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County of Alameda

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ALAMEDA**
15

16 DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING, an agency of the State of California,

17 Plaintiff,

18 v.

19 TESLA, INC., doing business in California as
20 TESLA MOTORS, INC., and DOES ONE through
FIFTY, inclusive,

21 Defendants/Cross-Claimant.
22

No.: 22CV006830

Assigned to The Honorable Evelio Grillo

**DECLARATION OF CHRISTINA TELLADO
IN SUPPORT OF DEFENDANT/CROSS-
CLAIMANT TESLA, INC.'S OPPOSITION
TO PLAINTIFF CALIFORNIA CIVIL
RIGHTS DEPARTMENT'S MOTION TO
COMPEL TESLA, INC.'S FURTHER
RESPONSES TO REQUESTS FOR
PRODUCTION AND SPECIAL
INTERROGATORIES (SET ONE)**

Date: November 15, 2022

Time: 10:00 a.m.

Dept.: 21

RESERVATION ID: 734999881131

Compl. Filed: Feb. 9, 2022

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TESLA, INC.

1 **DECLARATION OF CHRISTINA TELLADO**

2 1. I am an attorney-at-law duly licensed to practice before all the courts in the State of
3 California, and I am a partner with Holland & Knight LLP, counsel of record for Defendant/Cross-
4 Claimant Tesla, Inc. (“Tesla”) in this matter. I have personal knowledge of the facts stated herein, and
5 if called as a witness in this matter, I could and would competently testify regarding those facts. I make
6 this declaration in support of Tesla’s Opposition to California Civil Rights Department (“CRD,”
7 formerly known as the Department of Fair Employment and Housing, or “DFEH”) Motion to Compel
8 Further Discovery Responses.

9 2. On March 28, 2022, CRD propounded Special Interrogatories and Requests for Production,
10 Set 1 (“Set 1 Discovery Requests”) on Tesla.

11 3. On June 1, 2022, Tesla provided its original objections and responses to CRD’s Set 1
12 Discovery Requests.

13 4. On August 23, 2022, Tesla provided an initial document production in response to CRD’s
14 Requests for Production, Set 1.

15 5. On August 25, 26, and 31, 2022, Tesla served numerous Notices of Deposition and
16 Subpoenas on CRD (the “Deposition Notices”) seeking to depose a number of the individuals whom CRD
17 references and quotes in its First Amended Complaint.

18 6. On September 1, 2022, CRD moved to compel further responses to its Set 1 Discovery
19 Requests.

20 7. On September 2, 2022, Tesla propounded Form Interrogatories, Special Interrogatories,
21 Requests for Production, and Requests for Admission, Set 1, on CRD. Tesla’s Special Interrogatories,
22 Requests for Production, and Requests for Admission primarily sought identification of the individuals
23 whom CRD references and quotes in its First Amended Complaint.

24 8. On September 14, 2022, the Court via an email from Phillip Obbard issued guidance in
25 response to Tesla’s request for an informal discovery conference regarding CRD’s service of third party
26 subpoenas on various staffing agencies. A true and correct copy of this guidance is attached as **Exhibit A**.

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1 This guidance provided, “If CRD is seeking the employment records of the workers who were assigned to
2 Tesla, then that would appear unduly burdensome.”

3 9. On September 26, 2022, CRD sent Tesla a letter arguing that Tesla’s Deposition Notices
4 of complainants that CRD referenced and quoted in its First Amended Complaint were improper. CRD
5 stated that the Deposition Notices were served with respect to “a number of complainants whose
6 administrative matters are currently being investigated by the Department.” A true and correct copy of this
7 letter is attached as **Exhibit B**.

8 10. On September 30, 2022, Tesla replied to CRD’s September 26 letter. A true and correct
9 copy of Tesla’s reply is attached as **Exhibit C**.

10 11. On October 4, 2022, CRD provided only objections, and not a single substantive response
11 or document, in response to Tesla’s Form Interrogatories, Special Interrogatories, Requests for Production,
12 and Requests for Admission. True and correct copies of CRD’s objection-only responses are attached as
13 **Exhibits D, E, F and G**.

14 12. On October 6, 2022, the Court via an email from Phillip Obbard issued guidance in
15 response to CRD’s request for an informal discovery conference. A true and correct copy of this guidance
16 is attached as **Exhibit H**. In this guidance, the Court explained that the “contact information of workers
17 assigned to any Tesla place of business appears to be relevant and not particularly private” and indicated
18 it would not be inclined to order Belaire-West notice before disclosure of such information. The Court
19 also suggested the parties file a motion to establish the appropriate statute of limitations and how it applies
20 to this case.

21 13. On November 1, 2022, Tesla served on CRD supplemental responses to CRD’s Set 1
22 requests for production. A true and correct copy of Tesla’s First Supplemental Objections and Responses
23 to CRD’s Requests for Production of Documents, Set One is attached as **Exhibit I**.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this first day of November, 2022, in Los Angeles, California.

By:  _____

Christina T. Tellado

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