

EXHIBIT "B"

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ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

JUL 16 1988

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO

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12 AUDREY PARKS SHABBAS, et al.,) No. 951031
13 Plaintiffs,) PUTATIVE CLASS ACTION
14 vs.) DEFENDANT ANTI-DEFAMATION
15 ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH'S) LEAGUE OF B'NAI B'RITH'S
16) OBJECTIONS AND RESPONSES TO
17) PLAINTIFFS' FIRST DEMAND FOR
18) PRODUCTION OF DOCUMENTS AND
19) FOR INSPECTION AND COPYING
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19 PROPOUNDING PARTY: Plaintiffs, AUDREY PARKS SHABBAS, et al.

20 RESPONDING PARTY: Defendant ANTI-DEFAMATION LEAGUE OF
B'NAI B'RITH

21 SET NO.: One

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ADL'S RESPONSES TO
PLFS' FIRST DEMAND FOR DOCS.

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1 Defendant Anti-Defamation League of B'nai B'rith
2 ("ADL"), hereby provides pursuant to California Code of Civil
3 Procedure Section 2031, its objections and responses to
4 plaintiffs' First Demand for Production of Documents and for
5 Inspection and Copying.

6 Request No. 1:

7 All files, documents, tapes or records of any kind
8 and all indexes to any files, documents, tapes or records of
9 any kind maintained since January 1, 1983 in the ADL offices
10 in Los Angeles, San Francisco, San Jose, New York City and
11 Washington, D.C. containing information or otherwise
12 pertaining to the following individuals and organizations:

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14 (NAMES DELETED)
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Response to Request No. 1:

1. ADL objects to this Request on the grounds that it calls for production of documents protected from disclosure:

- (a) by ADL's rights under the First and Fourteenth Amendments to the United States Constitution;
- (b) by ADL's rights under Article I, Sections 2(a) and 2(b) of the California Constitution;
- (c) by ADL's rights under California Evidence Code Section 1070;
- (d) by ADL's rights under California Civil Code Sections 47(c)(1)-(3) and/or 47(e);
- (e) by ADL's rights under other applicable provisions of the California Constitution, statutes and common law;
- (f) by ADL's rights under analogous provisions of other applicable state constitutions and other applicable states' laws.

ADL's rights invoked herein include, but are not limited to, ADL's rights to freedom of expression and freedom of the press.

2. ADL objects to this Request on the grounds that it calls for production of documents protected from disclosure by the privilege enunciated by the California Supreme Court in

1 Mitchell v. Superior Court (Synanon Church), 37 Cal. 3d 268, 208
2 Cal. Rptr. 152 (1984), and its progeny.

3 3. ADL objects to this Request on the grounds that it
4 calls for production of documents that are available, or
5 documents containing information that is available, through
6 alternative and less intrusive, less burdensome and less
7 oppressive means, such as from federal, state and local agencies,
8 and/or by other discovery.

9 4. ADL objects to this Request on the grounds that it
10 is overbroad with respect to time.

11 5. ADL objects to this Request on the grounds that it
12 calls for production of documents relating to individuals and/or
13 organizations who, under the class allegations of plaintiffs'
14 Complaint (at paragraph 7), are not members of the putative class

15 and are not present in that they are not California
16 residents.

17 6. ADL objects to this Request on the grounds that it
18 calls for production of documents containing information or
19 otherwise pertaining to individuals and/or organizations, other
20 than the named plaintiffs:

21 (a) who to ADL's knowledge are not represented by the
22 named plaintiffs or their counsel; and/or

23 (b) who to ADL's knowledge are not aware of and have
24 not authorized plaintiffs' Requests; and/or

25 (c) who to ADL's knowledge have not consented, to the
26 extent (if any) required by law, to the disclosure of any
27 information regarding them to the named plaintiffs or to
28 plaintiffs' counsel; and/or

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(d) as to whom no provision has been made with regard to discovery (such as an appropriate protective order) to provide protection for any privacy or other rights these non-named plaintiff individuals and/or organizations may have under applicable law.

7. ADL objects to this Request on the grounds that it calls for production of documents containing information disclosed to ADL by certain individuals and/or organizations, or by third-parties, pursuant to an understanding with ADL that such information, and/or the source thereof, would be maintained by ADL in confidence.

8. ADL objects to this Request on the grounds that it is overbroad and calls for information not relevant to plaintiffs' cause of action nor reasonably calculated to lead to discovery of admissible and relevant evidence. By way of example but not limitation, the Request:

- (a) seeks documents containing information on individuals and/or organizations that are not named plaintiffs;
- (b) seeks documents containing information on individuals and/or organizations that are not putative class members in that they are not California residents;
- (c) seeks documents containing "public" information not subject to California Civil Code § 1798.53;
- (d) seeks documents containing "non-disclosed" information not subject to California Civil Code § 1798.53;
- (e) seeks documents containing information not "maintained by a state agency or from 'records' within a 'system

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1 of records' . . . maintained by a federal government agency,"
2 and, thus, not subject to California Civil Code § 1798.53; and

3 (f) seeks documents from and regarding ADL offices
4 outside of the City and County of San Francisco, whereas
5 plaintiffs' Complaint (at paragraph 8) limits the locus of the
6 alleged wrongdoing at issue to the City and County of San
7 Francisco.

8 9. ADL objects to this Request to the extent that it
9 calls for documents that are not in ADL's possession, custody or
10 control.

11 10. ADL objects to this Request to the extent that it
12 calls for production of certain documents protected from
13 discovery by the attorney/client, work product and/or other
14 applicable privileges. ADL further objects to producing a
15 privilege log at this time on the grounds, including but not
16 limited to, that:

17 (a) it is premature to do so at this stage of the
18 litigation, before a determination has been made that this action
19 may be maintained as a class action;

20 (b) it is premature to do so at this stage of the
21 litigation, before a determination has been made of the
22 applicable privileges;

23 (c) to do so necessarily will disclose information
24 that is protected by some, if not all, of the objections and
25 privileges stated herein; and

26 (d) to do so would be unduly burdensome since
27 virtually every document in ADL's files is subject to one or more
28 of the privileges asserted herein.

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1 11. ADL objects to this Request on the grounds that it
2 is premature to conduct discovery of non-named plaintiffs, or any
3 merits discovery, before any determination that this action may
4 be maintained as a class action.

5 12. ADL objects to this Request on the grounds that it
6 is unduly burdensome and oppressive. For ADL to respond to this
7 Request would, improperly, require it to shoulder the undue
8 burden -- both in terms of time and expense -- of reviewing tens
9 of thousands of documents in its files in different locations.

10 13. ADL objects to this Request on the grounds that it
11 is overbroad, vague and ambiguous in its use of the following
12 underscored terms:

13 (a) all "officers, professors or employees" of Mills
14 College;

15 (b) all "officers, directors or employees" of KQED;

16 (c) "any . . . local chapters" of The National
17 Association of Arab Americans;

18 (d) "any . . . local chapters" of The Arab American
19 Institute;

20 (e) "any . . . local chapters" of The Arab American
21 Anti-Discrimination League;

22 (f) "any . . . local chapters" of The Association of
23 Arab American University Graduates;

24 (g) the "publisher, editors and writers" of The Bay
25 Guardian; and

26 (h) the "publisher, editors and writers" of Mother
27 Jones Magazine.

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1 ADL is not aware of the names and/or identities of some
2 or all of these individuals or entities. At a minimum,
3 plaintiffs should be required to identify, with specificity,
4 those individuals or entities as to whom plaintiffs' Request
5 pertains.

6 14. ADL objects to this Request on the grounds that it
7 is vague and ambiguous in its use of the term "containing
8 information or otherwise pertaining to."

9 In light of the foregoing objections, ADL declines to
10 produce documents in response to this Request.

11 Request No. 2:

12 All communications from January 1, 1983 to the present
13 time to or from any ADL employees of or the Los Angeles, San
14 Francisco, San Jose, Portland, Boston, New York or Washington,
15 U. S. offices of the ADL containing or pertaining to information
16 on any of the individuals listed in Demand No. 1.

17 Response to Request No. 2:

18 1. ADL incorporates by reference its objections Nos.
19 1-12 to its response to Request No. 1.

20 2. ADL objects to this Request on the grounds that it
21 is vague and ambiguous in its use of the term "containing or
22 pertaining to information."

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24 (REST DELETED)
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PROOF OF SERVICE BY MAIL CCP §1013(a)

I, the undersigned, declare:

I am employed in the County of San Mateo, California. I am over the age of eighteen (18) years and am not a party to the within action; my business address is 2925 Woodside Road, California, 94062.

On August 11, 1993, I caused the within PLAINTIFF'S SETTLEMENT CONFERENCE STATEMENT to be served by mail, with postage thereon, fully prepaid in the United States mail, at Woodside, California, addressed as follows:

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Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104

James Lassart
Ropers, Majeski, et al.
670 Hamilton Street
San Francisco, CA 94105

Ethan P. Schulman
Howard, Rice, Nemerovski, Canady,
Robertson & Falk
Three Embarcadero Center, #700
San Francisco, CA 94111

Curtis E. A. Karnow
Landels, Ripley & Diamond
350 Steuart St., 6th Fl.
San Francisco, CA 94105

collection and processing of correspondence for mailing with the United States Postal Service. It will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelope and placed it for collection and mailing on August 11, 1993, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 11th day of August, 1993, at Menlo Park, California.



JILL C. NOVINSKI