

F-Lutz
Discovery

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Calendared by:
Date: 7/23/13

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and Officer Tony Lessa
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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 RAY LUTZ,) Case No. 12-CV2625 DHN (DHB)
11 Plaintiff,) **SPECIAL INTERROGATORIES,**
12 v.) **SET ONE PROPOUNDED TO**
13 CBRE Group, Inc., a Delaware) **PLAINTIFF RAY LUTZ BY**
14 corporation; JP Morgan, Inc., a Delaware) **DEFENDANT TONYLESSA**
15 corporation; CITY OF SAN DIEGO; San)
16 Diego Police Chief WILLIAM)
LANSDOWNE: Assistant Chief BOYD)
LONG; Officer TONY LESSA: and)
17 DOES 4-60, inclusive,)
Defendants.)

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19 **PROPOUNDING PARTY: DEFENDANT TONY LESSA**
20 **RESPONDING PARTY: PLAINTIFF RAY LUTZ**
21 **SET NUMBER: ONE**

22 Defendants, CITY OF SAN DIEGO, hereby requests that Plaintiff answer
23 the following interrogatories separately and fully in writing and under oath,
24 pursuant to Rule 33 of the Federal Rules of Civil Procedure, and that the answers
25 be signed by the person making them and be served on The City of San Diego
26 within 30 days after the service of these interrogatories.
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1 In responding to these interrogatories, furnish all information available to
2 you including information in possession of your attorney or investigators for your
3 attorneys or any representatives to persons employed on your behalf, and not
4 merely such information known of your own personal knowledge.

5 If you cannot answer the following interrogatories in full after exercising
6 due diligence to secure the information to do so, so state, and answer to the extent
7 possible specifying your inability to answer the remainder, stating whatever
8 information or knowledge you have concerning the unanswered portion.

9 **INSTRUCTIONS**

10 A. If in these interrogatories you are asked to identify a person, state the
11 following information concerning such person:

12 1. His or her name, current address and telephone number, or if
13 unknown, last known address and telephone number, and date upon which such
14 person was known to reside at such last known address.

15 2. Name and address of his or her employer or, if unknown, his or her
16 last known employer and the date upon which such employment was known to
17 exist;

18 3. His or her relationship to any of the parties to this litigation at the
19 present time.

20 B. If in these interrogatories you are asked to identify or describe written
21 communications, video, photographs, documents, letters, memoranda or writings,
22 you may at your option attach a copy of such items to your answers to these
23 interrogatories. However, if you do not desire to so attach a copy of such items to
24 the answers to the interrogatories, you are requested to state the following
25 information concerning such items:

26 1. The nature of the communications, videos, photographs, documents,
27 letters, memoranda or writings;

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- 1 2. The date on which it was prepared or which it bears;
- 2 3. Identify the person who prepared such document;
- 3 4. Identify the person to whom such document was addressed;
- 4 5. Describe the general subject matter of the document with sufficient
- 5 particularity that it may be described in a subpoena or notice for its production; and
- 6 6. Identify the person who is the custodian of the original and of such
- 7 copies of such documents, memoranda, letters or other writings.

8 C. If in these interrogatories you are asked to identify any oral communication,
9 or if your answer to any interrogatories refers to an oral communication, with
10 respect to such oral communication, state:

- 11 1. The date and place the communication was made;
- 12 2. The identity of such person who participated or heard any of the oral
- 13 communication; and
- 14 3. The substance of what was said by each person who participated in
- 15 the oral communication.

16 D. The following definitions apply to terms used herein (except as to the
17 context may otherwise clearly require);

- 18 1. “Person” includes a natural person, firm association, organization,
19 partnership, business trust, corporation, or public entity.
- 20 2. The terms “writing”, “memoranda”, “document”, and “letter” includes
21 any handwriting, typewriting, photostat, photocopy, electronically stored
22 information, and every other means of recording upon any tangible things, and
23 form of communication or representation including but not limited to letters,
24 words, pictures, sounds or symbols or combinations thereof, and includes all
25 contracts, specifications or correspondence relating to this litigation.
- 26 3. “Incident” includes the date of the incident that is the subject matter of
27 this lawsuit as reported in the complaint as July 22, 2011, and any other related
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1 dates to the circumstances and events surrounding the alleged accident, injury, or
2 other occurrence giving rise to this action or proceeding.

3 **INTERROGATORIES**
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5 **SPECIAL INTERROGATORY NO. 1:**

6 Please describe how Mr. Lutz was not involved with Occupy San Diego.

7 **SPECIAL INTERROGATORY NO. 2:**

8 Please describe how Mr. Lutz was arrested at a time when there were no
9 Occupy San Diego events taking place.

10 **SPECIAL INTERROGATORY NO. 3:**

11 Please describe how Mr. Lutz was arrested based upon the mistaken belief
12 that Lutz was affiliated with Occupy San Diego.

13 **SPECIAL INTERROGATORY NO. 4:**

14 Please describe how any defendants communicated with the Mayor of San
15 Diego before arresting Plaintiff.

16 **SPECIAL INTERROGATORY NO. 5:**

17 Please describe when any defendants communicated with the Mayor of San
18 Diego before arresting Plaintiff.

19 **SPECIAL INTERROGATORY NO. 6:**

20 Please describe how any defendants communicated with the Mayor of San
21 Diego before clearing any person associated with Occupy San Diego from public
22 or private property.

23 **SPECIAL INTERROGATORY NO. 7:**

24 Please describe when any defendants communicated with the Mayor of San
25 Diego before clearing any person associated with Occupy San Diego from public
26 or private property.

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1 **SPECIAL INTERROGATORY NO. 8:**

2 Please describe how the City Attorney stepped outside its role of legal
3 counselor related to any defendants and participated in law enforcement activities
4 related to this lawsuit.

5 **SPECIAL INTERROGATORY NO. 9:**

6 Please describe how the City Attorney stepped outside its role of legal
7 counselor related to Occupy San Diego and participated in law enforcement
8 activities related to this lawsuit.

9 **SPECIAL INTERROGATORY NO. 10:**

10 Please describe the circumstances of Plaintiff's providing a document,
11 before his arrest, that referenced the case known as "Pruneyard" (referenced in
12 paragraph 33 of Plaintiff's Second Amended Complaint) to any defendants besides
13 the City defendants (the City defendants include the City of San Diego Chief
14 William Lansdowne , Assistant Chief Boyd Long and Officer Tony Lessa).

15 **SPECIAL INTERROGATORY NO. 11:**

16 Please describe the circumstances of Plaintiff's providing a document,
17 before his arrest, that referenced the case known as "Pruneyard" (referenced in
18 paragraph 33 of Plaintiff's Second Amended Complaint) to any City defendants
19 (the City defendants include the City of San Diego Chief William Lansdowne ,
20 Assistant Chief Boyd Long and Officer Tony Lessa).

21 **SPECIAL INTERROGATORY NO. 12:**

22 Do you contend that the case known as "Pruneyard" (referenced in
23 paragraph 33 of Plaintiff's Second Amended Complaint) has any legal effect upon
24 the right of a private property owner in California to deny free speech activity by
25 individuals on said private property?

26 **SPECIAL INTERROGATORY NO. 13:**

27 If you contend that the case known as "Pruneyard" (referenced in paragraph
28 33 of Plaintiff's Second Amended Complaint) has any legal effect upon the right of

1 a private property owner in California to deny free speech activity by individuals
2 on said private property, please describe how Pruneyard affects the rights of a
3 private property owner to deny free speech activity by individuals on said private
4 property.

5 **SPECIAL INTERROGATORY NO. 14:**

6 Do you contend that the arrest of Plaintiff was not a citizen's arrest?

7 **SPECIAL INTERROGATORY NO. 15:**

8 If you contend that the arrest of Plaintiff was not a citizen's arrest please
9 describe why you contend the arrest of Plaintiff was not a citizen's arrest.

10 **SPECIAL INTERROGATORY NO. 16:**

11 Do you contend that a lawful citizen's arrest, under California law, does not
12 provide the officer or officers taking custody of the person arrested by said citizen
13 with immunity from civil liability?

14 **SPECIAL INTERROGATORY NO. 17:**

15 If you contend that a lawful citizen's arrest, under California law, does not
16 provide the officer or officers taking custody of the person arrested by said citizen
17 with immunity from civil liability, please describe why not.

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19 Dated: June 20, 2013

JAN I. GOLDSMITH, City Attorney

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By

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John Riley
Deputy City Attorney

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Attorneys for Defendants
Defendants City of San Diego, Chief
William Lansdowne, Assistant Chief
Boyd Long and Officer Tony Lessa

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