Pursuant to Section 2030.210 of the California Code of Civil Procedure, defendant CCW-La Jolla, L.L.C. ("Responding Party") hereby responds and objects (hereinafter referred to collectively as "Response") as follows to Donald R. Short's First Set of Form Interrogatories (the "Form Interrogatories").

**PRELIMINARY STATEMENT**

These responses are based upon information and documents presently available to, located by, and analyzed by Responding Party. Responding Party has not completed its investigation of the facts
relating to this case, has not completed discovery in this action, and has not completed preparation for
trial in this matter. Further investigation and analysis may disclose the existence of additional facts,
give new meaning to the documents and facts that Responding Party possesses, or possibly lead to
additions, variations, or changes to these responses. Without obligating itself to do so, Responding
Party reserves the right to change or supplement these responses as additional facts are discovered,
revealed, recalled, or otherwise ascertained, and as further analysis and research disclose additional
facts, contentions, or legal theories that may apply. These responses are given without prejudice to
Responding Party’s right to object on any basis at the time of trial to the introduction to any or all of
the responses to these requests. These responses are made solely for the purpose of, and in relation
to, this action.

GENERAL OBJECTIONS

1. Responding Party objects generally to this set of Form Interrogatories to the extent
they seek information not relevant to the subject matter of this action or reasonably calculated to lead
to the discovery of admissible evidence. By these responses, Responding Party makes no admission
concerning the relevance or admissibility of any of the information contained herein or of any of the
subjects that are the subject of these Form Interrogatories. Responding Party hereby reserves the
right to make all pertinent evidentiary objections with regard to such matters at trial or at any other
stage of the proceedings.

2. Responding Party objects to each and every interrogatory to the extent that it calls for
information that is subject to any claim of privilege or protection, including, without limitation, the
attorney-client privilege, the work-product doctrine, the common interest privilege, any party or non-
party’s right to privacy or any other privilege or evidentiary principle available under federal or state
statutory, constitutional or common law. Such information or documents, should they exist, are
immune from discovery. Responding Party does not waive any objection made in these Responses,
nor any claim of privilege, whether expressly asserted or not, by providing any information in
response to the Interrogatories. Responding Party also objects to the Definitions and Instructions
accompanying the Form Interrogatories to the extent they purport to require identification and
information concerning privileged or work-product communications. None of Responding Party’s
specific responses shall be construed to mean that Responding Party intends to provide privileged
information in the absence of an intentional waiver. The inadvertent disclosure of such information
or the inadvertent identification of any document shall not constitute a waiver of any applicable
privilege as to that information or document, or any other document identified by Responding Party.

3. Responding Party specifically reserves the right to produce documents in lieu of
answers, as provided by Code of Civil Procedure Section 2030.230.

4. Responding Party objects to each Form Interrogatory as unnecessary, unduly
burdensome, oppressive, and constituting annoyance, harassment, and oppression of Responding
Party to the extent it seeks the identification of documents or information that is publicly available or
a matter or public record, or already in the possession of, equally available to or readily ascertainable
by Plaintiffs/Cross-Defendants or their counsel from some other source.

5. Responding Party’s specific objections and Responses to any and all of these Form
Interrogatories are not intended to preclude, override or withdraw any of these general objections.

6. These general objections and information are incorporated into each of the following
Responses as if set forth in full. The assertion of the same, similar or additional objections in
Responding Party’s specific objections and Responses to specific requests, or the failure to assert any
additional objections to an interrogatory, does not waive any of Responding Party’s objections set
forth in this section or the following sections.

**RESPONSES TO SPECIFIC INTERROGATORIES**

Responding Party incorporates by reference into each of the following responses, as if fully
set forth therein, the Preliminary Statement and General Objections set forth above:

**INTERROGATORY NO. 1.1:**

State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**
who prepared or assisted in the preparation of the responses to these interrogatories.
RESPONSE TO INTERROGATORY NO. 1.1:

Eric M. Acker
Linda L. Lane
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040
Tel: 858.720.5100
Attorney for Defendants

Stephanie W. Fields
Senior Vice President & General Counsel
Classic Residence by Hyatt
71 South Wacker Drive, Suite 900
Chicago, IL 60606
Tel: 312.803.8520

INTERROGATORY NO. 3.1:

Are you a corporation? If so, state:

(a) the name stated in the current articles of incorporation;
(b) all other names used by the corporation during the past 10 years and the dates each was used;
(c) the date and place of incorporation;
(d) the ADDRESS of the principal place of business; and
(e) whether you are qualified to do business in California.

RESPONSE TO INTERROGATORY NO. 3.1:

No.

INTERROGATORY NO. 3.2:

Are you a partnership? If so, state:

(a) the current partnership name;
(b) all other names used by the partnership during the past 10 years and the dates each was used;
(c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
(d) the name and ADDRESS of each general partner; and
(e) the ADDRESS of the principal place of business.
RESPONSE TO INTERROGATORY NO. 3.2:
No.

INTERROGATORY NO. 3.3:
Are you a limited liability company? If so, state:
(a) the name stated in the current articles of organization;
(b) all other names used by the company during the past 10 years and the date each was used;
(c) the date and place of filing of the articles of organization;
(d) the ADDRESS of the principal place of business; and
(e) whether you are qualified to do business in California.

RESPONSE TO INTERROGATORY NO. 3.3:
Yes.
(a) CCW La Jolla, L.L.C. (certificate of formation)
(b) CC-La Jolla L.L.C.; Classic Residence by Hyatt at La Jolla Village (12/1/04 to present); La Jolla Village Towers, A Classic Residence by Hyatt (4/3/98)
(c) April 3, 1998; Delaware
(d) 71 S. Wacker Dr., Chicago IL 60606.
(e) Yes.

INTERROGATORY NO. 3.4:
Are you a joint venture? If so, state:
(a) the current joint venture name;
(b) all other names used by the joint venture during the past 10 years and the dates each was used;
(c) the name and ADDRESS of each joint venturer; and
(d) the ADDRESS of the principal place of business.

RESPONSE TO INTERROGATORY NO. 3.4:
No.
INTERROGATORY NO. 3.5:
Are you an incorporated association? If so, state:
(a) the current unincorporated association name;
(b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
(c) the ADDRESS of the principal place of business.

RESPONSE TO INTERROGATORY NO. 3.5:
No.

INTERROGATORY NO. 3.6:
Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
(a) the name;
(b) the dates each was used;
(c) the state and county of each fictitious name filing; and
(d) the ADDRESS of the principal place of business.

RESPONSE TO INTERROGATORY NO. 3.6:
(a) Classic Residence by Hyatt at La Jolla Village
(b) 12/1/04-present
(c) County of San Diego, California
(d) 8515 Costa Verde Dr., San Diego, CA 92122

(a) La Jolla Village Towers, A Classic Residence by Hyatt
(b) 4/3/98-12/1/04
(c) County of San Diego, California
(d) 8515 Costa Verde Dr., San Diego, CA 92122

INTERROGATORY NO. 3.7:
Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
(a) identify the license or registration;

(b) state the name of the public entity; and

(c) state the dates of issuance and expiration.

**RESPONSE TO INTERROGATORY NO. 3.7:**

Objection. The request is vague and ambiguous as to "licensed" in the context of this litigation. This request is potentially overbroad and therefore unduly burdensome and oppressive.

**INTERROGATORY NO. 4.1:**

At the time of the INCIDENT, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the INCIDENT? If so, for each policy state:

(a) the kind of coverage;

(b) the name and ADDRESS of the insurance company;

(c) the name, ADDRESS, and telephone number of each named insured;

(d) the policy number;

(e) the limits of coverage for each type of coverage contained in the policy;

(f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and

(g) the name, ADDRESS, and telephone number of the custodian of the policy.

**RESPONSE TO INTERROGATORY NO. 4.1:**

There is no policy of insurance through which Responding Party might be insured for the damages, claims, or actions alleged in this lawsuit.

**INTERROGATORY NO. 4.2:**

Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the INCIDENT? If so, specify the statute.

**RESPONSE TO INTERROGATORY NO. 4.2:**

No.
INTERROGATORY NO. 15.1:

Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

(a) state all facts upon which you base the denial or special or affirmative defense;

(b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and

(c) identify all DOCUMENTS and other tangible things that support your denial or special affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each document.

RESPONSE TO INTERROGATORY NO. 15.1:

Not applicable. No answer filed.

INTERROGATORY NO. 17.1:

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;

(b) state all facts upon which you base your response;

(c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and

(d) identify all DOCUMENTS and other tangible things that support your response and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

RESPONSE TO INTERROGATORY NO. 17.1:

(a) Request No. 1

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).

(c) Not applicable.

(d) Not applicable.
(a) Request No. 2;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 3;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 4;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 5;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.
Request No. 6;

No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

Request No. 7;

No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

Request No. 8;

No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

Request No. 9;

No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 10;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);

request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 11;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);

request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 12;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);

request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.
(a) Request No. 13;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 14;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 15;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 16;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 17;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 18;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 19;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.
(a) Request No. 20;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 21;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 22;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 23;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

(a) Request No. 24;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 25;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 26;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 27;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 28;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 29;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 30;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 31;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(e) Not applicable.

(d) Not applicable.

(a) Request No. 32;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 33;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 34;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.
(a) Request No. 35;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 36;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 37;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 38;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as
set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.

(a) Request No. 39;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as
set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.

(c) Not applicable.
(d) Not applicable.

(a) Request No. 40;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as
set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.

(c) Not applicable.
(d) Not applicable.

(a) Request No. 41;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as
set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.

(c) Not applicable.
(d) Not applicable.
(a) Request No. 42;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 43;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 44;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 45;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 46;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 47;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 48;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.
(a) Request No. 49;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 50;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 51;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 52;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 53;
(b) No substantive response given. Request objectionable because improperly calls for a
legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 54;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 55;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 56;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d).
(c) Not applicable.
(d) Not applicable.

(a) Request No. 57;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.
(a) Request No. 58;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 59;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 60;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 61;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(a) Request No. 62;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

(a) Request No. 63;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.

(a) Request No. 64;
(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.
(d) Not applicable.
(a) Request No. 65;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 66;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 67;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d); request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of “admit” or “deny” impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 68;

(b) No substantive response given. Request objectionable because improperly calls for a legal conclusion; request is not full and complete in and of itself as required by CCP § 2033.060(d);
request contains improper subparts, and is improperly compound, conjunctive and/or disjunctive as set forth in CCP § 2033.060(f), making an answer of "admit" or "deny" impossible.

(c) Not applicable.

(d) Not applicable.

(a) Request No. 69;

(b) "Continuing care promise" is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean "a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise." No "continuing care promise" of the nature set forth in this request was made by Responding Party.

(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party's attorney of record.

(d) Not applicable.

(a) Request No. 70;

(b) Responding Party has worked diligently to manage expenses and keep operating expenses down.

(c) Gary Smith, Vice President, Treasurer and Assistant Secretary of CC-La Jolla, Inc.; can be contacted through Responding Party's attorney of record.

(a) Request No. 71;

(b) Responding Party has not entered into a series of related party transactions with vendors which have been more expensive than if those services had been obtained from third parties in arms-length transactions.

(c) Gary Smith, Vice President, Treasurer and Assistant Secretary of CC-La Jolla, Inc.; can be contacted through Responding Party’s attorney of record.


(a) Request No. 72;

(b) “Continuing care promise” is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean “a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise.” No “continuing care promise” of the nature set forth in this request was made by Responding Party.

(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.

(a) Request No. 73;

(b) Responding Party has complied with all applicable requirements for placing moneys paid by residents into a reserve.

(c) Gary Smith, Vice President, Treasurer and Assistant Secretary of CC-La Jolla, Inc.; can be contacted through Responding Party’s attorney of record.
Responding Party has documents, including Annual Reserve Certifications, that verify that applicable requirements for placing moneys paid by residents into a reserve has been met by Responding Party.

(a) Request No. 75;

(b) Responding Party continues to provide emergency call response, 24 hours per day, to all residents through the First Responder Program.

(c) Michael Krieger, Executive Director of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.

(a) Request No. 76;

(b) “Continuing care promise” is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean “a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise.” No “continuing care promise” of the nature set forth in this request was made by Responding Party.

(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.

(a) Request No. 77;

(b) Responding Party is not in a position to determine whether one or more current residents have experienced the situation stated in this request.

(c) Not applicable.

(d) Not applicable.
(a) Request No. 78;
(b) Responding Party is not in a position to determine whether one or more current residents have experienced the situation stated in this request.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 79;
(b) Responding Party is not in a position to determine whether one or more current residents have experienced the situation stated in this request.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 81;
(b) Responding Party is not in a position to determine whether one or more current residents have experienced the situation stated in this request.
(c) Not applicable.
(d) Not applicable.

(a) Request No. 82;
(b) "Continuing care promise" is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean "a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise." No "continuing care promise" of the nature set forth in this request was made by Responding Party.
(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.

(a) Request No. 83;
(b) “Continuing care promise” is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean “a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise.” No “continuing care promise” of the nature set forth in this request was made by Responding Party.

(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.

(a) Request No. 85;
(b) “Continuing care promise” is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean “a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise.” No “continuing care promise” of the nature set forth in this request was made by Responding Party.

(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Not applicable.
(a) Request No. 86;
(b) There has never been an on-site spa on the property. The closest things to an on-site spa are the beauty salon and the hot tub.
(c) Michael Krieger, Executive Director of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.
(d) Not applicable.

(a) Request No. 87;
(b) “Continuing care promise” is defined in Health and Safety Code section 1771, subdivision (c)(10) to mean “a promise, expressed or implied, by a provider to provide one or more elements of care to an elderly resident for the duration of his or her life or for a term in excess of one year. Any such promise or representation, whether part of a continuing care contract, other agreement, or series of agreements, or contained in any advertisement, brochure, or other material, either written or oral, is a continuing care promise.” No “continuing care promise” of the nature set forth in this request was made by Responding Party.
(c) Kelly Parkins, Director of Sales of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.
(d) Not applicable.

(a) Request No. 88;
(b) As of April 2, 2007, residents have been permitted to self park.
(c) Michael Krieger, Executive Director of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.
(d) Not applicable.

(a) Request No. 90;
(b) Responding Party has kept all of its continuing care promises to plaintiff pursuant to the Continuing Care Residency Agreement.
(c) Michael Krieger, Executive Director of Classic Residence by Hyatt at La Jolla Village; can be contacted through Responding Party’s attorney of record.

(d) Continuing Care Residency Agreement.

(a) Request No. 91;

(b) Responding Party has complied with all applicable requirements for placing moneys paid by residents into a reserve.

(c) Gary Smith, Vice President, Treasurer and Assistant Secretary of CC-La Jolla, Inc.; can be contacted through Responding Party’s attorney of record.

(d) Responding Party has documents, including Annual Reserve Certifications, that verify that applicable requirements for placing moneys paid by residents into a reserve has been met by Responding Party.

(a) Request No. 92;

(b) Responding Party does not owe plaintiff a fiduciary duty for the reasons set forth in Responding Party’s Demurrer, currently on file with the Court.

(c) Responding Party’s attorney of record.

(d) Responding Party’s Demurrer.

(a) Request No. 93;

(b) Responding Party did not breach any fiduciary duty allegedly owed to plaintiff for the reasons set forth in Responding Party’s Demurrer, currently on file with the Court.

(c) Responding Party’s attorney of record.

(d) Responding Party’s Demurrer.

(a) Request No. 94;

(b) Responding Party does not owe all of its residents a fiduciary duty for the reasons set forth in Responding Party’s Demurrer, currently on file with the Court.
(c) Responding Party’s attorney of record.

(d) Responding Party’s Demurrer.

(a) Request No. 95;

(b) Responding Party did not breach any fiduciary duty allegedly owed to all of its residents for the reasons set forth in Responding Party’s Demurrer, currently on file with the Court.

(c) Responding Party’s attorney of record.

(d) Responding Party’s Demurrer.

Dated: April 2, 2007

ERIC M. ACKER
LINDA L. LANE
MORRISON & FOERSTER LLP

By: [Signature]

Attorneys for Defendants
CC-LA JOLLA, INC. AND CCW-LA JOLLA, L.L.C.