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5 Attorneys for Objector/Respondents  
Kinch Hoekstra and Edward Keonjian, Trustees of the  
6 L.L. Nunn Trust

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF INYO

10  
11 In re the Matter of the  
12 L.L. Nunn Trust for the benefit of Deep  
Springs College under the Deed of Trust dated  
13 November 5, 1923,  
14

Case No. SI CV PM 1253232

**REQUEST FOR PRODUCTION OF  
DOCUMENTS, SET ONE**

15  
16 REQUESTING PARTY: Objectors/Respondents Kinch Hoekstra and Ed Keonjian,  
Trustees of the L.L. Nunn Trust  
17  
18 RESPONDING PARTY: David Hitz, acting on behalf of the Board of Trustees of the  
L.L. Nunn Trust  
19  
20 SET NO.: One

21 TO PETITIONER DAVID HITZ, ACTING ON BEHALF OF THE BOARD OF  
TRUSTEES, AND THEIR COUNSEL OF RECORD:

22 Pursuant to California Code of Civil Procedure section 2031.010 *et seq.*,  
23 objectors/respondents Kinch Hoekstra and Edward Keonjian, Trustees of the L.L. Nunn Trust  
24 hereby requests that Petitioner David Hitz, acting on behalf of the Board of Trustees, produce the  
25 documents, records, and other tangible things requested below at the offices of Orrick, Herrington  
26 & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, CA 94025, within thirty days of service.  
27

28 OHSUSA:750202996.1

1 **DEFINITIONS AND INSTRUCTIONS**

2 The following definitions apply to these document requests:

3 1. "PERSON" means, unless otherwise specified, any natural person, firm, entity,  
4 corporation, partnership, proprietorship, association, joint venture, other form of organization or  
5 arrangement, and government and government agency of every nature or type.

6 2. "PETITIONER," "YOU," and "YOUR" mean Petitioner David Hitz acting on  
7 behalf of the Board of Trustees of the L.L. Nunn Trust and any other PERSON representing him  
8 or acting on his behalf.

9 3. "OBJECTORS/RESPONDENTS" means objectors/respondents Kinch Hoekstra  
10 and Edward Keonjian, Trustees of the L.L. Nuun Trust.

11 4. "COMMUNICATION" means any contact, whether oral or in DOCUMENT(S),  
12 formal or informal, at any time or place or under any circumstances whatsoever whereby  
13 information of any nature is transmitted or transferred, including any drafts or final versions.

14 5. The term "EVIDENCE" or any variant thereof, including, but not limited to, the  
15 term "evidencing," when applied to the content of any document, shall be understood to apply if  
16 the document directly or indirectly mentions, discusses, constitutes, concerns, supports,  
17 contradicts, refers to or in any other way deals with the subject matter described in the Request in  
18 which the term appears.

19 6. "PETITION" means the Petition for Court Order Construing Trust Provision or, if  
20 Necessary, Modifying the Trust Instrument, filed by PETITIONER on February 6, 2012, in the  
21 Superior Court for the State of California, County of Inyo, Case No. SI CV PM 1253232.

22 7. "SAFETY DEPOSIT BOX" means any safety deposit box or similar secure  
23 storage rented and/or maintained by the Trustees of Deep Springs.

24 8. "And" and "or" have both conjunctive and disjunctive meanings; "all" and "any"  
25 means both "each" and "every"; the plural shall include the singular and *vice versa*.

26 9. "DOCUMENT(S)" means and includes, but is not limited to:

27 a. any and all written, recorded or graphic material, however produced or  
28 reproduced and all other tangible objects, including, but not limited to, blueprints, drawings,

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1 plans, diagrams, engineering drawings, schematics, specification sheets, illustrations, pictures,  
2 sketches, designs, design specifications, flow charts, annotations, studies, formulas, lists, layouts,  
3 representations, depictions, photographs, annual reports, quarterly reports, financial statements,  
4 financial reports, books of account, ledgers, journals, journal entries, trial balances, purchase  
5 orders, checks, invoices, receipts, contracts, agreements, billing statements, minutes, transcripts,  
6 memoranda, appraisals, analyses, reports, financial calculations, financial presentations, inventory  
7 sheets, sales orders, warehouse receipts, calendars, appointment books, day books, diaries, letters,  
8 passports, correspondence, telegrams, press releases, notes, jottings, working papers, permanent  
9 files, general correspondence files, accounting manuals, auditing manuals, schedules, tabulations,  
10 projections, surveys, graphs, charts, files, tapes, disks, drums, printouts, telephone bills, all other  
11 data whether recorded by electronic, microfilm, microfiche, computer tape, computer disk,  
12 database or other means and all drafts and summaries thereof and any DOCUMENTS within the  
13 scope of California Code of Civil Procedure section 2031 and California Evidence Code sections  
14 250, 255, and 260. If a document was prepared and several copies were made or if additional  
15 copies were thereafter made and any such copy is no longer identical by reason of subsequent  
16 notation or modification of any kind whatsoever, including, without limitation, notations on the  
17 front or back of the pages thereof, then each such non-identical copy is a separate document and  
18 must be produced; and

19           b.       Copies of such DOCUMENTS on which appear any initialing, notation or  
20 handwriting of any kind not appearing on the original.

21           “DOCUMENT(S)” means and includes subsections a. and b. above, whether such  
22 DOCUMENTS were prepared for PLAINTIFF for PLAINTIFF’S own use, or for transmittal in  
23 any manner or received by any means by PLAINTIFF; and wherever such DOCUMENTS are  
24 located, whether in the files of any agent, attorney, representative or employee of PLAINTIFF or  
25 in any file whatsoever in the possession, direction or control of PLAINTIFF and/or  
26 PLAINTIFF’S agents, attorneys, representatives or employees.

27           The requested DOCUMENTS each include all attachments to the specifically described  
28 DOCUMENTS, all envelopes, explanatory notes or memoranda, and any other material that

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1 accompanied the document(s). If the specific document elicited a response, that response is also  
2 to be identified and produced. If the document was itself a response, the document to which it  
3 responded is also to be identified and produced.

4 10. YOU are requested to segregate and designate by category number the  
5 DOCUMENTS produced. Thus, for example, DOCUMENTS produced pursuant to Category  
6 No. 1 should be so labeled and grouped separately from DOCUMENTS produced pursuant to  
7 other specific categories of DOCUMENTS.

8 11. If YOU object to the production of any document on the grounds that it is  
9 protected from disclosure by the attorney-client privilege, work-product doctrine or any other  
10 privilege, YOU are requested to identify each document for which the privilege is claimed and  
11 give the following information:

- 12 a. the name of the writer, sender, or initiator of each copy of the document;
- 13 b. the name of the recipient, addressee, or party to whom any copy of the  
14 document was sent;
- 15 c. the date of each copy of the document, if any, or an estimate of its date;
- 16 d. a statement of the basis for the claim of privilege; and a description of the  
17 document sufficient for the Court to rule on the applicability and appropriateness of the claimed  
18 privilege.

19 **DOCUMENTS TO BE PRODUCED**

20 **REQUEST FOR PRODUCTION NO. 1:**


21 ALL DOCUMENTS regularly maintained in a SAFETY DEPOSIT BOX (a)  
22 EVIDENCING the Deed of Trust (including but not limited to the May 15, 1923 and the  
23 November 5, 1923 versions of the Deed of Trust), (b) EVIDENCING origination documents for  
24 Deep Springs College, or (c) EVIDENCING any COMMUNICATIONS by L. L. Nunn, to L. L.  
25 Nunn, for L. L. Nunn, or about L. L. Nunn.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 ALL DOCUMENTS maintained in a file labeled "Wallace Cook" in the Deep Springs  
3 Archives, which file is believed to be currently located in a box entitled either "Alumni  
4 Correspondence" or "Nunn Correspondence".

5 Dated: April 5, 2012

JOSEPH C. LIBURT  
Orrick, Herrington & Sutcliffe LLP

7  
8 By:   
9 JOSEPH C. LIBURT  
10 Attorneys for Objectors/Respondents  
11 Kinch Hoekstra and Edward Keonjian,  
12 Trustees of the L.L. Nunn Trust  
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1 **PROOF OF SERVICE**

2 I am more than eighteen years old and not a party to this action. My business address is  
3 Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025. On April  
4 5, 2012, I served the following document(s):

5 **REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

6 on the interested parties in this action by placing true and correct copies thereof in sealed  
7 package(s) designated by Federal Express for that purpose, with such package(s) addressed for  
8 delivery as follows:

9 **Christopher L. Campbell**  
10 **Jeffrey A. Jaech**  
11 **Baker Manock & Jensen, PC**  
12 **5260 N. Palm Avenue, Fourth Floor**  
13 **Fresno, CA 93704**

**Peter E. Tracy**  
**Law Office of Peter E. Tracy**  
**106 South Main Street, #200**  
**P.O. Box 485**  
**Bishop, CA 93515**

14 On the date indicated above, I deposited the sealed package(s) in a box or other facility  
15 regularly maintained by Federal Express for delivery of documents, with the delivery fees paid or  
16 provided for by the sender.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on April  
18 5, 2012, at Menlo Park, California.

19 \_\_\_\_\_  
20 Tina McBride