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9 Alessio Faccin, et al.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF IMPERIAL

ALESSIO FACCIN, ET AL.,

Plaintiffs,

vs.

PACIFIC CENTURY HOMES, INC., ET AL.;
AND DOES 1-1000, INCLUSIVE,

Defendants.

CASE NO.: ECU09044

**PLAINTIFF(S) GUADALUPE SOLIS'S
RESPONSES TO SPECIAL
INTERROGATORIES**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.

RESPONDING PARTY: PLAINTIFF(S) GUADALUPE SOLIS

SET NUMBER: ONE

Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Solis, Guadalupe hereby responds to Special Interrogatories, Set No. One propounded by Defendant, Pacific Century Homes, Inc., as follows:

Since discovery is ongoing, Plaintiff(s) respond to these interrogatories based on information presently available to them and the responses may be supplemented, changed, amended or withdrawn based on the discovery of new facts, evidence, data or information or based on a more complete and thorough understanding of existing facts, evidence, data or information.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

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These responses are made solely for the purpose of, and in relation to, this action. Each response is given subject to all appropriate objections (including, but not limited to, objections concerning competency, relevancy, materiality, propriety, and admissibility) which would require exclusion of any statement contained herein if the interrogatory were asked of, or any statement contained herein were made by, a witness present and testifying in court. All such objections and grounds therefore are reserved and may be interposed at time of trial.

The party on whose behalf the responses are given has not yet completed his, her or its investigation of the facts relating to this action, has not yet completed discovery in this action, and has not yet completed preparation for trial. Consequently, the following responses are given without prejudice to the responding party's right to produce at trial subsequently discovered material and to supplement these responses as discovery continues and the information becomes known.

The Plaintiffs in this matter have been requested to provide deposition testimony which will duplicate the interrogatories contained herein, making it unduly burdensome and oppressive to provide responses in a duplicative manner. In order to avoid the necessity of repeating the objection with respect to every interrogatory, the responding party hereby formally and specifically objects to each and every interrogatory to the extent that it requests information already provided either through production of documents or deposition testimony.

Except for facts explicitly admitted herein, no admission of any nature is to be implied or inferred. The fact that any interrogatory herein has been answered should not be taken as an admission, or a concession, of the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes evidence of any fact thus set forth or assumed. All responses must be construed as given on the basis of present recollection.

The responses given herein are based on the responding party's understanding that none of the interrogatories seek the revelation of communications between attorney and client and/or the work product of counsel. In order to avoid the necessity of repeating the objection with respect to every interrogatory, the responding party hereby formally and specifically objects to each and every

1 interrogatory to the extent that said request seeks such communications and/or work product. The
2 waiver of a privilege with respect to any single communication or document shall not be construed
3 to be a waiver of any other privilege.

4 Plaintiff objects to each Interrogatory to the extent that it seeks to impose on Plaintiff any
5 obligation beyond those required by the California Code of Civil Procedure or the local rules of this
6 Court and on the grounds that the interrogatories are neither relevant to this action, nor likely to lead
7 to the discovery of relevant evidence. Plaintiffs also object to each and every one of the Special
8 Interrogatories herein to the extent they seek information which is mediation protected pursuant to
9 Evidence Code 1119 and 1152, et seq.

10 Plaintiff objects and responds on the basis of Defendant's understanding and interpretation
11 of each Interrogatory. If Plaintiff understands or interprets any of the Interrogatories differently,
12 Plaintiff reserves the right to supplement any of these responses, either with additional objections or
13 otherwise.

14 Plaintiff hereby incorporates the Preliminary Statement and General Objections into each of
15 the following specific responses to the Interrogatories.

16 **SPECIAL INTERROGATORY NO. 1:**

17 State the name, address telephone number, and relationship to YOU of each PERSON
18 who prepared or assisted in the preparation of the responses to these interrogatories.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: Joseph Su, Esq. of Milstein Jackson Fairchild &
25 Wade, LLP, 10250 Constellation Boulevard, 14th Floor, Los Angeles, CA 90067 Telephone: (310)
26 396-9600, counsel of record in this action.

27 **SPECIAL INTERROGATORY NO. 2:**

28 State:

- 1 (a) YOUR name;
2 (b) Every name YOU have used in the past; and
3 (c) The dates YOU used each name;
4 (d) The date and place of YOUR birth.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

6 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
7 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
8 documents and a reasonable and good faith effort to obtain the information by inquiry to other
9 natural persons or organizations, except where the information is equally available to the
10 propounding party, Plaintiff responds as follows: (a) Guadalupe Solis;

- 11 (b) Maria Guadalupe Solis;
12 (c) Guadalupe Solis_ 1991-present; Maria Guadalupe Solis: 2008-present;
13 (d) March 29, 1954, San Jeronimo, Mexico.

14 **SPECIAL INTERROGATORY NO. 3:**

15 State:

- 16 (a) YOUR present address;
17 (b) YOUR residence address for the past five years;
18 (c) The dates YOU lived at each address.

19 **RESPONSE TO SPECIAL INTERROGATORY NO.3:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) 1145 Fairfield Way, Heber, CA 92249; 2314
25 Ashton Court, Imperial, CA 92251;

- 26 (b) 12/30/13 - present and September 2012 to 12-30-2013.

27 **SPECIAL INTERROGATORY NO. 4:**

28 With respect to the SUBJECT PROPERTY, state:

1 (a) The address of the SUBJECT PROPERTY;

2 (b) The date YOU received title to the SUBJECT PROPERTY;

3 (c) The name of the PERSON/entity who transferred the SUBJECT PROPERTY to
4 YOU;

5 (d) With respect to title to the SUBJECT PROPERTY, identify all PERSONS,
6 including YOURSELF, who have ever been named on the title while YOU had an ownership
7 interest in SUBJECT PROPERTY and the dates of such appearance on the title;

8 (e) With respect to the SUBJECT PROPERTY, identify all lenders and lien holders who
9 have ever had an interest in the SUBJECT PROPERTY while YOU had an ownership interest in
10 SUBJECT PROPERTY and the dates of such lender or lien holder interest;

11 (f) With respect to the SUBJECT PROPERTY, state all assignments of rights that now, or
12 have ever, affected YOUR ownership interest in the claims being made in this lawsuit.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

14 Objection. This interrogatory seeks information that is equally available to the propounding
15 party and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
17 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
18 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to
19 information relevant to the subject of the Action. It also improperly seeks information that is
20 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This
21 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the
22 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a
23 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
24 obtain the information by inquiry to other natural persons or organizations, except where the
25 information is equally available to the propounding party, Plaintiff responds to this interrogatory
26 individually as follows: (a) 1145 Fairfield Way, Heber, CA 92249;

27 (b) 12-30-2013;

28 (c) Federal Home Loan Mortgage Corporation;

1 (d) Guadalupe Solis; 12-30-2013 - present;

2 (e) 1st mortgage: Sun Community Federal Credit Union: 12-31-2013 - present; 2nd
3 mortgage: Sun community Federal Credit Union: 12-31-2013 - May 2017 (paid in full);

4 (f) None.

5 **SPECIAL INTERROGATORY NO. 5:**

6 Have YOU made any claims under any insurance policies or warranty policies for any
7 problems, DEFECTS, or DAMAGES related to the SUBJECT PROPERTY? If so, state:

8 (a) What date was the claim made;

9 (b) To whom the claim as made;

10 (c) Whether the claim was accepted or rejected;

11 (d) The nature of the claim;

12 (e) The IDENTITY of the insurer and policy number for each claim that was made.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

14 Objection. This interrogatory seeks information that is equally available and even more
15 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
16 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
17 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
18 ambiguous and overbroad with regard to what is meant by the terms “submitted,” “claim,”
19 “homeowner’s warranty,” and “homeowners insurance,” and fails to restrict the scope of the
20 interrogatory to information relevant to the subject of the Action. Subject to the foregoing, and
21 after conducting a reasonable and good faith effort to search for documents and a reasonable and
22 good faith effort to obtain the information by inquiry to other natural persons or organizations,
23 except where the information is equally available to the propounding party, Plaintiff responds to this
24 interrogatory individually as follows: No.

25 (a) Not applicable;

26 (b) Not applicable;

27 (c) Not applicable;

28 (d) Not applicable;

1 (e) Not applicable.

2 **SPECIAL INTERROGATORY NO. 6:**

3 As to any problems, DEFECTS, or DAMAGES that YOU may claim exist at the
4 SUBJECT PROPERTY, have YOU attempted to repair or have YOU repaired any of these
5 problems, DEFECTS or DAMAGES)? If yes, for each such repair, state

6 (a) The problem, DEFECT, or DAMAGE that was repaired or attempted to be
7 repaired;

8 (b) IDENTIFY who repaired or attempted to repair the problem, DEFECT, or
9 DAMAGE;

10 (c) The date(s) the attempt to repair or repair was made and completed; and

11 (d) The cost of repair.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

13 Objection. This interrogatory seeks information that is equally available and readily
14 accessible to the propounding party, and is further available within the pleadings and other
15 documents and discovery already available to the Parties in this matter, as well as readily available
16 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
17 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This interrogatory is vague,
18 ambiguous and overbroad with regard to what is meant by the terms “defect,” “damage,” and
19 “repair,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
20 the Action. Plaintiffs further object on the grounds that this interrogatory seeks premature expert
21 discovery, as to what constitutes construction deficiencies in the real property at issue in this action
22 and to what extent and degree any such construction deficiencies are present. This interrogatory
23 seeks expert opinion and analysis, lacks foundation and calls for a legal conclusion that is beyond
24 the expertise or knowledge of the responding party. Plaintiffs do not have the expertise and therefor
25 is unable to make a determination as to what constitutes a construction deficiency, repair or
26 “condition” with the subject property or what if any repairs are successful. Plaintiffs’ counsel has
27 retained consultants to investigate the construction deficiencies in our home and to create a Defect
28 List and Cost of Repair Report as well as to provide repair recommendations regarding those

1 defects identified. (Please refer to Plaintiffs' Defect List and Cost of Repair, which will be
2 deposited per the Court's Case Management Order at the Depository specified therein.) Subject to
3 the foregoing, and after conducting a reasonable and good faith effort to search for documents and a
4 reasonable and good faith effort to obtain the information by inquiry to other natural persons or
5 organizations, except where the information is equally available to the propounding party, Plaintiff
6 responds as follows: Yes.

7 (a) Air conditioner has been replaced. Sufficient air does not come though the vents in the
8 bedroom. When the new air conditioner was installed, the air conditioner installed attempted to fix
9 the air ducts, but were unsuccessful;

10 (b) Home Depot Becerril Air: 2408 Marshall Road, Imperial, CA; 760-352-244;

11 (c) February 17 - February 22, 2016;

12 (d) \$7,456.

13 **SPECIAL INTERROGATORY NO. 7:**

14 With respect to any problems, DEFECTS, or DAMAGE YOU claim exists at the
15 SUBJECT PROPERTY in the lawsuit have YOU ever had a professional contractor or engineer,
16 except those hired through YOUR attorney, inspect the problems, DEFECTS, or DAMAGE? If
17 yes, then for each such professional provide:

18 (a) The date(s) of the inspection(s);

19 (b) The IDENTITY of the individual and/or company inspecting the problems,
20 DEFECTS, or DAMAGE;

21 (c) The general nature of the problems, DEFECTS, or DAMAGE inspected;

22 (d) The cost of inspection.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

24 Objection. This interrogatory seeks information that is equally available and even more
25 readily accessible to the propounding party, and is readily available in public record, and is
26 therefore oppressive and burdensome. Panzalas v. Superior Court (1969) 272 Cal.App.2d 499;
27 Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this interrogatory is vague,
28 ambiguous and overbroad with regard to what is meant by the terms "professional contractor"

1 "inspection", "defect", and "damage ". Subject to the foregoing, and after conducting a reasonable
2 and good faith effort to search for documents and a reasonable and good faith effort to obtain the
3 information by inquiry to other natural persons or organizations, except where the information is
4 equally available to the propounding party, Plaintiff responds as follows: No.

5 (a) Not applicable;

6 (b) Not applicable;

7 (c) Not applicable;

8 (d) Not applicable.

9 **SPECIAL INTERROGATORY NO. 8:**

10 With respect to the SUBJECT PROPERTY at issue in this lawsuit state/IDENTIFY:

11 (a) All changes, modifications, or additions that YOU have caused to be made to the
12 SUBJECT PROPERTY;

13 (b) All design professionals and contractors who, in any way, contributed to the
14 above identified changes, modifications, or additions.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

16 Objection. This interrogatory is objected to on the grounds that it is overbroad, indefinite as
17 to time, is without reasonable limitation in its scope, and is burdensome and oppressive, and that it
18 calls for expert opinion or analysis that is beyond the expertise or knowledge of the responding
19 party. This interrogatory is objected to on the grounds that it is vague, ambiguous and overly broad
20 in the use of the terms "state," "modifications," "additions," "changes," and "made," and fails to
21 restrict the scope of the interrogatory to information relevant to the subject of the Action. This
22 interrogatory improperly seeks information that is protected by the attorney work-product privilege
23 pursuant to Code of Civil Procedure §§ 2018.010 et seq. This interrogatory seeks information that
24 is equally available and accessible to the propounding party, as well as readily available in public
25 record, and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
26 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Subject to the foregoing, and
27 after conducting a reasonable and good faith effort to search for documents and a reasonable and
28 good faith effort to obtain the information by inquiry to other natural persons or organizations,

1 except where the information is equally available to the propounding party, Plaintiff responds to this
2 interrogatory individually as follows: (a) Added a patio to the backyard;

3 (b) Self and family friend.

4 **SPECIAL INTERROGATORY NO. 9:**

5 State the date upon which YOU retained the law firm and/or attorney representing YOU in
6 his litigation.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

8 Objection. Plaintiff objects to the extent that this interrogatory requests information
9 protected by the attorney work product privilege. Subject to the foregoing, and after conducting a
10 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
11 obtain the information by inquiry to other natural persons or organizations, except where the
12 information is equally available to the propounding party, Plaintiff responds as follows: I do not
13 recall.

14 **SPECIAL INTERROGATORY NO. 10:**

15 With respect to the SUBJECT PROPERTY, state:

16 (a) Whether YOU are the current owner of the SUBJECT PROPERTY;

17 (b) If YOU are not the current owner of the SUBJECT PROPERTY, IDENTIFY the
18 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
19 PROPERTY;

20 (c) If YOU are not the current owner of the SUBJECT PROPERTY, state the date upon
21 which YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to a
22 subsequent owner;

23 (d) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
24 another PERSON/entity, state how much YOU were paid for YOUR ownership interest in the
25 SUBJECT PROPERTY;

26 (e) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
27 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who
28 were in any way involved in the transfer of YOUR ownership interest to such other

1 PERSON/entity;

2 (f) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
3 another PERSON/entity, IDENTIFY all escrow companies and officers who were in any way
4 involved in the transfer of YOUR ownership interest to such other PERSON/entity.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

6 Objection. This interrogatory seeks information that is equally available and even more
7 readily accessible to the propounding party, and is further available within the pleadings and other
8 documents and discovery already available to the Parties in this matter, as well as readily available
9 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
10 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
11 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
12 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
13 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
14 other natural persons or organizations, except where the information is equally available to the
15 propounding party, Plaintiff responds as follows: (a) I am the current owner;

16 (b) Not applicable;

17 (c) Not applicable;

18 (d) Not applicable;

19 (e) Not applicable;

20 (f) Not applicable.

21 **SPECIAL INTERROGATORY NO. 11:**

22 If YOU are a former owner of the SUBJECT PROPERTY:

23 (a) Did YOU disclose the fact that the SUBJECT PROPERTY was the subject of
24 pending litigation when YOU transferred YOUR interest in the SUBJECT PROPERTY?

25 (b) If YOU disclosed the pending litigation when YOU transferred YOUR ownership
26 interest in the SUBJECT PROPERTY to another PERSON/entity, IDENTIFY all PERSONS to
27 whom YOU made that disclosure;

28 (c) IDENTIFY all DOCUMENTS that relate in any way to YOUR transfer of YOUR

1 ownership interest in the SUBJECT PROPERTY to another PERSON/entity;(d) IDENTIFY all
2 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the
3 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
4 PROPERTY;

5 (e) IDENTIFY all DOCUMENTS that YOU disclosed to the PERSON/entity to whom
6 YOU transferred YOUR ownership interest in the SUBJECT PROPERTY that describe any
7 DEFECTS that YOU believed existed in the SUBJECT PROPERTY at the time that YOU
8 transferred YOUR ownership interest;

9 (f) If YOUR disclosure of DEFECTS that YOU believed existed in the SUBJECT
10 PROPERTY at the time YOU transferred YOUR ownership interest was not in writing, state the
11 DEFECTS that YOU otherwise disclosed.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

13 Objection. This interrogatory seeks information that is equally available and even more
14 readily accessible to the propounding party, and is further available within the pleadings and other
15 documents and discovery already available to the Parties in this matter, as well as readily available
16 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
17 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
18 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
19 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
20 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
21 other natural persons or organizations, except where the information is equally available to the
22 propounding party, Plaintiff responds as follows: (a) Not applicable;

23 (b) Not applicable;

24 (c) Not applicable;

25 (d) Not applicable;

26 (e) Not applicable;

27 (f) Not applicable.

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1 **SPECIAL INTERROGATORY NO. 12:**

2 If YOU are a former owner of the SUBJECT PROPERTY:

3 (a) Did the PERSON/entity to whom YOU transferred YOUR ownership interest in the
4 SUBJECT PROPERTY ask YOU to repair any problems, DEFECTS, or DAMAGES that he/she/it
5 believed existed at the SUBJECT PROPERTY;

6 (b) If YOUR response to subpart (a) above is "yes" state the repairs that were
7 requested by the PERSON/entity to whom YOU transferred YOUR ownership interest;

8 (c) Was YOUR transfer of YOUR ownership interest in the SUBJECT PROPERTY
9 conditioned upon YOUR repair of any problems, DEFECTS, or DAMAGES that YOU disclosed at
10 the SUBJECT PROPERTY?

11 (d) If YOUR response to subpart (c) above is "yes", state the repairs that the
12 PERSON/entity to whom YOU transferred YOUR ownership interest required that YOU make to
13 the SUBJECT PROPERTY.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

15 Objection. This interrogatory seeks information that is equally available and even more
16 readily accessible to the propounding party, and is further available within the pleadings and other
17 documents and discovery already available to the Parties in this matter, as well as readily available
18 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
19 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
20 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
21 "owners." Subject to the foregoing, and after conducting a reasonable and good faith effort to
22 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
23 other natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) Not applicable;

25 (b) Not applicable;

26 (c) Not applicable.

27 **SPECIAL INTERROGATORY NO. 13:**

28 During the time of ownership, was there in effect any policy of insurance through which

1 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability
2 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the
3 issues in the case? If so, for each policy state

- 4 (a) The kind of Coverage;
- 5 (b) The name of the Insurance Company;
- 6 (c) Full Name of each Insured.
- 7 (d) The Policy Number.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

9 Objection. This interrogatory seeks information that is equally available and even more
10 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
11 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
12 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
13 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and
14 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
15 the Action. Subject to the foregoing, and after conducting a reasonable and good faith effort to
16 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
17 other natural persons or organizations, except where the information is equally available to the
18 propounding party, Plaintiff responds to this interrogatory individually as follows: (a) Not
19 applicable;

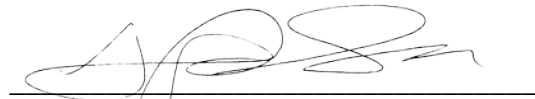
- 20 (b) Not applicable;
- 21 (c) Not applicable;
- 22 (d) Not applicable.

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DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP



By: Joseph J. Su, Esq.
Attorney for Plaintiffs,
Alessio Faccin, et al.

Guadalupe Solis
1145 Fairfield Way
Heber CA 92249

SPECIAL INTERROGATORIES VERIFICATION

Alessio Faccin, et al. v. Pacific Century Homes, Inc., et al.

Case No.: ECU09044

I am a party to this action. The matters stated in the foregoing **RESPONSE TO SPECIAL INTERROGATORIES TO PLAINTIFF(S)** are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on October 15, 2017, at Heber, California.
(date)

1st Owner:

Guadalupe Solis

Name

Guadalupe Solis

Signature

2nd Owner (if any):

Name

Signature

1 **MILSTEIN JACKSON**
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8 Attorney for Plaintiffs,
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF IMPERIAL

ALESSIO FACCIN, ET AL.,

Plaintiffs,

vs.

PACIFIC CENTURY HOMES, INC., ET AL.;
AND DOES 1-1000, INCLUSIVE,

Defendants.

CASE NO.: ECU09044

**PLAINTIFF(S) MARIBEL ESPINOZA'S
RESPONSES TO SPECIAL
INTERROGATORIES**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.

RESPONDING PARTY: PLAINTIFF(S) MARIBEL ESPINOZA

SET NUMBER: ONE

Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Espinoza, Maribel hereby responds to Special Interrogatories, Set No. One propounded by Defendant, Pacific Century Homes, Inc., as follows:

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2 waiver of a privilege with respect to any single communication or document shall not be construed
3 to be a waiver of any other privilege.

4 Plaintiff objects to each Interrogatory to the extent that it seeks to impose on Plaintiff any
5 obligation beyond those required by the California Code of Civil Procedure or the local rules of this
6 Court and on the grounds that the interrogatories are neither relevant to this action, nor likely to lead
7 to the discovery of relevant evidence. Plaintiffs also object to each and every one of the Special
8 Interrogatories herein to the extent they seek information which is mediation protected pursuant to
9 Evidence Code 1119 and 1152, et seq.

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11 of each Interrogatory. If Plaintiff understands or interprets any of the Interrogatories differently,
12 Plaintiff reserves the right to supplement any of these responses, either with additional objections or
13 otherwise.

14 Plaintiff hereby incorporates the Preliminary Statement and General Objections into each of
15 the following specific responses to the Interrogatories.

16 **SPECIAL INTERROGATORY NO. 1:**

17 State the name, address telephone number, and relationship to YOU of each PERSON
18 who prepared or assisted in the preparation of the responses to these interrogatories.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: Joseph Su, Esq. of Milstein Jackson Fairchild &
25 Wade, LLP, 10250 Constellation Boulevard, 14th Floor, Los Angeles, CA 90067 Telephone: (310)
26 396-9600, counsel of record in this action.

27 **SPECIAL INTERROGATORY NO. 2:**

28 State:

- 1 (a) YOUR name;
2 (b) Every name YOU have used in the past; and
3 (c) The dates YOU used each name;
4 (d) The date and place of YOUR birth.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

6 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
7 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
8 documents and a reasonable and good faith effort to obtain the information by inquiry to other
9 natural persons or organizations, except where the information is equally available to the
10 propounding party, Plaintiff responds as follows: (a) Maribel Espinoza;

- 11 (b) No other names;
12 (c) Lifetime;
13 (d) October 14, 1961; Mexicali, B.C.

14 **SPECIAL INTERROGATORY NO. 3:**

15 State:

- 16 (a) YOUR present address;
17 (b) YOUR residence address for the past five years;
18 (c) The dates YOU lived at each address.

19 **RESPONSE TO SPECIAL INTERROGATORY NO.3:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) 147 Meridian St., Heber, CA;

- 25 (b) Same as above;
26 (c) Since 2006.

27 **SPECIAL INTERROGATORY NO. 4:**

28 With respect to the SUBJECT PROPERTY, state:

- 1 (a) The address of the SUBJECT PROPERTY;
- 2 (b) The date YOU received title to the SUBJECT PROPERTY;
- 3 (c) The name of the PERSON/entity who transferred the SUBJECT PROPERTY to
- 4 YOU;
- 5 (d) With respect to title to the SUBJECT PROPERTY, identify all PERSONS,
- 6 including YOURSELF, who have ever been named on the title while YOU had an ownership
- 7 interest in SUBJECT PROPERTY and the dates of such appearance on the title;
- 8 (e) With respect to the SUBJECT PROPERTY, identify all lenders and lien holders who
- 9 have ever had an interest in the SUBJECT PROPERTY while YOU had an ownership interest in
- 10 SUBJECT PROPERTY and the dates of such lender or lien holder interest;
- 11 (f) With respect to the SUBJECT PROPERTY, state all assignments of rights that now, or
- 12 have ever, affected YOUR ownership interest in the claims being made in this lawsuit.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

14 Objection. This interrogatory seeks information that is equally available to the propounding

15 party and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)

16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this

17 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms

18 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to

19 information relevant to the subject of the Action. It also improperly seeks information that is

20 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This

21 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the

22 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a

23 reasonable and good faith effort to search for documents and a reasonable and good faith effort to

24 obtain the information by inquiry to other natural persons or organizations, except where the

25 information is equally available to the propounding party, Plaintiff responds to this interrogatory

26 individually as follows: (a) 147 Meridian St., Heber, CA;

27 (b) June 2006;

28 (c) Greenlight Financial;

- 1 (d) Maribel Espinoza;
- 2 (e) Greenlight Financial; Select Portfolio Servicing, Inc.; Ocwen Loan Servicing, LLC;
- 3 (f) None.

4 **SPECIAL INTERROGATORY NO. 5:**

5 Have YOU made any claims under any insurance policies or warranty policies for any
6 problems, DEFECTS, or DAMAGES related to the SUBJECT PROPERTY? If so, state:

- 7 (a) What date was the claim made;
- 8 (b) To whom the claim as made;
- 9 (c) Whether the claim was accepted or rejected;
- 10 (d) The nature of the claim;
- 11 (e) The IDENTITY of the insurer and policy number for each claim that was made.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

13 Objection. This interrogatory seeks information that is equally available and even more
14 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
15 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
16 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
17 ambiguous and overbroad with regard to what is meant by the terms “submitted,” “claim,”
18 “homeowner’s warranty,” and “homeowners insurance,” and fails to restrict the scope of the
19 interrogatory to information relevant to the subject of the Action. Subject to the foregoing, and
20 after conducting a reasonable and good faith effort to search for documents and a reasonable and
21 good faith effort to obtain the information by inquiry to other natural persons or organizations,
22 except where the information is equally available to the propounding party, Plaintiff responds to this
23 interrogatory individually as follows: No.

- 24 (a) Not applicable;
- 25 (b) Not applicable;
- 26 (c) Not applicable;
- 27 (d) Not applicable;
- 28 (e) Not applicable.

1 **SPECIAL INTERROGATORY NO. 6:**

2 As to any problems, DEFECTS, or DAMAGES that YOU may claim exist at the
3 SUBJECT PROPERTY, have YOU attempted to repair or have YOU repaired any of these
4 problems, DEFECTS or DAMAGES)? If yes, for each such repair, state

5 (a) The problem, DEFECT, or DAMAGE that was repaired or attempted to be
6 repaired;

7 (b) IDENTIFY who repaired or attempted to repair the problem, DEFECT, or
8 DAMAGE;

9 (c) The date(s) the attempt to repair or repair was made and completed; and

10 (d) The cost of repair.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

12 Objection. This interrogatory seeks information that is equally available and readily
13 accessible to the propounding party, and is further available within the pleadings and other
14 documents and discovery already available to the Parties in this matter, as well as readily available
15 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This interrogatory is vague,
17 ambiguous and overbroad with regard to what is meant by the terms “defect,” “damage,” and
18 “repair,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
19 the Action. Plaintiffs further object on the grounds that this interrogatory seeks premature expert
20 discovery, as to what constitutes construction deficiencies in the real property at issue in this action
21 and to what extent and degree any such construction deficiencies are present. This interrogatory
22 seeks expert opinion and analysis, lacks foundation and calls for a legal conclusion that is beyond
23 the expertise or knowledge of the responding party. Plaintiffs do not have the expertise and therefor
24 is unable to make a determination as to what constitutes a construction deficiency, repair or
25 “condition” with the subject property or what if any repairs are successful. Plaintiffs’ counsel has
26 retained consultants to investigate the construction deficiencies in our home and to create a Defect
27 List and Cost of Repair Report as well as to provide repair recommendations regarding those
28 defects identified. (Please refer to Plaintiffs’ Defect List and Cost of Repair, which will be

1 deposited per the Court's Case Management Order at the Depository specified therein.) Subject to
2 the foregoing, and after conducting a reasonable and good faith effort to search for documents and a
3 reasonable and good faith effort to obtain the information by inquiry to other natural persons or
4 organizations, except where the information is equally available to the propounding party, Plaintiff
5 responds as follows: Yes.

6 (a) Plumbing in the common area bathroom has low pressure and I have had to have a
7 plumber do maintenance at last once a year due to that problem;

8 (b) Different plumbers within the local area. It depends on who is available at the time the
9 issue has risen;

10 (c) I do not recall;

11 (d) From \$65 to \$75, depending on date and time of service provided.

12 **SPECIAL INTERROGATORY NO. 7:**

13 With respect to any problems, DEFECTS, or DAMAGE YOU claim exists at the
14 SUBJECT PROPERTY in the lawsuit have YOU ever had a professional contractor or engineer,
15 except those hired through YOUR attorney, inspect the problems, DEFECTS, or DAMAGE? If
16 yes, then for each such professional provide:

17 (a) The date(s) of the inspection(s);

18 (b) The IDENTITY of the individual and/or company inspecting the problems,
19 DEFECTS, or DAMAGE;

20 (c) The general nature of the problems, DEFECTS, or DAMAGE inspected;

21 (d) The cost of inspection.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

23 Objection. This interrogatory seeks information that is equally available and even more
24 readily accessible to the propounding party, and is readily available in public record, and is
25 therefore oppressive and burdensome. Panzalas v. Superior Court (1969) 272 Cal.App.2d 499;
26 Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this interrogatory is vague,
27 ambiguous and overbroad with regard to what is meant by the terms "professional contractor"
28 "inspection", "defect", and "damage ". Subject to the foregoing, and after conducting a reasonable

1 and good faith effort to search for documents and a reasonable and good faith effort to obtain the
2 information by inquiry to other natural persons or organizations, except where the information is
3 equally available to the propounding party, Plaintiff responds as follows: No.

4 (a) Not applicable;

5 (b) Not applicable;

6 (c) Not applicable;

7 (d) Not applicable.

8 **SPECIAL INTERROGATORY NO. 8:**

9 With respect to the SUBJECT PROPERTY at issue in this lawsuit state/IDENTIFY:

10 (a) All changes, modifications, or additions that YOU have caused to be made to the
11 SUBJECT PROPERTY;

12 (b) All design professionals and contractors who, in any way, contributed to the
13 above identified changes, modifications, or additions.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

15 Objection. This interrogatory is objected to on the grounds that it is overbroad, indefinite as
16 to time, is without reasonable limitation in its scope, and is burdensome and oppressive, and that it
17 calls for expert opinion or analysis that is beyond the expertise or knowledge of the responding
18 party. This interrogatory is objected to on the grounds that it is vague, ambiguous and overly broad
19 in the use of the terms “state,” “modifications,” “additions,” “changes,” and “made,” and fails to
20 restrict the scope of the interrogatory to information relevant to the subject of the Action. This
21 interrogatory improperly seeks information that is protected by the attorney work-product privilege
22 pursuant to Code of Civil Procedure §§ 2018.010 et seq. This interrogatory seeks information that
23 is equally available and accessible to the propounding party, as well as readily available in public
24 record, and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
25 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Subject to the foregoing, and
26 after conducting a reasonable and good faith effort to search for documents and a reasonable and
27 good faith effort to obtain the information by inquiry to other natural persons or organizations,
28 except where the information is equally available to the propounding party, Plaintiff responds to this

1 interrogatory individually as follows: (a) Had addition of backyard patio along with both left and
2 right side of sidewalk cement skirt;

3 (b) Patio was done by Home Improvement Financial; Solution contractors Jose Hinojosa.
4 Sidewalk cement skirts were done by Armando Torres.

5 **SPECIAL INTERROGATORY NO. 9:**

6 State the date upon which YOU retained the law firm and/or attorney representing YOU in
7 his litigation.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

9 Objection. Plaintiff objects to the extent that this interrogatory requests information
10 protected by the attorney work product privilege. Subject to the foregoing, and after conducting a
11 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
12 obtain the information by inquiry to other natural persons or organizations, except where the
13 information is equally available to the propounding party, Plaintiff responds as follows: I do not
14 recall.

15 **SPECIAL INTERROGATORY NO. 10:**

16 With respect to the SUBJECT PROPERTY, state:

17 (a) Whether YOU are the current owner of the SUBJECT PROPERTY;

18 (b) If YOU are not the current owner of the SUBJECT PROPERTY, IDENTIFY the
19 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
20 PROPERTY;

21 (c) If YOU are not the current owner of the SUBJECT PROPERTY, state the date upon
22 which YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to a
23 subsequent owner;

24 (d) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
25 another PERSON/entity, state how much YOU were paid for YOUR ownership interest in the
26 SUBJECT PROPERTY;

27 (e) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
28 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who

1 were in any way involved in the transfer of YOUR ownership interest to such other
2 PERSON/entity;

3 (f) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
4 another PERSON/entity, IDENTIFY all escrow companies and officers who were in any way
5 involved in the transfer of YOUR ownership interest to such other PERSON/entity.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

7 Objection. This interrogatory seeks information that is equally available and even more
8 readily accessible to the propounding party, and is further available within the pleadings and other
9 documents and discovery already available to the Parties in this matter, as well as readily available
10 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
11 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
12 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
13 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
14 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
15 other natural persons or organizations, except where the information is equally available to the
16 propounding party, Plaintiff responds as follows: (a) I am the current owner;

17 (b) Not applicable;

18 (c) Not applicable;

19 (d) Not applicable;

20 (e) Not applicable;

21 (f) Not applicable.

22 **SPECIAL INTERROGATORY NO. 11:**

23 If YOU are a former owner of the SUBJECT PROPERTY:

24 (a) Did YOU disclose the fact that the SUBJECT PROPERTY was the subject of
25 pending litigation when YOU transferred YOUR interest in the SUBJECT PROPERTY?

26 (b) If YOU disclosed the pending litigation when YOU transferred YOUR ownership
27 interest in the SUBJECT PROPERTY to another PERSON/entity, IDENTIFY all PERSONS to
28 whom YOU made that disclosure;

1 (c) IDENTIFY all DOCUMENTS that relate in any way to YOUR transfer of YOUR
2 ownership interest in the SUBJECT PROPERTY to another PERSON/entity;(d) IDENTIFY all
3 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the
4 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
5 PROPERTY;

6 (e) IDENTIFY all DOCUMENTS that YOU disclosed to the PERSON/entity to whom
7 YOU transferred YOUR ownership interest in the SUBJECT PROPERTY that describe any
8 DEFECTS that YOU believed existed in the SUBJECT PROPERTY at the time that YOU
9 transferred YOUR ownership interest;

10 (f) If YOUR disclosure of DEFECTS that YOU believed existed in the SUBJECT
11 PROPERTY at the time YOU transferred YOUR ownership interest was not in writing, state the
12 DEFECTS that YOU otherwise disclosed.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

14 Objection. This interrogatory seeks information that is equally available and even more
15 readily accessible to the propounding party, and is further available within the pleadings and other
16 documents and discovery already available to the Parties in this matter, as well as readily available
17 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
18 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
19 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
20 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
21 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
22 other natural persons or organizations, except where the information is equally available to the
23 propounding party, Plaintiff responds as follows: (a) Not applicable;

24 (b) Not applicable;

25 (c) Not applicable;

26 (d) Not applicable;

27 (e) Not applicable;

28 (f) Not applicable.

1 **SPECIAL INTERROGATORY NO. 12:**

2 If YOU are a former owner of the SUBJECT PROPERTY:

3 (a) Did the PERSON/entity to whom YOU transferred YOUR ownership interest in the
4 SUBJECT PROPERTY ask YOU to repair any problems, DEFECTS, or DAMAGES that he/she/it
5 believed existed at the SUBJECT PROPERTY;

6 (b) If YOUR response to subpart (a) above is "yes" state the repairs that were
7 requested by the PERSON/entity to whom YOU transferred YOUR ownership interest;

8 (c) Was YOUR transfer of YOUR ownership interest in the SUBJECT PROPERTY
9 conditioned upon YOUR repair of any problems, DEFECTS, or DAMAGES that YOU disclosed at
10 the SUBJECT PROPERTY?

11 (d) If YOUR response to subpart (c) above is "yes", state the repairs that the
12 PERSON/entity to whom YOU transferred YOUR ownership interest required that YOU make to
13 the SUBJECT PROPERTY.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

15 Objection. This interrogatory seeks information that is equally available and even more
16 readily accessible to the propounding party, and is further available within the pleadings and other
17 documents and discovery already available to the Parties in this matter, as well as readily available
18 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
19 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
20 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
21 "owners." Subject to the foregoing, and after conducting a reasonable and good faith effort to
22 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
23 other natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) Not applicable;

25 (b) Not applicable;

26 (c) Not applicable.

27 **SPECIAL INTERROGATORY NO. 13:**

28 During the time of ownership, was there in effect any policy of insurance through which

1 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability
2 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the
3 issues in the case? If so, for each policy state

- 4 (a) The kind of Coverage;
- 5 (b) The name of the Insurance Company;
- 6 (c) Full Name of each Insured.
- 7 (d) The Policy Number.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

9 Objection. This interrogatory seeks information that is equally available and even more
10 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
11 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
12 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
13 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and
14 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
15 the Action. Subject to the foregoing, and after conducting a reasonable and good faith effort to
16 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
17 other natural persons or organizations, except where the information is equally available to the
18 propounding party, Plaintiff responds to this interrogatory individually as follows: (a) Not
19 applicable;

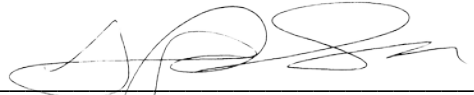
- 20 (b) Not applicable;
- 21 (c) Not applicable;
- 22 (d) Not applicable.

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DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP



By: Joseph J. Su, Esq.
Attorney for Plaintiffs,
Alessio Faccin, et al.

Maribel Espinoza
147 Meridian St
Heber CA 92249

SPECIAL INTERROGATORIES VERIFICATION

Alessio Faccin, et al. v. Pacific Century Homes, Inc., et al.

Case No.: ECU09044

I am a party to this action. The matters stated in the foregoing **RESPONSE TO SPECIAL INTERROGATORIES TO PLAINTIFF(S)** are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on October 25, 2017, at **Heber**, California.
(date)

1st Owner:

MARIBEL ESPINOZA
Name


Signature

2nd Owner (if any):

Name

Signature

1 **MILSTEIN JACKSON**
2 **FAIRCHILD & WADE, LLP**
3 10250 Constellation Blvd., Suite 1400
4 Los Angeles, CA 90067
5 Telephone: (310) 396-9600
6 Fax: (310) 396-9635
7 Joseph J. Su, Esq.; SBN 253536
8 Attorney for Plaintiffs,
9 Alessio Faccin, et al.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF IMPERIAL**

11 ALESSIO FACCIN, ET AL.,
12
13 Plaintiffs,
14 vs.
15 PACIFIC CENTURY HOMES, INC., ET AL.;
16 AND DOES 1-1000, INCLUSIVE,
17 Defendants.

CASE NO.: ECU09044
PLAINTIFF(S) AURELIO GABRIEL & TERESA NEGRETE'S RESPONSES TO SPECIAL INTERROGATORIES

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**
19 PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.
20 RESPONDING PARTY: PLAINTIFF(S) AURELIO GABRIEL & TERESA NEGRETE
21 SET NUMBER: ONE
22 Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Negrete, Aurelio
23 Gabriel & Teresa hereby responds to Special Interrogatories, Set No. One propounded by
24 Defendant, Pacific Century Homes, Inc., as follows:
25 Since discovery is ongoing, Plaintiff(s) respond to these interrogatories based on
26 information presently available to them and the responses may be supplemented, changed, amended
27 or withdrawn based on the discovery of new facts, evidence, data or information or based on a more
28 complete and thorough understanding of existing facts, evidence, data or information.

1 interrogatory to the extent that said request seeks such communications and/or work product. The
2 waiver of a privilege with respect to any single communication or document shall not be construed
3 to be a waiver of any other privilege.

4 Plaintiff objects to each Interrogatory to the extent that it seeks to impose on Plaintiff any
5 obligation beyond those required by the California Code of Civil Procedure or the local rules of this
6 Court and on the grounds that the interrogatories are neither relevant to this action, nor likely to lead
7 to the discovery of relevant evidence. Plaintiffs also object to each and every one of the Special
8 Interrogatories herein to the extent they seek information which is mediation protected pursuant to
9 Evidence Code 1119 and 1152, et seq.

10 Plaintiff objects and responds on the basis of Defendant's understanding and interpretation
11 of each Interrogatory. If Plaintiff understands or interprets any of the Interrogatories differently,
12 Plaintiff reserves the right to supplement any of these responses, either with additional objections or
13 otherwise.

14 Plaintiff hereby incorporates the Preliminary Statement and General Objections into each of
15 the following specific responses to the Interrogatories.

16 **SPECIAL INTERROGATORY NO. 1:**

17 State the name, address telephone number, and relationship to YOU of each PERSON
18 who prepared or assisted in the preparation of the responses to these interrogatories.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: Joseph Su, Esq. of Milstein Jackson Fairchild &
25 Wade, LLP, 10250 Constellation Boulevard, 14th Floor, Los Angeles, CA 90067 Telephone: (310)
26 396-9600, counsel of record in this action.

27 **SPECIAL INTERROGATORY NO. 2:**

28 State:

- 1 (a) YOUR name;
2 (b) Every name YOU have used in the past; and
3 (c) The dates YOU used each name;
4 (d) The date and place of YOUR birth.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

6 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
7 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
8 documents and a reasonable and good faith effort to obtain the information by inquiry to other
9 natural persons or organizations, except where the information is equally available to the
10 propounding party, Plaintiff responds as follows: (a) Aurelio Gabriel Jr. Negrete and Teresa
11 Monzon Negrete;

- 12 (b) No other names;
13 (c) Lifetime;
14 (d) Aurelio: Yuba City, Sacramento; Teresa: Brawley, CA.

15 **SPECIAL INTERROGATORY NO. 3:**

16 State:

- 17 (a) YOUR present address;
18 (b) YOUR residence address for the past five years;
19 (c) The dates YOU lived at each address.

20 **RESPONSE TO SPECIAL INTERROGATORY NO.3:**

21 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
22 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
23 documents and a reasonable and good faith effort to obtain the information by inquiry to other
24 natural persons or organizations, except where the information is equally available to the
25 propounding party, Plaintiff responds as follows: (a) 1154 Fairfield Way, Heber, CA;

- 26 (b) 1158 Goldfield Way, Heber, CA;
27 (c) 5 years.

28 ///

1 **SPECIAL INTERROGATORY NO. 4:**

2 With respect to the SUBJECT PROPERTY, state:

3 (a) The address of the SUBJECT PROPERTY;

4 (b) The date YOU received title to the SUBJECT PROPERTY;

5 (c) The name of the PERSON/entity who transferred the SUBJECT PROPERTY to
6 YOU;

7 (d) With respect to title to the SUBJECT PROPERTY, identify all PERSONS,
8 including YOURSELF, who have ever been named on the title while YOU had an ownership
9 interest in SUBJECT PROPERTY and the dates of such appearance on the title;

10 (e) With respect to the SUBJECT PROPERTY, identify all lenders and lien holders who
11 have ever had an interest in the SUBJECT PROPERTY while YOU had an ownership interest in
12 SUBJECT PROPERTY and the dates of such lender or lien holder interest;

13 (f) With respect to the SUBJECT PROPERTY, state all assignments of rights that now, or
14 have ever, affected YOUR ownership interest in the claims being made in this lawsuit.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

16 Objection. This interrogatory seeks information that is equally available to the propounding
17 party and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
18 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
19 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
20 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to
21 information relevant to the subject of the Action. It also improperly seeks information that is
22 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This
23 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the
24 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a
25 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
26 obtain the information by inquiry to other natural persons or organizations, except where the
27 information is equally available to the propounding party, Plaintiff responds to this interrogatory
28 individually as follows: (a) 1154 Fairfield Way, Heber, CA;

- 1 (b) September 8, 2013;
- 2 (c) Zinnia Sanchez;
- 3 (d) Aurelio Gabriel Jr. Negrete and Teresa Monzon Negrete;
- 4 (e) We do not recall;
- 5 (f) None.

6 **SPECIAL INTERROGATORY NO. 5:**

7 Have YOU made any claims under any insurance policies or warranty policies for any
8 problems, DEFECTS, or DAMAGES related to the SUBJECT PROPERTY? If so, state:

- 9 (a) What date was the claim made;
- 10 (b) To whom the claim as made;
- 11 (c) Whether the claim was accepted or rejected;
- 12 (d) The nature of the claim;
- 13 (e) The IDENTITY of the insurer and policy number for each claim that was made.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

15 Objection. This interrogatory seeks information that is equally available and even more
16 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
17 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
18 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
19 ambiguous and overbroad with regard to what is meant by the terms “submitted,” “claim,”
20 “homeowner’s warranty,” and “homeowners insurance,” and fails to restrict the scope of the
21 interrogatory to information relevant to the subject of the Action. Subject to the foregoing, and
22 after conducting a reasonable and good faith effort to search for documents and a reasonable and
23 good faith effort to obtain the information by inquiry to other natural persons or organizations,
24 except where the information is equally available to the propounding party, Plaintiff responds to this
25 interrogatory individually as follows: No.

- 26 (a) Not applicable;
- 27 (b) Not applicable;
- 28 (c) Not applicable;

1 (d) Not applicable;

2 (e) Not applicable.

3 **SPECIAL INTERROGATORY NO. 6:**

4 As to any problems, DEFECTS, or DAMAGES that YOU may claim exist at the
5 SUBJECT PROPERTY, have YOU attempted to repair or have YOU repaired any of these
6 problems, DEFECTS or DAMAGES)? If yes, for each such repair, state

7 (a) The problem, DEFECT, or DAMAGE that was repaired or attempted to be
8 repaired;

9 (b) IDENTIFY who repaired or attempted to repair the problem, DEFECT, or
10 DAMAGE;

11 (c) The date(s) the attempt to repair or repair was made and completed; and

12 (d) The cost of repair.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

14 Objection. This interrogatory seeks information that is equally available and readily
15 accessible to the propounding party, and is further available within the pleadings and other
16 documents and discovery already available to the Parties in this matter, as well as readily available
17 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
18 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This interrogatory is vague,
19 ambiguous and overbroad with regard to what is meant by the terms “defect,” “damage,” and
20 “repair,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
21 the Action. Plaintiffs further object on the grounds that this interrogatory seeks premature expert
22 discovery, as to what constitutes construction deficiencies in the real property at issue in this action
23 and to what extent and degree any such construction deficiencies are present. This interrogatory
24 seeks expert opinion and analysis, lacks foundation and calls for a legal conclusion that is beyond
25 the expertise or knowledge of the responding party. Plaintiffs do not have the expertise and therefor
26 is unable to make a determination as to what constitutes a construction deficiency, repair or
27 “condition” with the subject property or what if any repairs are successful. Plaintiffs’ counsel has
28 retained consultants to investigate the construction deficiencies in our home and to create a Defect

1 List and Cost of Repair Report as well as to provide repair recommendations regarding those
2 defects identified. (Please refer to Plaintiffs' Defect List and Cost of Repair, which will be
3 deposited per the Court's Case Management Order at the Depository specified therein.) Subject to
4 the foregoing, and after conducting a reasonable and good faith effort to search for documents and a
5 reasonable and good faith effort to obtain the information by inquiry to other natural persons or
6 organizations, except where the information is equally available to the propounding party, Plaintiff
7 responds as follows: No.

8 (a) Not applicable;

9 (b) Not applicable;

10 (c) Not applicable;

11 (d) Not applicable.

12 **SPECIAL INTERROGATORY NO. 7:**

13 With respect to any problems, DEFECTS, or DAMAGE YOU claim exists at the
14 SUBJECT PROPERTY in the lawsuit have YOU ever had a professional contractor or engineer,
15 except those hired through YOUR attorney, inspect the problems, DEFECTS, or DAMAGE? If
16 yes, then for each such professional provide:

17 (a) The date(s) of the inspection(s);

18 (b) The IDENTITY of the individual and/or company inspecting the problems,
19 DEFECTS, or DAMAGE;

20 (c) The general nature of the problems, DEFECTS, or DAMAGE inspected;

21 (d) The cost of inspection.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

23 Objection. This interrogatory seeks information that is equally available and even more
24 readily accessible to the propounding party, and is readily available in public record, and is
25 therefore oppressive and burdensome. Panzalas v. Superior Court (1969) 272 Cal.App.2d 499;
26 Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this interrogatory is vague,
27 ambiguous and overbroad with regard to what is meant by the terms "professional contractor"
28 "inspection", "defect", and "damage ". Subject to the foregoing, and after conducting a reasonable

1 and good faith effort to search for documents and a reasonable and good faith effort to obtain the
2 information by inquiry to other natural persons or organizations, except where the information is
3 equally available to the propounding party, Plaintiff responds as follows: No.

4 (a) Not applicable;

5 (b) Not applicable;

6 (c) Not applicable;

7 (d) Not applicable.

8 **SPECIAL INTERROGATORY NO. 8:**

9 With respect to the SUBJECT PROPERTY at issue in this lawsuit state/IDENTIFY:

10 (a) All changes, modifications, or additions that YOU have caused to be made to the
11 SUBJECT PROPERTY;

12 (b) All design professionals and contractors who, in any way, contributed to the
13 above identified changes, modifications, or additions.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

15 Objection. This interrogatory is objected to on the grounds that it is overbroad, indefinite as
16 to time, is without reasonable limitation in its scope, and is burdensome and oppressive, and that it
17 calls for expert opinion or analysis that is beyond the expertise or knowledge of the responding
18 party. This interrogatory is objected to on the grounds that it is vague, ambiguous and overly broad
19 in the use of the terms “state,” “modifications,” “additions,” “changes,” and “made,” and fails to
20 restrict the scope of the interrogatory to information relevant to the subject of the Action. This
21 interrogatory improperly seeks information that is protected by the attorney work-product privilege
22 pursuant to Code of Civil Procedure §§ 2018.010 et seq. This interrogatory seeks information that
23 is equally available and accessible to the propounding party, as well as readily available in public
24 record, and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
25 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Subject to the foregoing, and
26 after conducting a reasonable and good faith effort to search for documents and a reasonable and
27 good faith effort to obtain the information by inquiry to other natural persons or organizations,
28 except where the information is equally available to the propounding party, Plaintiff responds to this

1 interrogatory individually as follows: None made,

2 (a) Not applicable;

3 (b) Not applicable.

4 **SPECIAL INTERROGATORY NO. 9:**

5 State the date upon which YOU retained the law firm and/or attorney representing YOU in
6 his litigation.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

8 Objection. Plaintiff objects to the extent that this interrogatory requests information
9 protected by the attorney work product privilege. Subject to the foregoing, and after conducting a
10 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
11 obtain the information by inquiry to other natural persons or organizations, except where the
12 information is equally available to the propounding party, Plaintiff responds as follows: We do not
13 recall.

14 **SPECIAL INTERROGATORY NO. 10:**

15 With respect to the SUBJECT PROPERTY, state:

16 (a) Whether YOU are the current owner of the SUBJECT PROPERTY;

17 (b) If YOU are not the current owner of the SUBJECT PROPERTY, IDENTIFY the
18 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
19 PROPERTY;

20 (c) If YOU are not the current owner of the SUBJECT PROPERTY, state the date upon
21 which YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to a
22 subsequent owner;

23 (d) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
24 another PERSON/entity, state how much YOU were paid for YOUR ownership interest in the
25 SUBJECT PROPERTY;

26 (e) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
27 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who
28 were in any way involved in the transfer of YOUR ownership interest to such other

1 PERSON/entity;

2 (f) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
3 another PERSON/entity, IDENTIFY all escrow companies and officers who were in any way
4 involved in the transfer of YOUR ownership interest to such other PERSON/entity.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

6 Objection. This interrogatory seeks information that is equally available and even more
7 readily accessible to the propounding party, and is further available within the pleadings and other
8 documents and discovery already available to the Parties in this matter, as well as readily available
9 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
10 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
11 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
12 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
13 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
14 other natural persons or organizations, except where the information is equally available to the
15 propounding party, Plaintiff responds as follows: (a) I am the current owner;

16 (b) Not applicable;

17 (c) Not applicable;

18 (d) Not applicable;

19 (e) Not applicable;

20 (f) Not applicable.

21 **SPECIAL INTERROGATORY NO. 11:**

22 If YOU are a former owner of the SUBJECT PROPERTY:

23 (a) Did YOU disclose the fact that the SUBJECT PROPERTY was the subject of
24 pending litigation when YOU transferred YOUR interest in the SUBJECT PROPERTY?

25 (b) If YOU disclosed the pending litigation when YOU transferred YOUR ownership
26 interest in the SUBJECT PROPERTY to another PERSON/entity, IDENTIFY all PERSONS to
27 whom YOU made that disclosure;

28 (c) IDENTIFY all DOCUMENTS that relate in any way to YOUR transfer of YOUR

1 ownership interest in the SUBJECT PROPERTY to another PERSON/entity;(d) IDENTIFY all
2 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the
3 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
4 PROPERTY;

5 (e) IDENTIFY all DOCUMENTS that YOU disclosed to the PERSON/entity to whom
6 YOU transferred YOUR ownership interest in the SUBJECT PROPERTY that describe any
7 DEFECTS that YOU believed existed in the SUBJECT PROPERTY at the time that YOU
8 transferred YOUR ownership interest;

9 (f) If YOUR disclosure of DEFECTS that YOU believed existed in the SUBJECT
10 PROPERTY at the time YOU transferred YOUR ownership interest was not in writing, state the
11 DEFECTS that YOU otherwise disclosed.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

13 Objection. This interrogatory seeks information that is equally available and even more
14 readily accessible to the propounding party, and is further available within the pleadings and other
15 documents and discovery already available to the Parties in this matter, as well as readily available
16 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
17 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
18 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
19 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
20 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
21 other natural persons or organizations, except where the information is equally available to the
22 propounding party, Plaintiff responds as follows: (a) Not applicable;

23 (b) Not applicable;

24 (c) Not applicable;

25 (d) Not applicable;

26 (e) Not applicable;

27 (f) Not applicable.

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1 **SPECIAL INTERROGATORY NO. 12:**

2 If YOU are a former owner of the SUBJECT PROPERTY:

3 (a) Did the PERSON/entity to whom YOU transferred YOUR ownership interest in the
4 SUBJECT PROPERTY ask YOU to repair any problems, DEFECTS, or DAMAGES that he/she/it
5 believed existed at the SUBJECT PROPERTY;

6 (b) If YOUR response to subpart (a) above is "yes" state the repairs that were
7 requested by the PERSON/entity to whom YOU transferred YOUR ownership interest;

8 (c) Was YOUR transfer of YOUR ownership interest in the SUBJECT PROPERTY
9 conditioned upon YOUR repair of any problems, DEFECTS, or DAMAGES that YOU disclosed at
10 the SUBJECT PROPERTY?

11 (d) If YOUR response to subpart (c) above is "yes", state the repairs that the
12 PERSON/entity to whom YOU transferred YOUR ownership interest required that YOU make to
13 the SUBJECT PROPERTY.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

15 Objection. This interrogatory seeks information that is equally available and even more
16 readily accessible to the propounding party, and is further available within the pleadings and other
17 documents and discovery already available to the Parties in this matter, as well as readily available
18 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
19 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
20 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
21 "owners." Subject to the foregoing, and after conducting a reasonable and good faith effort to
22 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
23 other natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) Not applicable;

25 (b) Not applicable;

26 (c) Not applicable.

27 **SPECIAL INTERROGATORY NO. 13:**

28 During the time of ownership, was there in effect any policy of insurance through which

1 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability
2 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the
3 issues in the case? If so, for each policy state

- 4 (a) The kind of Coverage;
- 5 (b) The name of the Insurance Company;
- 6 (c) Full Name of each Insured.
- 7 (d) The Policy Number.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

9 Objection. This interrogatory seeks information that is equally available and even more
10 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
11 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
12 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
13 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and
14 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
15 the Action. Subject to the foregoing, and after conducting a reasonable and good faith effort to
16 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
17 other natural persons or organizations, except where the information is equally available to the
18 propounding party, Plaintiff responds to this interrogatory individually as follows: (a) Not
19 applicable;

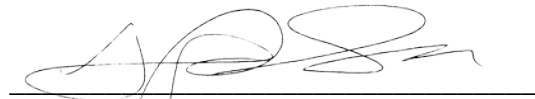
- 20 (b) Not applicable;
- 21 (c) Not applicable;
- 22 (d) Not applicable.

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DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP



By: Joseph J. Su, Esq.
Attorney for Plaintiffs,
Alessio Faccin, et al.

Aurelio Gabriel & Teresa Negrete
1154 Fairfield Way
Heber CA 92249

SPECIAL INTERROGATORIES VERIFICATION

Alessio Faccin, et al. v. Pacific Century Homes, Inc., et al.

Case No.: ECU09044

I am a party to this action. The matters stated in the foregoing **RESPONSE TO SPECIAL INTERROGATORIES TO PLAINTIFF(S)** are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on 10-20, 2017, at **Heber**, California.
(date)

1st Owner:

Aurelio Gabriel Jr. Negrete
Name

Aurelio G. Negrete
Signature

2nd Owner (if any):

Teresa Monzon Negrete
Name

Teresa Monzon Negrete
Signature

1 **MILSTEIN JACKSON**
2 **FAIRCHILD & WADE, LLP**
3 10250 Constellation Blvd., Suite 1400
4 Los Angeles, CA 90067
5 Telephone: (310) 396-9600
6 Fax: (310) 396-9635
7 Joseph J. Su, Esq.; SBN 253536

8 Attorney for Plaintiffs,
9 Alessio Faccin, et al.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF IMPERIAL

ALESSIO FACCIN, ET AL.,

Plaintiffs,

vs.

PACIFIC CENTURY HOMES, INC., ET AL.;
AND DOES 1-1000, INCLUSIVE,

Defendants.

CASE NO.: ECU09044

**PLAINTIFF(S) RAFAEL TOVAR &
ANGELICA A. LOPEZ 'S RESPONSES TO
SPECIAL INTERROGATORIES**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.

RESPONDING PARTY: PLAINTIFF(S) RAFAEL TOVAR & ANGELICA A. LOPEZ

SET NUMBER: ONE

Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Rafael Tovar & Angelica A. Lopez hereby responds to Special Interrogatories, Set No. One propounded by Defendant, Pacific Century Homes, Inc., as follows:

Since discovery is ongoing, Plaintiff(s) respond to these interrogatories based on information presently available to them and the responses may be supplemented, changed, amended or withdrawn based on the discovery of new facts, evidence, data or information or based on a more complete and thorough understanding of existing facts, evidence, data or information.

1 interrogatory to the extent that said request seeks such communications and/or work product. The
2 waiver of a privilege with respect to any single communication or document shall not be construed
3 to be a waiver of any other privilege.

4 Plaintiff objects to each Interrogatory to the extent that it seeks to impose on Plaintiff any
5 obligation beyond those required by the California Code of Civil Procedure or the local rules of this
6 Court and on the grounds that the interrogatories are neither relevant to this action, nor likely to lead
7 to the discovery of relevant evidence. Plaintiffs also object to each and every one of the Special
8 Interrogatories herein to the extent they seek information which is mediation protected pursuant to
9 Evidence Code 1119 and 1152, et seq.

10 Plaintiff objects and responds on the basis of Defendant's understanding and interpretation
11 of each Interrogatory. If Plaintiff understands or interprets any of the Interrogatories differently,
12 Plaintiff reserves the right to supplement any of these responses, either with additional objections or
13 otherwise.

14 Plaintiff hereby incorporates the Preliminary Statement and General Objections into each of
15 the following specific responses to the Interrogatories.

16 **SPECIAL INTERROGATORY NO. 1:**

17 State the name, address telephone number, and relationship to YOU of each PERSON
18 who prepared or assisted in the preparation of the responses to these interrogatories.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: Joseph Su, Esq. of Milstein Jackson Fairchild &
25 Wade, LLP, 10250 Constellation Boulevard, 14th Floor, Los Angeles, CA 90067 Telephone: (310)
26 396-9600, counsel of record in this action.

27 **SPECIAL INTERROGATORY NO. 2:**

28 State:

- 1 (a) YOUR name;
2 (b) Every name YOU have used in the past; and
3 (c) The dates YOU used each name;
4 (d) The date and place of YOUR birth.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

6 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
7 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
8 documents and a reasonable and good faith effort to obtain the information by inquiry to other
9 natural persons or organizations, except where the information is equally available to the
10 propounding party, Plaintiff responds as follows: (a) Angelica Lopez and Rafael Tovar;

- 11 (b) No other names;
12 (c) Lifetime;
13 (d) Brawley.

14 **SPECIAL INTERROGATORY NO. 3:**

15 State:

- 16 (a) YOUR present address;
17 (b) YOUR residence address for the past five years;
18 (c) The dates YOU lived at each address.

19 **RESPONSE TO SPECIAL INTERROGATORY NO.3:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) 169 Meridian St, Heber CA;

- 25 (b) Same as above;
26 (c) Since purchase.

27 **SPECIAL INTERROGATORY NO. 4:**

28 With respect to the SUBJECT PROPERTY, state:

- 1 (a) The address of the SUBJECT PROPERTY;
- 2 (b) The date YOU received title to the SUBJECT PROPERTY;
- 3 (c) The name of the PERSON/entity who transferred the SUBJECT PROPERTY to
- 4 YOU;
- 5 (d) With respect to title to the SUBJECT PROPERTY, identify all PERSONS,
- 6 including YOURSELF, who have ever been named on the title while YOU had an ownership
- 7 interest in SUBJECT PROPERTY and the dates of such appearance on the title;
- 8 (e) With respect to the SUBJECT PROPERTY, identify all lenders and lien holders who
- 9 have ever had an interest in the SUBJECT PROPERTY while YOU had an ownership interest in
- 10 SUBJECT PROPERTY and the dates of such lender or lien holder interest;
- 11 (f) With respect to the SUBJECT PROPERTY, state all assignments of rights that now, or
- 12 have ever, affected YOUR ownership interest in the claims being made in this lawsuit.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

14 Objection. This interrogatory seeks information that is equally available to the propounding

15 party and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)

16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this

17 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms

18 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to

19 information relevant to the subject of the Action. It also improperly seeks information that is

20 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This

21 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the

22 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a

23 reasonable and good faith effort to search for documents and a reasonable and good faith effort to

24 obtain the information by inquiry to other natural persons or organizations, except where the

25 information is equally available to the propounding party, Plaintiff responds to this interrogatory

26 individually as follows: (a) 169 Meridian St, Heber CA;

27 (b) Do not recall;

28 (c) Do not recall;

- 1 (d) Rafael Toval and Angelina Lopez;
- 2 (e) Do not recall;
- 3 (f) None.

4 **SPECIAL INTERROGATORY NO. 5:**

5 Have YOU made any claims under any insurance policies or warranty policies for any
6 problems, DEFECTS, or DAMAGES related to the SUBJECT PROPERTY? If so, state:

- 7 (a) What date was the claim made;
- 8 (b) To whom the claim as made;
- 9 (c) Whether the claim was accepted or rejected;
- 10 (d) The nature of the claim;
- 11 (e) The IDENTITY of the insurer and policy number for each claim that was made.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

13 Objection. This interrogatory seeks information that is equally available and even more
14 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
15 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
16 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
17 ambiguous and overbroad with regard to what is meant by the terms “submitted,” “claim,”
18 “homeowner’s warranty,” and “homeowners insurance,” and fails to restrict the scope of the
19 interrogatory to information relevant to the subject of the Action. Subject to the foregoing, and
20 after conducting a reasonable and good faith effort to search for documents and a reasonable and
21 good faith effort to obtain the information by inquiry to other natural persons or organizations,
22 except where the information is equally available to the propounding party, Plaintiff responds to this
23 interrogatory individually as follows: No.

- 24 (a) Not applicable;
- 25 (b) Not applicable;
- 26 (c) Not applicable;
- 27 (d) Not applicable;
- 28 (e) Not applicable.

1 **SPECIAL INTERROGATORY NO. 6:**

2 As to any problems, DEFECTS, or DAMAGES that YOU may claim exist at the
3 SUBJECT PROPERTY, have YOU attempted to repair or have YOU repaired any of these
4 problems, DEFECTS or DAMAGES)? If yes, for each such repair, state

5 (a) The problem, DEFECT, or DAMAGE that was repaired or attempted to be
6 repaired;

7 (b) IDENTIFY who repaired or attempted to repair the problem, DEFECT, or
8 DAMAGE;

9 (c) The date(s) the attempt to repair or repair was made and completed; and

10 (d) The cost of repair.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

12 Objection. This interrogatory seeks information that is equally available and readily
13 accessible to the propounding party, and is further available within the pleadings and other
14 documents and discovery already available to the Parties in this matter, as well as readily available
15 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This interrogatory is vague,
17 ambiguous and overbroad with regard to what is meant by the terms “defect,” “damage,” and
18 “repair,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
19 the Action. Plaintiffs further object on the grounds that this interrogatory seeks premature expert
20 discovery, as to what constitutes construction deficiencies in the real property at issue in this action
21 and to what extent and degree any such construction deficiencies are present. This interrogatory
22 seeks expert opinion and analysis, lacks foundation and calls for a legal conclusion that is beyond
23 the expertise or knowledge of the responding party. Plaintiffs do not have the expertise and therefor
24 is unable to make a determination as to what constitutes a construction deficiency, repair or
25 “condition” with the subject property or what if any repairs are successful. Plaintiffs’ counsel has
26 retained consultants to investigate the construction deficiencies in our home and to create a Defect
27 List and Cost of Repair Report as well as to provide repair recommendations regarding those
28 defects identified. (Please refer to Plaintiffs’ Defect List and Cost of Repair, which will be

1 deposited per the Court's Case Management Order at the Depository specified therein.) Subject to
2 the foregoing, and after conducting a reasonable and good faith effort to search for documents and a
3 reasonable and good faith effort to obtain the information by inquiry to other natural persons or
4 organizations, except where the information is equally available to the propounding party, Plaintiff
5 responds as follows: No.

6 (a) Not applicable;

7 (b) Not applicable;

8 (c) Not applicable;

9 (d) Not applicable.

10 **SPECIAL INTERROGATORY NO. 7:**

11 With respect to any problems, DEFECTS, or DAMAGE YOU claim exists at the
12 SUBJECT PROPERTY in the lawsuit have YOU ever had a professional contractor or engineer,
13 except those hired through YOUR attorney, inspect the problems, DEFECTS, or DAMAGE? If
14 yes, then for each such professional provide:

15 (a) The date(s) of the inspection(s);

16 (b) The IDENTITY of the individual and/or company inspecting the problems,
17 DEFECTS, or DAMAGE;

18 (c) The general nature of the problems, DEFECTS, or DAMAGE inspected;

19 (d) The cost of inspection.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

21 Objection. This interrogatory seeks information that is equally available and even more
22 readily accessible to the propounding party, and is readily available in public record, and is
23 therefore oppressive and burdensome. Panzalas v. Superior Court (1969) 272 Cal.App.2d 499;
24 Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this interrogatory is vague,
25 ambiguous and overbroad with regard to what is meant by the terms "professional contractor"
26 "inspection", "defect", and "damage ". Subject to the foregoing, and after conducting a reasonable
27 and good faith effort to search for documents and a reasonable and good faith effort to obtain the
28 information by inquiry to other natural persons or organizations, except where the information is

1 equally available to the propounding party, Plaintiff responds as follows: No.

2 (a) Not applicable;

3 (b) Not applicable;

4 (c) Not applicable;

5 (d) Not applicable.

6 **SPECIAL INTERROGATORY NO. 8:**

7 With respect to the SUBJECT PROPERTY at issue in this lawsuit state/IDENTIFY:

8 (a) All changes, modifications, or additions that YOU have caused to be made to the
9 SUBJECT PROPERTY;

10 (b) All design professionals and contractors who, in any way, contributed to the
11 above identified changes, modifications, or additions.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

13 Objection. This interrogatory is objected to on the grounds that it is overbroad, indefinite as
14 to time, is without reasonable limitation in its scope, and is burdensome and oppressive, and that it
15 calls for expert opinion or analysis that is beyond the expertise or knowledge of the responding
16 party. This interrogatory is objected to on the grounds that it is vague, ambiguous and overly broad
17 in the use of the terms “state,” “modifications,” “additions,” “changes,” and “made,” and fails to
18 restrict the scope of the interrogatory to information relevant to the subject of the Action. This
19 interrogatory improperly seeks information that is protected by the attorney work-product privilege
20 pursuant to Code of Civil Procedure §§ 2018.010 et seq. This interrogatory seeks information that
21 is equally available and accessible to the propounding party, as well as readily available in public
22 record, and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
23 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Subject to the foregoing, and
24 after conducting a reasonable and good faith effort to search for documents and a reasonable and
25 good faith effort to obtain the information by inquiry to other natural persons or organizations,
26 except where the information is equally available to the propounding party, Plaintiff responds to this
27 interrogatory individually as follows: None made.

28 (a) Not applicable;

1 (b) Not applicable.

2 **SPECIAL INTERROGATORY NO. 9:**

3 State the date upon which YOU retained the law firm and/or attorney representing YOU in
4 his litigation.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

6 Objection. Plaintiff objects to the extent that this interrogatory requests information
7 protected by the attorney work product privilege. Subject to the foregoing, and after conducting a
8 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
9 obtain the information by inquiry to other natural persons or organizations, except where the
10 information is equally available to the propounding party, Plaintiff responds as follows: We do not
11 recall.

12 **SPECIAL INTERROGATORY NO. 10:**

13 With respect to the SUBJECT PROPERTY, state:

14 (a) Whether YOU are the current owner of the SUBJECT PROPERTY;

15 (b) If YOU are not the current owner of the SUBJECT PROPERTY, IDENTIFY the
16 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
17 PROPERTY;

18 (c) If YOU are not the current owner of the SUBJECT PROPERTY, state the date upon
19 which YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to a
20 subsequent owner;

21 (d) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
22 another PERSON/entity, state how much YOU were paid for YOUR ownership interest in the
23 SUBJECT PROPERTY;

24 (e) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
25 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who
26 were in any way involved in the transfer of YOUR ownership interest to such other
27 PERSON/entity;

28 (f) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to

1 another PERSON/entity, IDENTIFY all escrow companies and officers who were in any way
2 involved in the transfer of YOUR ownership interest to such other PERSON/entity.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

4 Objection. This interrogatory seeks information that is equally available and even more
5 readily accessible to the propounding party, and is further available within the pleadings and other
6 documents and discovery already available to the Parties in this matter, as well as readily available
7 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
8 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
9 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
10 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
11 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
12 other natural persons or organizations, except where the information is equally available to the
13 propounding party, Plaintiff responds as follows: (a) We are the current owners;

14 (b) Not applicable;

15 (c) Not applicable;

16 (d) Not applicable;

17 (e) Not applicable;

18 (f) Not applicable.

19 **SPECIAL INTERROGATORY NO. 11:**

20 If YOU are a former owner of the SUBJECT PROPERTY:

21 (a) Did YOU disclose the fact that the SUBJECT PROPERTY was the subject of
22 pending litigation when YOU transferred YOUR interest in the SUBJECT PROPERTY?

23 (b) If YOU disclosed the pending litigation when YOU transferred YOUR ownership
24 interest in the SUBJECT PROPERTY to another PERSON/entity, IDENTIFY all PERSONS to
25 whom YOU made that disclosure;

26 (c) IDENTIFY all DOCUMENTS that relate in any way to YOUR transfer of YOUR
27 ownership interest in the SUBJECT PROPERTY to another PERSON/entity;(d) IDENTIFY all
28 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the

1 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
2 PROPERTY;

3 (e) IDENTIFY all DOCUMENTS that YOU disclosed to the PERSON/entity to whom
4 YOU transferred YOUR ownership interest in the SUBJECT PROPERTY that describe any
5 DEFECTS that YOU believed existed in the SUBJECT PROPERTY at the time that YOU
6 transferred YOUR ownership interest;

7 (f) If YOUR disclosure of DEFECTS that YOU believed existed in the SUBJECT
8 PROPERTY at the time YOU transferred YOUR ownership interest was not in writing, state the
9 DEFECTS that YOU otherwise disclosed.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

11 Objection. This interrogatory seeks information that is equally available and even more
12 readily accessible to the propounding party, and is further available within the pleadings and other
13 documents and discovery already available to the Parties in this matter, as well as readily available
14 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
15 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
16 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
17 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
18 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
19 other natural persons or organizations, except where the information is equally available to the
20 propounding party, Plaintiff responds as follows: (a) Not applicable;

21 (b) Not applicable;

22 (c) Not applicable;

23 (d) Not applicable;

24 (e) Not applicable;

25 (f) Not applicable.

26 **SPECIAL INTERROGATORY NO. 12:**

27 If YOU are a former owner of the SUBJECT PROPERTY:

28 (a) Did the PERSON/entity to whom YOU transferred YOUR ownership interest in the

1 SUBJECT PROPERTY ask YOU to repair any problems, DEFECTS, or DAMAGES that he/she/it
2 believed existed at the SUBJECT PROPERTY;

3 (b) If YOUR response to subpart (a) above is "yes" state the repairs that were
4 requested by the PERSON/entity to whom YOU transferred YOUR ownership interest;

5 (c) Was YOUR transfer of YOUR ownership interest in the SUBJECT PROPERTY
6 conditioned upon YOUR repair of any problems, DEFECTS, or DAMAGES that YOU disclosed at
7 the SUBJECT PROPERTY?

8 (d) If YOUR response to subpart (c) above is "yes", state the repairs that the
9 PERSON/entity to whom YOU transferred YOUR ownership interest required that YOU make to
10 the SUBJECT PROPERTY.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

12 Objection. This interrogatory seeks information that is equally available and even more
13 readily accessible to the propounding party, and is further available within the pleadings and other
14 documents and discovery already available to the Parties in this matter, as well as readily available
15 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
17 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
18 "owners." Subject to the foregoing, and after conducting a reasonable and good faith effort to
19 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
20 other natural persons or organizations, except where the information is equally available to the
21 propounding party, Plaintiff responds as follows: (a) Not applicable;

22 (b) Not applicable;

23 (c) Not applicable.

24 **SPECIAL INTERROGATORY NO. 13:**

25 During the time of ownership, was there in effect any policy of insurance through which
26 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability
27 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the
28 issues in the case? If so, for each policy state

- 1 (a) The kind of Coverage;
- 2 (b) The name of the Insurance Company;
- 3 (c) Full Name of each Insured.
- 4 (d) The Policy Number.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

6 Objection. This interrogatory seeks information that is equally available and even more
7 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
8 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
9 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
10 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and
11 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
12 the Action. Subject to the foregoing, and after conducting a reasonable and good faith effort to
13 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
14 other natural persons or organizations, except where the information is equally available to the
15 propounding party, Plaintiff responds to this interrogatory individually as follows: (a) Not
16 applicable;

- 17 (b) Not applicable;
- 18 (c) Not applicable;
- 19 (d) Not applicable.

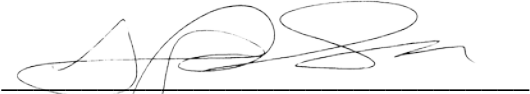
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DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP



By: Joseph J. Su, Esq.
Attorney for Plaintiffs,
Alessio Faccin, et al.

Rafael Tovar & Angelica A. Lopez
169 Meridian St
Heber CA 92249

SPECIAL INTERROGATORIES VERIFICATION

Alessio Faccin, et al. v. Pacific Century Homes, Inc., et al.

Case No.: ECU09044

I am a party to this action. The matters stated in the foregoing **RESPONSE TO SPECIAL INTERROGATORIES TO PLAINTIFF(S)** are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on 10/25/17, 2017, at Heber, California.
(date)

1st Owner:

Rafael Tovar
Name

Rafael Tovar
Signature

2nd Owner (if any):

Angelica Lopez
Name

Angelica Lopez
Signature

1 **MILSTEIN JACKSON**
2 **FAIRCHILD & WADE, LLP**
3 10250 Constellation Blvd., Suite 1400
4 Los Angeles, CA 90067
5 Telephone: (310) 396-9600
6 Fax: (310) 396-9635
7 Joseph J. Su, Esq.; SBN 253536
8 Attorney for Plaintiffs,
9 Alessio Faccin, et al.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF IMPERIAL**

11 ALESSIO FACCIN, ET AL.,
12
13 Plaintiffs,
14 vs.
15 PACIFIC CENTURY HOMES, INC., ET AL.;
16 AND DOES 1-1000, INCLUSIVE,
17 Defendants.

CASE NO.: ECU09044
PLAINTIFF(S) CLAUDIA J. & JOSE G. DUARTE'S RESPONSES TO SPECIAL INTERROGATORIES

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**
19 PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.
20 RESPONDING PARTY: PLAINTIFF(S) CLAUDIA J. & JOSE G. DUARTE
21 SET NUMBER: ONE

22 Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Duarte, Claudia J.
23 & Jose G. hereby responds to Special Interrogatories, Set No. One propounded by Defendant,
24 Pacific Century Homes, Inc., as follows:

25 Since discovery is ongoing, Plaintiff(s) respond to these interrogatories based on
26 information presently available to them and the responses may be supplemented, changed, amended
27 or withdrawn based on the discovery of new facts, evidence, data or information or based on a more
28 complete and thorough understanding of existing facts, evidence, data or information.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1
2 These responses are made solely for the purpose of, and in relation to, this action. Each
3 response is given subject to all appropriate objections (including, but not limited to, objections
4 concerning competency, relevancy, materiality, propriety, and admissibility) which would require
5 exclusion of any statement contained herein if the interrogatory were asked of, or any statement
6 contained herein were made by, a witness present and testifying in court. All such objections and
7 grounds therefore are reserved and may be interposed at time of trial.

8 The party on whose behalf the responses are given has not yet completed his, her or its
9 investigation of the facts relating to this action, has not yet completed discovery in this action, and
10 has not yet completed preparation for trial. Consequently, the following responses are given
11 without prejudice to the responding party's right to produce at trial subsequently discovered
12 material and to supplement these responses as discovery continues and the information becomes
13 known.

14 The Plaintiffs in this matter have been requested to provide deposition testimony which will
15 duplicate the interrogatories contained herein, making it unduly burdensome and oppressive to
16 provide responses in a duplicative manner. In order to avoid the necessity of repeating the objection
17 with respect to every interrogatory, the responding party hereby formally and specifically objects to
18 each and every interrogatory to the extent that it requests information already provided either
19 through production of documents or deposition testimony.

20 Except for facts explicitly admitted herein, no admission of any nature is to be implied or
21 inferred. The fact that any interrogatory herein has been answered should not be taken as an
22 admission, or a concession, of the existence of any facts set forth or assumed by such interrogatory,
23 or that such answer constitutes evidence of any fact thus set forth or assumed. All responses must
24 be construed as given on the basis of present recollection.

25 The responses given herein are based on the responding party's understanding that none of
26 the interrogatories seek the revelation of communications between attorney and client and/or the
27 work product of counsel. In order to avoid the necessity of repeating the objection with respect to
28 every interrogatory, the responding party hereby formally and specifically objects to each and every

1 interrogatory to the extent that said request seeks such communications and/or work product. The
2 waiver of a privilege with respect to any single communication or document shall not be construed
3 to be a waiver of any other privilege.

4 Plaintiff objects to each Interrogatory to the extent that it seeks to impose on Plaintiff any
5 obligation beyond those required by the California Code of Civil Procedure or the local rules of this
6 Court and on the grounds that the interrogatories are neither relevant to this action, nor likely to lead
7 to the discovery of relevant evidence. Plaintiffs also object to each and every one of the Special
8 Interrogatories herein to the extent they seek information which is mediation protected pursuant to
9 Evidence Code 1119 and 1152, et seq.

10 Plaintiff objects and responds on the basis of Defendant's understanding and interpretation
11 of each Interrogatory. If Plaintiff understands or interprets any of the Interrogatories differently,
12 Plaintiff reserves the right to supplement any of these responses, either with additional objections or
13 otherwise.

14 Plaintiff hereby incorporates the Preliminary Statement and General Objections into each of
15 the following specific responses to the Interrogatories.

16 **SPECIAL INTERROGATORY NO. 1:**

17 State the name, address telephone number, and relationship to YOU of each PERSON
18 who prepared or assisted in the preparation of the responses to these interrogatories.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: Joseph Su, Esq. of Milstein Jackson Fairchild &
25 Wade, LLP, 10250 Constellation Boulevard, 14th Floor, Los Angeles, CA 90067 Telephone: (310)
26 396-9600, counsel of record in this action.

27 **SPECIAL INTERROGATORY NO. 2:**

28 State:

- 1 (a) YOUR name;
2 (b) Every name YOU have used in the past; and
3 (c) The dates YOU used each name;
4 (d) The date and place of YOUR birth.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

6 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
7 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
8 documents and a reasonable and good faith effort to obtain the information by inquiry to other
9 natural persons or organizations, except where the information is equally available to the
10 propounding party, Plaintiff responds as follows: (a) Claudia and Jose Duarte;

- 11 (b) None;
12 (c) Lifetime;
13 (d) 6/27/78 Mexicali, Baja California.

14 **SPECIAL INTERROGATORY NO. 3:**

15 State:

- 16 (a) YOUR present address;
17 (b) YOUR residence address for the past five years;
18 (c) The dates YOU lived at each address.

19 **RESPONSE TO SPECIAL INTERROGATORY NO.3:**

20 Plaintiff incorporates by reference the Preliminary Statement and General Objections above.
21 Subject to the foregoing, and after conducting a reasonable and good faith effort to search for
22 documents and a reasonable and good faith effort to obtain the information by inquiry to other
23 natural persons or organizations, except where the information is equally available to the
24 propounding party, Plaintiff responds as follows: (a) 1164 Bloomfield St, Heber, CA;

- 25 (b) 175 Desert Sunrise Ave, Apt. 119, Heber, CA;
26 (c) September 20th, 2010- November 13th, 2013; and November 13th, 2013 - present.

27 **SPECIAL INTERROGATORY NO. 4:**

28 With respect to the SUBJECT PROPERTY, state:

- 1 (a) The address of the SUBJECT PROPERTY;
- 2 (b) The date YOU received title to the SUBJECT PROPERTY;
- 3 (c) The name of the PERSON/entity who transferred the SUBJECT PROPERTY to
- 4 YOU;
- 5 (d) With respect to title to the SUBJECT PROPERTY, identify all PERSONS,
- 6 including YOURSELF, who have ever been named on the title while YOU had an ownership
- 7 interest in SUBJECT PROPERTY and the dates of such appearance on the title;
- 8 (e) With respect to the SUBJECT PROPERTY, identify all lenders and lien holders who
- 9 have ever had an interest in the SUBJECT PROPERTY while YOU had an ownership interest in
- 10 SUBJECT PROPERTY and the dates of such lender or lien holder interest;
- 11 (f) With respect to the SUBJECT PROPERTY, state all assignments of rights that now, or
- 12 have ever, affected YOUR ownership interest in the claims being made in this lawsuit.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

14 Objection. This interrogatory seeks information that is equally available to the propounding

15 party and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)

16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this

17 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms

18 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to

19 information relevant to the subject of the Action. It also improperly seeks information that is

20 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This

21 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the

22 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a

23 reasonable and good faith effort to search for documents and a reasonable and good faith effort to

24 obtain the information by inquiry to other natural persons or organizations, except where the

25 information is equally available to the propounding party, Plaintiff responds to this interrogatory

26 individually as follows: (a) 1164 Bloomfield St, Heber, CA;

27 (b) November 13, 2013;

28 (c) Carlos Lugamaga;

- 1 (d) Claudia and Jose Duarte;
- 2 (e) Do not recall;
- 3 (f) None.

4 **SPECIAL INTERROGATORY NO. 5:**

5 Have YOU made any claims under any insurance policies or warranty policies for any
6 problems, DEFECTS, or DAMAGES related to the SUBJECT PROPERTY? If so, state:

- 7 (a) What date was the claim made;
- 8 (b) To whom the claim as made;
- 9 (c) Whether the claim was accepted or rejected;
- 10 (d) The nature of the claim;
- 11 (e) The IDENTITY of the insurer and policy number for each claim that was made.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

13 Objection. This interrogatory seeks information that is equally available and even more
14 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
15 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
16 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
17 ambiguous and overbroad with regard to what is meant by the terms “submitted,” “claim,”
18 “homeowner’s warranty,” and “homeowners insurance,” and fails to restrict the scope of the
19 interrogatory to information relevant to the subject of the Action. Subject to the foregoing, and
20 after conducting a reasonable and good faith effort to search for documents and a reasonable and
21 good faith effort to obtain the information by inquiry to other natural persons or organizations,
22 except where the information is equally available to the propounding party, Plaintiff responds to this
23 interrogatory individually as follows: No.

- 24 (a) Not applicable;
- 25 (b) Not applicable;
- 26 (c) Not applicable;
- 27 (d) Not applicable;
- 28 (e) Not applicable.

1 **SPECIAL INTERROGATORY NO. 6:**

2 As to any problems, DEFECTS, or DAMAGES that YOU may claim exist at the
3 SUBJECT PROPERTY, have YOU attempted to repair or have YOU repaired any of these
4 problems, DEFECTS or DAMAGES)? If yes, for each such repair, state

5 (a) The problem, DEFECT, or DAMAGE that was repaired or attempted to be
6 repaired;

7 (b) IDENTIFY who repaired or attempted to repair the problem, DEFECT, or
8 DAMAGE;

9 (c) The date(s) the attempt to repair or repair was made and completed; and

10 (d) The cost of repair.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

12 Objection. This interrogatory seeks information that is equally available and readily
13 accessible to the propounding party, and is further available within the pleadings and other
14 documents and discovery already available to the Parties in this matter, as well as readily available
15 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
16 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This interrogatory is vague,
17 ambiguous and overbroad with regard to what is meant by the terms “defect,” “damage,” and
18 “repair,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
19 the Action. Plaintiffs further object on the grounds that this interrogatory seeks premature expert
20 discovery, as to what constitutes construction deficiencies in the real property at issue in this action
21 and to what extent and degree any such construction deficiencies are present. This interrogatory
22 seeks expert opinion and analysis, lacks foundation and calls for a legal conclusion that is beyond
23 the expertise or knowledge of the responding party. Plaintiffs do not have the expertise and therefor
24 is unable to make a determination as to what constitutes a construction deficiency, repair or
25 “condition” with the subject property or what if any repairs are successful. Plaintiffs’ counsel has
26 retained consultants to investigate the construction deficiencies in our home and to create a Defect
27 List and Cost of Repair Report as well as to provide repair recommendations regarding those
28 defects identified. (Please refer to Plaintiffs’ Defect List and Cost of Repair, which will be

1 deposited per the Court's Case Management Order at the Depository specified therein.) Subject to
2 the foregoing, and after conducting a reasonable and good faith effort to search for documents and a
3 reasonable and good faith effort to obtain the information by inquiry to other natural persons or
4 organizations, except where the information is equally available to the propounding party, Plaintiff
5 responds as follows: Yes.

6 (a) Cracks line exterior walls; mold in hallway and master bath - in progress;

7 (b) No one;

8 (c) No dates;

9 (d) Unsure.

10 **SPECIAL INTERROGATORY NO. 7:**

11 With respect to any problems, DEFECTS, or DAMAGE YOU claim exists at the
12 SUBJECT PROPERTY in the lawsuit have YOU ever had a professional contractor or engineer,
13 except those hired through YOUR attorney, inspect the problems, DEFECTS, or DAMAGE? If
14 yes, then for each such professional provide:

15 (a) The date(s) of the inspection(s);

16 (b) The IDENTITY of the individual and/or company inspecting the problems,
17 DEFECTS, or DAMAGE;

18 (c) The general nature of the problems, DEFECTS, or DAMAGE inspected;

19 (d) The cost of inspection.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

21 Objection. This interrogatory seeks information that is equally available and even more
22 readily accessible to the propounding party, and is readily available in public record, and is
23 therefore oppressive and burdensome. Panzalas v. Superior Court (1969) 272 Cal.App.2d 499;
24 Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this interrogatory is vague,
25 ambiguous and overbroad with regard to what is meant by the terms "professional contractor"
26 "inspection", "defect", and "damage ". Subject to the foregoing, and after conducting a reasonable
27 and good faith effort to search for documents and a reasonable and good faith effort to obtain the
28 information by inquiry to other natural persons or organizations, except where the information is

1 equally available to the propounding party, Plaintiff responds as follows: No.

2 (a) Not applicable;

3 (b) Not applicable;

4 (c) Not applicable;

5 (d) Not applicable.

6 **SPECIAL INTERROGATORY NO. 8:**

7 With respect to the SUBJECT PROPERTY at issue in this lawsuit state/IDENTIFY:

8 (a) All changes, modifications, or additions that YOU have caused to be made to the
9 SUBJECT PROPERTY;

10 (b) All design professionals and contractors who, in any way, contributed to the
11 above identified changes, modifications, or additions.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

13 Objection. This interrogatory is objected to on the grounds that it is overbroad, indefinite as
14 to time, is without reasonable limitation in its scope, and is burdensome and oppressive, and that it
15 calls for expert opinion or analysis that is beyond the expertise or knowledge of the responding
16 party. This interrogatory is objected to on the grounds that it is vague, ambiguous and overly broad
17 in the use of the terms “state,” “modifications,” “additions,” “changes,” and “made,” and fails to
18 restrict the scope of the interrogatory to information relevant to the subject of the Action. This
19 interrogatory improperly seeks information that is protected by the attorney work-product privilege
20 pursuant to Code of Civil Procedure §§ 2018.010 et seq. This interrogatory seeks information that
21 is equally available and accessible to the propounding party, as well as readily available in public
22 record, and is therefore oppressive, burdensome and ambiguous. Panzalas v. Superior Court (1969)
23 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Subject to the foregoing, and
24 after conducting a reasonable and good faith effort to search for documents and a reasonable and
25 good faith effort to obtain the information by inquiry to other natural persons or organizations,
26 except where the information is equally available to the propounding party, Plaintiff responds to this
27 interrogatory individually as follows: None made.

28 (a) Not applicable;

1 (b) Not applicable.

2 **SPECIAL INTERROGATORY NO. 9:**

3 State the date upon which YOU retained the law firm and/or attorney representing YOU in
4 his litigation.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

6 Objection. Plaintiff objects to the extent that this interrogatory requests information
7 protected by the attorney work product privilege. Subject to the foregoing, and after conducting a
8 reasonable and good faith effort to search for documents and a reasonable and good faith effort to
9 obtain the information by inquiry to other natural persons or organizations, except where the
10 information is equally available to the propounding party, Plaintiff responds as follows: 2016.

11 **SPECIAL INTERROGATORY NO. 10:**

12 With respect to the SUBJECT PROPERTY, state:

13 (a) Whether YOU are the current owner of the SUBJECT PROPERTY;

14 (b) If YOU are not the current owner of the SUBJECT PROPERTY, IDENTIFY the
15 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT
16 PROPERTY;

17 (c) If YOU are not the current owner of the SUBJECT PROPERTY, state the date upon
18 which YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to a
19 subsequent owner;

20 (d) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
21 another PERSON/entity, state how much YOU were paid for YOUR ownership interest in the
22 SUBJECT PROPERTY;

23 (e) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
24 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who
25 were in any way involved in the transfer of YOUR ownership interest to such other
26 PERSON/entity;

27 (f) If YOU transferred YOUR ownership interest in the SUBJECT PROPERTY to
28 another PERSON/entity, IDENTIFY all escrow companies and officers who were in any way

1 involved in the transfer of YOUR ownership interest to such other PERSON/entity.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

3 Objection. This interrogatory seeks information that is equally available and even more
4 readily accessible to the propounding party, and is further available within the pleadings and other
5 documents and discovery already available to the Parties in this matter, as well as readily available
6 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
7 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
8 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
9 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
10 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
11 other natural persons or organizations, except where the information is equally available to the
12 propounding party, Plaintiff responds as follows: (a) We are the current owners;

13 (b) Not applicable;

14 (c) Not applicable;

15 (d) Not applicable;

16 (e) Not applicable;

17 (f) Not applicable.

18 **SPECIAL INTERROGATORY NO. 11:**

19 If YOU are a former owner of the SUBJECT PROPERTY:

20 (a) Did YOU disclose the fact that the SUBJECT PROPERTY was the subject of
21 pending litigation when YOU transferred YOUR interest in the SUBJECT PROPERTY?

22 (b) If YOU disclosed the pending litigation when YOU transferred YOUR ownership
23 interest in the SUBJECT PROPERTY to another PERSON/entity, IDENTIFY all PERSONS to
24 whom YOU made that disclosure;

25 (c) IDENTIFY all DOCUMENTS that relate in any way to YOUR transfer of YOUR
26 ownership interest in the SUBJECT PROPERTY to another PERSON/entity;(d) IDENTIFY all
27 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the
28 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT

1 PROPERTY;

2 (e) IDENTIFY all DOCUMENTS that YOU disclosed to the PERSON/entity to whom
3 YOU transferred YOUR ownership interest in the SUBJECT PROPERTY that describe any
4 DEFECTS that YOU believed existed in the SUBJECT PROPERTY at the time that YOU
5 transferred YOUR ownership interest;

6 (f) If YOUR disclosure of DEFECTS that YOU believed existed in the SUBJECT
7 PROPERTY at the time YOU transferred YOUR ownership interest was not in writing, state the
8 DEFECTS that YOU otherwise disclosed.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

10 Objection. This interrogatory seeks information that is equally available and even more
11 readily accessible to the propounding party, and is further available within the pleadings and other
12 documents and discovery already available to the Parties in this matter, as well as readily available
13 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
14 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
15 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
16 “owners.” Subject to the foregoing, and after conducting a reasonable and good faith effort to
17 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
18 other natural persons or organizations, except where the information is equally available to the
19 propounding party, Plaintiff responds as follows: (a) Not applicable;

20 (b) Not applicable;

21 (c) Not applicable;

22 (d) Not applicable;

23 (e) Not applicable;

24 (f) Not applicable.

25 **SPECIAL INTERROGATORY NO. 12:**

26 If YOU are a former owner of the SUBJECT PROPERTY:

27 (a) Did the PERSON/entity to whom YOU transferred YOUR ownership interest in the
28 SUBJECT PROPERTY ask YOU to repair any problems, DEFECTS, or DAMAGES that he/she/it

1 believed existed at the SUBJECT PROPERTY;

2 (b) If YOUR response to subpart (a) above is "yes" state the repairs that were
3 requested by the PERSON/entity to whom YOU transferred YOUR ownership interest;

4 (c) Was YOUR transfer of YOUR ownership interest in the SUBJECT PROPERTY
5 conditioned upon YOUR repair of any problems, DEFECTS, or DAMAGES that YOU disclosed at
6 the SUBJECT PROPERTY?

7 (d) If YOUR response to subpart (c) above is "yes", state the repairs that the
8 PERSON/entity to whom YOU transferred YOUR ownership interest required that YOU make to
9 the SUBJECT PROPERTY.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

11 Objection. This interrogatory seeks information that is equally available and even more
12 readily accessible to the propounding party, and is further available within the pleadings and other
13 documents and discovery already available to the Parties in this matter, as well as readily available
14 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)
15 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this
16 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms
17 "owners." Subject to the foregoing, and after conducting a reasonable and good faith effort to
18 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
19 other natural persons or organizations, except where the information is equally available to the
20 propounding party, Plaintiff responds as follows: (a) Not applicable;

21 (b) Not applicable;

22 (c) Not applicable.

23 **SPECIAL INTERROGATORY NO. 13:**

24 During the time of ownership, was there in effect any policy of insurance through which
25 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability
26 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the
27 issues in the case? If so, for each policy state

28 (a) The kind of Coverage;

- 1 (b) The name of the Insurance Company;
- 2 (c) Full Name of each Insured.
- 3 (d) The Policy Number.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

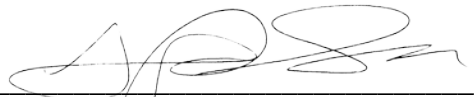
5 Objection. This interrogatory seeks information that is equally available and even more
6 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas
7 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This
8 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,
9 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and
10 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of
11 the Action. Subject to the foregoing, and after conducting a reasonable and good faith effort to
12 search for documents and a reasonable and good faith effort to obtain the information by inquiry to
13 other natural persons or organizations, except where the information is equally available to the
14 propounding party, Plaintiff responds to this interrogatory individually as follows: (a) Not
15 applicable;

- 16 (b) Not applicable;
- 17 (c) Not applicable;
- 18 (d) Not applicable.

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DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP


By: Joseph J. Su, Esq.
Attorney for Plaintiffs,
Alessio Faccin, et al.

Claudia J. & Jose G. Duarte
1164 Bloomfield St
Heber CA 92249

SPECIAL INTERROGATORIES VERIFICATION

Alessio Faccin, et al. v. Pacific Century Homes, Inc., et al.

Case No.: ECU09044

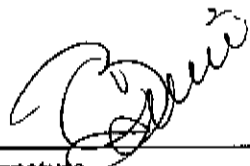
I am a party to this action. The matters stated in the foregoing **RESPONSE TO SPECIAL INTERROGATORIES TO PLAINTIFF(S)** are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on Oct 31, 2017, at **Heber**, California.
(date)

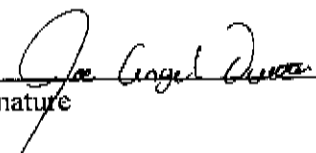
1st Owner:

Claudia Irene Duarte
Name


Signature

2nd Owner (if any):

Jose Angel Duarte
Name


Signature