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

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CENTRAL DIVISION

11  
12 THE PEOPLE OF THE STATE OF  
CALIFORNIA and THE CITY OF SAN  
13 DIEGO, a municipal corporation,

14 Plaintiff,

15 v.

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

20 Defendant.  
21

No. GIC 877054

**DEFENDANT SUNROAD CENTRUM, L.P.,  
SUNROAD ASSET MANAGEMENT, INC.,  
AND SUNROAD ENTERPRISES' FIRST SET  
OF SPECIAL INTERROGATORIES TO THE  
CITY OF SAN DIEGO**

22  
23 **PROPOUNDING PARTY: SUNROAD CENTRUM L.P., SUNROAD ASSET MANAGEMENT, INC.,**

24 **AND SUNROAD ENTERPRISES**

25 **RESPONDING PARTY: THE CITY OF SAN DIEGO**

26 **SET NUMBER: ONE**

27 Pursuant to California Code of Civil Procedure section 2030, Defendant Sunroad  
28 Centrum, L.P., Sunroad Asset Management, Inc., and Sunroad Enterprises ("Sunroad"), requests

1 that Plaintiff, City of San Diego, answer separately and completely in writing under oath within  
2 30 days of service hereof each of the Interrogatories set forth below in accordance with the  
3 following Definitions and Instructions:

4 **I. DEFINITIONS**

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

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

13 3. DOCUMENT means writing as defined in California Evidence Code section 250. A  
14 draft or non-identical copy is a separate DOCUMENT within the meaning of this term.

15 4. COMMUNICATION means any transmission of information from one PERSON or  
16 entity to another by any means in the form of facts, ideas, inquiries or otherwise.

17 5. PERSON means any natural PERSON or any business, legal, or governmental entity  
18 or association or any other cognizable entity, including, without limitation, corporations,  
19 proprietorships, partnerships, joint ventures, consortiums, clubs, associations, foundations,  
20 governmental agencies or instrumentalities, societies and orders.

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

28 7. SUNROAD means Sunroad Centrum, L.P., Sunroad Asset Management, Inc.,

1 Sunroad Enterprises and, where applicable, its officers, directors, employees, divisions,  
2 subsidiaries, predecessors, successors-in-interest, agents, representatives, investigators, and  
3 consultants.

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

7 **9.** CENTRUM means the Sunroad Centrum Development in Kearny Mesa, CA, a  
8 master planned, one million square-foot Class A office campus which includes the BUILDING.

9 **10.** A request to provide information CONCERNING something means relating to,  
10 referring to, describing, referencing, evidencing or constituting.

11 **11.** A request to IDENTIFY EACH DOCUMENT means to provide a description sufficient  
12 to obtain production thereof by subpoena, discovery request, or court order, including:

13 (a) The name and current business or residential address of the individual or  
14 individuals who (i) prepared it, (ii) signed it or under whose signature it was issued, and (iii) to  
15 whom it was addressed or distributed;

16 (b) The title and nature of its contents;

17 (c) The date appearing on it and the date or dates when it was prepared; and

18 (d) The current physical location of it.

19 ALTERNATIVELY, YOU may identify any DOCUMENT by instead attaching a full, clear,  
20 legible copy thereof to YOUR response hereto, provided that each such copy contains a  
21 reference to each Interrogatory to which it is responsive.

22 **12.** A request to IDENTIFY EACH COMMUNICATION means to:

23 (a) State the date and place of each such COMMUNICATION;

24 (b) State the medium through which such COMMUNICATION was made (e.g., in  
25 PERSON, by telephone, by electronic mail or means, etc.);

26 (c) IDENTIFY EACH PERSON who participated in the COMMUNICATION;

27 (d) IDENTIFY EACH PERSON (other than a participant) who heard or had access  
28 to the COMMUNICATION;

1           (e) State the substance of the COMMUNICATION, including any discussion  
2 constituting or regarding the COMMUNICATION, the order in which such discussion was had, and  
3 any decisions or conclusions reached in the course of or as a result of the COMMUNICATION; and

4           (f) IDENTIFY EACH DOCUMENT reflecting or concerning the substance of the  
5 COMMUNICATION.

6           13. A request to IDENTIFY EACH PERSON refers to each natural PERSON or entity and  
7 means to provide such PERSON'S or entity's full name and the current business or employment  
8 address and, if a natural PERSON, such PERSON'S residence address and telephone number.

9           14. If an Interrogatory is silent as to the time period for which information is sought,  
10 YOUR response should include all information known to YOU CONCERNING events that occurred,  
11 in whole or in part, at any time during the period of 2004 to the present.

12           15. The use of the singular form of any word includes the plural, and use of the plural  
13 form includes the singular form.

14 **II. INSTRUCTIONS**

15           1. YOU are requested to answer each Interrogatory set forth below separately and  
16 completely in writing under oath. YOUR response hereto is to be signed and verified by the  
17 PERSON making it, and the objections signed by the attorney making them, as required by  
18 California Code of Civil Procedure section 2030, subdivisions (f) & (g).

19           2. Each Interrogatory shall be answered fully unless it is objected to in good faith, in  
20 which event the reasons for YOUR objection shall be stated in detail. If an objection pertains to  
21 only a portion of an Interrogatory, or a word, phrase or clause contained within it, YOU are  
22 required to state YOUR objection to that portion only and to respond to the remainder of the  
23 Interrogatory, using YOUR best efforts to do so.

24           3. If YOU withhold any responsive information or DOCUMENT on the grounds that it  
25 is privileged or otherwise claimed to be excludable from discovery, identify the information or  
26 DOCUMENT, describe its subject matter and date, identify all authors and all recipients (including  
27 copied and blind copied recipients), and specify the basis for the claimed privilege or other  
28 grounds of exclusion.

1           4.     If YOU answer any of the Interrogatories by reference to records from which the  
2 answer may be derived or ascertained, YOU are requested to comply with the requirements of  
3 California Code of Civil Procedure section 2030, subdivision (f)(2).

4           5.     If any responsive DOCUMENT is no longer in existence, cannot be located or is not  
5 in YOUR possession, custody or control, identify it, describe its subject matter and describe its  
6 disposition, including, without limitation, identifying the PERSON having knowledge of the  
7 disposition.

8     **III.    INTERROGATORIES.**

9     **INTERROGATORY NO. 1:**

10           STATE all facts supporting YOUR contention that the BUILDING violates “the height  
11 restrictions established by the FAA” as alleged in ¶ 21 of the First Amended Complaint.

12     **INTERROGATORY NO. 2:**

13           IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
14 contention that the BUILDING violates “the height restrictions established by the FAA” as alleged  
15 in ¶ 21 of the First Amended Complaint.

16     **INTERROGATORY NO. 3:**

17           IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that the BUILDING  
18 violates “the height restrictions established by the FAA” as alleged in ¶ 21 of the First Amended  
19 Complaint.

20     **INTERROGATORY NO. 4:**

21           STATE all facts to support YOUR contention that SUNROAD submitted “false and  
22 misleading information” to the FAA as alleged in ¶ 29 of the First Amended Complaint.

23     **INTERROGATORY NO. 5:**

24           IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
25 contention that SUNROAD submitted “false and misleading information” to the FAA as alleged in  
26 ¶ 29 of the First Amended Complaint.

27     **INTERROGATORY NO. 6:**

28           IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that SUNROAD

1 submitted “false and misleading information” to the FAA as alleged in ¶ 29 of the First Amended  
2 Complaint.

3 **INTERROGATORY NO. 7:**

4 STATE all facts supporting YOUR contention that SUNROAD committed unfair, deceptive or  
5 misleading business acts as alleged in ¶ 64 of the First Amended Complaint.

6 **INTERROGATORY NO. 8:**

7 IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
8 contention that SUNROAD committed unfair, deceptive or misleading business acts as alleged in ¶  
9 64 of the First Amended Complaint.

10 **INTERROGATORY NO. 9:**

11 IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that SUNROAD  
12 committed unfair, deceptive or misleading business acts as alleged in ¶ 64 of the First Amended  
13 Complaint.

14 **INTERROGATORY NO. 10:**

15 STATE all facts supporting YOUR contention that SUNROAD’S advertising of the BUILDING  
16 was unfair, deceptive, untrue or misleading as alleged in ¶ 64 of the First Amended Complaint.

17 **INTERROGATORY NO. 11:**

18 IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
19 contention that SUNROAD’S advertising of the BUILDING was unfair, deceptive, untrue or  
20 misleading as alleged in ¶ 64 of the First Amended Complaint.

21 **INTERROGATORY NO. 12:**

22 IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that SUNROAD’S  
23 advertising of the BUILDING was unfair, deceptive, untrue or misleading as alleged in ¶ 64 of the  
24 First Amended Complaint.

25 **INTERROGATORY NO. 13:**

26 IDENTIFY EACH COMMUNICATION between YOU and the FAA regarding the BUILDING.

27 **INTERROGATORY NO. 14:**

28 IDENTIFY EACH COMMUNICATION between YOU and the California Department of

1 Transportation regarding the BUILDING.

2 **INTERROGATORY NO. 15:**

3 IDENTIFY EACH COMMUNICATION between YOU and REAL PARTIES IN INTEREST regarding  
4 the BUILDING.

5 **INTERROGATORY NO. 16:**

6 STATE all facts supporting YOUR contention that the BUILDING is a “clear and present  
7 danger” to the “health and welfare of the City, its citizens and all those who rely upon and utilized  
8 the City’s Montgomery Field” as alleged in ¶ 48 of the First Amended Complaint.

9 **INTERROGATORY NO. 17:**

10 IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
11 contention that the BUILDING is a “clear and present danger” to the “health and welfare of the  
12 City, its citizens and all those who rely upon and utilized the City’s Montgomery Field” as  
13 alleged in ¶ 48 of the First Amended Complaint.

14 **INTERROGATORY NO. 18:**

15 IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that the BUILDING is  
16 a “clear and present danger” to the “health and welfare of the City, its citizens and all those who  
17 rely upon and utilized the City’s Montgomery Field” as alleged in ¶ 48 of the First Amended  
18 Complaint.

19 **INTERROGATORY NO. 19:**

20 STATE all facts supporting YOUR contention that “had the City been provided with the  
21 FAA’s Hazard Determination over a year earlier, at the time of Sunroad’s permit application, or  
22 at the time of the City’s Kearny Mesa Community Planning Group review of the building for  
23 substantial compliance, the City and Community Planning Group would not have recommended  
24 approval of the Process Two substantial conformance review for the Sunroad Centrum I  
25 Building” as alleged in ¶ 33 of the First Amended Complaint.

26 **INTERROGATORY NO. 20:**

27 IDENTIFY EACH PERSON YOU contend has knowledge of the facts supporting YOUR  
28 contention that “had the City been provided with the FAA’s Hazard Determination over a year

1 earlier, at the time of Sunroad's permit application, or at the time of the City's Kearny Mesa  
2 Community Planning Group review of the building for substantial compliance, the City and  
3 Community Planning Group would not have recommended approval of the Process Two  
4 substantial conformance review for the Sunroad Centrum I Building" as alleged in ¶ 33 of the  
5 First Amended Complaint.

6 **INTERROGATORY NO. 21:**

7 IDENTIFY EACH DOCUMENT YOU contend supports YOUR contention that "had the City  
8 been provided with the FAA's Hazard Determination over a year earlier, at the time of Sunroad's  
9 permit application, or at the time of the City's Kearny Mesa Community Planning Group review  
10 of the building for substantial compliance, the City and Community Planning Group would not  
11 have recommended approval of the Process Two substantial conformance review for the Sunroad  
12 Centrum I Building" as alleged in ¶ 33 of the First Amended Complaint.

13  
14 Dated: February 2, 2007

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19 By:   
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21 Sunroad Asset Management, Inc., and Sunroad  
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