

Special Interrogatories

Number	Interrogatory	City Response	Lieb Response	PVHA Response
1	<p>Please describe with specificity (by recordation date if possible) the set(s) of covenants, conditions and restrictions that YOU contend currently limit the use for the PROPERTY (for purposes of these interrogatories, the terms "YOU" or "YOUR" when set forth in all capital letters shall mean and refer to defendant City of Palos Verdes Estates; the term "PROPERTY" when set forth in all capital letters shall mean and refer to the real property adjacent to 900 Via Panorama conveyed in September 2012 by the Palos Verdes Homes Association to Thomas J. Lieb and that is the subject of this litigation)</p>	<p>OBJECTION. In addition to the general objections set forth above each of which is incorporated into this Response the City specifically and further objects to this Interrogatory on the grounds that the terms describe with specificity and currently limit the use for the PROPERTY are vague ambiguous and unintelligible. The City also objects to the extent this interrogatory calls for information subject to the Attorney-client privilege and/or attorney work product doctrine, deliberate process privilege, the joint-defense privilege and/or the common interest doctrine. The City also objects that this information is equally information equally available to plaintiff by performing a title search. Subject to and without waiving these specific objections and the general objections, City responds as follows: All CC&Rs that have been recorded against the PROPERTY including those recorded on July 15, 1923, and the CC&Rs related to the City's Conveyance of the PROPERTY with easements on September 5, 2012, potentially limit its use.</p>	<p>Lieb objects to this Interrogatory on the grounds that "describe with specificity" and "currently limit the use" are vague and ambiguous. Lieb further objects to this Interrogatory on the grounds that it calls for a legal conclusion and information subject to the attorney-client privilege and/or attorney work-product doctrine. Lieb objects that this information called for by this Interrogatory is equally available to Plaintiff through a search of publically available documents. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: The covenants, conditions and restrictions applicable to Area A are contained in Condition 10 to the Grant Deed recorded on September 5, 2012, Instrument Number 20121327415 – the 1923 and 1926 Conditions, Covenants and Restrictions as specifically stated. Lieb does not admit or agree that the restrictions in the conditions, covenants and restrictions apply and are binding on the parties. and/or attorney work-product doctrine. Lieb objects that this information called for by this Interrogatory is equally available to Plaintiff through a search of publically available documents. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: The covenants, conditions and restrictions applicable to Area A are contained in Condition 10 to the Grant Deed recorded on September 5, 2012, Instrument Number 20121327415 – the 1923 and 1926 Conditions, Covenants and Restrictions as specifically stated. Lieb does not admit or agree that the restrictions in the conditions, covenants and restrictions apply and are binding on the parties.</p>	<p>Objection. In addition to the General Objections above, Defendants object to this Interrogatory on the grounds that "describe with specificity" and "currently limit the use for the PROPERTY" are vague and ambiguous. Defendants also object to the extent this interrogatory calls for information subject to attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants also object to the extent this interrogatory calls for a legal conclusion. Defendants also object on the ground that this information is equally available to the Plaintiff by performing it own search of recorded documents. Without waiving the foregoing objections, Defendants respond as follows: The CC&R's for Tract 7333 and Tract 8652 are in the chain of title for the subject property. Defendants do not admit or agree or that the restrictions and requirements in the CCRS apply and are binding on the parties. Discovery is continuing.</p>
2	<p>Please describe with specificity (by recordation date if possible) the deeds containing land use restrictions that YOU contend currently limit the use for the PROPERTY.</p>	<p>OBJECTION. In addition to the general objections set forth above, each of which is incorporated into this Response, the City specifically and further objects to this Interrogatory on the grounds that the terms "describe with specificity," "land use restrictions" and "currently limit the use for the PROPERTY" are vague, ambiguous and unintelligible. The City also objects to the extent this Interrogatory calls for information subject to the attorney-client privilege and/or attorney work product doctrine, deliberative process privilege, the joint-defense privilege and/or the common-interest doctrine. The City also objects that this information is equally available to Plaintiff by performing a title search. Subject to and without waiving these specific objections, and the general objection set forth above, City responds as follows: All deeds that have been recorded for the PROPERTY potentially limit its use, including: (1) the deed recorded on June 14, 1940 from the Palos Verdes Homes Association ("PVHA") to the City, (2) the September 5,2012, deed conveying the PROPERTY from the City to the PVHA, and (3) the September, 2012, deed conveying the PROPERTY from the PVHA to the Luginis.</p>	<p>Lieb objects to this Interrogatory on the grounds that "describe with specificity" and "currently limit the use" are vague and ambiguous. Lieb further objects to this Interrogatory on the grounds that it calls for a legal conclusion and information subject to the attorney-client privilege and/or attorney work-product doctrine. Lieb objects that this information called for by this Interrogatory is equally available to Plaintiff through a search of publically available documents. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: The deeds containing land use restrictions applicable to Area A are (1) the Grant Deed recorded on September 5, 2012, Instrument Number 20121327415 and (2) the Quitclaim Deed recorded on September 5, 2012, Instrument Number 20121327414. Lieb does not admit or agree that the restrictions in the deeds apply and are binding on the parties.</p>	<p>Objection. In addition to the General Objections above, Defendants object to this Interrogatory on the grounds that "describe with specificity" and "currently limit the use for the PROPERTY" are vague and ambiguous. Defendants also object to the extent this interrogatory calls for information subject to attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants also object to the extent this interrogatory calls for a legal conclusion. Defendants also object on the ground that this information is equally available to the Plaintiff by performing it own search of recorded documents. Without waiving the foregoing objections, Defendants respond as follows: The following deed(s) are within the chain of title for the subject property: (1) Deed from Palos Verdes Homes Association to the City of Palos Verdes Estates dated June 14, 1940; and (2) the Deed from the Palos Verdes Homes Association to the Real Parties In Interest dated September 5, 2012. Defendants do not admit or agree that the restrictions and requirements in the deeds apply and are binding to the parties. Discovery is continuing.</p>


Special Interrogatories

Number	Interrogatory	City Response	Lieb Response	PVHA Response
3	Please describe with specificity all efforts taken by YOU to notify members of the public concerning YOUR May 8, 2012 city council meeting about the MOU (for purposes of these interrogatories, the term "MOU" when set forth in all capital letters shall mean and refer to the Memorandum of Understanding among the City of Palos Verdes Estates, Palos Verdes Homes Association, Palos Verdes Peninsula Unified School District and Thomas J. Lieb that is the subject of this litigation).	OBJECTION. In addition to the general objections set forth above, each of which is incorporated into this Response, the City specifically and further objects to this Interrogatory on the grounds that the term "describe with specificity" is vague, ambiguous and unintelligible. Subject to and without waiving these specific objections, and the general objection set forth above, City responds as follows: The City posted notice of, and an agenda for, the May 8, 2012, City Council meeting online at the City's website as well as at City Hall, Malaga Cove Library and the PV Golf Club, as it does for all City Council meetings. The City also made the PVHA and Palos Verdes School District aware of the meeting. The City also informed everyone who has signed up through its website subscription service for notification of meetings.	Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Lieb is informed and believes that no title companies declined to issue a title insurance policy.	Objection. In addition to the General objections above, Defendants object to the term "identify with specificity" is vague and ambiguous. Defendants also object to the extent this interrogatory calls for information subject to attorney client privilege, common interest privilege and/or attorney work product doctrine. The City also objects to the extent this interrogatory calls for a legal conclusion. Without waiving the foregoing objections, Defendants are informed and believe that no title companies declined to issue a title insurance policy.
4	Did YOU post a sign at the PROPERTY to notify the public of the May 8, 2012 city council meeting concerning the MOU?	Subject to and without waiving the general objections set forth above, City responds as follows: No.		
5	Did YOU publish a notice in any newspapers to notify the public of the May 8, 2012 city council meeting concerning the MOU?	Subject to and without waiving the general objections set forth above, City responds as follows: NO		
6	Did YOU mail any notices to neighbors surrounding the PROPERTY to notify the public of May 8, 2012 city council meeting concerning the MOU?	OBJECTION In addition to the general objections set forth above each of which is incorporated into this Response the City specifically and further objects to this Interrogatory on the grounds that the term neighbors is vague ambiguous and unintelligible and includes no limitation in terms of distance from the PROPERTY. Subject to and without waiving these specific objections and the general objections set forth above City responds as follows No		
7	Please identify with specificity all title insurance companies who declined to issue a title insurance policy covering the September 2012 conveyances of the PROPERTY.	OBJECTION In addition to the general objections set forth above each of which is incorporated into this Response the City specifically and further objects to this Interrogatory on the grounds that the terms "describe with specificity," "declined to issue," and "September 2012 conveyances" are vague, ambiguous and unintelligible. Subject to and without waiving these specific objections and the general objections set forth above, City responds as follows The City did not seek title insurance for the conveyance of Parcel A to the PVHA's because it was subject to PVHA's right of reversion and no title insurance was sought for the quit claim from the PVHA to the City for Parcels C and D. These were the only transactions to which the City was a party.		


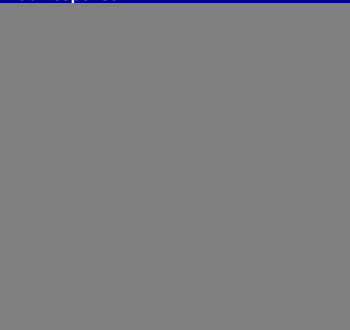

Requests for Production

Number	Interrogatory	City Response	Lieb Response	PVHA Response
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10	All deeds conveying real property from YOU to the City of Palos Verdes Estates dated June 14, 1940.			<p>Objection. In addition to the General Objections above, Defendants object to this request to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants further object that the production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced. Without waiving the foregoing objections, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control, responsive to this request which have not already been produced.</p>
11	All documents pertaining to the decision by YOU to convey real property to the City of Palos Verdes Estates on June 14, 1940.			<p>Objection. In addition to the General Objections above, Defendants object to this request to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants further object on the grounds that the term "pertaining" is vague and ambiguous. Defendants further object that the production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced. Without waiving the foregoing objections, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control, responsive to this request which have not already been produced.</p>
12	All minutes of any meetings by YOU or YOUR board of directors concerning the conveyance of real property to the City of Palos Verdes Estates during the year 1940.			<p>Objection. In addition to the General Objections above, Defendants object to this request to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants further object on the grounds that the term "concerning" is vague and ambiguous. Defendants further objects that the production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced. Without waiving the foregoing objections, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control, responsive to this request which have not already been produced.</p>

Requests for Production

Number	Interrogatory	City Response	Lieb Response	PVHA Response
13	<p>All resolutions by YOU or YOUR board of directors concerning the conveyance of real property to the City of Palos Verdes Estates during the year 1940.</p>		<p>Objection. In addition to the General Objections above, Defendants object to this request to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants further object on the grounds that the term "concerning" is vague and ambiguous. Defendants further object that the production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced. Without waiving the foregoing objections, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control, responsive to this request which have not already been produced.</p> <p>Objection. In addition to the General Objections above, Defendants object to this request to the extent it calls for documents subject to the claim privilege, including the attorney client privilege, common interest privilege and attorney work product doctrine. Defendants further object on the grounds that the terms "in connection with" are vague and ambiguous. Defendants further object that the production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced. Without waiving the foregoing objections, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control, responsive to this request which have not already been produced.</p> <p>Objection. In addition to the General Objections above, Defendants object to this demand to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and attorney work product doctrine. Defendants further object on the grounds that the terms "restrict the use" are vague and ambiguous. Defendants also object that production of the documents is unnecessary, burdensome and oppressive as those documents have already been produced. Defendants interpret the request as requesting all documents in the chain of title for the real property conveyed. Defendants do not admit or agree that restrictions and requirements in the documents which are in the chain of time apply or are binding on the parties. Discovery is continuing. Without waiving the foregoing objections and subject to the above interpretation, Defendants respond as follows: Defendants will produce all documents in their possession, custody and/or control which have not already been produced.</p>	
14	<p>All DOCUMENTS provided by anyone to YOUR board of directors in connection with its approval of the May 2012 Memorandum of Understanding that is the subject of this litigation.</p>			
15	<p>All instruments that YOU contend restrict the use for the real property that YOU conveyed to Thomas J. Lieb in September 2012 and that is the subject of this litigation.</p>			

Requests for Production

Number	Interrogatory	City Response	Lieb Response	PVHA Response		
16	<p>All Covenants, Conditions & Restrictions (“CC&Rs”) that YOU contend restrict the use for the real property that YOU conveyed to Thomas J. Lieb in September 2012 and that is the subject of this litigation.</p>			<p>Objection. In addition to the General Objections above. Defendants object to this demand to the extent it calls for documents subject to the claim of privilege, including the attorney client privilege, common interest privilege and/or attorney work product doctrine. Defendants further object on the grounds that the terms "restrict the use" are vague and ambiguous. Defendants also object that production of the documents is unnecessary, burdensome and oppressive as those documents have already been produced. Defendants interpret the request as requesting all documents in the chain of title for the real property conveyed. Defendants do not admit or agree that restrictions and requirements in the documents which are in the chain of time apply or are binding on the parties. Discovery is continuing.</p>		
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21	<p>All instruments that YOU contend restrict the use for the real property that YOU conveyed to the Palos Verdes Homes Association in September 2012 and that is the subject of this litigation.</p>	<p>Objection. The City objects to the demand to the extent that it calls for documents subject to a claim of privilege, including, without limitation, the common interest privilege, attorney-client privilege, attorney work product doctrine, deliberative process privilege, and/or Evidence Code sections 1119, 1152 and 1154. The City further objects on the grounds that the demand is overly broad and, therefore, unduly burdensome, and that the terms "instruments" and "restrict the use for the real property" are vague, ambiguous and indecipherable. The City also objects to the extent that this Request seeks documents that are not in its custody or control. Finally, the City objects that production of these documents is unnecessary, burdensome and oppressive as the documents have already been produced to Plaintiff. As the City has already produced all non-privileged documents in its possession or control that are responsive to this Request, it will not be producing any further document.</p>				
		<p>Objection. The City objects to the demand to the extent that it calls for documents subject to a claim of privilege, including, without limitation, the common interest privilege, attorney work product doctrine, deliberative process privilege, and/or Evidence Code sections 1119, 1152 and 1154. The City further objects on the grounds that the demand is overly broad and therefore unduly burdensome and that the term "restrict the use for the real property" is vague, ambiguous and indecipherable. Finally, the City objects that production of these documents is unnecessary burdensome and oppressive as the documents have already been produced to Plaintiff .As the City has already produced all non-privileged documents in its possession or control that are responsive to the Request, it will not be producing any further documents.</p>				
22	<p>All Covenants, Conditions & Restrictions (“CC&Rs”) that YOU contend restrict the use for the real property that YOU conveyed to the Palos Verdes Homes Association in September 2012 and that is the subject of this litigation.</p>					







Requests for Admission

Number	Interogatory	City Response	Lieb Response	PVHA Response
1	Admit that the document bates stamped PVE PRA 000385 - 000394 and attached hereto as Exhibit 1 is genuine.			
2	Admit that the document bates stamped PVE PRA 000395 - 000401 and attached hereto as Exhibit 2 is genuine.			
3	Admit that the document bates stamped PVE PRA 000402 and attached hereto as Exhibit 3 is genuine.			
4	Admit that the document bates stamped PVE PRA 403 - 000427 and attached hereto as Exhibit 4 is genuine.			
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34	Admit that the document bates stamped PVE PRA 000385 - 000394 and attached hereto as Exhibit 1 is genuine.			Without waiving the foregoing objections, Defendants respond as follows: Exhibit 1 appears to be a true and correct copy.
35	Admit that the document bates stamped PVE PRA 000395 - 000401 and attached hereto as Exhibit 2 is genuine.			Without waiving the foregoing objections, Defendants respond as follows: Exhibit 2 appears to be a true and correct copy.
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Requests for Admission

Number	Interrogatory	City Response	Lieb Response	PVHA Response
40	Admit that the document bates stamped PVE PRA 000385 - 000394 and attached hereto as Exhibit 1 is genuine.		Lieb objects to this RFA on the grounds that the term "genuine" is vague and ambiguous. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Exhibit 1 appears to be a true and correct copy. Since the original Exhibit 1 was not provided and Lieb was not present at the time Exhibit 1 was created, Lieb cannot attest to "genuineness" of Exhibit 1	
41	Admit that the document bates stamped PVE PRA 000395 - 000401 and attached hereto as Exhibit 2 is genuine.		Lieb objects to this RFA on the grounds that the term "genuine" is vague and ambiguous. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Exhibit 2 appears to be a true and correct copy. Since the original Exhibit 2 was not provided and Lieb was not present at the time Exhibit 2 was created, Lieb cannot attest to "genuineness" of Exhibit 2.	
42	Admit that the conditions set forth in document bates stamped PVE PRA 000385 - 000394 and attached hereto as Exhibit 1 restricts the present use of the PROPERTY (for purposes of these requests, the term "PROPERTY" when set forth in all capital letters shall mean and refer to the real property adjacent to 900 Via Panorama conveyed in September 2012 by the Palos Verdes Homes Association to Thomas J. Lieb and that is the subject of this litigation).		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny	
43	Admit that the conditions set forth in the document bates stamped PVE PRA 000395 - 000401 and attached hereto as Exhibit 2 restricts the present use of the PROPERTY		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny	
44	Admit that YOU are not a "body suitably constituted by law to take, hold, maintain and regulate public parks" within the meaning of Section 5 appearing on page PVE PRA 000393 of Exhibit 1 hereto (for purposes of these requests, the term "YOU" when set forth in all capital letters shall mean and refer to defendant Thomas J. Lieb).		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny; Area A was not taken and is not held and maintained as public parkland.	
45	Admit that YOU are not a "body suitably constituted by law to take, hold, maintain and regulate public parks" within the meaning of Section 5 appearing on page PVE PRA 000399 of Exhibit 2 hereto.		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny; Area A was not taken and is not held and maintained as public parkland.	
46	Admit that the TRUST is not a "body suitably constituted by law to take, hold, maintain and regulate public parks" within the meaning of Section 5 appearing on page PVE PRA 000393 of Exhibit 1 hereto (for purposes of these requests, the term "TRUST" when set forth in all capital letters shall mean and refer to THE VIA PANORAMA TRUST U/DO MAY 2, 2012).		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny; Area A was not taken and is not held and maintained as public parkland.	

Requests for Admission

Number	Interogatory	City Response	Lieb Response	PVHA Response
47	Admit that the TRUST is not a "body suitably constituted by law to take, hold, maintain and regulate public parks" within the meaning of Section 5 appearing on page PVE PRA 000399 of Exhibit 2 hereto.		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny; Area A was not taken and is not held and maintained as public parkland.	
48	Admit that the GRANT DEED violates Section 5 appearing on page PVE PRA 000393 of Exhibit 1 hereto (for mean and refer to the deed recorded on September 5, 2012 as instrument number 20121327415 conveying real property from Palos Verdes Homes Association to YOU).purposes of these requests, the term "GRANT DEED" shall		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny.	
49	Admit that the GRANT DEED violates Section 5 appearing on page PVE PRA 000399 of Exhibit 2 hereto.		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General and Specific Objections, which are incorporated herein by reference, Lieb responds as follows: Deny.	
50	Admit that currently the PROPERTY is not open to the public.		Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Admit.	
51	Admit that currently, members of the public may not use the PROPERTY for recreation purposes.		Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Admit; Area A is privately held.	
52	Admit that currently, members of the public may not use the PROPERTY for park purposes.		Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Admit; Area A is privately held.	
53	Admit that the current use of the PROPERTY violates section 3 appearing on page PVE PRA 000391 of Exhibit 1 hereto		Lieb objects to this RF A on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Deny.	
54	Admit that the current use of the PROPERTY violates section 3 appearing on page PVE PRA 000398 of Exhibit 2 hereto.		Lieb objects to this RFA on the grounds that it calls for a legal conclusion. Subject to and without waiver to the foregoing General Objections, which are incorporated herein by reference, Lieb responds as follows: Deny.	