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Attorneys for Defendants
New United Motor Manufacturing, Inc.,
General Motors LLC and Toyota Motor Corporation

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

CAL LeDUC; TORI ABBY; MILEY ABBY, a
minor, by and through her Guardian ad Litem
TORI ABBY; MANDY JOBE; LUKUS LeDUC;
JAY LeDUC; and CAL LeDUC as successor in
interest to the estate of Marsha Kay LeDuc,

Plaintiffs,

vs.

GENERAL MOTORS CORPORATION;
TOYOTA MOTOR CORPORATION; NEW
UNITED MOTOR MANUFACTURING, INC.;
TRQSS, INC. (F/K/A QUALITY SAFETY
SYSTEMS COMPANY); TRW AUTOMOTIVE
GMBH (F/K/A TRW GmbH; F/K/A TRW Repa
GmbH) TRW CANADA LIMITED; MARIO
ALBERTO GUERRO; DANIEL M. CANCHOLA;
GUERRA PRODUCE; and DOES 1 to 50,
inclusive,

Defendants.

Case No. 13CECG03811

Assigned for all purposes to Hon. Mark W. Snauffer

AMENDED NOTICE OF TAKING PLAINTIFFS'
DEPOSITIONS AND REQUEST FOR
PRODUCTION OF DOCUMENTS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010 et seq.,
defendant Toyota Motor Corporation will take the following depositions:

<u>Deponent</u>	<u>Date</u>	<u>Time</u>
Tori Abby	April 4, 2016	9:00 a.m.
Miley Abby	April 4, 2016	11:00 a.m.
Cal LeDuc	April 4, 2016	1:00 p.m.

1	Mandy Jobe	April 5, 2016	9:00 a.m.
2	Lukus LeDuc	April 5, 2016	11:00 a.m.
3	Jay LeDuc	April 5, 2016	2:00 p.m.

4 The depositions will be taken on oral examination before a deposition officer authorized to
5 administer oaths in the State of California pursuant to § 2025.330 of the Code of Civil Procedure. The
6 depositions will take place at Central Valley Reporters, 1320 E. Shaw Avenue, Suite 168, Fresno, CA
7 93710. The depositions may be videotaped.

8 If said depositions are not completed on said date, the taking thereof will continue from day-to-
9 day thereafter, at the same commencement time and place, Sunday and Holidays excepted, until
10 completed.

11 Should an interpreter be needed for any of the depositions, this office must be advised at least
12 five working days prior to said deposition. If this office is not advised of the need for an interpreter, it
13 shall be presumed that the deponent is fluent in the English language such that said deposition can
14 proceed in a meaningful fashion.

15 PLEASE TAKE ADDITIONAL NOTICE that the deponents and/or their attorneys are requested to
16 produce the following materials at the time of the deposition.

17 DEFINITIONS

18 A. "INCIDENT" refers to the June 12, 2013 accident that is the subject of this lawsuit.

19 B. "SUBJECT VEHICLE" refers to the 2003 Pontiac Vibe that is the subject of this lawsuit.

20 C. "DOCUMENT" or "DOCUMENTS" means a writing, as defined in Evidence Code, Section
21 250, and includes the original or a copy of handwriting, typewriting, printing, photostating, photographing,
22 and every other means of recording upon any tangible thing and form of communicating or
23 representation, including letter, words, pictures, sounds or symbols, or combinations of them.

24 REQUEST FOR PRODUCTION

25 REQUEST NO. 1:

26 If you contend that a manufacturing defect existed in the SUBJECT VEHICLE, all DOCUMENTS
27 and photographs that relate to your contention.

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1 REQUEST NO. 2:

2 If you contend that a design defect existed in the SUBJECT VEHICLE, all DOCUMENTS and
3 photographs that relate to your contention.

4 REQUEST NO. 3:

5 If you contend that a defective warning or lack of warning existed in the SUBJECT VEHICLE, all
6 DOCUMENTS and photographs that relate to your contention.

7 REQUEST NO. 4:

8 If you contend the SUBJECT VEHICLE was improperly serviced, all DOCUMENTS and
9 photographs that relate to your contention.

10 REQUEST NO. 5:

11 If you contend the injuries sustained by any of the occupants of the SUBJECT VEHICLE were
12 caused by any defect in the SUBJECT VEHICLE, all DOCUMENTS and photographs that relate to your
13 contention.

14 REQUEST NO. 6:

15 All photographs, moving pictures, videotapes, drawings, diagrams, or other tangible materials of the
16 INCIDENT, the INCIDENT scene, the SUBJECT VEHICLE, or its component parts (whether taken before
17 or after the INCIDENT), or any other objects involved in the INCIDENT.

18 REQUEST NO. 7:

19 All photographs, moving pictures, and videotapes of any injuries sustained anyone involved in the
20 INCIDENT.

21 REQUEST NO. 8:

22 All written or recorded statements of any witnesses to the INCIDENT (except depositions taken in
23 this litigation).

24 REQUEST NO. 9:

25 All written or recorded statements of any party to this action relating to the INCIDENT (except any
26 statements you may have provided to your attorney or depositions taken in this litigation).

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1 REQUEST NO. 10:

2 All DOCUMENTS reflecting the chain of custody or possession of the SUBJECT VEHICLE following
3 the INCIDENT, including DOCUMENTS reflecting the identity of any person or entity with access to the
4 SUBJECT VEHICLE for inspection and/or other purposes.

5 REQUEST NO. 11:

6 All DOCUMENTS relating in any way to any test, inspection, measurements, investigation, or
7 examination of the SUBJECT VEHICLE, any other involved vehicle or object or of the INCIDENT scene.

8 REQUEST NO. 12:

9 All DOCUMENTS reflecting the purchase, ownership and sale of the SUBJECT VEHICLE, including
10 but not limited to purchase agreements, DMV records, registration and transfer DOCUMENTS.

11 REQUEST NO. 13:

12 All DOCUMENTS reflecting accidents, collisions, impacts or other damages sustained by the
13 SUBJECT VEHICLE prior to the INCIDENT.

14 REQUEST NO. 14:

15 All DOCUMENTS reflecting repair and/or maintenance of the SUBJECT VEHICLE, including but not
16 limited to service records, warranty records, repair estimates, repair orders and invoices.

17 REQUEST NO. 15:

18 All DOCUMENTS reflecting any modifications and/or accessories added to the SUBJECT VEHICLE
19 including but not limited to estimates and sales invoices.

20 REQUEST NO. 16:

21 All DOCUMENTS which relate to the personal injuries sustained as a result of the INCIDENT for
22 which you or anyone acting on your behalf claim that the manufacturer defendants (GM, Toyota, NUMMI,
23 etc.) are responsible, including but not limited to all medical records, invoices, reports, x-rays, or other
24 diagnostic studies.

25 REQUEST NO. 17:

26 All DOCUMENTS which relate to any bills or receipts for medical care, medical expenses, funeral
27 expenses or other special damages resulting from the INCIDENT for which you or anyone acting on your
28 behalf claim that the manufacturer defendants (GM, Toyota, NUMMI, etc.) are responsible.

1 REQUEST NO. 18:

2 All DOCUMENTS which relate to any bills, estimates or invoices for any property damage or other
3 damages resulting from the INCIDENT for which you or anyone acting on your behalf claim that the
4 manufacturer defendants (GM, Toyota, NUMMI, etc.) are responsible.

5 REQUEST NO. 19:

6 All DOCUMENTS which support any for past lost earnings for which you or anyone acting on your
7 behalf claim that the manufacturer defendants (GM, Toyota, NUMMI, etc.) are responsible. This request
8 includes, but is not limited to, pay stubs, DOCUMENTS generated by vocational rehabilitationist or health
9 care provider indicating any work restrictions, DOCUMENTS from any health care provider as to work
10 missed and any DOCUMENTS from any past or present employers regarding work missed.

11 REQUEST NO. 20:

12 All DOCUMENTS which support any claim for future lost earnings for which you or anyone acting on
13 your behalf claim that the manufacturer defendants (GM, Toyota, NUMMI, etc.) are responsible. This
14 request includes, but is not limited to, DOCUMENTS generated by a vocational rehabilitationist or health
15 care provider indicating any work restrictions you have or will have in the future, DOCUMENTS from any
16 health care provider as to work to be missed in the future and any DOCUMENTS from your present
17 employer regarding work to be missed in the future.

18 REQUEST NO. 21:

19 All applications for benefits or compensation concerning the injuries and damages sustained in
20 the INCIDENT and each DOCUMENT relating to the recovery of insurance proceeds by any plaintiff,
21 from anyone in connection with the injuries or damages allegedly sustained in the INCIDENT, including
22 but not limited to policies for hospitalization, disability, accident, automobile insurance, worker's
23 compensation, or other applicable insurance policies.

24 REQUEST NO. 22:

25 All DOCUMENTS that reflect any claim for or against any individual, corporation or insurance
26 company for the INCIDENT, including correspondence with an insurance company concerning coverage
27 on the SUBJECT VEHICLE.

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1 REQUEST NO. 23:

2 All DOCUMENTS that reflect any settlement, lien agreement, covenant not to sue, subrogation
3 agreement, or any agreement resolving any claim over this INCIDENT made by any plaintiff or their
4 representatives.

5 REQUEST NO. 24:


6 All DOCUMENTS that reflect the efforts made to preserve the SUBJECT VEHICLE and any
7 allegedly defective components in their post-INCIDENT condition.

8 REQUEST NO. 25:

9 All DOCUMENTS reflecting any social media (e.g., Facebook, Twitter, blogs, etc.) generated by any
10 plaintiff and relating to the SUBJECT VEHICLE, the INCIDENT, or any of the injuries sustained in the
11 INCIDENT.

12 Dated: March 18, 2016

BOWMAN AND BROOKE LLP

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14 _____
15 Ryan A. McCarthy
16 Attorneys for Defendants

17 New United Motor Manufacturing, Inc.,
18 General Motors LLC and Toyota Motor Corporation
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3 PROOF OF SERVICE

4 I am over 18 years of age, not a party to this action and employed in San Jose,
5 California at 1741 Technology Drive, Suite 200, San Jose, California 95110-1355.

6 On March 18, 2016, I served the foregoing documents described as AMENDED NOTICE OF
7 TAKING PLAINTIFFS' DEPOSITIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS on all
8 interested parties, or through their attorneys of record, in the manner noted, addressed as follows:

9 **Attorney for Plaintiffs**

10 Stephen R. Cornwell
11 Cornwell & Sample, LLP
7045 N. Fruit Avenue
Fresno, CA 93711-0761

12 Richard A. Belardinelli
13 Georgeson and Belardinelli
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Fresno, CA 93720

14 Mark P. Robinson, Jr.
15 Robinson Calcagnie Robinson
Shapiro Davis, Inc.
16 19 Corporate Plaza Drive
Newport Beach, CA 92660

17 **Attorneys for Defendants TRQSS, Inc.**
18 **and TRW Canada Limited**

19 Gregory S. Mason
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7647 N. Fresno Street
20 Fresno, CA 93720

21 David Weinstein
Weinstein Tippetts & Little LLP
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23 **Attorneys for Defendants Mario**
24 **Alberto Guerra, Daniel M. Canchola**
and Guerra Produce

25 Joseph D. Cooper
Cooper & Cooper
26 7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

1 XX VIA FIRST CLASS MAIL. I caused such envelope to be deposited in the mail at San
2 Jose, California, in a sealed envelope with postage fully prepaid thereof. I am readily familiar
3 with the firms business practice for collection and processing of correspondence for mailing
4 with the United States Postal Service. The mail is deposited with the U.S. Postal Service on
5 that same day in the ordinary course of business. I am aware that on motion of the party
6 served, service is presumed invalid if the postal cancellation date or postage meter date is more
7 than one day after the date of deposit for mailing in affidavit.

8 VIA OVERNIGHT DELIVERY SERVICE. The documents were enveloped, properly
9 labeled, and caused to be deposited into an overnight delivery (Federal Express, United Parcel
10 Service, etc.) receptacle or delivered to an authorized courier or driver authorized by the
11 express service carrier to receive documents, in an envelope or a package designated by the
12 express service carrier with delivery fees paid or provided for, addressed to the person on
13 whom it is to be served, at the office address as last given by that person on any document filed
14 in the case and served on that person; otherwise, at that person's place of residence.

15 BY ELECTRONIC SERVICE. The document was served electronically and the
16 transmission was reported as complete and without error.

17 VIA FACSIMILE TRANSMISSION. The document was served on the above party in
18 this action by causing a true copy of said document to be transmitted by facsimile to the
19 number listed adjacent to the name on this Proof of Service. The transmission was reported as
20 complete and without error.

21 VIA PERSONAL SERVICE. I caused such envelope(s) to be delivered by hand this date
22 to the offices of the addressee(s).

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct, and that this declaration was executed on March 18, 2016, at San
25 Jose, California.

26 
27 Rebecca A. Fuller
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