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People of the State of California,  
7 City of San Diego

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,

) Case No. GIC 877054

12 Petitioners and Plaintiffs,

) **CITY OF SAN DIEGO'S RESPONSE**  
) **TO REQUESTS FOR ADMISSIONS,**  
) **SET ONE PROPOUNDED BY**  
) **SUNROAD CENTRUM, L.P.,**  
) **SUNROAD ASSET MANAGEMENT,**  
) **INC. AND SUNROAD ENTERPRISES**

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,

) Judge:  
) Dept:  
) Trial Date: Not Yet Set  
) Complaint Filed: 12/15/06

18 Respondents and Defendants.

19 SUNROAD CENTRUM, L.P., a California  
20 Limited Partnership, SUNROAD ASSET  
MANAGEMENT, INC., a California  
21 corporation, SUNROAD ENTERPRISES,

22 Cross-Complainants and  
Petitioners,

23 v.

24 CITY OF SAN DIEGO, a municipal  
25 corporation, and ROES 1 through 10, inclusive,

26 Cross-Defendants and  
Respondents

**RECEIVED**

MAR - 7 2007

**Gerald Blank, Lawyer**

1 **PROPOUNDING PARTY: DEFENDANTS SUNROAD CENTRUM, L.P.,**  
2 **SUNROAD ASSET MANAGEMENT, INC., AND**  
3 **RESPONDING PARTY: PLAINTIFF AND PETITIONER CITY OF SAN**  
4 **DIEGO**  
5 **SET NUMBER: ONE**

6 Pursuant to Code of Civil Procedure sections 2033.210 through 2033.420, the City of  
7 San Diego ("City") herein responds to Sunroad Centrum Partners, L.P. [erroneously sued and  
8 served as Sunroad Centrum, L.P.], Sunroad Asset Management Inc., and Sunroad Enterprises'  
9 ("SUNROAD") First Set of Requests for Admission subject to the CITY's right to amend,  
10 supplement or otherwise modify its responses as it may hereafter discover new information or  
11 realize the significance of information in its possession at that time. The following responses  
12 are made solely for the purposes of this action. Each response is subject to any and all  
13 objections as to competence, relevance, materiality and admissibility. Accordingly, all such  
14 objections and grounds are expressly reserved to be interposed, either by motion or otherwise,  
15 at the time of trial or at some other appropriate time. The City objects generally to the  
16 Requests for Admission as follows:

17 **GENERAL OBJECTIONS**

- 18 1. The CITY objects to the Requests for Admission generally, and to each request  
19 contained therein specifically, to the extent that they are compound and/or are in  
20 contravention of and/or expand upon the requirements of the Code of Civil Procedure.
- 21 2. The CITY objects to the Requests for Admission generally, and to each request  
22 contained therein specifically, to the extent that they seek information and/or the identity of  
23 documents protected by the attorney-client privilege or the attorney-work product doctrine.
- 24 3. The CITY objects to the Requests for Admission generally, and to each request  
25 contained therein specifically, to the extent that they seek information and/or the identity of  
26 documents which are privileged under Evidence Code sections 900, *et seq.*, Code of Civil  
27 Procedure section 2018 or any other applicable law.

28 ///

1           4.       The CITY objects to the Requests for Admission generally, and to each request  
2 contained therein specifically, to the extent that they seek information and/or the identity of  
3 documents which are protected by the City's or third parties' rights of privacy under Article I,  
4 Section 1 of the California Constitution, the Constitution of the United States or applicable  
5 case law.

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

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

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

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

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

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

26                The CITY's responses to the Requests for Admission are based upon the information  
27 and documents presently in its possession and specifically known to it at this time. The CITY  
28 has not completed its investigation. It is possible that further investigation will disclose

1 additional information pertaining to the subject matter of this action and lend new meaning to  
2 information already known to the City. These responses are therefore made without prejudice  
3 to the City's right to rely upon any such information in any proceeding. The CITY also  
4 hereby expressly reserves the right to alter or amend these responses to reflect any such  
5 information or documents, but assumes no such obligation to do so.

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

#### 11 RESPONSES

##### 12 RESPONSE TO REQUEST FOR ADMISSION NO. 1

13 Deny.

##### 14 RESPONSE TO REQUEST FOR ADMISSION NO. 2

15 Objection. Vague, ambiguous and overbroad. Subject to the aforementioned  
16 objections, the CITY admits it issued a building permit for a "12 story building" to  
17 SUNROAD.

##### 18 RESPONSE TO REQUEST FOR ADMISSION NO. 3

19 Objection, ambiguous and overbroad, unable to admit or deny this request as phrased.

##### 20 RESPONSE TO REQUEST FOR ADMISSION NO. 4

21 Admit.

##### 22 RESPONSE TO REQUEST FOR ADMISSION NO. 5

23 Objection. This request does not comply with the provisions of Code of Civil  
24 Procedure §2030.060(g) in that a party requesting an admission of the genuineness of any  
25 documents must attach copies of those documents to the requests, and must make the original  
26 of those documents available for inspection on demand by the party to whom the requests for  
27 admission are directed; therefore, the CITY is unable to admit or deny this request.

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1 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

2 Deny.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

4 Objection. This request calls for expert testimony as to what constitutes "no  
5 unreasonable restriction on air navigation". Subject to the aforementioned objection, the  
6 CITY denies this request.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

8 Deny.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9**

10 Deny.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 10**

12 Deny.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 11**

14 Deny.

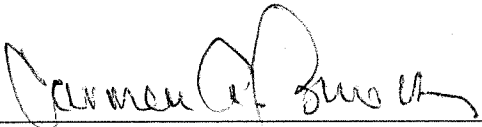
15 **RESPONSE TO REQUEST FOR ADMISSION NO. 12**

16 Deny.

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Dated: March 6, 2007

MICHAEL J. AGUIRRE, City Attorney

By   
Carmen A. Brock  
Deputy City Attorney

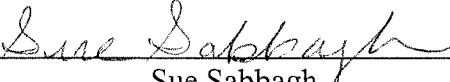
Attorneys for Petitioners and Plaintiffs  
The People of the State of California and  
The City of San Diego

**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 Admission. 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 1<sup>st</sup> day of March 2007, at San Diego, California.

  
\_\_\_\_\_  
Sue Sabbagh  
City Attorney Investigator

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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 ADMISSIONS,  
16 SET ONE PROPOUNDED BY SUNROAD CENTRUM, L.P., SUNROAD  
17 ASSET MANAGEMENT, INC. AND SUNROAD ENTERPRISES**

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

20 **(Via Personal Service)**

21 Steven M. Strauss  
22 COOLEY GODWARD KRONISH  
23 4401 Eastgate Mall  
24 San Diego, CA 92121  
25 (858) 550-6000; (858) 550-6420 (Fax)

26 *Attorneys for Sunroad Centrum; Sunroad Asset  
27 Management, Inc., and Sunroad Enterprises*

28 **(Via U.S. Mail)**

Gerald Blank  
LAW OFFICES OF GERALD BLANK  
444 West C Street, Ste. 210  
San Diego, CA 92101

(619) 238-1111; (619) 238-1126 (Fax)  
*Attorneys for Community Airfields  
Association of San Diego, Inc.*

**(Via U.S. Mail)**

Jim Pokorny  
LAW OFFICES OF JAMES F. POKORNY  
110 West C Street, Ste. 1504  
San Diego, CA 92101  
(619) 239-8142; (619) 239-8141 (Fax)  
*Attorneys for Aircraft Owners and Pilots Assoc.*

**(Via U.S. Mail)**

Raiyn Bain  
Julie A. Jordan  
Dept. of Transportation – Legal Dept.  
4050 Taylor Street, MS 130  
San Diego, CA 92110  
(619) 688-2351; (619) 688-6905 (Fax)  
*Attorneys for Dept. of Transportation,  
Division of Aeronautics*

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


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

[ ] **(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]

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**[XX] (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.



\_\_\_\_\_  
Ameida M. Johnson