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9 Attorneys for Objector/Respondents  
Kinch Hoekstra and Edward Keonjian, Trustees of the  
L.L. Nunn Trust and Directors of the Deep Springs  
10 College Corporation

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF INYO

13  
14 In re the Matter of the  
15 L.L. Nunn Trust for the benefit of Deep  
16 Springs College under the Deed of Trust dated  
November 5, 1923,  
17

Case No. SI CV PM 1253232

**SPECIAL INTERROGATORIES, SET  
ONE**

18  
19  
20 REQUESTING PARTY: Objectors/Respondents Kinch Hoekstra and Ed Keonjian,  
Trustees of the L.L. Nunn Trust  
21  
22 RESPONDING PARTY: David Hitz, acting on behalf of the Board of Trustees of the  
L.L. Nunn Trust  
23  
24 SET NO.: One

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

26 Pursuant to California Code of Civil Procedure section 2031.010 *et seq.*,  
27 objectors/respondents Kinch Hoekstra and Edward Keonjian, Trustees of the L.L. Nunn Trust  
28 hereby requests that Petitioner David Hitz, acting on behalf of the Board of Trustees, produce the

1 documents, records, and other tangible things requested below at the offices of Orrick, Herrington  
2 & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, CA 94025, within thirty days of service.

3 **DEFINITIONS AND INSTRUCTIONS**

4 The following definitions apply to these document requests:

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

8 2. The term "EVIDENCE" or any variant thereof, including, but not limited to, the  
9 term "evidencing," when applied to the content of any document, shall be understood to apply if  
10 the document directly or indirectly mentions, discusses, constitutes, concerns, supports,  
11 contradicts, refers to or in any other way deals with the subject matter described in the Request in  
12 which the term appears.

13 3. "L.L. NUNN TRUST" means the charitable trust established by the Deed of Trust  
14 executed in 1923 by L.L. Nunn, also known variously as "Deep Springs Trustees", "Trustees of  
15 Deep Springs", "Deep Springs College", "Deep Springs Trust", "Deep Springs Free Educational  
16 Trust", and/or "L. L. Nunn Deed of Trust".

17 4. "DEEP SPRINGS CORPORATION" means the entity by that name, also known  
18 as the "Deep Springs College Corporation".

19 5. "OBJECTORS/RESPONDENTS" means objectors/respondents Kinch Hoekstra  
20 and Edward Keonjian, Trustees of the L.L. Nunn Trust.

21 6. "PERSON" means, unless otherwise specified, any natural person, firm, entity,  
22 corporation, partnership, proprietorship, association, joint venture, other form of organization or  
23 arrangement, and government and government agency of every nature or type.

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

27 8. "PETITIONER," "YOU," and "YOUR" mean Petitioner David Hitz acting on  
28 behalf of the Board of Trustees of the L.L. Nunn Trust and any other PERSON representing him

1 or acting on his behalf.

2 8. "IDENTIFY," when used with respect to a natural person, means state the name,  
3 current telephone number and current home or business address of the person(s). If current  
4 information is not available, please provide the last available information regarding the person(s).

5 9. "IDENTIFY," when used with respect to any other person, means state the name,  
6 place and date of incorporation or organization, principal place of business, and the identity of all  
7 natural persons having knowledge of the matter with respect to which it is named in an answer to  
8 an interrogatory.

9 10. "IDENTIFY," when used with respect to real property, means provide the legal  
10 description, including the metes and bounds, as well as the specific location in ordinary language  
11 (e.g., "the main circle").

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

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

16 13. Any pronoun shall be construed to refer to the masculine, feminine or neuter  
17 gender, and a singular or plural, as in each case is most appropriate.

18 14. In answering these Interrogatories, PETITIONER is to provide all information that  
19 is available to PETITIONER, including information in the possession of PETITIONER'S  
20 attorney or agents and not merely information personally known to PETITIONER. If, after  
21 investigation, PETITIONER cannot fully answer any of these Interrogatories, PETITIONER  
22 should answer to the extent possible, state the reason for PETITIONER'S inability to answer  
23 further, and reveal whatever information PETITIONER has regarding the unanswered portion.

24 15. If PETITIONER objects to any of the Interrogatories herein on privilege grounds,  
25 state the privilege claimed and describe the facts giving rise to the privilege claim in sufficient  
26 detail so that the Court can adjudicate the validity of the claim.

27 16. Each answer should be preceded by a reiteration of the full Interrogatory to which  
28 it responds.

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**INTERROGATORIES**

**INTERROGATORY NO. 1:**

Explain the relationship(s) (legal, operational and administrative) between and among the L. L. NUNN TRUST, the Deep Springs Free Educational Trust, the Deep Springs Trustees, the Trustees of Deep Springs, and the DEEP SPRINGS CORPORATION.

**INTERROGATORY NO. 2:**

Explain the relationship(s) (legal, operational and administrative) between the L. L. Nunn, LLC and the L. L. NUNN TRUST (or any other Deep Springs College-related trust).

**INTERROGATORY NO. 3:**

Explain the relationship(s) (legal, operational and administrative) between the L. L. Nunn, LLC and the Deep Springs Corporation.

**INTERROGATORY NO. 4:**

Have assets been transferred from the L. L. NUNN TRUST, the Deep Springs Free Educational Trust, the Deep Springs Trustees, or the Trustees of Deep Springs to the DEEP SPRINGS CORPORATION?

**INTERROGATORY NO. 5:**

If the answer to the preceding interrogatory is “yes”, please provide a summary of any and all such transfers, including date, purchase price or other consideration, and reason for transfer.

**INTERROGATORY NO. 6:**

Have assets been transferred from the DEEP SPRINGS CORPORATION to the L. L. NUNN TRUST, the Deep Springs Free Educational Trust, or the Deep Springs Trustees or the Trustees of Deep Springs?

**INTERROGATORY NO. 7:**

If the answer to the preceding interrogatory is “yes”, please provide a summary of any and all such transfers, including date, purchase price or other consideration, and reason for transfer.

1 **INTERROGATORY NO. 8:**

2 IDENTIFY any lands owned by Deep Springs College (whether owned by the L.L.  
3 NUNN TRUST or through another entity) before the formation of the DEEP SPRINGS  
4 CORPORATION.

5 **INTERROGATORY NO. 9:**

6 If any lands are IDENTIFIED in the preceding interrogatory, are any such lands still  
7 owned by Deep Springs College (whether owned by the L.L. NUNN TRUST or through another  
8 entity)?

9 **INTERROGATORY NO. 10:**

10 Who currently owns the buildings and built structures associated with Deep Springs  
11 College? If there is more than one owner, please specify which entity owns which buildings or  
12 built structures.

13 **INTERROGATORY NO. 11:**

14 IDENTIFY each instance where the owner of land owned by or associated with Deep  
15 Springs College differs from the owner of any buildings or built structures on such land (for each  
16 such instance, identify the owner of the land and the owner of the buildings or built structures  
17 thereon).

18 **INTERROGATORY NO. 12:**

19 List all transfers or purchases of land associated with Deep Springs College after 1966,  
20 including the parties involved, dates, the purchase price or other consideration, and reason for  
21 transfer or purchase.

22 **INTERROGATORY NO. 13:**

23 Were any transfers made to the DEEP SPRINGS CORPORATION from the Deep Springs  
24 Trustees, the Trustees of Deep Springs, or the Trustees of the L. L. NUNN TRUST without  
25 explicit authorization by the Trustees?

26 **INTERROGATORY NO. 14:**

27 If the answer to the preceding interrogatory is "yes", identify all such transfers made  
28 without Trustee authorization, including identifying any documents that relate to such transfers.

1 **INTERROGATORY NO. 15:**

2 Were any transfers made to the DEEP SPRINGS CORPORATION from the Deep Springs  
3 Trustees, the Trustees of Deep Springs, or the Trustees of the L. L. NUNN TRUST with explicit  
4 authorization by the Trustees?

5 **INTERROGATORY NO. 16:**

6 If the answer to the preceding interrogatory is "yes", please identify all authorizing  
7 documents for such transfers.

8 **INTERROGATORY NO. 17:**

9 Have YOU (or past Trustees of the L.L. NUNN TRUST or Deep Springs College) made  
10 representations to Donors and/or Alumni about the role of the Deed of Trust when soliciting  
11 donations?

12 **INTERROGATORY NO. 18:**

13 Have YOU (or past Trustees of the L.L. NUNN TRUST or Deep Springs College) made  
14 representations to Donors and/or Alumni about the role of the DEEP SPRINGS CORPORATION  
15 when soliciting donations?

16 **INTERROGATORY NO. 19:**

17 If the answer to the preceding interrogatory is "yes", list any and all such representations,  
18 IDENTIFYING the date of the representations and any document in which the representations  
19 were made.

20 **INTERROGATORY NO. 20:**

21 Have YOU (or past Trustees of the L.L. NUNN TRUST or Deep Springs College) made  
22 representations to Donors and/or Alumni about the role of the DEEP SPRINGS CORPORATION  
23 when soliciting donations?

24 **INTERROGATORY NO. 21:**

25 If the answer to the preceding interrogatory is "yes", list any and all such representations,  
26 IDENTIFYING the date of the representations and any document in which the representations  
27 were made.

28

1 **INTERROGATORY NO. 22:**

2 Please provide a thorough and complete explanation why the bylaws of the DEEP  
3 SPRINGS CORPORATION were amended and board was increased in size in 1996.

4 **INTERROGATORY NO. 23:**

5 In 1996, it appears that the Trustees transferred all assets of the L.L. NUNN TRUST,  
6 including but not limited to, cash, stocks, bonds, accounts receivable, brokerage accounts, and  
7 bank accounts. Please provide a detailed explanation why the real estate assets were not  
8 transferred at that time.

9 **INTERROGATORY NO. 24:**

10 Please describe in detail all communications (other than the documents served in this  
11 litigation) YOU have had with the Attorney General or Secretary of State (including but not  
12 limited to the change in bylaws in 1996, the proposed change in bylaws in 2012, and any  
13 communications concerning coeducation).

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16 Dated: August 10, 2012

JOSEPH C. LIBURT  
Orrick, Herrington & Sutcliffe LLP

17

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By: 

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JOSEPH C. LIBURT  
Attorneys for Objectors/Respondents  
Kinch Hoekstra and Edward Keonjian,  
Trustees of the L.L. Nunn Trust

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**PROOF OF SERVICE**

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025. On August 10, 2012, I served the following document(s):

**SPECIAL INTERROGATORIES, SET ONE, TO DAVID HITZ ACTING ON BEHALF OF THE BOARD OF TRUSTEES OF THE L.L. NUNN TRUST**

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

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

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

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 10, 2012, at Menlo Park, California.

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Linda Katona