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Exempt from filing fees
Gov.Code §6103

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

10 THE PEOPLE OF THE STATE OF)
11 CALIFORNIA and THE CITY OF SAN)
DIEGO, a municipal corporation,)
12)
Petitioners and Plaintiffs,)
13)
v.)
14)
SUNROAD CENTRUM, L.P., a California)
15 Limited Partnership, SUNROAD ASSET)
MANAGEMENT, INC., a California)
16 corporation, SUNROAD ENTERPRISES,)
CALIFORNIA DEPARTMENT OF)
17 TRANSPORTATION, AERONAUTICS)
DIVISION, and DOES 1 through 50, inclusive,)
18)
Respondents and Defendants.)

19 _____)
20 AIRCRAFT OWNERS AND PILOTS)
ASSOCIATION, INC., a New Jersey non-profit)
21 corporation, and COMMUNITY AIRFIELDS)
ASSOCIATION OF SAN DIEGO, INC., a)
22 California non-profit corporation,)
23)
Real Parties In Interest.)
24 _____)

) Case No. GIC 877054
)
) **CITY OF SAN DIEGO'S RESPONSE**
) **TO REQUESTS FOR PRODUCTION**
) **OF DOCUMENTS, SET ONE,**
) **PROPOUNDED BY SUNROAD**
) **CENTRUM, L.P., SUNROAD ASSET**
) **MANAGEMENT, INC., AND**
) **SUNROAD ENTERPRISES**

) Judge: Hon. John S. Meyer
) Dept: 61
) Trial Date: Not Yet Set
) Complaint Filed: 12/15/06

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MAR - 7 2007
Gerald Blank, Lawyer

1 **PROPOUNDING PARTY: SUNROAD CENTRUM L.P, SUNROAD ASSET**
2 **MANAGEMENT, INC. , SUNROAD**
3 **ENTERPRISES (“SUNROAD”)**

4 **RESPONDING PARTY: CITY OF SAN DIEGO**

5 **SET NUMBER: ONE**

6 **PRELIMINARY STATEMENT**

7 Pursuant to Code of Civil Procedure section 2031.210 through 2031.320, Plaintiff and
8 Petitioner, the City of San Diego (“CITY”) responds to SUNROAD’s Request for Production
9 of Documents (Set One) subject to the CITY’s right to amend, supplement or otherwise
10 modify its responses as it may hereafter discover new information or realize the significance
11 of information in its possession at that time. The following responses are made solely for the
12 purposes of this action. Each response is subject to any and all objections as to competence,
13 relevance, materiality and admissibility. Accordingly, all such objections and grounds are
14 expressly reserved to be interposed, either by motion or otherwise, at the time of trial or at
15 some other appropriate time. The CITY objects generally to the Requests for Production of
16 Documents as follows:

17 **GENERAL OBJECTIONS**

18 1. The CITY objects to the Requests for Production of Documents generally, and
19 to each request contained therein specifically, to the extent that they are compound and/or are
20 in contravention of and/or expand upon the requirements of the Code of Civil Procedure.

21 2. The CITY objects to the Requests for Production of Documents generally, and
22 to each request contained therein specifically, to the extent that they seek information and/or
23 the identity of documents protected by the attorney-client privilege or the attorney-work
24 product doctrine.

25 3. The CITY objects to the Requests for Production of Documents generally, and
26 to each request contained therein specifically, to the extent that they seek information and/or
27 the identity of documents which are privileged under Evidence Code sections 900, *et seq.*,
28 Code of Civil Procedure section 2018 or any other applicable law.

4. The CITY objects to the Requests for Production of Documents generally, and
to each request contained therein specifically, to the extent that they seek information and/or
the identity of documents which are protected by the CITY’s or third parties’ rights of privacy

1 under Article I, Section 1 of the California Constitution, the Constitution of the United States
2 or applicable case law.

3 5. The CITY objects to the Requests for Production of Documents generally, and
4 to each request contained therein specifically, to the extent that they call for information
5 and/or the identity of documents which will or may lead to the disclosure of confidential
6 information.

7 6. The CITY objects to the Requests for Production of Documents generally, and
8 to each request contained therein specifically, to the extent that they seek information and/or
9 the identity of documents which are irrelevant to the instant action nor reasonably calculated
10 to lead to the discovery of admissible evidence.

11 7. The CITY objects to the Requests for Production of Documents generally, and
12 to each request contained therein specifically, to the extent they seek information and/or the
13 identity of documents which are overbroad.

14 8. The CITY objects to the Requests for Production of Documents generally, and
15 to each request contained therein specifically, to the extent they seek information and/or the
16 identity of documents which are vague and ambiguous.

17 9. The CITY objects to the Requests for Production of Documents generally, and
18 to each request contained therein specifically, to the extent they seek information and/or the
19 identity of documents which are unduly burdensome.

20 10. The CITY objects to the Requests for Production of Documents generally, and
21 to each request contained therein specifically, to the extent that they call for information
22 and/or the identity of documents relating to and/or in the possession of persons and entities
23 other than the CITY and are thus equally available to SUNROAD.

24 The CITY's responses to the Requests for Production of Documents are based upon
25 the information and documents presently in its possession and specifically known to it at this
26 time. The CITY has not completed its investigation. It is possible that further investigation
27 will disclose additional information pertaining to the subject matter of this action and lend
28 new meaning to information already known to the CITY. These responses are therefore made
without prejudice to the CITY's right to rely upon any such information in any proceeding.
The CITY also hereby expressly reserves the right to alter or amend these responses to reflect
any such information or documents, but assumes no such obligation to do so.

1 The following responses are given without prejudice to the CITY's right to produce
2 evidence of any subsequently discovered fact or facts that the CITY may later develop. The
3 responses contained herein are made in a good faith effort to supply as much factual
4 information as is presently known, but should in no way lead to the prejudice of the CITY in
5 relation to further discovery, research or analysis.

6 **RESPONSES**

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

8 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
9 in that the time specified for response must be a reasonable time for the inspection that is at
10 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
11 oppressive. Subject to the aforementioned objections, the CITY will comply with
12 SUNROAD's request in part in that inspection of the SUNROAD Centrum I Building
13 ("BUILDING") Development Services Department ("DSD") project files will be produced as
14 they are kept in the usual course of business for copying by SUNROAD. Alternatively, the
15 CITY will produce the BUILDING project files on CD upon payment of the cost of
16 reproduction to the CITY by SUNROAD.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

17 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
18 in that the time specified for response must be a reasonable time for the inspection that is at
19 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
20 oppressive. Subject to the aforementioned objections, the CITY will comply with
21 SUNROAD's request, in part, within a reasonable amount of time as required by Code Civ.
22 Pro. §2031.030, and will produce communications within the CITY's possession between the
23 CITY and REAL PARTIES IN INTEREST regarding the BUILDING.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

24 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
25 in that the time specified for response must be a reasonable time for the inspection that is at
26 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
27 oppressive. Subject to the aforementioned objections, the CITY will comply with
28 SUNROAD's request, in part, within a reasonable amount of time as required by Code Civ.
Pro. §2031.030, and will produce communications within the CITY's possession between the

1 CITY and the California Department of Transportation, Aeronautics Division,
2 (“CALTRANS”) regarding the BUILDING.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

4 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
5 in that the time specified for response must be a reasonable time for the inspection that is at
6 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
7 oppressive. Subject to the aforementioned objections, the CITY will comply with
8 SUNROAD’s request, in part, within a reasonable amount of time as required by Code Civ.
9 Pro. §2031.030, and will produce communications within the CITY’s possession between the
10 CITY and the Federal Aviation Administration (“FAA”) regarding the BUILDING.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

12 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
13 in that the time specified for response must be a reasonable time for the inspection that is at
14 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
15 oppressive. Furthermore, it is unintelligible as to the meaning of the “height of CENTRUM
16 or the BUILDING.” Subject to the aforementioned objections, the CITY will comply with
17 SUNROAD’s request, in part, within a reasonable amount of time as required by Code Civ.
18 Pro. §2031.030, and will produce DOCUMENTS within the CITY’s possession regarding
19 the height of the BUILDING.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

21 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
22 in that the time specified for response must be a reasonable time for the inspection that is at
23 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
24 oppressive. Furthermore, it is unintelligible as to the meaning of the phrase “for the
25 CENTRUM or the BUILDING.” Subject to the aforementioned objections, the CITY will
26 comply with SUNROAD’s request, in part, within a reasonable amount of time as required by
27 Code Civ. Pro. §2031.030, and will produce permits issued by the CITY for the BUILDING.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
in that the time specified for response must be a reasonable time for the inspection that is at
least 30 days after service of the demand. Further, this request is overbroad, burdensome and
oppressive. Subject to the aforementioned objections, the CITY will comply with

1 SUNROAD's request, in part, within a reasonable amount of time as required by Code Civ.
2 Pro. §2031.030, and will produce COMMUNICATIONS between the CITY and SUNROAD
3 regarding the BUILDING.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

5 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
6 in that the time specified for response must be a reasonable time for the inspection that is at
7 least 30 days after service of the demand. Further, this request is overbroad, burdensome and
8 oppressive. Furthermore, it is unintelligible as to the meaning of the "height of CENTRUM
9 or the BUILDING." Subject to the aforementioned objections, the CITY will comply with
10 SUNROAD's request, in part, within a reasonable amount of time as required by Code Civ.
11 Pro. §2031.030, and will produce DOCUMENTS within the CITY's possession regarding
12 the height of the BUILDING.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

14 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
15 in that the time specified for response must be a reasonable time for the inspection that is at
16 least 30 days after service of the demand. Subject to the aforementioned objections, the CITY
17 will comply with SUNROAD's request and will produce, within a reasonable amount of time
18 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
19 support the CITY's contention that the BUILDING is a hazard as alleged in ¶ 70 of the First
20 Amended Complaint ("FAC.")

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

22 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
23 in that the time specified for response must be a reasonable time for the inspection that is at
24 least 30 days after service of the demand. Subject to the aforementioned objections, the CITY
25 will comply with SUNROAD's request and will produce, within a reasonable amount of time
26 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
27 support the CITY's contention that the citizens of the CITY will suffer irreparable damage as
28 alleged in ¶ 53 of the FAC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
in that the time specified for response must be a reasonable time for the inspection that is at
least 30 days after service of the demand. Subject to the aforementioned objection, the CITY

1 will comply with SUNROAD's request and will produce, within a reasonable amount of time
2 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
3 support the CITY's contention that the BUILDING presents a threat of imminent danger as
4 alleged in ¶ 48 of the FAC.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12 :**

5 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
6 in that the time specified for response must be a reasonable time for the inspection that is at
7 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY
8 will comply with SUNROAD's request and will produce, within a reasonable amount of time
9 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
10 support the CITY's contention that the FAA advised that no construction of the Sunroad
11 Centrum I Building should proceed as alleged in ¶ 53 of the FAC.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13 :**

12 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
13 in that the time specified for response must be a reasonable time for the inspection that is at
14 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY
15 will comply with SUNROAD's request and will produce, within a reasonable amount of time
16 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
17 support the CITY's contention that AOPA and its local members are indispensable parties to
18 this action as alleged in ¶ 14 of the FAC.

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

19 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
20 in that the time specified for response must be a reasonable time for the inspection that is at
21 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY
22 will comply with SUNROAD's request and will produce, within a reasonable amount of time
23 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
24 support the CITY's contention that CAASD and its members are indispensable parties to this
25 action as alleged in ¶ 18 of the FAC.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15 :**

26 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
27 in that the time specified for response must be a reasonable time for the inspection that is at
28 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY

1 will comply with SUNROAD's request and will produce, within a reasonable amount of time
2 as required by Code Civ. Pro. §2031.030, DOCUMENTS within the CITY's possession that
3 support the CITY's contention that SUNROAD conducted unfair, deceptive and misleading
4 acts regarding the BUILDING as alleged in ¶ 15 of the FAC.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16 :**

6 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
7 in that the time specified for response must be a reasonable time for the inspection that is at
8 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY
9 will comply with SUNROAD's request and will produce, within a reasonable amount of time
10 as required by Code Civ. Pro. §2031.030, non-privileged DOCUMENT identified in the
11 CITY's Response to SUNROAD's Form Interrogatories, Set One.

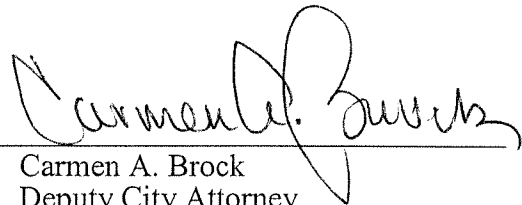
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16 :**

13 Objection. This request violates the provisions of Code of Civil Procedure §2031.030 (c) (2)
14 in that the time specified for response must be a reasonable time for the inspection that is at
15 least 30 days after service of the demand. Subject to the aforementioned objection, the CITY
16 will comply with SUNROAD's request and will produce, within a reasonable amount of time
17 as required by Code Civ. Pro. §2031.030, non-privileged DOCUMENTS identified in the
18 CITY's Response to SUNROAD's Form Interrogatories, Set One.

19 Dated: March 6, 2007

MICHAEL J. AGUIRRE, City Attorney

20 By


Carmen A. Brock
Deputy City Attorney


21 Attorneys for Petitioners and Plaintiffs
22 The People of the State of California and
23 The City of San Diego
24
25
26
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28

VERIFICATION

I, Sue Sabbagh, am an agent for purposes of making this verification on behalf of the City of San Diego and make these answers and responses to Defendants Sunroad Centrum, L.P., Sunroad Asset Management, Inc., and Sunroad Enterprises' First Set of Requests for Production. These responses are based upon information furnished to me by others and to the best of my knowledge, information and belief, said responses are true and correct.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed, this 1st day of March 2007, at San Diego, California.



Sue Sabbagh
City Attorney Investigator

1 MICHAEL J. AGUIRRE, City Attorney
2 CARMEN A. BROCK, Deputy City Attorney
3 California State Bar No. 162592
4 Office of the City Attorney
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6 San Diego, California 92101-4100
7 (619) 533-5800; fax (619) 533-5856
8 Attorneys for Respondent CITY OF SAN DIEGO

Case No. GIC 877054

9 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

10 DECLARATION
11 OF SERVICE

People, et al. v. Sunroad Centrum LP
I/C Judge: Hon. John S. Meyer Dept. 61

12 I am employed in the City of San Diego, California. I am over the age of 18 and not a party to
13 the within action; my business address is: 1200 Third Avenue, Suite 1100, San Diego, California 92101.

14 On March 6, 2007, I caused to be served the following document(s) described as:

15 **1. CITY OF SAN DIEGO'S RESPONSE TO REQUESTS FOR PRODUCTION**
16 **OF DOCUMENTS, SET ONE PROPOUNDED BY SUNROAD CENTRUM,**
17 **L.P., SUNROAD ASSET MANAGEMENT, INC. AND SUNROAD**
18 **ENTERPRISES**

19 in this action by placing the true copies thereof enclosed in a sealed envelope addressed as
20 follows:

21 **(Via Personal Service)**

22 Steven M. Strauss
23 COOLEY GODWARD KRONISH
24 4401 Eastgate Mall
25 San Diego, CA 92121
26 (858) 550-6000; (858) 550-6420 (Fax)
27 *Attorneys for Sunroad Centrum; Sunroad Asset*
28 *Management, Inc., and Sunroad Enterprises*

(Via U.S. Mail)

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Attorneys for Community Airfields
Association of San Diego, Inc.

(Via U.S. Mail)

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(Via U.S. Mail)

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(619) 688-2351; (619) 688-6905 (Fax)
Attorneys for Dept. of Transportation,
Division of Aeronautics

29 **[XX] (BY MAIL)** I served the individual named by placing the documents in a sealed envelope. I
30 then placed it for collection and mailing with the United States Postal Service this same day, at
31 my address shown above, following ordinary business practices.

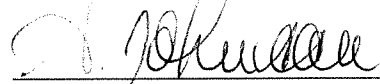
32 **[] (BY FAX)** At **, I transmitted the above-described document by facsimile machine to the
33 above-listed fax number. The transmission originated from facsimile phone number (619) 236-
34 7215 and was reported as complete and without error. The facsimile machine properly issued a
35 transmission report, a copy of which is attached hereto. [CCP section 1013(e); CRC Rule 2008].

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(BY OVERNIGHT DELIVERY) I caused the envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s). [CCP. section 1013]

(BY PERSONAL SERVICE) I served the individual named by personally delivering a copy to the office Steven M. Strauss of Cooley Godward Kronish via **American Messenger Services**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 6, 2007, San Diego, California.



Amelda M. Johnson