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6 Attorneys for Plaintiff,  
7 DR. IMAN SADEGHI

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES--CENTRAL DISTRICT**

10  
11 DR. IMAN SADEGHI, an individual, ) Case No.: No. **BC709376**  
12 Plaintiff, )  
13 v. ) **NOTICE OF MOTION AND MOTION TO**  
14 PINSCREEN, INC., a Delaware Corporation; ) **COMPEL FURTHER RESPONSES TO FORM**  
15 DR. HAO LI, an individual; ) **INTERROGATORIES, SET ONE AND FOR**  
16 YEN-CHUN CHEN, an individual; ) **MONETARY SANCTIONS AGAINST DEFENDANT**  
17 LIWEN HU, an individual; ) **HAO LI AND HIS ATTORNEY BENJAMIN**  
18 HAN-WEI KUNG, an individual; ) **DAVIDSON IN THE AMOUNT OF \$3,867.50;**  
and DOES 1-100, ) **MEMORANDUM OF POINTS AND**  
19 Defendants. ) **AUTHORITIES; SUPPORTING DECLARATION**  
20 ) **OF ADAM ZAFFOS**  
21 ) **[SEPARATE STATEMENT]**  
22 )  
23 ) Dept.: 16  
24 ) Hon: Lia R. Martin  
25 ) Complaint Filed: June 11, 2018  
26 )  
27 ) **DATE: September 30, 2019**  
28 ) **TIME: 9:00 am**  
 ) **PLACE: Dept. 16., Stanley Mosk**  
 ) **Courthouse**  
 )  
 )

26 TO EACH PARTY AND TO THEIR ATTORNEYS OF RECORD:  
27 YOU ARE HEREBY NOTIFIED that on September 30, 2019 at 9:00 A.M., in  
28 Department No. 16 of this court, located at 111N. Hill St., Los Angeles, plaintiff Iman

**MOTION TO COMPEL WRITTEN DISCOVERY**

1 Sadeghi will move the court for an order compelling defendant Hao Li to furnish further  
2 responses to Form Interrogatories Set No. One, as stated in the Statement of Interrogatories  
3 and Responses in Dispute attached to this notice, and for an order that Hao Li and his  
4 attorney, Benjamin Davidson, be jointly and severally compelled to pay monetary sanctions  
5 to plaintiff Iman Sadeghi in the amount of \$3,867.50. The motion will be made under Code  
6 of Civil Procedure section 2023.010, subdivision (e) and section 2030.300, subdivision (3),  
7 on the ground that defendant's objections are completely without merit. The motion will be  
8 based on this notice, the attached points and authorities, the attached declaration of Adam P.  
9 Zaffos, the statement of Disputed Facts, and the complete file and records of this case.

10  
11 DATED: December 10, 2018

**FERNALD LAW GROUP APC**  
**ADAM P. ZAFFOS**

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14 By:  \_\_\_\_\_

15 Adam P. Zaffos

16 Attorneys for Plaintiff DR. IMAN SADEGHI  
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## POINTS AND AUTHORITIES

### FACTS

#### 1. Statement of the case.

This is an action for employment fraud and numerous consequent illegal acts. Plaintiff Iman Sadeghi, who holds a doctorate in Computer Science/Computer Graphics, developed and patented a novel hair-appearance technology used at Walt Disney Animation Studios. While working as a software engineer at Google, Sadeghi was solicited by defendant Hao Li to join the leadership of a software start-up, Pinscreen Inc., which Li co-founded. Pinscreen specializes in automatically generating animated 3D face models from only a photograph of a person. Hao Li, Pinscreen’s CEO, is an assistant professor at the University of Southern California. Dr. Sadeghi alleges—supporting these allegations with documentary proof in a verified complaint—that Dr. Li defrauded him when Li obtained Sadeghi's employment as Pinscreen’s Vice President of Engineering. Li fraudulently induced Sadeghi to resign from Google and join Pinscreen by intentionally misrepresenting Pinscreen’s technology as Li deceived the public, the scientific community and its investors. Li deceived through fabricating his reported research results, perpetrating a scientific hoax.

The consequent torts committed by Li include a brutal battery of Sadeghi, where Li directed a *group* of employees to tackle Sadeghi and search his belongings. This battery will be revisited in the discussion of the discovery dispute because it plainly reveals Li’s obstructionism. Li's denial that Sadeghi can even state a cause of action for battery is emblematic of Li's approach to this litigation: deny everything, no matter how irrational. Li's obstructionism in discovery—his unwillingness to concede anything no matter how obviously unsound—exploits the meet-and-confer process for delay and for the imposition of unnecessary legal expense, the opposite of the intent of the Discovery Act.

1       **2. The nature of this discovery dispute.**

2           Whereas this case directly concerns Li’s fraud on Sadeghi, it is most germane that  
3 Li’s fraud on Sadeghi was in furtherance of the fraudulent product offered by Li’s company.  
4 To fully understand Li’s motives, the court will need to consider the significance of the  
5 broader fraud as it bears on Li, a rising assistant professor. When levelled against an  
6 academician and scientist, the allegations against Li are grave. The strongest community  
7 strictures prohibit scientists from submitting fabricated data; in so doing—violating core  
8 ethical commitments of his profession—Li incurred the most serious professional risks.

9           The ruthless character required to perpetrate a fraud on the core values of one’s  
10 profession combined with the stakes for Li may help the court to understand Li’s stance  
11 when the parties met and conferred. This stance has been, while maligning his opponent as  
12 a “disgruntled employee”, to deny everything, concede nothing. This is an entirely literal  
13 description of Li’s conduct, as he has stated to the press that Sadeghi’s allegations are “100%  
14 false.” He has announced his intention to demur to each of fifteen causes of action, claiming  
15 Sadeghi has stated not even one. Not only that Sadeghi has not succeeded in stating a single  
16 cause of action, but that he knows that Sadeghi cannot state any. This claim became the  
17 rationale for Li’s objections to all discovery: Li claims he need not respond substantively to  
18 discovery because there is not a single valid cause of action before the court.

19           Among the causes of action in the complaint that Li claims were not and cannot be  
20 successfully stated is the third cause of action, battery. Li has devoted the most public  
21 attention to ridiculing the battery cause of action. This is consistent with his strategy of deny  
22 everything; especially deny what is most ignominious. If there is any conduct more  
23 ignominious than Li’s fraud it is his using his employees like a gang of thugs to tackle  
24 Sadeghi to the ground and forcibly intrude into his belongings. But in trying to trivialize his  
25 own brutal behavior, Li has helped refute his central premise in his defense against any  
26 discovery. It is absurd to claim that Sadeghi cannot state a cause of action for battery; Li’s  
27 arguments, publicly to the press and in meet and confer, correspond to possible affirmative  
28 defenses. (*Weak* affirmative defenses, since any suspicions about what Sadeghi might be

1 concealing in the backpack could have been addressed by involving law enforcement, rather  
2 than using it as an excuse for a brutal physical attack.) By trying to escape the ignominy  
3 produced by battering a colleague, Li has invited scrutiny of the battery cause of action,  
4 which being trivially easy to state, disproves Li’s contention that Sadeghi can state no causes  
5 of action.

6 This is not to say that Li’s refusing to respond substantively to discovery would be  
7 justified even if Sadeghi has failed to state any cause of action. The cases to be discussed in  
8 the Argument section prove that.

9 True to his make-absolutely-no-concessions mindset, Li has been thoroughly  
10 unreasonable in meet and confer. After two full hours of intensive consultation between  
11 attorneys, defense counsel refused to budge from the position that intending to demur to all  
12 causes of action justifies a prematurity objection. This is a quite sophisticated abuse of the  
13 discovery process. Li continues to demand more meet and confer despite his inability to meet  
14 arguments. Meet and confer becomes a vehicle for imposing costs on opponents. It comes  
15 to an impasse when one party is demonstrably wrong yet maintains his position blindly.

## 16 ARGUMENT

### 17 **1. The alleged pleading deficiencies, even if they existed, do not** 18 **justify failure to respond to discovery.**

19 It is not only that defendant objects to interrogatories prepared for routine use by the  
20 Judicial Council. Settled California law holds that “[P]leading deficiencies generally do not  
21 affect either party’s right to conduct discovery.” (*Mattco Forge Inc. v. Arthur Young & Co.*  
22 (1990) 223 Cal.App.3d 1429, 1436, fn. 3.)

#### 23 **A. Discovery before the case is at issue is not premature.**

24 As plaintiff’s counsel explained in meet and confer, the Discovery Act directly  
25 dictates that the right to initiate discovery by written interrogatories does not depend on the  
26 case being at issue. Code of Civil Procedure, section 2030.010, subdivision (b), states, “A  
27 plaintiff may propound interrogatories to a party without leave of court at any time that is  
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1 10 days after the service of the summons on, or appearance by, that party, whichever occurs  
2 first.” The criterion does not depend in any way on a defendant’s intention not to demur to  
3 the complaint.

4 **B. Settled law refutes Li.**

5 In *Mattco Forge Inc. v. Arthur Young & Co.* (1990) 223 Cal.App.3d 1429, defendant  
6 Arthur Young argued that his objections to interrogatories were justified because the  
7 interrogatories, considering his demurrer on calendar, were premature. Despite the trial  
8 court's sympathy with the concept that, in that particular case, the demurrer should be  
9 resolved first, it awarded discovery sanctions to plaintiff Mattco Forge Inc. "Construed as  
10 charitably as possible, the timing shows only the trial court's concern that, at that stage of  
11 the dispute, the demurrer ought to be resolved first. This scheduling consideration does not  
12 come close to establishing that Arthur Young's refusal to produce the documents in the first  
13 place--thus forcing Mattco to make its motion to compel--was justified." (*Id.* at p. 1436.)

14 Under circumstances less compelling than of *Mattco Forge* defendant Arthur Young,  
15 Li maintains that he is entitled to refuse to answer written discovery because he (not the  
16 court) thinks not a single of Sadeghi’s fifteen causes of action can be stated. This is a plainly  
17 frivolous claim.

18 The other case establishing that pleading deficiencies do not undermine a party’s  
19 discovery rights is *Budget Finance Plan v. Superior Court* (1973) 34 Cal.App.3d 794, which  
20 tested the outer limits of a claim like Li’s. If, as defendants claim, the right to conduct  
21 discovery depends on the state of the pleading, then there would be no right to conduct  
22 discovery when *no* pleading was operative. Although the trial court sustained a demurrer to  
23 the operative pleading, the appellate court held that, nevertheless, plaintiff had the right to  
24 conduct discovery, and objections based on the state of the pleading were unmeritorious and  
25 sanctionable. The court held that the Code of Civil Procedure "allows any party to file and  
26 serve written interrogatories on any other party." (*Id.*)

1           **C. Li relies on inapposite cases.**

2           Defendant has offered two cases to support his position that he could object to form  
3 interrogatories as premature based on his individual contention that all plaintiff’s claims  
4 were demurrable. The cases are entirely inapposite. In *Terminals Equipment Co. Inc. v. City*  
5 *and County of San Francisco* (1990) 221 Cal.App.3d 234, the court held that discovery must  
6 be delayed after a demurrer was granted with leave to amend, but this delay was based on  
7 the specific requirement of Evidence Code section 1040 pertaining to the disclosure of  
8 official government information. (*Id.*) The issue in *Terminals Equipment Co.* concerned the  
9 application of a government privilege, not a principle under the Discovery Act, under which  
10 defendant has argued.

11           Like *Terminals Equipment Co.*, the other case defendant offered to justify his failure  
12 to provide substantive responses to Judicial Counsel Interrogatories, *Silver City v. City of*  
13 *Los Angeles* (1966) 245 Cal.App.2d 673, does not involve a defendant who objects to  
14 interrogatories based on a personal belief that the complaint fails to state a cause of action.  
15 In *Silver City* the trial court sustained a demurrer without leave to amend, and it reasonably  
16 concluded that sustaining the demurrer ended the case, after which discovery had no point.  
17 Here, no comparable logic applies.

18           **2. Li’s other objections lack particularity.**

19           Li has expressly defended only his prematurity argument, although Li provides the  
20 unfortunately common litany of routine boilerplate objections. Not only are such objections  
21 unmeritorious, in courts throughout the country they are often treated as sanctionable  
22 discovery violations. One federal court recently held that boilerplate objections are an  
23 obstructionist discovery practice, pointing out that every federal and state court to have  
24 considered the question have condemned it. The court warns, however, that this  
25 obstructionist discovery practice is a “firmly entrenched ‘culture’ in some parts of the  
26 country.”  
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1 Li applies the same generalized objections to all the interrogatories. The definition  
2 the federal court offered for the obnoxious practice of boilerplate objections perfectly  
3 describes Li's objections:

4 An objection to a discovery request is boilerplate when it merely states the  
5 legal grounds for the objection without (1) specifying how the discovery  
6 request is deficient and (2) specifying how the objecting party would be  
7 harmed if it were forced to respond to the request. For example, a boilerplate  
8 objection might state that a discovery request is "irrelevant" or "overly broad"  
9 without taking the next step to explain why. These objections are taglines,  
10 completely "devoid of any individualized factual analysis." Often times they  
11 are used repetitively in response to multiple discovery requests. Their  
12 repeated use as a method of effecting highly uncooperative, scorched-earth  
13 discovery battles has earned them the nicknames "shotgun"- and "Rambo"-  
14 style objections. The nicknames are indicative of the federal courts' extreme  
15 disfavor of these objections. [Citation.] (*Liguria Foods, Inc. v. Griffith Labs.,*  
16 *Inc.* (N.D. Iowa, 2017).)

17 The court should not only disregard Li's boilerplate objections; it should take them  
18 into account when considering the question of monetary sanctions.

### 19 **3. Defendant's obstructionist objections are subject to** 20 **monetary sanctions.**

21 Careful consideration of Li's prematurity argument should not obscure the frivolous  
22 nature of Li's objections. Under Code of Civil Procedure section 2023.010, subdivision (e),  
23 "[M]aking, without justification, an unmeritorious objection to discovery" is a sanctionable  
24 misuse of discovery. Li's desperate prematurity argument as well as the accompanying  
25 boilerplate objections, is completely lacking in merit.

### 26 **CONCLUSION**

27 Plaintiff moves to compel further response to a single set of form interrogatories  
28 despite Li's refusing to respond substantively to *any* discovery. This selectivity is in the  
interest of judicial efficiency. Resolving this issue will remove defendant's major  
justification for obstructing discovery. The court should grant the discovery motion and  
order defendant Li to answer all the submitted Judicial Council interrogatories submitted.



1 The court should impose a monetary sanction on Li and his attorney in amount justified in  
2 the Declaration of attorney Adam Zaffos.

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DATED: December 10, 2018

**FERNALD LAW GROUP APC**  
**ADAM P. ZAFFOS**

By:  \_\_\_\_\_

Adam P. Zaffos

Attorneys for Plaintiff DR. IMAN SADEGHI

1       **DECLARATION OF ATTORNEY ADAM P. ZAFFOS IN SUPPORT OF**  
2                       **MOTION TO COMPEL RESPONSES**  
3                       **TO FORM INTERROGATORIES, SET NO. ONE**

4               I, Adam P. Zaffos, declare as follows:

5               1. I am an attorney admitted to practice law before all the courts of the State of  
6 California. I represent plaintiff Iman Sadeghi in this action.

7               2. On July 24, 2018, I served Form Interrogatories, Set One, on defendant Hao Li. A  
8 true and correct copy is attached hereto as **Exhibit 1**.

9               3. A time extension to complete Form Interrogatories, Set One, were repeatedly granted  
10 to Li, from August 29, 2018 to September 18, 2018, to then October 2, 2018 and again to  
11 October 24, 2018. Attached hereto as **Exhibits 2-4**, are true and correct copies of emails  
12 outlining the various extensions.

13              4. A telephonic meet and confer occurred on November 5, 2018, discussing what Li  
14 consider intertwined differences on the pleadings and discovery. The discussion lasted two  
15 hours and arrived at an impasse on a question of law: is the responding defendant justified  
16 in refusing to answer form interrogatories based on its contention that the propounding  
17 plaintiff has failed to state a viable cause of action. A true and correct copy of the email  
18 exchange between myself and counsel for Li is attached hereto as **Exhibit 5**.

19              5. I spent 4.1 hours preparing this motion and expect to spend 2 additional hours on the  
20 reply memorandum. I anticipate 1 hour in court. Roughly 2 hours have been expended in  
21 meet and confer. Total of 9.1 hours.

22              6. My fee is \$425 per hour.  
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1 7. Based on these expenses, plaintiff requests a monetary sanction in the amount  
2 \$3,867.50.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is accurate.



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7 Adam P. Zaffos  
8 Attorney for Plaintiff, Dr. Iman  
9 Dr. Iman Sadeghi  
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# EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ): Adam Zaffos [SBN: 217669] FERNALD LAW GROUP APC 510 W. 6th Street, Suite 700 Los Angeles, California 90014 TELEPHONE NO.: (323) 410-0300 FAX NO. ( <i>Optional</i> ): (323) 410-0330 E-MAIL ADDRESS ( <i>Optional</i> ): adam@fernaldlawgroup.com ATTORNEY FOR ( <i>Name</i> ): Plaintiff, Dr. Iman Sadeghi	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 111 N. Hill Street Los Angeles, CA 90012	
SHORT TITLE OF CASE: Dr. Iman Sadeghi v. Pinscreen Inc., et al.	
<p style="text-align: center;"><b>FORM INTERROGATORIES—GENERAL</b></p> Asking Party: Plaintiff Dr. Iman Sadeghi  Answering Party: Defendant Dr. Hao Li Set No.: One (1)	CASE NUMBER:  <p style="text-align: center; font-size: 1.2em;">BC709376</p>

**Sec. 1. Instructions to All Parties**

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

**Sec. 2. Instructions to the Asking Party**

- (a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.
- (d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.
- (e) Additional interrogatories may be attached.

**Sec. 3. Instructions to the Answering Party**

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

*I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.*

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

**Sec. 4. Definitions**

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (*Check one of the following*):

- (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

(2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"): \_\_\_\_\_

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

**Sec. 5. Interrogatories**

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

**CONTENTS**

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation—General
- 13.0 Investigation—Surveillance
- 14.0 Statutory or Regulatory Violations
- 15.0 Denials and Special or Affirmative Defenses
- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
- 20.0 How the Incident Occurred—Motor Vehicle
- 25.0 [Reserved]
- 30.0 [Reserved]
- 40.0 [Reserved]
- 50.0 Contract
- 60.0 [Reserved]
- 70.0 Unlawful Detainer [See separate form DISC-003]
- 101.0 Economic Litigation [See separate form DISC-004]
- 200.0 Employment Law [See separate form DISC-002]
- Family Law [See separate form FL-145]

**1.0 Identity of Persons Answering These Interrogatories**

1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

**2.0 General Background Information—Individual**

- 2.1 State:
  - (a) your name;
  - (b) every name you have used in the past; and
  - (c) the dates you used each name.
- 2.2 State the date and place of your birth.
- 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
  - (a) the state or other issuing entity;
  - (b) the license number and type;
  - (c) the date of issuance; and
  - (d) all restrictions.
- 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
  - (a) the state or other issuing entity;
  - (b) the license number and type;
  - (c) the date of issuance; and
  - (d) all restrictions.
- 2.5 State:
  - (a) your present residence **ADDRESS**;
  - (b) your residence **ADDRESSES** for the past five years; and
  - (c) the dates you lived at each **ADDRESS**.
- 2.6 State:
  - (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
  - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- 2.7 State:
  - (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
  - (b) the dates you attended;
  - (c) the highest grade level you have completed; and
  - (d) the degrees received.
- 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
  - (a) the city and state where you were convicted;
  - (b) the date of conviction;
  - (c) the offense; and
  - (d) the court and case number.
- 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- the name, **ADDRESS**, and telephone number of that **PERSON**; and
  - a description of your duties.
- 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- the name, **ADDRESS**, and telephone number;
  - the nature of the disability or condition; and
  - the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- the name, **ADDRESS**, and telephone number;
  - the nature or description of each substance;
  - the quantity of each substance used or taken;
  - the date and time of day when each substance was used or taken;
  - the **ADDRESS** where each substance was used or taken;
  - the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
  - the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.
- 3.0 General Background Information—Business Entity**
- 3.1 Are you a corporation? If so, state:
- the name stated in the current articles of incorporation;
  - all other names used by the corporation during the past 10 years and the dates each was used;
  - the date and place of incorporation;
  - the **ADDRESS** of the principal place of business; and
  - whether you are qualified to do business in California.
- 3.2 Are you a partnership? If so, state:
- the current partnership name;
  - all other names used by the partnership during the past 10 years and the dates each was used;
  - whether you are a limited partnership and, if so, under the laws of what jurisdiction;
  - the name and **ADDRESS** of each general partner; and
  - the **ADDRESS** of the principal place of business.
- 3.3 Are you a limited liability company? If so, state:
- the name stated in the current articles of organization;
  - all other names used by the company during the past 10 years and the date each was used;
  - the date and place of filing of the articles of organization;
  - the **ADDRESS** of the principal place of business; and
  - whether you are qualified to do business in California.
- 3.4 Are you a joint venture? If so, state:
- the current joint venture name;
  - all other names used by the joint venture during the past 10 years and the dates each was used;
  - the name and **ADDRESS** of each joint venturer; and
  - the **ADDRESS** of the principal place of business.
- 3.5 Are you an unincorporated association? If so, state:
- the current unincorporated association name;
  - all other names used by the unincorporated association during the past 10 years and the dates each was used; and
  - the **ADDRESS** of the principal place of business.
- 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- the name;
  - the dates each was used;
  - the state and county of each fictitious name filing; and
  - the **ADDRESS** of the principal place of business.
- 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- identify the license or registration;
  - state the name of the public entity; and
  - state the dates of issuance and expiration.
- 4.0 Insurance**
- 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- the kind of coverage;
  - the name and **ADDRESS** of the insurance company;
  - the name, **ADDRESS**, and telephone number of each named insured;
  - the policy number;
  - the limits of coverage for each type of coverage contained in the policy;
  - whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
  - the name, **ADDRESS**, and telephone number of the custodian of the policy.
- 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.
- 5.0 [Reserved]**
- 6.0 Physical, Mental, or Emotional Injuries**
- 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

- 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:
- a description;
  - whether the complaint is subsiding, remaining the same, or becoming worse; and
  - the frequency and duration.
- 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:
- the name, **ADDRESS**, and telephone number;
  - the type of consultation, examination, or treatment provided;
  - the dates you received consultation, examination, or treatment; and
  - the charges to date.
- 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:
- the name;
  - the **PERSON** who prescribed or furnished it;
  - the date it was prescribed or furnished;
  - the dates you began and stopped taking it; and
  - the cost to date.
- 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:
- the nature;
  - the date;
  - the cost; and
  - the name, **ADDRESS**, and telephone number of each provider.
- 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:
- the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
  - the complaints for which the treatment was advised; and
  - the nature, duration, and estimated cost of the treatment.
- 7.0 Property Damage**
- 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:
- describe the property;
  - describe the nature and location of the damage to the property;
  - state the amount of damage you are claiming for each item of property and how the amount was calculated; and
  - if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.
- 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:
- the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
  - the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
  - the amount of damage stated.
- 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:
- the date repaired;
  - a description of the repair;
  - the repair cost;
  - the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
  - the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.
- 8.0 Loss of Income or Earning Capacity**
- 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).
- 8.2 State:
- the nature of your work;
  - your job title at the time of the **INCIDENT**; and
  - the date your employment began.
- 8.3 State the last date before the **INCIDENT** that you worked for compensation.
- 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.
- 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.
- 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.
- 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.
- 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:
- the facts upon which you base this contention;
  - an estimate of the amount;
  - an estimate of how long you will be unable to work; and
  - how the claim for future income is calculated.



**9.0 Other Damages**

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

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

9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

**10.0 Medical History**

10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:

- (a) a description of the complaint or injury;
- (b) the dates it began and ended; and
- (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.

10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.*)

10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:

- (a) the date and the place it occurred;
- (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
- (c) the nature of any injuries you sustained;
- (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
- (e) the nature of the treatment and its duration.

**11.0 Other Claims and Previous Claims**

11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:

- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:

- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
- (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
- (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
- (d) the period of time during which you received workers' compensation benefits;
- (e) a description of the injury;
- (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
- (g) the case number at the Workers' Compensation Appeals Board.

**12.0 Investigation—General**

12.1 State the name, **ADDRESS**, and telephone number of each individual:

- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
- (b) who made any statement at the scene of the **INCIDENT**;
- (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
- (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).

12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:

- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
- (b) the date of the interview; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.

12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:

- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
- (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
- (c) the date the statement was obtained; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

12.4 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, ADDRESS, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the photographs, films, or videotapes.

12.5 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the INCIDENT? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, ADDRESS, and telephone number of each PERSON who has it.

12.6 Was a report made by any PERSON concerning the INCIDENT? If so, state:

- (a) the name, title, identification number, and employer of the PERSON who made the report;
- (b) the date and type of report made;
- (c) the name, ADDRESS, and telephone number of the PERSON for whom the report was made; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the report.

12.7 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the INCIDENT? If so, for each inspection state:

- (a) the name, ADDRESS, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

### 13.0 Investigation—Surveillance

13.1 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of any individual involved in the INCIDENT or any party to this action? If so, for each surveillance state:

- (a) the name, ADDRESS, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, ADDRESS, and telephone number of the individual who conducted the surveillance; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of any surveillance photograph, film, or videotape.

13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, ADDRESS, and telephone number of the individual who prepared the report; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

### 14.0 Statutory or Regulatory Violations

14.1 Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the INCIDENT? If so, identify the name, ADDRESS, and telephone number of each PERSON and the statute, ordinance, or regulation that was violated.

14.2 Was any PERSON cited or charged with a violation of any statute, ordinance, or regulation as a result of this INCIDENT? If so, for each PERSON state:

- (a) the name, ADDRESS, and telephone number of the PERSON;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the PERSON entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and ADDRESS of the court or administrative agency, names of the parties, and case number.

### 15.0 Denials and Special or Affirmative Defenses

15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and
- (c) identify all DOCUMENTS and other tangible things that support your denial or special or affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

### 16.0 Defendant's Contentions—Personal Injury

16.1 Do you contend that any PERSON, other than you or plaintiff, contributed to the occurrence of the INCIDENT or the injuries or damages claimed by plaintiff? If so, for each PERSON:

- (a) state the name, ADDRESS, and telephone number of the PERSON;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

16.2 Do you contend that plaintiff was not injured in the INCIDENT? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (c) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

- 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:
- identify it;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:
- identify each service;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:
- identify each cost;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:
- identify each part of the loss;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:
- identify each item of property damage;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:
- identify each cost item;
  - state all facts upon which you base your contention;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
  - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:
- the source of each **DOCUMENT**;
  - the date each claim arose;
  - the nature of each claim; and
  - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:
- the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
  - a description of each **DOCUMENT**; and
  - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 17.0 Responses to Request for Admissions**
- 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
- state the number of the request;
  - state all facts upon which you base your response;
  - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
  - identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 18.0 *[Reserved]*
- 19.0 *[Reserved]*
- 20.0 How the Incident Occurred—Motor Vehicle**
- 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).
- 20.2 For each vehicle involved in the **INCIDENT**, state:
- the year, make, model, and license number;
  - the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder, and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.
- 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.
- 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.
- 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.
- 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.
- 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:
- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.
- 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:
- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.
- 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.
- 25.0 *[Reserved]*
- 30.0 *[Reserved]*
- 40.0 *[Reserved]*
- 50.0 **Contract**
- 50.1 For each agreement alleged in the pleadings:
- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.
- 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.
- 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.
- 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.
- 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.
- 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.
- 60.0 *[Reserved]*

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10 Attorneys for Plaintiff  
11 DR. IMAN SADEGHI

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 DR. IMAN SADEGHI, an individual,  
15 Plaintiff,

16 v.

17 PINSREEN, INC., a Delaware Corporation;  
18 DR. HAO LI, an individual; and DOES 1  
19 through 100,  
20 Defendants.

Case No.: BC709376

**PROOF OF SERVICE**

1 **PROOF OF SERVICE**

2 Dr. Iman Sadeghi v. Pinscreen Inc., et al.  
3 Case No.: BC709376

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am a resident of the County of Los Angeles, State of California. I am over the age of  
6 18 and not a party to the within action. My business address is 510 W. 6<sup>th</sup> Street, Ste. 700, Los  
7 Angeles, CA 90014.  
8

9 On July 24, 2018, I served on all interested parties as identified on the below mailing  
10 list, the following document(s) described as:

11 **PLAINTIFF DR. IMAN SADEGHI'S FIRST SET OF FORM INTERROGATORIES**  
12 **(EMPLOYMENT LAW) TO DEFENDANT PINSCREEN INC.**

13 **PLAINTIFF DR. IMAN SADEGHI'S FIRST SET OF FORM INTERROGATORIES**  
14 **(GENERAL) TO DEFENDANT PINSCREEN INC.**

15 **PLAINTIFF DR. IMAN SADEGHI'S FIRST SET OF FORM INTERROGATORIES**  
16 **(GENERAL) TO DEFENDANT DR. HAO LI**

17 X (BY MAIL, 1013a, 2015.5 C.C.P.) I deposited such envelope in the mail at  
18 Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I  
19 am readily familiar with the firm's practice for collection and processing  
20 correspondence for mailing. Under that practice, this (these) document(s) will be  
21 deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at  
22 Pasadena, California in the ordinary course of business. I am aware that on motion of  
the party served, service is presumed invalid of postal cancellation date or postage meter  
date is more than one day after date of deposit for mailing in affidavit.

23 \_\_\_\_\_ (BY FACSIMILE) The fax machine I used complied with CRC Rule 2.301(3).  
Pursuant to CRC Rule 2.306, I transmitted the foregoing document(s) by facsimile to the  
24 party(ies) identified on the attached service list by using the fax number(s) indicated.  
Said transmission(s) was (were) verified as complete and without error. I printed a copy  
25 of the transmission report that was properly issued by the sending fax machine and  
26 attached it to the proof of service.

27 \_\_\_\_\_ (BY NOTICE OF ELECTRONIC FILING) Counsel who have consented to  
28 electronic service have been automatically served by the Notice of Electronic Filing,  
which is automatically generated by CM/ECF at the time said document(s) was (were)  
filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).

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\_\_\_\_ (BY OVERNIGHT DELIVERY/COURIER) I delivered an envelope or package to a courier or driver authorized by the express service carrier; or deposited such envelope or package to a regularly maintained drop box or facility to receive documents by the express service carrier with delivery fees provided for.

\_\_\_\_ (BY MESSENGER) I served the document(s) to the person(s) at the address(es) listed below by providing the document(s) to a messenger for personal service. (A proof of service executed by the messenger will be filed in compliance with the Code of Civil Procedure.)

\_\_\_\_ (BY PERSONAL SERVICE) I delivered the foregoing document(s) by hand to the office(s) of the addressee(s).

**SERVICE LIST**

Joel L. Benavides, Esq.  
*Greenberg, Whitcombe, Takeuchi, Gibson & Grayver, LLP*  
21515 Hawthorne Blvd. Suite 450  
Torrance, CA 90503  
Tel: (310) 540-2000 ext. 236 Fax: (310) 540-6609  
[jbenavides@gwtllp.com](mailto:jbenavides@gwtllp.com) | [www.gwtllp.com](http://www.gwtllp.com)

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

Executed on **July 24, 2018**, at Los Angeles, California.



\_\_\_\_\_  
LEA A. ENRIQUEZ

# EXHIBIT 2



## RE: Sadeghi/Pinscreen

Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>

Fri 8/24/2018 12:29 PM

To: Brandon Fernald <[brandon.fernalld@fernalldlawgroup.com](mailto:brandon.fernalld@fernalldlawgroup.com)>; Adam Zaffos <[adam@fernalldlawgroup.com](mailto:adam@fernalldlawgroup.com)>;

Cc: [lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com) <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>;

Adam:

Can you forward me conformed copies of the proofs of service of the summons and complaint on both defendants? It seems that the LASC website only has the image for the proof of service on Dr. Li.

Thank you.

Ben

---

**From:** Benjamin Davidson [<mailto:bdavidson@bendavidsonlaw.com>]

**Sent:** August 23, 2018 3:48 PM

**To:** 'brandon@fernalldlawgroup.com' <[brandon@fernalldlawgroup.com](mailto:brandon@fernalldlawgroup.com)>; 'adam@fernalldlawgroup.com' <[adam@fernalldlawgroup.com](mailto:adam@fernalldlawgroup.com)>

**Cc:** 'lgrayver@gwtllp.com' <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>

**Subject:** RE: Sadeghi/Pinscreen

Adam:

Thank you for the call. To confirm, you have provided an extension to respond to written discovery propounded on Dr. Li and Pinscreen, through **September 18, 2018**. Thank you for the professional courtesy.

You also stated that following your initial review of Defendants' meet and confer letter, you believe you will be amending the complaint, and you will advise which causes of action you intend to amend (and any matter you intend to remove). As a reminder, to the extent that you dispute any of the grounds for demurrer or motion to strike raised in our letter, then pursuant to CCP 430.41(a)(2), you are required to "provide legal support for its position that the pleading is legally sufficient or, in the alternative, how the complaint, cross-complaint, or answer could be amended to cure any legal insufficiency."

I look forward to hearing from you.

Best regards,  
Ben

---

**From:** Benjamin Davidson [<mailto:bdavidson@bendavidsonlaw.com>]

**Sent:** August 20, 2018 4:29 PM

**To:** 'brandon@fernalldlawgroup.com' <[brandon@fernalldlawgroup.com](mailto:brandon@fernalldlawgroup.com)>; 'adam@fernalldlawgroup.com' <[adam@fernalldlawgroup.com](mailto:adam@fernalldlawgroup.com)>

**Cc:** 'lgrayver@gwtllp.com' <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>

**Subject:** Sadeghi/Pinscreen

Brandon and Adam:

As you know, my office has been retained to represent Pinscreen and Dr. Li in this case along with Greenberg Whitcombe Takeuchi. I'd like to request a three-week extension to respond to all written discovery served by your office on July 24, 2018, which would extend the response period through September 18, 2018. We'd of course be happy to reciprocate if needed.

Thank you in advance for your professional courtesy in this regard.

Best regards,  
Ben

Benjamin Davidson, Esq.  
LAW OFFICES OF BENJAMIN DAVIDSON, P.C.  
8383 Wilshire Blvd., Suite 830  
Beverly Hills, CA 90211  
Office: (323) 713-0010  
Cell: (213) 531-7010  
Fax: (323) 488-6888  
[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)  
<http://www.bendavidsonlaw.com>

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# EXHIBIT 3

## RE: Sadeghi/Pinscreen

Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>

Tue 9/18/2018 2:45 PM

To: Adam Zaffos <[adam@fernaldlawgroup.com](mailto:adam@fernaldlawgroup.com)>;

Cc: Brandon Fernald <[brandon.fernald@fernaldlawgroup.com](mailto:brandon.fernald@fernaldlawgroup.com)>; lgrayver@gwtllp.com <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>;

Adam:

Thank you for the email. Per our conversation, the September 21 deadline was motivated by the fact that I am in trial starting September 26 and therefore would need to take this weekend to draft the demurrer and motion to strike. Moreover, given the sheer length of the complaint and number of causes of action, sufficient time will be needed to draft the demurrer and MTS in the event no FAC is filed. I understand that you continue to intend to file an FAC in the near future.

To also confirm our conversation, you have agreed to provide Defendants an extension to respond to **all** written discovery through October 2 (not just RFAs). Thank you for the professional courtesy. I will send you a meet and confer regarding Plaintiff's RFAs under separate cover.

Best regards,  
Ben

---

**From:** Adam Zaffos [<mailto:adam@fernaldlawgroup.com>]  
**Sent:** September 18, 2018 12:26 PM  
**To:** Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>  
**Cc:** Brandon Fernald <[brandon.fernald@fernaldlawgroup.com](mailto:brandon.fernald@fernaldlawgroup.com)>; lgrayver@gwtllp.com  
**Subject:** Re: Sadeghi/Pinscreen

Ben,

You left out that subsequently the parties also signed and filed a stipulation on August 31, 2018 extending Defendants' time to respond to October 4 which also extended our time to file an amended complaint. We intend to file an amended complaint before the deadline.

As to the RFAs, I'm happy to provide an additional extension to October 2. I disagree, however, that the RFAs are moot. They refer to evidence appended to the complaint and ask simply that Defendants admit or deny if the evidence is authentic. That should be simple enough. If you intend not to respond at all, beyond objections, please let me know now and we will proceed accordingly.

Regards,  
Adam

---

**From:** Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>  
**Sent:** Monday, September 17, 2018 7:33:57 PM

**To:** Adam Zaffos

**Cc:** Brandon Fernald; [lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)

**Subject:** Sadeghi/Pinscreen

Adam:

On August 20, I sent your office a meet and confer letter that showed in detail how each of Plaintiff's 17 causes of action are demurrable, and that the bulk of the complaint's 172 pages warrant being stricken. On August 29, you wrote that Plaintiff "intend[s] to file an amended complaint" and that you "will be getting it on file this week or next." Nearly three weeks have passed since your email and no amended complaint is on file. Nor have you provided any substantive legal response under C.C.P. 430.41(a)(2) to the meet and confer letter. If we are not in receipt of an amended complaint by COB on September 21, or if the matter has not been voluntarily dismissed, we will move forward with filing the demurrer and motion to strike as intended.

To the extent you are still planning to amend, there is the question of Defendants' responses to discovery, which are due on September 18. First, Defendants request an additional two weeks, through October 2, to respond to discovery, which will hopefully place Defendants' response date after Plaintiff's amended complaint is filed.

Thank you in advance for the professional courtesy. Second, you are aware that nearly every RFA in all four sets propounded by you refer directly back to the originally filed complaint, which is soon to be superseded. These RFAs include the following:

- First Set of RFAs propounded on Li and Pinscreen, RFAs 7-33.
- Second Set of RFAs propounded on Li and Pinscreen, RFAs 1-80 (i.e., the entire set).

Please confirm that these RFAs are withdrawn. Otherwise, Plaintiff intends to object to them as moot (in addition to other valid objections).

Best regards,

Ben

Benjamin Davidson, Esq.

LAW OFFICES OF BENJAMIN DAVIDSON, P.C.

8383 Wilshire Blvd., Suite 830

Beverly Hills, CA 90211

Office: (323) 713-0010

Cell: (213) 531-7010

Fax: (323) 488-6888

[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)

<http://www.bendavidsonlaw.com>

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# EXHIBIT 4

## RE: Sadeghi/Pinscreen extensions

Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>

Wed 10/17/2018 5:10 PM

To: Adam Zaffos <[adam@fernaldlawgroup.com](mailto:adam@fernaldlawgroup.com)>;

Cc: Brandon Fernald <[brandon.fernald@fernaldlawgroup.com](mailto:brandon.fernald@fernaldlawgroup.com)>; lgrayver@gwtllp.com <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>; 'Joel Benavides' <[jbenavides@gwtllp.com](mailto:jbenavides@gwtllp.com)>; 'Duvi Patterson' <[dpatterson@gwtllp.com](mailto:dpatterson@gwtllp.com)>;

Adam:

To avoid any confusion, I have calendared Defendants' response deadline for discovery as **October 24, 2018**, i.e., two weeks after the filing of the FAC plus five days' mailing. Let me know if you have a different response deadline.

Best,  
Ben

---

**From:** Benjamin Davidson [<mailto:bdavidson@bendavidsonlaw.com>]

**Sent:** October 2, 2018 4:59 PM

**To:** 'Adam Zaffos' <[adam@fernaldlawgroup.com](mailto:adam@fernaldlawgroup.com)>

**Cc:** 'Brandon Fernald' <[brandon.fernald@fernaldlawgroup.com](mailto:brandon.fernald@fernaldlawgroup.com)>; 'lgrayver@gwtllp.com' <[lgrayver@gwtllp.com](mailto:lgrayver@gwtllp.com)>; 'Joel Benavides' <[jbenavides@gwtllp.com](mailto:jbenavides@gwtllp.com)>; 'Duvi Patterson' <[dpatterson@gwtllp.com](mailto:dpatterson@gwtllp.com)>

**Subject:** Sadeghi/Pinscreen extensions

Adam:

Thank you for the call. To confirm, you have graciously agreed to extend the deadline for Defendants Pinscreen and Li to respond to Plaintiff's discovery served on or about July 24, 2018. Responses will be due 14 days after the filing and service of Plaintiff's First Amended Complaint, which you stated would be filed this week.

You also stated that you will stipulate a week extension in Defendants' response deadline to accommodate your filing of the FAC. I will provide you with a proposed stipulation.

Please advise immediately if the above does not comport with your understanding.

Best regards,  
Ben

Benjamin Davidson, Esq.

LAW OFFICES OF BENJAMIN DAVIDSON, P.C.

8383 Wilshire Blvd., Suite 830

Beverly Hills, CA 90211

Office: (323) 713-0010

Cell: (213) 531-7010

Fax: (323) 488-6888

[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)

<http://www.bendavidsonlaw.com>

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# EXHIBIT 5

# RE: Pinscreen/ Response Extension and Meet and Confer

Benjamin Davidson <bdavidson@bendavidsonlaw.com>

Tue 11/13/2018 11:49 AM

To: Adam Zaffos <adam@fernaldlawgroup.com>;

Cc: Brandon Fernald <brandon.fernald@fernaldlawgroup.com>; lgrayver@gwtllp.com <lgrayver@gwtllp.com>; 'Joel Benavides' <jbenavides@gwtllp.com>; dpatterson@gwtllp.com <dpatterson@gwtllp.com>; 'Paralegal' <paralegal@bendavidsonlaw.com>;

Adam:

The meet and confer conversation you mentioned consisted largely of me reading you the text of Defendants' 18-page demurrer meet and confer letter and then explaining each of the grounds stated in even greater detail. I also discussed some of the grounds stated in the motion to strike letter. You stated your *belief* that the causes of action were properly pled, but I do not recall a single instance where you cited any *authority* in support of your position. You did state (for example) that you would provide authority to show that Hao Li was a proper defendant for the fraud claim, but you have not done so. If I am mistaken, please email your authorities as to this and any other disputed grounds for demurrer and MTS.

With respect to discovery, I agree that we have sufficiently met and conferred on the issue of whether Defendants' discovery is premature given the pending demurrers. However, as to the various other objections set forth in the 9 sets of discovery, I do not agree that Plaintiff has satisfied his meet and confer requirements. Here as well, you often stated your *belief* that the discovery was code-compliant and Defendants' objections were not well-founded, but that is different than citation to authority.

Thank you for confirming the **November 21** date for Hao Li and Pinscreen to file their responsive pleadings. We confirm that Plaintiff's motion to compel deadline for discovery is 45 days from November 7, which we calculate as **December 24, 2018**.

Best regards,  
Ben

---

**From:** Adam Zaffos [mailto:adam@fernaldlawgroup.com]

**Sent:** November 8, 2018 4:26 PM

**To:** Benjamin Davidson <bdavidson@bendavidsonlaw.com>

**Cc:** Brandon Fernald <brandon.fernald@fernaldlawgroup.com>; lgrayver@gwtllp.com; 'Joel Benavides' <jbenavides@gwtllp.com>; dpatterson@gwtllp.com; 'Paralegal' <paralegal@bendavidsonlaw.com>

**Subject:** Re: Pinscreen/ Response Extension and Meet and Confer

Ben,

We had over a two hour meet and confer wherein we discussed not only every cause of action (and the theories behind them) but most of the cases you cited as well as several that I cited to you. I and we have more than met our obligations under the code. We did discuss some potential issues we might circle back (I reviewed these) but then decided those were at the margins at best and it likely made more sense, given the vast difference of opinion on virtually all COAs, to simply move forward with the demurrer. As we left it, the filing of a demurrer was the most likely outcome. As noted, we are not going to amend any further and you should move forward with your demurrer and motions to strike.

We went over the FROGS, an exemplar RFA and an exemplar RFP (most of it as the objections repeat). We do not read the case law cited nor the relevant code sections the same--but we did discuss them. Frankly, I find the objections borderline frivolous--as I noted.

I should also note that I believe the discussion was to extend Defendants' date to file to November 16, not November 21--but given the April hearing date, that is neither here nor there--so November 21 is fine.

Please confirm the date to file our motions to compel are 45 days from yesterday.

Regards,  
Adam

---

**From:** Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>  
**Sent:** Wednesday, November 7, 2018 3:40:38 PM  
**To:** Adam Zaffos  
**Cc:** Brandon Fernald; [jgrayver@gwtllp.com](mailto:jgrayver@gwtllp.com); 'Joel Benavides'; [dpatterson@gwtllp.com](mailto:dpatterson@gwtllp.com); 'Paralegal'  
**Subject:** RE: Pinscreen/ Response Extension and Meet and Confer

Adam,

We will proceed with filing our demurrers and motions to strike. I also assume that this means that you will not "provide legal support for [your] position that the pleading is legally sufficient," as required. (C.C.P. §§ 430.31(a)(1), 435.5(a)(1).) I had understood you would get back to me on at least some of the issues raised in Defendants' meet and confer letters and reiterated during our call on Monday.

As for your contention that discovery should commence, I am simply not persuaded that either *Terminals Equipment* or *Silver* are distinguishable in any meaningful way from present circumstances. We stand on our objection. Please advise if there are any other objections that you intend to meet and confer on. I recall we went over a few RFAs on Monday (Lin RFAs #1, Requests 1-10) but I don't recall you citing to any authority as to why those objections were improper.

Best,  
Ben

---

**From:** Adam Zaffos [<mailto:adam@fernaldlawgroup.com>]  
**Sent:** November 7, 2018 2:23 PM  
**To:** Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>  
**Cc:** Brandon Fernald <[brandon.fernald@fernaldlawgroup.com](mailto:brandon.fernald@fernaldlawgroup.com)>; [jgrayver@gwtllp.com](mailto:jgrayver@gwtllp.com); 'Joel Benavides' <[jbenavides@gwtllp.com](mailto:jbenavides@gwtllp.com)>; [dpatterson@gwtllp.com](mailto:dpatterson@gwtllp.com); 'Paralegal' <[paralegal@bendavidsonlaw.com](mailto:paralegal@bendavidsonlaw.com)>  
**Subject:** Re: Pinscreen/ Response Extension and Meet and Confer

Ben,

We do not intend to amend any further. As we discussed, I think the parties just fundamentally disagree on most if not all issues and the best way to resolve them is to have the court rule on a demurrer.

As to the objections, I have never heard of party refusing to provide discovery because it intends to demurrer. That flies in the face of the discovery act and CCP 2030 which specifically allows plaintiff the ability to propound discovery 10 days after service which undoubtedly is before an answer or demurrer would or could have been filed. If defendant can unilaterally stay discovery because it intends to demurrer, virtually every case in front a

court would be delayed months or more until that demurrer was decided. That neither makes sense nor has been my experience.

The reading of the cases also does not support your position. In *Terminals Equipment*, the **Court** stayed discovery **after** 11 boxes of documents and numerous other discovery responses had already been provided and responded to. The fight was over additional documents that the Court further recognized were likely protected by a privilege and discovery of which would not assist in Plaintiff amending their complaint.

In other words, Defendants had responded to the discovery requests except those in which it asserted a government privilege. The Court then stayed further discovery of these disputed documents until Plaintiff amended and asserted valid causes of action.

The situation here is very different. Defendants are refusing to produce anything, even responding to FROGS, are asserting no privilege that the Court has already viewed may be valid, and there has been no determination one way or the other that the FAC is subject to demurrer. Either way, any alleged stay would be up to the Court and cannot be unilaterally asserted by Defendants because they believe the FAC has not stated a valid cause of action.

Your citation to *Silver* fails no better. As indicated there, once again, the Court issued the stay, not the defendant and it was a result of defendant making a motion for protective order to prevent further depositions. The Court there stayed the hearing on the protective order and, it appears held a special hearing on the validity of the **second amended complaint**. It appears a demurrer to the SAC had been overruled by a previous judge and the current judge did not agree with that decision and therefore wanted a hearing on it and therefore stayed discovery until that determination was made.

Again, that is very different from here. There has been no discovery provided to date, no motion has been made defendants, no determination has been made one way or the other as to the validity of the FAC (no version has been analyzed by the Court) and there has been no stay issued by the Court.

In sum, Defendants must respond to discovery. If you intend to stand on your objections, please let me know so we may move to compel. Given the multiple extensions provided to defendants to date, we request a similar courtesy as to the filing of any motion to compel (our date to file does not begin to run until we receive your response as to complying with discovery).

Regards,  
Adam

**From:** Benjamin Davidson <[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)>  
**Sent:** Tuesday, November 6, 2018 5:11:19 PM  
**To:** Adam Zaffos  
**Cc:** Brandon Fernald; [jgrayver@gwtllp.com](mailto:jgrayver@gwtllp.com); 'Joel Benavides'; [dpatterson@gwtllp.com](mailto:dpatterson@gwtllp.com); 'Paralegal'  
**Subject:** Pinscreen/ Response Extension and Meet and Confer

Adam:

Following up on our conversation yesterday, this confirms that Plaintiff has agreed to extend the time for Defendants Pinscreen and Hao Li to respond to the First Amended Complaint through **November 21, 2018** to permit the parties additional time to meet and confer regarding the issues raised in Defendants' meet and confer letters re: demurrer and motion to strike. Please advise no later than **Friday, November 16** whether Plaintiff intends to amend the FAC in light of Defendants concerns, and if so, what amendment you believe would cure the

alleged defects. Alternatively, please advise if Plaintiff will not amend the FAC so that we may prepare our demurrers and motions to strike. If I don't hear from you by COB November 16, I will assume that you do not intend to amend.

You also expressed concerns regarding Defendants' objections that discovery was premature in accordance with the holdings of *Terminals Equipment C. v. City and Cty. of San Francisco* (1990) 221 Cal.App.3d 234 and *Silver v. City of Los Angeles* (1966) 245 Cal.App.3d 673. Your position was that the procedural posture in those cases was different than in our case. However, the holdings in those cases were not dependent on a particular procedural posture, and in fact the relevant posture was on all fours with this case. *Terminals Equipment* is illustrative:

[T]he trial court sustained respondents' demurrers on grounds of failure to state a cause of action, and granted leave to amend. Thereafter, a hearing was held on **appellants' previously stayed discovery motions seeking to compel production** from respondents of certain internal memoranda. Following the hearing, the trial court found that "until [appellants] can state a valid cause of action, they cannot make the requisite showing to overcome the government privilege stated in Evidence Code section 1040," and ordered that the stay of discovery remain in effect "until [appellants] file an amended complaint that is not subject to demurrer." [¶...¶]

[A]ppellants urge that the trial court erred in staying further discovery until appellants filed an amended complaint which would withstand demurrer. [...] Unless and until appellants filed a viable complaint stating at least one triable cause of action, further discovery of these documents would only be an unnecessary and burdensome additional expense to respondents, and there was no abuse of discretion in staying discovery.

(*Terminals Equip. Co., supra*, 221 Cal. App. 3d at 241, 247 (emphasis added).)

Thus, in *Terminals Equipment*, defendant's demurrer was granted **after** discovery had already been stayed. In other words, the stay was in place even **before** the Court had ruled on the demurrer. Presumably, this occurred at a hearing denying plaintiff's motion to compel.

Similarly, in *Silver*, the court of appeal affirmed the trial court's decision to take discovery motions off calendar "pending a special hearing on the underlying legal issue." (*Silver, supra*, 245 Cal.App.3d at 675.) That this was a protective order rather than a motion to compel was irrelevant to the holding. The underlying concern is the unfairness in requiring a party to expend significant resources on discovery when there is serious doubt that the plaintiff can state any cause of action. Therefore, and especially in the absence of any contrary authority, the objections stand.

Best,  
Ben

Benjamin Davidson, Esq.  
LAW OFFICES OF BENJAMIN DAVIDSON, P.C.  
8383 Wilshire Blvd., Suite 830  
Beverly Hills, CA 90211  
Office: (323) 713-0010  
Cell: (213) 531-7010  
Fax: (323) 488-6888

[bdavidson@bendavidsonlaw.com](mailto:bdavidson@bendavidsonlaw.com)  
<http://www.bendavidsonlaw.com>

12/7/2018

RE: Pinscreen/ Response Extension and Meet and Confer - Adam Zaffos

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**THIS IS YOUR CRS RECEIPT**

INSTRUCTIONS
<p>Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center; margin: 0;">CALIFORNIA, COUNTY OF LOS ANGELES</p> <p style="margin: 0;">) CASE NO.: BC000000</p> <p style="margin: 0;">) NOTICE OF MOTION AND PETITION</p> <p style="margin: 0;">) TO COMPEL ANSWERS TO FORM</p> <p style="margin: 0;">) INTERROGATORIES</p> <p style="margin: 0;">) DATE: January 14, 2020</p> <p style="margin: 0;">) TIME: 2:30 pm</p> <p style="margin: 0;">) DEPT: 16</p> <p style="margin: 0;">) RES ID: 131112001085</p> </div>

**RESERVATION INFORMATION**

**Reservation ID:** 181129369421  
**Transaction Date:** November 29, 2018  
**Case Number:** BC709376  
**Case Title:** DR IMAN SADEGHI VS PINSCREEN INC ET AL  
**Party:** SADEGHI IMAN DR. (Plaintiff)  
**Courthouse:** Stanley Mosk Courthouse  
**Department:** 16  
**Reservation Type:** Motion to Compel Further Discovery Responses  
**Date:** 9/30/2019  
**Time:** 09:00 am

**FEE INFORMATION (Fees are non-refundable)**

**First Paper Fee:** Party asserts first paper was previously paid.

Description	Fee
Motion to Compel Further Discovery Responses	\$60.00
<b>Total Fees:</b>	<b>\$60.00</b>

**Receipt Number: 1181129K4055**

**PAYMENT INFORMATION**

**Name on Credit Card:** Brandon Fernald  
**Credit Card Number:** XXXX-XXXX-XXXX-7099

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE MOTION/DOCUMENT FACE PAGE.**