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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

	)	Civil No.11-2389-GPC(WVG)
FAY AVENUE PROPERTIES,	)	
LLC, et al.,	)	ORDER REGARDING JOINT
	)	STATEMENT OF DISCOVERY
Plaintiffs,	)	DISPUTE REGARDING LA
	)	JOLLA SPA MD, INC.'S
	)	RESPONSES TO
v.	)	INTERROGATORIES, REQUESTS
	)	FOR PRODUCTION OF
TRAVELERS PROPERTY	)	DOCUMENTS AND REQUESTS
CASUALTY COMPANY OF	)	FOR ADMISSION
AMERICA,	)	
	)	ORDER REGARDING JOINT
Defendant.	)	STATEMENT OF DISCOVERY
	)	DISPUTE REGARDING TRUSTEE
	)	OF FAY AVENUE PROPERTIES
	)	LLC'S BANKRUPTCY ESTATE'S
	)	RESPONSES TO
	)	INTERROGATORIES
	)	
	)	

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On June 13, 2014, Plaintiffs Trustee of Fay Avenue Properties Bankruptcy Estate ("Fay Ave"), and La Jolla Spa MD, Inc. ("LJ Spa") and Defendant Travelers Property Casualty Company of America ("Defendant") filed Joint Statements for Determination of Discovery Disputes. One Joint Statement involves LJ Spa's Responses to Defendant's Interrogatories, Requests for Production of Documents, and

1 Requests for Admission. The other Joint Statement involves  
2 Fay Ave's Responses to Defendant's Interrogatories. The  
3 Court, having reviewed the Joint Statements, the authori-  
4 ties cited therein, the discovery requests and the re-  
5 sponses thereto, and the documents attached to the Joint  
6 Statements, and GOOD CAUSE APPEARING, HEREBY ORDERS as  
7 follows:

8 I

9 DISCUSSION

10 A. Waiver of Discovery Objections

11 The Court observes that most of Fay Ave's and LJ  
12 Spa's responses to Defendant's discovery requests state  
13 objections such as vague, ambiguous, overbroad, unduly  
14 burdensome, oppressive as to scope and time, compound,  
15 etc. Additionally, many of the responses invoke the  
16 attorney-client privilege and work product doctrine.  
17 Further, the responses contain language stating "subject  
18 to and without waiving these objections, (Plaintiff)  
19 responds as follows:," and "(Plaintiff) will produce non-  
20 privileged responsive documents within its custody and  
21 control."

22 Conditional responses and/or the purported reserva-  
23 tion of rights by Plaintiffs is improper and ultimately  
24 has the effect of waiving Plaintiffs' objections to the  
25 discovery requests. Sprint Communications Co. v. Comcast  
26 Cable Communications, LLC, 2014 WL 545544 at \*2 (D. KS  
27 2014)("Sprint I"), modified 2014 WL 569963 (D. KS  
28 2014)("Sprint II").

1           The Court recognizes that it is common practice  
2 among attorneys to respond to discovery requests by  
3 asserting objections and then responding to the discovery  
4 requests "subject to" and/or "without waiving" their  
5 objections. This practice is confusing and misleading.  
6 Moreover, it has no basis in the Federal Rules of Civil  
7 Procedure. Sprint I, 2014 WL 545544 at \*2.

8           The responses are confusing and misleading because,  
9 for example, when a party responds to an interrogatory  
10 that is "subject to" and "without waiving its objections,"  
11 the propounder of the interrogatory is "left guessing as  
12 to whether the responding party has fully or only par-  
13 tially responded to the interrogatory." Estridge v. Target  
14 Corp., 2012 WL 527051 at \*1-2 (S.D. FL 2012). Similarly,  
15 with respect to requests for production of documents, a  
16 response "subject to" and "without waiving objections,"  
17 leaves the requesting party to guess whether the producing  
18 party has produced all responsive documents, or only some  
19 responsive documents and withheld others on the basis of  
20 the objections. Sprint I, 2014 WL 545544 at \*2, Rodriguez  
21 v. Simmons, 2011 WL 1322003 at \*7 (E.D. Cal.  
22 2011)(Defendant's objections to requests for production of  
23 documents did not comply with the Federal Rules of Civil  
24 Procedure because the responses to the requests for  
25 production of documents did not clearly state that the  
26 documents had already been produced, or exist, but are not  
27 being withheld based on other interposed objections.)

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1            "If Defendants *do* have responsive documents, but  
2 wish to withhold them on privacy (or privilege) grounds,  
3 Plaintiff should be made aware of this fact and the  
4 parties should continue their meet and confer obligations  
5 to ensure redaction, a protective order, *in camera* review,  
6 or other (privilege or) privacy-guarding measures are  
7 implemented to properly balance the need for discovery  
8 against the need for (privilege or) privacy." *Id.* at \*7,  
9 fn. 9 (citation omitted)(emphasis in original).

10            Moreover, when a party responds to a request for  
11 production of documents, it has three options under  
12 Federal Rule of Civil Procedure 34: (1) serve an objection  
13 to the requests as a whole, [Federal Rule of Civil Proce-  
14 dure 34(b)(2)(B)], or (2) serve an "objection to part of  
15 the request, provided it specifies the part to which it  
16 objects and respond to the non-objectionable portions,  
17 [Federal Rule of Civil Procedure 34(b)(2)(C)] or (3) serve  
18 a response that says that all responsive documents will be  
19 produced. What a party can not do is combine its objec-  
20 tions into a partial response without any indication that  
21 the response was actually a partial response. Haeger v.  
22 Goodyear Tire & Rubber Co., 906 F.Supp 2d 938, 976 (D. AZ  
23 2012).

24            Further, conditional responses to discovery requests  
25 violate Federal Rule of Civil Procedure 26. Rule 26  
26 (g)(1)(B)(i)-(iii) requires responders to discovery  
27 requests to certify that the discovery responses are  
28 consistent with the Federal Rules of Civil Procedure, "not

1 imposed for any improper purpose," and are "neither  
2 unreasonable nor unduly burdensome." Moreover, the 1983  
3 Committee comments to Rule 26(g) state that "Rule 26  
4 imposes an affirmative duty to engage in pretrial discov-  
5 ery in a responsible manner that is consistent with the  
6 spirit and purposes of Rule 26 through 37." Providing  
7 conditional responses to discovery requests is improper.  
8 Sprint II, 2014 WL 1569963 at \*3.

9           Consequently, since Plaintiffs' responses to discov-  
10 ery requests that are "subject to" and "without waiving  
11 objections," are improper, the objections are deemed waived  
12 and the response to the discovery request stands.  
13 Estridge, 2012 WL 527051 at \*2 , [citing Tardif v. People  
14 for the Ethical Treatment of Animals, 2011 WL 1627165 at  
15 \*2 (M.D. FL 2011), Pepperwood of Naples Condominium Assn.  
16 v. Nationwide Mutual Fire Ins. Co., 2011 WL 4382104 at \*4-  
17 5 (M.D. FL 2011), Consumer Elecs. Assn. v. Compras And  
18 Buys Magazine, Inc., 2008 WL 4327253 at \*3 (S.D. FL  
19 2008)("subject to" and "without waiving objections"  
20 "preserve... nothing and serve... only to waste the time  
21 and resources of both the Parties and the Court. Further,  
22 such practice leaves the requesting party uncertain as to  
23 whether the question has actually been fully answered or  
24 whether portion of the question has been answered.")

25           B. Reference To Documents In Discovery Requests

26           A party may answer an interrogatory by specifying  
27 records from which the answer may be obtained and by  
28 making the records available for inspection. Federal Rule

1 of Civil Procedure 33(d)(2). But the records must be  
2 specified "in sufficient detail to enable the interrogat-  
3 ing party to locate and identify them as readily as the  
4 responding party could." Federal Rule of Civil Procedure  
5 33(d)(1). Responses to interrogatories that do not specify  
6 where in the records the answers could be found do not  
7 comply with Rule 33(d)(1). Rule 33 was amended in 1980 "to  
8 make clear that a responding party has the duty to spec-  
9 ify, by category and location, the records from which the  
10 answers to the interrogatories can be derived." Rainbow  
11 Pioneer No. 44-18-04A v. Hawaii Nevada Inv. Co., 711 F.2d  
12 902, 906 (9<sup>th</sup> Cir. 1983)[discussing former Federal Rule of  
13 Civil Procedure 33(c)]. West v. Ultimate Metals Co., 2014  
14 WL 466795 at \*2 (N.D. Cal. 2014), Tourgeman v. Collins  
15 Financial Services, Inc., 2010 WL 2181416 at \*6 (S.D. Cal.  
16 2010). Former Federal Rule of Civil Procedure 33(c) is the  
17 same as the current Federal Rule of Civil Procedure 33(d).  
18 Cambridge Electronics Corp. v. MGA Electronics, 227 F.R.D.  
19 313, 323, (C.D. Cal. 2004).

20 A party seeking damages must timely disclose its  
21 theory of damages as well as its computation of those  
22 damages. Brighton Collectibles, Inc. v. RK Texas Leather  
23 Mfg., 2013 WL 4716210 at \*3 (S.D. Cal.  
24 2013). "'Computation' contemplates some analysis beyond  
25 merely setting forth a lump sum amount. While the computa-  
26 tion of damages does not need to be detailed early in the  
27 case prior to relevant discovery, the plaintiff must  
28 supplement its initial damage computation to reflect

1 information obtained during discovery." Id. at \*3, citing  
2 City & County of San Francisco v. Tutor-Saliba Corp., 218  
3 F.R.D. 219, 221-222 (N.D. Cal. 2003). Further, the service  
4 of expert witness' reports does not excuse a litigant from  
5 his/her other discovery obligations, such as a computation  
6 of damages. Shakespear v. Wal-Mart Stores, 2013 WL 6498898  
7 at \*4 (D. NV 2013). Future expert analysis does not  
8 relieve a litigant of its obligation to provide informa-  
9 tion that is reasonably available to it regarding its  
10 alleged damages. Frontline Medical Assoc. v. Coventry  
11 Health Care, 263 F.R.D. 567, 570 (C.D. Cal. 2009). There-  
12 fore, Plaintiffs' responses to Defendant's discovery  
13 requests, particularly as to Plaintiffs' responses that  
14 state that expert discovery is needed to respond to the  
15 discovery requests, are insufficient.

16 The Court observes that many of Fay Ave's and LJ  
17 Spa's responses to Defendant's discovery requests refer to  
18 documents produced in this litigation. However, the  
19 responses that refer to documents are inadequate because  
20 they fail to specify in sufficient detail to enable  
21 Defendant to locate and identify the documents to which  
22 Plaintiffs refer. Many of Defendant's requests refer to  
23 Plaintiff's substantiation of the damages they have  
24 allegedly sustained. Plaintiffs must provide to Defendant  
25 a computation of the damages they claim in this litiga-  
26 tion, and must specifically identify the documents they  
27 used to arrive at the computation of damages.

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1           C. Assertion of Privileges

2           The Court observes that many of Fay Ave's and LJ  
3 Spa's responses to Defendant's discovery requests assert  
4 that the requests invade the attorney-client privilege,  
5 work product or are "objectionable." To the extent that  
6 the responses invoke a privilege, work product, or are  
7 "objectionable," Plaintiffs are required to provide to  
8 Defendant a privilege log that lists each document with-  
9 held from production. Federal Rule of Civil Procedure  
10 26(b)(5)(A)(i)-(ii). A proper assertion of of privilege,  
11 work product, or that the document is "objectionable,"  
12 must contain the following for each document, communica-  
13 tion or information withheld:

14           (1) Date of the creation of the document;

15           (2) Author;

16           (3) Primary addressee(s) [and the relationship of  
17 that person(s) to the client and/or author of the  
18 document];

19           (4) Secondary addressee(s), persons who received  
20 copies of the document and the recipient [and the rela-  
21 tionship of that person(s) to the client and/or author of  
22 the document];

23           (5) Type of document;

24           (6) Client (party asserting the privilege)

25           (7) Attorneys (with an indication of who the attor-  
26 ney represents);

27           (8) Subject matter of the document or privileged  
28 communication;



1 (9) Purpose of the document or privileged communica-  
2 tion (basis for the legal claim of privilege, work product  
3 or objection to production);

4 (10) Whether the document, communication or objec-  
5 tion is attorney-client privilege, work product, or some  
6 other basis;

7 (11) Identify each document by number.<sup>1/</sup>  
8 Miller v. Pancucci, 141 F.R.D. 292, 302 (C.D. Cal. 1992),  
9 Martin v. Evans, 2012 WL 1894219 at \*5 (N.D. Cal. 2012),  
10 Del Campo v. American Corrective Counseling Services, 2007  
11 WL 4287335 at \*4 (N.D. Cal. 2007).

12 II

13 COURT'S RULINGS ON DISPUTES DISCOVERY REQUESTS

14 A. Fay Ave's Responses

15 Request for Production of Documents No. 28

16 Pursuant to the discussion at Section I.A. of this  
17 Order, Fay Ave's objections are waived. To the extent that  
18 Fay Ave is withholding information protected by the  
19 attorney-client privilege, work product, or for any other  
20 reason, Fay Ave shall produce to Defendant a privilege  
21 log. See Sprint II, 2014 WL 1569963 at \*3. If Fay Ave is  
22 not withholding any information protected by the attorney-  
23 client privilege, work product, or for any other reason,  
24 it shall serve on Defendant a supplemental response so  
25 stating. Further, pursuant to Section I.B. of this Order,  
26 Fay Ave shall serve a supplemental response to this  
27 Request that specifies in sufficient detail to enable

28 \_\_\_\_\_  
<sup>1/</sup>No. 11 was added by this Court.

1 Defendant to locate and identify the documents which are  
2 responsive to this Request and to which Fay Avenue refers.  
3 In the event the documents to which Fay Avenue refers does  
4 not sufficiently respond to this Request, Fay Avenue is  
5 directed to supplement its response to comply with this  
6 Order. In addition, Fay Ave shall include in its supple-  
7 mental response its computation of the damages referred to  
8 in the Request.

9 Request for Production of Documents No. 29

10 The Response is sufficient because Fay Ave stated  
11 that it alone sustained the entire amount of loss noted in  
12 property losses.

13 Request for Production of Documents No. 30

14 Pursuant to the discussion at Section I.A. of this  
15 Order, Fay Ave's objections are waived. To the extent that  
16 Fay Ave is withholding information protected by the  
17 attorney-client privilege, work product, or for any other  
18 reason, Fay Ave shall produce to Defendant a privilege  
19 log. See Sprint II, 2014 WL 1569963 at \*3. If Fay Ave is  
20 not withholding any information protected by the attorney-  
21 client privilege, work product, or for any other reason,  
22 it shall serve on Defendant a supplemental response so  
23 stating. Further, pursuant to Section I.B. of this Order,  
24 Fay Ave shall serve a supplemental response to this  
25 Request that specifies in sufficient detail to enable  
26 Defendant to locate and identify the documents which are  
27 responsive to this Request and to which Fay Avenue refers.  
28 In the event the documents to which Fay Avenue refers does

1 not sufficiently respond to this Request, Fay Avenue is  
2 directed to supplement its response to comply with this  
3 Order. In addition, Fay Ave shall include in its supple-  
4 mental response its computation of the damages referred to  
5 in the Request.

6 Request for Production of Documents No. 31

7 Pursuant to the discussion at Section I.A. of this  
8 Order, Fay Ave's objections are waived. To the extent that  
9 Fay Ave is withholding information protected by the  
10 attorney-client privilege, work product, or for any other  
11 reason, Fay Ave shall produce to Defendant a privilege  
12 log. See Sprint II, 2014 WL 1569963 at \*3. If Fay Ave is  
13 not withholding any information protected by the attorney-  
14 client privilege, work product, or for any other reason,  
15 it shall serve on Defendant a supplemental response so  
16 stating. Further, pursuant to Section I.B. of this Order,  
17 Fay Ave shall serve a supplemental response to this  
18 Request that specifies in sufficient detail to enable  
19 Defendant to locate and identify the documents which are  
20 responsive to this Request and to which Fay Avenue refers.  
21 In the event the documents to which Fay Avenue refers does  
22 not sufficiently respond to this Request, Fay Avenue is  
23 directed to supplement its response to comply with this  
24 Order. In addition, Fay Ave shall include in its supple-  
25 mental response its computation of the damages referred to  
26 in the Request.

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1           Request for Production of Documents No. 32

2           The Response is sufficient because Fay Ave stated  
3 that it alone sustained the entire amount of loss noted in  
4 business interruption loss.

5           Request for Production of Documents No. 33

6           Pursuant to the discussion at Section I.A. of this  
7 Order, Fay Ave's objections are waived. To the extent that  
8 Fay Ave is withholding information protected by the  
9 attorney-client privilege, work product, or for any other  
10 reason, Fay Ave shall produce to Defendant a privilege  
11 log. See Sprint II, 2014 WL 1569963 at \*3. If Fay Ave is  
12 not withholding any information protected by the attorney-  
13 client privilege, work product, or for any other reason,  
14 it shall serve on Defendant a supplemental response so  
15 stating. Further, pursuant to Section I.B. of this Order,  
16 Fay Ave shall serve a supplemental response to this  
17 Request that specifies in sufficient detail to enable  
18 Defendant to locate and identify the documents which are  
19 responsive to this Request and to which Fay Avenue refers.  
20 In the event the documents to which Fay Ave refers do not  
21 sufficiently respond to this Request, Fay Ave is directed  
22 to supplement its response to comply with this Order. In  
23 addition, Fay Ave shall include in its supplemental  
24 response its computation of the damages referred to in the  
25 Request.

26           B. LJ Spa's Responses

27           Interrogatory No. 28

28           The Response is not responsive to the Interrogatory.

1 Pursuant to Section I.A. of this Order, LJ Spa's objec-  
2 tions are waived. Pursuant to Section I.B. of this Order,  
3 LJ Spa shall serve a supplemental response to this Inter-  
4 rogatory that specifies in sufficient detail to enable  
5 Defendant to locate and identify the documents which are  
6 responsive to this Interrogatory and to which LJ Spa  
7 refers. In the event the documents to which Fay Ave refers  
8 do not sufficiently respond to this Interrogatory, Fay Ave  
9 is directed to supplement its response to comply with this  
10 Order.

11 Interrogatory No. 29

12 The Response is not responsive to the Interrogatory.  
13 Pursuant to Section I.A. of this Order, LJ Spa's objec-  
14 tions are waived. Pursuant to Section I.B. of this Order,  
15 LJ Spa shall serve a supplemental response to this Inter-  
16 rogatory that specifies in sufficient detail to enable  
17 Defendant to locate and identify the documents which are  
18 responsive to this Interrogatory and to which LJ Spa  
19 refers. In the event the documents to which Fay Ave refers  
20 do not sufficiently respond to this Interrogatory, Fay Ave  
21 is directed to supplement its response to comply with this  
22 Order.

23 Interrogatory No. 30

24 The Response is not responsive to the Interrogatory.  
25 Pursuant to Section I.A. of this Order, LJ Spa's objec-  
26 tions are waived. Pursuant to Section I.B. of this Order,  
27 LJ Spa shall serve a supplemental response to this Inter-  
28 rogatory that specifies in sufficient detail to enable

1 Defendant to locate and identify the documents which are  
2 responsive to this Interrogatory and to which LJ Spa  
3 refers. In the event the documents to which Fay Ave refers  
4 do not sufficiently respond to this Interrogatory, Fay Ave  
5 is directed to supplement its response to comply with this  
6 Order.

7 Interrogatory No. 31

8 The Response is not responsive to the Interrogatory.  
9 Pursuant to Section I.A. of this Order, LJ Spa's objec-  
10 tions are waived. Pursuant to Section I.B. of this Order,  
11 LJ Spa shall serve a supplemental response to this Inter-  
12 rogatory that specifies in sufficient detail to enable  
13 Defendant to locate and identify the documents which are  
14 responsive to this Interrogatory and to which LJ Spa  
15 refers. In the event the documents to which Fay Ave refers  
16 do not sufficiently respond to this Interrogatory, Fay Ave  
17 is directed to supplement its response to comply with this  
18 Order.

19 Interrogatory No. 33

20 The Response is not responsive to the Interrogatory.  
21 Pursuant to Section I.A. of this Order, LJ Spa's objec-  
22 tions are waived. To the extent LJ Spa is withholding  
23 information protected by the attorney-client privilege,  
24 work product, or for any other reason, LJ Spa shall  
25 produce a privilege log. See Sprint II, 2014 WL 1569963 at  
26 \*3. If LJ Spa is not withholding any information protected  
27 by the attorney-client privilege, work product, or for any  
28 other reason, it shall serve on Defendant a supplemental

1 response so stating. In addition, LJ Spa shall include in  
2 its supplemental response its computation of damages  
3 referred to in the Interrogatory. Expert witness discovery  
4 is not required to respond to this Interrogatory.

5 Request for Production of Documents No. 53-64

6 Pursuant to the discussion at Section I.A. of this  
7 Order, LJ Spa's objections are waived. To the extent that  
8 LJ Spa is withholding information protected by the  
9 attorney-client privilege, work product, or for any other  
10 reason, including that the documents are "objectionable,"  
11 LJ Spa shall produce to Defendant a privilege log. See  
12 Sprint II, 2014 WL 1569963 at \*3. If LJ Spa is not with-  
13 holding any information protected by the attorney-client  
14 privilege, work product, or for any other reason, it shall  
15 serve on Defendant a supplemental response so stating.  
16 Further, pursuant to Section I.B. of this Order, LJ Spa  
17 shall serve a supplemental response to these Requests that  
18 specify in sufficient detail to enable Defendant to locate  
19 and identify the documents which are responsive to these  
20 Requests and to which LJ Spa refers. In the event the  
21 documents to which Fay Ave refers do not sufficiently  
22 respond to these Requests, Fay Ave is directed to supple-  
23 ment its response to comply with this Order.

24 Request for Admission No. 21

25 Pursuant to the discussion at Section I.A. of this  
26 Order, LJ Spa's objections are waived. LJ Spa's response  
27 to this Request for Admission is not responsive to the  
28 Request for Admission because Defendant requested that LJ

1 Spa admit or deny details of the alleged theft of equip-  
2 ment. LJ Spa did not admit or deny the Request for Admis-  
3 sion as written. LJ Spa shall provide to Defendant a  
4 supplemental response that responds to the Request for  
5 Admission as written.

6 Request for Admission No. 22

7 Pursuant to the discussion at Section I.A. of this  
8 Order, LJ Spa's objections are waived. The response to  
9 this Request for Admission is not responsive to the  
10 Request for Admission because Defendant requested that LJ  
11 Spa admit or deny details of the alleged theft of equip-  
12 ment. LJ Spa did not admit or deny the Request for Admis-  
13 sion as written. LJ Spa shall provide to Defendant a  
14 supplemental response that responds to the Request for  
15 Admission as written.

16 Request for Admission No. 23

17 Pursuant to the discussion at Section I.A. of this  
18 Order, LJ Spa's objections are waived. LJ Spa's response  
19 to this Request for Admission is not responsive because  
20 Defendant requested that LJ Spa admit or deny details of  
21 the alleged theft of inventory and products from the  
22 retail boutique and spa. LJ Spa did not admit or deny the  
23 Request for Admission as written. LJ Spa shall provide to  
24 Defendant a supplemental response that responds to the  
25 Request for Admission as written.

26 Request for Admission No. 29

27 Pursuant to the discussion at Section I.A. of this  
28 Order, LJ Spa's objections are waived. Pursuant to Federal



1 Rule of Civil Procedure 36(a)(4), LJ Spa shall serve on  
2 Defendant a supplemental response that explains why it can  
3 not admit or deny this Request for Admission. LJ Spa's  
4 response is not responsive because Defendant requested  
5 that LJ Spa admit or deny that Dr. Richard Choo performed  
6 surgeries at the surgery center between November 2009 and  
7 March 10, 2010. LJ Spa did not admit or deny the Request  
8 for Admission as written. LJ Spa may assert lack of  
9 knowledge or information as a reason for failing to admit  
10 or deny this Request for Admission only if LJ Spa states  
11 that it has made a reasonable inquiry and that the infor-  
12 mation it knows, or can readily obtain, is insufficient to  
13 enable it to admit or deny the Request for Admission.

14 Request for Admission No. 30

15 Pursuant to the discussion at Section I.A. of this  
16 Order, LJ Spa's objections are waived. Pursuant to Federal  
17 Rule of Civil Procedure 36(a)(4), LJ Spa shall serve on  
18 Defendant a supplemental response that explains why it can  
19 not admit or deny this Request for Admission. LJ Spa's  
20 response is not responsive because Defendant requested  
21 that LJ Spa admit or deny that Dr. Peter Mann performed  
22 surgeries at the surgery center between November 2009 and  
23 March 10, 2010. LJ Spa did not admit or deny the Request  
24 for Admission as written. LJ Spa may assert lack of  
25 knowledge or information as a reason for failing to admit  
26 or deny this Request for Admission only if LJ Spa states  
27 that it has made a reasonable inquiry and that the infor-  
28 mation it knows or can readily obtain is insufficient to

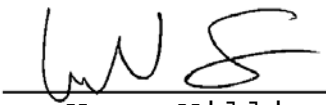
1 enable it to admit or deny the Request for Admission.

2 On or before July 15, 2014, Plaintiffs shall serve  
3 on Defendant all privilege logs and supplemental responses  
4 as indicated in this Order.

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6 DATED: July 1, 2014

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Hon. William V. Gallo  
U.S. Magistrate Judge

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