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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:11-cv-3467 KJM GGH

vs.

34,196 RENTABLE SQUARE FEET,
MORE OR LESS, AT 3870 ROSIN COURT,
SACRAMENTO, et al.,

Defendants.

SUMMARY ORDER

_____/

Previously pending on this court’s law and motion calendar for November 8, 2012, was Plaintiffs’ motion to deem requests for admissions admitted, filed October 12, 2012, and motion to compel production of documents and further responses to interrogatories, filed October 15, 2012. Lynn Ernce appeared for plaintiff. Michael Betz represented defendants. After reviewing the joint statement filed November 2, 2012, and having heard oral argument, the court now issues the following summary order.

Except for four interrogatories, to which defendants did substantively respond, the court finds that defendants’ responses to the remainder of discovery were unacceptable, as set forth at hearing. Further responses for all such discovery will be ordered.

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1 With respect to interrogatories numbered 7, 8, 9, and 10, defendants made
2 boilerplate objections including those based on the attorney-client privilege and work product
3 protection.¹ Nevertheless, defendants did also provide substantive responses to these four
4 interrogatories. In light of the directives at hearing regarding the propriety of defendants'
5 responses and the lack of merit to their objections to these interrogatories, it is unclear if
6 defendants intend to amend these responses. Therefore, based on the impermissibility of their
7 previously stated objections, defendants are directed to supplement these responses with *material*
8 facts, if necessary.

9 For the reasons stated at hearing, IT IS ORDERED that:

10 1. Plaintiffs' motion for order deeming Requests for Admissions to be admitted,
11 filed October 12, 2012, (dkt. no. 50), is granted as set forth at hearing. Defendants shall respond
12 to the Requests for Admissions, in the manner explained at hearing, within ten days of the
13 November 8, 2012 hearing.²

14 2. Plaintiff's motion to compel production of documents and further responses to
15 interrogatories, filed October 15, 2012 (dkt. no. 51), is granted. Defendants shall respond to the
16 interrogatories and requests for production, in the manner explained at hearing, within ten days of
17 the November 8, 2012 hearing.

18 DATED: November 13, 2012

19 /s/ Gregory G. Hollows
20 UNITED STATES MAGISTRATE JUDGE

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22 ¹ Defendants are informed that although communications are protected under the
23 attorney-client privilege, facts and conclusions are not. Just because a fact was incorporated into
24 a communication with counsel, a client cannot refuse to disclose it. Lopes v. Vieira, 688
25 F.Supp.2d 1050, 1059 (E.D. Cal. 2010). Facts derived from an attorney's investigation only
receive qualified work product protection. Doubleday v. Ruh, 149 F.R.D. 601, 606, 607
(E.D.Cal. 1993); see also Holmgren v. State Farm Mut. Auto. Ins. Co., 976 F.2d 573, 577 (9th
Cir. 1992); Handgards, Inc. v. Johnson & Johnson, 413 F. Supp. 926, 933 (N.D.Cal. 1976).

26 ² According to the papers, RFA number 13 has been resolved.