

F085800

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

**CIVIL RIGHTS DEPARTMENT, FORMERLY THE
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING,
AN AGENCY OF THE STATE OF CALIFORNIA,**
Plaintiff and Appellant,

v.

**CATHY'S CREATIONS, INC., D/B/A TASTRIES,
A CALIFORNIA CORPORATION, AND
CATHARINE MILLER,**
Defendants and Respondents; and

**EILEEN RODRIGUEZ-DEL RIO AND
MIREYA RODRIGUEZ-DEL RIO,**
Real Parties in Interest.

**APPEAL FROM KERN COUNTY SUPERIOR COURT
J. ERIC BRADSHAW, JUDGE – CASE No. BCV-18-102633**

**RESPONDENTS' APPENDIX
File 2 of 8, Volume 2, pp. RA.0301-RA.0598**

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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF KERN**

18 DEPARTMENT OF FAIR EMPLOYMENT
19 AND HOUSING, an agency of the State of
California,

20 Plaintiff,

21 v.

22 CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California Corporation; and
23 CATHARINE MILLER, an individual,

24 Defendants.

25 EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

26 Real Parties in Interest.

CASE NO.: BCV-18-102633

IMAGED FILE

**DECLARATION OF JEFFREY M.
TRISSELL, ESQ. IN SUPPORT
OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

Date: Nov. 4, 2021

Time: 8:30 a.m.

Dept: 11

Judge: Hon. David R. Lampe

Action Filed: Oct. 17, 2018

Trial Date: Dec. 13, 2021

27
28
DECLARATION OF JEFFREY M. TRISSELL, ESQ.
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR ADJUDICATION

RA.0302

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ELECTRONICALLY FILED
9/8/2021 5:26 PM
Kern County Superior Court
By Gracie Goodson, Deputy

1 I, Jeffrey M. Trissell, Esq., declare and state as follows:

2 1. I am an attorney duly admitted to practice before all the courts of California, both
3 State and Federal. I am one of the attorneys for Defendants Catharine Miller and Cathy's
4 Creations, Inc. dba Tastries Bakery (collectively "Defendants"). As such, I have personal
5 knowledge of the following facts and, if called upon to testify, I could and would competently testify
6 to these facts.

7 **THE DFEH'S ADMINISTRATIVE INVESTIGATION**

8 2. On October 18, 2017, the Real Parties in Interest Eileen and Mireya Rodriguez-Del
9 Rio filed a complaint against Defendants with Plaintiff DFEH for sexual orientation discrimination.
10 On October 26, 2017, the DFEH informed my clients that they had been placed under
11 administrative investigation.

12 3. With that October 26, 2017 notice, the DFEH propounded over thirty-five
13 administrative interrogatories on Defendants. On November 9, 2017, the DFEH agreed to extend
14 the time for Defendants and my office to respond to those interrogatories from November 25 to
15 December 15, 2017.

16 4. Despite this extension, and without waiting to hear from my clients, on December
17 13, 2017, the DFEH rushed into court and filed a petition for preliminary injunctive relief under
18 Gov. Code, § 12974. That action was titled *Dept. of Fair Employment and Housing v. Miller*, Kern Cty
19 No. BCV-17-102855. This preliminary injunctive relief was sought solely pending the DFEH's
20 internal administrative investigation.

21 5. The next day, December 14, 2017, the DFEH tried to obtain a temporary restraining
22 order and order to show cause re: preliminary injunction against my clients making custom wedding
23 cakes for opposite-sex weddings unless they made custom wedding cakes for same-sex weddings.
24 We had less than 12 hours to prepare Defendants' defense.

25 6. That same day, the court denied the DFEH's request for a temporary restraining
26 order but scheduled an order to show cause hearing on the DFEH's request for a preliminary
27 injunction for February 2, 2018. At that time, the court ordered that "the Petition is the
28 complaining document in the action, which is equivalent to the Complaint."

1 7. The timing of the DFEH's decision to initiate a petition for preliminary injunctive
2 relief under Gov. Code, § 12974 has always been strange. The DFEH's timing was two days before
3 Defendants planned to respond to the DFEH's interrogatories. However, it was also 10 days after
4 the Supreme Court heard oral argument in *Masterpiece Cakeshop, Ltd v. Colorado Civil Rights*
5 *Comm'n*, No. 16-111, and so it could be inferred that the filing was in response to that oral argument
6 which favored Defendants' constitutional rights.

7 8. As part of its aggressive litigation tactics, on January 10, 2018, the DFEH filed a
8 renewed motion seeking a preliminary injunction that would force Defendants to either create
9 custom cakes expressing messages that violate her faith or none whatsoever.

10 9. In response to the DFEH's motion for a preliminary injunction, my office and
11 Defendants argued that Defendants did not make any distinction on the basis of sexual orientation,
12 but rather their objection is simply to sending a message celebrating any form of marriage except
13 between one man and one woman. Defendants do not wish to send such a message for any person
14 regardless of their sexual orientation. That remains Defendants' position.

15 10. On February 5, 2018, the court denied the DFEH's motion for a preliminary
16 injunction, unequivocally holding that "[t]he state cannot succeed [on its Unruh Act claim] on the
17 facts presented as a matter of law." (See *Dept. of Fair Employment and Housing v. Miller* (Cal. Super.
18 2018) 2018 WL 747835.)

19 11. Specifically, the Court stated:

20 The State asks this court to compel Miller to use her talents to
21 design and create a cake she has not yet conceived with the
22 knowledge that her work will be displayed in celebration of a
23 marital union her religion forbids. For this court to force such
24 compliance would do violence to the essentials of Free Speech
25 guaranteed under the First Amendment.

26 (*Id.*)

27 12. The DFEH did not appeal the court's ruling. Instead, the agency waited for months
28 then continued its fruitless investigation of Defendants. On October 17, 2018, the DFEH filed this
instant civil action, containing no new material facts.

13. During a discovery hearing in this case, in response to Defendants argument that the Real Parties in Interest may have been primarily looking for a lawsuit, counsel for the DFEH responded with the following statement. “Plaintiffs have looked for cases to push the law forever. Rosa Parks was not just happened to be taking the bus that day. [sic] So whether or not there is knowledge going in there does not change the fact that there was a violation.” A true and correct copy of the relevant pages of this hearing transcript is attached as **Exhibit A**.

AUTHENTICATION OF EXHIBITS

14. Attached to the Appendix of Exhibits as **Exhibit 1** is a true and correct copy of the First Amended Complaint, dated November 29, 2018.

15. Attached to the Appendix of Exhibits as **Exhibit 2** is a true and correct copy of Plaintiff DFEH's Supplemental Responses to Defendant Tastries Bakery's Corrected Amended Form Interrogatories, dated January 10, 2020.

16. Attached to the Appendix of Exhibits as **Exhibit 3** is a true and correct copy of Plaintiff DFEH's Supplemental Responses to Defendant Tastries Bakery's Corrected Amended Special Interrogatories, dated January 10, 2020.

17. Attached to the Appendix of Exhibits as **Exhibit 4** is a true and correct copy of Plaintiff DFEH's Further Supplemental Responses to Defendant Tastries Bakery's Corrected Amended Special Interrogatories in Lieu of Requests for Admission, dated January 27, 2020.

18. Attached to the Appendix of Exhibits as **Exhibit 5** is a true and correct copy of Plaintiff DFEH's Supplemental Responses to Defendant Tastries Bakery's Corrected Amended Requests for Production of Documents, dated January 10, 2020.

19. Attached to the Appendix of Exhibits as **Exhibit 6** is a true and correct copy of Plaintiff DFEH's Amended Responses to Defendant Catharine Miller's Form Interrogatories dated November 8, 2019.

20. Attached to the Appendix of Exhibits as **Exhibit 7** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Special Interrogatories [Set One] dated July 24, 2019.

21. Attached to the Appendix of Exhibits as **Exhibit 8** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Special Interrogatories [Set Two], dated August 3, 2021.

22. Attached to the Appendix of Exhibits as **Exhibit 9** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Requests for Admission [Set One], dated July 24, 2019.

23. Attached to the Appendix of Exhibits as **Exhibit 10** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Requests for Production of Documents [Set One], July 24, 2019.

24. Attached to the Appendix of Exhibits as **Exhibit 11** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Requests for Production of Documents [Set Two], dated October 19, 2020.

25. Attached to the Appendix of Exhibits as **Exhibit 12** is a true and correct copy of Plaintiff DFEH's Responses to Defendant Catharine Miller's Requests for Production of Documents [Set Three], dated August 3, 2021.

26. Attached to the Appendix of Exhibits as **Exhibit 13** is a true and correct copy of Relevant Portions and Exhibits of the Deposition of Real Party in Interest Eileen Rodriguez-Del Rio (Eileen Del Rio).

27. Attached to the Appendix of Exhibits as **Exhibit 14** is a true and correct copy of Relevant Portions and Exhibits of the Deposition of Real Party in Interest Mireya Rodriguez-Del Rio (Mireya Rodriguez).

28. Attached to the Appendix of Exhibits as **Exhibit 15** is a true and correct copy of Relevant Portions and Exhibits of the Deposition of Witness Samuel Salazar.

29. Attached to the Appendix of Exhibits as **Exhibit 16** is a true and correct copy of Relevant Portions and Exhibits of the Deposition of Witness Patrick Grijalva Salazar.

30. Attached to the Appendix of Exhibits as **Exhibit 17** is a true and correct copy of Relevant Portions and Exhibits of the Deposition of Witness Jessica Criollo.

1 31. Attached to the Appendix of Exhibits as **Exhibit 18** is a true and correct copy of
2 Relevant Portions and Exhibits of the Deposition of Witness Mary Johnson.

3 32. Attached to the Appendix of Exhibits as **Exhibit 204** is a true and correct copy of
4 Declaration of Jessica Criollo, dated February 19, 2019.

5 33. Attached to the Appendix of Exhibits as **Exhibit 230** is a true and correct copy of
6 photographs of Tastries Bakery cakes.

7 34. Attached to the Appendix of Exhibits as **Exhibit 231** is a true and correct copy of
8 photographs of décor at Tastries Bakery.

9 35. Attached to the Appendix of Exhibits as **Exhibit 254** is a true and correct copy of
10 Declaration of Mary Johnson, dated February 19, 2019.

11 36. Attached to the Appendix of Exhibits as **Exhibit 527** is a true and correct copy of
12 Declaration of Mireya Rodriguez-Del Rio in Support of DFEH's Petition and Ex Parte Application
13 for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, dated
14 December 7, 2017.

15 37. Attached to the Appendix of Exhibits as **Exhibit 553A** is a true and correct copy of
16 Eileen Rodriguez-Del Rio's Facebook post regarding Tastries Bakery, dated August 26, 2017.

17 38. Attached to the Appendix of Exhibits as **Exhibit 553B** is a true and correct copy of
18 Eileen Rodriguez-Del Rio's Facebook post regarding Tastries Bakery, dated August 26, 2017, with
19 the timestamp of 1:13 p.m. shown.

20 39. Attached to the Appendix of Exhibits as **Exhibit 555A** is a true and correct copy of
21 Eileen Del Rio's Facebook review of Tastries Bakery, dated August 26, 2017, bates numbered
22 CM1903.

23 40. Attached to the Appendix of Exhibits as **Exhibit 555B** is a true and correct copy of
24 Eileen Rodriguez-Del Rio Facebook page.

25 41. Attached to the Appendix of Exhibits as **Exhibit 556** is a true and correct copy of text
26 messages between Samuel Salazar, Patrick Grijalva-Salazar, and Mireya Rodriguez, bates numbered
27 SAM0006-SAM0012.
28

42. Attached to the Appendix of Exhibits as **Exhibit 559** is a true and correct copy of text messages between Patrick Grijalva-Salazar and Mireya Rodriguez, bates numbered PAT0083-PAT0085.

43. Attached to the Appendix of Exhibits as **Exhibit 564** is a true and correct copy of social media response and threats to Tastries Bakery and Cathy Miller.

44. Attached to the Appendix of Exhibits as **Exhibit 565** is a true and correct copy of photographs of Tastries Bakery vehicle with a smashed window, bates numbered CM1392-CM1393.

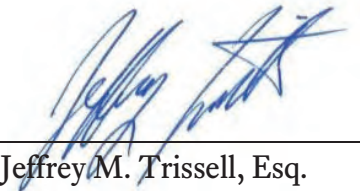
45. Attached to the Appendix of Exhibits as **Exhibit 564** is a true and correct copy of Eileen Rodriguez-Del Rio Facebook post, dated August 31, 2017.

46. Attached to the Appendix of Exhibits as **Exhibit 627A** is a true and correct copy of photographs of Eileen and Mireya Rodriguez-Del Rio's wedding, bates numbered DFEH00295-DFEH00299.

47. Attached to the Appendix of Exhibits as **Exhibit 627B** is a true and correct copy of photographs of Eileen and Mireya Rodriguez-Del Rio posted on Facebook by Mireya Rodriguez-Del Rio ("Wen Rod").

48. Attached to the Appendix of Exhibits as **Exhibit 631** is a true and correct copy of Eileen and Mireya Rodriguez-Del Rio's wedding cake, bates numbered DFEH00175.

I declare until penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on September 8, 2021.



Jeffrey M. Trissell, Esq.

EXHIBIT A

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SESSIONS

PAGE

**FRIDAY, JUNE 5, 2020
AFTERNOON SESSION**

3

Motion

3

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1 BAKERSFIELD, CA; FRIDAY, JUNE 5, 2020

2 AFTERNOON SESSION

3 DEPARTMENT 13 HON. DAVID LAMPE, JUDGE

4 --o0o--

5 THE COURT: We're in session. We're on the
6 record. This is Judge David Lampe, Department 11 of the
7 Kern County Superior Court. We're physically present in
8 Department 13, but this is still officially Department
9 11 for the record.

10 And I'll call the case of Department of Fair
11 Employment and Housing versus Cathy's Creations. I have
12 on-the-line appearances. I have Mr. Mann.

13 MR. MANN: Good afternoon, Your Honor, good to
14 hear from you.

15 THE COURT: I believe I have Ms. Miller, party
16 although represented is also on the line.

17 MS. MILLER: Yes, Your Honor, I'm on the line.

18 THE COURT: I have Mr. Trissell.

19 MR. TRISSELL: Yes, Your Honor.

20 THE COURT: And I have Mr. Chan or Attorney
21 Chan.

22 MR. CHAN: Good afternoon, Your Honor, Nelson
23 Chan also for the Department of Fair Employment and
24 Housing with my colleague Mr. Gregory Mann who will be
25 presenting our argument.

26 THE COURT: Very good. In this case I
27 reopened this matter. I made a tentative ruling on the
28 discovery motions that the defendants had made. I had

1 the Evidence code and we look at the privilege for
2 attorney-client privilege purposes only.

3 We're not looking at it to see if there is
4 traditional representation, if there is a contract, you
5 know, retainer agreement, if there are fiduciary duties
6 between the attorneys and the clients. That's separate.
7 We're just looking under the Evidence Code for
8 attorney-client purposes only.

9 So if you find that the attorney-client
10 privilege here exists, you know, that covers our
11 communications with third parties in interest through
12 912(d) and 952. It does not mean that we represent them
13 or that we have a retainer agreement or that they speak
14 on behalf of the DFEH.

15 So your concern about real parties, actions,
16 you know, they're not agents of the DFEH. So what they
17 do or what they say does not reflect on the DFEH in the
18 way that you mentioned.

19 And I think that's -- that would be the same
20 as Ms. Miller was making statements, that's not going to
21 necessarily reflect on Mr. Limandri or his firm or vice
22 versa. And I don't think -- well, and whatever real
23 parties do does not reflect on the DFEH here. Again,
24 because we're looking at the attorney-client privilege
25 just for attorney-client privilege purposes only.

26 THE COURT: Okay. I understand that.

27 MR. MANN: Okay.

28 THE COURT: I mean, I understand your

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1 argument.

2 MR. MANN: Right. And the first point, it's
3 not -- I don't know that it's as important. But
4 plaintiffs have been -- I don't even want to go there.
5 Let's skip all of that.

6 Plaintiffs have looked for cases to push the
7 law forever. Rosa Parks was not just happened to be
8 taking the bus that day. So whether or not there is
9 knowledge going in there does not change the fact that
10 there was a violation. But, again, there is no evidence
11 of that here, and it doesn't change anything.

12 And just, you know, one -- well, I think I've
13 hit it. The People v. Gionis case which we've cited
14 talks about the attorney-client privilege not requiring
15 that the attorney actually be retained. So, again, we
16 just look at the attorney-client privilege for --
17 through the Evidence Code for those purposes.

18 I think that's what I have on the DFEH
19 attorney-client privilege extending to cover our
20 communications with real parties in interest through
21 912(d) and 952.

22 The common interest argument is very similar.
23 And it's -- a lot of the cases refer back to those same
24 two Evidence Code sections.

25 But let me -- I did forget. This is what I
26 wanted to address. You questioned whether the DFEH and
27 real parties have a common interest. And I think it's
28 very clear they do. Even though DFEH is the plaintiff,

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1 the real parties in interest are the real parties.
2 They're the ones that own the substantive claim. If
3 this case results in us getting an award, the money goes
4 to the real parties in interest. You know, real parties
5 under the FEHA, they have the right to intervene in the
6 case.

7 And so it's to me very clear that there is a
8 common interest here between DFEH and real parties.
9 We're both seeking the same outcome, which is that there
10 be a -- that the Court or jury find the violation of the
11 Unruh Act. So I don't know how we could not have a
12 common interest because we wouldn't be here if it were
13 not for the real parties being discriminated against.

14 THE COURT: All right.

15 MR. MANN: And as you know, if there is a
16 common interest shared and there are privileges and
17 there are privileges here, the DFEH has its work product
18 and attorney-client. Our PI's have their
19 attorney-client and their attorney has their work
20 product. So because the privilege is protecting all the
21 information exchanged through the common interest
22 agreement or common interest doctrine, none of those
23 privileges are waived.

24 Given your clarification on the order, I don't
25 know that I need to say much about work product. And
26 what -- most of what defendants are requesting is
27 absolute work product. We haven't talked about the
28 official information privilege. I'd simply like to

1 THE COURT: Who just spoke?

2 MR. MANN: I'm sorry, Mr. Mann from DFEH.

3 THE COURT: Yeah, put that in your brief. Put
4 that request in your brief and then the defendant can
5 respond to it in their brief. Even though it's a
6 simultaneous submission, you know it's going to be in
7 their brief, and you can respond to that request.

8 Okay. Very good. Thank you.

9 MR. MANN: Thank you, Your Honor.

10 MR. TRISSELL: Thank you Your Honor.

11 MR. CHAN: Thank you, Your Honor.

12 (Whereupon no further proceedings were heard
13 in this matter on this date.)

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1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF KERN)

3
4
5
6 I, Virginia A. Greene, CSR No. 12270, Official
7 Certified Shorthand Reporter of the State of California,
8 Kern County Superior Court, do hereby certify that the
9 foregoing transcript in the matter of DFEH vs. CATHY'S
10 CREATIONS, INC., DBA TASTRIES, A CALIFORNIA CORPORATION;
11 CATHY MILLER, Case No. BCV-18-102633, June 5, 2020,
12 consisting of pages numbered 1 through 31, inclusive, is
13 a complete, true, and correct transcription of the
14 stenographic notes as taken by me in the above-entitled
15 matter.

16 Dated this 15th day of June, 2020.

17
18
19 *Virginia A. Greene*
20
21

22 _____
23 Virginia A. Greene, CSR
24 Certified Shorthand Reporter No. 12270
25
26
27
28

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15 *Creations, Inc. and Catharine Miller*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF KERN**

18 DEPARTMENT OF FAIR EMPLOYMENT
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21 v.

22 CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California Corporation; and
23 CATHARINE MILLER, an individual,

24 Defendants.

25 EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

26 Real Parties in Interest.

CASE NO.: BCV-18-102633

IMAGED FILE

**APPENDIX OF EXHIBITS,
VOLUME I, IN SUPPORT OF
DEFENDANTS CATHARINE
MILLER AND TASTRIES
BAKERY'S MOTION FOR
SUMMARY JUDGMENT**

Date: Nov. 4, 2021
Time: 8:30 a.m.
Dept: 11
Judge: Hon. David R. Lampe
Action Filed: Oct. 17, 2018

APPENDIX OF EXHIBITS

VOLUME I

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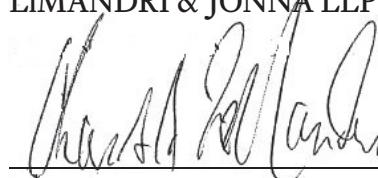
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Respectfully submitted,

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Dated: September 8, 2021

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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN**

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHARINE MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No.

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF
FOR VIOLATION OF THE UNRUH
CIVIL RIGHTS ACT AND THE FAIR
EMPLOYMENT AND HOUSING ACT**

**[Civ. Code, § 51 et seq.; Gov. Code, §
12948]**

UNLIMITED CIVIL JURISDICTION

JURY TRIAL DEMANDED

Plaintiff Department of Fair Employment and Housing (DFEH) brings this civil rights action
and alleges the following against defendants CATHY'S CREATIONS, INC. d/b/a TASTRIES, a
California corporation, and CATHARINE MILLER, an individual, on behalf of itself and real parties
in interest EILEEN RODRIGUEZ-DEL RIO and MIREYA RODRIGUEZ-DEL RIO.



NATURE OF PROCEEDINGS

After many years of close friendship, Eileen and Mireya Rodriguez-Del Rio fell in love in 2015, the year same-sex marriage became legal in the United States. They married in an intimate ceremony in front of their families in December 2016. Like many couples in love, they wanted to celebrate their marriage with their extended families and friends, and set a date of October 7, 2017, to exchange vows and host a traditional wedding reception with over 100 guests.

Eileen and Mireya commenced planning their wedding reception well in advance of October 2017. The couple researched wedding vendors, and began the long wedding planning process. They accomplished their first task by reserving the venue in August 2016. By August 2017, only a few tasks remained, including ordering a wedding cake.

Although they wanted only a simple wedding cake, the couple's quest did not proceed as smoothly as their search for a venue. They visited several local bakeries and tasted cakes, but had been unsuccessful in their search when Eileen serendipitously drove past a bakery called Tastries. She told Mireya about it, and the couple visited hoping Tastries would be the right bakery for them.

Upon their arrival, a sales associate named Rosemary Perez greeted the Rodriguez-Del Rios warmly, and began showing them Tastries cakes on display throughout the bakery. They saw a simple display cake they liked, and told Ms. Perez they wanted their cake to look just like it. Ms. Perez quoted an affordable price, and Eileen and Mireya selected cake options provided by Ms. Perez, who made them feel very welcome and comfortable. They were nearly ready to order the cake when Ms. Perez suggested they return for a complimentary tasting.

When they returned with Eileen's mother and a few close friends a week-and-a-half later for the tasting, Ms. Perez again greeted the couple, but immediately apologized and informed them her boss was taking over their order. Tastries owner Catharine Miller directed the Rodriguez-Del Rios to the back of the bakery, introduced herself, and asked what they were looking to order. The couple explained they were there for a tasting since they had already made their order selections with Ms. Perez.

When Ms. Miller realized Eileen and Mireya were a same-sex couple ordering a wedding cake, she informed them she would refer their order to another bakery, Gimmee Some Sugar Sweet



1 Company (Gimmee Some Sugar), because she did not condone same-sex marriage. Shocked and
2 confused, Mireya said she thought Tastries would provide their cake. Ms. Miller again stated she did
3 not condone same-sex marriage, and repeated that she would provide their selections to Gimmee
4 Some Sugar. Stunned, offended, and hurt, the Rodriguez-Del Rio party left Tastries to cope with the
5 indignity of being denied service solely because of their sexual orientation, knowing that had they
6 been an opposite sex couple, Tastries would have provided the cake they wanted.

7 The Unruh Civil Rights Act provides that all persons in California are free and equal, and no
8 matter what their sexual orientation are entitled to full and equal services in all business
9 establishments. Tastries and Ms. Miller's refusal to provide full and equal wedding cake services to
10 the Rodriguez-Del Rios constituted discrimination based on sexual orientation in violation of the
11 Unruh Civil Rights Act. The Department of Fair Employment and Housing brings this action as an
12 exercise of its statutory mandate to enforce the civil rights of all Californians.

13 PARTIES

14 1. Plaintiff DFEH is the state agency charged with enforcing the civil rights of all
15 Californians to use and enjoy any public accommodation without discrimination because of, inter
16 alia, sexual orientation, under the Unruh Civil Rights Act (Unruh Act), Civil Code section 51 et seq.,
17 as incorporated into the Fair Employment and Housing Act (FEHA). (Gov. Code, § 12948.) The
18 DFEH's enforcement of the Unruh Act and FEHA is an exercise of the police power of the State of
19 California, to protect the civil rights of all Californians to be free and equal, and no matter what their
20 sexual orientation, entitled to the full and equal accommodations, advantages, facilities privileges and
21 services in all business establishments of every kind whatsoever. (Civ. Code, § 51, subd. (b); Gov.
22 Code, § 12948.) In the exercise of this power, the DFEH is authorized to file civil lawsuits on behalf
23 of itself and the persons claiming to be aggrieved as the real parties in interest under the Government
24 Code. (Gov. Code, § 12930, subd. (f).)

25 2. Real parties in interest Eileen and Mireya Rodriguez-Del Rio (Rodriguez-Del Rios or
26 real parties) reside and, at all times relevant to this complaint, resided in the City of Bakersfield, Kern
27 County, California. Real parties are "persons" within the meaning of the Unruh Act, Civil Code
28 section 51, subdivision (b).



1 3. Defendant Cathy's Creations, Inc., doing business as Tastries, is an active California
2 corporation, and is now and was, at all times relevant to this complaint, a "business establishment"
3 within the meaning of the Unruh Act, Civil Code section 51, subdivision (b), operating in the City of
4 Bakersfield, Kern County, California.

5 4. Defendant Catharine Miller is now and was, at all times relevant to this complaint, the
6 100% owner of Cathy's Creations, Inc., and a resident of the City of Bakersfield, Kern County,
7 California.

8 **PROCEDURAL HISTORY AND VENUE**

9 5. The DFEH realleges and incorporates by reference each allegation contained in all
10 preceding paragraphs as if fully set forth herein.

11 6. This action arises under the Unruh Act, Civil Code section 51 et seq., and FEHA,
12 specifically Government Code section 12948.

13 7. Venue is proper in this Court pursuant to Government Code section 12965,
14 subdivision (b), in that the County of Kern is the county in this state where the unlawful practices
15 alleged herein were committed, and where records relevant to the practices are maintained and
16 administered.

17 8. On October 18, 2017, real parties Eileen and Mireya Rodriguez-Del Rio filed a
18 verified written complaint with the DFEH (Case No. 935123-315628) alleging defendants committed
19 unlawful practices in violation of the Unruh Act within the preceding year.

20 9. The DFEH complaints were properly served on defendants.

21 10. The DFEH convened a mandatory mediation pursuant to Government Code section
22 12965, subdivision (a). The DFEH satisfied the statutory requirements prior to filing this civil
23 complaint.

24 11. The amount of damages sought exceeds the minimum jurisdictional limits of this
25 court.

26 **FACTUAL ALLEGATIONS**

27 12. The DFEH realleges and incorporates by reference each allegation contained in all
28 preceding paragraphs as if fully set forth herein.



Tastries' Cake Services

13. Defendant Ms. Miller is the sole owner of respondent Cathy's Creations, Inc. Doing business as "Tastries," Cathy's Creations, Inc. (Tastries) operates a bakery, boutique gift shop, and event rental business in Bakersfield. Tastries sells baked goods, including celebration cakes, cupcakes, wedding cakes, cookies, pies, and pastries. Ms. Miller believes Tastries is unique and offers superior products its customers love.

Varieties of Tastries Cakes

14. Tastries offers both premade cakes (referred to as "case" cakes) and preordered cakes (referred to as "custom" cakes) for sale, in addition to exhibiting display cakes made partially of Styrofoam. Case cakes are not preordered nor created for a specific customer. They are kept in refrigerated cases in the store and are available for anyone to purchase immediately. Tastries bakers make case cakes with no specific end use in mind, although most customers purchase them as birthday cakes. Ms. Miller describes them as "no brainer" cakes, and admits the design of case cakes requires no artistry. Any Tastries baker or decorator must be able to make case cakes without assistance. Tastries employees will add a written message to a case cake, which does not transform it into a "custom" cake.

15. Tastries considers *all* other cakes it bakes and sells to be "custom" cakes—regardless of design or details—because they are ordered in advance. Wedding cakes, which comprise at most 25-30% of Tastries business, are called "custom" cakes, even when nothing about their design or ingredients is original or unique. Tastries considers wedding cakes "custom" even when they are recreated from a preexisting cake, based on a copycat design, or a store-bought box mix is amongst the ingredients.

16. Customers work with Ms. Miller or a member of Tastries' front-end team of sales associates to order "custom" cakes using a standard order form identifying the set of selections available for the cake: number of tiers, size, shape, cake flavor, filling flavor, colors, type of frosting, and other options. Once a customer makes the selections and a front-end sales associate sends the form to the kitchen, up to eight Tastries employees bake the preordered cake—referred to as a



1 “custom” cake—through an assembly line-like process. “Custom” cakes are more expensive than
2 case cakes, even when a “custom” cake is identical to a case cake.

3 17. Tastries also exhibits 75-100 “display” cakes made partially of Styrofoam throughout
4 the bakery. Tastries exhibits these display cakes—as well as pictures of previously sold Tastries
5 cakes available to view on a tablet, in an album, and on a television above the cash registers—to
6 provide selections from a menu of options for customers. Many of Tastries’ display cakes are copies
7 of cakes from pictures on the internet of cakes originally conceived, designed, and created by other
8 bakers and other bakeries. Tastries customers may and do order “custom” cakes that replicate
9 preexisting display cakes or photographs of another bakeries’ cakes. Many customers order a
10 “custom” cake based on the design of a display cake, requesting only minor changes (e.g., two tiers
11 instead of three, or different colors).

12 **Preordered or “Custom” Cake Order Process**

13 18. Customers wishing to preorder a Tastries cake go through an order process for
14 “custom” cakes with Tastries front-end employees and/or Ms. Miller. A front-end sales associate
15 asks the customer for information about the cake the customer wants to order and provides a
16 customer a Tastries order form.

17 19. Tastries offers an in-store consultation with a sales associate and/or Ms. Miller. Not
18 all custom cake orders require an in-store consultation; some customers call the bakery and send in a
19 picture of the cake they want. Most customers complete their in-store consultation during a single
20 visit. When working with a sales associate or Ms. Miller, a customer may select cake flavors,
21 fillings, colors, the number of tiers, size, shape, and other options on the order form.

22 20. While Ms. Miller may insert herself into the ordering process of any Tastries cake, she
23 does not participate in the process of every preordered “custom” Tastries cake. A consultation with
24 Tastries sales associate is quick when customers know what they want. It may last an hour or more in
25 every selection from the menu of options—size, shape, number of tiers, colors, flavors, fillings, type
26 of frosting—is discussed. A Tastries customer may work with two or three sales associates
27 throughout the order process. Delivery of the cake is also discussed as part of the ordering process.



1 21. It is not out of the ordinary for a Tastries “custom” cake, including a wedding cake, to
2 be based on a preexisting cake. This happens when a customer (1) provides a photo of a cake created
3 by another bakery, (2) selects a photo of a previously conceived and sold Tastries cake, or (3) selects
4 a partially Styrofoam display cake on which to base their cake selections. According to Ms. Miller,
5 forty to fifty percent of Tastries “custom” cake orders are based on a picture of a preexisting cake.
6 Many other “custom” cake orders are based on one of the preexisting display cakes on exhibit at
7 Tastries.

8 22. Nor is it out of the ordinary for only one member of the marrying (or married)
9 couple—or neither member—to order a Tastries “custom” wedding cake. Indeed, wedding cakes are
10 often ordered with neither Ms. Miller nor a Tastries sales associate meeting both members of the
11 marrying (or married) couple. In the past, Tastries used order forms for custom wedding cakes that
12 did not request the names of both members of the marrying or married couple. Ms. Miller does not
13 meet every couple who orders a wedding cake. Tastries does not ask customers ordering a “custom”
14 wedding cake whether either member of the couple being celebrated has been divorced or has had a
15 child while unmarried. Tastries makes no attempt to obtain such information.

16 **Preordered or “Custom” Cake Baking Process (Baking and Decorating)**

17 23. Once a customer makes the necessary selections to complete the order process,
18 Tastries employees bake the preordered “custom” cake. The baking process differs depending on the
19 time demands Tastries faces. When busy, Tastries back-end employees divide the various tasks, with
20 each employee completing one step in the baking process. When business is slow at Tastries,
21 however, one employee or Ms. Miller can bake and decorate a preordered “custom” cake without
22 assistance. Many “custom” wedding cakes are made without Ms. Miller’s personal involvement.

23 24. Some of Tastries’ “custom” wedding cakes are not made from scratch. Tastries
24 purchases and uses box cake mix for certain of its cake flavors. Tastries buys and uses white and
25 chocolate buttercream frosting from a big box store.

26 **Preordered or “Custom” Cake Delivery**

27 25. Tastries will deliver its preordered or “custom” cakes, or customers may pick them up
28 from the bakery, including wedding cakes, rather than have them delivered. Tastries sometimes



1 delivers preordered or “custom” wedding cakes in vehicles bearing no marks identifying them as
2 Tastries vehicles. Tastries’ employees have delivered wedding cakes while wearing clothing not
3 marked in any manner identifying them as employees of Tastries. Tastries sometimes delivers
4 wedding cakes at a time when no guests or members of the wedding party are present. When leaving
5 the site after a wedding cake delivery, Tastries employees usually leave nothing behind that identifies
6 Tastries by name.

7 **Tastries Enforces a Policy to Deny Same-Sex Couples Full and Equal Services.**

8 26. Since Tastries opened in January 2013, Ms. Miller has enforced a policy to deny
9 same-sex couples wedding cakes and any other cake celebrating the marriage or anniversary of same-
10 sex couples. Ms. Miller admits Tastries has denied at least three same-sex couples’ requests for
11 Tastries wedding cakes since summer 2016.

12 27. Ms. Miller states she refuses to provide wedding cakes for same-sex couples
13 celebrating their marriages because it poses a “conflict with her fundamental Christian principles.”
14 Ms. Miller says she “is a practicing Christian and ... seeks to honor God in ... how she runs her
15 business.” Ms. Miller believes any preordered Tastries cake made for an event that celebrates a
16 same-sex couple’s marriage sends a message—whether or not any one knows the cake is from
17 Tastries—that Tastries is in agreement with the celebration—a message she is unwilling to send,
18 without exception.

19 28. When refusing to fill an order for a same-sex couple’s wedding cake, Ms. Miller
20 follows a policy of “referring” the order to a competitor bakery, Gimmee Some Sugar, by contacting
21 the other bakery’s owner and asking her to fill the order. Tastries has no written agreement with
22 Gimmee Some Sugar regarding these “referrals.” Ms. Miller does not know if the same-sex couples
23 she “referred” to Gimmee Some Sugar obtained their wedding cakes there. In November 2018, the
24 Kern County Public Health Services Department ordered Gimmee Some Sugar to close due to an
25 “active vermin infestation” after observing debris on its premises and a “gross amount of rodent
26 droppings in [its] kitchen and equipment/utensil storage area.”

27 29. Ms. Miller testified in the DFEH investigation that there are no circumstances under
28 which Tastries would knowingly provide full and equal wedding cake services to same-sex couples.



1 Ms. Miller stated under oath that it is “100 percent unacceptable” to her for Tastries to provide *any*
2 preordered “custom” cake for a same-sex wedding, or *any* event celebrating a couple’s same-sex
3 marriage, even if Ms. Miller were removed from the wedding cake ordering and baking process
4 altogether, the order was based on a preexisting copycat design, and Tastries employees
5 independently designed and baked same-sex wedding cakes using Tastries’ equipment. She further
6 testified that it would still be unacceptable to her even if she was removed from the design and
7 baking process altogether, and Tastries employees designed and baked same-sex wedding cakes on
8 their own time away from Tastries’ premises.

9 30. Ms. Miller testified, “Tastries and I are the same.” Thus, she would not agree to any
10 alternative under which Tastries or its employees are involved in baking preordered wedding cakes
11 for same-sex wedding celebrations. The only compromise she sees is her “accommodation” of
12 referring same-sex couples to Gimmee Some Sugar.

13 31. Ms. Miller has no policy against selling a Tastries premade case cake to be used to
14 celebrate a same-sex couple’s marriage, or against customizing such a Tastries cake with a written
15 message of congratulations to the same-sex couple.

16 32. Despite Tastries’ policy against providing preordered “custom” cakes for same-sex
17 weddings, Tastries has provided cakes for same-sex weddings several times. On one such occasion,
18 Tastries provided a preordered “custom” wedding cake for the wedding of Elena and Marissa
19 Delgado. Before visiting Tastries, the Delgados called three other bakeries, all of which either said
20 they did not have time to fill the Delgados’ last-minute wedding cake order or identified a price the
21 Delgados considered too high.

22 33. When the Delgados visited Tastries to order their wedding cake, they selected a design
23 nearly identical to one of the partially Styrofoam display cakes then exhibited at Tastries. Tastries
24 created the cake per the design the Delgados selected and ordered. Ms. Miller testified she saw and
25 approved the order form for the Delgados’ wedding cake without realizing it was for a wedding—in
26 fact, believing it was probably for a birthday or quinceañera because of the design. Elena Delgado
27 and her parents were present when the Tastries cake was delivered, but no wedding guests were at the
28 venue. The Tastries employee who delivered the cake left nothing behind that identified Tastries by



1 name. Ms. Miller stated she did not know what message, if any, Tastries sent by providing the
2 Delgados' wedding cake, nor did she know what message, if any, the Delgados' wedding guests
3 received when they viewed the cake.

4 **Tastries Denied the Rodriguez-Del Rios Full and Equal Services.**

5 34. Complainants Eileen and Mireya Rodriguez-Del Rio met in the late 1990s at
6 Bakersfield College, and built a close and strong friendship before falling in love and becoming a
7 couple in 2015. They married in December 2016, in an intimate ceremony before their immediate
8 family, and set a date of October 7, 2017, for a vow exchange and traditional wedding reception with
9 over 100 guests.

10 35. Part of the couple's wedding reception planning process included preordering a
11 wedding cake. After tastings at other bakeries, including Gimmee Some Sugar, Eileen and Mireya
12 continued looking for a bakery from which to order their cake.

13 36. The Rodriguez-Del Rios visited Tastries on August 17, 2017, to see sample wedding
14 cakes and potentially order a cake. A Tastries' employee named Rosemary Perez met with the
15 couple, showed them display cakes in the bakery, and recorded the selections of the cake they wanted
16 to order.

17 37. Eileen and Mireya selected a simple cake design based on an existing display cake
18 then exhibited at Tastries. They did not request an original or unique custom cake, and did not
19 consider the cake they selected to be a custom cake. Eileen and Mireya did not want or request any
20 written words or messages on their cake. They wanted their cake to look just like the preexisting
21 display cake they identified to Ms. Perez. Ms. Perez quoted Eileen and Mireya a price of \$260 for
22 the cake, a price they found appealing. Although ready to order the cake then, Ms. Perez suggested
23 the Rodriguez-Del Rios taste Tastries cakes, frostings and fillings before confirming their order, and
24 she signed them up for a tasting scheduled for August 26, 2017.

25 38. On August 26, 2017, Mireya, Eileen, and Eileen's mom joined Mireya's man of honor
26 and his partner at Tastries, and Ms. Perez greeted them. Ms. Perez immediately apologized to
27 Mireya, and informed her that her boss was taking over their order.



1 39. Ms. Miller approached the Rodriguez-Del Rio party, directed them to the back of the
2 store, and asked what they were looking to order. Eileen explained they were there for a tasting and
3 to place a wedding cake order. Ms. Miller provided the couple a clipboard and order form, which
4 Eileen began filling out. Eileen questioned why Ms. Miller needed this information since they
5 already provided their selections to Ms. Perez.

6 40. Directing her question to Mireya's man of honor and his partner, Ms. Miller asked
7 "which one of you is the groom?" Eileen responded, "me," and the man of honor pointed to Eileen
8 and said, "she is." Ms. Miller followed up with a few more questions about the couple's wedding
9 venue, which they reserved a year earlier.

10 41. Ms. Miller then told the couple she would provide their order to Stephanie at Gimmee
11 Some Sugar because she does not condone same-sex marriage. Confused, Eileen asked for
12 clarification about to whom Ms. Miller planned to give their order, and Mireya said she was under the
13 impression that Tastries would make their wedding cake. Ms. Miller advised the couple that because
14 she does not condone same-sex marriage, she regularly sends same-sex couples' wedding cake orders
15 to Gimmee Some Sugar. Ms. Miller's statements shocked Eileen and Mireya. She never mentioned
16 her religion nor any specific reasons for why she did not condone same-sex marriage.

17 42. Stunned, hurt, and offended by Ms. Miller's refusal to serve them based solely on their
18 sexual orientation, the Rodriguez-Del Rios and their friends and Eileen's mother left. Still in shock,
19 the party drove by Gimmee Some Sugar, but Eileen realized she had already tasted its cakes and
20 decided against ordering a cake from there.

21 43. Eileen and Mireya did not know what to do. They tried to get their minds off the
22 discrimination they had just endured, and decided to run an errand. As the couple sat in a parking lot
23 however, a rush of emotion overwhelmed Mireya, and she cried for nearly half an hour as Eileen
24 attempted to comfort her. Mireya's nose started to bleed—which was completely out of the
25 ordinary—and she got a headache. Although she tried to contain her emotions, Eileen later broke
26 down, and her emotional anguish aggravated her rheumatoid arthritis.

27 44. Tastries' explicit refusal to sell the Rodriguez-Del Rios a wedding cake because they
28 intended to celebrate their wedding so devastated the couple that they considered purchasing a



1 premade, non-wedding cake from a grocery or big box store. Once exciting, planning their wedding
2 reception became a painful and emotionally upsetting process.

3 **FIRST CAUSE OF ACTION**

4 **Discrimination in a Business Establishment on the Basis of Sexual Orientation** 5 **in Violation of the Unruh Civil Rights Act** 6 **(Civil Code section 51 et seq.; Government Code section 12948)** 7 **[Against All Defendants]**

8 45. The DFEH realleges and incorporates by reference each allegation contained in all
9 preceding paragraphs as if fully set forth herein.

10 46. FEHA, Government Code section 12948, provides, in pertinent part, that “[i]t is an
11 unlawful practice under this part for a person to deny or to aid, incite, or conspire in the denial of the
12 rights created by Section 51 ... of the Civil Code.”

13 47. The Unruh Act, Civil Code section 51, subdivision (b), provides: “All persons within
14 the jurisdiction of this state are free and equal, and no matter what their ... sexual orientation ... are
15 entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all
16 business establishments of every kind whatsoever.”

17 48. Defendants failed to provide the Rodriguez-Del Rios with full and equal services by
18 engaging in discrimination based on sexual orientation when they denied real parties wedding cake
19 services, as described above, in violation of Civil Code section 51, subdivision (b), and Government
20 Code section 12948.

21 49. As a direct and proximate result of defendants’ unlawful practices, the Rodriguez-Del
22 Rios suffered actual damages, out-of-pocket expenses, and loss of a discrimination-free business
23 establishment.

24 50. As a further direct and proximate result of defendants’ unlawful discrimination, the
25 Rodriguez-Del Rios suffered embarrassment, public humiliation, and emotional distress, including
26 but not limited to, damage to their dignity and self-esteem, anxiety, stress, anger, frustration, and
27 injury in an amount to be proven at the time of trial.

28 51. Defendants’ conduct, as alleged herein, was egregious, deliberate, willful, intentional,
malicious, oppressive, fraudulent, and taken in conscious disregard of the rights of the Rodriguez-Del



1 Rios, as defined in Civil Code section 3294, entitling them to an award of exemplary and punitive
2 damages.

3 52. Defendants, as herein alleged, have engaged in, and by their conduct will continue to
4 engage in, a pattern or practice of unlawful discrimination in public accommodations unless they are
5 enjoined from failing or refusing to comply with mandates of the Unruh Act and FEHA.

6 53. Unless defendants are enjoined from failing or refusing to comply with the mandates
7 of the Unruh Act and FEHA, the right of the Rodriguez-Del Rios and other persons to enjoy a public
8 accommodation or business establishment free of unlawful discrimination will continue to be
9 violated.

10 54. The DFEH lacks any plain, speedy, adequate remedy at law to prevent such harm,
11 injury, and loss, which will continue until this Court enjoins the complained of unlawful conduct and
12 grants other affirmative relief as prayed for herein.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE, IT IS PRAYED** that this court find that defendants violated the Unruh
15 Civil Rights Act and FEHA, and order each of them to provide the following relief:

16 1. Immediately cease and desist from discriminating against the Rodriguez-Del Rios and
17 other customers celebrating same-sex weddings and marriages;

18 2. Immediately cease and desist from selling to anyone any item they are unwilling to
19 sell, on an equal basis, to members of any protected group under the Unruh Act;

20 3. Maintain a public accommodation and/or business establishment free of
21 discrimination;

22 4. Within 30 days of entry of judgment, develop (or revise current policies as necessary)
23 implement, and distribute to all current and prospective employees of defendants (a) a written policy
24 regarding the eradication and prevention of discrimination on the basis of sexual orientation and all
25 other protected classes consistent with the Unruh Act and FEHA as most recently amended, and
26 (b) specific written procedures by which customers and employees may report incidents of
27 discrimination;



1 5. Submit an annual report to the DFEH for five years identifying any services
2 defendants deny to customers based on free speech or religious grounds, and summarizing and
3 providing copies of any complaints of discrimination from customers or employees;

4 6. Conduct or obtain a minimum of two hours of in person training annually for a period
5 of five years on complying with the Unruh Act, including training on the policies and procedures
6 described in paragraph 5 of the Prayer for Relief above, at defendants' own expense, for all
7 defendants' employees (including Ms. Miller);

8 7. Post, for five years, in a conspicuous place (where employees and patrons congregate)
9 at Tastries the policies and procedures described in paragraph 5 of the Prayer for Relief, above,
10 within 30 days of entry of judgment;

11 8. Post, for five years, in a conspicuous place (where employees and patrons congregate)
12 at Tastries the DFEH's Unruh Civil Rights Act Fact Sheets (DFEH-U01P(A)-ENG and DFEH-
13 U01P(A)-SP), which can be found at the following internet address,
14 https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_UnruhFactSheet.pdf, within 30
15 days of entry of judgment;

16 9. Provide a copy of the DFEH's Public Access Discrimination and Civil Rights (Unruh
17 brochures DFEH-U02B-ENG and DFEH-U02B-SP, which are found at the following web address,
18 https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/12/DFEH_UnruhPamphlet.pdf,
19 to each Tastries employee, within 30 days of the court's order, and also make said brochures
20 available to customers of Tastries within 30 days of entry of judgment;

21 10. Provide written proof to the court and the DFEH of the nature and extent of
22 defendants' compliance with all requirements of the court's order within 100 days of the effective
23 date of the court's order;

24 11. Jointly and severally pay to the Rodriguez-Del Rios actual damages, including but not
25 limited to their out-of-pocket damages, expenses incurred in filing and pursuing their complaint of
26 discrimination, and emotional distress damages for each Unruh Act violation up to a maximum of
27 three times the actual damages but in no case less than \$4,000 per offense, plus interest thereon;

28 12. Pay punitive damages according to proof;



- 1 13. Pay to the DFEH its costs of suit, including its reasonable attorney fees and expert
2 witness fees;
3 14. Provide such other relief as the court deems just and proper.
4

5 Dated: November 29, 2018

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

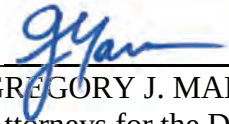
JANETTE WIPPER
Chief Counsel

PAULA PEARLMAN
Assistant Chief Counsel

GREGORY J. MANN
Senior Staff Counsel

TIMOTHY MARTIN
Staff Counsel

14 By:



GREGORY J. MANN
Attorneys for the Department of Fair
Employment and Housing



EXHIBIT 2

Document received by the CA 5th District Court of Appeal.

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Attorneys for Plaintiff, DFEH

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
SUPPLEMENTAL RESPONSE TO
DEFENDANT TASTRIES' CORRECTED
AMENDED FORM INTERROGATORIES
TO PLAINTIFF DFEH, SET ONE**

Action filed: October 17, 2018
Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANT CATHY'S CREATIONS, INC. d/b/a TASTRIES

RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

SET NO.: ONE

1 Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
2 and pursuant to Code of Civil Procedure section 2030.210 et seq. and 2033.710 et seq., hereby responds
3 to Defendant Tastries' Corrected Amended Form Interrogatories to Plaintiff DFEH, Set One as follows:

4 **PRELIMINARY STATEMENT**

5 DFEH's responses are based upon its discovery and investigation to date and reflects the
6 collective knowledge of different individuals within DFEH that has been compiled in a good faith effort.
7 To the extent that additional information comes to DFEH's attention that augments or otherwise
8 modifies its current understanding of the facts of this case, DFEH reserves the right to modify its
9 responses, accordingly.

10 These responses are provided on behalf of DFEH only, which is the plaintiff in this matter.
11 Defendant's interrogatories may be directed only to a party to the action. (Code Civ. Proc., § 2030.010;
12 *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real
13 party in interest is generally defined as 'any person or entity whose interest will be directly affected by
14 the proceeding.'" (citation omitted)].) Information sought from a real party in interest is more
15 appropriately sought through deposition. As the plaintiff, DFEH represents the interests of the People of
16 the State of California and pursues relief on behalf of the real party in interest. (Gov. Code, § 12929.)
17 DFEH does not formally represent the real parties in interest Mireya and Eileen Rodriguez-Del Rio
18 (Real Parties). (See Gov. Code, §§ 12981 and 12989 [Real Party has right to intervene in the
19 administrative or civil litigation].) However, pursuant to Rule 1.6 of the California Rules of Professional
20 Conduct and Business and Professions Code section 6068, subdivision (e), DFEH has a de-facto
21 attorney-client relationship with the Real Parties.

22 Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts
23 and law relating to this case. The responses set forth herein are based upon the records and information
24 available to DFEH at the time of the preparation of these responses and are true and correct to the best
25 knowledge of DFEH as of this date. The responses set forth herein are provided without prejudice to
26 DFEH's right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise change
27 or amend the responses herein. DFEH specifically reserves the right, at the time of hearing or trial, to
28 introduce any evidence that may be obtained or identified from any source.

1 DFEH bases these responses on the express statement, included in the statute, that defendant
2 does not request information privileged from disclosure by law or otherwise made confidential or
3 protected against discovery by any applicable privilege, doctrine, or immunity including, without
4 limitation, the right to privacy under the California and U.S. Constitutions and any other state or federal
5 law, any privilege relating to confidential conciliation, the official-information privilege, informant
6 privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring
7 defendants to meet evidentiary requirements before responses are required for discovery seeking
8 information about prosecutors exercise of their discretion. DFEH will not provide any such confidential
9 or privileged information in response to any interrogatory that seeks it and will herein and at hearing
10 object thereto and assert the applicable privileges to the fullest extent provided by law. Any response
11 that inadvertently provides such confidential or privileged information shall not be deemed to waive the
12 applicable privilege, doctrine, confidentiality, privacy, or immunity.

13 This preliminary statement applies to, and is incorporated by reference in, each response set
14 forth herein. Any reference to a preceding or subsequent response incorporates by reference both the
15 information and objections set forth in the referenced response.

16 **GENERAL OBJECTIONS**

17 1. DFEH objects generally to each interrogatory that seeks matter that is irrelevant or
18 immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of
19 admissible evidence.

20 2. DFEH objects to each interrogatory insofar as it imposes an unreasonable burden upon
21 DFEH.

22 3. DFEH generally objects to each interrogatory insofar as it is vague, uncertain, and not
23 specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the
24 interrogatories but will attempt to respond thereto as can reasonably be understood to pertain to specific
25 and identifiable documentation or material which is relevant to the action.

26 4. DFEH objects generally to each interrogatory insofar as it calls for material that is
27 unreasonably difficult to identify, locate, or produce at this stage in the litigation.
28

1 5. DFEH objects to each interrogatory on the grounds that such interrogatories are
2 oppressive and overbroad, seek information that is irrelevant to the subject matter of this action and not
3 reasonably calculated to lead to the discovery of admissible evidence, and the compilation of such
4 information would be unduly burdensome.

5 6. DFEH objects generally to each interrogatory insofar as it calls for information already
6 within the possession of defendants and/or defendant's counsel.

7 7. DFEH objects generally to each interrogatory insofar as it requires DFEH and its
8 counsel to give information that is equally available to defendant to collect, compile, or otherwise
9 collate information therefrom. Defendant is not entitled to have DFEH prepare defendant's case.

10 8. DFEH objects generally to each interrogatory insofar as it calls for information that is
11 not within its possession, custody, or control.

12 9. DFEH objects generally to each interrogatory to the extent that the interrogatories call
13 for speculation and are not susceptible to responses based on fact.

14 10. All responses are provided notwithstanding and without any waiver of these general
15 objections applicable to all interrogatories.

16 11. DFEH objects to these requests to the extent they are unreasonably cumulative or
17 duplicative of previously propounded requests. (Code Civ. Proc., § 2019.030 subd., (a)(1).)

18 12. DFEH objects to each interrogatory to the extent it seeks information protected by the
19 attorney-client privilege (Evid. Code, § 950 et seq.), attorney work-product doctrine, and conciliation
20 privilege (Gov. Code, § 12963.7).

21 13. DFEH objects to each interrogatory to the extent it seeks information protected by the
22 official information privilege (Evid. Code, § 1040) and informant privilege (*id.* § 1041).

23 14. DFEH objects to each interrogatory to the extent it seeks to invade privacy in violation
24 of the United States Constitution, California Constitution, and Information Practices Act. (Cal. Const.
25 Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

26 15. DFEH objects to each interrogatory to the extent it invades copyright protections.

27 ///

28 ///

1 16. DFEH objects to defendant's definition of "REAL PARTIES IN INTEREST OR
2 ANYONE ACTING ON THEIR BEHALF"¹ as including Real Parties' and DFEH attorneys. Pursuant
3 to Rule 1.6 of the California Rules of Professional Conduct and Business and Professions Code section
4 6068, subdivision (e), DFEH has a de-facto attorney-client relationship with the Real Parties. As such,
5 interrogatories using this definition seek information protected from discovery by the official
6 information privilege, informant privilege, attorney work-product doctrine, attorney-client privilege,
7 and Information Practices Act.

8 **GENERAL RESPONSE**

9 DFEH objects to each interrogatory to the extent it seeks information protected by the attorney-
10 client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the conciliation
11 privilege (Gov. Code, § 12963.7.) DFEH incorporates these objections into its specific responses below.

12 Subject to the foregoing preliminary statement, general objections and general response
13 applicable to all interrogatories and without any waiver of these general objections and general response
14 applicable to all interrogatories, DFEH hereby further responds to Defendant Tastries' Corrected
15 Amended Form Interrogatories to Plaintiff DFEH, Set One, as follows:

16 **AMENDED RESPONSES TO FORM INTERROGATORIES**

17 **AMENDED FORM INTERROGATORY NO. 1.1:**

18 State the name, ADDRESS, telephone number, and relationship to Real Parties in Interest of
19 each PERSON who prepared or assisted in the preparation of the responses to these interrogatories. (Do
20 not Identify anyone who simply typed or reproduced the responses.)

21 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 1.1:**

22 Real Parties; their counsel Patricia Ziegler-Lopez; DFEH counsel Paula Pearlman, Gregory
23 Mann, and Jeanette Hawn; and DFEH District Administrator Patrice Doehrn.

24 **AMENDED FORM INTERROGATORY NO. 2.1:**

25 State:

26 (a) Real Parties in Interest's name(s);

27 ¹ Defendant further defines "REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR
28 BEHALF" to include "Real Parties in Interest, their agents, their employees, their insurance companies,
their attorneys, their accountants, their investigators, and anyone else acting on their behalf."

(b) every name they have used in the past; and

(c) the dates they used each name.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.1:

Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is more appropriately sought through deposition. Plaintiff further objects that this interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant to these objections, plaintiff declines to respond.

AMENDED FORM INTERROGATORY NO. 2.2:

State the date and place of Real Parties in Interest's birth.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.2:

Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is more appropriately sought through deposition. Plaintiff further objects that this interrogatory invades the Real Parties' constitutional right to privacy. Plaintiff further objects that this interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant to these objections, plaintiff declines to respond.

AMENDED FORM INTERROGATORY NO. 2.5:

State:

(a) Real Parties in Interest's present residence ADDRESS;

(b) their residence ADDRESSES for the past five years; and

(c) the dates they lived at each ADDRESS.

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.5:**

2 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
3 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
4 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
5 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
6 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
7 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
8 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
9 to these objections, plaintiff declines to respond. Real Parties may be contacted through DFEH counsel
10 or their counsel Patricia Ziegler-Lopez.

11 **AMENDED FORM INTERROGATORY NO. 2.6:**

12 State:

- 13 (a) the name, ADDRESS, and telephone number of Real Parties in Interest's present
14 employer or place of self-employment; and
15 (b) the name, ADDRESS, dates of employment, job title, and nature of work for each
16 employer or self-employment they have had from five years before the INCIDENT until
17 today.

18 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.6:**

19 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
20 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
21 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
22 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
23 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
24 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
25 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
26 to these objections, plaintiff declines to respond. DFEH additionally objects to this interrogatory on the
27 grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
28 oppressive, and vague and ambiguous in the context of this interrogatory.

1 **SUPPLEMENTAL RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.6:**

2 Subject to and without waiving the foregoing objections and privileges and after a reasonable
3 and good-faith effort to obtain the requested information, DFEH responds as follows:

4 Eileen Rodriguez-Del Rio has worked as a laminator doing SpryStep® for Townsend Design,
5 4615 Shepard Street, Bakersfield since June 2019. She also works as a team member doing fulfillment
6 at Target, 9100 Rosedale Highway Bakersfield since November 2016. Over the past five years she also
7 worked as a service supervisor doing service operations, at Stericycle in Hayward, California from
8 2005 to 2016.

9 For more than the last five years Mireya Rodriguez-Del Rio has worked for Kern Community
10 College District as a Child Development Center Teacher, planning and developing appropriate
11 activities and supervising staff and children under the age of five in Bakersfield.

12 **AMENDED FORM INTERROGATORY NO. 2.7:**

13 State:

- 14 (a) the name and ADDRESS of each school or other academic or vocational institution Real
15 Parties in Interest have attended, beginning with high school;
16 (b) the dates they attended;
17 (c) the highest grade level they have completed; and
18 (d) the degrees received.

19 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.7:**

20 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
21 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
22 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
23 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
24 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
25 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
26 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
27 to these objections, plaintiff declines to respond.
28

1 **SUPPLEMENTAL RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.7:**

2 Subject to and without waiving the foregoing objections and privileges and after a reasonable
3 and good-faith effort to obtain the requested information, DFEH responds as follows:

4 Eileen Rodriguez-Del Rio graduated from South High School in Bakersfield in 1987. She
5 received an Associate of Science degree in or around 1998 and an Associate of Arts degree in 2004
6 from Bakersfield College in Bakersfield, California. She also attended California State University
7 Bakersfield in or around 2005.

8 Mireya Rodriguez-Del Rio graduated from San Pedro High School in San Pedro, California in
9 1995. She earned an Associate of Science degree in 2000 and an Associate of Arts degree in 2001 from
10 Bakersfield College. She attended California State University Bakersfield from approximately fall 2001
11 until approximately fall 2002.

12 **AMENDED FORM INTERROGATORY NO. 2.8:**

13 Have Real Parties in Interest ever been convicted of a felony? If so, for each conviction state:

- 14 (a) the city and state where they were convicted;
15 (b) the date of conviction;
16 (c) the offense; and
17 (d) the court and case number.

18 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.8:**

19 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
20 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
21 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
22 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
23 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
24 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
25 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
26 to these objections, plaintiff declines to respond.

27 ///

28 ///

1 **SUPPLEMENTAL RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.8:**

2 Subject to and without waiving the foregoing objections and privileges and after a reasonable
3 and good-faith effort to obtain the requested information, DFEH responds as follows:

4 No.

5 **AMENDED FORM INTERROGATORY NO. 2.9:**

6 Can Real Parties in Interest speak English with ease? If not, what language and dialect do they
7 normally use?

8 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.9:**

9 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code
10 Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
11 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
12 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
13 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
14 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
15 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
16 to these objections, plaintiff declines to respond.

17 **AMENDED FORM INTERROGATORY NO. 2.10:**

18 Can Real Parties in Interest read and write English with ease? If not, what language and dialect
19 do they normally use?

20 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.10:**

21 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
22 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
23 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
24 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
25 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
26 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
27 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
28 to these objections, plaintiff declines to respond.

1 **AMENDED FORM INTERROGATORY NO. 2.11:**

2 At the time of the INCIDENT were Real Parties in Interest acting as an agent or employee for
3 any PERSON? If so, state:

4 (a) the name, ADDRESS, and telephone number of that PERSON: and

5 (b) a description of their duties.

6 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.11:**

7 DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of
8 discovery in that the information sought is irrelevant to the subject matter of this action and the
9 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
10 Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the grounds that the term
11 “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and
12 vague and ambiguous in the context of this interrogatory.

13 Subject to and without waiving the foregoing objections and privileges and after a reasonable
14 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this
15 interrogatory as framed, DFEH responds as follows:

16 No.

17 **AMENDED FORM INTERROGATORY NO. 2.12:**

18 At the time of the INCIDENT did Real Parties in Interest or any other person have any physical,
19 emotional, mental disability or condition that may have contributed to the occurrence of the
20 INCIDENT? If so, for each person state:

21 (a) the name, ADDRESS, and telephone number;

22 (b) the nature of the disability or condition; and

23 (c) the manner in which the disability or condition contributed to the occurrence of the
24 INCIDENT.

25 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.12:**

26 Plaintiff objects that Defendant’s interrogatories may be directed only to parties to the action.
27 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
28 Cal.App.4th 1188, 1197 [“A real party in interest is generally defined as ‘any person or entity whose

1 interest will be directly affected by the proceeding.’’ (citation omitted)].) Information sought from real
2 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
3 interrogatory invades Real Parties’ constitutional right to privacy. Plaintiff further objects that this
4 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. DFEH
5 objects to this interrogatory as vague and ambiguous as to the term “any other person” such that DFEH
6 cannot reasonably determine what that term refers to for purposes of this interrogatory. DFEH further
7 objects to this interrogatory on the grounds it is overbroad and exceeds the permissible scope of
8 discovery in that the information sought is irrelevant to the subject matter of this action and information
9 is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
10 2017.010.) Due to the overbreadth of this interrogatory, DFEH also object to this interrogatory as
11 serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the
12 right to privacy of personal sensitive and confidential information under the United States Constitution,
13 California Constitution, and Information Practices Act. DFEH further objects to this interrogatory to
14 the extent it asks Real Parties’ to speculate about “any other person[’s] ... physical, emotional, mental
15 disability or condition.” DFEH additionally objects to this interrogatory on the grounds that the term
16 “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and
17 vague and ambiguous in the context of this interrogatory.

18 Subject to and without waiving the foregoing objections and privileges and after a reasonable
19 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this
20 interrogatory as framed, DFEH responds as follows:

21 No.

22 **AMENDED FORM INTERROGATORY NO. 2.13:**

23 Within 24 hours before the INCIDENT did Real Parties in Interest or any person involved in the
24 INCIDENT use or take any of the following substances: alcoholic beverage, marijuana, or other drug or
25 medication of any kind (prescription or not)? If so, for each person state:

- 26 (a) the name, ADDRESS, and telephone number;
27 (b) the nature or description of each substance;
28 (c) the quantity of each substance used or taken;

- 1 (d) the date and time of day when each substance was used or taken;
2 (e) the ADDRESS where each substance was used or taken;
3 (f) the name, ADDRESS, and telephone number of each person who was present when each
4 substance was used or taken;
5 (g) the name, ADDRESS, and telephone number of any HEALTH CARE PROVIDER who
6 prescribed or furnished the substance and the condition for which it was prescribed or
7 furnished.

8 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 2.13:**

9 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
10 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
11 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
12 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
13 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
14 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
15 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. DFEH
16 objects to this interrogatory as vague and ambiguous as to the term "any other person" such that DFEH
17 cannot reasonably determine what that term refers to for purposes of this interrogatory. DFEH further
18 objects to this interrogatory on the grounds it is overbroad and exceeds the permissible scope of
19 discovery in that the information sought is irrelevant to the subject matter of this action and information
20 is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
21 2017.010.) Due to the overbreadth of this interrogatory, DFEH also object to this interrogatory as
22 serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the
23 right to privacy of personal sensitive and confidential information under the United States Constitution,
24 California Constitution, and Information Practices Act. DFEH additionally objects to this interrogatory
25 on the grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly
26 burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

27 ///

28 ///

1 Subject to and without waiving the foregoing objections and privileges and after a reasonable
2 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this
3 interrogatory as framed, DFEH responds as follows:

4 No.

5 **AMENDED FORM INTERROGATORY NO. 6.1:**

6 Do Real Parties in Interest attribute any physical, mental, or emotional injuries to the
7 INCIDENT? (If their answer is "no," do not answer Special Interrogatories 6.2 through 6.7).

8 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.1:**

9 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
10 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
11 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
12 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
13 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
14 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
15 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. DFEH
16 objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the
17 information sought is irrelevant to the subject matter of this action and the information is not
18 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
19 DFEH further objects to this interrogatory on the grounds that it seeks information protected by the
20 right to privacy of personal sensitive and confidential information under the United States Constitution,
21 California Constitution, and Information Practices Act. DFEH objects to this interrogatory on the
22 grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
23 oppressive, and vague and ambiguous in the context of this interrogatory.

24 Subject to and without waiving the foregoing objections and privileges and after a reasonable
25 and good-faith effort to obtain the requested information, DFEH responds as follows:

26 Real Parties suffered emotional distress. DFEH does not seek damages for any physical, mental
27 or emotional injuries suffered by Real Parties because of the INCIDENT. DFEH seeks only statutory
28 damages for each Real Party under Civil Code section 52, subdivision (a).

1 **AMENDED FORM INTERROGATORY NO. 6.2:**

2 Identify each injury Real Parties in Interest attribute to the INCIDENT and the area of their
3 body affected.

4 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.2:**

5 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
6 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
7 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
8 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
9 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
10 interrogatory invades Real Parties' constitutional right to privacy. DFEH objects to this interrogatory as
11 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
12 to the subject matter of this action and the information is not reasonably calculated to lead to the
13 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
14 interrogatory on the grounds that it seeks information protected by the right to privacy of personal
15 sensitive and confidential information under the United States Constitution, California Constitution,
16 and Information Practices Act. DFEH objects to this interrogatory on the grounds that the term
17 "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and
18 vague and ambiguous in the context of this interrogatory.

19 Subject to and without waiving the foregoing objections and privileges and after a reasonable
20 and good-faith effort to obtain the requested information, DFEH responds as follows:

21 Real Parties suffered emotional distress. DFEH does not seek damages for any physical, mental
22 or emotional injuries suffered by Real Parties because of the INCIDENT. DFEH seeks only statutory
23 damages for each Real Party under Civil Code section 52, subdivision (a).

24 **AMENDED FORM INTERROGATORY NO. 6.3:**

25 Do Real Parties in Interest still have any complaints that their [sic] attribute to the INCIDENT?
26 If so, for each complaint state:

27 (a) a description;
28

1 (b) whether the complaint is subsiding, remaining the same, or becoming worse;

2 (c) the frequency and duration.

3 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.3:**

4 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
5 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
6 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
7 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
8 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
9 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
10 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
11 to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and
12 exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject
13 matter of this action and the information is not reasonably calculated to lead to the discovery of
14 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds
15 that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
16 oppressive, and vague and ambiguous in the context of this interrogatory.

17 Subject to and without waiving the foregoing objections and privileges and after a reasonable
18 and good-faith effort to obtain the requested information, DFEH responds as follows:

19 (a) Real Parties suffered emotional distress.

20 (b) The emotional distress continues.

21 DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real
22 Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil
23 Code section 52, subdivision (a).

24 **AMENDED FORM INTERROGATORY NO. 6.4:**

25 Did Real Parties in Interest receive any consultation or examination (except from expert
26 witnesses covered by Code of Civil Procedure, § 2034) or treatment from a HEALTH CARE
27 PROVIDER for any injury they attribute to the INCIDENT? If so, for each HEALTH CARE
28 PROVIDER state:

- 1 (a) the name, ADDRESS, and telephone number;
2 (b) the type of consultation, examination, or treatment provided;
3 (c) the dates you received consultation, examination, or treatment;
4 (d) the charges to date.

5 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.4:**

6 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
7 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
8 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
9 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
10 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
11 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
12 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
13 to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and
14 exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject
15 matter of this action and the information is not reasonably calculated to lead to the discovery of
16 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds
17 that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
18 oppressive, and vague and ambiguous in the context of this interrogatory.

19 Subject to and without waiving the foregoing objections and privileges and after a reasonable
20 and good-faith effort to obtain the requested information, DFEH responds as follows:

21 DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real
22 Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil
23 Code section 52, subdivision (a).

24 **AMENDED FORM INTERROGATORY NO. 6.5:**

25 Have Real Parties in Interest taken any medication, prescribed or not, as a result of injuries that
26 they attribute to the INCIDENT? If so, for each medication state:

- 27 (a) the name;
28 (b) the PERSON who prescribed or furnished it;

- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it;
- (e) the cost to date.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.5:

Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is more appropriately sought through deposition. Plaintiff further objects that this interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil Code section 52, subdivision (a).

AMENDED FORM INTERROGATORY NO. 6.6:

Are there any other medical services necessitated by the injuries that Real Parties in Interest attribute to the INCIDENT that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;

(c) the cost;

(d) the name, ADDRESS, and telephone number of each provider.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.6:

Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is more appropriately sought through deposition. Plaintiff further objects that this interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil Code section 52, subdivision (a).

AMENDED FORM INTERROGATORY NO. 6.7:

Has any HEALTH CARE PROVIDER advised that Real Parties in Interest may require future or additional treatment for any injuries that they attribute to the INCIDENT? If so, for each injury state:

(a) the name and ADDRESS of each HEALTH CARE PROVIDER;

(b) the complaints for which the treatment was advised;

(c) the nature, duration, and estimated cost of the treatment.

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 6.7:**

2 Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action.
3 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
4 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
5 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
6 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
7 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
8 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
9 to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and
10 exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject
11 matter of this action and the information is not reasonably calculated to lead to the discovery of
12 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds
13 that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
14 oppressive, and vague and ambiguous in the context of this interrogatory.

15 Subject to and without waiving the foregoing objections and privileges and after a reasonable
16 and good-faith effort to obtain the requested information, DFEH responds as follows:

17 DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real
18 Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil
19 Code section 52, subdivision (a).

20 **AMENDED FORM INTERROGATORY NO. 7.1:**

21 Do Real Parties in Interest attribute any loss of or damage to a vehicle or other property to the
22 INCIDENT? If so, for each item of property:

- 23 (a) describe the property;
- 24 (b) describe the nature and location of the damage to the property;
- 25 (c) state the amount of damage they are claiming for each item of property and how the
26 amount was calculated; and
- 27 (d) if the property was sold, state the name, ADDRESS, and telephone number of the seller,
28 the date of sale, and the sale price.

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 7.1:**

2 Form Interrogatory Numbers 7.1 through 7.4 concern property damage, which is not alleged in
3 this case. DFEH accordingly objects to this interrogatory as overbroad and exceeding the permissible
4 scope of discovery in that the information sought is irrelevant to the subject matter of this action and
5 the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
6 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also object to this interrogatory
7 as serving no purpose other than to harass. (*Ibid.*) DFEH additionally objects to this interrogatory on
8 the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly
9 burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

10 Subject to and without waiving the foregoing objections and privileges and after a reasonable
11 and good-faith effort to obtain the requested information, DFEH responds as follows:

12 No.

13 **AMENDED FORM INTERROGATORY NO. 7.2:**

14 Has a written estimate or evaluation been made for any item of property referred to in Real
15 Parties in Interest’s answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- 16 (a) the name, ADDRESS, and telephone number, of the PERSON who prepared it and the
17 date prepared;
18 (b) the name, ADDRESS, and telephone number of each PERSON who has a copy of it;
19 and
20 (c) the amount of damage stated.

21 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 7.2:**

22 Form Interrogatory Numbers 7.1 through 7.4 concern property damage, which is not alleged in
23 this case. DFEH accordingly objects to this interrogatory as overbroad and exceeding the permissible
24 scope of discovery in that the information sought is irrelevant to the subject matter of this action and
25 the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
26 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also object to this interrogatory
27 as serving no purpose other than to harass. (*Ibid.*) DFEH additionally objects to this interrogatory on
28

1 the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly
2 burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

3 Subject to and without waiving the foregoing objections and privileges and after a reasonable
4 and good-faith effort to obtain the requested information, DFEH responds as follows:

5 No.

6 **AMENDED FORM INTERROGATORY NO. 7.3:**

7 Has any item of property referred to in Real Parties in Interest’s answer to interrogatory 7.1
8 been repaired? If so, for each item state:

- 9 (a) the date repaired;
10 (b) a description of the repair;
11 (c) the repair cost;
12 (d) the name, ADDRESS, and telephone number of the PERSON who repaired it;
13 (e) the name, ADDRESS, and telephone number of the PERSON who paid for the repair.

14 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 7.3:**

15 Form Interrogatory Numbers 7.1 through 7.4 concern property damage, which is not alleged in
16 this case. DFEH accordingly objects to this interrogatory as overbroad and exceeding the permissible
17 scope of discovery in that the information sought is irrelevant to the subject matter of this action and
18 the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
19 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also object to this interrogatory
20 as serving no purpose other than to harass. (*Ibid.*) DFEH additionally objects to this interrogatory on
21 the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly
22 burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

23 Subject to and without waiving the foregoing objections and privileges and after a reasonable
24 and good-faith effort to obtain the requested information, DFEH responds as follows:

25 No.

26 **AMENDED FORM INTERROGATORY NO. 8.1:**

27 Do Real Parties in Interest attribute any loss of income or earning capacity to the INCIDENT?
28 (*If their answer is “no,” do not answer interrogatories 8.2 through 8.8).*

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.1:**

2 DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of
3 discovery in that the information sought is irrelevant to the subject matter of this action and not
4 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
5 DFEH objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant
6 herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
7 interrogatory.

8 Subject to and without waiving the foregoing objections and privileges and after a reasonable
9 and good-faith effort to obtain the requested information, DFEH responds as follows:

10 No.

11 **AMENDED FORM INTERROGATORY NO. 8.2:**

12 State:

- 13 (a) the nature of Real Parties in Interest’s work;
14 (b) their job title at the time of the INCIDENT;
15 (c) the date their employment began.

16 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.2:**

17 Not applicable (see response to Amended Form Interrogatory No. 8.1).

18 **AMENDED FORM INTERROGATORY NO. 8.3:**

19 State the last date before the INCIDENT that Real Parties in Interest worked for compensation.

20 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.3:**

21 Not applicable (see response to Amended Form Interrogatory No. 8.1).

22 **AMENDED FORM INTERROGATORY NO. 8.4:**

23 State Real Parties in Interest’s monthly income at the time of the INCIDENT and how the
24 amount was calculated.

25 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.4:**

26 Not applicable (see response to Amended Form Interrogatory No. 8.1).

27 ///

28 ///

AMENDED FORM INTERROGATORY NO. 8.5:

State the date Real Parties in Interest returned to work at each place of employment following the INCIDENT.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.5:

Not applicable (see response to Amended Form Interrogatory No. 8.1).

AMENDED FORM INTERROGATORY NO. 8.6:

State the dates Real Parties in Interest did not work and for which they lost income.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.6:

Not applicable (see response to Amended Form Interrogatory No. 8.1).

AMENDED FORM INTERROGATORY NO. 8.7:

State the total income Real Parties in Interest have lost to date as a result of the INCIDENT and how the amount was calculated.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.7:

Not applicable (see response to Amended Form Interrogatory No. 8.1).

AMENDED FORM INTERROGATORY NO. 8.8:

Will Real Parties in Interest lose income in the future as a result of INCIDENT? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work;
- (d) how the claim for future income is calculated.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 8.8:

Not applicable (see response to Amended Form Interrogatory No. 8.1).

AMENDED FORM INTERROGATORY NO. 9.1:

Are there any other damages that Real Parties in Interest attribute to the INCIDENT? If so, for each item of damage state:

- (a) the nature;
- (b) the date it occurred;
- (c) the amount;

(d) the name, ADDRESS, and telephone number of each PERSON to whom an obligation was incurred.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 9.1:

Plaintiff objects that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is more appropriately sought through deposition. Plaintiff further objects that this interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

(a) Statutory damages under the Unruh Civil Rights Act;

(b) August 26, 2017;

(c) \$4,000 in statutory damages under Civil Code Section 52, subdivision (a), for each Real Party;

(d) Eileen Rodriguez-Del Rio and Mireya Rodriguez-Del Rio, who can be reached through DFEH counsel or their counsel Patricia Ziegler-Lopez.

AMENDED FORM INTERROGATORY NO. 9.2:

Do any DOCUMENTS support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 9.2:**

2 DFEH objects to this interrogatory on the grounds that it seeks disclosure of information subject
3 to the official information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney-
4 client privilege (*id.* § 950 et seq.), and attorney work-product doctrine. DFEH further objects to this
5 interrogatory because it seeks the discovery of legal research and requires legal conclusions about
6 which facts may be presented in support of DFEH allegations and claims, and it calls for opinions that
7 relate to fact or the application of law to fact. DFEH additionally objects to this interrogatory on the
8 grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome,
9 oppressive, and vague and ambiguous in the context of this interrogatory.

10 To the extent a response is required, DFEH does not have sufficient information to fully
11 respond to this interrogatory because discovery and investigation have not been completed. Further,
12 this interrogatory essentially “necessitate[s] the preparation or the making of a compilation, abstract,
13 audit, or summary of” the depositions that have already been taken and the voluminous legal briefing
14 that has already been filed and served. (See Code Civ. Proc., § 2030.230.) Therefore, DFEH refers
15 defendant Tastries to those documents and the documents produced in response to Defendants
16 Catharine Miller [sic] Requests for Production of Documents to Plaintiff DFEH, Set One” to obtain the
17 information. To the extent defendant Tastries disagrees that the above-referenced documents provide
18 adequate information, DFEH is willing to meet and confer and may be willing to provide additional
19 information if defendant Tastries clarifies the interrogatory.

20 **AMENDED FORM INTERROGATORY NO. 10.1:**

21 At any time before the INCIDENT did Real Parties in Interest have complaints or injuries that
22 involved the same part of their body claimed to have been injured in the INCIDENT? If so, for each
23 state:

- 24 (a) a description;
25 (b) the dates it began and ended;
26 (c) the name, ADDRESS, and telephone number of each HEALTH CARE PROVIDER
27 whom they consulted or who examined or treated them.
28

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 10.1:**

2 Form Interrogatory Numbers 10.1 through 10.3 pertain to personal injury, which is not alleged
3 in this case. Plaintiff objects that Defendant's interrogatories may be directed only to parties to the
4 action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996)
5 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
6 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
7 parties in interest is more appropriately sought through deposition. Plaintiff further objects that this
8 interrogatory invades Real Parties' constitutional right to privacy. Plaintiff further objects that this
9 interrogatory seeks information that is irrelevant and not likely to lead to admissible evidence. Pursuant
10 to these objections, plaintiff declines to respond. DFEH objects to this interrogatory as overbroad and
11 exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject
12 matter of this action and the information is not reasonably calculated to lead to the discovery of
13 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds
14 that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
15 oppressive, and vague and ambiguous in the context of this interrogatory.

16 Subject to and without waiving the foregoing objections and privileges and after a reasonable
17 and good-faith effort to obtain the requested information, DFEH responds as follows: No.

18 **AMENDED FORM INTERROGATORY NO. 10.2:**

19 List all physical, mental, and emotional disabilities Real Parties in Interest had immediately
20 before the INCIDENT. (They may omit mental or emotional disabilities unless they attribute any
21 mental or emotional injury to the INCIDENT.)

22 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 10.2:**

23 Form Interrogatory Numbers 10.1 through 10.3 pertain to personal injury, which is not alleged
24 in this case. Plaintiff objects that Defendant's interrogatories may be directed only to parties to the
25 action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996)
26 43 Cal.App.4th 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose
27 interest will be directly affected by the proceeding.'" (citation omitted)].) Information sought from real
28 parties in interest is more appropriately sought through deposition. DFEH accordingly objects to this

interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. DFEH additionally objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil Code section 52, subdivision (a).

AMENDED FORM INTERROGATORY NO. 10.3:

At any time after the INCIDENT, did Real Parties in Interest sustain injuries of the kind for which they are now claiming damages. If so, for each incident state:

- (a) the date and the place it occurred;
- (b) the name, ADDRESS, and telephone number of any other PERSON involved;
- (c) the nature of any injuries you sustained;
- (d) the name, ADDRESS, and telephone number of each HEALTH CARE PROVIDER who they consulted or who examined or treated them; and
- (e) the nature of the treatment and its duration.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 10.3:

Form Interrogatory Nos. 10.1 through 10.3 pertain to personal injury, which is not alleged in this case. Plaintiff objects that Defendant’s interrogatories may be directed only to parties to the action. (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 [“A real party in interest is generally defined as ‘any person or entity whose

1 interest will be directly affected by the proceeding.’’ (citation omitted)].) Information sought from real
2 parties in interest is more appropriately sought through deposition. DFEH accordingly objects to this
3 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
4 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
5 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
6 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass
7 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive
8 and confidential information under the United States Constitution, California Constitution, and
9 Information Practices Act. DFEH additionally objects to this interrogatory on the grounds that the term
10 “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and
11 vague and ambiguous in the context of this interrogatory.

12 Subject to and without waiving the foregoing objections and privileges and after a reasonable
13 and good-faith effort to obtain the requested information, DFEH responds as follows:

14 DFEH does not seek damages for any physical, mental or emotional injuries suffered by Real
15 Parties because of the INCIDENT. DFEH seeks only statutory damages for each Real Party under Civil
16 Code section 52, subdivision (a).

17 **AMENDED FORM INTERROGATORY NO. 11.1:**

18 Except for this action, in the last ten years have Real Parties in Interest filed an action or made a
19 written claim or demand for compensation for their personal injuries? If so, for each action, claim, or
20 demand state:

- 21 (a) the date, time, and place and location of the INCIDENT (closest street ADDRESS or
22 intersection);
- 23 (b) the name, ADDRESS, and telephone number of each PERSON against whom the claim
24 was made or action filed;
- 25 (c) the court, names of the parties, and case number of any action filed;
- 26 (d) the name, ADDRESS, and telephone number of any attorney representing them;
- 27 (e) whether the claim or action has been resolved or is pending; and
- 28 (f) a description of the injury.

1 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 11.1:**

2 This interrogatory pertains to personal injury, which is not alleged in this case. Plaintiff objects
3 that Defendant's interrogatories may be directed only to parties to the action. (Code Civ. Proc., §
4 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197
5 ["A real party in interest is generally defined as 'any person or entity whose interest will be directly
6 affected by the proceeding.'" (citation omitted)].) Information sought from real parties in interest is
7 more appropriately sought through deposition. Plaintiff objects to the extent the term "injuries" is
8 vague and ambiguous or calls for a legal or a medical opinion or conclusion. Plaintiff objects to the
9 extent this interrogatory invades the real party in interest's constitutional right to privacy. Plaintiff
10 objects that this interrogatory seeks information that is irrelevant and unlikely to lead to admissible
11 evidence. DFEH accordingly objects to this interrogatory as overbroad and exceeding the permissible
12 scope of discovery in that the information sought is irrelevant to the subject matter of this action and
13 the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
14 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory
15 as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by
16 the right to privacy of personal sensitive and confidential information under the United States
17 Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1, § 1; U.S.
18 Const., 1st Amend.; Civ. Code, § 1798 et seq.) DFEH additionally objects to this interrogatory on the
19 grounds that the term "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome,
20 oppressive, and vague and ambiguous in the context of this interrogatory.

21 Subject to and without waiving the foregoing objections and privileges and after a reasonable
22 and good-faith effort to obtain the requested information, DFEH responds as follows:

23 No.

24 **AMENDED FORM INTERROGATORY NO. 11.2:**

25 In the last 10 years have Real Parties in Interest made a written claim or demand for benefits? If
26 so, for each claim or demand state:

- 27 (a) the date, time, and place of the INCIDENT giving rise to the claim;
28 (b) the name, ADDRESS, and telephone number of their employer at the time of the injury;

- 1 (c) the name, ADDRESS, and telephone number of the worker's compensation insurer and
2 the claim number;
- 3 (d) the period of time during which they received worker's compensation benefits;
- 4 (e) a description of the injury;
- 5 (f) the name, ADDRESS, and telephone number of any HEALTH CARE PROVIDER that
6 provided services; and
- 7 (g) the case number at the Worker's Compensation Appeals Board.

8 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 11.2:**

9 Form Interrogatory Number 11.2 specifically inquires about "workers' compensation benefits,"
10 not simply "benefits" as set forth in the propounding party's Amended Form Interrogatory Number
11 11.2. As such, DFEH objects to this interrogatory to the extent that it does not accurately reflect the
12 language of Form Interrogatory Number 11.2 and interprets this interrogatory as only asking about
13 "workers' compensation benefits." Furthermore, this interrogatory pertains to personal injury and
14 employment, which are not relevant to the subject matter of this action. DFEH accordingly objects to
15 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
16 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
17 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
18 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass
19 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive
20 and confidential information under the United States Constitution, California Constitution, and
21 Information Practices Act. DFEH additionally objects to this interrogatory on the grounds that the term
22 "INCIDENT," as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and
23 vague and ambiguous in the context of this interrogatory.

24 Subject to and without waiving the foregoing objections and privileges and after a reasonable
25 and good-faith effort to obtain the requested information, DFEH responds as follows:

26 DFEH does not respond to this interrogatory based on the above-identified objections and
27 privileges.
28

1 **AMENDED FORM INTERROGATORY NO. 12.1:**

2 State the name, ADDRESS, and telephone number of each individual:

- 3 (a) who witnessed the INCIDENT or the events occurring immediately before or after the
4 INCIDENT;
- 5 (b) who made any statement at the scene of the INCIDENT;
- 6 (c) who heard any statements made about the INCIDENT by any individual at the scene;
7 and
- 8 (d) who REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF
9 claim has knowledge of the INCIDENT (except for expert witnesses covered by Code of
10 Civil Procedure, § 2034).

11 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.1:**

12 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
13 information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-product
14 doctrine, and attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this interrogatory as
15 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
16 to the subject matter of this action and the information is not reasonably calculated to lead to the
17 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this
18 interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad,
19 unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory as it
20 relates to “Defendants’ decision to decline.” DFEH also objects to this interrogatory on the grounds that
21 the term “REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined
22 by defendant herein, seeks information protected from discovery by the official information privilege,
23 informant privilege, attorney work-product doctrine, attorney-client privilege, and Information
24 Practices Act.

25 Subject to and without waiving the foregoing objections and privileges and after a reasonable
26 and good-faith effort to obtain the requested information, DFEH responds as follows:

27 ///

28 ///

DFEH is aware of the following witnesses to the INCIDENT: Catharine Miller, Rosemary Perez, Eileen Rodriguez-Del Rio, Mireya Rodriguez-Del Rio, Margaret Del Rio, Patrick Grijalva, and Sam Salazar.

SUPPLEMENTAL RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.1:

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Upon request by defendants, DFEH will assist in coordinating service of subpoenas upon the above-identified individuals. If DFEH cannot assist in such coordination, it will provide any contact information it possesses.

AMENDED FORM INTERROGATORY NO. 12.2:

Have REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF interviewed any individual concerning the INCIDENT? If so, for each individual state:

- (a) the name, ADDRESS, and telephone number of the individual interviewed;
- (b) the date of the interview;
- (c) the name, ADDRESS, and telephone number of the PERSON who conducted the interview.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.2:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks

information protected from discovery by the official information privilege, informant privilege, attorney work-product doctrine, attorney-client privilege, and Information Practices Act.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this interrogatory as framed, DFEH responds as follows:

Real Parties have not interviewed any individual about the INCIDENT. Any interviews DFEH conducted are protected by attorney client privilege, attorney work product doctrine and by the official information privilege.

AMENDED FORM INTERROGATORY NO. 12.3:

Have REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF obtained a written or recorded statement from any individual concerning the INCIDENT? If so, for each statement state:

- (a) the name, ADDRESS, and telephone number of the individual from whom the statement was obtained;
- (b) the name, ADDRESS, and telephone number of the individual who obtained the statement;
- (c) the date the statement was obtained; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original statement or a copy.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.3:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this

interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks information protected from discovery by the official information privilege, informant privilege, attorney work-product doctrine, attorney-client privilege, and Information Practices Act (Civ. Code, § 1798 et seq.).

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this interrogatory as framed, DFEH responds as follows:

DFEH obtained a written statement from Margaret Del Rio, who can be reached through DFEH counsel. Real Parties filed a DFEH complaint based on the INCIDENT. In response to “Defendants Catharine Miller [sic] Requests for Production of Documents to Plaintiff DFEH,” DFEH previously produced responsive, non-privileged documents in its possession, custody, and control as maintained in the usual course of business and a privilege log of documents withheld under stated privileges. DFEH refers defendant Tastries to those documents and the documents concurrently produced in response to “Defendants Catharine Miller’s and Tastries’ Amended Requests for Production of Documents to Plaintiff DFEH in its Capacity as Representative of Real Parties in Interest, Set One,” to obtain the information. To the extent defendant Tastries disagrees that the above-referenced documents provide adequate information, DFEH is willing to meet and confer and may be willing to provide additional information if Tastries clarifies the interrogatory.

AMENDED FORM INTERROGATORY NO. 12.4:

Do REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff’s injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, ADDRESS, and telephone number of the individual taking the photographs, films, or videotapes; and

(e) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.4:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein, is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks information protected from discovery by the official information privilege, informant privilege, attorney work-product doctrine, attorney-client privilege, and Information Practices Act.

Subject to and without waiving the foregoing objections and privileges and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this interrogatory as framed, DFEH responds as follows:

DFEH is informed and believes that at the time of the INCIDENT, Defendants displayed a cake at Tastries upon which Real Parties based the cake they attempted to order from Tastries. DFEH is producing responsive, non-privileged documents in its possession, custody, and control as maintained in the usual course of business. DFEH is concurrently producing a privilege log of documents withheld under attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, official information privilege (*id.* § 1040), informant privilege (*id.* § 1041), conciliation privilege (Gov. Code, § 12963.7), copyright protections, and privacy rights under the California Constitution, United States Constitution, and Information Practices Act (Civ. Code, §§ 1798 et seq.).

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1 **AMENDED FORM INTERROGATORY NO. 12.5:**

2 Do REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF know of
3 any diagram, reproduction, or model of any place or thing (except for items developed by expert
4 witnesses covered by Code of Civil Procedure, § 2034.210-2034.310) concerning the INCIDENT? If
5 so, for each item state:

- 6 (a) the type (i.e., diagram, reproduction, or model);
7 (b) the subject matter;
8 (c) the name, ADDRESS, and telephone number of each PERSON who has it.

9 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.5:**

10 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
11 information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney
12 work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this
13 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
14 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
15 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally
16 objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein,
17 is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
18 interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES
19 IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks
20 information protected from discovery by the official information privilege, informant privilege,
21 attorney work-product doctrine, attorney-client privilege, and Information Practices Act.

22 Subject to and without waiving the foregoing objections and privileges and after a reasonable
23 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this
24 interrogatory as framed, DFEH responds as follows:

25 DFEH is informed and believes that at the time of the INCIDENT, Defendants displayed a cake
26 at Tastries upon which Real Parties based the cake they attempted to order from Tastries. DFEH is
27 producing responsive, non-privileged documents in its possession, custody, and control as maintained
28 in the usual course of business. DFEH is concurrently producing a privilege log of documents withheld

1 under attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, official
2 information privilege (*id.* § 1040), informant privilege (*id.* § 1041), conciliation privilege (Gov. Code, §
3 12963.7), copyright protections, and privacy rights under the California Constitution, United States
4 Constitution, and Information Practices Act (Civ. Code, §§ 1798 et seq.).

5 **AMENDED FORM INTERROGATORY NO. 12.6:**

6 Was a report made by any PERSON concerning the INCIDENT? If so, state:

- 7 (a) the name, title, identification number, and employer of the PERSON who made the
8 report;
9 (b) the date and type of report made;
10 (c) the name, ADDRESS, and telephone number of the PERSON for whom the report was
11 made;
12 (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a
13 copy of the report.

14 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.6:**

15 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
16 information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney
17 work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this
18 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
19 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
20 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally
21 objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein,
22 is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
23 interrogatory.

24 Subject to and without waiving the foregoing objections and privileges and after a reasonable
25 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this
26 interrogatory as framed, DFEH responds as follows:

27 DFEH obtained a written statement from Margaret Del Rio, who can be reached through DFEH
28 counsel. Real Parties filed a DFEH complaint based on the INCIDENT. DFEH is producing responsive

1 non-privileged documents in its possession, custody, and control as maintained in the usual course of
2 business. DFEH is concurrently producing a privilege log of documents withheld under attorney-client
3 privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, official information privilege
4 (*id.* § 1040), informant privilege (*id.* § 1041), conciliation privilege (Gov. Code, § 12963.7), copyright
5 protections, and privacy rights under the California Constitution, United States Constitution, and
6 Information Practices Act (Civ. Code, § 1798 et seq.).

7 **AMENDED FORM INTERROGATORY NO. 12.7:**

8 Have REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF
9 inspected the scene of the INCIDENT? If so, for each inspection state:

- 10 (a) name, ADDRESS, and telephone number of the individual making the inspection
11 (except for expert witness covered by the Code of Civil Procedure, § 2034.210-
12 2034.310); and
13 (b) the date of the inspection.

14 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 12.7:**

15 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
16 information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney
17 work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this
18 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
19 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
20 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally
21 objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein,
22 is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
23 interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES
24 IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks
25 information protected from discovery by the official information privilege, informant privilege,
26 attorney work-product doctrine, attorney-client privilege, and Information Practices Act.

27 Subject to and without waiving the foregoing objections and privileges and after a reasonable
28 and good-faith effort to obtain the requested information, DFEH responds as follows:

1 No, "REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF" have
2 not inspected the scene of the INCIDENT. While on her personal time during a shopping trip to another
3 business located in the strip mall where Tastries is located, DFEH District Administrator, Bakersfield,
4 Patrice DoeHRn briefly visited Tastries.

5 **AMENDED FORM INTERROGATORY NO. 13.1:**

6 Have REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF
7 conducted surveillance of any individual involved in the INCIDENT or any party to this action? If so,
8 for each surveillance state:

- 9 (a) the name, ADDRESS, and telephone number of the individual or party;
10 (b) the time, date, and place of the surveillance;
11 (c) the name, ADDRESS, and telephone number of the individual who conducted the
12 surveillance; and
13 (d) the name, ADDRESS, and telephone number of each PERSON who has the original or
14 a copy of any surveillance photograph, film, or videotape.

15 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 13.1:**

16 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
17 information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney
18 work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this
19 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
20 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
21 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally
22 objects to this interrogatory on the grounds that the term "INCIDENT," as defined by defendant herein,
23 is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
24 interrogatory. DFEH also objects to this interrogatory on the grounds that the term "REAL PARTIES
25 IN INTEREST OR ANYONE ACTING ON THEIR BEHALF," as defined by defendant herein, seeks
26 information protected from discovery by the official information privilege, informant privilege,
27 attorney work-product doctrine, attorney-client privilege, and Information Practices Act.
28

1 Subject to and without waiving the foregoing objections and privileges and after a reasonable
2 and good-faith effort to obtain the requested information, DFEH responds as follows:

3 No.

4 **AMENDED FORM INTERROGATORY NO. 13.2:**

5 Has a written report been prepared on the surveillance? If so, for each written report state:

6 (a) the title;

7 (b) the date;

8 (c) the name, ADDRESS, and telephone number of the individual who prepared the report;
9 and

10 (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a
11 copy.

12 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 13.2:**

13 Not applicable (see response to Amended Form Interrogatory No. 13.1).

14 **AMENDED FORM INTERROGATORY NO. 14.1:**

15 Do REAL PARTIES IN INTEREST OR ANYONE ACTING ON THEIR BEHALF contend
16 that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the
17 violation was a legal (proximate) cause of the INCIDENT? If so, identify each PERSON and the
18 statute, ordinance, or regulation.

19 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 14.1:**

20 DFEH objects to this interrogatory on the grounds it seeks information protected by the official
21 information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney
22 work-product doctrine, and the attorney-client privilege (*id.* § 950 et seq.). DFEH further objects to this
23 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
24 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
25 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally
26 objects to this interrogatory on the grounds that the term “INCIDENT,” as defined by defendant herein,
27 is overbroad, unduly burdensome, oppressive, and vague and ambiguous in the context of this
28 interrogatory. DFEH also objects to this interrogatory on the grounds that the term “REAL PARTIES

1 IN INTEREST OR ANYONE ACTING ON THEIR BEHALF,” as defined by defendant herein, seeks
2 information protected from discovery by the official information privilege, informant privilege,
3 attorney work-product doctrine, attorney-client privilege, and Information Practices Act.

4 Subject to and without waiving the foregoing objections and privileges and after a reasonable
5 and good-faith effort to obtain the requested information, DFEH responds as follows:

6 Defendants Catharine Miller and Cathy’s Creations, Inc. d/b/a Tastries violated the Unruh Civil
7 Rights Act, Civil Code section 51.

8 **AMENDED FORM INTERROGATORY NO. 17.1:**

9 Is Real Parties in Interest’s response to each special interrogatory in lieu of request for
10 admission served with these form interrogatories an unqualified admission? If not, for each response
11 that is not an unqualified admission:

- 12 (a) state the number of the interrogatory/request;
- 13 (b) state all facts upon which they base their response;
- 14 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
15 knowledge of those facts; and
- 16 (d) identify all DOCUMENTS and other tangible things that support their response and state
17 the name, ADDRESS, and telephone number of the PERSON who has each
18 DOCUMENT or thing.

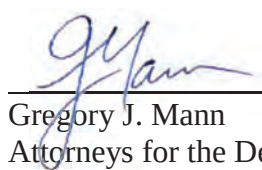
19 **RESPONSE TO AMENDED FORM INTERROGATORY NO. 17.1:**

20 Plaintiff objects that Defendant’s interrogatories may be directed only to parties to the action.
21 (Code Civ. Proc., § 2030.010; *Redevelopment Agency v. Commission on State Mandates* (1996) 43
22 Cal.App.4th 1188, 1197 [“A real party in interest is generally defined as ‘any person or entity whose
23 interest will be directly affected by the proceeding.’” (citation omitted)].) Information sought from real
24 parties in interest is more appropriately sought through deposition. DFEH objects to this interrogatory
25 on the grounds that it seeks disclosure of information subject to the official information privilege (Evid.
26 Code, § 1040), informant privilege (*id.* § 1041), attorney-client privilege (*id.* § 950 et seq.), and
27 attorney work-product doctrine. DFEH further objects to this interrogatory because it seeks the
28 discovery of legal research and requires legal conclusions about which facts may be presented in

1 support of DFEH allegations and claims, and it calls for opinions that relate to fact or the application of
2 law to fact. To the extent a response is required, DFEH does not have sufficient information to fully
3 respond to this interrogatory because discovery and investigation have not been completed. Further,
4 this interrogatory essentially “necessitate[s] the preparation or the making of a compilation, abstract,
5 audit, or summary of” the depositions that have already been taken and the voluminous legal briefing
6 that has already been filed and served. (See Code Civ. Proc., § 2030.230.) Therefore, DFEH refers
7 defendant Tastries to those documents and the documents produced in response to Defendants
8 Catharine Miller’s and Tastries’ Amended Request for Production of Documents to Plaintiff DFEH in
9 its Capacity as Representative of Real Parties in Interest, Set One, to obtain the information. To the
10 extent defendant Tastries disagrees that the above-referenced documents provide adequate information,
11 DFEH is willing to meet and confer and may be willing to provide additional information if Tastries
12 clarifies the interrogatory.

13
14 Dated: January 10, 2020

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

15
16 By: 

Gregory J. Mann
Attorneys for the Department of Fair Employment
and Housing

VERIFICATION

I, Patrice Doehrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED AMENDED FORM INTERROGATORIES TO PLAINTIFF DFEH, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of January 2020, at Bakersfield, California.



Patrice Doehrn
District Administrator



JANETTE WIPPER (#275264)
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GREGORY J. MANN (#200578)
Senior Staff Counsel
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Attorneys for the Department
Fee Exempt (Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

CASE NO. BCV-18-102633-DRL

OMNIBUS PROOF OF SERVICE



1 I, the undersigned, hereby declare:

2 I am over eighteen years of age and not a party to the within cause. My business and mailing address
3 is 320 West 4th Street, Suite 1000, Los Angeles, CA 90013.

4 On January 10, 2020, I served a copy of the following document(s):

- 5 **1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
6 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
7 **AMENDED SPECIAL INTERROGATORIES IN LIEU OF REQUESTS FOR**
8 **ADMISSION TO PLAINTIFF DFEH, SET ONE;**
- 9 **2. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
10 **SUPPLEMENTAL RESPONSE TO DEFENDANTS CATHERINE MILLER'S**
11 **AND TASTRIES' CORRECTED AMENDED REQUESTS FOR PRODUCTION**
12 **OF DOCUMENTS TO PLAINTIFF DFEH, SET ONE and PRIVILEGE LOG;**
- 13 **3. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
14 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
15 **AMENDED SPECIAL INTERROGATORIES TO PLAINTIFF DFEH, SET ONE;**
- 16 **4. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
17 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
18 **AMENDED FORM INTERROGATORIES TO PLAINTIFF DFEH, SET ONE; &**
- 19 **5. REAL PARTIES IN INTEREST'S SUPPLEMENTAL RESPONSE TO**
20 **DEFENDANT CATHY'S CREATIONS, INC.'S DEPOSITION SUBPOENA FOR**
21 **PRODUCTION OF DOCUMENTS AND THINGS.**



1 ☒ **By United States Mail** by placing a true and correct copy of the above document(s) enclosed
2 in a sealed envelope with postage thereon fully prepaid following the Department's ordinary business
3 practices for the collection and processing of mail, of which I am readily familiar. On the same day
4 that correspondence is placed for collection and mailing, it is deposited in the ordinary course of
business with the United States Postal Service.

5 ☒ **By E-Mail** by forwarding a true and correct copy of the above document(s) via e-mail to the
6 person(s) at the e-mail address(es) set forth below.

7
8 Charles S. LiMandri
Jeffrey M. Trissell
9 Paul Jonna
Kathy Denworth

Email: climandri@limandri.com
Email: jtrissell@limandri.com
Email: pjonna@limandri.com
Email: KDenworth@limandri.com

10 Freedom of Conscience Defense Fund
11 P.O. Box #9520
12 Rancho Santa Fe, California 92067

13
14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
15 and correct.

16 Executed on January 10, 2020, at Los Angeles, California.

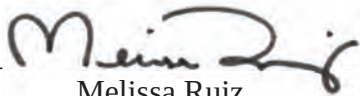
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23 
24 Melissa Ruiz



EXHIBIT 3

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
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DEPARTMENT OF FAIR EMPLOYMENT
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Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
SUPPLEMENTAL RESPONSE TO
DEFENDANT TASTRIES' CORRECTED
AMENDED SPECIAL INTERROGATORIES
TO PLAINTIFF DFEH, SET ONE**

Action filed: October 17, 2018

Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANT CATHY'S CREATIONS, INC. d/b/a TASTRIES

RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

SET NO.: ONE

1 Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
2 and pursuant to Code of Civil Procedure section 2030.210, et seq., hereby responds to Defendant
3 Tastries' Corrected Amended Special Interrogatories to Plaintiff DFEH, Set One as follows:

4 **PRELIMINARY STATEMENT**

5 DFEH's responses are based upon its discovery and investigation to date and reflects the
6 collective knowledge of different individuals within DFEH that has been compiled in a good faith effort.
7 To the extent that additional information comes to DFEH's attention that augments or otherwise
8 modifies its current understanding of the facts of this case, DFEH reserves the right to modify its
9 responses, accordingly.

10 These responses are provided on behalf of DFEH only, which is the plaintiff in this matter.
11 Defendant's interrogatories may be directed only to a party to the action. (Code Civ. Proc., § 2030.010;
12 *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real
13 party in interest is generally defined as 'any person or entity whose interest will be directly affected by
14 the proceeding.'" (citation omitted)].) Information sought from a real party in interest is more
15 appropriately sought through deposition. As the plaintiff, DFEH represents the interests of the People of
16 the State of California and pursues relief on behalf of the real party in interest. (Gov. Code, § 12929.)
17 DFEH does not formally represent the real parties in interest Mireya and Eileen Rodriguez-Del Rio
18 (Real Parties). (See Gov. Code, §§ 12981 and 12989 [Real Party has right to intervene in the
19 administrative or civil litigation].) However, pursuant to Rule 1.6 of the California Rules of Professional
20 Conduct and Business and Professions Code section 6068, subdivision (e), DFEH has a de-facto
21 attorney-client relationship with the Real Parties.

22 Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts
23 and law relating to this case. The responses set forth herein are based upon the records and information
24 available to DFEH at the time of the preparation of these responses and are true and correct to the best
25 knowledge of DFEH as of this date. The responses set forth herein are provided without prejudice to
26 DFEH's right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise change
27 or amend the responses herein. DFEH specifically reserves the right, at the time of hearing or trial, to
28 introduce any evidence that may be obtained or identified from any source.

DFEH bases these responses on the express statement, included in the statute, that defendant does not request information privileged from disclosure by law or otherwise made confidential or protected against discovery by any applicable privilege, doctrine, or immunity including, without limitation, the right to privacy under the California and U.S. Constitutions and any other state or federal law, any privilege relating to confidential conciliation, the official-information privilege, informant privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring defendants to meet evidentiary requirements before responses are required for discovery seeking information about prosecutors exercise of their discretion. DFEH will not provide any such confidential or privileged information in response to any interrogatory that seeks it and will herein and at hearing object thereto and assert the applicable privileges to the fullest extent provided by law. Any response that inadvertently provides such confidential or privileged information shall not be deemed to waive the applicable privilege, doctrine, confidentiality, privacy, or immunity.

This preliminary statement applies to, and is incorporated by reference in, each response set forth herein. Any reference to a preceding or subsequent response incorporates by reference both the information and objections set forth in the referenced response.

GENERAL OBJECTIONS

1. DFEH objects generally to each interrogatory that seeks matter that is irrelevant or immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of admissible evidence.

2. DFEH objects to each interrogatory insofar as it imposes an unreasonable burden upon DFEH.

3. DFEH generally objects to each interrogatory insofar as it is vague, uncertain, and not specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the interrogatories but will attempt to respond thereto as can reasonably be understood to pertain to specific and identifiable documentation or material which is relevant to the action.

4. DFEH objects generally to each interrogatory insofar as it calls for material that is unreasonably difficult to identify, locate, or produce at this stage in the litigation.

1 5. DFEH objects to each interrogatory on the grounds that such interrogatories are
2 oppressive and overbroad, seek information that is irrelevant to the subject matter of this action and not
3 reasonably calculated to lead to the discovery of admissible evidence, and the compilation of such
4 information would be unduly burdensome.

5 6. DFEH objects generally to each interrogatory insofar as it calls for information already
6 within the possession of defendants and/or defendant's counsel.

7 7. DFEH objects generally to each interrogatory insofar as it requires DFEH and its
8 counsel to give information that is equally available to defendant to collect, compile, or otherwise
9 collate information therefrom. Defendant is not entitled to have DFEH prepare defendant's case.

10 8. DFEH objects generally to each interrogatory insofar as it calls for information that is
11 not within its possession, custody, or control.

12 9. DFEH objects generally to each interrogatory to the extent that the interrogatories call
13 for speculation and are not susceptible to responses based on fact.

14 10. All responses are provided notwithstanding and without any waiver of these general
15 objections applicable to all interrogatories.

16 11. DFEH objects to these interrogatories to the extent they are unreasonably cumulative or
17 duplicative of previously propounded interrogatories. (Code Civ. Proc., § 2019.030 subd., (a)(1).)

18 12. DFEH objects to each interrogatory to the extent it seeks information protected by the
19 attorney-client privilege (Evid. Code, § 950 et seq.), attorney work-product doctrine, and conciliation
20 privilege (Gov. Code, § 12963.7).

21 13. DFEH objects to each interrogatory to the extent it seeks information protected by the
22 official information privilege (Evid. Code, § 1040) and informant privilege (*id.* § 1041).

23 14. DFEH objects to each interrogatory to the extent it seeks to invade privacy in violation
24 of the United States Constitution, California Constitution, and Information Practices Act. (Cal. Const.
25 Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

26 15. DFEH objects to each interrogatory to the extent it invades copyright protections.

27 ///

28 ///

GENERAL RESPONSE

DFEH objects to each interrogatory to the extent it seeks information protected by the attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the conciliation privilege (Gov. Code, § 12963.7.) DFEH incorporates these objections into its specific responses below.

Subject to the foregoing preliminary statement, general objections and general response applicable to all interrogatories and without any waiver of these general objections and general response applicable to all interrogatories, DFEH hereby further responds to Defendant Tastries' Corrected Amended Special Interrogatories to Plaintiff DFEH, Set One, as follows:

RESPONSES TO AMENDED SPECIAL INTERROGATORIES

AMENDED SPECIAL INTERROGATORY NO. 1:

If Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio are a member of any social networking website(s), including, but not limited to, Facebook, MySpace, Instagram, and Twitter, please provide the name of the networking website and all screen names they have registered and used with each website.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 1:

DFEH incorporates the Preliminary Statement and General Objections herein. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. DFEH further objects to this interrogatory on the ground that it is vague and ambiguous as to the term "social networking website(s)" such that DFEH cannot reasonably determine what websites are included for purposes of this interrogatory.

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not respond to this interrogatory based on the above-identified objections and privileges. To the extent Defendant clarifies and narrows this interrogatory to seek relevant, non-privileged information, DFEH is willing to meet and confer and may be able to provide additional information.

SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 1:

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Eileen Rodriguez-Del Rio has used the following social media screen names:

- Facebook – Eileen Rodriguez-Del Rio;
- Snapchat – Caspar8me;
- Instagram – leennrollwitit; and
- Twitter – Casper Del Rio.

Mireya Rodriguez-Del Rio has used the following social media screen names:

- Facebook – Wen Rod;
- Snapchat – WenRod; and
- Instagram – wendyrod37.

AMENDED SPECIAL INTERROGATORY NO. 2:

Identify by date, time, and content (preferably a quote), all postings, tags, shares, likes, or reviews which Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio have submitted to a social networking website or online review platform (such as Yelp or Google Reviews) relating to the allegations set forth in the First Amended Complaint.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 2:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as compound, conjunctive, disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).) DFEH further objects to this interrogatory on the ground that it is vague and ambiguous as to the terms “social networking website” and “online review platform” such that DFEH cannot reasonably determine what websites or platforms are included for purposes of this interrogatory. DFEH also objects to this interrogatory as overbroad as to time and scope and exceeding the permissible scope of discovery

1 because it seeks, without limitation, “all postings, tags, shares, likes, or reviews ... submitted to a social
2 networking website or online review platform ... relating to” *all* of the allegations in DFEH’s First
3 Amended Complaint. (*Id.* § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects
4 to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information
5 that is protected by the right to privacy of personal sensitive and confidential information under the
6 United States Constitution, California Constitution, and Information Practices Act.

7 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
8 effort to obtain the requested information, DFEH responds as follows:

9 Eileen posted to Facebook after leaving Tastries on August 26, 2017. Mireya commented about a
10 Facebook post after leaving Tastries on August 26, 2017. Copies of the post and comment are
11 concurrently produced in response to Defendants Catharine Miller’s and Tastries Corrected Amended
12 Request for Production of Documents to Plaintiff DFEH.

13 **AMENDED SPECIAL INTERROGATORY NO. 3:**

14 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio have ever made any
15 discrimination claim(s) against any other person. If so, please provide the name of that party, jurisdiction
16 in which the claim was filed or the administrative agency that processed the claim, the basis for the
17 claim, and the outcome of the claim.

18 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 3:**

19 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
20 this interrogatory as overbroad as to time and scope and exceeding the permissible scope of discovery in
21 that the information sought is irrelevant to the subject matter of this action and the information is not
22 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
23 Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no
24 purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to
25 privacy of personal sensitive and confidential information under the United States Constitution,
26 California Constitution, and Information Practices Act. DFEH further objects to this interrogatory on the
27 ground it is compound, conjunctive, disjunctive, and contains subparts. (*Id.* § 2030.060, subd. (f).)
28 DFEH also objects to this interrogatory on the grounds that the term “claims” is vague and ambiguous.

1 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
2 effort to obtain the requested information, DFEH responds as follows:

3 Real Parties have not made any other discrimination claims against any other person.

4 **AMENDED SPECIAL INTERROGATORY NO. 4:**

5 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio held a reception after
6 their first wedding ceremony in December 2016. If so, identify by name, phone number, address, and
7 relationship to Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio, every individual who attended
8 either the ceremony or reception.

9 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 4:**

10 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
11 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
12 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
13 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
14 of this interrogatory and because it is vague and ambiguous as to “their first wedding ceremony,” DFEH
15 also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks
16 information that is protected by the right to privacy of personal sensitive and confidential information
17 under the United States Constitution, California Constitution, and Information Practices Act. DFEH
18 further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive, and contains
19 subparts. (*Id.* § 2030.060, subd. (f).)

20 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
21 effort to obtain the requested information, DFEH responds as follows:

22 Real Parties did not hold a reception after their December 7, 2016 wedding.

23 **AMENDED SPECIAL INTERROGATORY NO. 5:**

24 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio began planning for their
25 wedding ceremony and reception in October 2017 prior to their first wedding ceremony in December
26 2016. If so, please explain why Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio planned the
27 events on the timeline that they occurred.
28

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

2 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
3 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
4 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
5 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects that it is
6 vague and ambiguous as to “their first wedding ceremony.” Due to the overbreadth of this interrogatory,
7 DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it
8 seeks information that is protected by the right to privacy of personal sensitive and confidential
9 information under the United States Constitution, California Constitution, and Information Practices
10 Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive,
11 and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

12 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
13 effort to obtain the requested information, DFEH responds as follows:

14 Real Parties started planning for their October 2017 wedding celebration in or around August
15 2016 in order to make sure they completed their tasks in time.

16 **AMENDED SPECIAL INTERROGATORY NO. 6:**

17 Per the allegation in Paragraph 35 of the First Amended Complaint, (a) identify the name of retail
18 establishments Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio visited to look for a wedding
19 cake, and (b) describe in detail the nature of those visits, including how much time they were there, who
20 did they speak to, and whether they sampled cakes.

21 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 6:**

22 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
23 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
24 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
25 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
26 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass
27 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and
28 confidential information under the United States Constitution, California Constitution, and Information

Practices Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

In or around late July or early August 2017, Eileen ordered approximately half-a-dozen cupcakes with various fillings and frostings from Gimmee Some Sugar. After picking up the cupcakes from Gimmee Some Sugar, Eileen took them to her mother's home where she, Mireya, Alyissa Salazar, and Margaret Del Rio tasted the cupcakes.

Mireya and Patrick Grijalva visited and tasted cakes at De Coeur Bake Shop (1818 G. Street Bakersfield, California 93301) in or around early August 2017. Their visit lasted approximately an hour-and-a-half, much of which was spent waiting to be served. Employee Cynthia provided various cakes and frostings that Mireya and Mr. Grijalva tasted.

AMENDED SPECIAL INTERROGATORY NO. 7:

State when and under what circumstances Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio first became aware of Tastries bakery.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 7:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this interrogatory on the ground it is compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

In or around August 2017, Eileen saw Tastries while driving home.

AMENDED SPECIAL INTERROGATORY NO. 8:

If Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio contend that they did not want to taste a Tastries cake before ordering it, describe in detail why they tasted cakes at the bakeries they visited before visiting Tastries.

1 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 8:**

2 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
3 this interrogatory as vague and ambiguous as to the terms “cakes,” “bakeries,” and “before visiting
4 Tastries,” such that DFEH cannot reasonably determine if the propounding party is seeking information
5 about every cake the Real Parties ever tasted at a bakery before visiting Tastries for purposes of this
6 interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this
7 action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of
8 discovery in that the information sought is irrelevant to the subject matter of this action and the
9 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
10 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory
11 as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by
12 the right to privacy of personal sensitive and confidential information under the United States
13 Constitution, California Constitution, and Information Practices Act.

14 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
15 effort to obtain the requested information, DFEH responds as follows:

16 DFEH does not contend that Real Parties did not want to taste a Tastries cake before ordering it.

17 **AMENDED SPECIAL INTERROGATORY NO. 9:**

18 Please explain why Mireya Rodriguez-Del Rio’s best man and his partner scheduled a cake
19 tasting at Tastries on the same day as Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio’s cake
20 tasting, but at a different time.

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

22 DFEH incorporates the Preliminary Statement and General Objections herein. By seeking
23 information about Mireya Rodriguez-Del Rio’s best man and his partner, this interrogatory is overbroad
24 and exceeds the permissible scope of discovery in that the information sought is irrelevant to the subject
25 matter of this action and the information is not reasonably calculated to lead to the discovery of
26 admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH
27 also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks
28

1 information that is protected by the right to privacy of personal sensitive and confidential information
2 under the United States Constitution, California Constitution, and Information Practices Act.

3 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
4 effort to obtain the requested information, DFEH responds as follows:

5 A Tastries employee informed Real Parties they each could be joined by one guest for a tasting.
6 Real Parties invited their mothers to join them for the August 26, 2017 tasting. Because Mr. Grijalva and
7 his partner wanted to join Real Parties for the tasting, at the suggestion of a Tastries employee, Mireya
8 signed up Mr. Grijalva and his partner for a tasting shortly after Real Parties' appointment in order that
9 they could taste with Real Parties.

10 **AMENDED SPECIAL INTERROGATORY NO. 10:**

11 Please identify each employee or former employee of Tastries that Mireya Rodriguez-Del Rio or
12 Eileen Rodriguez-Del Rio, or anyone acting on their behalf, have communicated with about this case,
13 the approximate date and the contents of such communications.

14 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 10:**

15 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
16 this interrogatory on the ground it seeks information protected by the attorney work-product doctrine,
17 official information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), and Information
18 Practices Act (Civ. Code, § 1798 et seq.). DFEH further objects to this interrogatory on the ground it is
19 compound, conjunctive, and disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).)

20 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
21 and good-faith effort to obtain the requested information, DFEH responds as follows:

22 Real Parties communicated with Rosemary Perez and former Tastries' employees Jessica Criollo
23 and Lizet Aleman.

24 Jessica Criollo and Lizet Aleman reached out via Facebook messenger to Real Parties on or
25 around August 26, 2017. They told Real Parties they were former Tastries employees, who had started
26 their own bakery business. Ms. Criollo and Ms. Aleman heard about Defendants' actions towards Real
27 Parties and offered to create a cake and desserts for Real Parties' wedding celebration. Real Parties
28 conversed with Ms. Criollo and Ms. Aleman about the cake and desserts they wanted for their

1 celebration. Real Parties described that they wanted a simple, round, three-tiered white frosting cake.
2 Ms. Criollo and Ms. Aleman suggested the couple also have other desserts for their guests. Throughout
3 August, September and early October, Ms. Criollo and Ms. Aleman had conversations with Real Parties
4 about the logistics of the cake and desserts for their wedding celebration.

5 **AMENDED SPECIAL INTERROGATORY NO. 11:**

6 Describe in detail the basis for the contention in Paragraph 42 of the First Amended Complaint
7 that Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio were “[s]tunned, hurt, and offended by Ms.
8 Miller’s refusal to serve them based solely on their sexual orientation.”

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

10 DFEH incorporates the Preliminary Statement and General Objections herein. Because this
11 interrogatory seeks information related to the Real Parties’ emotional distress, but DFEH does not seek
12 emotional distress damages in this case, DFEH objects to this interrogatory as exceeding the permissible
13 scope of discovery in that the information sought is irrelevant to the subject matter of this action and the
14 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
15 Proc., § 2017.010.) Because this interrogatory asks DFEH to “describe in detail the basis for the
16 contention in Paragraph 42 of the First Amended Complaint that [Real Parties] were ‘[s]tunned, hurt,
17 and offended by Ms. Miller’s refusal to serve them based solely on their sexual orientation,’” DFEH
18 further objects to this interrogatory as seeking information that is protected by the official information
19 privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-product doctrine,
20 attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or otherwise protected by
21 any other applicable privilege, doctrine, and/or immunity.

22 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
23 effort to obtain the requested information, DFEH responds as follows:

24 DFEH does not respond to this interrogatory based on the above-identified objections and
25 privileges.

26 **SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 11:**

27 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
28 effort to obtain the requested information, DFEH responds as follows:

1 Eileen Rodriguez-Del Rio was hurt and angry because defendant Miller's discrimination against
2 her and Mireya was unfair.

3 Mireya Rodriguez-Del Rio was stunned and hurt because she had not previously experienced
4 such overt discrimination based on her sexual orientation. It was especially hurtful because Real Parties
5 were seeking a cake to celebrate their wedding, which was going to be a special day for them.

6 **AMENDED SPECIAL INTERROGATORY NO. 12:**

7 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio procured a wedding cake
8 for their wedding reception; and if so, provide the date that they selected the wedding cake; the name,
9 address, and telephone number of the wedding cake provider; why they selected that provider; and the
10 price of the wedding cake.

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

12 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
13 this interrogatory as vague and ambiguous as to the term "wedding reception" such that DFEH cannot
14 reasonably determine what "wedding reception" or period of time the propounding party is seeking
15 information about for purposes of this interrogatory. DFEH objects to this interrogatory as overbroad
16 and exceeding the permissible scope of discovery in that the information sought is irrelevant to the
17 subject matter of this action and the information is not reasonably calculated to lead to the discovery of
18 admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH
19 also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks
20 information that is protected by the right to privacy of personal sensitive and confidential information
21 under the United States Constitution, California Constitution, and Information Practices Act. DFEH
22 further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive, and contains
23 subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

24 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
25 effort to obtain the requested information, DFEH responds as follows:

26 On or around August 30, 2017, Real Parties met with Jessica Criollo, Lizet Aleman and another
27 Tiers of Joy employee to taste cakes. Real Parties found the cakes delicious. Ms. Criollo, Ms. Aleman
28 and the other employee were very friendly, sympathetic and compassionate about Defendants' actions

1 towards Real Parties. Tiers of Joy was excited to work with Real Parties and offered their services free
2 of charge. As a result, Real Parties chose Tiers of Joy to provide the cake and other desserts for their
3 reception.

4 Tiers of Joy: https://www.facebook.com/pg/TiersOfJoyCD/about/?ref=page_internal

5 **AMENDED SPECIAL INTERROGATORY NO. 13:**

6 State whether any vendors offered Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio free
7 or discounted wedding services, and whether they accepted any of those offers. If so, identify the
8 vendor, the nature of the service, and the nature of the discount.

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

10 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
11 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
12 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
13 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
14 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass
15 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and
16 confidential information under the United States Constitution, California Constitution, and Information
17 Practices Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive,
18 disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).) Because “wedding services”
19 is undefined and this interrogatory is not limited in time or scope to the subject matter of this action,
20 DFEH further objects to this interrogatory as vague and ambiguous such that DFEH cannot reasonably
21 determine what “wedding services” or period of time the propounding party is seeking information
22 about for purposes of this interrogatory.

23 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
24 effort to obtain the requested information, DFEH responds as follows:

25 Tiers of Joy provided a cake and other desserts for Real Parties wedding reception free of charge

26 Brandon Rose provided photography services to Real Parties free of charge.

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1 **AMENDED SPECIAL INTERROGATORY NO. 14:**

2 Describe in detail why Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio wanted a
3 wedding cake at their wedding reception.

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

5 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
6 this interrogatory as vague and ambiguous as to the term “wedding reception” such that DFEH cannot
7 reasonably determine what “wedding reception” or period of time the propounding party is seeking
8 information about for purposes of this interrogatory. DFEH further objects to this interrogatory as
9 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
10 to the subject matter of this action and the information is not reasonably calculated to lead to the
11 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this
12 interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*)
13 and because it seeks information that is protected by the right to privacy of personal sensitive and
14 confidential information under the United States Constitution, California Constitution, and Information
15 Practices Act. Because this interrogatory asks DFEH to “describe in detail why [Real Parties] wanted a
16 wedding cake at their wedding reception,” DFEH further objects to this interrogatory as seeking
17 information that is protected by the official information privilege (Evid. Code, § 1040), informant
18 privilege (*id.* § 1041), attorney work-product doctrine, attorney-client privilege (*id.* § 950 et seq.), the
19 common interest doctrine, and/or otherwise protected by any other applicable privilege, doctrine, and/or
20 immunity.

21 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
22 effort to obtain the requested information, DFEH responds as follows:

23 Real Parties wanted a cake for their reception because, based on their experience attending other
24 weddings, celebrations and parties, it is common to have cake for dessert. Also, Real Parties believed
25 their guests would expect them to have a cake and other desserts at their wedding reception because it is
26 a tradition for their families to have cakes at birthdays, weddings, anniversaries and other family events.

27 ///

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1 **AMENDED SPECIAL INTERROGATORY NO. 15:**

2 Describe in detail why Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio believe
3 Defendants discriminated on the basis of their sexual orientation.

4 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 15:**

5 DFEH incorporates the Preliminary Statement and General Objections herein. Because this
6 interrogatory seeks the Real Parties' *beliefs* about why "Defendants discriminated on the basis of their
7 sexual orientation," DFEH objects to this interrogatory as overbroad and exceeding the permissible
8 scope of discovery in that the information sought is irrelevant to the subject matter of this action and the
9 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
10 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory
11 as serving no purpose other than to harass. (*Ibid.*) Because this interrogatory asks the responding party to
12 "describe in detail why [Real Parties] believe Defendants discriminated on the basis of their sexual
13 orientation," DFEH further objects to this interrogatory as seeking information that is protected by the
14 official information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-
15 product doctrine, attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or
16 otherwise protected by any other applicable privilege, doctrine, and/or immunity.

17 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
18 effort to obtain the requested information, DFEH responds as follows:

19 Real Parties believe Defendants discriminated against them based on their sexual orientation
20 because defendant Miller was taking their cake order until she realized their sexual orientation, and then
21 she told them she did not condone same-sex marriage, stopped taking their order, and tried to refer .

22 **AMENDED SPECIAL INTERROGATORY NO. 16:**

23 Describe in detail what Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio believe
24 motivated Defendants' actions giving rise to the First Amended Complaint, and identify all documents
25 which support the answer.

26 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 16:**

27 DFEH incorporates the Preliminary Statement and General Objections herein. Because this
28 interrogatory seeks the Real Parties' *beliefs* about what "motivated Defendants' actions," DFEH objects

1 to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the
2 information sought is irrelevant to the subject matter of this action and the information is not reasonably
3 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the
4 overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other
5 than to harass. (*Ibid.*) Because this interrogatory asks the responding party to “describe in detail” what
6 Real Parties believe motivated Defendants’ actions giving rise to the First Amended Complaint, DFEH
7 further objects to this interrogatory as seeking information that is protected by the official information
8 privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-product doctrine,
9 attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or otherwise protected by
10 any other applicable privilege, doctrine, and/or immunity. DFEH further objects to this interrogatory as
11 compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).) DFEH also objects to this
12 interrogatory on the grounds that it calls for speculation.

13 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
14 effort to obtain the requested information, DFEH responds as follows:

15 DFEH does not respond to this interrogatory based on the above-identified objections and
16 privileges. To the extent Defendant clarifies and narrows this interrogatory to seek relevant, non-
17 privileged information, DFEH is willing to meet and confer and may be able to provide additional
18 information.

19 **AMENDED SPECIAL INTERROGATORY NO. 17:**

20 Describe in detail the ground for Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio’s
21 claim that Defendants willfully violated the Unruh Civil Rights Act, and identify all documents which
22 support the answer.

23 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 17:**

24 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
25 this interrogatory as compound, conjunctive, and disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).)
26 Because this interrogatory asks the responding party to “describe in detail the ground for [Real Parties’]
27 claim that Defendants willfully violated the Unruh Civil Rights Act,” DFEH further objects to this
28 interrogatory as seeking information that is protected by the official information privilege (Evid. Code,

1 1040), informant privilege (*id.* § 1041), attorney work-product doctrine, attorney-client privilege (*id.* §
2 950 et seq.), the common interest doctrine, and/or otherwise protected by any other applicable privilege,
3 doctrine, and/or immunity. DFEH further objects as it calls for legal conclusion.

4 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
5 effort to obtain the requested information, DFEH responds as follows:

6 Defendants violated the Unruh Civil Rights Act by refusing to provide full and equal services to
7 Real Parties based on their sexual orientation. Defendants admit in Defendants' Verified First Amended
8 Answer to Plaintiff's First Amended Complaint (Defendants' Answer) that "they informed Eileen and
9 Mireya Rodriguez-Del Rio that they would not create a custom wedding cake celebrating a same-sex
10 wedding." (Defendants' Answer, 2:5-6.) Defendants have admitted in various articles, interviews, and
11 the deposition transcript of defendant Catharine Miller's deposition of September 26, 2018 that they
12 "don't do same-sex marriage cakes."

13 **AMENDED SPECIAL INTERROGATORY NO. 18:**

14 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio corresponded or
15 otherwise engaged in any communications with representatives from any non-governmental
16 organization or with any individual regarding a possible claim against Defendants before filing this
17 action. If so, describe in detail the nature and substance of that communication; identify the name, title,
18 address, and telephone number for that representative or individual; the date(s) on which the
19 correspondence or communication took place; and the individual who initiated the communication.

20 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 18:**

21 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
22 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
23 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
24 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) By seeking information
25 regarding every correspondence or communication the Real Parties engaged in "with representatives
26 from any non-governmental organization or with any individual regarding a possible claim against
27 Defendants before filing this action," the propounding party seeks information that is protected by the
28 official information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-

product doctrine, attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or otherwise protected by any other applicable privilege, doctrine, and/or immunity. Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

After Defendants discriminated against Real Parties, Whitney Weddell reached out to Eileen. Eileen and Ms. Weddell talked a few times. Ms. Weddell informed Real Parties about the Unruh Civil Rights Act, their rights, and their ability to file a claim against Defendants with DFEH.

AMENDED SPECIAL INTERROGATORY NO. 19:

Identify by name, address, and telephone number of all witnesses who will provide testimony in support of Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio's claim against Defendants, and state the substance of the testimony that these witnesses will provide.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 19:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as compound, conjunctive, disjunctive, and because it contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).) DFEH further objects to this interrogatory on the ground that it is vague and ambiguous as it asks the responding party to identify "witnesses who will provide testimony in support of" the real parties' claim against defendants and to "state the substance of the testimony that these witnesses will provide," but fails to identify with sufficient particularity where such testimony is to be given, and no hearings or depositions are presently on calendar, such that DFEH cannot reasonably determine what information is sought by this interrogatory. DFEH also objects to this interrogatory on the ground it seeks information protected by the attorney work-product doctrine. DFEH further objects to this interrogatory on the ground it seeks premature disclosure of expert information (Code Civ. Proc., §§ 2034.210, 2034.220.) DFEH has not decided which, if any, expert witnesses may be called at trial;

1 insofar as this interrogatory seeks to ascertain the identity, writings, and opinions of DFEH's experts
2 who have been retained or utilized to date solely as an advisor or consultant, it is violative of the work-
3 product doctrine. (See, e.g., *South Tahoe Pub. Utilities Dist. v. Super. Ct.* (1979) 90 Cal.App.3d 135;
4 *Sheets v. Super. Ct.* (1967) 257 Cal.App.2d 1; *Sanders v. Super. Ct.* (1973) 34 Cal.App.3d 270.) DFEH
5 also objects to this interrogatory as unduly burdensome, oppressive, and premature in light of the fact
6 that discovery has just begun and is ongoing.

7 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
8 effort to obtain the requested information, DFEH responds as follows:

9 DFEH does not respond to this interrogatory based on the above-identified objections and
10 privileges.

11 **AMENDED SPECIAL INTERROGATORY NO. 20:**

12 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio believe their specially
13 commissioned cake order did not conflict with Defendants' policy of not creating custom cakes that
14 express messages or celebrate events in violation of their sincerely held religious beliefs. If so, describe
15 in detail the basis of this belief and identify all supporting documents.

16 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 20:**

17 DFEH incorporates the Preliminary Statement and General Objections herein. Because this
18 interrogatory seeks the Real Parties' *beliefs* about whether "their specially commissioned cake order
19 interrogatory did not conflict with Defendants' policy of not creating custom cakes that express
20 messages or celebrate events in violation of their sincerely held religious beliefs," DFEH objects to this
21 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
22 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
23 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
24 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass.
25 (*Ibid.*) Because this interrogatory asks the responding party to "describe in detail the basis of this belief,
26 DFEH further objects to this interrogatory as seeking information that is protected by the official
27 information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-product
28 doctrine, attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or otherwise

protected by any other applicable privilege, doctrine, and/or immunity. DFEH further objects to this interrogatory on the grounds it calls for speculation and is compound, conjunctive, disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not respond to this interrogatory based on the above-identified objections and privileges.

AMENDED SPECIAL INTERROGATORY NO. 21:

State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio believe their specially commissioned cake order interrogatory did not conflict with Defendants' sincerely held religious beliefs. If so, describe in detail the basis of this belief and identify all supporting documents.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 21:

DFEH incorporates the Preliminary Statement and General Objections herein. Because this interrogatory seeks the Real Parties' *beliefs* about whether "their specially commissioned cake order interrogatory did not conflict with Defendants' sincerely held religious beliefs," DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) Because this interrogatory asks the responding party to "describe in detail the basis of this belief" DFEH further objects to this interrogatory as seeking information that is protected by the official information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney work-product doctrine, attorney-client privilege (*id.* § 950 et seq.), the common interest doctrine, and/or otherwise protected by any other applicable privilege, doctrine, and/or immunity. DFEH further objects to this interrogatory on the ground it calls for speculation and is compound, conjunctive, disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not respond to this interrogatory based on the above-identified objections and privileges.

AMENDED SPECIAL INTERROGATORY NO. 22:

Describe in detail every fact Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio rely on in contending that Defendants discriminated against them on the basis of sexual orientation.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 22:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and vague and ambiguous in that it seeks “every fact Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio rely on in contending that Defendants discriminated against them on the basis of sexual orientation,” which fails to identify with sufficient particularity what information is sought, such that DFEH cannot reasonably determine what information this interrogatory is seeking.

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

On August 17, 2017, Real Parties in Interest visited Tastries and met with Tastries’ employee Rosemary Perez. Ms. Perez answered their questions, showed the couple “display cakes,” and recorded the details of the selections they made for their attempted cake order. Ms. Perez never told Real Parties that Tastries would not create a cake for the celebration of their wedding.

On August 26, 2017, Real Parties returned to Tastries to taste cakes. After Ms. Perez greeted them and their guests defendant Miller took over the cake order process. Defendant Miller asked Real Parties questions about the cake they wanted to order. Then, directing her question to Mireya Rodriguez-Del Rio’s man of honor and his partner, Ms. Miller asked “which one of you is the groom?,” or words to that effect. Eileen Rodriguez-Del Rio responded, “me,” and the man of honor pointed to Eileen and said “she is.” Once defendant Miller learned Real Parties were a same-sex couple, she refused to take the Real Parties’ cake order; thus, refusing to provide full and equal services based on their sexual orientation. Defendants admit in Defendants’ Verified First Amended Answer to Plaintiff’s First

Amended Complaint (Defendants’ Answer) that “they informed Eileen and Mireya Rodriguez-Del Rio

that they would not create a custom wedding cake celebrating a same-sex wedding.” (Defendants’

Answer, 2:5-6.)

1 **AMENDED SPECIAL INTERROGATORY NO. 23:**

2 State what Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio believe Defendants should
3 have done during the Incident that they failed to do.

4 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 23:**

5 DFEH incorporates the Preliminary Statement and General Objections herein. Because this
6 interrogatory seeks the Real Parties' *beliefs* about what "Defendants should have done during the
7 Incident that they failed to do," DFEH objects to this interrogatory as overbroad and exceeding the
8 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
9 action and the information is not reasonably calculated to lead to the discovery of admissible evidence.
10 (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this
11 interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH further objects to this
12 interrogatory on the ground that it calls for speculation and is vague and ambiguous as to the term
13 "Incident" such that DFEH cannot reasonably determine what information is sought by this
14 interrogatory.

15 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
16 effort to obtain the requested information, DFEH responds as follows:

17 Defendants should have provided full and equal services to Real Parties and treated them the
18 same as they treat opposite-sex couples attempting to order a cake for their wedding reception.

19 **AMENDED SPECIAL INTERROGATORY NO. 24:**

20 For each verbal communication Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio or
21 anyone acting on their behalf has had with the Defendants, describe in detail: (a) the date of each
22 communication; (b) who was talking to whom; and (c) the substance of the communication.

23 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 24:**

24 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
25 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
26 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
27 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) In light of the fact that
28 the propounding party, as one of the Defendants, is already in possession of the information sought by

1 this interrogatory, DFEH objects to this interrogatory as it seeks information equally available to the
2 propounding party, it is unduly burdensome and oppressive, and it serves no purpose other than to
3 harass. (*Ibid.*) DFEH also objects to this interrogatory on the ground it is compound, conjunctive,
4 disjunctive, and contains subparts. (*Id.* § 2030.060, subd. (f).)

5 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
6 effort to obtain the requested information, DFEH responds as follows:

7 Real Parties met and spoke with Rosemary Perez on their August 17, 2017 visit to Tastries. Ms.
8 Perez and Real Parties discussed Tastries' services and products, specifically the cake Real Parties
9 attempted to order from Tastries for their wedding reception. Real Parties provided Ms. Perez the details
10 of the cake they attempted to order, which they based on an existing Tastries display cake Ms. Perez
11 showed them. Real Parties described that, like the display cake, they wanted a simple, round, three-
12 tiered white frosting cake with basic flavors that were not overly sweet and a few decorative flowers.
13 Ms. Perez discussed pricing for the cake, having a sheet cake for guests to eat in addition to the cake,
14 and invited Real Parties to return for a tasting on August 26, 2017. Real Parties and Ms. Perez also
15 discussed Ms. Perez's love of attending weddings, Ms. Perez attending their wedding celebration, and
16 that they would bring her a "save the date" card for their wedding reception when they returned for the
17 tasting.

18 During a telephone call after the appointment was made but before the tasting appointment, Real
19 Parties spoke with a Tastries employee whose name they do not recall, who informed them they each
20 could be joined by one guest for a tasting. Real Parties invited their mothers to join them for the August
21 26, 2017 tasting. Because Mr. Grijalva and his partner wanted to join Real Parties for the tasting, at the
22 suggestion of the Tastries employee, Mireya signed up Mr. Grijalva and his partner for a tasting shortly
23 after Real Parties appointment in order that they could taste with Real Parties.

24 Real Parties spoke over the phone with Ms. Perez on August 26, 2017 to confirm their
25 attendance at the tasting scheduled for later that day.

26 Real Parties were greeted by Ms. Perez when they returned to Tastries for the tasting on August
27 26, 2017. Ms. Perez apologized to Real Parties and informed them her boss would be taking over their
28 order.

1 Real Parties then met with defendant Miller and discussed the cake they attempted to order for
2 their wedding celebration. Ms. Miller approached the Rodriguez-Del Rio party, directed them to the
3 back of the store, and asked what they were looking to order. Eileen explained they were there for a
4 tasting and to place a cake order for their wedding celebration. Ms. Miller provided the couple a
5 clipboard and order form, which Eileen began filling out while answering Ms. Miller's questions about
6 the cake they attempted to order. Eileen questioned why Ms. Miller needed this information since they
7 already provided the details of their selections to Ms. Perez.

8 Directing her question to Mireya's man of honor and his partner, Ms. Miller asked "which one of
9 you is the groom?," or words to that effect. Eileen responded, "me," and the man of honor pointed to
10 Eileen and said, "she is." Ms. Miller followed up with a few more questions, including about the
11 couple's wedding venue.

12 Ms. Miller then told the couple she would provide their order to Stephanie at Gimmee Some
13 Sugar because she did not condone same-sex marriage. Confused, Eileen asked for clarification about to
14 whom Ms. Miller planned to give their order, and Mireya said she was under the impression that
15 Tastries would make their cake. Ms. Miller advised the couple that because she did not condone same-
16 sex marriage, she regularly sends same-sex couples' wedding cake orders to Gimmee Some Sugar and
17 would send their order. Eileen asked why they would give their order to Ms. Miller if Tastries would not
18 be making their cake.

19 **AMENDED SPECIAL INTERROGATORY NO. 25:**

20 Identify all vendors, event planners, businesses, and individuals that Mireya Rodriguez-Del Rio
21 or Eileen Rodriguez-Del Rio hired or considered in connection with their wedding reception. For each
22 vendor, business, or individual, please provide the date(s) Mireya Rodriguez-Del Rio or Eileen
23 Rodriguez-Del Rio communicated with them, why they did or did not select them, the date they hired
24 them, the purpose for which they hired them and the estimated cost of the good or service provided.

25 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 25:**

26 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
27 this interrogatory as vague and ambiguous as to the term "wedding reception" such that DFEH cannot
28 reasonably determine what "wedding reception" or period of time the propounding party is seeking

1 information about for purposes of this interrogatory. DFEH objects to this interrogatory as overbroad as
2 to time and scope and exceeding the permissible scope of discovery in that the information sought is
3 irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to
4 the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this
5 interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*)
6 and because it seeks information that is protected by the right to privacy of personal sensitive and
7 confidential information under the United States Constitution, California Constitution, and Information
8 Practices Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive,
9 disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

10 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
11 effort to obtain the requested information, DFEH responds as follows:

12 Real Parties used the Metro Galleries as the event space for their wedding reception. They used
13 Embellished Décor for catering services and decorations, tables and chairs, and other rentals. DJ Jerome
14 provided music. Tiers of Joy provided the cake and other desserts. Brandon Rose provided photography
15 services.

16 **AMENDED SPECIAL INTERROGATORY NO. 26:**

17 State whether anyone recorded any audio or video at Mireya Rodriguez-Del Rio or Eileen
18 Rodriguez-Del Rio's wedding reception. If so, identify the nature of each recording and the individuals
19 who operated the recording devices. Also, identify the individual(s) who currently possess the original
20 recordings.

21 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 26:**

22 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
23 this interrogatory as vague and ambiguous as to the term "wedding reception" such that DFEH cannot
24 reasonably determine what "wedding reception" or period of time the propounding party is seeking
25 information about for purposes of this interrogatory. DFEH objects to this interrogatory as overbroad as
26 to time and scope and exceeding the permissible scope of discovery in that the information sought is
27 irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to
28 the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this

interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. DFEH further objects to this interrogatory on the ground it is compound, conjunctive, disjunctive, and contains subparts. (Code Civ. Proc., § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No videographer recorded video or audio at Real Parties' wedding celebration.

AMENDED SPECIAL INTERROGATORY NO. 27:

Identify whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio's wedding ceremony or wedding reception for their wedding included any events, customs, rituals, or practices that they believe typically occur at weddings. If so, please identify and describe all such events, customs, rituals, and practices.

RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 27:

DFEH incorporates the Preliminary Statement and General Objections herein. Because this interrogatory seeks the Real Parties' *beliefs* about whether the events at their "wedding ceremony or wedding reception for their wedding included any events, customs, rituals, or practices . . . typically occur at weddings," DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) Because "wedding reception" and "wedding ceremony" are undefined and this interrogatory is not limited in time or scope to the subject matter of this action, DFEH further objects to this interrogatory as vague and ambiguous such that DFEH cannot reasonably determine what "wedding reception," "wedding ceremony," or period of time the propounding party is seeking information about for purposes of this interrogatory. DFEH also objects to this interrogatory because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and

1 Information Practices Act. DFEH further objects to this interrogatory on the ground it is compound,
2 conjunctive, disjunctive, and contains subparts. (*Id.* § 2030.060, subd. (f).)

3 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
4 effort to obtain the requested information, DFEH responds as follows:

5 Real Parties had what they considered a traditional wedding ceremony and reception. Mireya
6 walked down the aisle with her mom, they exchanged vows in front of their family and friends, and they
7 hosted a reception.

8 **AMENDED SPECIAL INTERROGATORY NO. 28:**

9 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio held a reception after their
10 first wedding ceremony in December 2016. If so, identify by name, phone number, address, and
11 relationship to them, every individual who attended that reception.

12 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 28:**

13 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
14 this interrogatory as it is duplicative of Amended Special Interrogatory Number 4. DFEH objects to this
15 interrogatory as overbroad as to time and scope and exceeding the permissible scope of discovery in that
16 the information sought is irrelevant to the subject matter of this action and the information is not
17 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
18 Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no
19 purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to
20 privacy of personal sensitive and confidential information under the United States Constitution,
21 California Constitution, and Information Practices Act. DFEH further objects to this interrogatory on the
22 ground it is compound, conjunctive, disjunctive, and contains subparts. (*Id.* § 2030.060, subd. (f).)

23 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
24 effort to obtain the requested information, DFEH responds as follows:

25 Real Parties did not hold a reception after their December 7, 2016 wedding.

26 **AMENDED SPECIAL INTERROGATORY NO. 29:**

27 State the name, address, telephone number, and relationship to Mireya Rodriguez-Del Rio or
28 Eileen Rodriguez-Del Rio of each person who prepared or assisted in the preparation of the responses to

1 these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2 **RESPONSE TO AMENDED SPECIAL INTERROGATORY NO. 29:**

3 DFEH incorporates the Preliminary Statement and General Objections herein. After a reasonable
4 and good-faith effort to obtain the requested information, DFEH responds as follows:

5 Attorneys for DFEH Gregory J. Mann, Jeanette Hawn, and Paula Pearlman; DFEH District
6 Administrator Patrice Doehn; Eileen Rodriguez-Del Rio; Mireya Rodriguez-Del Rio; and Real Parties'
7 attorney, Patricia Ziegler-Lopez.

8 DATE: January 10, 2020

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

10 By: _____

11 Gregory J. Mann
12 Attorneys for the Plaintiff

VERIFICATION

I, Patrice Doehrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED AMENDED SPECIAL INTERROGATORIES, TO PLAINTIFF DFEH, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of January 2020, at Bakersfield, California.



Patrice Doehrn
District Administrator



JANETTE WIPPER (#275264)
Chief Counsel
GREGORY J. MANN (#200578)
Senior Staff Counsel
DEPARTMENT OF FAIR EMPLOYMENT
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320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
Telephone: (213) 439-6799
Facsimile: (888) 382-5293

Attorneys for the Department
Fee Exempt (Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

CASE NO. BCV-18-102633-DRL

OMNIBUS PROOF OF SERVICE



1 I, the undersigned, hereby declare:

2 I am over eighteen years of age and not a party to the within cause. My business and mailing address
3 is 320 West 4th Street, Suite 1000, Los Angeles, CA 90013.

4 On January 10, 2020, I served a copy of the following document(s):

- 5 **1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
6 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
7 **AMENDED SPECIAL INTERROGATORIES IN LIEU OF REQUESTS FOR**
8 **ADMISSION TO PLAINTIFF DFEH, SET ONE;**
- 9 **2. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
10 **SUPPLEMENTAL RESPONSE TO DEFENDANTS CATHERINE MILLER'S**
11 **AND TASTRIES' CORRECTED AMENDED REQUESTS FOR PRODUCTION**
12 **OF DOCUMENTS TO PLAINTIFF DFEH, SET ONE and PRIVILEGE LOG;**
- 13 **3. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
14 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
15 **AMENDED SPECIAL INTERROGATORIES TO PLAINTIFF DFEH, SET ONE;**
- 16 **4. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
17 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
18 **AMENDED FORM INTERROGATORIES TO PLAINTIFF DFEH, SET ONE; &**
- 19 **5. REAL PARTIES IN INTEREST'S SUPPLEMENTAL RESPONSE TO**
20 **DEFENDANT CATHY'S CREATIONS, INC.'S DEPOSITION SUBPOENA FOR**
21 **PRODUCTION OF DOCUMENTS AND THINGS.**



1 ☒ **By United States Mail** by placing a true and correct copy of the above document(s) enclosed
2 in a sealed envelope with postage thereon fully prepaid following the Department's ordinary business
3 practices for the collection and processing of mail, of which I am readily familiar. On the same day
4 that correspondence is placed for collection and mailing, it is deposited in the ordinary course of
business with the United States Postal Service.

5 ☒ **By E-Mail** by forwarding a true and correct copy of the above document(s) via e-mail to the
6 person(s) at the e-mail address(es) set forth below.

7
8 Charles S. LiMandri
Jeffrey M. Trissell
9 Paul Jonna
Kathy Denworth

Email: climandri@limandri.com
Email: jtrissell@limandri.com
Email: pjonna@limandri.com
Email: KDenworth@limandri.com

10 Freedom of Conscience Defense Fund
11 P.O. Box #9520
12 Rancho Santa Fe, California 92067

13
14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
15 and correct.

16 Executed on January 10, 2020, at Los Angeles, California.

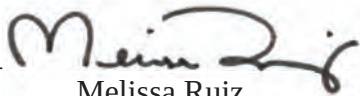
17
18
19
20
21
22
23 
24 Melissa Ruiz



EXHIBIT 4

Document received by the CA 5th District Court of Appeal.

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PAULA D. PEARLMAN (#109038)
Assistant Chief Counsel
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Attorneys for Plaintiff, DFEH

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
FURTHER SUPPLEMENTAL RESPONSE
TO DEFENDANT TASTRIES' CORRECTED
AMENDED SPECIAL INTERROGATORIES
IN LIEU OF REQUESTS FOR ADMISSION
TO PLAINTIFF DFEH, SET ONE**

Action filed: October 17, 2018
Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANT CATHY'S CREATIONS, INC. d/b/a TASTRIES

RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

SET NO.: ONE

1 Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
2 and pursuant to Code of Civil Procedure section 2030.210, et seq., hereby responds to Defendant
3 Tastries' Corrected Amended Special Interrogatories in Lieu of Requests for Admission to Plaintiff
4 DFEH, Set One as follows:

5 **PRELIMINARY STATEMENT**

6 DFEH's responses are based upon its discovery and investigation to date and reflects the
7 collective knowledge of different individuals within DFEH that has been compiled in a good faith effort.
8 To the extent that additional information comes to DFEH's attention that augments or otherwise
9 modifies its current understanding of the facts of this case, DFEH reserves the right to modify its
10 responses, accordingly.

11 These responses are provided on behalf of DFEH only, which is the plaintiff in this matter.
12 Defendant's interrogatories may be directed only to a party to the action. (Code Civ. Proc., § 2030.010;
13 *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th 1188, 1197 ["A real
14 party in interest is generally defined as 'any person or entity whose interest will be directly affected by
15 the proceeding.'" (citation omitted)].) Information sought from a real party in interest is more
16 appropriately sought through deposition. As the plaintiff, DFEH represents the interests of the People of
17 the State of California and pursues relief on behalf of the real party in interest. (Gov. Code, § 12929.)
18 DFEH does not formally represent the real parties in interest Mireya and Eileen Rodriguez-Del Rio
19 (Real Parties). (See Gov. Code, §§ 12981 and 12989 [Real Party has right to intervene in the
20 administrative or civil litigation].) However, pursuant to Rule 1.6 of the California Rules of Professional
21 Conduct and Business and Professions Code section 6068, subdivision (e), DFEH has a de-facto
22 attorney-client relationship with the Real Parties.

23 Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts
24 and law relating to this case. The responses set forth herein are based upon the records and information
25 available to DFEH at the time of the preparation of these responses and are true and correct to the best
26 knowledge of DFEH as of this date. The responses set forth herein are provided without prejudice to
27 DFEH's right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise change
28

1 or amend the responses herein. DFEH specifically reserves the right, at the time of hearing or trial, to
2 introduce any evidence that may be obtained or identified from any source.

3 DFEH bases these responses on the express statement, included in the statute, that defendant
4 does not request information privileged from disclosure by law or otherwise made confidential or
5 protected against discovery by any applicable privilege, doctrine, or immunity including, without
6 limitation, the right to privacy under the California and U.S. Constitutions and any other state or federal
7 law, any privilege relating to confidential conciliation, the official-information privilege, informant
8 privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring
9 defendants to meet evidentiary requirements before responses are required for discovery seeking
10 information about prosecutors exercise of their discretion. DFEH will not provide any such confidential
11 or privileged information in response to any interrogatory that seeks it and will herein and at hearing
12 object thereto and assert the applicable privileges to the fullest extent provided by law. Any response
13 that inadvertently provides such confidential or privileged information shall not be deemed to waive the
14 applicable privilege, doctrine, confidentiality, privacy, or immunity.

15 This preliminary statement applies to, and is incorporated by reference in, each response set forth
16 herein. Any reference to a preceding or subsequent response incorporates by reference both the
17 information and objections set forth in the referenced response.

18 GENERAL OBJECTIONS

19 1. DFEH objects generally to each interrogatory that otherwise seeks matter that is
20 irrelevant or immaterial to the subject of this action, and not reasonably calculated to lead to the
21 discovery of admissible evidence.

22 2. DFEH objects to each interrogatory insofar as it imposes an unreasonable burden upon
23 DFEH.

24 3. DFEH generally objects to each interrogatory insofar as it is vague, uncertain, and not
25 specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the
26 interrogatories in lieu of requests for admission, but will attempt to respond thereto as can reasonably be
27 understood to pertain to specific and identifiable documentation or material which is relevant to the
28 action.

1
2 4. DFEH objects generally to each interrogatory insofar as it calls for material that is
3 unreasonably difficult to identify, locate, or produce at this stage in the litigation.

4 5. DFEH objects to each interrogatory on the grounds that they are oppressive and
5 overbroad and are not reasonably calculated to lead to the discovery of admissible evidence.

6 6. DFEH objects generally to each interrogatory insofar as it calls for information already
7 within the possession of defendants and/or defendant's counsel.

8 7. DFEH objects generally to each interrogatory insofar as it requires DFEH and its counsel
9 to give information that is equally available to defendant to collect, compile, or otherwise collate
10 information therefrom. Defendant is not entitled to have DFEH prepare defendant's case.

11 8. DFEH objects generally to each interrogatory insofar as DFEH lacks sufficient
12 information or knowledge.

13 9. DFEH objects generally to each interrogatory to the extent that the requests call for
14 speculation and are not susceptible to responses based on fact.

15 10. DFEH objects to these interrogatories to the extent they are unreasonably cumulative or
16 duplicative. (Code Civ. Proc., § 2019.030, subd. (a)(1).)

17 11. DFEH objects to these interrogatories to the extent they are unreasonably cumulative or
18 duplicative (Code Civ. Proc., § 2019.030 subd., (a)(1)) as the Defendant has also issued other
19 duplicative interrogatories.

20 12. DFEH objects to each interrogatory to the extent it seeks information protected by the
21 attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the
22 conciliation privilege (Gov. Code, § 12963.7.)

23 13. DFEH objects to each interrogatory to the extent it seeks information protected by the
24 official information privilege.

25 14. DFEH objects to each interrogatory to the extent it seeks to invade privacy in violation
26 of the California Constitution, Article 1, section 1.

27 15. DFEH objects to each interrogatory to the extent it invades copyright protections.
28

GENERAL RESPONSE

DFEH objects to each interrogatory to the extent it seeks information protected by the attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the conciliation privilege (Gov. Code, § 12963.7.) DFEH incorporates these objections into its specific responses below.

Subject to the foregoing general objections and general response applicable to all interrogatories in lieu of requests for admission and without any waiver of these general objections and general response applicable to all interrogatories, DFEH further responds as follows:

SPECIFIC RESPONSES TO AMENDED SPECIAL INTERROGATORIES

IN LIEU OF REQUESTS FOR ADMISSIONS

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 1:

State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio were married in December 2016.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 1:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act.

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Yes, Real Parties were married on December 7, 2016.

///

///

1 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 2:**

2 State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio did not host a wedding
3 reception after they were married prior to visiting Tastries Bakery in August 2017.

4 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
5 **ADMISSION NO. 2:**

6 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
7 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
8 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
9 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
10 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass
11 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and
12 confidential information under the United States Constitution, California Constitution, and Information
13 Practices Act. (Cal. Const. Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

14 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
15 effort to obtain the requested information, DFEH responds as follows:

16 No, Real Parties did not have a reception after their December 2016 wedding.

17 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 3:**

18 State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio tasted cakes at other
19 bakeshops before visiting Tastries Bakery in August 2017.

20 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
21 **ADMISSION NO. 3:**

22 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
23 this interrogatory as vague and ambiguous as to the terms “cakes,” “bakeshops,” and “before visiting
24 Tastries Bakery in August 2017,” such that DFEH cannot reasonably determine if the propounding party
25 is seeking information about every cake the real parties ever tasted before visiting Tastries for purposes
26 of this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of
27 this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of
28 discovery in that the information sought is irrelevant to the subject matter of this action and the

1 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
2 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory
3 as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by
4 the right to privacy of personal sensitive and confidential information under the United States
5 Constitution, California Constitution, and Information Practices Act.

6 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
7 effort to obtain the requested information, DFEH responds as follows:

8 Yes, Real Parties tasted cakes at other bakeries before visiting Tastries in August 2017.

9 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 4:**

10 State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio had not secured a venue
11 to hold their celebration at the time of their visit to Tastries Bakery in August 2017.

12 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
13 **ADMISSION NO. 4:**

14 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
15 this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
16 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
17 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth
18 of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass.
19 (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and
20 confidential information under the United States Constitution, California Constitution, and Information
21 Practices Act. (Cal. Const. Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.) DFEH further
22 objects to this interrogatory as vague and ambiguous as to the term “celebration” such that DFEH cannot
23 reasonably determine what information is sought by this interrogatory.

24 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
25 effort to obtain the requested information, to the extent DFEH is able to respond to this interrogatory as
26 framed, DFEH responds as follows:

27 Real Parties had already reserved a venue for their wedding reception by the time they visited
28 Tastries in August 2017.

1 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 5:**

2 State whether before visiting Tastries Bakery in August 2017, Mireya Rodriguez-Del Rio and
3 Eileen Rodriguez-Del Rio visited Party Palace, a local event venue that regularly hosts wedding
4 receptions.

5 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
6 **ADMISSION NO. 5:**

7 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
8 this interrogatory as vague and ambiguous as to the terms “regularly hosts” and “before visiting Tastries
9 Bakery in August 2017” such that DFEH cannot reasonably determine what information is sought by
10 this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this
11 action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of
12 discovery in that the information sought is irrelevant to the subject matter of this action and the
13 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
14 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory
15 as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by
16 the right to privacy of personal sensitive and confidential information under the United States
17 Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1, § 1; U.S.
18 Const., 1st Amend.; Civ. Code, § 1798 et seq.)

19 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
20 effort to obtain the requested information, DFEH responds as follows:

21 No, Real Parties did not visit Party Palace before visiting Tastries in August 2017.

22 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 6:**

23 State whether while Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio met with Party
24 Palace’s owner, Reina Benitez, one or both of them pulled out a cell phone and began to record the
25 conversation.

26 ///

27 ///

28 ///

**RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR
ADMISSION NO. 6:**

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the period of time that is the subject of this interrogatory such that DFEH cannot reasonably determine what information is sought by this interrogatory. It is also vague and ambiguous in who “one or both of them” is referring to. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No, Real Parties did not meet with Party Palace’s owner, Reina Benitez.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 7:

State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio asked Party Palace’s owner, Reina Benitez, whether she objected to renting out Party Palace for same-sex wedding receptions.

**RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR
ADMISSION NO. 7:**

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the period of time that is the subject of this interrogatory such that DFEH cannot reasonably determine what information is sought by this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information

sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Real Parties did not meet with Party Palace's owner, Reina Benitez.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 8:

State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio demanded to see Party Palace's owner, Reina Benitez's, event calendar.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 8:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the period of time that is the subject of this interrogatory such that DFEH cannot reasonably determine what information is sought by this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH also objects to this interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1, § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Real Parties did not meet with Party Palace's owner, Reina Benitez.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 9:

State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio knew before visiting Tastries Bakery in August 2017 that Defendant Miller was a practicing Christian.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 9:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the terms “before visiting Tastries Bakery in August 2017” or “practicing Christian.” Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) To the extent this interrogatory asks about defendant Miller’s religious beliefs,

DFEH is not disputing the sincerity of her beliefs. DFEH objects to the interrogatory to the extent it asks about the real parties’ speculation about or perception of defendant Miller’s religious beliefs.

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No, Real Parties did not know defendant Miller was a practicing Christian before visiting Tastries in August 2017.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 10:

State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio never visited Tastries Bakery before August 17, 2017.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 10:

DFEH incorporates the Preliminary Statement and General Objections herein. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)

1 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
2 effort to obtain the requested information, to the extent DFEH is able to respond to this interrogatory as
3 framed, DFEH responds as follows:

4 No, Real Parties had not visited Tastries before August 17, 2017.

5 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 11:**

6 State whether Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio did not intend to sample a
7 Tastries Bakery cake before purchasing a cake for their wedding celebration.

8 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
9 **ADMISSION NO. 11:**

10 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
11 this interrogatory as vague and ambiguous as to time and to the terms “sample,” “before purchasing a
12 cake,” and “their wedding celebration” and the negative construction of the interrogatory such that
13 DFEH cannot reasonably determine what information is sought by this interrogatory. Because this
14 interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this
15 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
16 sought is irrelevant to the subject matter of this action and the information is not reasonably calculated
17 to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)

18 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
19 effort to obtain the requested information, DFEH responds as follows:

20 Real Parties wanted to sample a Tastries cake before completing their attempted order of a cake
21 for their wedding reception.

22 **SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF**
23 **REQUEST FOR ADMISSION NO. 11:**

24 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
25 effort to obtain the requested information, DFEH responds as follows:

26 As they had done at other bakeries during their search for a cake to celebrate their wedding, Real
27 Parties wanted to sample a Tastries cake before ordering one. During their first visit to Tastries on
28 August 16, 2017, Real Parties had such a good interaction with Tastries employee Rosemary Perez, that

1 Eileen Rodriguez-Del Rio was nearly ready to order a cake that night. When Rosemary suggested they
2 return to taste the cakes, however, the couple eagerly accepted the offer to return for a tasting as it had
3 been their plan to taste cakes before ordering.

4 **FURTHER SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY IN**
5 **LIEU OF REQUEST FOR ADMISSION NO. 11:**

6 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
7 effort to obtain the requested information, DFEH responds as follows:

8 (b) State all facts upon which they base their response:

9 As they had done at other bakeries during their search for a cake to celebrate their wedding,
10 Real Parties wanted to sample a Tastries cake before ordering one. During their first visit to
11 Tastries on August 16, 2017, Real Parties had such a good interaction with Tastries employee
12 Rosemary Perez, that Eileen Rodriguez-Del Rio was nearly ready to order a cake that night.
13 When Rosemary suggested they return to taste the cakes, however, the couple eagerly
14 accepted the offer to return for a tasting as it had been their plan to taste cakes before
15 ordering.

16 (c) State the names, ADDRESSES, and telephone numbers of all PERSONS who have
17 knowledge of those facts:

18 Individuals with knowledge of the above facts include Eileen Rodriguez-Del Rio; Mireya
19 Rodriguez-Del Rio; Margaret Del Rio; Maria Rodriguez; Patrick Grijalva; Sam Salazar;
20 Rosemary Perez; and Catharine Miller. Defendants possesses or have equal access to the
21 contact information of the above individuals. DFEH will cooperate in contacting any of the
22 above individuals should defendants so request.

23 (d) Identify all DOCUMENTS and other tangible things that support their response and state the
24 name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or
25 thing:

26 DFEH00026; DFEH00172; DFEH00181-183; DFEH00184-185; DFEH00221; DFEH00235;
27 DFEH00236; DFEH00241; DFEH00. The identified responsive documents have been
28 produced to defendants by DFEH and Real Parties.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 12:

State whether within minutes of leaving Tastries Bakery, Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio posted on Facebook about their visit to Tastries Bakery that just took place.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 12:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this interrogatory on the grounds it is vague and ambiguous as to time and the term “within minutes.”

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this request as framed, DFEH responds as follows:

Real Parties posted to/commented on Facebook about the discrimination they suffered during their visit to Tastries on August 26, 2017 shortly after leaving Tastries.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 13:

State whether on the same day as Miller’s declining to make a cake for Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio’s same-sex wedding, one or both of them posted a one-star review on Tastries’ Facebook page, stating that Miller is “a bigot and hates lesbians and gays and refuses service to them. Apparently gay and lesbian money looks different and spends different.”

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 13:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*)

1 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
2 effort to obtain the requested information, DFEH responds as follows:

3 No.

4 **AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 14:**

5 State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio knew Defendant Miller,
6 her family, and her employees were the subject of verbal attacks and threats after their visit to Tastries
7 Bakery in August 2017.

8 **RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR**
9 **ADMISSION NO. 14:**

10 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
11 this interrogatory as vague and ambiguous as to the terms “verbal attacks,” “threats,” and “after their
12 visit to Tastries Bakery in August 2017” such that DFEH cannot reasonably determine what information
13 is sought by this interrogatory. Because this interrogatory is not limited in time or scope to the subject
14 matter of this action, DFEH further objects to this interrogatory as overbroad and exceeding the
15 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
16 action and the information is not reasonably calculated to lead to the discovery of admissible evidence.
17 (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this
18 interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH also objects to this interrogatory
19 as compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

20 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
21 effort to obtain the requested information, DFEH responds as follows:

22 DFEH does not respond to this interrogatory based on the above-identified objections and
23 privileges.

24 **SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF**
25 **REQUEST FOR ADMISSION NO. 14:**

26 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
27 effort to obtain the requested information, DFEH responds as follows:
28

No. Real Parties were not aware of verbal attacks and threats directed at Miller, her family, and her employees after their visit to Tastries Bakery in August 2017.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 15:

State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio did nothing to prevent others from harassing, threatening, insulting, and attacking Defendant Miller, her family, and her employees after they posted about their visit to Tastries Bakery in August 2017 on social media.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 15:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the terms “harassing,” “threatening,” “insulting,” “attacking,” “after their visit to Tastries Bakery in August 2017,” and “social media” such that DFEH cannot reasonably determine what information is sought by this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH also objects to this interrogatory as compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this interrogatory based on the above-identified objections and privileges.

SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 15:

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

Real Parties were not aware of any verbal attacks or threats directed at Miller, her family or her employees. Sometime after they posted about Miller’s discriminatory refusal to take their order of a cake

for use in their wedding celebration, Real Parties saw that people were commenting on social media websites. Real Parties saw viscous and prejudiced comments about them and the LGBTQ community. They did not focus on messages directed to defendant Miller, her family, or her employees. They did not make any comments nor respond to any comments directed at Miller, her family or her employees.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 16:

State whether Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio wanted Defendant Miller to be publicly punished for declining to create their custom wedding celebration cake, and they wanted Tastries Bakery to suffer economically.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 16:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the time period and as to the terms “publicly punished” and “suffer economically,” such that DFEH cannot reasonably determine what information is sought by this interrogatory. Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH also objects to this interrogatory as compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

DFEH does not respond to this interrogatory based on the above-identified objections and privileges.

SUPPLEMENTAL RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 16:

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No, Real Parties have not and do not seek any public punishment for Miller or Tastries. Real Parties filed their DFEH complaint because Defendants violated the Unruh Civil Rights Act, and Real Parties want a judicial determination that Defendants violated the Unruh Civil Rights Act by refusing to provide them full and equal services because of their sexual orientation.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 17:

State whether before visiting Tastries Bakery on August 26, 2017, Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio knew that the Unruh Act prohibits business establishments from discriminating on the basis of sexual orientation.

RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 17:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH further objects to this interrogatory as vague and ambiguous as to the term “before visiting Tastries Bakery on August 26, 2017.” DFEH also objects to this interrogatory as compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No. Real Parties did not have specific knowledge of the Unruh Civil Rights Act before visiting Tastries Bakery on August 26, 2017. At the time, they generally knew that businesses in California must serve all customers regardless of religion, race, sex, sexual orientation and other protected characteristics.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 18:

State whether before visiting Tastries Bakery on August 26, 2017, Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio knew they could file an anti-discrimination complaint under the Unruh

Act against a business establishment and/or owner that declines service based on sincerely held religious beliefs about same-sex marriage.

**RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR
ADMISSION NO. 18:**

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this interrogatory as serving no purpose other than to harass. (*Ibid.*) DFEH further objects to this interrogatory as vague and ambiguous as to the term “before visiting Tastries Bakery on August 26, 2017.” DFEH also objects to this interrogatory as compound, conjunctive, and disjunctive. (*Id.* § 2030.060, subd. (f).)

Subject to and without waiving the foregoing objections, and after a reasonable and good-faith effort to obtain the requested information, DFEH responds as follows:

No. Before visiting Tastries Bakery on August 26, 2017, Real Parties did not have specific knowledge they could file an anti-discrimination complaint under the Unruh Civil Rights Act. At the time, they generally knew that businesses in California must serve all customers regardless of religion, race, sex, sexual orientation, and other protected characteristics.

AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR ADMISSION NO. 19:

State whether after Mireya Rodriguez-Del Rio and Eileen Rodriguez-Del Rio’s visit to Tastries Bakery on August 26, 2017, they obtained a wedding cake from another vendor.

**RESPONSE TO AMENDED SPECIAL INTERROGATORY IN LIEU OF REQUEST FOR
ADMISSION NO. 19:**

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this interrogatory as vague and ambiguous as to the term “after [the real parties’] visit to Tastries Bakery on August 26, 2017.” Because this interrogatory is not limited in time or scope to the subject matter of this action, DFEH objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the

1 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
2 Proc., § 2017.010.) Due to the overbreadth of this interrogatory, DFEH further objects to this
3 interrogatory as serving no purpose other than to harass (*ibid.*) and because it seeks information that is
4 protected by the right to privacy of personal sensitive and confidential information under the United
5 States Constitution, California Constitution, and Information Practices Act.

6 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
7 effort to obtain the requested information, DFEH responds as follows:

8 Yes, Real Parties obtained a cake from another vendor after visiting Tastries Bakery on August
9 26, 2017.

11 Dated: January 27, 2020

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

13 By:

14 

Gregory J. Mann
Attorneys for the Plaintiff Department of Fair
Employment and Housing

VERIFICATION

I, Patrice Doehrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S FURTHER SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED AMENDED SPECIAL INTERROGATORIES IN LIEU OF REQUESTS FOR ADMISSION TO PLAINTIFF DFEH, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27th day of January 2020, at Bakersfield, California.


Patrice Doehrn
District Administrator



EXHIBIT 5

Document received by the CA 5th District Court of Appeal.

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Attorneys for Plaintiff DFEH

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
SUPPLEMENTAL RESPONSE TO
DEFENDANTS CATHARINE MILLER'S
AND TASTRIES' CORRECTED AMENDED
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF DFEH, SET
ONE**

Action filed: October 17, 2018
Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANTS CATHARINE MILLER AND CATHY'S
CREATIONS, INC. d/b/a TASTRIES

RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

SET NO.: ONE

1 Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
2 and pursuant to Code of Civil Procedure section 2031.210 et seq., hereby responds to Defendants
3 Catharine Miller's and Tastries Amended Request for Production of Documents to Plaintiff DFEH, Set
4 One, as follows:

5 **PRELIMINARY STATEMENT**

6 DFEH's responses are based upon its discovery and investigation to date and reflects the
7 collective knowledge of different individuals within DFEH that has been compiled in a good faith effort.
8 To the extent additional information comes to DFEH's attention that augments or otherwise modifies its
9 current understanding of the facts of this case, DFEH reserves the right to modify its responses,
10 accordingly.

11 These responses are provided on behalf of DFEH only, which is the plaintiff in this matter.
12 Defendant's requests for production of documents may be directed only to a party to the action. (Code
13 Civ. Proc., § 2031.210; *Redevelopment Agency v. Commission on State Mandates* (1996) 43 Cal.App.4th
14 1188, 1197 ["A real party in interest is generally defined as 'any person or entity whose interest will be
15 directly affected by the proceeding.'" (citation omitted)].) Information sought from a real party in
16 interest is more appropriately sought through deposition. As the plaintiff, DFEH represents the interests
17 of the People of the State of California and pursues relief on behalf of real parties in interest. (Gov.
18 Code, § 12929.) DFEH does not formally represent the real parties in interest, Eileen and Mireya
19 Rodriguez-Del Rio (Real Parties). (See Gov. Code, §§ 12981 and 12989 [real party has right to
20 intervene in the administrative or civil litigation].) However, pursuant to Rule 1.6 of the California Rules
21 of Professional Conduct and Business and Professions Code section 6068, subdivision (e), DFEH has a
22 de-facto attorney-client relationship with Real Parties.

23 Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts
24 and law relating to this case. The responses set forth herein are provided without prejudice to DFEH's
25 right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise change or
26 amend the responses herein. DFEH specifically reserves the right, at the time of hearing or trial, to
27 introduce any evidence that may be obtained or identified from any source.
28

DFEH bases these responses on the express statement, included in the statute, that Defendants do not request information privileged from disclosure by law or otherwise made confidential or protected against discovery by any applicable privilege, doctrine, or immunity including, without limitation, the right to privacy under the California and U.S. Constitutions, the Information Practices Act, and any other state or federal law, any privilege relating to confidential conciliation, the official-information privilege, informant privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring defendants to meet evidentiary requirements before responses are required for discovery seeking information about prosecutors exercise of their discretion. DFEH will not provide any such confidential or privileged information in response to any request that seeks it and will herein and at hearing object thereto and assert the applicable privileges to the fullest extent provided by law. Any response that inadvertently provides such confidential or privileged information shall not be deemed to waive the applicable privilege, doctrine, confidentiality, privacy, or immunity.

This preliminary statement applies to, and is incorporated by reference in, each response set forth herein. Any reference to a preceding or subsequent response incorporates by reference both the information and objections set forth in the referenced response.

GENERAL OBJECTIONS

1. DFEH objects to Defendants' characterization of its requests being served upon DFEH "in its capacity as representative of Real Parties." DFEH is plaintiff in this matter and provides these responses on its own behalf.

2. DFEH objects generally to each request that seeks matter that is irrelevant or immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of admissible evidence.

3. DFEH objects to each request insofar as it imposes an unreasonable burden upon DFEH.

4. DFEH generally objects to each request insofar as it is vague, uncertain, and not specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the interrogatories but will attempt to respond thereto as can reasonably be understood to pertain to specific and identifiable documentation or material which is relevant to the action.

1 5. DFEH objects generally to each request insofar as it calls for material that is
2 unreasonably difficult to identify, locate, or produce at this stage in the litigation.

3 6. DFEH objects to each request on the grounds that such interrogatories are oppressive
4 and overbroad, seek information that is irrelevant to the subject matter of this action and not reasonably
5 calculated to lead to the discovery of admissible evidence, and the compilation of such information
6 would be unduly burdensome.

7 7. DFEH objects generally to each request insofar as it calls for information already within
8 the possession of defendants and/or Defendants' counsel.

9 8. DFEH objects generally to each request insofar as it requires DFEH and its counsel to
10 give information that is equally available to Defendants to collect, compile, or otherwise collate
11 information therefrom. Defendants are not entitled to have DFEH prepare their case.

12 9. DFEH objects generally to each request insofar as it calls for information that is not
13 within its possession, custody, or control.

14 10. DFEH objects generally to each request to the extent that the interrogatories call for
15 speculation and are not susceptible to responses based on fact.

16 11. All responses are provided notwithstanding and without any waiver of these general
17 objections applicable to all interrogatories.

18 12. DFEH objects to these requests to the extent they are unreasonably cumulative or
19 duplicative of previously propounded requests. (Code Civ. Proc., § 2019.030 subd., (a)(1).)

20 13. DFEH objects to each request to the extent it seeks information protected by the
21 attorney-client privilege (Evid. Code, § 950 et seq.), attorney work-product doctrine, and conciliation
22 privilege (Gov. Code, § 12963.7).

23 14. DFEH objects to each request to the extent it seeks information protected by the official
24 information privilege (Evid. Code, § 1040) and informant privilege (*id.* § 1041).

25 15. DFEH objects to each request to the extent it seeks to invade privacy in violation of the
26 United States Constitution, California Constitution, and Information Practices Act. (Cal. Const. Art. 1,
27 § 1; U.S. Const., 1st Amend.; Civ. Code, § 1798 et seq.)

28 16. DFEH objects to each request to the extent it invades copyright protections.

1 17. DFEH objects to Defendants' definition of "INCIDENT"¹ as irrelevant and not
2 calculated to lead to the discovery of admissible evidence, overbroad, vague, ambiguous, unduly
3 burdensome, oppressive, and compound. DFEH further objects to Defendants' definition of
4 "INCIDENT" because requests using this definition seek information protected from discovery by the
5 official information privilege, informant privilege, attorney work-product doctrine, attorney-client
6 privilege, and Information Practices Act.

7 Subject to the foregoing preliminary statement and general objections, DFEH hereby further
8 responds to Defendants Catharine Miller's and Tastries' Amended Requests for Production of
9 Documents to Plaintiff DFEH, Set One, as follows:

10 **RESPONSES TO AMENDED REQUESTS FOR PRODUCTION OF DOCUMENTS**

11 **AMENDED REQUEST FOR PRODUCTION NO. 1:**

12 All DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya
13 Rodriguez-Del Rio or Eileen Rodriguez-Del Rio on which they rely in their belief that Defendants
14 discriminated against them on the basis of sexual orientation.

15 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 1:**

16 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
17 this request to the extent it seeks information that is protected by the official information privilege (Evid.
18 Code, § 1040), attorney-client privilege (*id.* §§ 950 et seq.), attorney work-product doctrine, Information
19 Practices Act (Civ. Code, §§ 1798 et seq.), and the common interest doctrine. DFEH further objects to
20 this request on the ground it seeks premature disclosure of expert information (Code Civ. Proc., §§
21 2034.210, 2034.220.) DFEH objects to this request as overbroad and exceeding the permissible scope of
22 discovery in that the request seeks information that is not relevant to the subject matter of this action and
23 is not reasonably calculated to lead to the discovery of admissible evidence. (*Id.* § 2017.010.) DFEH has
24 not decided which, if any, expert witnesses may be called at trial; insofar as this request seeks to
25 ascertain the identity, writings, and opinions of DFEH's experts who have been retained or utilized to
26 date solely as an advisor or consultant, it is violative of the work-product doctrine. (See, e.g., *South*

27
28 ¹ Defendant defines "INCIDENT" as "Defendants' decision to decline Real Parties in Interest's Request
that they design and create a custom wedding cake for a delayed wedding reception celebrating Real
Parties in Interest's same-sex marriage."

1 *Tahoe Pub. Utilities Dist. v. Super. Ct.* (1979) 90 Cal.App.3d 135; *Sheets v. Super. Ct.* (1967) 257
2 Cal.App.2d 1; *Sanders v. Super. Ct.* (1973) 34 Cal.App.3d 270.) DFEH further objects to this request on
3 the grounds that the term “on which they rely in their belief that Defendants discriminated against them
4 on the basis of sexual orientation” is vague and ambiguous. DFEH also objects to this request as unduly
5 burdensome, oppressive, and premature in light of the fact that discovery has just begun and is ongoing.
6 DFEH objects to this request on the ground it calls for a legal conclusion.

7 Subject to and without waiving the foregoing objections and privileges, and after a diligent
8 search and reasonable inquiry, DFEH responds as follows:

9 Concurrently with Plaintiff Department of Fair Employment and Housing’s Response to
10 Defendants Catharine Miller Requests for Production of Documents to Plaintiff DFEH, Set One, DFEH
11 produced responsive, non-privileged administrative investigation documents in its possession, custody,
12 and control as maintained in the usual course of business (Code Civ. Proc., § 2031.280), including
13 documents provided to DFEH by Real Parties. DFEH is not producing any documents withheld under
14 attorney-client privilege, the attorney work product doctrine, official information privilege, conciliation
15 privilege, copyright, and privacy rights under the United States Constitution, California Constitution,
16 and Information Practice Act.

17 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
18 ongoing discovery and investigation.

19 **AMENDED REQUEST FOR PRODUCTION NO. 2:**

20 All DOCUMENTS, including all emails, social media postings, diaries, online reviews, journals
21 and records, in the possession, custody or control of Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del
22 Rio, relating to the particular acts and events alleged in the First Amended Complaint, any claim
23 asserted, and any damage claimed.

24 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 2:**

25 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
26 this request to the extent it seeks information that is protected by the official information privilege (Evid.
27 Code, § 1040), attorney-client privilege (*id.* §§ 950 et seq.), attorney work-product doctrine, and the
28 common interest doctrine. DFEH further objects to this request on the ground it seeks premature

1 disclosure of expert information (Code Civ. Proc., §§ 2034.210, 2034.220.) DFEH also objects to this
2 request on the grounds that it seeks information protected by the right to privacy of personal sensitive
3 and confidential information under the United States Constitution, California Constitution, and
4 Information Practices Act. DFEH objects to this request as overbroad and exceeding the permissible
5 scope of discovery in that the request seeks information that is not relevant to the subject matter of this
6 action and is not reasonably calculated to lead to the discovery of admissible evidence. (*Id.*, § 2017.010.)
7 DFEH has not decided which, if any, expert witnesses may be called at trial; insofar as this request seeks
8 to ascertain the identity, writings, and opinions of DFEH's experts who have been retained or utilized to
9 date solely as an advisor or consultant, it is violative of the work-product doctrine. (See, e.g., *South*
10 *Tahoe Pub. Utilities Dist. v. Super. Ct.* (1979) 90 Cal.App.3d 135; *Sheets v. Super. Ct.* (1967) 257
11 Cal.App.2d 1; *Sanders v. Super. Ct.* (1973) 34 Cal.App.3d 270.) DFEH further objects to this request on
12 the grounds that the terms "relating to the particular acts and events alleged in the First Amended
13 Complaint," "any claim asserted" and "any damage claimed" are vague and ambiguous. DFEH also
14 objects to this request as unduly burdensome, oppressive, and premature in light of the fact that
15 discovery has just begun and is ongoing.

16 Subject to and without waiving the foregoing objections and privileges, and after a diligent
17 search and reasonable inquiry, DFEH responds as follows:

18 Concurrently with Plaintiff Department of Fair Employment and Housing's Response to
19 Defendants Catharine Miller Requests for Production of Documents to Plaintiff DFEH, Set One, DFEH
20 produced responsive, non-privileged administrative investigation documents in its possession, custody,
21 and control as maintained in the usual course of business (Code Civ. Proc., § 2031.280), including
22 documents provided to DFEH by Real Parties. DFEH is producing responsive, non-privileged
23 administrative investigation documents in its possession, custody, and control as maintained in the usual
24 course of business (Code Civ. Proc., § 2031.280), including and as well as documents provided to
25 DFEH by Real Parties. DFEH is not producing any documents withheld under attorney-client privilege,
26 the attorney work product doctrine, official information privilege, conciliation privilege, copyright, and
27 privacy rights under the United States Constitution, California Constitution, and Information Practice
28 Act.

1 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
2 ongoing discovery and investigation.

3 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 2:**

4 Subject to and without waiving the foregoing objections and privileges, and after a diligent
5 search and reasonable inquiry, DFEH responds as follows:

6 DFEH is producing responsive, non-privileged administrative investigation documents in its
7 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
8 2031.280), including and as well as additional documents provided to DFEH by Real Parties. No
9 documents are being withheld based on the foregoing objections or privileges.

10 **AMENDED REQUEST FOR PRODUCTION NO. 3:**

11 All DOCUMENTS and COMMUNICATIONS, including any profiles, postings, or messages
12 (including status updates, wall comments, causes joined, groups joined, activity streams, blog entries)
13 since August 26, 2017, in the possession, custody or control of Mireya Rodriguez-Del Rio or Eileen
14 Rodriguez-Del Rio, that reveal, refer, or relate to any emotion, feeling, or mental state, as well as
15 COMMUNICATIONS in the possession, custody or control of Mireya Rodriguez-Del Rio or Eileen
16 Rodriguez-Del Rio that reveal, refer, or relate to events that could reasonably be expected to produce a
17 significant emotion, feeling, or mental state.

18 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 3:**

19 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
20 this request as overbroad and exceeding the permissible scope of discovery in that the request seeks
21 information pertaining to the Real Parties' "emotion, feeling, or mental state," which are not relevant to
22 the subject matter of this action since actual damages are not sought, and is not reasonably calculated to
23 lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to
24 this request on the grounds it seeks information that is protected by the right to privacy of personal
25 sensitive and confidential information under the United States Constitution, California Constitution, and
26 Information Practices Act. DFEH further objects to this request because such an unwarranted invasion
27 of an individual's right to privacy will not lead to the disclosure of information relevant to this case. Due
28 to the overbreadth of this request, DFEH also objects that this request serves no purpose other than to

1 harass. (*Ibid.*) DFEH additionally objects to this request to the extent it seeks information that is
2 protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950
3 et seq.), attorney work-product doctrine, and the common interest doctrine. DFEH further objects to this
4 request on the grounds that the terms “causes joined,” “any emotion, feeling, or mental state,” and
5 “reveal, refer, or relate to events that could reasonably be expected to produce a significant emotion,
6 feeling, or mental state” are vague and ambiguous.

7 Subject to and without waiving the foregoing objections and privileges, and after a diligent
8 search and reasonable inquiry, DFEH responds as follows:

9 DFEH is producing responsive, non-privileged administrative investigation documents in its
10 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
11 2031.280), including and as well as documents provided to DFEH by Real Parties. DFEH is not
12 producing any documents withheld under attorney-client privilege, the attorney work product doctrine,
13 official information privilege, conciliation privilege, copyright, and privacy rights under the United
14 States Constitution, California Constitution, and Information Practice Act.

15 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
16 ongoing discovery and investigation.

17 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 3:**

18 Subject to and without waiving the foregoing objections and privileges, and after a diligent
19 search and reasonable inquiry, DFEH responds as follows:

20 DFEH is producing responsive, non-privileged administrative investigation documents in its
21 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
22 2031.280), including and as well as additional documents provided to DFEH by Real Parties. No
23 documents are being withheld based on the foregoing objections or privileges.

24 **AMENDED REQUEST FOR PRODUCTION NO. 4:**

25 **DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya**
26 **Rodriguez-Del Rio or Eileen Rodriguez-Del Rio relating to any emotional or mental distress that they**
27 **allegedly suffered as a result of Miller’s declining to make a cake for their same-sex wedding.**
28

1 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 4:**

2 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
3 this request as overbroad and exceeding the permissible scope of discovery in that the request seeks
4 information pertaining to the real parties' "emotional or mental distress," which is not relevant to the
5 subject matter of this action since actual damages are not sought, and is not reasonably calculated to lead
6 to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
7 request on the grounds it seeks information that is protected by the right to privacy of personal sensitive
8 and confidential information under the United States Constitution, California Constitution, and
9 Information Practices Act. DFEH further objects to this request because such an unwarranted invasion
10 of an individual's right to privacy will not lead to the disclosure of information relevant to this case. Due
11 to the overbreadth of this request, DFEH also objects that this request serves no purpose other than to
12 harass. (*Ibid.*) DFEH additionally objects to this request to the extent it seeks information that is
13 protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950
14 et seq.), attorney work-product doctrine, and the common interest doctrine.

15 Subject to and without waiving the foregoing objections and privileges, and after a diligent
16 search and reasonable inquiry, DFEH responds as follows:

17 Based on the above objections and privileges, DFEH does not produce any documents in
18 response to this request.

19 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
20 ongoing discovery and investigation.

21 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 4:**

22 Subject to and without waiving the foregoing objections and privileges, and after a diligent
23 search and reasonable inquiry, DFEH responds as follows:

24 DFEH is producing responsive, non-privileged administrative investigation documents in its
25 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
26 2031.280), including and as well as additional documents provided to DFEH by Real Parties. No
27 documents are being withheld based on the foregoing objections or privileges.
28

1 **AMENDED REQUEST FOR PRODUCTION NO. 5:**

2 All medical, psychological, psychiatric, and counseling records in the possession, custody or
3 control of Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio relating to the particular acts and
4 events alleged in the First Amended Complaint, any claim asserted, and any damage claimed.

5 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 5:**

6 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
7 this request as overbroad and exceeding the permissible scope of discovery in that the request seeks
8 information pertaining to the real parties' physical and emotional state, which are not relevant to the
9 subject matter of this action since actual damages are not sought, and is not reasonably calculated to lead
10 to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
11 request on the grounds it seeks information that is protected by the right to privacy of personal sensitive
12 and confidential information under the United States Constitution, California Constitution, and
13 Information Practices Act. DFEH further objects to this request because such an unwarranted invasion
14 of an individual's right to privacy will not lead to the disclosure of information relevant to this case. Due
15 to the overbreadth of this request, DFEH also objects that this request serves no purpose other than to
16 harass. (*Ibid.*) DFEH additionally objects to this request to the extent it seeks information that is
17 protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950
18 et seq.), attorney work-product doctrine, and the common interest doctrine. DFEH further objects to this
19 request on the grounds that the term "the particular acts and events alleged in the First Amended
20 Complaint, any claim asserted, and any damage claimed" is vague and ambiguous.

21 Subject to and without waiving the foregoing objections and privileges, and after a diligent
22 search and reasonable inquiry, DFEH responds as follows:

23 Based on the above objections and privileges, DFEH does not produce any documents in
24 response to this request.

25 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
26 ongoing discovery and investigation.

27 ///

28 ///

1 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 5:**

2 Subject to and without waiving the foregoing objections and privileges, and after a diligent
3 search and reasonable inquiry, DFEH responds as follows:

4 DFEH has no responsive documents within its possession, custody or control. No such
5 documents have been withheld based on the foregoing objections and privileges.

6 **AMENDED REQUEST FOR PRODUCTION NO. 6:**

7 All medical, psychological, psychiatric, and counseling bills in the possession, custody or control
8 of Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio relating to the particular acts and events
9 alleged in the First Amended Complaint, any claim asserted, and any damage claimed.

10 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 6:**

11 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
12 this request as overbroad and exceeding the permissible scope of discovery in that the request seeks
13 information pertaining to the real parties' physical and emotional state, which are not relevant to the
14 subject matter of this action since actual damages are not sought, and is not reasonably calculated to lead
15 to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
16 request on the grounds it seeks information that is protected by the right to privacy of personal sensitive
17 and confidential information under the United States Constitution, California Constitution, and
18 Information Practices Act. DFEH further objects to this request because such an unwarranted invasion
19 of an individual's right to privacy will not lead to the disclosure of information relevant to this case. Due
20 to the overbreadth of this request, DFEH also objects that this request serves no purpose other than to
21 harass. (*Ibid.*) DFEH additionally objects to this request to the extent it seeks information that is
22 protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950
23 et seq.), attorney work-product doctrine, and the common interest doctrine.

24 Subject to and without waiving the foregoing objections and privileges, and after a diligent
25 search and reasonable inquiry, DFEH responds as follows:

26 Based on the above objections and privileges, DFEH does not produce any documents in
27 response to this request.
28

1 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
2 ongoing discovery and investigation.

3 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 6:**

4 Subject to and without waiving the foregoing objections and privileges, and after a diligent
5 search and reasonable inquiry, DFEH responds as follows:

6 DFEH has no responsive documents within its possession, custody or control. No such
7 documents have been withheld based on the foregoing objections and privileges.

8 **AMENDED REQUEST FOR PRODUCTION NO. 7**

9 All DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya
10 Rodriguez-Del Rio or Eileen Rodriguez-Del Rio sent between them and the DFEH. To the extent that
11 this request seeks privileged documents, a privilege log is required to be produced concurrent with the
12 response.

13 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 7:**

14 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
15 this request to the extent it seeks information that is protected by the official information privilege (Evid.
16 Code, § 1040), informant privilege (*id.* § 1041), attorney-client privilege (*id.* § 950 et seq.), attorney
17 work-product doctrine, and the common interest doctrine. DFEH further objects to this request as
18 overbroad and exceeding the permissible scope of discovery in that the request seeks information that is
19 not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery
20 of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds it
21 seeks information that is protected by the right to privacy of personal sensitive and confidential
22 information under the United States Constitution, California Constitution, and Information Practices
23 Act. DFEH further objects to this request because such an unwarranted invasion of an individual's right
24 to privacy will not lead to the disclosure of information relevant to this case.

25 Subject to and without waiving the foregoing objections and privileges, and after a diligent
26 search and reasonable inquiry, DFEH responds as follows:

27 Concurrently with Plaintiff Department of Fair Employment and Housing's Response to
28 Defendants Catharine Miller Requests for Production of Documents to Plaintiff DFEH, Set One, DFEH

1 produced responsive, non-privileged administrative investigation documents in its possession, custody,
2 and control as maintained in the usual course of business (Code Civ. Proc., § 2031.280). DFEH is not
3 producing any documents withheld under attorney-client privilege, the attorney work product doctrine,
4 official information privilege, conciliation privilege, copyright, and privacy rights under the United
5 States Constitution, California Constitution, and Information Practice Act.

6 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
7 ongoing discovery and investigation.

8 **AMENDED REQUEST FOR PRODUCTION NO. 8:**

9 All DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya
10 Rodriguez-Del Rio or Eileen Rodriguez-Del Rio that reference or relate to their marriage license or
11 application for a marriage license, or anything else, including a copy of every marriage license that they
12 have applied for or secured in their lifetime and the applications for each such license.

13 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 8:**

14 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
15 this request as vague and ambiguous as to the term “or anything else” such that DFEH cannot
16 reasonably determine the scope of this phrase as used in this request. DFEH further objects to this
17 request on the grounds it seeks information that is protected by the right to privacy of personal sensitive
18 and confidential information under the United States Constitution, California Constitution, and
19 Information Practices Act. DFEH also objects to this request because such an unwarranted invasion of
20 an individual’s right to privacy will not lead to the disclosure of information relevant to this case. DFEH
21 further objects to this request as it is impermissibly overbroad as to time and may impinge on the
22 privacy rights of persons not involved this litigation. Because this request is impermissibly overbroad,
23 DFEH further objects that this request exceeds the permissible scope of discovery by seeking
24 information that is not relevant to the subject matter of this action and not calculated to lead to the
25 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Due to the overbreadth of this request
26 DFEH also objects that this request serves no purpose other than to harass. (*Ibid.*) DFEH additionally
27 objects to this request to the extent it seeks information that is protected by the official information
28 privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950 et seq.), attorney work-product

1 doctrine, and the common interest doctrine. DFEH objects to this request on the ground that producing
2 responsive documents would be unduly burdensome and oppressive. DFEH further objects to this
3 request on the grounds that the term “or anything else” is vague and ambiguous.

4 Subject to and without waiving the foregoing objections and privileges, and after a diligent
5 search and reasonable inquiry, DFEH responds as follows:

6 Based on the above objections and privileges, DFEH does not produce any documents in
7 response to this request at this time. To the extent Defendants clarify and narrow this request to seek
8 relevant, non-privileged information, DFEH is willing to meet and confer and may be able to provide
9 additional information.

10 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
11 ongoing discovery and investigation.

12 **AMENDED REQUEST FOR PRODUCTION NO. 9:**

13 All DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya
14 Rodriguez-Del Rio or Eileen Rodriguez-Del Rio relating to any reception they held on their wedding
15 day or after their wedding day. This request includes invitations to the reception; programs from the
16 reception; materials distributed at the reception; signs or banners displayed at the reception; the text of
17 any oral presentations or comments (such as toasts or speeches) given at the reception; audio or video
18 recordings of the reception; and photographs taken at the reception.

19 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 9:**

20 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
21 this request as vague and ambiguous as to the request for “DOCUMENTS and COMMUNICATIONS
22 ... relating to *any reception* they held ... *on their wedding day or after their wedding day*” (italics
23 added), such that DFEH cannot reasonably determine the scope of this request. DFEH further objects to
24 this request on the grounds it seeks information that is protected by the right to privacy of personal
25 sensitive and confidential information under the United States Constitution, California Constitution, and
26 Information Practices Act. DFEH also objects to this request because such an unwarranted invasion of
27 an individual’s right to privacy will not lead to the disclosure of information relevant to this case.
28 Because this request is impermissibly overbroad, DFEH further objects that this request exceeds the

1 permissible scope of discovery by seeking information that is not relevant to the subject matter of this
2 action and not calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
3 Due to the overbreadth of this request, DFEH also objects that this request serves no purpose other than
4 to harass. (*Ibid.*) DFEH additionally objects to this request to the extent it seeks information that is
5 protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (*id.* § 950
6 et seq.), attorney work-product doctrine, and the common interest doctrine. DFEH objects to this request
7 on the ground that producing responsive documents would be unduly burdensome and oppressive.

8 Subject to and without waiving the foregoing objections and privileges, and after a diligent
9 search and reasonable inquiry, DFEH responds as follows:

10 Based on the above objections and privileges, DFEH does not produce any documents in
11 response to this request. To the extent Defendants clarify and narrow this request to seek relevant, non-
12 privileged information, DFEH is willing to meet and confer and may be able to provide additional
13 information.

14 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
15 ongoing discovery and investigation.

16 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 9:**

17 Subject to and without waiving the foregoing objections and privileges, and after a diligent
18 search and reasonable inquiry, DFEH responds as follows:

19 Based on the parties' meet and confer efforts and their agreement regarding the specific
20 documents requested by defendants, DFEH is producing responsive, non-privileged administrative
21 investigation documents in its possession, custody, and control as maintained in the usual course of
22 business (Code Civ. Proc., § 2031.280), including and as well as additional documents provided to
23 DFEH by Real Parties.

24 **AMENDED REQUEST FOR PRODUCTION NO. 10:**

25 All DOCUMENTS and COMMUNICATIONS, including any audio or video recordings, in the
26 possession, custody or control of Mireya Rodriguez-Del Rio or Eileen Rodriguez-Del Rio relating to
27 planning for any reception they held on their wedding day or after their wedding day. This request
28

1 includes communications with vendors, documents provided to them by vendors, and communications
2 regarding deciding which vendors to hire.

3 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 10:**

4 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
5 this request as vague and ambiguous as to the request for “DOCUMENTS and COMMUNICATIONS
6 ... relating to planning for *any reception* they held ... *on their wedding day or after their wedding day*”
7 (italics added), such that DFEH cannot reasonably determine the scope of this request. DFEH further
8 objects to this request on the grounds it seeks information that is protected by the right to privacy of
9 personal sensitive and confidential information under the United States Constitution, California
10 Constitution, and Information Practices Act. DFEH also objects to this request because such an
11 unwarranted invasion of an individual’s right to privacy will not lead to the disclosure of information
12 relevant to this case. Because this request is impermissibly overbroad, DFEH further objects that this
13 request exceeds the permissible scope of discovery by seeking information that is not relevant to the
14 subject matter of this action and not calculated to lead to the discovery of admissible evidence. (Code
15 Civ. Proc., § 2017.010.) Due to the overbreadth of this request, DFEH also objects that this request
16 serves no purpose other than to harass. (*Ibid.*) DFEH additionally objects to this request to the extent it
17 seeks information that is protected by the official information privilege (Evid. Code, § 1040), attorney-
18 client privilege (*id.* § 950 et seq.), attorney work-product doctrine, and the common interest doctrine.
19 DFEH objects to this request on the ground that producing responsive documents would be unduly
20 burdensome and oppressive. DFEH further objects to this request to the extent it is duplicative of
21 Amended Request for Production Number 9.

22 Subject to and without waiving the foregoing objections and privileges, and after a diligent
23 search and reasonable inquiry, DFEH responds as follows:

24 Based on the above objections and privileges, DFEH does not produce any documents in
25 response to this request. To the extent Defendants clarify and narrow this request to seek relevant, non-
26 privileged information, DFEH is willing to meet and confer and may be able to provide additional
27 information.
28

1 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its
2 ongoing discovery and investigation.

3 **SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 10:**

4 Subject to and without waiving the foregoing objections and privileges, and after a diligent
5 search and reasonable inquiry, DFEH responds as follows:

6 Based on the parties' meet and confer efforts and their agreement regarding the specific
7 documents requested by defendants, DFEH is producing responsive, non-privileged administrative
8 investigation documents in its possession, custody, and control as maintained in the usual course of
9 business (Code Civ. Proc., § 2031.280), including and as well as additional documents provided to
10 DFEH by Real Parties.

11 **AMENDED REQUEST FOR PRODUCTION NO. 11:**

12 All DOCUMENTS and COMMUNICATIONS in the possession, custody or control of Mireya
13 Rodriguez-Del Rio or Eileen Rodriguez-Del Rio not otherwise requested above that refer or relate to the
14 subject matter of this action and the allegations contained in the First Amended Complaint.

15 **RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 11:**

16 DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to
17 this request as it fails to designate the documents or other evidence to be inspected by specifically
18 describing each item or by describing each category of documents or other evidence with reasonable
19 particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) DFEH objects to this request as vague and
20 ambiguous such that DFEH cannot reasonably determine what documents are sought by this request.
21 DFEH further objects to this request as impermissibly overbroad so as to exceed the permissible scope
22 of discovery as it seeks information irrelevant to the subject matter of this action and not calculated to
23 lead to the discovery of admissible evidence. DFEH additionally objects to this request on the grounds it
24 seeks information pertaining to consumer records under Code of Civil Procedure section 1985.3, and
25 documents pertaining to the confidential conciliation process under Government Code section 12984.
26 DFEH also objects to this request to the extent it seeks information that is protected by the official
27 information privilege (Evid. Code, § 1040), informant privilege (*id.* § 1041), attorney-client privilege
28

(*id.* § 950 et seq.), attorney work-product doctrine, common interest doctrine, and the right to privacy under the United States Constitution, California Constitution, and Information Practices Act.

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows:

Concurrently with Plaintiff Department of Fair Employment and Housing's Response to Defendants Catharine Miller Requests for Production of Documents to Plaintiff DFEH, Set One, DFEH produced responsive, non-privileged administrative investigation documents in its possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., § 2031.280), including documents provided to DFEH by Real Parties. DFEH is producing responsive, non-privileged administrative investigation documents in its possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., § 2031.280), including and as well as documents provided to DFEH by Real Parties. DFEH is not producing any documents withheld under attorney-client privilege, the attorney work product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights under the United States Constitution, California Constitution, and Information Practice Act.

Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

SUPPLEMENTAL RESPONSE TO AMENDED REQUEST FOR PRODUCTION NO. 11:

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows:

Based on the parties' meet and confer efforts and their agreement regarding the specific documents requested by defendants, DFEH is producing responsive, non-privileged administrative investigation documents in its possession, custody, and control as maintained in the usual course of

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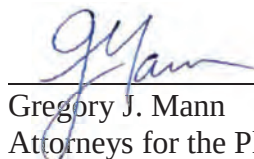
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1 business (Code Civ. Proc., § 2031.280), including and as well as additional documents provided to
2 DFEH by Real Parties.

3
4 DATE: January 10, 2020

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

6 By: 

7 Gregory J. Mann
8 Attorneys for the Plaintiff Department of Fair
9 Employment and Housing
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VERIFICATION

I, Patrice Doebrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S SUPPLEMENTAL RESPONSE TO DEFENDANT CATHARINE MILLER'S AND TASTRIES' CORRECTED AMENDED REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of January 2020, at Bakersfield, California.



Patrice Doebrn
District Administrator



JANETTE WIPPER (#275264)
Chief Counsel
GREGORY J. MANN (#200578)
Senior Staff Counsel
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
Telephone: (213) 439-6799
Facsimile: (888) 382-5293

Attorneys for the Department
Fee Exempt (Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

CASE NO. BCV-18-102633-DRL

OMNIBUS PROOF OF SERVICE



1 I, the undersigned, hereby declare:

2 I am over eighteen years of age and not a party to the within cause. My business and mailing address
3 is 320 West 4th Street, Suite 1000, Los Angeles, CA 90013.

4 On January 10, 2020, I served a copy of the following document(s):

- 5 **1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
6 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
7 **AMENDED SPECIAL INTERROGATORIES IN LIEU OF REQUESTS FOR**
8 **ADMISSION TO PLAINTIFF DFEH, SET ONE;**
- 9 **2. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
10 **SUPPLEMENTAL RESPONSE TO DEFENDANTS CATHERINE MILLER'S**
11 **AND TASTRIES' CORRECTED AMENDED REQUESTS FOR PRODUCTION**
12 **OF DOCUMENTS TO PLAINTIFF DFEH, SET ONE and PRIVILEGE LOG;**
- 13 **3. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
14 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
15 **AMENDED SPECIAL INTERROGATORIES TO PLAINTIFF DFEH, SET ONE;**
- 16 **4. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S**
17 **SUPPLEMENTAL RESPONSE TO DEFENDANT TASTRIES' CORRECTED**
18 **AMENDED FORM INTERROGATORIES TO PLAINTIFF DFEH, SET ONE; &**
- 19 **5. REAL PARTIES IN INTEREST'S SUPPLEMENTAL RESPONSE TO**
20 **DEFENDANT CATHY'S CREATIONS, INC.'S DEPOSITION SUBPOENA FOR**
21 **PRODUCTION OF DOCUMENTS AND THINGS.**



1 ☒ **By United States Mail** by placing a true and correct copy of the above document(s) enclosed
2 in a sealed envelope with postage thereon fully prepaid following the Department's ordinary business
3 practices for the collection and processing of mail, of which I am readily familiar. On the same day
4 that correspondence is placed for collection and mailing, it is deposited in the ordinary course of
business with the United States Postal Service.

5 ☒ **By E-Mail** by forwarding a true and correct copy of the above document(s) via e-mail to the
6 person(s) at the e-mail address(es) set forth below.

7
8 Charles S. LiMandri
Jeffrey M. Trissell
9 Paul Jonna
Kathy Denworth

Email: climandri@limandri.com
Email: jtrissell@limandri.com
Email: pjonna@limandri.com
Email: KDenworth@limandri.com

10 Freedom of Conscience Defense Fund
11 P.O. Box #9520
12 Rancho Santa Fe, California 92067

13
14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
15 and correct.

16 Executed on January 10, 2020, at Los Angeles, California.

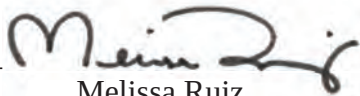
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24 Melissa Ruiz



EXHIBIT 6

Document received by the CA 5th District Court of Appeal.

1 JANETTE WIPPER (#275264)
/ Chief Counsel
2 PAULA PEARLMAN (#109038)
Assistant Chief Counsel
3 GREGORY J. MANN (#200578)
Senior Staff Counsel
4 DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
5 320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
6 Telephone: (213) 439-6799
Facsimile: (888) 382-5293
7
8 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

9
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF KERN**

12 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
13 California,)
14)
Plaintiff,)
15 vs.)
16 CATHY'S CREATIONS, INC. d/b/a)
17 TASTRIES, a California corporation; and)
CATHY MILLER,)
18)
Defendants.)

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
AMENDED RESPONSE TO
DEFENDANT CATHARINE
MILLER'S FORM
INTERROGATORIES – GENERAL,
SET ONE**

19
20 EILEEN RODRIGUEZ-DEL RIO and)
21 MIREYA RODRIGUEZ-DEL RIO,)
22)
Real Parties in Interest.)

24 PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER

25 RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
26 HOUSING

27 SET NO.: ONE



1 Pursuant to California Code of Civil Procedure sections 2030.210 et seq. and 2033.710 et seq.,
2 Plaintiff Department of Fair Employment and Housing (DFEH) hereby provides these amended
3 responses to Defendant Catharine Miller's Form Interrogatories – General, Set No. One, as follows:

4 **PRELIMINARY STATEMENT**

5 DFEH's responses are based upon its discovery and investigation to date, reflects the
6 collective knowledge of different individuals within DFEH, and have been compiled in a good faith
7 effort. To the extent that additional information comes to DFEH's attention that augments or
8 otherwise modifies its current understanding of the facts of this case, DFEH reserves the right to
9 modify its responses, accordingly.

10 These responses are provided on behalf of DFEH only. Defendant's interrogatories may be
11 directed only to parties to the action. (Code Civ. Proc., § 2030.010; see *Redevelopment Agency v.*
12 *Commission on State Mandates* (1996) 43 Cal.App.4th 1188. [A Real Party in Interest is generally
13 any person or entity whose interest will be directly affected by the proceeding.]; The Real Parties in
14 Interest are not a party to the litigation unless and until they intervene pursuant to Government Code
15 section 12965, subdivision (c). (See *Peralta Community College District v. FEHC* (1990) 52 Cal.3d
16 40, 54 ["Under the FEHA, moreover, DFEH is the plaintiff and the employee only a witness."].)
17 Information sought from real parties in interest is appropriately sought through deposition. As the
18 plaintiff, DFEH represents the interests of the People of the State of California. (Gov. Code, §
19 12929.) DFEH does not represent the real party in interest (hereafter "Real Party"). (See Gov. Code,
20 §§ 12981 and 12989 [Real Party has right to intervene in the administrative or civil litigation].)
21 However, pursuant to Rule 1.6 of the California Rules of Professional Conduct and Business and
22 Professions Code section 6068, subdivision (e), DFEH has a de-facto attorney-client relationship with
23 the Real Party.

24 DFEH is presently pursuing its investigation and analyzing the pertinent facts and law, but has
25 not yet completed its discovery or preparation for trial. Therefore, the following responses are given
26 without prejudice to DFEH's right to produce evidence of any subsequent facts or interpretation
27 thereof, or to add, modify, or otherwise change or amend the responses. The following information is
28 true and correct to the best knowledge of DFEH to date, and is subject to correction for inadvertent



1 errors, mistakes or omissions. DFEH bases its responses on records and information presently
2 available. References in a response to a preceding or subsequent response incorporate both the
3 information and the objections in the referenced response.

4 To the extent that DFEH identifies certain documents or delineates facts contained within any
5 document, it does so without prejudice to establish at a later date any additional facts that may be
6 contained within or discovered as a result of subsequent review of such document, or as a result of
7 any additional investigation and discovery. Inadvertent identification or production of privileged
8 documents or information by DFEH does not constitute a waiver of any applicable privilege, nor does
9 production of any documents or information waive any objections, including irrelevancy, to the
10 admission of such document and evidence.

11 GENERAL OBJECTIONS

12 1. DFEH objects generally to each interrogatory that seeks matter that is irrelevant or
13 immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of
14 admissible evidence.

15 2. DFEH objects to each interrogatory insofar as it imposes an unreasonable burden upon
16 DFEH.

17 3. DFEH generally objects to each interrogatory insofar as it is vague, uncertain, and not
18 specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the
19 interrogatories, but will attempt to respond thereto as can reasonably be understood to pertain to
20 specific and identifiable documentation or material which is relevant to the action.

21 4. DFEH objects generally to each interrogatory insofar as it calls for material that is
22 unreasonably difficult to identify, locate, or produce at this stage in the litigation.

23 5. DFEH objects to each interrogatory on the grounds that such interrogatories are
24 oppressive and over broad, seek documents that are irrelevant to the subject matter of this action and
25 not reasonably calculated to lead to the discovery of admissible evidence, and the compilation of such
26 information would be unduly burdensome.

27 6. DFEH objects generally to each interrogatory insofar as it calls for information
28 already within the possession of defendants and/or defendant's counsel.



1 7. DFEH objects generally to each interrogatory insofar as it requires DFEH and its
2 counsel to give information that is equally available to defendant to collect, compile, or otherwise
3 collate information therefrom. Defendant is not entitled to have DFEH prepare defendant's case.

4 8. DFEH objects generally to each interrogatory insofar as it calls for information that is
5 not within its possession, custody, or control.

6 9. DFEH objects generally to each interrogatory to the extent that the interrogatories call
7 for speculation and are not susceptible to responses based on fact.

8 10. All responses are provided notwithstanding and without any waiver of these general
9 objections applicable to all interrogatories.

10 11. DFEH objects to these requests to the extent they are unreasonably cumulative or
11 duplicative (Code Civ. Proc., § 2019.030 subd., (a)(1)) as the Defendant has also issued other
12 duplicative requests.

13 12. DFEH objects to each request to the extent it seeks information protected by the
14 attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the
15 conciliation privilege (Gov. Code, § 12963.7.)

16 13. DFEH objects to each request to the extent it seeks information protected by the
17 official information privilege and informant privilege.

18 14. DFEH objects to each request to the extent it seeks to invade privacy in violation of
19 the United States Constitution, California Constitution, and Information Practices Act.

20 15. DFEH objects to each request to the extent it invades copyright protections.

21 16. DFEH objects to Defendant's definition of "INCIDENT" as irrelevant and not
22 calculated to lead to the discovery of admissible evidence, overly broad, vague, ambiguous, unduly
23 burdensome, oppressive, and compound. Defendant's definition is particularly vague and ambiguous
24 in its use of the terms "Plaintiff's investigation of the Administrative Complaint filed by Real Parties
25 in Interest," "determination that there was probable cause to believe that Defendants violated the
26 Unruh Act," and "decision to prosecute Defendants." Defendant's definition of "INCIDENT" is
27 overly broad in attempting to include events outside the scope of the First Amended Complaint.
28 DFEH further objects to Defendant's definition of "INCIDENT" because interrogatories using the



1 definition seek information protected from discovery by the official information privilege, informant
2 privilege, attorney work product doctrine, attorney client privilege, and Information Practices Act.

3 Subject to the foregoing general objections applicable to all interrogatories, DFEH responds
4 as follows:

5 **RESPONSES TO FORM INTERROGATORIES**

6 **FORM INTERROGATORY NO. 1.1:**

7 State the name, **ADDRESS**, telephone number, and relationship to you of each
8 **PERSON** who prepared or assisted in the preparation of the responses to these
9 interrogatories.

10 **RESPONSE TO FORM INTERROGATORY NO. 1.1:**

11 DFEH counsel Janette Wipper, Paula Pearlman, Anthony Grumbach, Gregory Mann, Jeanette
12 Hawn and Jennifer Reynolds, and District Administrator Patrice Doebrn.

13 **FORM INTERROGATORY NO. 12.1:**

14 State the name, **ADDRESS**, and telephone number of each individual:

15 (a) who witnessed the **INCIDENT**¹ or the events occurring immediately before or after
16 the **INCIDENT**;

17 (b) who made any statement at the scene of the **INCIDENT**;

18 (c) who heard any statements made about the **INCIDENT** by any individual at the scene;
19 and

20 (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of
21 the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure
22 section 2034).

23 **RESPONSE TO FORM INTERROGATORY NO. 12.1:**

24 DFEH objects to this interrogatory on the grounds it seeks information protected by the
25 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
26 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this

27
28 ¹ Defendant defines "INCIDENT" as "Plaintiff's investigation of the Administrative Complaint filed
by Real Parties in Interest, determination that there was probable cause to believe that Defendants
violated the Unruh Act, and decision to prosecute Defendants."



1 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
2 sought is irrelevant to the subject matter of this action and the information is not reasonably
3 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
4 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
5 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
6 in the context of these interrogatories. DFEH further objects to this request because responding in
7 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the
8 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
9 attorney work product doctrine, and the attorney client privilege.

10 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
11 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
12 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
13 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
14 responds as follows:

15 DFEH is aware of the following witnesses to the incident: Catharine Miller; Rosemary Perez;
16 Eileen Rodriguez-Del Rio; Mireya Rodriguez-Del Rio; Margaret Del Rio; Patrick Grijalva; and Sam
17 Salazar.

18 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.1:**

19 DFEH objects to this interrogatory on the grounds it seeks information protected by the
20 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
21 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
22 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
23 action and the information is not reasonably calculated to lead to the discovery of admissible
24 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
25 ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly
26 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
27 further objects to this request because Defendant’s definition of “INCIDENT” calls for information
28



1 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
2 doctrine, and the attorney client privilege.

3 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
4 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
5 this request as it is framed, DFEH responds as follows:

6 (a) – (d) DFEH employees and former employees—who may be contacted through the
7 DFEH—Chief Counsel Janette Wipper, former Chief Counsel Jon Ichinaga, Assistant
8 Chief Counsel Paula Pearlman, Senior Staff Counsel Gregory Mann, former Staff Counsel
9 Timothy Martin, former Graduate Legal Assistant Jenna Kingkade, Bakersfield District
10 Administrator Patrice Doehrn, and investigator/Consultant III Specialist Clara Hernandez

11 **FORM INTERROGATORY NO. 12.2:**

12 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual
13 concerning the **INCIDENT**? If so, for each individual state:

14 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;

15 (b) the date of the interview; and

16 (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the
17 interview.

18 **RESPONSE TO FORM INTERROGATORY NO. 12.2:**

19 DFEH objects to this interrogatory on the grounds it seeks information protected by the
20 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
21 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
22 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
23 sought is irrelevant to the subject matter of this action and the information is not reasonably
24 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
25 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
26 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
27 in the context of these interrogatories. DFEH further objects to this request because responding in
28 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the



1 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
2 attorney work product doctrine, and the attorney client privilege.

3 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
4 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
5 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
6 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
7 responds as follows:

8 DFEH is aware of the following witnesses to the incident: Catharine Miller; Rosemary Perez;
9 Eileen Rodriguez-Del Rio; Mireya Rodriguez-Del Rio; Margaret Del Rio; Patrick Grijalva; and Sam
10 Salazar.

11 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.2:**

12 DFEH objects to this interrogatory on the grounds it seeks information protected by the
13 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
14 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
15 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
16 action and the information is not reasonably calculated to lead to the discovery of admissible
17 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
18 ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly
19 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
20 further objects to this request because Defendant’s definition of “INCIDENT” calls for information
21 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
22 doctrine, and the attorney client privilege.

23 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
24 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
25 this request as it is framed, DFEH responds as follows:

26 No.

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28 ///



1 **FORM INTERROGATORY NO. 12.3:**

2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or
3 recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:

4 (a) the name, **ADDRESS**, and telephone number of the individual from whom the
5 statement was obtained;

6 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the
7 statement;

8 (c) the date the statement was obtained; and

9 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
10 statement or a copy.

11 **RESPONSE TO FORM INTERROGATORY NO. 12.3:**

12 DFEH objects to this interrogatory on the grounds it seeks information protected by the
13 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
14 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
15 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
16 sought is irrelevant to the subject matter of this action and the information is not reasonably
17 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
18 additionally objects to this interrogatory on the ground that the term "INCIDENT," as defined by
19 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
20 in the context of these interrogatories. DFEH further objects to this request because responding in
21 accordance with Defendant's definition of "INCIDENT" would call for information protected by the
22 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
23 attorney work product doctrine, and the attorney client privilege.

24 To the extent "INCIDENT" can be reasonably interpreted as the events taking place during
25 the Rodriguez-Del Rios' visit to Tastries on August 26, 2017, subject to and without waiving the
26 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
27 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
28 responds as follows:



DFEH obtained a written statement from Margaret Del Rio, who can be reached through DFEH counsel. Real parties in interest filed a DFEH complaint based on the incident. DFEH is producing responsive, non-privileged administrative investigation documents in its possession, custody, and control as maintained in the usual course of business. DFEH is concurrently producing a privilege log of administrative investigation documents withheld under attorney-client privilege, the attorney work product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights under the California Constitution, United States Constitution and Information Practices Act.

AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.3:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH further objects to this request because Defendant’s definition of “INCIDENT” calls for information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney client privilege. Additionally, DFEH objects because defendants’ definition of “INCIDENT” makes this interrogatory vague and ambiguous as to the phrase “statement from any individual concerning the INCIDENT.”

Subject to and without waiving the foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH responds as follows:

No.

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1 **FORM INTERROGATORY NO. 12.4:**

2 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films,
3 or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's
4 injuries? If so, state:

5 (a) the number of photographs or feet of film or videotape;

6 (b) the places, objects, or persons photographed, filmed, or videotaped;

7 (c) the date the photographs, films, or videotapes were taken;

8 (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs,
9 films, or videotapes; and

10 (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
11 or a copy of the photographs, films, or videotapes

12 **RESPONSE TO FORM INTERROGATORY NO. 12.4:**

13 DFEH objects to this interrogatory on the grounds it seeks information protected by the
14 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
15 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
16 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
17 sought is irrelevant to the subject matter of this action and the information is not reasonably
18 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
19 additionally objects to this interrogatory on the ground that the term "INCIDENT," as defined by
20 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
21 in the context of these interrogatories. DFEH further objects to this request because responding in
22 accordance with Defendant's definition of "INCIDENT" would call for information protected by the
23 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
24 attorney work product doctrine, and the attorney client privilege.

25 To the extent "INCIDENT" can be reasonably interpreted as the events taking place during
26 the Rodriguez-Del Rios' visit to Tastries on August 26, 2017, subject to and without waiving the
27 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
28



1 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
2 responds as follows:

3 DFEH is informed and believes that at the time of the incident Defendants displayed a cake at
4 Tastris that was very similar to the cake the Rodriguez-Del Rio's attempted to order from Tastris.
5 DFEH is producing responsive, non-privileged administrative investigation documents in its
6 possession, custody, and control as maintained in the usual course of business. DFEH is concurrently
7 producing a privilege log of administrative investigation documents withheld under attorney-client
8 privilege, the attorney work product doctrine, official information privilege, conciliation privilege,
9 copyright, and privacy rights under the California Constitution, United States Constitution and
10 Information Practices Act.

11 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.4:**

12 DFEH objects to this interrogatory on the grounds it seeks information protected by the
13 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
14 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
15 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
16 action and the information is not reasonably calculated to lead to the discovery of admissible
17 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
18 ground that the term "INCIDENT," as defined by defendant herein, is compound, oppressive, overly
19 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
20 further objects to this request because Defendant's definition of "INCIDENT" calls for information
21 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
22 doctrine, and the attorney client privilege.

23 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
24 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
25 this request as it is framed, DFEH responds as follows:

26 No.

27 ///

28 ///



1 **FORM INTERROGATORY NO. 12.5:**

2 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram,
3 reproduction, or model of any place or thing (except for items developed by expert witnesses
4 covered by Code of Civil Procedure sections 2034.210- 2034.310) concerning the **INCIDENT**?
5 If so, for each item state:

- 6 (a) the type (i.e., diagram, reproduction, or model);
7 (b) the subject matter; and
8 (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

9 **RESPONSE TO FORM INTERROGATORY NO. 12.5:**

10 DFEH objects to this interrogatory on the grounds it seeks information protected by the
11 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
12 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
13 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
14 sought is irrelevant to the subject matter of this action and the information is not reasonably
15 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
16 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
17 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
18 in the context of these interrogatories. DFEH further objects to this request because responding in
19 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the
20 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
21 attorney work product doctrine, and the attorney client privilege.

22 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
23 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
24 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
25 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
26 responds as follows:

27 DFEH is informed and believes that at the time of the incident Defendants displayed a cake at
28 Tastries that was very similar to the cake the Rodriguez-Del Rio’s attempted to order from Tastries.



DFEH is producing responsive, non-privileged administrative investigation documents in its possession, custody, and control as maintained in the usual course of business. DFEH is concurrently producing a privilege log of administrative investigation documents withheld under attorney-client privilege, the attorney work product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights under the California Constitution, United States Constitution and Information Practices Act.

AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.5:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH further objects to this request because Defendant’s definition of “INCIDENT” calls for information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney client privilege.

Subject to and without waiving the foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH responds as follows:

No.

FORM INTERROGATORY NO. 12.6:

Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

(a) the name, title, identification number, and employer of the **PERSON** who made the report;

(b) the date and type of report made;



1 (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report
2 was made; and

3 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
4 or a copy of the report.

5 **RESPONSE TO FORM INTERROGATORY NO. 12.6:**

6 DFEH objects to this interrogatory on the grounds it seeks information protected by the
7 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
8 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
9 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
10 sought is irrelevant to the subject matter of this action and the information is not reasonably
11 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
12 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
13 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
14 in the context of these interrogatories. DFEH further objects to this request because responding in
15 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the
16 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
17 attorney work product doctrine, and the attorney client privilege.

18 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
19 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
20 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
21 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
22 responds as follows:

23 DFEH obtained a written statement from Margaret Del Rio, who can be reached through
24 DFEH counsel. Real parties in interest filed a DFEH complaint based on the incident. DFEH is
25 producing responsive, non-privileged administrative investigation documents in its possession,
26 custody, and control as maintained in the usual course of business. DFEH is concurrently producing a
27 privilege log of administrative investigation documents withheld under attorney-client privilege, the
28 attorney work product doctrine, official information privilege, conciliation privilege, copyright, and



1 privacy rights under the California Constitution, United States Constitution and Information Practices
2 Act.

3 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.6:**

4 DFEH objects to this interrogatory on the grounds it seeks information protected by the
5 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
6 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
7 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
8 action and the information is not reasonably calculated to lead to the discovery of admissible
9 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
10 ground that the term "INCIDENT," as defined by defendant herein, is compound, oppressive, overly
11 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
12 further objects to this request because Defendant's definition of "INCIDENT" calls for information
13 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
14 doctrine, and the attorney client privilege. Additionally, DFEH objects to this interrogatory because
15 Defendants' definition of "INCIDENT" makes this interrogatory vague and ambiguous as to the term
16 "concerning the INCIDENT."

17 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
18 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
19 this request as it is framed, DFEH responds as follows:

20 Yes. DFEH investigator Clara Hernandez drafted an Investigative Guide dated March 8, 2018,
21 which was addressed to DFEH District Administrator, Bakersfield, Patrice Doehrn.

22 **FORM INTERROGATORY NO. 12.7:**

23 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the
24 **INCIDENT?** If so, for each inspection state:

- 25 (a) the name, **ADDRESS**, and telephone number of the individual making the inspection
26 (except for expert witnesses covered by Code of Civil Procedure sections 2034.210-
27 2034.310); and (b) the date of the inspection.



1 **RESPONSE TO FORM INTERROGATORY NO. 12.7:**

2 DFEH objects to this interrogatory on the grounds it seeks information protected by the
3 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
4 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
5 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
6 sought is irrelevant to the subject matter of this action and the information is not reasonably
7 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
8 additionally objects to this interrogatory on the ground that the term "INCIDENT," as defined by
9 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
10 in the context of these interrogatories. DFEH further objects to this request because responding in
11 accordance with Defendant's definition of "INCIDENT" would call for information protected by the
12 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
13 attorney work product doctrine, and the attorney client privilege.

14 To the extent "INCIDENT" can be reasonably interpreted as the events taking place during
15 the Rodriguez-Del Rios' visit to Tastries on August 26, 2017, subject to and without waiving the
16 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
17 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
18 responds as follows:

19 No, DFEH did not inspect the scene of the INCIDENT. While on her personal time during a
20 shopping trip to another business located in the strip mall where Tastries is located, DFEH District
21 Administrator, Bakersfield, Patrice Doehrn briefly visited Tastries.

22 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 12.7:**

23 DFEH objects to this interrogatory on the grounds it seeks information protected by the
24 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
25 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
26 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
27 action and the information is not reasonably calculated to lead to the discovery of admissible
28 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the



ground that the term "INCIDENT," as defined by defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH further objects to this request because Defendant's definition of "INCIDENT" calls for information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney client privilege.

Subject to and without waiving the foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH responds as follows:

No.

FORM INTERROGATORY NO. 13.1:

Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

(a) the name, **ADDRESS**, and telephone number of the individual or party;

(b) the time,- date, and place of the surveillance;

(c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph film, or videotape.

RESPONSE TO FORM INTERROGATORY NO. 13.1:

DFEH objects to this interrogatory on the grounds it seeks information protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the attorney work product doctrine, and the attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the ground that the term "INCIDENT," as defined by defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH further objects to this request because responding in



1 accordance with Defendant's definition of "INCIDENT" would call for information protected by the
2 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
3 attorney work product doctrine, and the attorney client privilege.

4 To the extent "INCIDENT" can be reasonably interpreted as the events taking place during
5 the Rodriguez-Del Rios' visit to Tastries on August 26, 2017, subject to and without waiving the
6 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
7 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
8 responds as follows:

9 No.

10 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 13.1:**

11 DFEH objects to this interrogatory on the grounds it seeks information protected by the
12 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
13 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
14 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
15 action and the information is not reasonably calculated to lead to the discovery of admissible
16 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
17 ground that the term "INCIDENT," as defined by defendant herein, is compound, oppressive, overly
18 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
19 further objects to this request because Defendant's definition of "INCIDENT" calls for information
20 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
21 doctrine, and the attorney client privilege.

22 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
23 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
24 this request as it is framed, DFEH responds as follows:

25 No.

26 **FORM INTERROGATORY NO. 13.2:**

27 Has a written report been prepared on the surveillance? If so, for each written report state:

28 (a) the title;



1 (b) the date;

2 (c) the name, **ADDRESS** and telephone number of the individual who prepared the
3 report; and

4 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original
5 or a copy.

6 **RESPONSE TO FORM INTERROGATORY NO. 13.2:**

7 DFEH objects to this interrogatory on the grounds it seeks information protected by the
8 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
9 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
10 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
11 sought is irrelevant to the subject matter of this action and the information is not reasonably
12 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
13 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
14 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
15 in the context of these interrogatories. DFEH further objects to this request because responding in
16 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the
17 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
18 attorney work product doctrine, and the attorney client privilege.

19 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
20 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
21 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
22 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
23 responds as follows:

24 No.

25 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 13.2:**

26 DFEH objects to this interrogatory on the grounds it seeks information protected by the
27 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
28 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the



1 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
2 action and the information is not reasonably calculated to lead to the discovery of admissible
3 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
4 ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly
5 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
6 further objects to this request because Defendant’s definition of “INCIDENT” calls for information
7 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
8 doctrine, and the attorney client privilege.

9 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
10 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
11 this request as it is framed, DFEH responds as follows:

12 No.

13 **FORM INTERROGATORY NO. 14.1:**

14 **Do YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON**
15 **involved in the INCIDENT** violated any statute, ordinance, or regulation and that the violation
16 **was a legal (proximate) cause of the INCIDENT?** If so, identify the name, **ADDRESS,** and
17 **telephone number of each PERSON** and the statute, ordinance, or regulation that was violated.

18 **RESPONSE TO FORM INTERROGATORY NO. 14.1:**

19 DFEH objects to this interrogatory on the grounds it seeks information protected by the
20 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
21 attorney work product doctrine, and the attorney client privilege. DFEH further objects to this
22 interrogatory as overbroad and exceeding the permissible scope of discovery in that the information
23 sought is irrelevant to the subject matter of this action and the information is not reasonably
24 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
25 additionally objects to this interrogatory on the ground that the term “INCIDENT,” as defined by
26 defendant herein, is compound, oppressive, overly broad, unduly burdensome, vague and ambiguous
27 in the context of these interrogatories. DFEH further objects to this request because responding in
28 accordance with Defendant’s definition of “INCIDENT” would call for information protected by the



1 official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), the
2 attorney work product doctrine, and the attorney client privilege.

3 To the extent “INCIDENT” can be reasonably interpreted as the events taking place during
4 the Rodriguez-Del Rios’ visit to Tastries on August 26, 2017, subject to and without waiving the
5 foregoing objections and privileges, and after a reasonable and good-faith effort to obtain the
6 requested information, to the extent DFEH is able to respond to this request as it is framed, DFEH
7 responds as follows:

8 Defendants Catharine Miller and Cathy’s Creations, Inc. dba Tastries violated the Unruh Civil
9 Rights Act, Civil Code section 51.

10 **AMENDED RESPONSE TO FORM INTERROGATORY NO. 14.1:**

11 DFEH objects to this interrogatory on the grounds it seeks information protected by the
12 official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the
13 attorney client privilege. DFEH further objects to this interrogatory as overbroad and exceeding the
14 permissible scope of discovery in that the information sought is irrelevant to the subject matter of this
15 action and the information is not reasonably calculated to lead to the discovery of admissible
16 evidence. (Code Civ. Proc., § 2017.010.) DFEH additionally objects to this interrogatory on the
17 ground that the term “INCIDENT,” as defined by defendant herein, is compound, oppressive, overly
18 broad, unduly burdensome, vague and ambiguous in the context of these interrogatories. DFEH
19 further objects to this request because Defendant’s definition of “INCIDENT” calls for information
20 protected by the official information privilege (Evid. Code, § 1040), the attorney work product
21 doctrine, and the attorney client privilege.

22 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
23 and good-faith effort to obtain the requested information, to the extent DFEH is able to respond to
24 this request as it is framed, DFEH responds as follows:

25 **No.**

26 **FORM INTERROGATORY NO. 17.1:**

27 Is your response to each request for admission served with these interrogatories an unqualified
28 admission? If not, for each response that is not an unqualified admission:



- 1 (a) state the number of the request;
- 2 (b) state all facts upon which you base your response;
- 3 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
- 4 knowledge of those facts; and
- 5 (d) identify all DOCUMENTS and other tangible things that support your response and state
- 6 the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT
- 7 or thing.

8 **RESPONSE TO FORM INTERROGATORY NO. 17.1:**

9 DFEH objects to this interrogatory on the ground that it seeks disclosure of information

10 subject to the official information privilege (Evid. Code, § 1040), the informant privilege (Evid.

11 Code, § 1041), the attorney-client privilege, and the work-product doctrine. DFEH further objects to

12 this interrogatory because it seeks the discovery of legal research and requires legal conclusions

13 about which facts may be presented in support of DFEH allegations and claims, and it calls for

14 opinions that relate to fact or the application of law to fact. To the extent a response is required,

15 DFEH does not have sufficient information to fully respond to this interrogatory because discovery

16 and investigation have not been completed. Further, this interrogatory essentially "necessitate[s] the

17 preparation or the making of a compilation, abstract, audit, or summary of" the depositions that have

18 already been taken and the voluminous legal briefing that has already been filed and served. (See

19 Code Civ. Proc., § 2030.230.) Therefore, DFEH refers defendant Miller to those documents and the

20 documents produced in response to Defendants Catharine Miller [sic] Requests for Production of

21 Documents to Plaintiff DFEH, Set One to obtain the information. (See *id.*) To the extent defendant

22 Miller disagrees that the above referenced documents provide adequate information, DFEH is willing

23 ///

24 ///

25 ///

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28 ///



1 to meet and confer and may be willing to provide additional information with respect to requests
2 defendant Miller specifies.
3

4 DATE: November 8, 2019

DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

7 By:

8 Gregory J. Mann

9 Attorneys for the Plaintiff Department of Fair
Employment and Housing
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VERIFICATION

I, Patrice Doebrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S AMENDED RESPONSE TO DEFENDANT CATHARINE MILLER'S FORM INTERROGATORIES – GENERAL, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of November 2019, at Bakersfield, California.



Patrice Doebrn
District Administrator



1 PAULA D. PEARLMAN (#109038)
Assistant Chief Counsel
2 ANTHONY GRUMBACH (#195107)
Associate Chief Counsel
3 GREGORY J. MANN (#200578)
Senior Staff Counsel
4 JEANETTE HAWN (#307235)
Staff Counsel
5 DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
6 320 West 4th Street, 10th Floor, Suite # 1000
7 Los Angeles, California 90013
Telephone: (213) 439-6799
8 Facsimile: (888) 382-5293
9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF KERN

14 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
15 California,)
16)
Plaintiff,)
17 vs.)
18 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
19 CATHY MILLER,)
20)
Defendants.)

21)
22 EILEEN RODRIGUEZ-DEL RIO and)
MIREYA RODRIGUEZ-DEL RIO,)
23)
Real Parties in Interest.)
24)

Case No. BCV-18-102633

PROOF OF SERVICE BY MAIL



PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

On November 08, 2019, I served a copy of the following documents [*Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest); Case Number: BCV-18-102633*]:

1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S AMENDED RESPONSE TO DEFENDANT MILLER'S FORM INTERROGATORIES - GENERAL, SET ONE

Each said envelope was then on said date sealed and placed for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 8, 2019, at Los Angeles, Los Angeles County, California.

SERVICE LIST

Charles S. LiMandri
Paul Jonna
Jeffrey M. Trissell
Freedom of Conscience
Defense Fund
P.O. Box # 9520
Rancho Santa Fe, California 92067

Valentina Martinez



1 PAULA D. PEARLMAN (#109038)
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2 ANTHONY GRUMBACH (#195107)
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7 Los Angeles, California 90013
Telephone: (213) 439-6799
8 Facsimile: (888) 382-5293
9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF KERN**

14 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
15 California,)
16)
Plaintiff,)
17 vs.)
18 CATHY'S CREATIONS, INC. d/b/a)
19 TASTRIES, a California corporation; and)
CATHY MILLER,)
20)
Defendants.)

Case No. BCV-18-102633

PROOF OF SERVICE BY MAIL

21)
22 EILEEN RODRIGUEZ-DEL RIO and)
MIREYA RODRIGUEZ-DEL RIO,)
23)
Real Parties in Interest.)
24)



PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

On November 08, 2019, I served a copy of the following documents [*Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest)*; Case Number: BCV-18-102633]:

1. VERIFICATION - PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S AMENDED RESPONSE TO DEFENDANT MILLER'S FORM INTERROGATORIES - GENERAL, SET ONE

Each said envelope was then on said date sealed and placed for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 8, 2019, at Los Angeles, Los Angeles County, California.

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EXHIBIT 7

Document received by the CA 5th District Court of Appeal.

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE
MILLER'S SPECIAL INTERROGATORIES
TO PLAINTIFF DFEH, SET ONE

Action filed: October 17, 2018
Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER

RESPONDING PARTY: DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

SET NO.: ONE

1 Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
2 and pursuant to Code of Civil Procedure section 2030.210, et seq., hereby responds to defendant
3 Catharine Miller's Special Interrogatories, Set Number One, as follows:

4 **PRELIMINARY STATEMENT**

5 Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts
6 and law relating to this case. The responses set forth herein are based upon the records and information
7 available to DFEH at the time of the preparation of these responses and are true and correct to the best
8 knowledge of DFEH as of this date. The responses set forth herein are provided without prejudice to
9 DFEH's right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise
10 change or amend the responses herein. DFEH specifically reserves the right, at the time of hearing or
11 trial, to introduce any evidence that may be obtained or identified from any source.

12 These responses are provided on behalf of DFEH only. To the extent defendants ask for
13 information in the possession, custody or control of the Real Parties in Interest and not in the control of
14 or furnished to DFEH during its administrative investigation, DFEH cannot be required to respond. The
15 Real Parties in Interest are not parties to the litigation unless and until they intervene pursuant to
16 Government Code section 12965, subdivision (c). (See *Peralta Community College District v. Fair*
17 *Empl. & Hous. Comm.* (1990) 52 Cal.3d 40, 54 ["Under the FEHA, moreover, DFEH is the plaintiff
18 and the employee only a witness."].)

19 DFEH bases these responses on the express statement, included in the statute, that defendant
20 does not request information privileged from disclosure by law or otherwise made confidential or
21 protected against discovery by any applicable privilege, doctrine, or immunity including, without
22 limitation, the right to privacy under the California and U.S. Constitutions and any other state or federal
23 law, any privilege relating to confidential conciliation, the official-information privilege, informant
24 privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring
25 defendants to meet evidentiary requirements before responses are required for discovery seeking
26 information about prosecutors exercise of their discretion. DFEH will not provide any such confidential
27 or privileged information in response to any interrogatory that seeks it and will herein and at hearing
28 object thereto and assert the applicable privileges to the fullest extent provided by law. Any response

1 that inadvertently provides such confidential or privileged information shall not be deemed to waive the
2 applicable privilege, doctrine, confidentiality, privacy, or immunity.

3 This preliminary statement applies to, and is incorporated by reference in, each response set
4 forth herein. Any reference to a preceding or subsequent response incorporates by reference both the
5 information and objections set forth in the referenced response.

6 Subject to the foregoing, DFEH hereby responds to defendant Catharine Miller's Special
7 Interrogatories, Set One, as follows:

8 **RESPONSES TO SPECIAL INTERROGATORIES**

9 **SPECIAL INTERROGATORY NO. 1:**

10 State when and under what circumstances the DFEH first became aware of Tastries bakery.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

12 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
13 ground the circumstances under which DFEH first became aware of Tastries bakery is protected by the
14 official information privilege. (Evid. Code, § 1040) and informant privilege (Evid. Code, § 1041). By
15 seeking information regarding "when and under what circumstances the DFEH first became aware of
16 Tastries bakery," which is not relevant to the subject matter of this action and is not reasonably
17 calculated to lead to the discovery of admissible evidence, this request is overbroad and exceeds the
18 permissible scope of discovery. (Code Civ. Proc., § 2017.010.) DFEH further objects to this request on
19 the grounds it is compound, conjunctive, and disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).)

20 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
21 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
22 interrogatory based on the above-identified objections and privileges.

23 **SPECIAL INTERROGATORY NO. 2:**

24 Identify by name, title, and relationship to the investigation, every individual involved with or
25 in the DFEH's administrative investigation of Eileen and Mireya Rodriguez-Del Rios' complaint against
26 Defendants, to which the DFEH assigned the case no. 935123-315628.

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1 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

2 DFEH incorporates the Preliminary Statement herein. By seeking information regarding “every
3 individual involved with or in the DFEH’s administrative investigation” of the Real Parties in Interest’s
4 DFEH complaints, defendant seeks information that is protected by the official information privilege
5 (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), attorney work product doctrine, and
6 attorney client privilege. (Evid. Code, § 950 et seq.) DFEH objects to this request as overbroad and
7 exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject
8 matter of this action and the information is not reasonably calculated to lead to the discovery of
9 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this request on the ground
10 that the phrase “every individual involved with or in the DFEH’s administrative investigation of Eileen
11 and Mireya Rodriguez-Del Rios’ complaint against Defendants” is vague and ambiguous such that
12 DFEH cannot reasonably determine whether defendant is seeking information about individuals acting
13 on behalf of DFEH or third-party individuals.

14 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
15 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
16 interrogatory based on the above-identified objections and privileges.

17 **SPECIAL INTERROGATORY NO. 3:**

18 Identify by name, title, and relationship to the action, every individual involved with or in the
19 DFEH’s civil actions against Defendants, which the California Superior Court has assigned the case
20 nos. BCV-17-102855 and BCV-18-102633.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

22 DFEH incorporates the Preliminary Statement herein. By seeking information regarding “every
23 individual involved with or in the DFEH’s civil actions against Defendants,” defendant seeks
24 information that is protected by the official information privilege (Evid. Code, § 1040), informant
25 privilege (Evid. Code, § 1041), attorney work product doctrine, and attorney client privilege. (Evid.
26 Code, § 950 et seq.) DFEH objects to this request as overbroad and exceeding the permissible scope of
27 discovery in that the information sought is irrelevant to the subject matter of this action and the
28 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.

1 Proc., § 2017.010.) DFEH further objects to this request on the grounds that the phrase “every
2 individual involved with or in the DFEH’s civil actions against Defendants” is vague and ambiguous
3 such that DFEH cannot reasonably determine whether defendant is seeking information about
4 individuals acting on behalf of DFEH or third-party individuals.

5 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
6 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
7 interrogatory based on the above-identified objections and privileges.

8 **SPECIAL INTERROGATORY NO. 4:**

9 Identify by name, title, and relationship to the decision, every individual involved with or in the
10 DFEH's decision to apply *ex parte* for injunctive relief on December 13, 2017, in California Superior
11 Court.

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

13 DFEH incorporates the Preliminary Statement herein. By seeking information regarding “every
14 individual involved with or in the decision to apply *ex parte* for injunctive relief,” defendant seeks
15 information that is protected by the official information privilege (Evid. Code, § 1040), informant
16 privilege (Evid. Code, § 1041), attorney work product doctrine, and attorney client privilege. (Evid.
17 Code, § 950 et seq.) DFEH objects to this request as overbroad and exceeding the permissible scope of
18 discovery in that the information sought is irrelevant to the subject matter of this action and the
19 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
20 Proc., § 2017.010.) DFEH further objects to this request on the grounds that the phrase “every
21 individual involved with or in the decision to apply *ex parte* for injunctive relief” is vague and
22 ambiguous such that DFEH cannot reasonably determine whether defendant is seeking information
23 about individuals acting on behalf of DFEH or third-party individuals.

24 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
25 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
26 interrogatory based on the above-identified objections and privileges.

27 ///

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1 **SPECIAL INTERROGATORY NO. 5:**

2 Describe all actions undertaken by the DFEH as part of its administrative investigation of Eileen
3 and Mireya Rodriguez-Del Rios' complaint against Defendants, by which the DFEH investigated the
4 validity of the claims made by Eileen and Mireya Rodriguez-Del Rio.

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

6 DFEH incorporates the Preliminary Statement herein. By seeking a description of "all actions
7 undertaken by the DFEH as part of its administrative investigation" of the Real Parties in Interest's
8 DFEH complaint in investigating "the validity of the claims," defendant seeks information that is
9 protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code, §
10 1041), attorney work product doctrine, and attorney client privilege. (Evid. Code, § 950 et seq.) DFEH
11 further objects to this request as overbroad and exceeding the permissible scope of discovery in that the
12 information sought is irrelevant to the subject matter of this action and the information is not
13 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)

14 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
15 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
16 interrogatory based on the above-identified objections and privileges.

17 **SPECIAL INTERROGATORY NO. 6:**

18 Describe all actions undertaken by the DFEH as part of its administrative investigation of Eileen
19 and Mireya Rodriguez-Del Rios' complaint against Defendants, and subsequent civil actions brought
20 against Defendants, through which the DFEH complied with its Constitutional duty to avert religious
21 discrimination.

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

23 DFEH incorporates the Preliminary Statement herein. By seeking a description of "all actions
24 undertaken by the DFEH as part of its administrative investigation" of the Real Parties in Interest's
25 DFEH complaint and subsequent civil actions against defendants "through which the DFEH complied
26 with its Constitutional duty to avert religious discrimination," defendant seeks information that is
27 protected by the official information privilege (Evid. Code, § 1040), informant privilege (Evid. Code,
28 1041), attorney work product doctrine, and attorney client privilege. (Evid. Code, § 950 et seq.) DFEH

1 objects to this request on the grounds that defendants have not met the burden of demonstrating by
2 direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and
3 invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v.*
4 *Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH further
5 objects to this request as overbroad and exceeding the permissible scope of discovery in that the
6 information sought is irrelevant to the subject matter of this action and the information is not
7 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
8 DFEH further objects to this request on the grounds it is compound, conjunctive, and disjunctive. (Code
9 Civ. Proc., § 2030.060, subd. (f).)

10 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
11 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
12 interrogatory based on the above-identified objections and privileges.

13 **SPECIAL INTERROGATORY NO. 7:**

14 Describe all actions undertaken by the DFEH as part of its administrative investigation of Eileen
15 and Mireya Rodriguez-Del Rios' complaint against Defendants, and subsequent civil actions brought
16 against Defendants, through which the DFEH complied with its Constitutional duty to ensure that none
17 of its actions were motivated by a hostility towards disfavored religious beliefs.

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

19 DFEH incorporates the Preliminary Statement herein. By seeking a description of "all actions
20 undertaken by the DFEH as part of its administrative investigation" of the Real Parties in Interest's
21 DFEH complaint and subsequent civil actions against defendants "through which the DFEH complied
22 with its Constitutional duty to ensure that none of its actions were motivated by a hostility towards
23 disfavored religious beliefs," defendant seeks information that is protected by the official information
24 privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), attorney client privilege,
25 (Evid. Code, § 950 et seq.) and the attorney work-product doctrine. DFEH objects to this request on the
26 grounds that defendants have not met the burden of demonstrating by direct or circumstantial evidence
27 that prosecutorial discretion was exercised with intentional and invidious discrimination in this action
28 as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;

1 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH also objects to this request on the ground
2 that the phrase “disfavored religious beliefs” is vague and ambiguous such that DFEH cannot
3 reasonably determine the meaning of this request. DFEH further objects to this request as overbroad
4 and exceeding the permissible scope of discovery in that the information sought is irrelevant to the
5 subject matter of this action and the information is not reasonably calculated to lead to the discovery of
6 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this request on the
7 grounds it is compound, conjunctive, and disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).)

8 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
9 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
10 interrogatory based on the above-identified objections and privileges.

11 **SPECIAL INTERROGATORY NO. 8:**

12 For each individual identified in response to Special Interrogatory Nos. 2 and 3, identify
13 whether they approve or disapprove of the legalization of same-sex marriage.

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

15 DFEH incorporates the Preliminary Statement and objections to Special Interrogatory Nos. 2
16 and 3 herein. DFEH objects to this request on the ground it seeks information that is protected by the
17 right to privacy of personal sensitive and confidential information under the United States Constitution
18 California Constitution and Information Practices Act. DFEH further objects to this request because
19 such an unwarranted invasion of an individual’s right to privacy will not lead to the disclosure of
20 information relevant to DFEH’s performance of its duties. DFEH additionally objects to this request on
21 the ground that defendants have not met the burden of demonstrating by direct or circumstantial
22 evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in
23 this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809
24 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH also objects to this request as
25 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
26 to the subject matter of this action and the information is not reasonably calculated to lead to the
27 discovery of admissible evidence such that the request serves no purpose other than to harass. (Code
28 Civ. Proc., § 2017.010.) DFEH further objects to this request on the grounds it is compound,

1 conjunctive, and disjunctive (Code Civ. Proc., § 2030.060, subd. (f)), and seeks information protected
2 by the attorney client privilege. (Evid. Code, § 950 et seq.) Lastly, DFEH objects to this request on the
3 ground that requiring it to answer would result in unwarranted annoyance, embarrassment or
4 oppression.

5 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
6 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
7 interrogatory based on the above-identified objections and privileges.

8 **SPECIAL INTERROGATORY NO. 9:**

9 For each individual identified in response to Special Interrogatory Nos. 2 and 3, identify
10 whether they approve or disapprove of tolerating the beliefs of others who generally disapprove of
11 same-sex marriage.

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

13 DFEH incorporates the Preliminary Statement and objections to Special Interrogatory Nos. 2
14 and 3 herein. DFEH objects to this request on the ground it seeks information that is protected by the
15 right to privacy of personal sensitive and confidential information under the Information Practices Act,
16 United States Constitution, and California Constitution. DFEH also objects to this request on the
17 ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence
18 that prosecutorial discretion was exercised with intentional and invidious discrimination in this action
19 as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;
20 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH additionally objects to this request as
21 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
22 to the subject matter of this action and the information is not reasonably calculated to lead to the
23 discovery of admissible evidence such that the request serves no purpose other than to harass. (Code
24 Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that it is vague and ambiguous as
25 to the phrase "tolerating the belief of others," such that DFEH cannot reasonably determine what
26 information is sought by this request. DFEH further objects to this request on the grounds it is
27 compound, conjunctive, and disjunctive (Code Civ. Proc., § 2030.060, subd. (f)), and seeks information
28 protected by the attorney client privilege. (Evid. Code, § 950 et seq.) Lastly, DFEH objects to this

1 request on the ground that requiring it to answer would result in unwarranted annoyance,
2 embarrassment or oppression.

3 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
4 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
5 interrogatory based on the above-identified objections and privileges.

6 **SPECIAL INTERROGATORY NO. 10:**

7 For each individual identified in response to Special Interrogatory No. 8 who approves of
8 tolerating the same-sex marriage beliefs of others, identify the boundaries of that toleration, including
9 whether that includes permitting them to enter the marketplace but decline to participate in same-sex
10 weddings.

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

12 DFEH incorporates the Preliminary Statement and objections to Special Interrogatory Nos. 2, 3,
13 and 8 herein. DFEH objects to this request on the ground it seeks information that is protected by the
14 right to privacy of personal sensitive and confidential information under the Information Practices Act,
15 United States Constitution, and California Constitution. DFEH further objects to this request because
16 such an unwarranted invasion of an individual's right to privacy will not lead to the disclosure of
17 information relevant to DFEH's performance of its duties. DFEH additionally objects to this request on
18 the ground that defendants have not met the burden of demonstrating by direct or circumstantial
19 evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in
20 this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809
21 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH also objects to this request as
22 overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant
23 to the subject matter of this action and the information is not reasonably calculated to lead to the
24 discovery of admissible evidence such that the request serves no purpose other than to harass. (Code
25 Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that it is vague and ambiguous as
26 to the phrase "identify the boundaries of that toleration" such that DFEH cannot reasonably determine
27 what information is sought by this request. DFEH further objects to this request on the grounds it is
28 compound, conjunctive, and disjunctive (Code Civ. Proc., § 2030.060, subd. (f)), and seeks information

1 protected by the attorney client privilege. (Evid. Code, § 950 et seq.) Lastly, DFEH objects to this
2 request on the ground that requiring it to answer would result in unwarranted annoyance,
3 embarrassment or oppression.

4 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
5 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
6 interrogatory based on the above-identified objections and privileges.

7 **SPECIAL INTERROGATORY NO. 11:**

8 For each individual identified in response to Special Interrogatory Nos. 2 and 3, explain why
9 they were assigned to the administrative investigation or action.

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

11 DFEH incorporates the Preliminary Statement and objections to Special Interrogatory Nos. 2
12 and 3. DFEH objects to this request because the reason why an individual was “assigned to the
13 administrative investigation or action” is protected by the official information privilege (Evid. Code, §
14 1040) and attorney work-product doctrine. DFEH further objects to this request on the ground that
15 defendants have not met the burden of demonstrating by direct or circumstantial evidence that
16 prosecutorial discretion was exercised with intentional and invidious discrimination in this action as
17 required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia*
18 *v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH additionally objects to this request as overbroad
19 and exceeding the permissible scope of discovery in that the information sought is irrelevant to the
20 subject matter of this action and the information is not reasonably calculated to lead to the discovery of
21 admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request on the grounds
22 is compound, conjunctive, and disjunctive (Code Civ. Proc., § 2030.060, subd. (f)), and seeks
23 information protected by the attorney client privilege. (Evid. Code, § 950 et seq.) Lastly, DFEH objects
24 to this request on the ground that requiring it to answer would result in unwarranted annoyance,
25 embarrassment or oppression.

26 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
27 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
28 interrogatory based on the above-identified objections and privileges.

1 **SPECIAL INTERROGATORY NO. 12:**

2 Explain in detail why the DFEH has determined that the free exercise clause of the California
3 Constitution is not a basis upon which Defendants may decline to create wedding cakes for same-sex
4 weddings, even if doing so would be in violation of the Unruh Civil Rights Act.

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

6 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
7 grounds that it is vague and ambiguous as phrased such that DFEH cannot reasonably determine
8 whether the phrase “even if doing so would be in violation of the Unruh Civil Rights Act” applies to
9 DFEH’s determination or defendants’ decision not to create cakes for same-sex weddings. To the
10 extent this request seeks DFEH’s pre-cause deliberations, including analysis, opinions, and
11 recommendations regarding this case, and in that this request seeks information regarding “why” DFEH
12 made its determination, i.e. our reasoning process, this information is protected by the official
13 information privilege (Evid. Code, § 1040) and attorney work-product doctrine. (See, e.g., *Burke v.*
14 *Superior Court of Sacramento County* (1969) 71 Cal.2d 276, 285.) DFEH further objects to this request
15 on the ground that it is overbroad.

16 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
17 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
18 interrogatory based on the above-identified objections and privileges.

19 **SPECIAL INTERROGATORY NO. 13:**

20 Explain in detail why the DFEH has determined that the free exercise clause of the federal
21 Constitution is not a basis upon which Defendants may decline to create wedding cakes for same-sex
22 weddings, even if doing so would be in violation of the Unruh Civil Rights Act.

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

24 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
25 grounds that it is vague and ambiguous as phrased such that DFEH cannot reasonably determine
26 whether the phrase “even if doing so would be in violation of the Unruh Civil Rights Act” applies to
27 DFEH’s determination or defendants’ decision not to create cakes for same-sex weddings. To the
28 extent this request seeks DFEH’s pre-cause deliberations, including analysis, opinions, and

1 recommendations regarding this case, this information is protected by the official information privilege
2 (Evid. Code, § 1040) and attorney work-product doctrine. (See, e.g., *Burke v. Superior Court of*
3 *Sacramento County* (1969) 71 Cal.2d 276, 285.) DFEH further objects to this request on the ground
4 that it is overbroad.

5 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
6 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
7 interrogatory based on the above-identified objections and privileges

8 **SPECIAL INTERROGATORY NO. 14:**

9 Explain in detail why the DFEH has determined that the free speech clauses of the California
10 and federal Constitutions are not a basis upon which Defendants may decline to create wedding cakes
11 for same-sex weddings, even if doing so would be in violation of the Unruh Civil Rights Act.

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

13 DFEH incorporates the Preliminary Statement and its objections to Special Interrogatory Nos.
14 12 and 13 herein. DFEH objects to this request to the extent it is duplicative of Special Interrogatory
15 Nos. 12 and 13. DFEH objects to this request on the grounds that it is vague and ambiguous as phrased
16 such that DFEH cannot reasonably determine whether the phrase “even if doing so would be in
17 violation of the Unruh Civil Rights Act” applies to DFEH’s determination or defendants’ decision not
18 to create cakes for same-sex weddings. DFEH objects to this request on the grounds that it seeks
19 information protected by the official information privilege (Evid. Code, § 1040) and attorney work-
20 product doctrine. (See e.g., *Burke v. Superior Court of Sacramento County* (1969) 71 Cal.2d 276, 285.)
21 DFEH further objects to this request on the grounds it is compound, conjunctive, and disjunctive. (Code
22 Civ. Proc., § 2030.060, subd. (f).) DFEH further objects to this request on the ground that it is
23 overbroad.

24 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
25 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
26 interrogatory based on the above-identified objections and privileges.

27 ///

28 ///

1 **SPECIAL INTERROGATORY NO. 15:**

2 Identify by name and contact information each employee or former employee of Tastries that
3 you, or anyone acting on your behalf, have communicated with about this case, and provide the
4 approximate date, and the contents of such communications.

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

6 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
7 grounds it seeks information protected by the attorney work-product doctrine, official information
8 privilege (Evid. Code, § 1040), informant privilege (Evid. Code, § 1041), and Information Practices
9 Act (Civ. Code, § 1798 et seq.). DFEH further objects to this request on the grounds it is compound,
10 conjunctive, and disjunctive. (Code Civ. Proc., § 2030.060, subd. (f).)

11 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
12 and good-faith effort to obtain the requested information, DFEH responds as follows:

13 The following individuals may have information relevant to this case: Justin Salinas; Jessica
14 Criollo; Mary Johnson; Rosemary Perez; Michael Miller; and Catharine Miller.

15 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
16 its ongoing discovery and investigation.

17 **SPECIAL INTERROGATORY NO. 16:**

18 Identify all instances discovered by the DFEH where Defendants denied services on the basis of
19 sexual orientation outside the context of a refusal to participate in, or provide services for, a same-sex
20 wedding celebration.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

22 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
23 grounds it seeks information protected by the official information privilege (Evid. Code, § 1040) and
24 attorney work-product doctrine. DFEH objects to this request on the grounds that it is vague and
25 ambiguous as to the terms “participate in” and “wedding celebration” such that DFEH cannot
26 reasonably determine what information is sought by this request.

27 Subject to and without waiving the foregoing objections and privileges, and after a reasonable
28 and good-faith effort to obtain the requested information, DFEH responds as follows:

1 Defendant Miller has testified that Tastries does not provide any services for any events related
2 to same sex wedding celebrations, including not only wedding receptions but also same-sex couples'
3 bridal showers and anniversaries. At this time, DFEH is not aware of other events for which Defendants
4 have denied services on the basis of sexual orientation.

5 **SPECIAL INTERROGATORY NO. 17:**

6 State whether the DFEH corresponded or otherwise engaged in any communications with
7 representatives from any non-governmental organization or with any individual regarding a possible
8 claim against Tastries before filing this action. If so, describe in detail the nature and substance of that
9 communication; identify the name, title, address, and telephone number for that representative or
10 individual; the date(s) on which the correspondence or communication took place; and the individual
11 who initiated the communication.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

13 DFEH incorporates the Preliminary Statement herein. DFEH objects on the grounds this request
14 is overbroad as phrased and seeks information that is not relevant to the subject matter of this action
15 and is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
16 2017.010.) DFEH objects to this request on the grounds it contains subparts. (Code Civ. Proc., §
17 2033.060, subd. (f).) DFEH objects to this request on the grounds it seeks information protected by the
18 attorney-client privilege, the attorney work-product doctrine, the official information privilege (Evid.
19 Code, § 1040), informant privilege (Evid. Code, § 1041), the common interest doctrine, and/or
20 otherwise protected by any other applicable privilege, doctrine, and/or immunity. DFEH also objects to
21 this request on the ground it seeks information that is protected by the right to privacy of personal
22 sensitive and confidential information under the United States Constitution, California Constitution and
23 Information Practices Act. DFEH further objects to this request because such an unwarranted invasion
24 of an individual's right to privacy will not lead to the disclosure of information relevant to DFEH's
25 performance of its duties. (See *id.*)

26 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
27 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
28 interrogatory based on the above-identified objections and privileges.

1 **SPECIAL INTERROGATORY NO. 18:**

2 Identify all persons that you anticipate calling or will call as witnesses in the hearing of this
3 matter, and provide a summary of each person's anticipated testimony.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

5 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
6 grounds that it is vague and ambiguous as it asks DFEH to identify persons DFEH anticipates or will
7 call as witnesses "in the hearing of this matter," but fails to identify with sufficient particularity what
8 "hearing" defendant is referring to, and no hearings are presently on calendar, such that DFEH cannot
9 reasonably determine what information is sought by this request. DFEH further objects to this request
10 on the ground it seeks information protected by the attorney work product doctrine. DFEH also objects
11 to this request on the ground it seeks premature disclosure of expert information. (Code Civ. Proc., §§
12 2034.210; 2034.220.) DFEH has not decided on which, if any, expert witnesses may be called at trial;
13 insofar as this request seeks to ascertain the identity, writings, and opinions of DFEH's experts who
14 have been retained or utilized to date solely as an advisor or consultant, it is violative of the work-
15 product privilege. (See, e.g., *South Tahoe Public Utilities District v. Super. Ct.* (1979) 90 Cal.App.3d
16 135; *Sheets v. Super. Ct.* (1967) 257 Cal.App.2d 1; *Sanders v. Super. Ct.*, (1973) 34 Cal.App.3d 270.)
17 DFEH also objects to this request as unduly burdensome and premature in light of the fact that
18 discovery remains ongoing.

19 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
20 effort to obtain the requested information, DFEH responds as follows: DFEH does not respond to this
21 interrogatory based on the above-identified objections and privileges.

22 **SPECIAL INTERROGATORY NO. 19.**

23 State the names of all experts whom the DFEH expects to call at the trial of this case. For each
24 such expert, state (a) each opinion of the expert; (b) all facts relied upon by the expert in reaching each
25 opinion.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 19:**

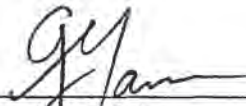
27 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
28 ground it seeks premature disclosure of expert opinion in violation of Code of Civil Procedure sections

1 2034.210, 2034.220, and 2034.270. DFEH further objects to this request to the extent it seeks
2 information protected by the attorney-client privilege, the attorney work-product doctrine, and the
3 official information privilege (Evid. Code, § 1040). DFEH also objects to this request on the ground it
4 seeks premature disclosure of expert information. (Code Civ. Proc., §§ 2034.210; 2034.220.) DFEH has
5 not decided on which, if any, expert witnesses may be called at trial; insofar as this request seeks to
6 ascertain the identity, writings, and opinions of DFEH's experts who have been retained or utilized to
7 date solely as an advisor or consultant, it is violative of the work-product privilege. (See, e.g., *South*
8 *Tahoe Public Utilities District v. Super. Ct.* (1979) 90 Cal.App.3d 135; *Sheets v. Super. Ct.* (1967) 257
9 Cal.App.2d 1; *Sanders v. Super. Ct.*, (1973) 34 Cal.App.3d 270.) DFEH also objects to this request as
10 unduly burdensome and premature in light of the fact that discovery remains ongoing.

11 Subject to and without waiving the foregoing objections, and after a reasonable and good-faith
12 effort to obtain the requested information, DFEH responds as follows: DFEH will not respond to this
13 interrogatory based on the above-identified objections and privileges.

14 DATE: July 24, 2019

DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING

15
16
17 By: 

Gregory J. Mann
Attorneys for the Plaintiff Department of Fair
Employment and Housing

1 PAULA D. PEARLMAN (#109038)
Assistant Chief Counsel
2 ANTHONY GRUMBACH (#195107)
Associate Chief Counsel
3 GREGORY J. MANN (#200578)
Senior Staff Counsel
4 JEANETTE HAWN (#307235)
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5 DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
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Los Angeles, California 90013
7 Telephone: (213) 439-6799
8 Facsimile: (888) 382-5293
9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF KERN**

14 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
15 California,)

16 Plaintiff,)

17 vs.)

18 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
19 CATHY MILLER,)

20 Defendants.)

21 EILEEN RODRIGUEZ-DEL RIO and)
22 MIREYA RODRIGUEZ-DEL RIO,)

23 Real Parties in Interest.)
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25
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Case No. BCV-18-102633

**OMNIBUS PROOF OF SERVICE BY
MAIL**



PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

On July 24, 2019, I served a copy of the following documents [*Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest); Case Number: BCV-18-102633*]:

1. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S FORM INTERROGATORIES – GENERAL, SET ONE**
2. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR ADMISSION TO PLAINTIFF DFEH – SET ONE**
3. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANTS CATHARINE MILLER REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH – SET ONE**
4. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANT CATHARINE MILLER'S SPECIAL INTERROGATORIES, TO PLAINTIFF DFEH, SET ONE**
5. **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S PRIVILEGE LOG FOR PLAINTIFF DFEH'S RESPONSE TO DEFENDANTS CATHARINE MILLER'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, DFEH, SET ONE**

Each said envelope was then on said date sealed and placed for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on July 24, 2019, at Los Angeles, Los Angeles County, California.

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Valentina Martinez

SERVICE LIST

Charles S. LiMandri
Paul Jonna
Jeffrey M. Trissell
Freedom of Conscience
Defense Fund
P.O. Box #9520
Rancho Santa Fe, California 92067



VERIFICATION

I, Patrice Doebrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S SPECIAL INTERROGATORIES, TO PLAINTIFF DFEH, SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of July 2019, at Bakersfield, California.



Patrice Doebrn
District Administrator



EXHIBIT 8

Document received by the CA 5th District Court of Appeal.

JANETTE WIPPER (#275264)
NELSON CHAN (#109272)
GREGORY J. MANN (#200578)
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
2218 Kausen Drive, Suite 100
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Telephone: (916) 478-7251
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Attorneys for Plaintiff DFEH
(Fee Exempt, Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE
MILLER'S SPECIAL INTERROGATORIES
TO PLAINTIFF DFEH, SET TWO**

Action filed: October 17, 2018
Trial Date: December 13, 2021

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER

RESPONDING PARTY: DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

SET NO.: TWO

Plaintiff Department of Fair Employment and Housing (DFEH), by and through its attorneys,
and pursuant to Code of Civil Procedure section 2030.210, et seq., hereby responds to defendant
Catharine Miller's Special Interrogatories to Plaintiff DFEH, Set Number Two, as follows:

PRELIMINARY STATEMENT

Discovery is ongoing and DFEH is presently pursuing its investigation and analysis of the facts and law relating to this case. The responses set forth herein are based upon the records and information available to DFEH at the time of the preparation of these responses and are true and correct to the best knowledge of DFEH as of this date. The responses set forth herein are provided without prejudice to DFEH's right to add, modify, correct any inadvertent errors, mistakes or omissions, or otherwise change or amend the responses herein. DFEH specifically reserves the right, at the time of hearing or trial, to introduce any evidence that may be obtained or identified from any source.

DFEH bases these responses on the express statement, included in the statute, that defendant does not request information privileged from disclosure by law or otherwise made confidential or protected against discovery by any applicable privilege, doctrine, or immunity including, without limitation, the right to privacy under the California and U.S. Constitutions and any other state or federal law, any privilege relating to confidential conciliation, the official-information privilege, informant privilege, the attorney-client privilege, the attorney work-product doctrine, and cases requiring defendants to meet evidentiary requirements before responses are required for discovery seeking information about prosecutors exercise of their discretion. DFEH will not provide any such confidential or privileged information in response to any interrogatory that seeks it and will herein and at hearing object thereto and assert the applicable privileges to the fullest extent provided by law. Any response that inadvertently provides such confidential or privileged information shall not be deemed to waive the applicable privilege, doctrine, confidentiality, privacy, or immunity.

This preliminary statement applies to, and is incorporated by reference in, each response set forth herein. Any reference to a preceding or subsequent response incorporates by reference both the information and objections set forth in the referenced response.

Subject to the foregoing, DFEH hereby responds to defendant Catharine Miller's Special Interrogatories to Plaintiff DFEH, Set Two, as follows:

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1 **RESPONSES TO SPECIAL INTERROGATORIES**

2 **SPECIAL INTERROGATORY NO. 20:**

3 Identify all administrative complaints submitted to the DFEH relating to the Unruh Civil Rights
4 Act between August 1, 2015 and the present in which the DFEH determined that the Act was
5 inapplicable due to the “public policy” exception described in *Koire v. Metro Car Wash* (1985) 40
6 Cal.3d 24, 30–32 & fn.8.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 20:**

8 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
9 grounds that it seeks information that is protected by the official information privilege (Evid. Code, §
10 1040), informant privilege (Evid. Code, § 1041), attorney work product doctrine, and attorney-client
11 privilege. (Evid. Code, § 950 et seq.) DFEH objects to this request on the grounds that defendants have
12 not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion
13 was exercised with intentional and invidious discrimination in this action as required to propound such
14 discovery. (Order of Fifth Appellate District in Case No. F081781 [Kern Super. Ct. No. BCV-18-102633]
15 filed January 27, 2021; Alternative Writ of Mandate of Fifth Appellate District in Case No. F081781 [Kern
16 Super. Ct. No. BCV-18-102633] dated January 27, 2021; see, e.g., *People v. Montes* (2014) 58 Cal.4th
17 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S.
18 456, 463–464, 468.) DFEH further objects to this request as overbroad and exceeding the permissible
19 scope of discovery in that the information sought is irrelevant to the subject matter of this action and the
20 information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ.
21 Proc., § 2017.010.) DFEH further objects to this request because it seeks a legal conclusion, and the
22 following terms are vague and ambiguous: “‘public policy’ exception described in *Koire v. Metro Car*
23 *Wash* (1985) 40 Cal.3d 24, 30–32 & fn.8.” Discovery is ongoing and DFEH reserves the right to modify
24 or amend this response based on its ongoing discovery and investigation.

25 Defendants have not met their initial burden of demonstrating by direct or circumstantial
26 evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious
27 discrimination in this action as is required in order for defendants to propound such discovery. (Order
28 of Fifth Appellate District in Case No. F081781 [Kern Super. Ct. No. BCV-18-102633] filed January

1 27, 2021; Alternative Writ of Mandate of Fifth Appellate District in Case No. F081781 [Kern Super.
2 Ct. No. BCV-18-102633] dated January 27, 2021; see e.g., *People v. Montes* (2014) 58 Cal.4th 809,
3 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S.
4 456, 463–464, 468.) Therefore, based on defendants’ failure to meet the standard and its objections
5 asserted above, DFEH is not responding to the request.

6
7 DATE: August 3, 2021

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

8
9 By: _____

10 Gregory J. Mann
11 Attorneys for the Plaintiff Department of Fair
Employment and Housing
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NELSON CHAN, Assistant Chief Counsel (#109272)
GREGORY J. MANN, Senior Staff Counsel (#200578)
DEPARTMENT OF FAIR EMPLOYMENT
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320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
Telephone: (213) 439-6799
Facsimile: (888) 382-5293

Attorneys for the Department

Fee Exempt (Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

CASE NO. BCV-18-102633-DRL

**OMNIBUS PROOF OF SERVICE BY
ELECTRONIC MAIL**

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

PROOF OF SERVICE

I am a citizen of the United States and am employed in Los Angeles County; I am over the age of eighteen (18) years and not a party to the within action; my business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

My e-mail address is valentina.martinez@dfeh.ca.gov.

On the date below I enclosed a true copy of the attached.

**1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE MILLER'S SPECIAL INTERROGATORIES
TO PLAINTIFF DFEH, SET TWO**

**2. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR PRODUCTION
OF DOCUMENTS TO PLAINTIFF DFEH – SET THREE**

(In the matter of *Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest)*; Case Number: BCV-18-102633) in a separate envelope for each of the persons named below, addressed follows:

☒ **By E-Mail** by forwarding a true and correct copy of the above document(s) via e-mail to the person(s) at the e-mail address(es) set forth below.

Charles S. LiMandri – Email: climandri@limandri.com
Jeffrey M. Trissell – Email: jtrissell@limandri.com
Paul Jonna – pjonna@limandri.com
Kathy Denworth – Kdenworth@limandri.com
FREEDOM OF CONSCIENCE DEFENSE FUND
16236 San Dieguito Road, Building 3, Suite # 3-15
Rancho Santa Fe, California 92067

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 03, 2021, at Los Angeles, California.

—  —
Valentina Martinez

EXHIBIT 9

Document received by the CA 5th District Court of Appeal.

1 JANETTE WIPPER (#275264)
Chief Counsel
2 PAULA PEARLMAN (#109038)
Assistant Chief Counsel
3 GREGORY J. MANN (#200578)
Senior Staff Counsel
4 JEANETTE HAWN (#307235)
Staff Counsel
5 DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
6 320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
7 Telephone: (213) 439-6799
Facsimile: (888) 382-5293
8
9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF KERN**

13 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
14 California,)
15)
Plaintiff,)
16 vs.)
17 CATHY'S CREATIONS, INC. d/b/a)
18 TASTRIES, a California corporation; and)
CATHY MILLER,)
19)
Defendants.)

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT
CATHARINE MILLER'S REQUESTS
FOR ADMISSION TO PLAINTIFF
DFEH – SET ONE**

Action filed: October 17, 2018
Trial Date: June 22, 2020

20 EILEEN RODRIGUEZ-DEL RIO and)
21 MIREYA RODRIGUEZ-DEL RIO,)
22)
Real Parties in Interest.)
23)
24)

25 PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER

26 RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT
27 AND HOUSING

28 SET NO.: ONE



COURT PAPER
State of California
Std. 115 Rev. 3-95
FE&H Automated

Pursuant to Code of Civil Procedure section 2033.210 et seq., plaintiff Department of Fair Employment and Housing (DFEH) responds to defendant Catharine Miller's Requests for Admission to Plaintiff DFEH, Set One, as follows:

PRELIMINARY STATEMENT

DFEH is pursuing and has not completed its investigation of the law, facts, witnesses or documents relating to this case, has not completed discovery, has not completed its analysis of available data, and has not completed its preparation for trial. All the responses contained herein are true and correct to the best knowledge of DFEH as of this date and are based only upon such information and documents that are presently available to and specifically known to DFEH. The responses contained herein are given without prejudice to DFEH's right to provide facts, witnesses or documents omitted from these responses by oversight, inadvertence, or good faith error or mistake.

These responses are provided on behalf of DFEH only. To the extent defendant asks for information in the possession, custody or control of the Real Parties in Interest and not in the control of or furnished to DFEH or its agents during its investigation of the matters raised in the complaint and first amended complaint, DFEH cannot be required to respond to the request. The Real Parties in Interest are not parties to the litigation unless and until they intervene pursuant to Government Code section 12965, subdivision (c). (*See Peralta Community College District v. FEHC* (1990) 52 Cal.3d 40, 54 ["Under the FEHA, moreover, the DFEH is the plaintiff and the employee only a witness."].)

DFEH reserves all objections to the admissibility at trial of any documents, information or evidence identified. The identification or supplying of any document, information or evidence will not constitute an admission by DFEH that such document, information or evidence is relevant to or admissible in the pending litigation. DFEH reserves the right to object to further inquiry with respect to any subject matter.

DFEH bases these responses on the express statement that defendant does not request information privileged from disclosure by law or otherwise made confidential or protected against discovery by any applicable privilege, doctrine, or immunity, including, without limitation, the right to privacy under the California Constitution, the penumbral right to privacy under the U.S. Constitution, the Information Practices Act (Civ. Code § 1798 et seq.) and any other state or federal



1 law; any privilege relating to confidential conciliation; the official information privilege, informant
2 privilege and other evidentiary privileges (Evid. Code §§ 900 – 1070); the attorney-client privilege
3 (Evid. Code, § 950 et seq.); the attorney work-product doctrine and/or because it contains the impres-
4 sions, conclusions, opinions, legal research or theories of attorneys. DFEH will not provide any such
5 protected information in response to any request that seeks it. To the extent that discovery requests,
6 or any part thereof, are intended to elicit such information, DFEH will, herein and at hearing, object
7 thereto and assert the privileges and objections provided in the foregoing to the fullest extent
8 provided by law. Any inadvertent disclosure of privileged information shall not be deemed a waiver
9 of such protections.

10 These introductory comments shall apply to each response given herein and shall be
11 incorporated by reference as though fully set forth in all of the responses appearing hereafter.

12 Subject to the foregoing preliminary statement applicable to all requests, the DFEH hereby
13 responds to the interrogatories that pertain to the subject of this litigation, as follows:

14 **RESPONSES TO REQUESTS FOR ADMISSION**

15 **REQUEST FOR ADMISSION NO. 1:**

16 Admit that the DFEH must presume that the conduct of a business establishment charged
17 under the Unruh Act is not discriminatory until proven otherwise.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

19 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
20 in that the information sought is irrelevant to the subject matter of this action, and the information is
21 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
22 2017.010.) DFEH also objects to this request on the grounds it seeks information protected by the
23 official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et
24 seq.), and the attorney work product doctrine. DFEH further objects to this request on the grounds
25 that the terms “charged under the Unruh Act” and “until proven otherwise” are vague and ambiguous.
26 DFEH additionally objects to this request on the grounds that it calls for speculation and seeks
27 admission of a legal matter without reference to any fact.



1 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
2 request as follows:

3 To the extent DFEH is able to respond to this request as it is framed, denied. DFEH's
4 procedural regulations require it to initiate a prompt investigation of a complaint alleging facts
5 sufficient to constitute a violation of the Unruh Civil Rights Act, and to gather all relevant evidence
6 necessary to determine whether an unlawful practice has occurred.

7 **REQUEST FOR ADMISSION NO. 2:**

8 Admit that the Unruh Act permits a business establishment to make some distinctions based
9 on protected characteristics.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

11 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
12 in that the information sought is irrelevant to the subject matter of this action and the information is
13 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
14 2017.010.) DFEH further objects to this request on the grounds it seeks information protected by the
15 official information privilege (Evid. Code, § 1040), the attorney-client privilege (Evid. Code, § 950 et
16 seq.) and the attorney work product doctrine. DFEH also objects to this request on the grounds that
17 the phrase "some distinctions" is vague and ambiguous such that DFEH cannot reasonably determine
18 what kind of distinction this request refers to for purposes of providing an admission or denial in
19 response to this request. DFEH objects to this request on the grounds that it calls for speculation and
20 seeks admission of a legal matter without reference to any fact.

21 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
22 request as follows:

23 To the extent DFEH is able to respond to this request as it is framed, denied.

24 **REQUEST FOR ADMISSION NO. 3:**

25 Admit that it is baking industry practice for cake artists to decline to create custom cakes that
26 express messages or celebrate events that conflict with their values.

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RESPONSE TO REQUEST FOR ADMISSION NO. 3:

DFEH objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds it seeks information protected by the attorney work product doctrine. DFEH objects to this request on the grounds it seeks premature disclosure of expert opinion. (Code Civ. Proc., §§ 2034.210; 2034.220.) DFEH has not decided on which, if any, expert witnesses may be called at trial; insofar as this request seeks to ascertain the identity, writings, and opinions of DFEH's experts who have been retained or utilized to date solely as an advisor or consultant, it is violative of the work-product privilege. (See, e.g., *South Tahoe Public Utilities District v. Super. Ct.* (1979) 90 Cal.App.3d 135; *Sheets v. Super. Ct.* (1967) 257 Cal.App.2d 1; *Sanders v. Super. Ct.*, (1973) 34 Cal.App.3d 270.) DFEH further objects to this request on the grounds that it calls for speculation and that the terms "baking industry practice," "cake artists," "custom cakes," "express messages," "celebrate events," and "values" are so vague and ambiguous that DFEH cannot reasonably determine the scope or meaning of these terms and cannot provide an admission or denial in response to this request.

REQUEST FOR ADMISSION NO. 4:

Admit that the DFEH maintains that expressive business owners, including cake artists, violate the Unruh Act if they decline to create a custom item expressing homophobic or anti-LGBT messages.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

DFEH objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by the official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et seq.) and work product doctrine. DFEH further objects to this request on the grounds that it calls for speculation and that the terms "expressive business owners," "cake artists," "custom item," and



1 “expressing homophobic or anti-LGBT messages” are vague and ambiguous such that DFEH cannot
2 reasonably determine the scope or meaning of these terms for purposes of providing an admission or
3 denial in response to this request. DFEH also objects to this request on the grounds it seeks admission
4 of a legal matter without reference to sufficient facts to enable DFEH to respond.

5 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
6 request as follows:

7 To the extent DFEH is able to respond to this request as it is framed, **denied.**

8 **REQUEST FOR ADMISSION NO. 5:**

9 **Admit that the DFEH maintains that the Unruh Act does not allow cake artists to decline to**
10 **create custom cakes that they consider offensive.**

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

12 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
13 in that the information sought is irrelevant to the subject matter of this action and the information is
14 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
15 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by
16 the official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et
17 seq.) and attorney work product doctrine. DFEH further objects to this request on the grounds that the
18 terms “cake artists,” “create custom cakes” and “they consider offensive” are so vague and
19 ambiguous—particularly when coupled with the request’s double negative—that DFEH cannot
20 reasonably determine the scope or meaning of the request for purposes of providing an admission or
21 denial in response to this request.

22 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
23 request as follows:

24 To the extent DFEH is able to respond to this request as it is framed, **denied.**

25 **REQUEST FOR ADMISSION NO. 6:**

26 **Admit that the DFEH uses its enforcement authority under the Unruh Act to compel the**
27 **speech of people who earn a living creating and selling expression.**



1 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

2 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
3 in that the information sought is irrelevant to the subject matter of this action and the information is
4 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
5 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by
6 the official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et
7 seq.) and work product doctrine. DFEH further objects to this request on the grounds that the terms
8 “enforcement authority,” “compel the speech,” and “creating and selling expression” are highly
9 subjective terms that are so vague and ambiguous that DFEH cannot reasonably determine the scope
10 or meaning of the term for purposes of providing an admission or denial in response to this request.

11 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
12 request as follows:

13 To the extent DFEH is able to respond to this request as it is framed, denied. DFEH does not
14 use its enforcement authority under the Unruh Civil Rights Act to compel speech.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that the DFEH maintains that cake artists violate the Unruh Act by declining to
17 create custom cakes that express messages they would not communicate for anyone.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

19 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
20 in that the information sought is irrelevant to the subject matter of this action and the information is
21 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
22 2017.010.) DFEH also objects to this request on the grounds it seeks information protected by the
23 official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et
24 seq.) and attorney work product doctrine. DFEH further objects to this request on the grounds that the
25 terms “cake artists,” “custom cakes,” “express messages,” and “would not communicate for anyone”
26 are vague and ambiguous.

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1 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
2 request as follows:

3 To the extent DFEH is able to respond to this request as it is framed, **denied.**

4 **REQUEST FOR ADMISSION NO. 8:**

5 Admit that Defendant Miller objects to creating any cakes that express messages or
6 celebrate events which support or condone any definition of marriage other than that of one man
7 and one woman.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

9 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
10 this request as overbroad and exceeding the permissible scope of discovery in that the information
11 sought is irrelevant to the subject matter of this action and the information is not reasonably
12 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
13 objects to this request on the grounds that it calls for speculation and that the information sought is
14 equally available to defendant; DFEH is not required to make an inquiry from independent witnesses
15 in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH also objects to this request on the
16 grounds that the terms "custom cakes," "express messages," "celebrate events," and "any definition
17 of marriage other than that of one man and one woman" are vague and ambiguous. A reasonable
18 inquiry concerning this matter has been made, and the only information known or readily obtainable
19 concerning this matter consists of hearsay statements and reports from defendant Miller, the truth or
20 falsity of which is unknown. DFEH has insufficient information to admit or deny Request No. 8.

21 **REQUEST FOR ADMISSION NO. 9:**

22 Admit that Defendant Miller would not create custom cakes that express messages or
23 celebrate events which support or condone any definition of marriage other than that of one man
24 and one woman for anyone regardless of the sexual orientation of the person who requests one.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

26 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
27 this request to the extent it is duplicative of Request for Admission No. 8. DFEH further objects to
28 this request as overbroad and exceeding the permissible scope of discovery in that the information



sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that it calls for speculation and that the information sought is equally available to defendant; DFEH is not required to make an inquiry from independent witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH also objects to this request on the grounds that the terms “custom cakes,” “express messages,” “celebrate events,” and “any definition of marriage other than that of one man and one woman” are vague and ambiguous. A reasonable inquiry concerning this matter has been made, and the only information known or readily obtainable concerning this request consists of hearsay statements and reports from defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to admit or deny Request No. 9.

REQUEST FOR ADMISSION NO. 10:

Admit that Miller approaches cake design as an art form, and she blends her skills as a pastry chef, sculptor, and painter to design beautiful custom cakes.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

DFEH objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that it calls for speculation and that the information sought is equally available to defendant; DFEH is not required to make an inquiry from independent witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the grounds that the terms “approaches cake design,” “an art form,” “blends her skills,” “beautiful,” and “custom cakes” are vague and ambiguous as phrased. A reasonable inquiry concerning this request has been made, and the only information known or readily obtainable concerning this matter consists of hearsay statements and reports from defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to admit or deny Request No. 10.

REQUEST FOR ADMISSION NO. 11:

Admit that after Miller bakes the cake, she sculpts it, decorates it, and using painting and sculpting techniques, inscribes words, numbers, or designs.



1 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

2 DFEH objects to this request to the extent it is duplicative of Request for Admission No. 10.
3 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery in that
4 the information sought is irrelevant to the subject matter of this action and the information is not
5 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
6 DFEH objects to this request on the grounds that it calls for speculation and that the information
7 sought is equally available to defendant; DFEH is not required to make an inquiry from independent
8 witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this
9 request on the grounds that it is overbroad and the terms “Miller bakes the cake,” “sculps it,”
10 “decorates it,” “using painting and sculpting techniques,” and “inscribes words, numbers, or designs”
11 are vague and ambiguous. A reasonable inquiry concerning this request has been made, and the only
12 information known or readily obtainable concerning this matter consists of hearsay statements and
13 reports from defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient
14 information to admit or deny Request No. 11.

15 **REQUEST FOR ADMISSION NO. 12:**

16 Admit that when Miller creates a custom cake that expresses a message, she is engaged in
17 speech.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

19 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
20 in that the information sought is irrelevant to the subject matter of this action and the information is
21 not reasonably calculated to lead to the discovery of admissible evidence (Code Civ. Proc., §
22 2017.010). DFEH further objects to this request as overbroad in that it requires DFEH to speculate
23 about time periods and conduct that extend beyond the scope of this litigation. DFEH also objects to
24 this request on the grounds that the terms “custom cake,” “expresses a message,” and “engaged in
25 speech” are vague and ambiguous. DFEH also objects to this request on the grounds it seeks
26 admission of a legal matter without reference to sufficient facts to enable DFEH to respond.

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1 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
2 request as follows:

3 To the extent DFEH is able to respond to this request as it is framed, denied.

4 **REQUEST FOR ADMISSION NO. 13:**

5 Admit that in addition to being a cake artist, Miller is a follower of Jesus Christ who bases
6 her religious beliefs on the Bible.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

8 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
9 this request as overbroad and exceeding the permissible scope of discovery in that the information
10 sought is irrelevant to the subject matter of this action and the information is not reasonably
11 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
12 objects to this request on the grounds that it calls for speculation and that the information sought is
13 equally available to defendant; DFEH is not required to make an inquiry from independent witnesses
14 in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the
15 grounds that the terms "cake artist," "follower" and "bases her religious beliefs on the Bible" are
16 vague and ambiguous as phrased. DFEH additionally objects to this request on the grounds that it is
17 compound. A reasonable inquiry concerning this request has been made, and the only information
18 known or readily obtainable concerning this matter consists of hearsay statements and reports from
19 defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to
20 admit or deny Request No. 13.

21 **REQUEST FOR ADMISSION NO. 14:**

22 Admit that Miller's religious beliefs are central to her life, her identity, and her
23 understanding of goodness, truth, beauty, morality, and existence.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

25 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
26 this request as overbroad and exceeding the permissible scope of discovery in that the information
27 sought is irrelevant to the subject matter of this action and the information is not reasonably
28 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH



objects to this request on the grounds that it calls for speculation and that the information sought is equally available to defendant; DFEH is not required to make an inquiry from independent witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the grounds that the terms “central to her life, her identity, and her understanding of goodness, truth, beauty, morality, and existence” are vague and ambiguous as phrased. DFEH additionally objects to this request on the grounds that it is compound. A reasonable inquiry concerning this request has been made, and the only information known or readily obtainable concerning this matter consists of hearsay statements and reports from defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to admit or deny Request No. 14.

REQUEST FOR ADMISSION NO. 15:

Admit that Miller believes that everything she does, including how she operates her business, should be done to glorify God.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

DFEH is not disputing the sincerity of defendant Miller’s religious beliefs. DFEH objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that it calls for speculation and that the information sought is equally available to defendant; DFEH is not required to make an inquiry from independent witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request as overbroad in that the terms “everything she does” and “how she operates her business” require DFEH to speculate about time periods and conduct that extend beyond the scope of this litigation. DFEH additionally objects to this request on the grounds that it is compound. DFEH also objects to this request on the grounds that the terms “everything she does,” “how she operates her business,” and “done to glorify” are vague and ambiguous. A reasonable inquiry concerning this request has been made, and the only information known or readily obtainable concerning this matter consists of hearsay statements and reports from defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to admit or deny Request No. 15.



1 **REQUEST FOR ADMISSION NO. 16:**

2 **Admit that Miller runs Tastries bakery based on her religious beliefs.**

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

4 **DFEH is not disputing the sincerity of defendant Miller's religious beliefs.** DFEH objects to
5 this request as overbroad and exceeding the permissible scope of discovery in that the information
6 sought is irrelevant to the subject matter of this action and the information is not reasonably
7 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
8 objects to this request on the grounds that it calls for speculation and that the information sought is
9 equally available to defendant; DFEH is not required to make an inquiry from independent witnesses
10 in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the
11 grounds that the terms "runs Tastries bakery" and "based on her religious beliefs" are vague and
12 ambiguous. A reasonable inquiry concerning this request has been made, and the only information
13 known or readily obtainable concerning this matter consists of hearsay statements and reports from
14 defendant Miller, the truth or falsity of which is unknown. DFEH has insufficient information to
15 admit or deny Request No. 16.

16 **REQUEST FOR ADMISSION NO. 17:**

17 **Admit that Miller's operation of Tastries is an exercise of her religion.**

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

19 **DFEH is not disputing the sincerity of defendant Miller's religious beliefs.** DFEH objects to
20 this request as overbroad and exceeding the permissible scope of discovery in that the information
21 sought is irrelevant to the subject matter of this action and the information is not reasonably
22 calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH
23 objects to this request on the grounds that it calls for speculation and that the information sought is
24 equally available to defendant; DFEH is not required to make an inquiry from independent witnesses
25 in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the
26 grounds that the terms "Miller's operation of Tastries" and "exercise of her religion" are vague and
27 ambiguous.

28 To the extent DFEH is able to respond to this request as it is framed, denied.



1 **REQUEST FOR ADMISSION NO. 18:**

2 Admit that Miller serves all people - individuals of all races, faiths, sexual orientations,
3 and gender identities - and will design and create custom cakes for anyone.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

5 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
6 in that the information sought is irrelevant to the subject matter of this action and the information is
7 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
8 2017.010.) DFEH objects to this request on the grounds that the information sought is equally
9 available to defendant and DFEH is not required to make an inquiry from independent witnesses in
10 order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further objects to this request on the
11 grounds that the terms "serves all people," "design and create," "custom cakes," and "anyone" are
12 vague and ambiguous. DFEH additionally objects to this request on the grounds that it is compound.

13 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
14 request as follows:

15 Denied. Miller has admitted she has declined to provide full and equal services to the
16 Rodriguez-Del Rios and other same sex couples.

17 **REQUEST FOR ADMISSION NO. 19:**

18 Admit that neither Miller nor any Tastries employee asks customers about their protected
19 characteristics, such as their race, faith, sexual orientation, or gender identity, because those
20 characteristics are irrelevant to Miller when she considers a custom-cake order.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

22 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
23 in that the information sought is irrelevant to the subject matter of this action and the information is
24 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
25 2017.010.) DFEH objects to this request on the grounds that it calls for speculation and that the
26 information sought is equally available to defendant; DFEH is not required to make an inquiry from
27 independent witnesses in order to respond. (See Code Civ. Proc., § 2033.220(c).) DFEH further
28 objects to this request on the grounds that the terms "any Tastries employee," "asks," "irrelevant to



1 Miller” and “custom-cake order” are vague and ambiguous. DFEH additionally objects to this request
2 on the grounds that it is compound.

3 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
4 request as follows:

5 To the extent DFEH is able to respond to this request as it is framed, denied.

6 **REQUEST FOR ADMISSION NO. 20:**

7 Admit that Miller will create a variety of custom cakes for people who identify as LGBT,
8 including same-sex married couples.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

10 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
11 in that the information sought is irrelevant to the subject matter of this action and the information is
12 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
13 2017.010.) DFEH objects to this request on the grounds that it calls for speculation. DFEH further
14 objects to this request on the grounds that the terms “a variety” and “custom cakes” are vague and
15 ambiguous.

16 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
17 request as follows:

18 Denied. Miller has admitted she that has declined to provide full and equal services to the
19 Rodriguez-Del Rios and other same sex couples.

20 **REQUEST FOR ADMISSION NO. 21:**

21 Admit that Miller did not decline the Rodriguez-Del Rios’ cake request because of their
22 same-sex status or other protected characteristic, but instead declined the request because of
23 the messages that the cake would have expressed and the event it would celebrate.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

25 DFEH is not disputing the sincerity of defendant Miller’s religious beliefs. DFEH objects to
26 this request as overbroad and exceeding the permissible scope of discovery in that it seeks admissions
27 that are not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
28 2017.010.) DFEH further objects to this request on the grounds that the terms “because of,” “other



1 protected characteristic,” “the messages that the cake would have expressed,” and “event it would
2 celebrate” are vague and ambiguous. DFEH additionally objects to this request on the grounds that it
3 is compound.

4 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
5 request as follows:

6 To the extent DFEH is able to respond to this request as it is framed, denied.

7 **REQUEST FOR ADMISSION NO. 22:**

8 Admit that the DFEH rejects Miller’s message-based reason for declining to create the
9 cake and that it instead maintains that she declined to create the cake based on the Rodriguez-Del
10 Rios’ sexual orientation.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

12 DFEH is not disputing the sincerity of defendant Miller’s religious beliefs. DFEH objects to
13 this request on the grounds it seeks information protected by the official information privilege (Evid.
14 Code, § 1040), attorney-client privilege (Evid. Code, § 950 et seq.) and the attorney work product
15 doctrine. DFEH further objects to this request on the grounds that it is compound. DFEH further
16 objects to this request on the grounds that it is compound and that the terms “rejects” and “message-
17 based reason for declining to create the cake” are so vague and ambiguous that DFEH cannot
18 reasonably determine the scope or meaning of these terms and cannot provide an admission or denial
19 in response to this request.

20 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
21 request as follows:

22 To the extent DFEH is able to respond to this request as it is framed, DFEH admits defendant
23 Miller declined to create the cake for the Rodriguez-Del Rios based on their sexual orientation.

24 DFEH is unable to respond further to this request because it cannot reasonably determine the scope or
25 meaning of this request as it relates to “Miller’s message-based reason for declining to create the
26 cake.”

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1 **REQUEST FOR ADMISSION NO. 23:**

2 Admit that the DFEH's interpretation and enforcement of the Unruh Act against Miller
3 focuses on practices required by her religious beliefs.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

5 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
6 this request on the grounds it seeks information protected by the official information privilege (Evid.
7 Code, § 1040), attorney-client privilege (Evid. Code, § 950 et seq.) and the attorney work product
8 doctrine. DFEH objects to this request on the grounds that it is overbroad and calls for speculation
9 about conduct that extends beyond the scope of this litigation. DFEH further objects to this request on
10 the grounds that the terms "interpretation and enforcement," "focuses on," and "required by" are
11 vague and ambiguous.

12 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
13 request as follows:

14 To the extent DFEH is able to respond to this request as it is framed, denied.

15 **REQUEST FOR ADMISSION NO. 24:**

16 Admit that the DFEH's interpretation and enforcement of the Unruh Act prevents
17 Miller from (1) running Tastries consistently with her religious beliefs; (2) refusing to operate in
18 violation of her religious beliefs; (3) expressing messages consistent with her religious beliefs;
19 and (4) declining to express messages that conflict with her religious beliefs.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

21 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
22 this request on the grounds it seeks information protected by the official information privilege (Evid.
23 Code, § 1040), attorney-client privilege (Evid. Code, § 950 et seq.) and the attorney work product
24 doctrine. DFEH objects to this request on the grounds that it is impermissibly compound. DFEH
25 further objects to this request on the grounds that the terms "interpretation and enforcement,"
26 "prevents," "consistently," "refusing to operate in violation of," "expressing messages consistent
27 with," and "declining to express messages that conflict with" are vague and ambiguous.



1 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
2 request as follows:

3 To the extent DFEH is able to respond to this request as it is framed, denied.

4 **REQUEST FOR ADMISSION NO. 25:**

5 Admit that the DFEH's interpretation and enforcement of the Unruh Act places a
6 substantial burden on Miller's exercise of her religious beliefs and practices.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

8 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
9 this request on the grounds it seeks information protected by the official information privilege (Evid.
10 Code, § 1040), attorney-client privilege (Evid. Code, § 950 et seq.) and the attorney work product
11 doctrine. DFEH objects to this request on the grounds that the terms "interpretation and
12 enforcement," and "substantial burden" are vague and ambiguous. DFEH additionally objects to this
13 request on the grounds that it calls for speculation and seeks admission of a legal matter without
14 reference to any fact.

15 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
16 request as follows:

17 To the extent DFEH is able to respond to this request as it is framed, denied.

18 **REQUEST FOR ADMISSION NO. 26:**

19 Admit that the DFEH maintains that requiring Miller to create cakes that express messages
20 or celebrate events which support or condone same-sex marriage is the least restrictive means of
21 achieving a compelling interest because individuals who identify as LGBT must be permitted to
22 obtain such custom cakes from any business establishment they desire.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

24 DFEH is not disputing the sincerity of defendant Miller's religious beliefs. DFEH objects to
25 this request on the grounds it seeks information protected by the official information privilege (Evid.
26 Code, § 1040) and the attorney work product doctrine. DFEH also objects to this request on the
27 grounds that it is impermissibly compound and overbroad on its face. DFEH further objects to this
28 request on the grounds that the terms "express messages or celebrate," "support or condone," "least



1 restrictive means,” “compelling interest,” “such custom cakes,” and “from any business
2 establishment they desire” are vague and ambiguous. DFEH additionally objects to this request on the
3 grounds that it calls for speculation and seeks admission of a legal matter without reference to any
4 fact.

5 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
6 request as follows:

7 A reasonable inquiry concerning this request has been made, but DFEH has insufficient
8 information and is unable to admit or deny Request No. 26.

9 **REQUEST FOR ADMISSION NO. 27:**

10 Admit that the DFEH is not aware of any instances where Defendants denied services on
11 the basis of sexual orientation outside the context of a refusal to participate in, or provide
12 services for, a same-sex wedding celebration.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

14 DFEH objects to this request as overbroad and exceeding the permissible scope of discovery
15 in that the information sought is irrelevant to the subject matter of this action and the information is
16 not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
17 2017.010.) DFEH also objects to this request on the grounds it seeks information protected by the
18 official information privilege (Evid. Code, § 1040), attorney-client privilege (Evid. Code, § 950 et
19 seq.) and the attorney work product doctrine. DFEH further objects that the terms “any instances,”
20 “outside the context of,” “participate in,” and “celebration” are vague and ambiguous.

21 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
22 request as follows:

23 To the extent DFEH is able to respond to this request as it is framed, DFEH admits it is aware
24 of Defendants denying full and equal services on the basis of sexual orientation in relation to same-
25 sex wedding celebrations, and Defendants’ policy also applies to same sex wedding anniversaries and
26 bridal showers.

27 ///

28 ///



1 **REQUEST FOR ADMISSION NO. 28:**

2 Admit that the DFEH is charged with protecting civil rights under the California
3 Constitution, including the right to the free exercise of religion, and the right to freedom of speech.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

5 DFEH objects to this request on the grounds that it is overbroad on its face and is not relevant
6 to the subject matter of this action or reasonably calculated to lead to the discovery of admissible
7 evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds it seeks
8 information protected by the official information privilege (Evid. Code, § 1040) and the attorney
9 work product doctrine. DFEH also objects to this request on the grounds that it is impermissibly
10 compound. DFEH further objects to this request on the grounds that the terms "charged with
11 protecting," "under the California Constitution," "free exercise," and "freedom of speech" are vague
12 and ambiguous as these terms are subject to judicial interpretation and context.

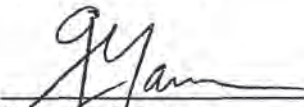
13 Subject to and without waiving the foregoing objections and privileges, DFEH responds to the
14 request as follows:

15 To the extent DFEH is able to respond to this request as it is framed, DFEH admits that it is
16 charged with protecting civil rights under the Unruh Civil Rights Act and other California
17 statutes. (See Gov. Code, § 12930, subd. (f).) Except to the extent that these statutes protect the
18 free exercise of religion and the freedom of speech, DFEH denies that it has broad-based jurisdiction
19 to enforce any provision of the California Constitution.

20
21 Dated: July 24, 2019

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

22
23 By:


24 Gregory J. Mann
25 Attorneys for Plaintiff Department of Fair
26 Employment and Housing
27
28



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7 Telephone: (213) 439-6799
8 Facsimile: (888) 382-5293

9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF KERN

14 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
15 California,)

16 Plaintiff,)

17 vs.)

18 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
19 CATHY MILLER,)

20 Defendants.)

21 EILEEN RODRIGUEZ-DEL RIO and)
22 MIREYA RODRIGUEZ-DEL RIO,)

23 Real Parties in Interest.)
24
25
26
27
28

Case No. BCV-18-102633

OMNIBUS PROOF OF SERVICE BY
MAIL



PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

On July 24, 2019, I served a copy of the following documents [*Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest); Case Number: BCV-18-102633*]:

1. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S FORM INTERROGATORIES – GENERAL, SET ONE**
2. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR ADMISSION TO PLAINTIFF DFEH – SET ONE**
3. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANTS CATHARINE MILLER REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH – SET ONE**
4. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANT CATHARINE MILLER'S SPECIAL INTERROGATORIES, TO PLAINTIFF DFEH, SET ONE**
5. **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S PRIVILEGE LOG FOR PLAINTIFF DFEH'S RESPONSE TO DEFENDANTS CATHARINE MILLER'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, DFEH, SET ONE**

Each said envelope was then on said date sealed and placed for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

///



1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on July 24, 2019, at Los Angeles, Los Angeles County, California.

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Valentina Martinez

SERVICE LIST

Charles S. LiMandri
Paul Jonna
Jeffrey M. Trissell
Freedom of Conscience
Defense Fund
P.O. Box # 9520
Rancho Santa Fe, California 92067



VERIFICATION

I, Patrice Doebrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR ADMISSION TO PLAINTIFF DFEH – SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of July 2019, at Bakersfield, California.

Patrice Doebrn

Patrice Doebrn
District Administrator



EXHIBIT 10

Document received by the CA 5th District Court of Appeal.

1 JANETTE WIPPER (#275264)
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9 Attorneys for Plaintiff, DFEH
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10
11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF KERN**

13 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
14 California,)

15)
16 Plaintiff,)

17 vs.)

18 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
19 CATHY MILLER,)

20 Defendants.)

21 EILEEN RODRIGUEZ-DEL RIO and MIREYA)
22 RODRIGUEZ-DEL RIO,)

23 Real Parties in Interest.)
24)

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANTS
CATHARINE MILLER REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF DFEH – SET ONE**

Action filed: October 17, 2018
Trial Date: June 22, 2020

25 PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER

26 RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
27 HOUSING

28 SET NO.: ONE



1 Pursuant to Code of Civil Procedure section 2031.210 et seq., plaintiff Department of Fair
2 Employment and Housing (DFEH) responds to Defendants Catharine Miller Requests for Production
3 of Documents to Plaintiff DFEH, Set One, as follows:

4 **PRELIMINARY STATEMENT**

5 To the extent DFEH identifies certain documents or delineates facts contained within any
6 document, it does so without prejudice to establish at a later date any additional facts that may be
7 contained within or discovered as a result of subsequent review of such document, or as a result of
8 any additional investigation and discovery. Inadvertent identification or production of privileged
9 documents or information by DFEH does not constitute a waiver of any applicable privilege, nor does
10 production of any documents or information waive any objections, including irrelevancy, to the
11 admission of such document and evidence.

12 **GENERAL OBJECTIONS**

13 1. DFEH objects generally to each request that otherwise seeks matter that is irrelevant
14 or immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of
15 admissible evidence.

16 2. DFEH objects to each request insofar as it imposes an unreasonable burden upon
17 DFEH.

18 3. DFEH generally objects to each request insofar as it is vague, uncertain, and not
19 specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the
20 requests, but will attempt to respond thereto as can reasonably be understood to pertain to specific
21 and identifiable documentation or material which is relevant to the action.

22 4. DFEH objects generally to each request insofar as it calls for material that is
23 unreasonably difficult to identify, locate, or produce at this stage in the litigation.

24 5. DFEH objects to each request on the grounds that such requests are oppressive and
25 over broad, seek documents that are irrelevant to the subject matter of this action and not reasonably
26 calculated to lead to the discovery of admissible evidence, and the compilation of such information
27 would be unduly burdensome.



1 6. DFEH objects generally to each request insofar as it calls for information already
2 within the possession of Defendant and/or Defendant's counsel. The DFEH will not produce
3 correspondence (including emails) exchanged between the parties, discovery requests received and
4 propounded, and/or pleadings on file with the court.

5 7. DFEH objects generally to each request insofar as it requires DFEH and its counsel
6 to give information that is equally available to Defendant and collect, compile, or otherwise collate
7 information therefrom. Defendant is not entitled to have DFEH prepare Defendant's case.

8 8. DFEH objects generally to each request insofar as it calls for information that is not
9 within its possession, custody, or control.

10 9. DFEH objects generally to each request to the extent the requests call for speculation
11 and are not susceptible to responses based on fact.

12 10. All responses are provided notwithstanding and without any waiver of these general
13 objections applicable to all requests.

14 11. DFEH objects to these requests to the extent they are unreasonably cumulative or
15 duplicative (Code Civ. Proc., § 2019.030 subd., (a)(1)) as the Defendant has also issued other
16 duplicative requests.

17 12. DFEH objects to each request to the extent it seeks information protected by the
18 attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work-product doctrine, and the
19 conciliation privilege (Gov. Code, § 12963.7.)

20 13. DFEH objects to each request to the extent it seeks information protected by the
21 official information privilege.

22 14. DFEH objects to each request to the extent it seeks to invade privacy in violation of
23 the California Constitution, United States Constitution and Information Practices Act.

24 15. DFEH objects to each request to the extent it invades copyright protections.

25 16. DFEH objects to the definition of "INCIDENT" included in Defendants Catharine
26 Miller [sic] Requests for Production of Documents to Plaintiff DFEH, Set One, on the grounds that
27 the definition is overly broad, vague, ambiguous and unduly burdensome. DFEH further objects to
28 the definition of "INCIDENT" on the grounds that it applies to information protected by the right to



1 privacy under the California Constitution and the penumbral right to privacy under the U.S.
2 Constitution and any other state or federal law, the privilege relating to confidential conciliation, the
3 official information privilege (Evid Code, § 1041), the informant privilege (Evid. Code, § 1041), the
4 attorney-client privilege, and the attorney work-product doctrine. DFEH additionally objects to
5 defendant's definition of "INCIDENT" on the grounds that it exceeds the permissible scope of
6 discovery in that the information covered by the definition of "INCIDENT" is irrelevant to the
7 subject matter of this action and is not reasonably calculated to lead to the discovery of admissible
8 evidence. (Code Civ. Proc., § 2017.010.)

9 Subject to the foregoing preliminary statement applicable to all requests, DFEH hereby
10 responds to the requests that pertain to the subject of this litigation, as follows:

11 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 **REQUEST FOR PRODUCTION NO. 1:**

13 With respect to each person identified in response to Miller's Special Interrogatory Nos. 2
14 and 3, produce all non-privileged COMMUNICATIONS (defined generally above as including
15 email communications, text messages, internet-based instant messages, and physical
16 communications) sent by or received by that individual regarding the Defendants, the Real
17 Parties in Interest, or the INCIDENT generally (defined generally above as the DFEH's
18 investigation and prosecution of Defendants). This request is limited to the time period August
19 26, 2017 through February 12, 2018. Because this request seeks only non-privileged
20 documents, no privilege log is necessary.

21 **RESPONSE TO REQUEST NO. 1:**

22 DFEH incorporates the Preliminary Statement herein. DFEH maintains its objections to
23 defendant Miller's Special Interrogatory Nos. 2 and 3 and incorporates those objections by reference
24 herein. By requesting "all non-privileged COMMUNICATIONS . . . sent by or received by that
25 individual regarding the Defendants, the Real Parties in Interest, or the INCIDENT generally...", this
26 request is overbroad and exceeds the permissible scope of discovery in that the information sought is
27 irrelevant to the subject matter of this action and is not reasonably calculated to lead to the discovery
28 of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this request to the



1 extent it seeks information protected by the right to privacy under the United States Constitution,
2 California Constitution and Information Practices Act. DFEH also objects to this request on the
3 ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence
4 that prosecutorial discretion was exercised with intentional and invidious discrimination in this action
5 as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;
6 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH further objects to this request on the
7 grounds that it seeks information protected by the official information privilege (Evid. Code, § 1040),
8 the informant privilege (Evid. Code, § 1041), the attorney-client privilege, the attorney work-product
9 doctrine, and the common interest doctrine. Discovery is ongoing and DFEH reserves the right to
10 modify or amend this response based on its ongoing discovery and investigation.

11 Subject to and without waiving the foregoing objections and privileges, DFEH responds as
12 follows:

13 DFEH is producing responsive, non-privileged administrative investigation documents in its
14 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
15 2031.280). DFEH is not producing any administrative investigation documents withheld under
16 attorney-client privilege, the attorney work product doctrine, official information privilege,
17 conciliation privilege, copyright, and privacy rights under the United States Constitution, California
18 Constitution, and Information Practice Act.

19 **REQUEST FOR PRODUCTION NO. 2:**

20 With respect to each person identified in response to Miller's Special Interrogatory Nos. 2
21 and 3, produce all DOCUMENTS and COMMUNICATIONS sent by or received by that
22 individual regarding the decision to apply *ex parte* for a temporary restraining order and an order
23 to show cause re: preliminary injunction. This request is limited to the time period August 26,
24 2017 through December 22, 2017. Because this request seeks documents that may be privileged,
25 production of a privilege log with respect to any withheld documents is necessary.

26 **RESPONSE TO REQUEST NO. 2:**

27 DFEH incorporates the Preliminary Statement herein. DFEH maintains its objections to
28 defendant Miller's Special Interrogatory Nos. 2 and 3 and incorporates those objections by reference



1 herein. DFEH further objects to this request on the grounds that defendant seeks information that is
2 protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, the
3 attorney work-product doctrine, and the common interest doctrine. DFEH also objects to this request
4 as overbroad and exceeding the permissible scope of discovery in that the information sought is
5 irrelevant to the subject matter of this action and the information is not reasonably calculated to lead
6 to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
7 request on the grounds that defendants have not met the burden of demonstrating by direct or
8 circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious
9 discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes*
10 (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.)

11 Subject to and without waiving the foregoing objections and privileges, and after a diligent
12 search and reasonable inquiry, DFEH responds as follows: based on the above objections and
13 privileges, DFEH does not produce any documents in response to this request.

14 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
15 its ongoing discovery and investigation.

16 **REQUEST FOR PRODUCTION NO. 3:**

17 With respect to each person identified in response to Miller's Special Interrogatory Nos. 2
18 and 3, produce all DOCUMENTS and COMMUNICATIONS sent by or received by that
19 individual regarding any disapproval of Miller's decision to not create a wedding cake for the
20 Real Parties in Interest. This request is limited to the time period August 26, 2017 through
21 February 12, 2018. Because this request seeks documents that may be privileged, production
22 of a privilege log with respect to any withheld documents is necessary.

23 **RESPONSE TO REQUEST NO. 3:**

24 DFEH incorporates the Preliminary Statement herein. DFEH maintains its objections to
25 defendant Miller's Special Interrogatory Nos. 2 and 3 and incorporates those objections by reference
26 herein. DFEH further objects to this request on the grounds that defendant seeks information that is
27 protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, the
28 attorney work-product doctrine, and the common interest doctrine. DFEH further objects to this



1 request to the extent it seeks information protected by the right to privacy under the United States
2 Constitution, California Constitution and Information Practices Act. DFEH also objects to this
3 request as overbroad and exceeding the permissible scope of discovery in that the information sought
4 is irrelevant to the subject matter of this action and the information is not reasonably calculated to
5 lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to
6 this request on the grounds that defendants have not met the burden of demonstrating by direct or
7 circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious
8 discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes*
9 (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH additionally
10 objects to this request on the ground that the term “any disapproval” is vague and ambiguous.

11 Subject to and without waiving the foregoing objections and privileges, and after a diligent
12 search and reasonable inquiry, DFEH responds as follows: based on the above objections and
13 privileges, DFEH does not produce any documents in response to this request.

14 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
15 its ongoing discovery and investigation.

16 **REQUEST FOR PRODUCTION NO. 4:**

17 With respect to each person identified in response to Miller's Special Interrogatory Nos. 2
18 and 3, produce all DOCUMENTS and COMMUNICATIONS sent by or received by that
19 individual regarding any views on the prospect of any individual declining to provide custom
20 wedding products or services for same-sex weddings. This request is limited to the time period
21 August 26, 2017 through February 12, 2018. Because this request seeks documents that may be
22 privileged, production of a privilege log with respect to any withheld documents is necessary.

23 **RESPONSE TO REQUEST NO. 4:**

24 DFEH incorporates the Preliminary Statement herein. DFEH maintains its objections to
25 defendant Miller's Special Interrogatory Nos. 2 and 3 and incorporates those objections by reference
26 herein. DFEH further objects to this request on the grounds that defendant seeks information that is
27 protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, the
28 attorney work-product doctrine, and the common interest doctrine. DFEH also objects to this request



1 as overbroad and exceeding the permissible scope of discovery in that the information sought is
2 irrelevant to the subject matter of this action and the information is not reasonably calculated to lead
3 to the discovery of admissible evidence such that the request serves no purpose other than to harass.
4 (Code Civ. Proc., § 2017.010.) DFEH further objects to this request on the ground that defendants
5 have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial
6 discretion was exercised with intentional and invidious discrimination in this action as required to
7 propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v.*
8 *Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH objects to this request on the ground it seeks
9 information that is protected by the right to privacy of personal sensitive and confidential information
10 under the United States Constitution, California Constitution and Information Practices Act. DFEH
11 further objects to this request because such an unwarranted invasion of an individual's right to
12 privacy will not lead to the disclosure of information relevant to this case. (See *id.*) DFEH objects to
13 this request on the ground that the phrase "any views on the prospect of any individual declining to
14 provide custom wedding products or services for same-sex weddings" is vague and ambiguous such
15 that DFEH cannot reasonably determine the scope and meaning of the request.

16 Subject to and without waiving the foregoing objections and privileges, and after a diligent
17 search and reasonable inquiry, DFEH responds as follows: based on the above objections and
18 privileges, DFEH does not produce any documents in response to this request.

19 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
20 its ongoing discovery and investigation.

21 **REQUEST FOR PRODUCTION NO. 5:**

22 With respect to each person identified in response to Miller's Special Interrogatory Nos. 2
23 and 3, produce all DOCUMENTS and COMMUNICATIONS sent by or received by that
24 individual mentioning, discussing, or referencing Defendants' religious beliefs. This request is
25 limited to the time period August 26, 2017 through February 12, 2018. Because this request seeks
26 documents that may be privileged, production of a privilege log with respect to any withheld
27 documents is necessary.



RESPONSE TO REQUEST NO. 5:

DFEH incorporates the Preliminary Statement herein. DFEH maintains its objections to defendant Miller's Special Interrogatory Nos. 2 and 3 and incorporates those objections by reference herein. DFEH further objects to this request on the grounds that defendant seeks information that is protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, the attorney work-product doctrine, and the common interest doctrine. DFEH also objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the ground it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution and Information Practices Act. DFEH further objects to this request because such an unwarranted invasion of an individual's right to privacy will not lead to the disclosure of information relevant to this case. (See *id.*) DFEH further objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.)

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows: based on the above objections and privileges, DFEH does not produce any documents in response to this request.

Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

REQUEST FOR PRODUCTION NO. 6:

Please produce all DOCUMENTS which evidence the DFEH's compliance with its Constitutional duty to ensure that none of its actions were motivated by a hostility towards disfavored religious beliefs, with respect to its administrative investigation of Eileen and Mireya



Rodriguez-Del Rios' complaint against Defendants, and subsequent civil actions brought against Defendants.

RESPONSE TO REQUEST NO. 6:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the ground that by seeking "all DOCUMENTS which evidence the DFEH's compliance with its Constitutional duty to ensure that none of its actions were motivated by a hostility towards disfavored religious beliefs" during its administrative investigation of the Real Parties in Interest's DFEH complaint and subsequent civil actions against defendants, defendant seeks information that is protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, and the attorney work-product doctrine. DFEH objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH further objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that the phrases "duty to ensure" and "disfavored religious beliefs" are vague and ambiguous.

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows: based on the above objections and privileges, DFEH does not produce any documents in response to this request.

Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

REQUEST FOR PRODUCTION NO. 7

Please produce all DOCUMENTS which evidence the DFEH's compliance with its Constitutional duty to avert religious discrimination, with respect to its administrative investigation of Eileen and Mireya Rodriguez-Del Rios' complaint against Defendants, and subsequent civil actions brought against Defendants.



RESPONSE TO REQUEST NO. 7:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the grounds that by seeking “all DOCUMENTS which evidence the DFEH’s compliance with its Constitutional duty to avert religious discrimination” during its administrative investigation of the Real Parties in Interest’s DFEH complaint and subsequent civil actions against defendants, defendant seeks information that is protected by the official information privilege (Evid. Code, § 1040), the attorney-client privilege, and the attorney work-product doctrine. DFEH objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH further objects to this request as overbroad and exceeding the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and the information is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the grounds that the phrase “Constitutional duty to avert religious discrimination” is vague and ambiguous.

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows: based on the above objections and privileges, DFEH does not produce any documents in response to this request.

Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

REQUEST FOR PRODUCTION NO. 8:

Please produce all DOCUMENTS and COMMUNICATIONS sent between the DFEH and Eileen and Mireya Rodriguez-Del Rio.

RESPONSE TO REQUEST NO. 8:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request to the extent it seeks information that is protected by the official information privilege (Evid. Code, § 1040), the informant privilege (Evid. Code, § 1041), the attorney-client privilege, the attorney work-



1 product doctrine, and the common interest doctrine. DFEH further objects to this request as
2 overbroad and exceeding the permissible scope of discovery in that the request seeks information that
3 is irrelevant to the subject matter of this action and is not reasonably calculated to lead to the
4 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the
5 grounds it seeks information that is protected by the right to privacy of personal sensitive and
6 confidential information under the United States Constitution, California Constitution and
7 Information Practices Act. DFEH further objects to this request because such an unwarranted
8 invasion of an individual's right to privacy will not lead to the disclosure of information relevant to
9 this case. (See *id.*)

10 Subject to and without waiving the foregoing objections and privileges, and after a diligent
11 search and reasonable inquiry, DFEH responds as follows:

12 DFEH is producing responsive, non-privileged administrative investigation documents in its
13 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
14 2031.280). DFEH is not producing any documents withheld under attorney-client privilege, the
15 attorney work product doctrine, official information privilege, conciliation privilege, copyright, and
16 privacy rights under the California Constitution, United States Constitution and Information Practices
17 Act.

18 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
19 its ongoing discovery and investigation.

20 **REQUEST FOR PRODUCTION NO. 9:**

21 Please produce all DOCUMENTS and COMMUNICATIONS sent between the DFEH
22 and legal counsel for Eileen and Mireya Rodriguez-Del Rio.

23 **RESPONSE TO REQUEST NO. 9:**

24 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request to the
25 extent it is duplicative of Request for Production No. 8. DFEH also objects to this request to the
26 extent it seeks information that is protected by the official information privilege (Evid. Code, §
27 1040), the informant privilege (Evid. Code, § 1041), the attorney-client privilege, the attorney work-
28 product doctrine, and the common interest doctrine. DFEH further objects to this request as



1 overbroad and exceeding the permissible scope of discovery in that the request seeks information that
2 is irrelevant to the subject matter of this action and is not reasonably calculated to lead to the
3 discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the
4 ground it seeks information that is protected by the right to privacy of personal sensitive and
5 confidential information under the United States Constitution, California Constitution and
6 Information Practices Act. DFEH further objects to this request because such an unwarranted
7 invasion of an individual's right to privacy will not lead to the disclosure of information relevant to
8 this case. (See *id.*)

9 Subject to and without waiving the foregoing objections and privileges, and after a diligent
10 search and reasonable inquiry, DFEH responds as follows:

11 DFEH is producing responsive, non-privileged administrative investigation documents in its
12 possession, custody, and control as maintained in the usual course of business (Code Civ. Proc., §
13 2031.280). DFEH is not producing any documents withheld under attorney-client privilege, the
14 attorney work product doctrine, official information privilege, conciliation privilege, copyright, and
15 privacy rights under the California Constitution, United States Constitution and Information Practices
16 Act.

17 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
18 its ongoing discovery and investigation.

19 **REQUEST FOR PRODUCTION NO. 10:**

20 Produce all non-privileged DOCUMENTS relating to any administrative complaint filed
21 with the DFEH relating to a claim of discrimination on the basis of sexual orientation made
22 under the Unruh Act involving religion or religious beliefs from January 1, 2010 to the present.

23 **RESPONSE TO REQUEST NO. 10:**

24 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request as
25 overbroad as to time and exceeding the permissible scope of discovery in that the information sought
26 is irrelevant to the subject matter of this action and the information is not reasonably calculated to
27 lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to
28 this request to the extent it seeks information that is protected by the official information privilege



(Evid. Code, § 1040), the attorney-client privilege, the attorney work-product doctrine, and the common interest doctrine. DFEH additionally objects to this request on the ground that producing responsive documents would be unduly burdensome. DFEH objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) DFEH objects to this request on the ground it seeks information that is protected by the right to privacy of personal sensitive and confidential information under the United States Constitution, California Constitution and Information Practices Act. DFEH further objects to this request because such an unwarranted invasion of an individual's right to privacy will not lead to the disclosure of information relevant to this case. (See *id.*) DFEH objects to this request on the ground that the term "involving religion or religious beliefs" is vague and ambiguous.

Subject to and without waiving the foregoing objections and privileges, and after a diligent search and reasonable inquiry, DFEH responds as follows: based on the above objections and privileges, DFEH does not produce any documents in response to this request. To the extent Defendant clarifies and narrows this request to seek relevant, non-privileged information, DFEH is willing to meet and confer and may be able to provide additional information.

Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

REQUEST FOR PRODUCTION NO. 11:

Produce all DOCUMENTS relating to the Rodriguez Del-Rios' actual marriage and wedding day.

RESPONSE TO REQUEST NO. 11:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the grounds that the phrase "actual marriage" is vague and ambiguous such that DFEH cannot reasonably determine the scope of this phrase or the meaning of this request. DFEH objects to this request on the ground it seeks information that is protected by the right to privacy of personal sensitive and



1 confidential information under the United States Constitution, California Constitution and
2 Information Practices Act. DFEH further objects to this request because such an unwarranted
3 invasion of an individual's right to privacy will not lead to the disclosure of information relevant to
4 this case. (See *id.*) Because this request is impermissibly overbroad, DFEH further objects that this
5 request exceeds the permissible scope of discovery by seeking information irrelevant to the subject
6 matter of this action and not calculated to lead to the discovery of admissible evidence such that the
7 request serves no purpose other than to harass. (Code Civ. Proc., § 2017.010.) DFEH also objects to
8 this request to the extent it seeks information that is protected by the official information privilege
9 (Evid. Code, § 1040), the attorney-client privilege, the attorney work-product doctrine, and the
10 common interest doctrine. DFEH additionally objects to this request on the ground that producing
11 responsive documents would be unduly burdensome.

12 Subject to and without waiving the foregoing objections and privileges, and after a diligent
13 search and reasonable inquiry, DFEH responds as follows: based on the above objections and
14 privileges, DFEH does not produce any documents in response to this request. To the extent
15 Defendant clarifies and narrows this request to seek relevant, non-privileged information, DFEH is
16 willing to meet and confer and may be able to provide additional information.

17 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
18 its ongoing discovery and investigation.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 Produce all DOCUMENTS relating to the Rodriguez Del-Rios' wedding celebration
21 planning before and after the Incident.

22 **RESPONSE TO REQUEST NO. 12:**

23 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
24 grounds that the phrase "wedding celebration planning" is vague and ambiguous such that DFEH
25 cannot reasonably determine the scope of this phrase or the meaning of this request. DFEH objects to
26 this request on the ground it seeks information that is protected by the right to privacy of personal
27 sensitive and confidential information under the United States Constitution, California Constitution
28 and Information Practices Act. DFEH further objects to this request because such an unwarranted



1 invasion of an individual's right to privacy will not lead to the disclosure of information relevant to
2 this case. (See *id.*) Because this request is impermissibly overbroad, DFEH further objects that this
3 request exceeds the permissible scope of discovery by seeking information irrelevant to the subject
4 matter of this action and not calculated to lead to the discovery of admissible evidence such that the
5 request serves no purpose other than to harass. (Code Civ. Proc., § 2017.010.) DFEH also objects to
6 this request to the extent it seeks information that is protected by the official information privilege
7 (Evid. Code, § 1040), the attorney-client privilege, the attorney work-product doctrine, and the
8 common interest doctrine. DFEH additionally objects to this request on the ground that producing
9 responsive documents would be unduly burdensome. DFEH additionally objects to Defendant's
10 definition of "INCIDENT" as vague and ambiguous as to time, overly broad, and compound.

11 Subject to and without waiving the foregoing objections and privileges, and after a diligent
12 search and reasonable inquiry, DFEH responds as follows: based on the above objections and
13 privileges, DFEH does not produce any documents in response to this request. To the extent
14 Defendant clarifies and narrows this request to seek relevant, non-privileged information, DFEH is
15 willing to meet and confer and may be able to provide additional information. Discovery is ongoing
16 and DFEH reserves the right to modify or amend this response based on its ongoing discovery and
17 investigation.

18 **REQUEST FOR PRODUCTION NO. 13:**

19 Produce all DOCUMENTS relating to the harassment, insults, verbal and physical threats.
20 humiliation that Defendants suffered since the Incident.

21 **RESPONSE TO REQUEST NO. 13:**

22 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
23 grounds that the terms "harassment," "insults," and "humiliation" are highly subjective terms that are
24 so vague and ambiguous that DFEH cannot reasonably determine their scope or meaning for
25 purposes of responding to this request. DFEH further objects to this request as overbroad and
26 exceeding the permissible scope of discovery by seeking information irrelevant to the subject matter
27 of this action and not calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
28 2017.010.) DFEH additionally objects to this request on the ground that producing responsive



1 documents would be unduly burdensome. DFEH further objects to this request on the ground that it
2 seeks documents equally—actually more—available to defendants.

3 Subject to and without waiving the foregoing objections and privileges, and after a diligent
4 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
5 investigation documents in its possession, custody, and control as maintained in the usual course of
6 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
7 administrative investigation documents withheld under attorney-client privilege, the attorney work
8 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
9 under the California Constitution, United States Constitution and Information Practice Act.

10 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
11 its ongoing discovery and investigation.

12 **REQUEST FOR PRODUCTION NO. 14:**

13 Produce all DOCUMENTS relating to Defendants employing and serving persons who
14 identify as lesbian, gay, bi-sexual, or transgender.

15 **RESPONSE TO REQUEST NO. 14:**

16 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request as
17 exceeding the permissible scope of discovery by seeking information irrelevant to the subject matter
18 of this action and not calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
19 2017.010.) DFEH objects to this request on the ground it seeks information that is protected by the
20 right to privacy of personal sensitive and confidential information under the United States
21 Constitution, California Constitution and Information Practices Act. DFEH further objects to this
22 request because such an unwarranted invasion of an individual's right to privacy will not lead to the
23 disclosure of information relevant to this case. (See *id.*) DFEH also objects to this request to the
24 extent it seeks information that is protected by the official information privilege (Evid. Code, §
25 1040), the informant privilege (Evid. Code, § 1041), the attorney-client privilege, the attorney work-
26 product doctrine, and the common interest doctrine.

27 Subject to and without waiving the foregoing objections and privileges, and after a diligent
28 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative



1 investigation documents in its possession, custody, and control and maintained in the usual course of
2 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
3 administrative investigation documents withheld under attorney-client privilege, the attorney work
4 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
5 under the California Constitution, United States Constitution and Information Practice Act.

6 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
7 its ongoing discovery and investigation.

8 **REQUEST FOR PRODUCTION NO. 15:**

9 Produce all DOCUMENTS relating to the Rodriguez-Del Rios' criminal history. This
10 request includes any documentation, correspondence, and communications from state and federal
11 law enforcement and correctional agencies.

12 **RESPONSE TO REQUEST NO. 15:**

13 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request as
14 overbroad and exceeding the permissible scope of discovery in that the information sought is
15 irrelevant to the subject matter of this action and the information is not reasonably calculated to lead
16 to the discovery of admissible evidence such that the request serves no purpose other than to harass.
17 (Code Civ. Proc., § 2017.010.) DFEH objects to this request on the ground it seeks information that is
18 protected by the right to privacy of personal sensitive and confidential information under the United
19 States Constitution, California Constitution and Information Practices Act. DFEH further objects to
20 this request because such an unwarranted invasion of an individual's right to privacy will not lead to
21 the disclosure of information relevant to this case. (See *id.*) DFEH also objects to this request to the
22 extent it seeks information that is protected by the official information privilege (Evid. Code, §
23 1040), the informant privilege (Evid. Code, § 1041), the attorney-client privilege, the attorney work-
24 product doctrine, and the common interest doctrine.

25 Subject to and without waiving the foregoing objections and privileges, and after a diligent
26 search and reasonable inquiry, DFEH responds as follows: DFEH does not have, nor has it ever had,
27 possession, custody, or control of any responsive documents.



1 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
2 its ongoing discovery and investigation.

3 **REQUEST FOR PRODUCTION NO. 16:**

4 Produce all DOCUMENTS relating to the injuries to Defendants' reputations after the
5 Incident.

6 **RESPONSE TO REQUEST NO. 16:**

7 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
8 grounds that the phrase "injuries to Defendants' reputations after the Incident" is vague and
9 ambiguous such that DFEH cannot reasonably determine the scope or meaning of this request. DFEH
10 further objects to this request as overbroad and exceeding the permissible scope of discovery to the
11 extent it seeks information irrelevant to the subject matter of this action and not calculated to lead to
12 the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH further objects to this
13 request on the ground that the information it seeks is equally available to defendant.

14 Subject to and without waiving the foregoing objections and privileges, and after a diligent
15 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
16 investigation documents in its possession, custody, and control as maintained in the usual course of
17 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
18 administrative investigation documents withheld under attorney-client privilege, the attorney work
19 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
20 under the California Constitution, United States Constitution and Information Practice Act.

21 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
22 its ongoing discovery and investigation.

23 **REQUEST FOR PRODUCTION NO. 17:**

24 Produce all DOCUMENTS relating to the statements Eileen and Mireya Rodriguez-Del
25 Rio made to the public or made publicly about Defendants after the Incident.

26 **RESPONSE TO REQUEST NO. 17:**

27 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
28 grounds that the terms "statements" and "publicly" are vague and ambiguous such that DFEH cannot



1 reasonably determine the scope or meaning of these terms. DFEH further objects to this request to the
2 extent it is overbroad and exceeds the permissible scope of discovery to the extent it seeks
3 information irrelevant to the subject matter of this action and not calculated to lead to the discovery
4 of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request to the
5 extent it seeks information that is protected by the official information privilege (Evid. Code, §
6 1040), the attorney-client privilege, the attorney work-product doctrine, and the common interest
7 doctrine. DFEH objects to this request on the ground it seeks information equally available to
8 defendants.

9 Subject to and without waiving the foregoing objections and privileges, and after a diligent
10 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
11 investigation documents in its possession, custody, and control as maintained in the usual course of
12 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
13 administrative investigation documents withheld under attorney-client privilege, the attorney work
14 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
15 under the California Constitution, United States Constitution and Information Practice Act.

16 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
17 its ongoing discovery and investigation.

18 **REQUEST FOR PRODUCTION NO. 18:**

19 Produce all DOCUMENTS relating to the statements Defendants made to the public or
20 made publicly about the Incident.

21 **RESPONSE TO REQUEST NO. 18:**

22 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request on the
23 grounds that the terms “statement” and “publicly” are vague and ambiguous such that DFEH cannot
24 reasonably determine the scope or meaning of this term. DFEH further objects to this request to the
25 extent it is overbroad and exceeds the permissible scope of discovery to the extent it seeks
26 information irrelevant to the subject matter of this action and not calculated to lead to the discovery
27 of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request to the
28 extent it seeks information that is protected by the official information privilege (Evid. Code, §



1 1040), the attorney-client privilege, the attorney work-product doctrine, and the common interest
2 doctrine. DFEH objects to this request on the ground it seeks information equally available to
3 defendants.

4 Subject to and without waiving the foregoing objections and privileges, and after a diligent
5 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
6 investigation documents in its possession, custody, and control and maintained in the usual course of
7 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
8 administrative investigation documents withheld under attorney-client privilege, the attorney work
9 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
10 under the California Constitution, United States Constitution and Information Practice Act.

11 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
12 its ongoing discovery and investigation.

13 **REQUEST FOR PRODUCTION NO. 19:**

14 Produce all non-privileged DOCUMENTS in your possession, custody, or control
15 relating to Eileen and Mireya Rodriguez-Del Rio which are not being produced in response to
16 other document requests.

17 **RESPONSE TO REQUEST NO. 19:**

18 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request as it fails
19 to designate the documents or other evidence to be inspected by specifically describing each item or
20 by describing each category of documents or other evidence with reasonable particularity. (Code Civ.
21 Proc., § 2031.030, subd. (c)(1).) DFEH objects to this request as vague and ambiguous such that
22 DFEH cannot reasonably determine what documents are sought by this request. DFEH further objects
23 to this request as impermissibly overbroad so as to exceed the permissible scope of discovery as it
24 seeks information irrelevant to the subject matter of this action and not calculated to lead to the
25 discovery of admissible evidence. DFEH additionally objects to this request on the grounds it seeks
26 information pertaining to consumer records under Code of Civil Procedure section 1985.3, and
27 documents pertaining to the confidential conciliation process pursuant to Government Code section
28 12984. DFEH also objects to this request to the extent it seeks information that is protected by the



1 official information privilege (Evid. Code, § 1040), the informant privilege (Evid. Code, § 1041), the
2 attorney-client privilege, the attorney work-product doctrine, the common interest doctrine, and the
3 right to privacy under the United States Constitution, California Constitution and Information
4 Practice Act.

5 Subject to and without waiving the foregoing objections and privileges, and after a diligent
6 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
7 investigation documents in its possession, custody, and control as maintained in the usual course of
8 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
9 administrative investigation documents withheld under attorney-client privilege, the attorney work
10 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
11 under the California Constitution, United States Constitution and Information Practice Act.

12 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
13 its ongoing discovery and investigation.

14 **REQUEST FOR PRODUCTION NO. 20:**

15 Produce all non-privileged DOCUMENTS in your possession, custody, or control relating
16 to Defendants which are not being produced in response to other document requests.

17 **RESPONSE TO REQUEST NO. 20:**

18 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request as it fails
19 to designate the documents or other evidence to be inspected by specifically describing each item or
20 by describing each category of documents or other evidence with reasonable particularity. (Code Civ.
21 Proc., § 2031.030, subd. (c)(1).) DFEH objects to this request as vague and ambiguous such that
22 DFEH cannot reasonably determine what documents are sought by this request. DFEH further objects
23 to this request as impermissibly overbroad so as to exceed the permissible scope of discovery as it
24 seeks information irrelevant to the subject matter of this action and not calculated to lead to the
25 discovery of admissible evidence. DFEH also objects to this request to the extent it seeks information
26 that is protected by the official information privilege (Evid. Code, § 1040), the informant privilege
27 Evid. Code, 10410), the attorney-client privilege, the attorney work-product doctrine, and the
28



1 common interest doctrine. DFEH additionally objects to this request on the ground that it seeks
2 documents equally available to defendants.

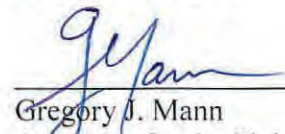
3 Subject to and without waiving the foregoing objections and privileges, and after a diligent
4 search and reasonable inquiry, DFEH is producing responsive, non-privileged administrative
5 investigation documents in its possession, custody, and control as maintained in the usual course of
6 business (Code Civ. Proc., § 2031.280). DFEH is concurrently producing a privilege log of
7 administrative investigation documents withheld under attorney-client privilege, the attorney work
8 product doctrine, official information privilege, conciliation privilege, copyright, and privacy rights
9 under the California Constitution, United States Constitution and Information Practice Act.

10 Discovery is ongoing and DFEH reserves the right to modify or amend this response based on
11 its ongoing discovery and investigation.

12
13 DATE: July 24, 2019

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

14
15 By:


Gregory J. Mann
Attorneys for the Plaintiff Department of Fair
Employment and Housing



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9 Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

10
11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF KERN**

13
14 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
15 California,)
16)
Plaintiff,)
17 vs.)
18 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
19 CATHY MILLER,)
20)
Defendants.)

21
22 EILEEN RODRIGUEZ-DEL RIO and)
MIREYA RODRIGUEZ-DEL RIO,)
23)
Real Parties in Interest.)
24
25
26
27
28

Case No. BCV-18-102633

OMNIBUS PROOF OF SERVICE BY
MAIL



PROOF OF SERVICE BY MAIL

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

On July 24, 2019, I served a copy of the following documents [*Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest); Case Number: BCV-18-102633*]:

1. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S FORM INTERROGATORIES – GENERAL, SET ONE**
2. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR ADMISSION TO PLAINTIFF DFEH – SET ONE**
3. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANTS CATHARINE MILLER REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH – SET ONE**
4. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENANT CATHARINE MILLER'S SPECIAL INTERROGATORIES, TO PLAINTIFF DFEH, SET ONE**
5. **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S PRIVILEGE LOG FOR PLAINTIFF DFEH'S RESPONSE TO DEFENDANTS CATHARINE MILLER'S REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, DFEH, SET ONE**

Each said envelope was then on said date sealed and placed for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

///



1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on July 24, 2019, at Los Angeles, Los Angeles County, California.

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Valentina Martinez

SERVICE LIST

Charles S. LiMandri
Paul Jonna
Jeffrey M. Trissell
Freedom of Conscience
Defense Fund
P.O. Box # 9520
Rancho Santa Fe, California 92067

VERIFICATION

I, Patrice Doebrn, declare:

I am employed by plaintiff, State of California's Department of Fair Employment and Housing (DFEH), as District Administrator. I am authorized by DFEH to make this verification on its behalf.

I have read and am familiar with the contents of PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANTS CATHARINE MILLER REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH – SET ONE.

The responses were prepared with the assistance and advice of employees of and counsel for DFEH, upon whose assistance and advice I have relied. The response, subject to inadvertent or undiscovered error, is based on and is therefore necessarily limited by the records and information still in existence, contemporaneously recollected, and thus far discovered in the course of the preparation of these responses. Subject to the limitations set forth herein, the response includes, to the best of my knowledge, all responsive information and, where applicable, documents and other tangible things, presently known to DFEH.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 24th day of July 2019, at Bakersfield, California.



Patrice Doebrn
District Administrator



EXHIBIT 11

Document received by the CA 5th District Court of Appeal.

JANETTE WIPPER (#275264)
NELSON CHAN (#109272)
GREGORY J. MANN (#200578)
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AND HOUSING
2218 Kausen Drive, Suite 100
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Attorneys for Plaintiff, DFEH
(Fee Exempt, Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT
CATHARINE MILLER'S REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF DFEH – SET TWO**

Action filed: October 17, 2018
Trial Date: June 22, 2020

PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER
RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING
SET NO.: TWO



Pursuant to Code of Civil Procedure section 2031.210 et seq., plaintiff Department of Fair Employment and Housing responds to Defendant Catharine Miller's Requests for Production of Documents to Plaintiff DFEH, Set Two, as follows:

PRELIMINARY STATEMENT

The Department of Fair Employment and Housing (DFEH or Department) is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed its discovery or preparation for trial. These responses are given without prejudice to DFEH's right to produce evidence of any subsequent facts or interpretation thereof, or to add, modify, or otherwise change or amend the responses. The information provided is true and correct to the best knowledge of DFEH as of the date of these responses, and is subject to correction for inadvertent errors, mistakes, or omissions, if any such errors, mistakes, or omissions exist. These responses are based upon the records and information in the possession, custody, or control of DFEH at the time of the preparation of these responses.

To the extent DFEH identifies certain documents or delineates facts contained within any document, it does so without prejudice to establish at a later date any additional facts that may be contained within or discovered as a result of subsequent review of such document, or as a result of any additional investigation and discovery. Inadvertent identification or production of privileged documents or information by DFEH does not constitute a waiver of any applicable privilege, nor does production of any documents or information waive any objections, including irrelevancy, to the admission of such document and evidence.

Discovery will continue as permitted by statute or stipulation of the parties, and the investigation of facts and evidence will continue up to and throughout the trial of this action. By providing these responses, DFEH does not waive the right to revise responses in any supplemental pleading if additional discovery discloses facts so warranting or it identifies information inadvertently omitted from this response. DFEH, therefore, specifically reserves the right, at the time of trial or hearing, to introduce any evidence that may be obtained or identified from any source.

DFEH bases these responses on the express statements, included in the statute, that the party propounding this discovery does not demand information privileged from disclosure by law or



1 otherwise made confidential or protected against discovery by an applicable privilege, doctrine, or
2 immunity including, without limitation, the right to privacy under the California Constitution and the
3 penumbral right to privacy under the United States Constitution and any other state or federal law,
4 any privilege relating to confidential conciliation, the official information privilege, the attorney-
5 client privilege, the attorney work product doctrine and/or because it contains the impressions,
6 conclusions, opinions, legal research, or theories of attorneys. (See Cal. Const. Art. 1, § 1; Evid.
7 Code, § 950 et seq.; Code Civ. Proc., § 2018.010 et seq.; Gov. Code, § 12963.7.) Moreover, to the
8 extent the requests seek information to support a defense that DFEH discriminated against defendants
9 in prosecuting this matter, DFEH will not provide any protected information demanded because
10 defendants have not met their burden of demonstrating by direct or circumstantial evidence that
11 prosecutorial discretion was exercised with intentional and invidious discrimination in this action as
12 required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;
13 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292.) To the extent that discovery demands, in whole
14 or in part, are intended to elicit such information referenced above, DFEH will, herein and at hearing
15 object thereto and assert the privileges provided in the foregoing to the fullest extent provided by law.

16 With the above admonition, DFEH makes response, as indicated herein, without prejudice to
17 asserting privileges and other objections, including irrelevancy, when producing documents or
18 information that are subsequently discovered or for whatever reason are not now produced due to
19 inadvertent errors, mistakes, or omissions. The DFEH reserves the right to introduce at trial and
20 hearing any and all documents or information heretofore or hereafter produced or obtained by the
21 parties to this action or by any third person (1) that support the DFEH's contentions at trial, or (2) in
22 support of or opposition to any motion in this case. To the extent the DFEH identifies certain
23 documents or delineates facts contained within any document, it does so without prejudice to
24 establish at a later date any additional facts that may be contained within or discovered as a result of
25 subsequent review of such document, or as a result of any additional investigation and discovery.
26 These introductory comments shall apply to each and every response given herein, and shall be
27 incorporated by reference as though fully set forth in all of the responses appearing hereafter.



1 Subject to the foregoing preliminary statement applicable to all requests, DFEH hereby
2 responds to the requests that pertain to the subject of this litigation, as follows:

3 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

4 **REQUEST FOR PRODUCTION NO. 21:**

5 Please produce documents sufficient to identify each administrative complaint submitted
6 to the DFEH relating to the Unruh Civil Rights Act between August 1, 2015 and August 31,
7 2017, in which the DFEH determined that no discrimination had occurred because the Unruh
8 Act does not prohibit discrimination based on a “person’s conduct, as opposed to his status.”
9 (*Frantz v. Blackwell* (1987) 189 Cal.App.3d 91, 96; see also *Ross v. Forest Lawn Memorial*
10 *Park* (1984) 153 Cal.App.3d 988; 993; *Semler v. General Electric Capital Corp.* (2011) 196
11 Cal.App.4th 1380, 1404.)

12 **RESPONSE TO REQUEST NO. 21:**

13 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request because it
14 is overbroad, would require an unduly burdensome response, and exceeds the permissible scope of
15 discovery in that the information sought is irrelevant to the subject matter of this action and is not
16 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
17 DFEH also objects to this request on the grounds that it seeks information protected by the official
18 information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney-
19 client privilege. DFEH further objects to this request to the extent it seeks information protected by
20 the informant privilege (Evid. Code, § 1041). DFEH objects to this request on the ground that
21 defendants have not met the burden of demonstrating by direct or circumstantial evidence that
22 prosecutorial discretion was exercised with intentional and invidious discrimination in this action as
23 required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;
24 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456
25 463–464, 468.) DFEH further objects to this request because the following terms are vague and
26 ambiguous: “sufficient to identify,” “submitted to the DFEH,” and “DFEH determined that no
27 discrimination had occurred.” Discovery is ongoing and DFEH reserves the right to modify or
28 amend this response based on its ongoing discovery and investigation.



Defendants have not met their initial burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious discrimination in this action as is required in order for defendants to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) Therefore, based on this failure and the objections asserted above, DFEH is not producing any documents or information in response to the request.

REQUEST FOR PRODUCTION NO. 22:

Please produce documents sufficient to identify each administrative complaint submitted to the DFEH relating to the Unruh Civil rights Act between August 1, 2015, and August 31, 2017 in which the complainant alleged discrimination based on his or her Christian faith, and the DFEH determined a violation of law occurred.

RESPONSE TO REQUEST NO. 22:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request because it is overbroad, would require an unduly burdensome response, and exceeds the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney-client privilege. DFEH further objects to this request to the extent it seeks information protected by the informant privilege (Evid. Code, § 1041). DFEH also objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) DFEH further objects to this request because the following terms are vague and ambiguous: “sufficient to identify,” “submitted to the DFEH,” and “the DFEH determined a



violation of law occurred.” Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

Defendants have not met their initial burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious discrimination in this action as is required in order for defendants to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) Therefore, based on this failure and the objections asserted above, DFEH is not producing any documents or information in response to the request.

REQUEST FOR PRODUCTION NO. 23:

Please produce documents sufficient to identify each administrative complaint submitted to the DFEH relating to the Unruh Civil Rights between August 1, 2015 and August 31, 2017 in which the complainant alleged discrimination based on his or her Christian faith, but the DFEH determined no violation of law occurred.

RESPONSE TO REQUEST NO. 23:

DFEH incorporates the Preliminary Statement herein. DFEH objects to this request because it is overbroad, would require an unduly burdensome response, and exceeds the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney-client privilege. DFEH further objects to this request to the extent it seeks information protected by the informant privilege (Evid. Code, § 1041). DFEH also objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) DFEH further objects to this request because the following terms are vague and



1 ambiguous: “sufficient to identify,” “submitted to the DFEH,” and “the DFEH determined no
2 violation of law occurred.” Discovery is ongoing and DFEH reserves the right to modify or amend
3 this response based on its ongoing discovery and investigation.

4 Defendants have not met their initial burden of demonstrating by direct or circumstantial
5 evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious
6 discrimination in this action as is required in order for defendants to propound such discovery. (See,
7 e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286,
8 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) Therefore, based on this failure
9 and the objections asserted above, DFEH is not producing any documents or information in response
10 to the request.

11 **REQUEST FOR PRODUCTION NO. 24:**

12 Please produce documents sufficient to identify each administrative complaint submitted
13 to the DFEH relating to the Unruh Civil Rights Act between August 1, 2015 and August 31,
14 2017 in which the complainant alleged discrimination based on his or her religion, and the
15 DFEH decided to litigate the matter on behalf of the complainant.

16 **RESPONSE TO REQUEST NO. 24:**

17 DFEH incorporates the Preliminary Statement herein. DFEH objects to this request because it
18 is overbroad, would require an unduly burdensome response, and exceeds the permissible scope of
19 discovery in that the information sought is irrelevant to the subject matter of this action and is not
20 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)
21 DFEH also objects to this request on the grounds that it seeks information protected by the official
22 information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney-
23 client privilege. DFEH further objects to this request to the extent it seeks information protected by
24 the informant privilege (Evid. Code, § 1041). DFEH also objects to this request on the ground that
25 defendants have not met the burden of demonstrating by direct or circumstantial evidence that
26 prosecutorial discretion was exercised with intentional and invidious discrimination in this action as
27 required to propound such discovery. (See, e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828;
28 *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456



1 463–464, 468.) DFEH further objects to this request because the following terms are vague and
2 ambiguous: “sufficient to identify,” “submitted to the DFEH,” and “the DFEH decided to litigate
3 the matter on behalf of the complainant.” Discovery is ongoing and DFEH reserves the right to
4 modify or amend this response based on its ongoing discovery and investigation.

5 Defendants have not met their initial burden of demonstrating by direct or circumstantial
6 evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious
7 discrimination in this action as is required in order for defendants to propound such discovery. (See,
8 e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286,
9 292; *United States v. Armstrong* (1996) 517 U.S. 456, 463–464, 468.) Therefore, based on this failure
10 and the objections asserted above, DFEH is not producing any documents or information in response
11 to the request.

12
13 DATE: October 19, 2020

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

14
15 By: _____

16 Gregory J. Mann
17 Attorneys for Plaintiff Department of Fair
18 Employment and Housing
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1 Janette Wipper, Chief Counsel (#275264)
Nelson H. Chan, Assistant Chief Counsel (#109272)
2 Gregory J. Mann, Senior Staff Counsel (#200578)
DEPARTMENT OF FAIR EMPLOYMENT
3 AND HOUSING
2218 Kausen Drive, Suite # 100
4 Elk Grove, California 95758
Telephone: (916) 478-7251
5 Facsimile: (888) 382-5293

6 Attorneys for Plaintiff, DFEH
7 (Fee Exempt, Gov. Code, § 6103)

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF KERN**

10 DEPARTMENT OF FAIR EMPLOYMENT)
11 AND HOUSING, an agency of the State of)
12 California,)

Case No. BCV-18-102633

13 Plaintiff,)

PROOF OF SERVICE

14 vs.)

15 CATHY'S CREATIONS, INC. d/b/a)
TASTRIES, a California corporation; and)
16 CATHY MILLER,)

17 Defendants.)

18 EILEEN RODRIGUEZ-DEL RIO and)
19 MIREYA RODRIGUEZ-DEL RIO,)

20 Real Parties in Interest.)
21)
22)
23)
24)
25)
26)
27)
28)



PROOF OF SERVICE

I, the undersigned, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business and mailing address is 320 West 4th Street, Suite # 1000 (10th Floor), Los Angeles, CA 90013. My electronic service address is Valentina.Martinez@dfeh.ca.gov.

On October 19, 2020, I served a copy of the following document(s):

1. **PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF DFEH – SET TWO**

As it relates to *Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest); Case Number: BCV-18-102633*, by the method indicated below:

☒ BY ELECTRONIC SERVICE: I electronically served a copy of the above-listed documents on each of the following persons listed below at the electronic notification addresses as follows.

Charles S. LiMandri
Email: climandri@limandri.com
Jeffrey M. Trissell
Email: jtrissell@limandri.com
Paul Joanna
Email: pjonna@limandri.com
Freedom of Conscience Defense Fund
16236 San Dieguito Road, Suite # 3-15
Rancho Santa Fe, California 92067

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 19, 2020, at Los Angeles, Los Angeles County, California.

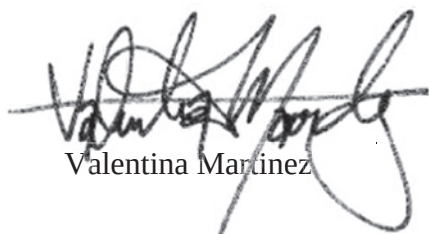
—  —
Valentina Martinez



EXHIBIT 12

Document received by the CA 5th District Court of Appeal.

JANETTE WIPPER (#275264)
NELSON CHAN (#109272)
GREGORY J. MANN (#200578)
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
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Facsimile: (888) 382-5293

Attorneys for Plaintiff DFEH
(Fee Exempt, Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

EILEEN RODRIGUEZ-DEL RIO and MIREYA
RODRIGUEZ-DEL RIO,

Real Parties in Interest.

Case No. BCV-18-102633

**PLAINTIFF DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT
CATHARINE MILLER'S REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF DFEH – SET THREE**

Action filed: October 17, 2018
Trial Date: December 13, 2021

PROPOUNDING PARTY: DEFENDANT CATHARINE MILLER
RESPONDING PARTY: PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING
SET NO.: THREE



Pursuant to Code of Civil Procedure section 2031.210 et seq., plaintiff Department of Fair Employment and Housing (DFEH) responds to Defendant Catharine Miller's Requests for Production of Documents to Plaintiff DFEH, Set Three, as follows:

PRELIMINARY STATEMENT

To the extent DFEH identifies certain documents or delineates facts contained within any document, it does so without prejudice to establish at a later date any additional facts that may be contained within or discovered as a result of subsequent review of such document, or as a result of any additional investigation and discovery. Inadvertent identification or production of privileged documents or information by DFEH does not constitute a waiver of any applicable privilege, nor does production of any documents or information waive any objections, including irrelevancy, to the admission of such document and evidence.

GENERAL OBJECTIONS

1. DFEH objects generally to each request that otherwise seeks matter that is irrelevant or immaterial to the subject of this action, and not reasonably calculated to lead to the discovery of admissible evidence.

2. DFEH objects to each request insofar as it imposes an unreasonable burden upon DFEH.

3. DFEH generally objects to each request insofar as it is vague, uncertain, and not specific. DFEH is uncertain as to the meaning of various terms and provisions contained in the requests, but will attempt to respond thereto as can reasonably be understood to pertain to specific and identifiable documentation or material which is relevant to the action.

4. DFEH objects generally to each request insofar as it calls for material that is unreasonably difficult to identify, locate, or produce at this stage in the litigation.

5. DFEH objects to each request on the grounds that such requests are oppressive and over broad, seek documents that are irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence, and the compilation of such information would be unduly burdensome.



6. DFEH objects generally to each request insofar as it calls for information already within the possession of Defendant and/or Defendant's counsel. The DFEH will not produce correspondence (including emails) exchanged between the parties, discovery requests received and propounded, and/or pleadings on file with the court.

7. DFEH objects generally to each request insofar as it requires DFEH and its counsel to give information that is equally available to Defendant and collect, compile, or otherwise collate information therefrom. Defendant is not entitled to have DFEH prepare Defendant's case.

8. DFEH objects generally to each request insofar as it calls for information that is not within its possession, custody, or control.

9. DFEH objects generally to each request to the extent the requests call for speculation and are not susceptible to responses based on fact.

10. All responses are provided notwithstanding and without any waiver of these general objections applicable to all requests.

11. DFEH objects to these requests to the extent they are unreasonably cumulative or duplicative (Code Civ. Proc., § 2019.030 subd., (a)(1)) to the extent Defendant has issued other duplicative requests.

12. DFEH objects to each request to the extent it seeks information protected by the attorney-client privilege (Evid. Code, § 950 et seq.), the attorney work product doctrine, and the conciliation privilege (Gov. Code, § 12963.7.)

13. DFEH objects to each request to the extent it seeks information protected by the official information privilege.

14. DFEH objects to each request to the extent it seeks to invade privacy in violation of the California Constitution, United States Constitution and Information Practices Act.

15. DFEH objects to each request to the extent it invades copyright protections.

Subject to the foregoing preliminary statement applicable to all requests, DFEH hereby responds to the requests that pertain to the subject of this litigation, as follows:

///

///



RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 25:

Produce all documents relating to all administrative complaints submitted to the DFEH relating to the Unruh Civil Rights Act between August 1, 2015 and the present in which the DFEH determined that the Act was inapplicable due to the “public policy” exception described in *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 30–32 & fn.8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

DFEH incorporates the Preliminary Statement and General Objections herein. DFEH objects to this request because it is overbroad, would require an unduly burdensome response, and exceeds the permissible scope of discovery in that the information sought is irrelevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) DFEH also objects to this request on the grounds that it seeks information protected by the official information privilege (Evid. Code, § 1040), the attorney work product doctrine, and the attorney-client privilege. DFEH further objects to this request to the extent it seeks information protected by the informant privilege. (Evid. Code, § 1041.) DFEH also objects to this request on the ground that defendants have not met the burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised with intentional and invidious discrimination in this action as is required to propound such discovery. (Order of Fifth Appellate District in Case No. F081781 [Kern Super. Ct. No. BCV-18-102633] filed January 27, 2021; Alternative Writ of Mandate of Fifth Appellate District in Case No. F081781 [Kern Super. Ct. No. BCV-18-102633] dated January 27, 2021; see e.g., *People v. Montes* (2014) 58 Cal.4th 809, 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S. 456–463–464, 468.) DFEH further objects to this request because it seeks a legal conclusion and the following terms are vague and ambiguous: “‘public policy’ exception described in *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 30–32 & fn.8.” Discovery is ongoing and DFEH reserves the right to modify or amend this response based on its ongoing discovery and investigation.

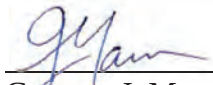
Defendants have not met their initial burden of demonstrating by direct or circumstantial evidence that prosecutorial discretion was exercised by DFEH with intentional and invidious



1 discrimination in this action as is required in order for defendants to propound such discovery. (Order
2 of Fifth Appellate District in Case No. F081781 [Kern Super. Ct. No. BCV-18-102633] filed January
3 27, 2021; Alternative Writ of Mandate of Fifth Appellate District in Case No. F081781 [Kern Super.
4 Ct. No. BCV-18-102633] dated January 27, 2021; see e.g., *People v. Montes* (2014) 58 Cal.4th 809,
5 828; *Murgia v. Municipal Ct.* (1975) 15 Cal.3d 286, 292; *United States v. Armstrong* (1996) 517 U.S.
6 456, 463–464, 468.) Therefore, based on defendants’ failure to meet the standard and its objections
7 asserted above, DFEH is not producing any documents or information in response to the request.

8
9 DATE: August 3, 2021

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

10
11 By: 

Gregory J. Mann
Attorneys for Plaintiff Department of Fair
Employment and Housing



NELSON CHAN, Assistant Chief Counsel (#109272)
GREGORY J. MANN, Senior Staff Counsel (#200578)
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
320 West 4th Street, Suite # 1000, 10th Floor
Los Angeles, California 90013
Telephone: (213) 439-6799
Facsimile: (888) 382-5293

Attorneys for the Department

Fee Exempt (Gov. Code, § 6103)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING, an agency of the State of
California,

Plaintiff,

vs.

CATHY'S CREATIONS, INC. d/b/a
TASTRIES, a California corporation; and
CATHY MILLER,

Defendants.

CASE NO. BCV-18-102633-DRL

**OMNIBUS PROOF OF SERVICE BY
ELECTRONIC MAIL**

EILEEN RODRIGUEZ-DEL RIO and
MIREYA RODRIGUEZ-DEL RIO,

Real Parties in Interest.

PROOF OF SERVICE

I am a citizen of the United States and am employed in Los Angeles County; I am over the age of eighteen (18) years and not a party to the within action; my business address is 320 West 4th Street, Suite # 1000, Los Angeles, California 90013.

My e-mail address is valentina.martinez@dfeh.ca.gov.

On the date below I enclosed a true copy of the attached.

**1. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE MILLER'S SPECIAL INTERROGATORIES
TO PLAINTIFF DFEH, SET TWO**

**2. PLAINTIFF DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S
RESPONSE TO DEFENDANT CATHARINE MILLER'S REQUESTS FOR PRODUCTION
OF DOCUMENTS TO PLAINTIFF DFEH – SET THREE**

(In the matter of *Department of Fair Employment & Housing vs. Cathy's Creations, Inc., et al. (Eileen Rodriguez-Del Rio, et al., Real Parties in Interest)*; Case Number: BCV-18-102633) in a separate envelope for each of the persons named below, addressed follows:

☒ **By E-Mail** by forwarding a true and correct copy of the above document(s) via e-mail to the person(s) at the e-mail address(es) set forth below.

Charles S. LiMandri – Email: climandri@limandri.com
Jeffrey M. Trissell – Email: jtrissell@limandri.com
Paul Jonna – pjonna@limandri.com
Kathy Denworth – Kdenworth@limandri.com
FREEDOM OF CONSCIENCE DEFENSE FUND
16236 San Dieguito Road, Building 3, Suite # 3-15
Rancho Santa Fe, California 92067

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 03, 2021, at Los Angeles, California.

—  —
Valentina Martinez