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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) JOSE H. & GLORIA  
ACEVES'S RESPONSES TO SPECIAL  
INTERROGATORIES**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.

RESPONDING PARTY: PLAINTIFF(S) JOSE H. & GLORIA ACEVES

SET NUMBER: ONE

Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Aceves, Jose H. & Gloria 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based on information presently available to them and the responses may be supplemented, changed, amended or withdrawn based on the discovery of new facts, evidence, data or information or based on a more complete and thorough understanding of existing facts, evidence, data or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**

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) Gloria Aceves and Jose Aceves;

- 11 (b) None;  
12 (c) Lifetime;  
13 (d) 4-7-47 and 3-19-62; 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) 146 Meridian St., Heber, CA;

- 25 (b) 783 Brighton Ave, El Centro, CA;  
26 (c) 146 Meridian: 1 year, 8 months; 783 Brighton: 19 years.

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) 146 Meridian St, Heber, CA;

27 (b) 2010;

28 (c) Bank of America;

- 1 (d) Lorena Aceves, 2013;
- 2 (e) We 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: Yes.

- 24 (a) 2011;
- 25 (b) Allied Insurance;
- 26 (c) Rejected;
- 27 (d) Inadequate air distribution: some rooms are too hot, some rooms are too cold;
- 28 (d) We do not recall.

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) Block wall was repaired with a wooden fence. AC issue has not been resolved;

7 (b) Fence: homeowners; AC: several independently hired contractors. We do not recall the  
8 names;

9 (c) AC: 2011 and 2012; Block wall: 2015;

10 (d) \$200 (block wall repairs).

11 **SPECIAL INTERROGATORY NO. 7:**

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

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

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

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

20 (d) The cost of inspection.

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

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

1 information by inquiry to other natural persons or organizations, except where the information is  
2 equally available to the propounding party, Plaintiff responds as follows: No.

3 (a) Not applicable;

4 (b) Not applicable;

5 (c) Not applicable;

6 (d) Not applicable.

7 **SPECIAL INTERROGATORY NO. 8:**

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

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

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

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

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

1 (a) Not applicable;

2 (b) Not applicable.

3 **SPECIAL INTERROGATORY NO. 9:**

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

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

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

13 **SPECIAL INTERROGATORY NO. 10:**

14 With respect to the SUBJECT PROPERTY, state:

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

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

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

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

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

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

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

5 Objection. This interrogatory seeks information that is equally available and even more  
6 readily accessible to the propounding party, and is further available within the pleadings and other  
7 documents and discovery already available to the Parties in this matter, as well as readily available  
8 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)  
9 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this  
10 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms  
11 “owners.” 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 as follows: (a) No;

15 (b) Lorena Aceves;

16 (c) 2013;

17 (d) \$0;

18 (e) None;

19 (f) None.

20 **SPECIAL INTERROGATORY NO. 11:**

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

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

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

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

1 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the  
2 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT  
3 PROPERTY;

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

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

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

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) Yes;

22 (b) Lorena Aceves;

23 (c) Title;

24 (d) None;

25 (e) None;

26 (f) We do not recall.

27 **SPECIAL INTERROGATORY NO. 12:**

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

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

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

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

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

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

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) No.

23 (b) Not applicable;

24 (c) No;

25 (d) Not applicable;

26 **SPECIAL INTERROGATORY NO. 13:**

27 During the time of ownership, was there in effect any policy of insurance through which  
28 YOU were or might be insured in any manner (for example, primary, pro-rata, or excess liability

1 coverage or medical expense coverage) for damages, claims, or actions that have arisen out of the  
2 issues in the case? If so, for each policy state

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

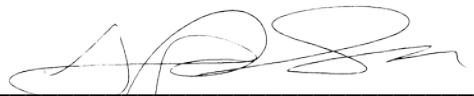
7 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

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

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

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23  
24 DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP

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

Jose H. & Gloria Aceves  
146 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 Nov. 1<sup>st</sup>, 2017, at Heber, California.  
(date)

1st Owner:

Jose H. Aceves  
Name

Jose H. Aceves  
Signature

2nd Owner (if any):

Gloria Aceves  
Name

Gloria Aceves  
Signature

1 **MILSTEIN JACKSON**  
2 **FAIRCHILD & WADE, LLP**  
3 10250 Constellation Blvd., Suite 1400  
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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

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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PROPOUNDING PARTY: DEFENDANT PACIFIC CENTURY HOMES, INC.

RESPONDING PARTY: PLAINTIFF(S) ALESSIO FACCIN

SET NUMBER: ONE

Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Faccin, Alessio 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) Alessio Faccin;

- 11 (b) No other names;  
12 (c) Always;  
13 (d) February 21, 1972l Belluno, Italy.

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) 1156 Fairfield Way, Heber, CA;

- 25 (b) Same as above;  
26 (c) Since 2011.

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) 1156 Fairfield Way, Heber, CA;

27 (b) January 2011;

28 (c) I do not recall;

- (d) Alessio Faccin and Carolina Faccin;
- (e) Wells Fargo Bank;
- (f) None.

**SPECIAL INTERROGATORY NO. 5:**

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

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

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

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

- (a) Air Conditioner compressor failure and condenser rupture;
- (b) Home warranty American Home Shield;
- (c) Accepted for the compressor/disputed for condenser and partly paid;
- (d) The AC unit failed and then developed a leakage;
- (e) American Home Shield.

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) Concrete ruptures throughout the property; cracks on walls, slab, ceiling;

7 (b) No repairs were made. However, once I had the carpet removed intending to seal and re-  
8 finish the concrete slab. That was not possible as it was cracked everywhere;

9 (c) Summer 2015;

10 (d) I do not recall.

11 **SPECIAL INTERROGATORY NO. 7:**

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

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

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

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

20 (d) The cost of inspection.

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

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

1 information by inquiry to other natural persons or organizations, except where the information is  
2 equally available to the propounding party, Plaintiff responds as follows: Yes.

3 (a) I do not recall;

4 (b) Local air and electrical contractor Humberto Chavez and another contractor - we do not  
5 recall the name;

6 (c) AC, electrical, and concrete;

7 (d) I do not recall. The estimated cost of repairs - \$25,000.00.

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) Floor replacement: replaced carpet with tile and laminate;  
2 (b) Humberto Chavez: 760-996-2695 and Fernando Hernandez: 760-235-0912.

3 **SPECIAL INTERROGATORY NO. 9:**

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

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

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

13 **SPECIAL INTERROGATORY NO. 10:**

14 With respect to the SUBJECT PROPERTY, state:

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

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

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

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

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

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

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

5 Objection. This interrogatory seeks information that is equally available and even more  
6 readily accessible to the propounding party, and is further available within the pleadings and other  
7 documents and discovery already available to the Parties in this matter, as well as readily available  
8 in public record, and is therefore oppressive and burdensome. Panzalas v. Superior Court (1969)  
9 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. Furthermore, this  
10 interrogatory is vague, ambiguous and overbroad with regard to what is meant by the terms  
11 “owners.” 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 as follows: (a) I am the current owner;

15 (b) Not applicable;

16 (c) Not applicable;

17 (d) Not applicable;

18 (e) Not applicable;

19 (f) Not applicable.

20 **SPECIAL INTERROGATORY NO. 11:**

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

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

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

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

1 DOCUMENTS that relate in any way to YOUR disclosure of the pending litigation to the  
2 PERSON/entity to whom YOU transferred YOUR ownership interest in the SUBJECT  
3 PROPERTY;

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

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

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

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 (d) Not applicable;

25 (e) Not applicable;

26 (f) Not applicable.

27 **SPECIAL INTERROGATORY NO. 12:**

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

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

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

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

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

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

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 **SPECIAL INTERROGATORY NO. 13:**

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

1 issues in the case? If so, for each policy state

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

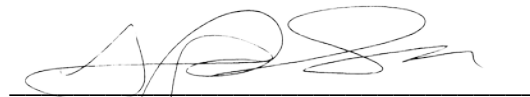
6 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

7 Objection. This interrogatory seeks information that is equally available and even more  
 8 readily accessible to the propounding party, and is therefore oppressive and burdensome. Panzalas  
 9 v. Superior Court (1969) 272 Cal.App.2d 499; Alpine v. Superior Court (1961) 56 Cal.2d 407. This  
 10 interrogatory impermissibly assumes facts not in evidence. Furthermore, it is also vague,  
 11 ambiguous and overbroad with regard to what is meant by the terms “insured,” “made a claim,” and  
 12 “claim,” and fails to restrict the scope of the interrogatory to information relevant to the subject of  
 13 the Action. 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 to this interrogatory individually as follows: (a) Not  
 17 applicable;

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

24 DATED: November 3, 2017

MILSTEIN JACKSON FAIRCHILD & WADE, LLP



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

Alessio Faccin  
1156 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 11/01/2017, 2017, at **Heber**, California.  
(date)

*1st Owner:*

Alessio FACCIN  
Name

  
Signature

*2nd Owner (if any):*

CAROLINA FACCIN  
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) ERIK & KARINA  
HIRAOKA'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) ERIK & KARINA HIRAOKA  
21 SET NUMBER: ONE

22 Pursuant to *Code of Civil Procedure* Section 2030.010, et seq. Plaintiff(s) Hiraoka, Erik &  
23 Karina hereby responds to Special Interrogatories, Set No. One propounded by Defendant, Pacific  
24 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**

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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) Karina and Erik Hiraoka;  
11 (b) Karina Coronel, Karina Navaro, Erik Lawn;  
12 (c) Karina Coronel: 1980-2000; Karina Navaro: 2000-2004; Karina Hiraoka: 2010-present;  
13 Erik lawn: 1985-2003; Erik Hiraoka: 2003-present;  
14 (d) Mexicali, B.C., Mexico.

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) 1141 Fairfield Way, Heber, CA;  
26 (b) Same as above;  
27 (c) Since October 2012.

28 **SPECIAL INTERROGATORY NO. 4:**

1 With respect to the SUBJECT PROPERTY, state:

2 (a) The address of the SUBJECT PROPERTY;

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

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

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

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

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

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

15 Objection. This interrogatory seeks information that is equally available to the propounding  
16 party and is therefore oppressive, burdensome and ambiguous. 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 “transferred,” and “assignment of right,” and fails to restrict the scope of the interrogatory to  
20 information relevant to the subject of the Action. It also improperly seeks information that is  
21 protected by the attorney work-product privilege pursuant to Code of Civil Procedure §2018. This  
22 interrogatory seeks expert opinion and analysis and calls for a legal conclusion that is beyond the  
23 expertise or knowledge of the responding party. Subject to the foregoing, and after conducting a  
24 reasonable and good faith effort to search for documents and a reasonable and good faith effort to  
25 obtain the information by inquiry to other natural persons or organizations, except where the  
26 information is equally available to the propounding party, Plaintiff responds to this interrogatory  
27 individually as follows: (a) 1141 Fairfield Way, Heber, CA;

28 (b) October 2012;

- 1 (c) Deutsche Bank;
- 2 (d) Karina and Erik Hiraoka;
- 3 (e) 360 Mortgage and PennyMac;
- 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: Yes.

- 25 (a) October 14, 2015;
- 26 (b) Nationwide;
- 27 (c) Accepted;
- 28 (d) Smoke damage;

1 (e) HMC0053599781.

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) HVAC in the attic;

8 (b) HVAC in the attic was not sealed evenly. All the floods collected on one side and could  
9 not drain outside. Water came through the walls inside of the house and ceiling;

10 (c) July 2017;

11 (d) Around \$500.

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: Yes.

4 (a) October 14, 2015;

5 (b) Smoke damage;

6 (c) Smoke damage;

7 (d) None to us: insurance covered.

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) Repainted the house; updated windows; updated electrical;  
2 upstairs bathroom toilet valve replacement; security system;

3 (b) Home Depot (paint); David De la Garza (windows); Platinum Contractors (electrical);  
4 Accurate Plumbing and A+ Speedy Plumbing and Leak detection (plumbing); Skyline Security  
5 (security system).

6 **SPECIAL INTERROGATORY NO. 9:**

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

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

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

16 **SPECIAL INTERROGATORY NO. 10:**

17 With respect to the SUBJECT PROPERTY, state:

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

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

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

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

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

1 another PERSON/entity, IDENTIFY all real estate agencies, brokers, and sales persons who  
2 were in any way involved in the transfer of YOUR ownership interest to such other  
3 PERSON/entity;

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

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

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

18 (b) Not applicable;

19 (c) Not applicable;

20 (d) Not applicable;

21 (e) Not applicable;

22 (f) Not applicable.

23 **SPECIAL INTERROGATORY NO. 11:**

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

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

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

1 whom YOU made that disclosure;

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

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

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

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

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 (d) Not applicable;

28 (e) Not applicable;

1 (f) Not applicable.

2 **SPECIAL INTERROGATORY NO. 12:**

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

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

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

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

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

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

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

26 (b) Not applicable;

27 (c) Not applicable.

28 **SPECIAL INTERROGATORY NO. 13:**

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

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

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

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

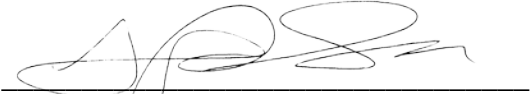
- (b) Not applicable;
- (c) Not applicable;
- (d) Not applicable.

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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.

Erik & Karina Hiraoka  
1141 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 Oct 30, 2017, at **Heber**, California.  
(date)

*1st Owner:*

Karina Hiraoka  
Name

Karina H  
Signature

*2nd Owner (if any):*

Erik Hiraoka Erik Hiraoka  
Name

Erik H  
Signature