

1 COOLEY GODWARD KRONISH LLP
STEVEN M. STRAUSS (99153)
2 PATRICK P. GUNN (172258)
DENNIS C. CROVELLA (190781)
3 PHILLIP TADLOCK (247079)
4401 Eastgate Mall
4 San Diego, CA 92121
Telephone: (858) 550-6000
5 Facsimile: (858) 550-6420

6 Attorneys for Defendants
SUNROAD CENTRUM, L.P.; SUNROAD ASSET
7 MANAGEMENT, INC., and SUNROAD ENTERPRISES

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO
10 CENTRAL DIVISION
11

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA and THE CITY OF SAN
DIEGO, a municipal corporation,

14 Plaintiff,

15 v.

16 SUNROAD CENTRUM, L.P., a California
17 Limited Partnership, SUNROAD ASSET
MANAGEMENT, INC., a California
18 Corporation, SUNROAD ENTERPRISES,
19 CALIFORNIA DEPARTMENT OF
TRANSPORTATION, AERONAUTICS
20 DIVISION, and DOES 1 through 50,
inclusive,

21 Defendant.

No. GIC 877054

**DEFENDANTS SUNROAD CENTRUM, L.P.,
SUNROAD ASSET MANAGEMENT, INC.,
AND SUNROAD ENTERPRISES' FIRST SET
OF REQUESTS FOR PRODUCTION TO THE
CITY OF SAN DIEGO**

1 **PROPOUNDING PARTY:** **DEFENDANTS SUNROAD CENTRUM, LP, SUNROAD ASSET**
2 **MANAGEMENT, INC., AND SUNROAD ENTERPRISES**

3 **RESPONDING PARTY:** **PLAINTIFF THE CITY OF SAN DIEGO**

4 **SET NUMBER:** **ONE**

5 Pursuant to California Code of Civil Procedure section 2031.010, Defendants Sunroad
6 Centrum, L.P., Sunroad Asset Management, Inc., and Sunroad Enterprises demands that Plaintiff
7 The City of San Diego produce, within thirty (30) days of service of such demand, the documents
8 described below for inspection and photocopying by Defendants at the offices of Defendants'
9 counsel, Cooley Godward Kronish LLP, 4401 Eastgate Mall, San Diego, California 92121.

10 **I. INSTRUCTIONS**

11 1. The original and each non-identical copy of each DOCUMENT or other tangible
12 thing requested herein that is in YOUR possession, custody, or control, or that of any of YOUR
13 agents, attorneys, accountants, employees, or representatives, is to be produced. If the original or
14 original carbon copy is not in YOUR possession, custody, or control, or that of YOUR agents,
15 attorneys, accountant, employees, or representatives, then a full, clear, legible copy thereof is to
16 be produced.

17 2. Each Request shall be answered fully unless it is objected to in good faith, in
18 which event the reasons for YOUR objection shall be stated in detail. If any objection pertains to
19 only a portion of the Request, or a word, phrase, or clause contained within it, YOU are required
20 to state YOUR objection to that portion only and to respond to the remainder of the Request,
21 using YOUR best efforts to do so. YOUR response hereto is to be signed and verified by the
22 person making it, and the objections signed by the attorney making them.

23 3. Pursuant to California Code of Civil Procedure section 2031.280, each
24 DOCUMENT and/or tangible thing produced in response hereto is to be produced as it is kept in
25 the usual course of business, including all file folders, binders, notebooks, and other devices by
26 which such papers or things may be organized or separated.

27 4. If YOU or YOUR counsel assert that any DOCUMENT and/or tangible thing
28 required to be produced is privileged or otherwise protected from discovery, then please set forth

1 in YOUR written response hereto with respect to each DOCUMENT and/or tangible thing for
2 which a claim of privilege is made:

3 (a) The place, approximate date, and manner of recording, creating, or
4 otherwise preparing the DOCUMENT and/or tangible thing;

5 (b) The name and organizational position, if any, of each sender of the
6 DOCUMENT and/or tangible thing;

7 (c) The name and organizational position, if any, of each recipient of the
8 DOCUMENT and/or tangible thing;

9 (d) The name and organizational position, if any, of each person (other than
10 stenographic or clerical assistants) participating in the preparation or creation of the
11 DOCUMENT and/or tangible thing;

12 (e) The name and organizational position, if any, of each person to whom the
13 contents of the DOCUMENT and/or tangible thing or any portion thereof have heretofore been
14 communicated by copy, exhibition, reading, or summarization;

15 (f) A statement of the basis on which privilege is claimed with respect to each
16 DOCUMENT and/or tangible thing and whether or not its contents are limited solely to legal
17 advice or information provided for the purpose of securing legal advice;

18 (g) The number of the Request to which the DOCUMENT and/or tangible
19 thing is responsive; and

20 (h) The identity and organizational position, if any, of each person supplying
21 the author of your response hereto with the information requested in subsections (a) through (g)
22 above.

23 5. Any DOCUMENTS or things requested that cannot be produced in full should be
24 produced to the extent possible, specifying the reasons for the inability to produce the remainder
25 and stating whatever information, knowledge, or belief YOU have concerning the unproduced
26 portion.

27 6. The present tense includes the past and future tenses. The singular includes the
28 plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and

1 all." "Including" means "including but not limited to." "And" and "or" encompass both "and"
2 and "or." Words in the masculine, feminine or neutral form shall include each of the other
3 genders.

4 **II. DEFINITIONS**

5 1. REGARDING means "associated with," "commenting on," "pertaining to,"
6 "referring to," "reflecting," "relating to," "affecting," "concerning," "evidencing," or
7 "supporting."

8 2. DOCUMENT or DOCUMENTS means any written, printed, typed, recorded,
9 magnetic, digitized, punched, copied, graphic, or other tangible thing in, through, or from which
10 information may be embodied, translated, conveyed, or stored including, without limitation,
11 correspondence, memoranda, notes, records, books, papers, telegrams, telexes, electronic mail,
12 electronic attachments, dictation tapes, audio tapes, video tapes, computer files, computer tapes
13 (including back up tapes), computer discs (including back up discs), computer printouts,
14 microfilm, microfiche, worksheets, diaries, calendars, photographs, charts, drawings, sketches,
15 and all of the writings or drafts thereof as defined in California Evidence Code section 250, as
16 well as data stored in a computer, data stored on removable magnetic or optical media, e.g.,
17 magnetic tape, floppy discs and recordable optical disks, data used for electronic data
18 interchange, audit trails, digitized pictures and video, e.g., data stored in MPEG, JPEG and GIF
19 formats, and digitized audio and voicemail, and includes each original and non-duplicate copy of
20 each such writing.

21 3. COMMUNICATION or COMMUNICATIONS means, in its broadest sense, any
22 transmission of information from one person or entity to another, by every manner or means of
23 disclosure or transfer or exchange of information, whether orally, by DOCUMENT, or otherwise,
24 and whether face-to-face, in a meeting, by telephone, or other electronic media, including
25 computer or modem, mail, personal delivery, or otherwise.

26 4. SUNROAD means Sunroad Centrum, L.P., Sunroad Asset Management, Inc.,
27 Sunroad Enterprises and, where applicable, their officers, directors, employees, divisions,
28 subsidiaries, predecessors, successors-in-interest, agents, representatives, investigators, and

1 consultants.

2 **5.** FAC means the First-Amended Complaint in the above-entitled action, Case No.
3 GIC 877054, filed by YOU on January 10, 2007.

4 **6.** LITIGATION means the action brought by the People of the State of California
5 and CITY as described in the FAC.

6 **7.** BUILDING means the Centrum I Building that is the subject of the LITIGATION,
7 a twelve story commercial office building located 0.7 nautical miles from the Montgomery Field
8 Airport.

9 **8.** CENTRUM means the Sunroad Centrum Development in Kearny Mesa, CA that
10 is the subject of the LITIGATION, a master planned, one million square-foot Class A office
11 campus which includes the BUILDING.

12 **9.** CITY means the City of San Diego, a municipal corporation, and all departments,
13 divisions, offices, and agencies related thereto, and where applicable, all officers, directors,
14 employees, divisions, predecessors, successors-in-interest, agents, representatives, investigators,
15 and consultants.

16 **10.** CITY ATTORNEY means the City Attorney of San Diego, his office, and all
17 employees, agents, investigators, and representatives.

18 **11.** REAL PARTIES IN INTEREST means the Aircraft Owners and Pilots
19 Association, Inc., a New Jersey non-profit corporation, and, where applicable, its officers,
20 directors, employees, divisions, subsidiaries, predecessors, successors-in-interest, agents,
21 representatives, investigators, and consultants, as well as Community Airfields Association of
22 San Diego, Inc., a California non-profit corporation, and, where applicable, its officers, directors,
23 employees, divisions, subsidiaries, predecessors, successors-in-interest, agents, representatives,
24 investigators, and consultants.

25 **12.** FAA means the Federal Aviation Administration and all departments, divisions,
26 and offices related thereto, and where applicable, all officers, directors, employees, divisions,
27 predecessors, successors-in-interest, agents, representatives, investigators, and consultants.

28 **13.** DOT means the California Department of Transportation and all departments,

1 divisions, offices, and agencies related thereto, and where applicable, all officers, directors,
2 employees, divisions, predecessors, successors-in-interest, agents, representatives, investigators,
3 and consultants.

4 **14.** YOU or YOUR means and refers to CITY and anyone acting on its behalf,
5 including without limitations, all departments, divisions, offices, and agencies related thereto, and
6 where applicable, all officers, directors, employees, divisions, predecessors, successors-in-
7 interest, agents, representatives, investigators, and consultants.

8 **III. REQUESTS FOR PRODUCTION**

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

10 ALL DOCUMENTS REGARDING CENTRUM OR THE BUILDING.

11 **REQUEST FOR PRODUCTION NO. 2:**

12 ALL DOCUMENTS REGARDING COMMUNICATIONS BETWEEN YOU AND REAL
13 PARTIES IN INTEREST REGARDING CENTRUM OR THE BUILDING.

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

15 ALL DOCUMENTS REGARDING COMMUNICATIONS between YOU and DOT
16 REGARDING CENTRUM or the BUILDING.

17 **REQUEST FOR PRODUCTION NO. 4:**

18 ALL DOCUMENTS REGARDING COMMUNICATIONS between YOU and FAA
19 REGARDING CENTRUM of the BUILDING.

20 **REQUEST FOR PRODUCTION NO. 5:**

21 All DOCUMENTS REGARDING the height of CENTRUM or the BUILDING.

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

23 All permits issued by YOU for the CENTRUM or the BUILDING.

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

25 ALL DOCUMENTS REGARDING COMMUNICATIONS between YOU and SUNROAD
26 REGARDING CENTRUM or the BUILDING.

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

28 All DOCUMENTS REGARDING COMMUNICATION between YOU and SUNROAD

1 REGARDING the height of the CENTRUM or the BUILDING.

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

3 All DOCUMENTS REGARDING YOUR contention, made in paragraph 70 of the First
4 Amended Complaint, that BUILDING is a hazard.

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

6 All DOCUMENTS REGARDING YOUR contention, made in paragraph 53 of the First
7 Amended Complaint, that the citizens of the CITY will suffer irreparable damage.

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

9 All DOCUMENTS REGARDING YOUR contention, made in paragraph 48 of the First
10 Amended Complaint, that BUILDING presents an imminent danger.

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

12 All DOCUMENTS REGARDING YOUR contention, made in paragraph 26 of the First
13 Amended Complaint, that the FAA advised that “no construction of the Sunroad Centrum I
14 Building should proceed, not even at a reduced elevation.”

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

16 All DOCUMENTS REGARDING YOUR contention, made in paragraph 14 of the First
17 Amended Complaint, that AOPA and its local members are indispensable parties to this action.

18 **REQUEST FOR PRODUCTION NO. 14:**

19 All DOCUMENTS REGARDING YOUR contention, made in paragraph 18 of the First
20 Amended Complaint, that CAASD and its members are indispensable parties to this action.

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

22 All DOCUMENTS REGARDING YOUR contention, made in paragraph 64 of the First
23 Amended Complaint, that SUNROAD conducted “unfair, deceptive, untrue and misleading” acts
24 REGARDING CENTRUM.

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


26 All DOCUMENTS identified in YOUR responses to Form Interrogatories Set One.

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

28 All DOCUMENTS identified in YOUR responses to Special Interrogatories Set One.

1 Dated: February 2, 2007

2 COOLEY GODWARD KRONISH LLP
3 STEVEN M. STRAUSS (99153)
4 PATRICK P. GUNN (172258)
5 DENNIS C. CROVELLA (190781)
6 PHILLIP TADLOCK (247079)

7 By: 
8 Dennis C. Crovella (190781)

9 Attorneys for Defendants Sunroad Centrum, L.P.,
10 Sunroad Asset Management, Inc., and Sunroad
11 Enterprises

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28