 REQUEST FOR PRODUCTION NO. 53:

2 Any and all DOCUMENTS which in any way discuss, relate to, or
3 otherwise support the allegation in Paragraph 14 of the COMPLAINT that "MR.
4 [REDACTED] left a message for [REDACTED] requesting that she call him."
5

6 REQUEST FOR PRODUCTION NO. 54:

7 Any and all DOCUMENTS which in any way discuss, relate to, or
8 otherwise support the allegation in Paragraph 15 of the COMPLAINT that "[REDACTED]
9 [REDACTED] when he had still not heard from her, MR. [REDACTED] again called [REDACTED]"
10

11 REQUEST FOR PRODUCTION NO. 55:

12 Any and all DOCUMENTS which in any way discuss, relate to, or
13 otherwise support the allegation in Paragraph 15 of the COMPLAINT that "MR.
14 [REDACTED]
15 [REDACTED]
16

17 REQUEST FOR PRODUCTION NO. 56:

18 Any and all DOCUMENTS which in any way discuss, relate to, or
19 otherwise support the allegation in Paragraph 15 of the COMPLAINT that [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23

24 REQUEST FOR PRODUCTION NO. 57:

25 Any and all DOCUMENTS which in any way discuss, relate to, or
26 otherwise support the allegation in Paragraph 15 of the COMPLAINT that [REDACTED]
27 [REDACTED]
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[REDACTED]

[REDACTED]

REQUEST FOR PRODUCTION NO. 58:

Any and all DOCUMENTS which in any way discuss, relate to, or otherwise support the allegation in Paragraph 15 of the COMPLAINT that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

REQUEST FOR PRODUCTION NO. 59:

Any and all DOCUMENTS which in any way discuss, relate to, or otherwise support the allegation in Paragraph 16 of the COMPLAINT that “[p]rior to filing this action, MR. [REDACTED] timely filed his Complaints of Discrimination with the California Department of Fair Employment and Housing and has received his Right-To-Sue letters.”

REQUEST FOR PRODUCTION NO. 60:

Any and all DOCUMENTS which in any way discuss, relate to, or otherwise support the allegation in Paragraph 18 of the COMPLAINT that “defendants engaged in a systemic pattern and practice of discriminating against, [REDACTED]

[REDACTED]

[REDACTED]

REQUEST FOR PRODUCTION NO. 61:

Any and all DOCUMENTS which in any way discuss, relate to, or otherwise support the allegation in Paragraph 22 of the COMPLAINT that “[a]s a further direct and legal result of the acts and conduct of defendants, and each of them, as

1 aforesaid, MR. [REDACTED] has been caused to and did suffer and continues to suffer
2 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock,
3 pain, discomfort and anxiety.”
4

5 REQUEST FOR PRODUCTION NO. 62:

6 Any and all DOCUMENTS which in any way discuss, relate to, or
7 otherwise support the allegations contained in the COMPLAINT that as a further legal
8 (proximate) result of DEFENDANT’S actions against PLAINTIFF, PLAINTIFF has been
9 harmed in that PLAINTIFF has suffered pain, suffering, emotional distress and other
10 general damages.
11

12 REQUEST FOR PRODUCTION NO. 63:

13 Any and all DOCUMENTS which in any way discuss, relate to, or
14 otherwise support the allegations contained in the COMPLAINT that the acts of
15 DEFENDANT, and each of them, were done willfully, maliciously, and with conscious
16 disregard of PLAINTIFF’S rights.
17

18 REQUEST FOR PRODUCTION NO. 64:

19 Any and all DOCUMENTS which support, relate to or concern
20 PLAINTIFF’S first cause of action for [REDACTED] Discrimination in violation of California
21 Government Code section 12940.
22

23 REQUEST FOR PRODUCTION NO. 65:

24 Any and all DOCUMENTS which support, relate to or concern
25 PLAINTIFF’S second cause of action for Failure to Make a Reasonable Accommodation
26 for a Known Disability.
27
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1 REQUEST FOR PRODUCTION NO. 66:

2 Any and all DOCUMENTS which support, relate to or concern
3 PLAINTIFF'S third cause of action for Failure to Engage in the Interactive Process.

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5 REQUEST FOR PRODUCTION NO. 67:

6 Any and all DOCUMENTS which support, relate to or concern
7 PLAINTIFF'S fourth cause of action for Aiding and Abetting Violations of FEHA.

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9 REQUEST FOR PRODUCTION NO. 68:

10 Any and all DOCUMENTS which support, relate to or concern
11 PLAINTIFF'S fifth cause of action for Disability Discrimination in violation of California
12 Civil Code section 51, *et seq.*

13
14 REQUEST FOR PRODUCTION NO. 69:

15 Any and all DOCUMENTS which support, relate to or concern
16 PLAINTIFF'S sixth cause of action for Disability Discrimination in violation of
17 California Civil Code section 54, *et seq.*

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19 REQUEST FOR PRODUCTION NO. 70:

20 Any and all DOCUMENTS which support, relate to or concern
21 PLAINTIFF'S seventh cause of action for Denial of California Civil Rights in violation of
22 California Government Code section 12948.

23
24 REQUEST FOR PRODUCTION NO. 71:

25 Any and all DOCUMENTS which support, relate to or concern
26 PLAINTIFF'S eighth cause of action for Unfair Business Practices (Cal. Bus. & Prof.
27 Code §§ 17200, *et seq.*

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1 REQUEST FOR PRODUCTION NO. 72:

2 Any and all DOCUMENTS which support, relate to or concern
3 PLAINTIFF'S ninth cause of action for Wrongful Failure to Hire in Violation of Public
4 Policy.

5
6 REQUEST FOR PRODUCTION NO. 73:

7 Any and all DOCUMENTS which support, relate to or concern
8 PLAINTIFF'S tenth cause of action for Intentional Infliction of Emotional Distress.

9
10 REQUEST FOR PRODUCTION NO. 74:

11 Any and all DOCUMENTS which support, relate to or concern
12 PLAINTIFF'S eleventh cause of action for Negligent Infliction of Emotional Distress.

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DATED: [REDACTED]

HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
S. SEAN SHAHABI

By: S. Sean Shahabi
S. SEAN SHAHABI

Attorneys for Defendant
[REDACTED]

1 **PROOF OF SERVICE**

2 I am over the age of eighteen years and not a party to this action; my business address is
3 1541 Ocean Avenue, Suite 200, Santa Monica, California 90401.

4 On October 14, 2010 I served **Plaintiff Lucy Messerschmidt’s Reply Brief in Support**
5 **of Her Motion to Compel Defendant VH Property Corporation dba Trump National Golf**
6 **Club to Respond Further to Her 1st C.C.P. § 2031 Document Request and for Sanctions**
7 **Against Defendant VH Property Corporation; Supplemental Declaration of Jeffrey W.**
8 **Cowan** on the interested parties in said action as indicated below:

9 **Glenn L. Briggs, Esq.**
10 **Kymberleigh Damron-Hsiao, Esq.**
11 **Hodel Briggs Winter LLP**
12 **8105 Irvine Center Drive**
13 **Suite 1400**
14 **Irvine, CA 92618**
15 **[Attorneys for Defendants]**

16 **Anthony J. Orshansky, Esq.**
17 **Orshansky & Yeremian LLP**
18 **16133 Ventura Blvd.**
19 **Suite 1245**
20 **Encino, CA 91436**
21 **[Attorney for Plaintiff Dave S. Perry]**

22 **[BY MAIL]** by placing a copy of said document for collection and mailing on the date
23 indicated above, in a sealed envelope(s), addressed as set forth above, pursuant to ordinary
24 business practices. I am “readily familiar” with this firm’s practice of collecting and processing
25 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
26 Service at Santa Monica, California on that same day in the ordinary course of business.

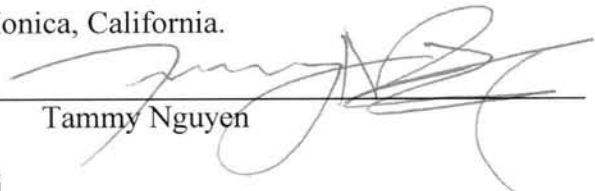
27 **[BY FACSIMILE]** by transmitting a true copy by facsimile transmission at the time
28 indicated on the transmission report from facsimile telephone number (310) 394-1430 to a
facsimile machine maintained by the party on whom it was served, at the facsimile machine
telephone number indicated on the attached service list. The transmission was reported as
complete and without error. The transmission report which was properly issued by the
transmitting facsimile machine is attached to the file copy of this document.

[BY PERSONAL SERVICE] By delivering by hand the foregoing document to the
above addressee(s) while he was at my office.

[BY OVERNIGHT COURIER] I caused to be delivered to and served by an *Overnight*
Courier on all interested parties in said action, the above named document(s) by placing true
copies thereof in enclosed sealed envelopes, delivery fees paid or provided for, and addressed as
set forth above.

[STATE] I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct/

Executed on October 14, 2010, at Santa Monica, California.



Tammy Nguyen

JEFFREY W. COWAN, ESQ.
825 Wilshire Boulevard, #336
Santa Monica, California 90401
(310) 395-2267