

6.1.2 Interrogatories to Selling Dealer

[court]IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

[plaintiff]RODD SIMON

Plaintiff,

[vs.]

[defendant]GENERAL MOTORS CORPORATION; GENERAL
MOTORS ACCEPTANCE CORPORATION; MAJOR CHEVROLET-
GEO, INC.; CLOVER LEAF AUTO AUCTION and DOES 1
through 30, inclusive,

Defendants.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT MAJOR CHEVROLET-GEO, INC.

PROPOUNDING PARTY: Plaintiff Rodd Simon
RESPONDING PARTY: Defendant Major Chevrolet-
Geo, Inc.
SET NUMBER: One

Plaintiff requests that defendant MAJOR
CHEVROLET-GEO, INC. answer the following
interrogatories fully in writing and under oath,
pursuant to §2030 of the California Code of Civil
Procedure, and further requests that said answers
be signed and verified by the person making them
and served upon the attorneys for plaintiff within
30 days after service of these interrogatories.

DEFINITIONS

A. "You" or "Yours" refers to MAJOR
CHEVROLET-GEO, INC. and/or any employee, agent, or
representative thereof.

B. "Identify" with respect to a person means state his or her name, job title, current business address, and phone number; and state whether or not he or she is a managing employee of yours. If you have no current address, provide the last known residence.

C. The "Subject Vehicle" refers to that certain 1991 Chevrolet Camaro described in the complaint on file herein.

D. "REACQUIRED VEHICLE" is defined for purposes of these interrogatories as any vehicle repurchased by GENERAL MOTORS or GENERAL MOTORS ACCEPTANCE CORPORATION (GMAC) or any GENERAL MOTORS dealer due to any allegation that the vehicle was defective or not repaired to conform

to warranty within a reasonable time, or otherwise repurchased pursuant to terms of the California Song Beverly Consumer Warranty Act. The term "repurchased vehicle" is used interchangeably with "reacquired vehicle" and "retail buyback". For purposes of this discovery YOU may limit YOUR response to vehicles repurchased from January 1, 1990 to the present, and resold in California. Plaintiff is aware that in past litigation involving retail buybacks, GENERAL MOTORS has argued that a vehicle repurchased in the name of GMAC or a GM dealer is not subject to the Song Beverly Act. In YOUR response, YOU may state such a position and designate which documents pertain to vehicle repurchased by GMAC or GM dealer, preserving objections; nonetheless YOU are to respond fully to the term as defined herein.

E. "RELATE" means refer to, describe, concern, pertain to, or constitute.

INTERROGATORY NO. 1: IDENTIFY each of YOUR employees who communicated with plaintiff regarding the SUBJECT VEHICLE, stating the approximate date and substance of each communication.

INTERROGATORY NO. 2: IDENTIFY each of YOUR

employees who has driven the SUBJECT VEHICLE, stating the approximate date and reason it was driven.

INTERROGATORY NO. 3: IDENTIFY each of YOUR employees who has at any time worked on, repaired, serviced, inspected or written up a repair order for the SUBJECT VEHICLE, stating the approximate date and substance of each activity.

INTERROGATORY NO. 4: IDENTIFY each of YOUR employees who participated in YOUR purchase of the SUBJECT VEHICLE.

INTERROGATORY NO. 5: IDENTIFY each of YOUR employees who participated in the sale of the SUBJECT VEHICLE to plaintiff.

INTERROGATORY NO. 6: IDENTIFY YOUR employee who is most knowledgeable regarding YOUR warranty policies, including any policies relating to the purchase and sale of retail buybacks.

INTERROGATORY NO. 7: IDENTIFY YOUR sales manager on the date plaintiff purchased the SUBJECT VEHICLE.

INTERROGATORY NO. 8: IDENTIFY YOUR general manager on the date YOU purchased the SUBJECT VEHICLE.

INTERROGATORY NO. 9: IDENTIFY YOUR general manager on the date plaintiff purchased the SUBJECT VEHICLE.

INTERROGATORY NO. 10: IDENTIFY the person or entity from whom YOU purchased the SUBJECT

VEHICLE. If YOUR answer is an entity, also identify the employee with whom YOU dealt.

INTERROGATORY NO. 11: IDENTIFY YOUR used car

sales manager on the date YOU purchased the SUBJECT VEHICLE.

INTERROGATORY NO. 12: IDENTIFY YOUR used car

sales manager on the date plaintiff purchased the SUBJECT VEHICLE.

INTERROGATORY NO. 13: IDENTIFY each of your service managers from the date YOU purchased the SUBJECT VEHICLE to the date of the filing of this complaint.

INTERROGATORY NO. 14: IDENTIFY the owner(s) of the dealership. If the owner is a corporation, IDENTIFY its president as well.

INTERROGATORY NO. 15: If YOU knew the

SUBJECT VEHICLE was a retail buy-back prior to the time YOU acquired it, state exactly what facts YOU knew and how these facts were disclosed to YOU.

INTERROGATORY NO. 16: If YOU knew the SUBJECT VEHICLE had been the subject of repair attempts prior to the time YOU acquired it, state exactly what facts YOU knew and how these facts were disclosed to YOU.

INTERROGATORY NO. 17: IDENTIFY the make, model, VIN, and current owner of all REACQUIRED VEHICLES which YOU acquired for resale through CLOVER LEAF AUTO AUCTION from January 1, 1990 to the present. If YOU do not know the current owner, give the name of the person to whom you resold the vehicle.

INTERROGATORY NO. 18: IDENTIFY the name and address of each original owner of all REACQUIRED VEHICLES identified in Interrogatory No. 17.

INTERROGATORY NO. 19: IDENTIFY YOUR employee who has responsibility for notifying the California Department of Motor Vehicles that a vehicle is a REACQUIRED VEHICLE.

Dated:

[Attorney for Plaintiff]

**6.1.3 Request for Production of Documents
to Selling Dealer**

[court]IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

[plaintiff]RODD SIMON

Plaintiff,

[vs.]

[defendant]GENERAL MOTORS CORPORATION; GENERAL
MOTORS ACCEPTANCE CORPORATION; MAJOR CHEVROLET-
GEO, INC.; CLOVER LEAF AUTO AUCTION and DOES 1
through 30, inclusive,

Defendants.

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS
TO DEFENDANT MAJOR CHEVROLET-GEO, INC.**

PROPOUNDING PARTY: Plaintiff Rodd Simon

RESPONDING PARTY: Defendant Major
Chevrolet-Geo, Inc.

SET NUMBER: One

PLEASE TAKE NOTICE that pursuant to
California Code of Civil Procedure § 2031,
plaintiff demands that defendant Major Chevrolet-
Geo, Inc. (hereinafter "Major Chevrolet-Geo")
produce and permit the inspection and copying at

the office of plaintiff's counsel, [Attorney, Firm, Address, Time, Date], the documents described below.

DEFINITIONS

A. "DOCUMENT" refers to any information in graphic form. It includes any "writing" as defined in Evidence Code § 250 and all computer data and transmissions capable of being produced in printed form if available. The term "DOCUMENT" refers to originals. If the original is not available to you, produce the most legible copy. The term also includes all nonidentical copies of the original. "DOCUMENT" refers to more than one DOCUMENT if there is more than one, and thus is meant to be used interchangeably with DOCUMENTS.

B. "YOU" or "YOUR" refers to defendant Major Chevrolet-Geo, Inc. and/or to any employee, agent, or any representative thereof.

C. The "SUBJECT VEHICLE" is that certain 1991 Chevrolet Camaro described in the complaint on file herein.

D. "REACQUIRED VEHICLE" as used herein is defined as any vehicle repurchased by GENERAL MOTORS or GENERAL MOTORS ACCEPTANCE CORPORATION ("GMAC") or any GENERAL MOTORS dealer due to any allegation that the vehicle was defective or not repaired to conform to warranty within a reasonable time, or otherwise repurchased pursuant to terms of the California Song Beverly Consumer Warranty Act. The term "repurchased vehicle" is used interchangeably with "reacquired vehicle" and "retail buyback". For purposes of this discovery YOU may limit YOUR response to vehicles repurchased during the period from January 1, 1990 to the present, and resold in California. Plaintiff is aware that in past litigation involving retail buybacks, GENERAL MOTORS has taken the defense position that a vehicle

repurchased in the name of GENERAL MOTORS ACCEPTANCE CORPORATION or a GM dealer is not subject to the California Song Beverly Act. For purposes of this discovery, YOU may state such a position and YOU may even designate which documents pertain to vehicles repurchased by GMAC or a GM dealer, thereby preserving any later objections; nonetheless YOU are to respond fully to the term as defined herein.

E. "RELATE" means refer to, describe, concern, pertain to, or constitute.

OBJECTIONS BASED ON PRIVILEGE

For each DOCUMENT withheld under a claim of privilege or exemption, provide (i) a general description of the DOCUMENT, (ii) its author,

(iii) the date of its preparation, and (iv) the present location of the DOCUMENT.

DEMAND NO. 1: YOUR complete file(s) on the SUBJECT VEHICLE, including but not limited to

- (a) The full contents and jacket of YOUR business file relating to the SUBJECT VEHICLE;
- (b) The full contents and jacket of YOUR service file relating to the SUBJECT VEHICLE;
- (c) All sales or lease contracts between you and plaintiff;
- (d) All DOCUMENTS concerning your acquisition of the SUBJECT VEHICLE through auction;
- (e) Credit applications and supporting DOCUMENTS;
- (f) Dealer preparation DOCUMENTS;
- (g) Sales summary which relates to sale of

the SUBJECT VEHICLE to plaintiff;

- (h) All original factory new car warranties relating to the SUBJECT VEHICLE;
- (i) All DOCUMENTS from manufacturer to YOU;
- (j) Pre-delivery reports and records predating sale of the SUBJECT VEHICLE to plaintiff;
- (k) Service records and repair orders;
- (l) Invoices, including parts orders;
- (m) Field reports and/or inspections;
- (n) DOCUMENTS related to customer assistance requests;
- (o) Warranty claims for reimbursement;
- (p) Records of manufacturer payments on dealer warranty claims as well as all records of denial of any such claim;
- (q) All written warranties provided to plaintiff upon purchase of the SUBJECT VEHICLE;
- (r) All disclosures YOU provided to plaintiff concerning prior ownership of, repairs to, or sale of the SUBJECT VEHICLE predating sale of the SUBJECT VEHICLE to plaintiff.
- (s) All DOCUMENTS evidencing communications between YOU and the manufacturer or auction company relating to the SUBJECT VEHICLE;
- (t) All other DOCUMENTS evidencing communications between YOU and plaintiff relating to the SUBJECT VEHICLE; and

(u) All other DOCUMENTS evidencing communications between plaintiff and/or plaintiff's representative and any defendant other than YOU.

DEMAND NO. 2: All DOCUMENTS related specifically to the SUBJECT VEHICLE, or to plaintiff, which are stored in any computer data base or which are otherwise accessible by computer. This includes, without limitation, a CAMS printout coded for the conditions and components which appear on Exhibit A.

DEMAND NO. 3: All portions of the CAMS system, or other applicable computer manual necessary or helpful to interpret the documents produced in response to the preceding demand.

DEMAND NO. 4: All DOCUMENTS including but not limited to warranty policy manuals, which were in effect from the time you acquired the SUBJECT

VEHICLE to the present time which relate to YOUR or the manufacturer's policies regarding warranty work, warranty reimbursements, vehicle replacements, or vehicle reimbursements.

DEMAND NO. 5: All DOCUMENTS prepared by YOU, or on YOUR behalf, or which YOU have received, which summarize, review or otherwise discuss the Song-Beverly Consumer Warranty Act or any part thereof.

DEMAND NO. 6: All technical service bulletins; service bulletins; service or repair directives, instructions or suggestions; recall notices; service campaign notices; and letters to owners which relate to any of the components or conditions in the SUBJECT VEHICLE listed in Exhibit A hereto.

DEMAND NO. 7: The most current index to all technical service bulletins issued concerning the make and model of the SUBJECT VEHICLE.

DEMAND NO. 8: Copies of all DOCUMENTS identified in, or which was used in preparation of, YOUR response to plaintiff's First Set of Interrogatories served with this request.

DEMAND NO. 9: The dealer announcement from GENERAL MOTORS regarding reacquired vehicle resale disclosure and warranty coverage, with ALL attachments.

DEMAND NO. 10: Sales summary regarding the sale of the SUBJECT VEHICLE to plaintiff.

DEMAND NO. 11: The original buyer's guide for the SUBJECT VEHICLE. If this has been lost or destroyed, so state, and produce the buyer's guide for the make and model of the SUBJECT VEHICLE.

DEMAND NO. 12: All DOCUMENTS which relate to any repairs YOU made or attempted to make to each and every REACQUIRED VEHICLE, other than the SUBJECT VEHICLE, which YOU subsequently resold.

DEMAND NO. 13: Warranty claims for reimbursement submitted by YOU and payments received by YOU concerning each and every REACQUIRED VEHICLE which YOU subsequently resold.

DEMAND NO. 14: All DOCUMENTS YOU received from CLOVER LEAF AUTO AUCTION upon transfer of each and every REACQUIRED VEHICLE which YOU subsequently resold, including all written disclosures, repair orders, notices, and warranties.

DEMAND NO. 15: All DOCUMENTS YOU received from GENERAL MOTORS CORPORATION which relate to each and every REACQUIRED VEHICLE which YOU subsequently resold, including all written disclosures, repair orders, notices, and warranties.

DEMAND NO. 16: All written disclosures, repair orders, repair histories, notices, and warranties which YOU provided to the individual who purchased each and every REACQUIRED VEHICLE

which YOU subsequently resold.

DEMAND NO. 17: All DOCUMENTS you received from or sent to DMV concerning the SUBJECT VEHICLE.

DEMAND NO. 18: All DOCUMENTS YOU sent to or received from the California Department of Motor Vehicles relating to each and every REACQUIRED VEHICLE which YOU subsequently resold, other than the SUBJECT VEHICLE.

Dated:

[Attorney for Plaintiff]

EXHIBIT A

1. 1. Defective or malfunctioning clutch
2. 2. Engine/belt noise
3. 3. Ticking noise on left side
4. 4. Defective emergency brake
5. 5. Defective paint
6. 6. Intermittent noise at idle
7. 7. Vibration on deceleration

8. Dash squeaks

6.1.4

First Interrogatories to Manufacturer

[court]IN THE SUPERIOR COURT OF THE STATE OF

CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

[plaintiff]RODD SIMON

Plaintiff,

[vs.]

[defendant]GENERAL MOTORS CORPORATION; GENERAL
MOTORS ACCEPTANCE CORPORATION; MAJOR CHEVROLET-
GEO, INC.; CLOVER LEAF AUTO AUCTION and DOES 1
through 30, inclusive,

Defendants.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT GENERAL MOTORS CORPORATION**

PROPOUNDING PARTY: Plaintiff Rodd Simon
RESPONDING PARTY: Defendant General Motors

Corporation

SET NUMBER: One
Plaintiff requests that defendant GENERAL

MOTORS CORPORATION answer the following
interrogatories fully in writing and under oath,
pursuant to §2030 of the California Code of Civil
Procedure, and further requests that said answers
be signed and verified by the person making them
and served upon the attorneys for plaintiff within
30 days after service of these interrogatories.

DEFINITIONS

A. "You" or "Yours" refers to GENERAL MOTORS
CORPORATION
and/or any employee, agent, or representative
thereof.

B. "Identify" with respect to a person means state his or her name, job title, current business address, and phone number; and state whether or not he or she is a managing employee of yours. If you have no current address, provide the last known residence.

C. The "Subject Vehicle" refers to that certain 1991 Chevrolet Camaro described in the complaint on file herein.

D. "REACQUIRED VEHICLE" is defined for purposes of these interrogatories as any vehicle

repurchased by GENERAL MOTORS or GENERAL MOTORS ACCEPTANCE CORPORATION (GMAC) or any GENERAL MOTORS dealer due to any allegation that the vehicle was defective or not repaired to conform to warranty within a reasonable time, or otherwise repurchased pursuant to terms of the California Song Beverly Consumer Warranty Act. The term "repurchased vehicle" is used interchangeably with "reacquired vehicle" and "retail buyback". For purposes of this discovery YOU may limit YOUR response to vehicles repurchased from January 1, 1990 to the present, and resold in California. Plaintiff is aware that in past litigation involving retail buybacks, GENERAL MOTORS has argued that a vehicle repurchased in the name of GMAC or a GM dealer is not subject to the Song Beverly Act. In YOUR response, YOU may state such a position and designate which documents pertain to vehicle repurchased by GMAC or GM dealer, preserving objections; nonetheless YOU are to respond fully to the term as defined herein.

E. "RELATE" means refer to, describe, concern, pertain to, or constitute.

INTERROGATORY NO. 1: IDENTIFY each of YOUR employees who communicated with the prior owner regarding the SUBJECT VEHICLE stating the approximate date and substance of each communication.

INTERROGATORY NO. 2: IDENTIFY each of YOUR

employees who communicated with plaintiff regarding the SUBJECT VEHICLE stating the approximate date and substance of each communication.

INTERROGATORY NO. 3: IDENTIFY each of YOUR employees who has driven the SUBJECT VEHICLE stating the approximate date and reason the vehicle was driven.

INTERROGATORY NO. 4: IDENTIFY each of YOUR employees, or any agent working on your behalf, who has at any time worked on, repaired, serviced or inspected the SUBJECT VEHICLE stating the approximate date and substance of the activity.

INTERROGATORY NO. 5: If YOU contend YOU repaired the SUBJECT VEHICLE before its resale at auction, state all facts which support this contention.

INTERROGATORY NO. 6: IDENTIFY all persons or entities in the chain of possession of the SUBJECT VEHICLE between the date of the retail buyback and its resale to plaintiff.

INTERROGATORY NO. 7: IDENTIFY YOUR employee most knowledgeable about the repurchase of the SUBJECT VEHICLE from its previous owner.

INTERROGATORY NO. 8: IDENTIFY YOUR employee who authorized a retail buyback to the previous owner of the SUBJECT VEHICLE.

INTERROGATORY NO. 9: IDENTIFY your employee most knowledgeable about resale of the SUBJECT VEHICLE after the retail buy-back.

INTERROGATORY NO. 10: IDENTIFY YOUR present employee in the region serving Northern California who is most knowledgeable regarding YOUR warranty policies, including any policies YOU had regarding the retail buyback of allegedly nonconforming automobiles, during the period beginning with plaintiff's purchase of the vehicle to the present.

INTERROGATORY NO. 11: IDENTIFY the make, model, VIN, and current owner of all REACQUIRED VEHICLES which were resold through CLOVER LEAF AUTO AUCTION to MAJOR CHEVROLET-GEO, INC. during the period from January 1, 1990 to the present.

INTERROGATORY NO. 12: IDENTIFY the names and addresses of all original owners of all REACQUIRED VEHICLES identified in Interrogatory No. 11. "Original owner" means the first registered owner, other than automotive dealer or lender.

INTERROGATORY NO. 13: IDENTIFY YOUR employee who has responsibility for notifying the California Department of Motor Vehicles that YOU have taken possession of, transferred, or resold a REACQUIRED VEHICLE.

INTERROGATORY NO. 14: If YOU provided any instructions to CLOVER LEAF AUTO AUCTION pertaining to the resale of REACQUIRED VEHICLES, which were in effect at the time the SUBJECT VEHICLE was sold at auction, state such instructions verbatim.

INTERROGATORY NO. 15: Do YOU contend CLOVER LEAF AUTO AUCTION violated any of YOUR instructions to it in connection with resale of the SUBJECT VEHICLE?

INTERROGATORY NO. 16: If YOUR response to Interrogatory No. 15 is anything but an unqualified negative, describe the violation and identify the person most knowledgeable about it.

INTERROGATORY NO. 17: If YOU provided any instructions to MAJOR CHEVROLET-GEO pertaining to the resale of REACQUIRED VEHICLES, which were in effect at the time the SUBJECT VEHICLE was sold to plaintiff, state such instructions verbatim, and provide the date and manner in which such instructions were made effective.

INTERROGATORY NO. 18: Do YOU contend MAJOR

CHEVROLET-GEO violated any of YOUR instructions to it in connection with resale of the SUBJECT VEHICLE?

INTERROGATORY NO. 19: If YOUR response to Interrogatory No. 18 is anything but an unqualified negative, describe the violation and identify the person most knowledgeable about it.
Dated:

[Attorney for Plaintiff]

6.1.5

**Request for Production of Documents
to Manufacturer**

[court]IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

[plaintiff]RODD SIMON

Plaintiff,

[vs.]

[defendant]GENERAL MOTORS CORPORATION; GENERAL
MOTORS ACCEPTANCE CORPORATION; MAJOR CHEVROLET-
GEO, INC.; CLOVER LEAF AUTO AUCTION and DOES 1
through 30, inclusive,

Defendants.

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS
TO DEFENDANT GENERAL MOTORS CORPORATION**

PROPOUNDING PARTY: Plaintiff Rodd Simon
RESPONDING PARTY: Defendant General Motors
Corporation

SET NUMBER: One

PLEASE TAKE NOTICE that pursuant to California Code of Civil Procedure § 2031, plaintiff demand that defendant GENERAL MOTORS CORPORATION (hereinafter "GENERAL MOTORS") produce and permit the inspection and copying at the office of plaintiff's counsel, [*Attorney, Firm, Address, Time, Date*], the documents described below.

DEFINITIONS

A. "DOCUMENT" refers to any information in graphic form. It includes any "writing" as defined in Evidence Code § 250 and all computer data and transmissions capable of being produced in printed form if available. The term "DOCUMENT" refers to originals. If the original is not available to you, produce the most legible copy. The term also includes all nonidentical copies of the original. "DOCUMENT" refers to more than one DOCUMENT if there is more than one, and thus is meant to be used interchangeably with DOCUMENTS.

B. "YOU" or "YOUR" refers to defendant GENERAL MOTORS and/or to any employee, agent, or any representative thereof.

C. The "SUBJECT VEHICLE" is that certain 1991 Chevrolet Camaro described in the complaint on file herein.

D. "REACQUIRED VEHICLE" as used herein is defined as any vehicle repurchased by GENERAL MOTORS or GENERAL MOTORS ACCEPTANCE CORPORATION ("GMAC") or any GENERAL MOTORS dealer due to any allegation that the vehicle was defective or not repaired to conform to warranty within a reasonable time, or otherwise repurchased pursuant

to terms of the California Song Beverly Consumer Warranty Act. The term "repurchased vehicle" is used interchangeably with "reacquired vehicle" and "retail buyback". For purposes of this discovery YOU may limit YOUR response to vehicles repurchased during the period from January 1, 1990 to the present, and resold in California. Plaintiff is aware that in past litigation involving retail buybacks, GENERAL MOTORS has taken the defense position that a vehicle repurchased in the name of GENERAL MOTORS ACCEPTANCE CORPORATION or a GM dealer is not subject to the California Song Beverly Act. For purposes of this discovery, YOU may state such a position and YOU may even designate which documents pertain to vehicles repurchased by GMAC or a GM dealer, thereby preserving any later objections; nonetheless YOU are to respond fully to the term as defined here.

E. "RELATE" means refer to, describe, concern, pertain to, or constitute.

OBJECTIONS BASED ON PRIVILEGE

For each DOCUMENT withheld under a claim of privilege or exemption, provide (i) a general description of the DOCUMENT, (ii) its author,

(iii) the date of its preparation, and (iv) the present location of the DOCUMENT.

DEMAND NO. 1: YOUR complete file(s) on the SUBJECT VEHICLE, held in zone, district, regional and/or national offices, including but not limited to the following:

1.(a) DOCUMENTS evidencing the build date and/or inspections conducted by YOU prior to shipment of the vehicle to the original selling dealership;

2.(b) All DOCUMENTS relating to transit from the manufacturer to the original selling dealership;

3.(c) Records and claims relating to damage in transit prior to delivery to the original selling dealership;

4.(d) Pre-delivery reports and records relating to the time period before sale to the previous owner of the SUBJECT VEHICLE, in this case Rhonda Rhodes;

5.(e) Service Records concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

6.(f) Repair orders concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

7.(g) Field reports and/or inspections concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

8.(h) DOCUMENTS related to customer assistance requests of the previous owner;

9.(i) Warranty claims for reimbursement concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

10.(j) Records of warranty payments for warranty claims made concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

11.(k) Authorities to proceed with service work concerning the SUBJECT VEHICLE prior to the date of the retail buy-back;

12.(l) Invoices, including parts orders, concerning the SUBJECT VEHICLE prior to the date of the retail buy-back; and

13.(m) Dealer service copies and dealer part copies for repair orders concerning the SUBJECT VEHICLE prior to the date of the retail buy-back.

DEMAND NO. 2: All DOCUMENTS which refer to, concern, or constitute the retail buy-back of the SUBJECT VEHICLE from the previous owner, in this case Rhonda Rhodes.

DEMAND NO. 3: Copies of YOUR complete file(s) on the SUBJECT VEHICLE, held in zone, district, regional and/or national offices, at any time after the retail buy-back of the subject vehicle, including but not limited to the following:

1.(a) DOCUMENTS which relate to any repairs conducted by YOU or your authorized dealers after retail buy-back, but prior to sale of the SUBJECT VEHICLE to the dealership which sold it to plaintiff, in this case Major Chevrolet-Geo;

2.(b) All service records and repair orders for work performed on the SUBJECT VEHICLE (other than that described in demand 3(a)) at any time after the retail buy-back of the SUBJECT VEHICLE;

3.(c) DOCUMENTS related to customer assistance requests concerning the SUBJECT VEHICLE at any time after the retail buy-back;

4.(d) Warranty claims for reimbursement and payments concerning the SUBJECT VEHICLE at any time after the retail buy-back;

5.(e) Parts orders concerning the SUBJECT VEHICLE at any time after the retail buy-back;

6.(f) Dealer service copies and dealer part copies for repair order concerning the SUBJECT VEHICLE at any time after the retail buy-back; and

7.(g) Communications between plaintiff and/or plaintiff's representative and defendants, or any of them.

DEMAND NO. 4: All DOCUMENTS related specifically to the SUBJECT VEHICLE, or to plaintiff, which are stored in any computer data base or which are otherwise accessible by computer. This includes, but is not limited to, a communications systems printout for all problems mentioned in Exhibit A attached.

DEMAND NO. 5: All DOCUMENTS YOU provided upon sale of the SUBJECT VEHICLE after the retail buy-back including all written disclosures, repair orders, notices, and warranties to the following:

- 1.(a) The auction company;
- 2.(b) The dealership which purchased it from the auction company;
- 3.(c) The dealership which sold it to plaintiff, if different from (b); and
- 4.(d) Plaintiff.

DEMAND NO. 6: All DOCUMENTS which YOU intended to be provided to the consumer upon resale after the retail buy-back.

DEMAND NO. 7: All DOCUMENTS which were in effect at the time plaintiff purchased the SUBJECT VEHICLE which describe or set forth YOUR policies regarding resale of retail buy-backs. This request includes but is not limited to field operations manuals, other manuals or guides and all other DOCUMENTS intended for use by regional, district, or zone customer service representatives, parts and service representatives, and/or dealership representative in the performance of their jobs.

DEMAND NO. 8: All reports, studies, memoranda, analyses or other DOCUMENTS prepared or reviewed by YOU which relate to complaints or alleged problems with the components of conditions listed in Exhibit A and attached hereto and incorporated herein.

DEMAND NO. 9: All technical service bulletins; service bulletins; service or repair directives, instructions or suggestions; recall notices; service campaign notices; and letters to owners concerning the SUBJECT VEHICLE which relate or refer to any of the components or conditions listed in Exhibit A attached hereto and incorporated herein by reference.

DEMAND NO. 10: All DOCUMENTS identified in response to plaintiff's First Set of Interrogatories served with this request.

DEMAND NO. 11: All DOCUMENTS which reflect or refer to the chain of possession from the build date of the SUBJECT VEHICLE to the present time.

DEMAND NO. 12: Administrative manager's reference guide.

DEMAND NO. 13: All DOCUMENTS concerning changes in YOUR policy from January 1, 1988 to the present regarding resale of the retail buy-backs including but not limited to the warranty information booklet, disclosures, and the warranty activator form.

DEMAND NO. 14: General procedure bulletin regarding retail buy-backs from January 1, 1988 to the present.

DEMAND NO. 15: The microfiche warranty history of the SUBJECT VEHICLE.

DEMAND NO. 16: Warranty history of vehicle which is the subject of this litigation.

DEMAND NO. 17: General Field Bulletin with

updated dealer announcement regarding reacquired
vehicle resale disclosures and warranty coverage
(with ALL attachments).

Dated:

[Attorney for Plaintiff]

EXHIBIT A

1. 1. Defective or malfunctioning clutch
2. 2. Engine/belt noise
3. 3. Ticking noise on left side
4. 4. Defective emergency brake
5. 5. Defective paint
6. 6. Intermittent noise at idle
7. 7. Vibration on deceleration

8. Dash squeaks

6.1.6 Second Interrogatories to Manufacturer

[court]IN THE SUPERIOR COURT OF THE STATE OF

CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

[plaintiff]RODD SIMON

Plaintiff,

[vs.]

[defendant]GENERAL MOTORS CORPORATION; GENERAL MOTORS ACCEPTANCE CORPORATION; MAJOR CHEVROLET-GEO, INC.; CLOVER LEAF AUTO AUCTION and DOES 1 through 30, inclusive,

Defendants.

PLAINTIFFS' SECOND SET OF INTERROGATORIES
PROPOUNDED
TO DEFENDANT GENERAL MOTORS CORPORATION

PROPOUNDING PARTIES:Plaintiff RODD SIMON

RESPONDING PARTY: Defendant GENERAL MOTORS CORPORATION

SET NUMBER: TWO

Plaintiffs request that defendant GENERAL MOTORS CORPORATION answer the following interrogatories fully in writing and under oath, pursuant to §2030 of the California Code of Civil Procedure, and further requests that said answers be signed and verified by the person making them and served upon the attorneys for plaintiff within 30 days after service of these interrogatories.

DEFINITIONS

A. "You" or "Yours" refers to GENERAL MOTORS CORPORATION and/or any employee, agent, or representative thereof.

B. "Identify" with respect to a person means state his or her name, job title, current business

address, and phone number; and state whether or not he or she is a managing employee of yours. If you do not know the current business address, provide the last known residence address.

C. "Repurchased vehicle" as used herein is a "vehicle [which] was repurchased by GENERAL MOTORS CORPORATION" as that phrase is used in Exhibit A hereto. For purposes of these interrogatories it is limited to those vehicles repurchased from January 1, 1990 to the present. The term "repurchased vehicle" is used interchangeably with "reacquired vehicle" and "retail buyback".

D. "Subject Vehicle" refers to the [Automobile, make, model, year] which is the subject of this lawsuit.

INTERROGATORY NO. 14: IDENTIFY the make, model, and vehicle identification number of all REPURCHASED VEHICLES which were sold to, by, or through CLOVER LEAF AUTO AUCTION during the period from January 1, 1990 to the present.

INTERROGATORY NO. 15: IDENTIFY the names and addresses of each original owner of all REPURCHASED VEHICLES identified in YOUR response to Interrogatory No. 14. "Original owner" means the first registered owner, other than automotive dealer or lender.

INTERROGATORY NO. 16: IDENTIFY the names and addresses of each subsequent registered owner of the REPURCHASED VEHICLES identified in YOUR response to Interrogatory No. 14. "Subsequent" means after the repurchase.

INTERROGATORY NO. 17: IDENTIFY YOUR employee who has, since January 1, 1990, had responsibility for notifying the California Department of Motor

Vehicles that a YOU have taken possession of, transferred, or resold a REPURCHASED VEHICLE. If there is more than one, IDENTIFY them all and give the dates of their authority.

INTERROGATORY NO. 18: If YOU provided any instructions or procedures to CLOVER LEAF AUTO AUCTION pertaining to the resale of REPURCHASED VEHICLES, effective between January 1, 1990 and the time the SUBJECT VEHICLE was sold to plaintiffs, state such instructions or procedures verbatim. If such instructions or procedures changed over the designated time period, explain each change and the timing of the change.

INTERROGATORY NO. 19: Do YOU contend CLOVER LEAF AUTO AUCTION violated any of YOUR instructions to it in connection with resale of the SUBJECT VEHICLE?

INTERROGATORY NO. 20: For each vehicle identified in YOUR Response to Interrogatory No. 14 above, state the reason for the repurchase of the vehicle from the original owner, including identification of the alleged nonconforming conditions of the and components.

INTERROGATORY NO. 21: For each vehicle identified in YOUR response to Interrogatory No. 14 above, state whether you repaired the alleged nonconformity(ies) prior to resale of the vehicle.

INTERROGATORY NO. 22: For each vehicle identified in YOUR response to Interrogatory No. 14 above, state whether you disclosed to the subsequent purchaser the reason for the repurchase.

INTERROGATORY NO. 23: For each vehicle

identified in YOUR response to Interrogatory No. 14 above, state whether you warranted the repairs for one year from the date of the subsequent resale.

INTERROGATORY NO. 24: With respect to the Disclosure Notice, Exhibit A, identify YOUR managing employee(s) most capable of testifying to the process of completion of such Disclosure Notices by the divisional office, the auction, the dealer, and the customer.

INTERROGATORY NO. 25: With respect to the Disclosure Notice, Exhibit A, whose signatures, according to GENERAL MOTORS policy and procedures, should appear on the customer copy at the time it is given to the customer?

INTERROGATORY NO. 26: Do you contend GENERAL MOTORS, or any GENERAL MOTORS representative, performed repairs to the SUBJECT VEHICLE after October 15, 1991 and before the date it was resold to plaintiffs?

INTERROGATORY NO. 27: If your answer to the preceding interrogatory is anything other than an unqualified negative, describe the repairs in detail and state the cost of such repairs in terms of parts and labor.

INTERROGATORY NO. 28: If your answer to the preceding interrogatory is anything other than an unqualified negative, provide the warranty history, including claims and payments, for such all repairs.

INTERROGATORY NO. 29: State the cost of repairs performed on October 15, 1991 in terms of parts and labor.

Dated:

[Attorney for Plaintiff]

