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4 Counsel for Real Party In Interest/Indispensable Party  
Community Airfields Association of San Diego, Incorporated

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7 **SUPERIOR COURT OF CALIFORNIA**  
8 **COUNTY OF SAN DIEGO - CENTRAL DIVISION**

9  
10 THE PEOPLE OF THE STATE OF )  
CALIFORNIA and THE CITY OF SAN )  
11 DIEGO, a Municipal Corporation, )

12 plaintiffs and petitioners, )

13 v. )

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

18 respondents and defendants. )  
19 \_\_\_\_\_ )

20 AIRCRAFT OWNERS AND PILOTS )  
ASSOCIATION, INC., a New Jersey non- )  
21 profit corporation, and COMMUNITY )  
AIRFIELDS ASSOCIATION OF SAN )  
22 DIEGO, INC., a California non-profit )  
corporation, )

23 Real Parties In Interest/ )  
24 Indispensable parties. )  
25 \_\_\_\_\_ )

26 AND RELATED CROSS-ACTION. )  
27 \_\_\_\_\_ )  
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Case No. GIC877054  
(Unassigned)

**R E A L P A R T Y I N  
INTEREST/INDISPENSABLE PARTY  
COMMUNITY AIRFIELDS  
ASSOCIATION OF SAN DIEGO  
INCORPORATED'S REQUEST FOR  
ADMISSIONS PROPOUNDED TO  
DEFENDANT SUNROAD CENTRUM,  
L.P. (SET ONE)**

(CCP §2033.010 *et.seq.*)

Trial date: Not yet set  
Complaint filed: 12/15/2006

1 PROPOUNDING PARTY: Real Party In Interest/Indispensable Party  
2 Community Airfields Association of San Diego, Inc.  
3 RESPONDING PARTY: Defendant, Sunroad Centrum, L.P.  
4 SET NUMBER: One (1)

5 Pursuant to California Code of Civil Procedure §2033.010, Real Party In  
6 Interest/Indispensable Party Community Airfields Association of San Diego, Inc.,  
7 demands that Defendant Sunroad Centrum, L.P., respond to the following requests in  
8 writing and under oath within thirty days.

9 **INSTRUCTIONS**

10 1. YOU may not give lack of information or knowledge as a reason for failure  
11 to admit or deny unless YOU state that YOU have made reasonable inquiry and the  
12 information is known or readily obtainable by YOU is insufficient to enable YOU to admit  
13 or deny.

14 2. In responding to each Request, specifically admit or deny the matter, or  
15 set forth in detail the reasons why YOU cannot truthfully admit or deny the matter. In  
16 the event that YOU deny only a part of the matter of which an admission is requested,  
17 specify so much of it as is true and qualify or deny the remainder.

18 3. The present tense includes the past and future tenses. The singular  
19 includes the plural, and the plural includes the singular. "All" means "any and all"; "any"  
20 means "any and all." "Including" means "including but not limited to." "And" and "or"  
21 encompass both "and" and "or." Words in the masculine, feminine or neutral form shall  
22 include each of the other genders.

23 4. Wherever, pursuant to a statute or rule of court, you are required in  
24 response to this or any other discovery demand from this propounding party to produce  
25 a document, you are required to produce that document even if it presently exists only  
26 in electronic form.

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1 **DEFINITIONS**

2 Notwithstanding any definition below, each word, term, or phrase used in these  
3 Requests is intended to have the broadest meaning permitted under the California Code  
4 of Civil Procedure. As used in these Requests, the following terms are to be interpreted  
5 in accordance with these definitions:

6 1. SUNROAD means Sunroad Centrum, LP, Sunroad Asset Management,  
7 Sunroad Enterprises and, where applicable, its officers, directors, employees, divisions,  
8 subsidiaries, predecessors, successors-in-interest, agents, representatives,  
9 investigators, and consultants.

10 2. STRUCTURE means the Centrum I Building, a twelve-story commercial  
11 office building located 0.7 nautical miles from the Montgomery Field Airport.

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

16 4. FAA means the Federal Aviation Administration and all departments,  
17 divisions, and offices related thereto, and where applicable, all officers, directors,  
18 employees, divisions, predecessors, successors-in-interest, agents, representatives,  
19 investigators, and consultants.

20 5. DOT means the California Department of Transportation and all  
21 departments, divisions, offices, and agencies related thereto, and where applicable, all  
22 officers, directors, employees, divisions, predecessors, successors-in-interest, agents,  
23 representatives, investigators, and consultants.

24 6. YOU or YOUR means and refers to SUNROAD, and anyone acting on its  
25 behalf, including without limitations, and where applicable, all officers, directors,  
26 employees, divisions, predecessors, successors-in-interest, agents, representatives,  
27 investigators, and consultants.

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1 **REQUEST FOR ADMISSIONS**

2 **REQUEST FOR ADMISSION NUMBER 1:**

3 You have had no contact with the FAA with respect to the Structure.

4 **REQUEST FOR ADMISSION NUMBER 2:**

5 You have had no contact with the City of San Diego with respect to the Structure.

6 **REQUEST FOR ADMISSION NUMBER 3:**

7 You have had no contact with the State of California, or any of its divisions or agencies  
8 with respect to the Structure.

9 **REQUEST FOR ADMISSION NUMBER 4:**

10 You never filed an FAA form 7460-2 with respect to the Structure.

11 **REQUEST FOR ADMISSION NUMBER 5:**

12 When you filed an FAA form 7460-1 with the FAA with respect to the Structure, dated  
13 June 22, 2006, you had no intention of limiting the maximum height of the Structure to  
14 160 feet above ground level, and no higher.

15 **REQUEST FOR ADMISSION NUMBER 6:**

16 You never submitted any certified survey of 2C accuracy or otherwise, or any survey of  
17 any nature whatsoever, to the FAA with respect to the Structure.

18 **REQUEST FOR ADMISSION NUMBER 7:**

19 You have no survey or surveys with respect to the Structure which accurately depict its  
20 true maximum height above ground level and/or above mean sea level, including all  
21 attached equipment.

22 **REQUEST FOR ADMISSION NUMBER 8:**

23 There is no email, in hard copy or stored electronically, with respect to the Structure.

24 **REQUEST FOR ADMISSION NUMBER 9:**

25 There is no correspondence, in hard copy or stored electronically, with respect to the  
26 Structure.

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1 **REQUEST FOR ADMISSION NUMBER 10:**

2 There are no documents, in hard copy, or stored electronically, with respect to the  
3 Structure.

4 **REQUEST FOR ADMISSION NUMBER 11:**

5 There is no contract or other documents, in hard copy, or stored electronically, between  
6 you and Williams Aviation Consultants, Inc., or any other aviation consultant or  
7 consulting firm with respect to the Structure.

8 **REQUEST FOR ADMISSION NUMBER 12:**

9 There is no contract or documents, in hard copy, or stored electronically, between you  
10 and BPA Architects or any other architecture firm with respect to the Structure.

11 **REQUEST FOR ADMISSION NUMBER 13:**

12 There is no contract or documents, in hard copy, or stored electronically, between you  
13 and Swinerton Builders or any other general contractor with respect to the Structure.

14 **REQUEST FOR ADMISSION NUMBER 14:**

15 There is no contract or documents, in hard copy, or stored electronically, between you  
16 and your "registered engineering firm" or any other engineering firm with respect to the  
17 Structure. (Note: the term "our registered engineering firm" was used in the letter by  
18 Craig Bachmann, your Director of Construction Operations, in his June 20, 2006, letter  
19 to Karen McDonald of the FAA.)

20 **REQUEST FOR ADMISSION NUMBER 15:**

21 The top of the Structure, including all equipment and attachments, now reaches 160 feet  
22 above ground level, and no higher or lower.

23 **REQUEST FOR ADMISSION NUMBER 16:**

24 As of June 22, 2006, the top of Structure was 160 feet above ground level, including all  
25 attached equipment, and no higher or lower.

26 **REQUEST FOR ADMISSION NUMBER 17:**

27 The Structure reached its present maximum height on June 22, 2006.  
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1 **REQUEST FOR ADMISSION NUMBER 18:**

2 The top two floors of the Structure can be removed without deconstructing the entire  
3 Structure to the ground.

4 **REQUEST FOR ADMISSION NUMBER 19:**

5 You have received estimates and/or opinions showing the removal of the top two floors  
6 of the Structure would cost no more than one million dollars.

7 **REQUEST FOR ADMISSION NUMBER 20:**

8 Tom Story, and others associated with Sunroad, did not make a video presentation to  
9 the City of San Diego's Airports Advisory Committee on March 13, 2007.

10 **REQUEST FOR ADMISSION NUMBER 21:**

11 Neither Barbara Lichmann, Craig Bachmann, nor any other employee or agent of  
12 Sunroad ever represented to anyone that the Structure would be kept to 160 feet above  
13 ground level absent approval from the FAA to construct the Structure to a higher  
14 elevation.

15 **REQUEST FOR ADMISSION NUMBER 22:**

16 You were aware by April 30, 2006, that a structure at the Structure's location, built  
17 higher than 160 feet above ground level, would be deemed a hazard to air navigation  
18 by the FAA.

19 **REQUEST FOR ADMISSION NUMBER 23:**

20 You did not file an application, notice, or any other document with the FAA, thirty days  
21 or more prior to the commencement of construction of the Structure, advising the FAA  
22 of the construction plans for the Structure.

23 **REQUEST FOR ADMISSION NUMBER 24:**

24 Sunroad's employee, Craig Bachmann, composed and authored the letter he signed on  
25 June 20, 2006, addressed to Karen McDonald, of the FAA, without input of any nature  
26 from anyone else.

27 **REQUEST FOR ADMISSION NUMBER 25:**

28 The statement in Craig Bachmann's letter dated June 20, 2006, to Karen McDonald, of

1 the FAA, that "[w]e have concerns that some of the data contained on our original FAA  
2 Form 7460-1 may have been inaccurate," was false when made.

3 **REQUEST FOR ADMISSION NUMBER 26:**

4 You never requested your "registered engineering firm" to do all or any of the tasks  
5 enumerated in the four bullet points in Craig Bachmann's June 20, 2006, letter to Karen  
6 McDonald of the FAA.

7 **REQUEST FOR ADMISSION NUMBER 27:**

8 You have not lost any income, lease or leasing opportunities with respect to the  
9 Structure as a result of the FAA's hazard determination, or any other action by the FAA.

10 **REQUEST FOR ADMISSION NUMBER 28:**

11 You have not lost any income, lease or leasing opportunities with respect to the  
12 Structure as a result of this litigation, or any other action by the City of San Diego, its  
13 employees or agents.

14 **REQUEST FOR ADMISSION NUMBER 29:**

15 You do not now have and never have had any business arrangement, agreement,  
16 assurance(s) or promise(s), written or not, of any nature whatsoever with Buzz Gibbs  
17 or by which Buzz Gibbs might benefit, directly or indirectly.

18 **REQUEST FOR ADMISSION NUMBER 30:**

19 You have never made a request to any governmental agency pursuant to the FOIA  
20 (Freedom of Information Act) the CPRA (California Public Records Act) or any similar  
21 statute or provision, and you have never received anything in response thereto.

22 **REQUEST FOR ADMISSION NUMBER 31:**

23 You have never represented that you, directly or indirectly, would hold the City of San  
24 Diego or others harmless from any claim or claims which might arise if an aircraft  
25 collides with the portion of the Structure which exceeds 160 feet above ground level.

26 Dated: March 27, 2007

27 \_\_\_\_\_  
28 Gerald Blank, Esq.  
Counsel for Community Airfields Association  
of San Diego, Inc.