

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, June 20, 2025, 9:30 a.m.
Courtroom 23 –Hon. Shelly J. Averill
3055 Cleveland Avenue, Santa Rosa**

TO JOIN “ZOOM” ONLINE:

Meeting ID: 160-825-4529

Passcode: 611386

<https://sonomacourt-org.zoomgov.com/j/1608254529>

TO JOIN “ZOOM” BY PHONE:

By Phone (same meeting ID and password as listed above):
(669) 254-5252

The following tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument as to any motion, it will be necessary for you to contact the department’s Judicial Assistant by telephone at (707) 521-6729 by 4:00 p.m. on the day before the hearing. Any party requesting an appearance must notify all other opposing parties of their intent to appear.

1. 24FL00428-Magana v. Magana Carrillo

Respondent’s Motion to Compel discovery responses to the Form Interrogatories-Family Law, Set One is **Moot** as a result of Petitioner’s production of answers to the Form Interrogatories. Respondent served Petitioner with the Form Interrogatories-Family Law, Set One on March 27, 2025. Petitioner’s responses were due on May 2, 2025. On that same date, Respondent sent a letter requesting Petitioner respond to the interrogatories. As of the date of the filing of the Request for Order to Compel Discovery, Petitioner had not responded or objected to the propounded discovery. On June 2, 2025, Petitioner filed a Request to Continue this hearing which was denied. On June 9, 2025, Petitioner filed a Responsive Declaration to the Request for Order to compel discovery which included Responses to the Form Interrogatories previously served. Petitioner also filed a Proof of Personal Service indicating the Responsive Declaration, with Answers to the Form Interrogatories were personally delivered to Respondent’s counsel’s office on Jun 9, 2025. Accordingly, the pending motion is moot. The Court notes that the Answers to Form Interrogatories, which were attached to the responsive pleadings as an exhibit, contain personal identifying information that should have been redacted prior to being filed with the court. Accordingly, the Court orders that Attachment 10 to the Responsive Declaration filed

by Petitioner on June 9, 2025, shall be made confidential so that it is not accessible to the public. No further order is entered at this time.

2. 25FL00101-Marriage of Torliatt

Petitioner's Motion to Compel discovery responses to the Form Interrogatories-Family Law, Set One is **GRANTED**. Petitioner served Respondent with the Form Interrogatories-Family Law, Set One on February 24, 2025. Respondent's responses were due on April 1, 2025.

On April 21, 2025, Petitioner sent a letter requesting Respondent respond to the interrogatories. As of the date of the filing of the Request for Order to Compel Discovery, Respondent had not responded or objected to the propounded discovery. Respondent has also not filed an objection to the pending motion to compel. According to the Family Law Rules of the California Rules of Court ("CRC") 5.2(d), and Family Code section 210, provisions applicable to civil actions generally apply to proceedings under the Family Code unless otherwise provided. This includes the rules applicable to civil actions in the California Rules of Court and the Code of Civil Procedure ("CCP"), and specifically proceedings pursuant to the Civil Discovery Act set forth at CCP section 2016.010, et seq. See, e.g., *In re Marriage of Boblitt* (2014) 223 Cal.App. 4th 1004, at 1022 (discovery). If a party to whom interrogatories have been directed fails to serve a timely response, the party propounding the interrogatories may move for an order compelling response (Code Civ. Proc. § 2030.290).

The service and filing of interrogatories pursuant to Section 2030.010 et seq. of the Code of Civil Procedure places the burden on the interrogated party to respond by answer, the production of writings, or objection. The obligation of response must be satisfied unless excused by a protective order obtained on a factual showing of good cause why no response should be given (*Coriell v. Superior Court* (1974) 39 Cal. App. 3d 487, 492, 114 Cal. Rptr. 310).

In the instant action, the Respondent has failed to file a timely response to the Form Interrogatories-Family Law-Set one and has not filed an opposition or objection to this motion. The Petitioner's Motion to Compel is granted and Respondent is ordered to complete and serve responses to the Form Interrogatories-Family Law-Set One within 15 days of the entry of this order.

3. **SFL088113-Lugo v. Tran**

The Notice of Motion to be Relieved as Counsel filed by Ms. Sheri Chlebowski is **GRANTED** pursuant to California Code of Civil Procedure §284(2). The proposed order submitted by Ms. Chlebowski shall be completed and entered by the Court following the time set for hearing in this matter.