TENTATIVE RULINGS
LAW & MOTION CALENDAR
Wednesday, January 7, 2026 3:00 p.m.
Courtroom 17 – Hon. Jane Gaskell
3035 Cleveland Avenue, Santa Rosa

PLEASE NOTE: In accordance with the Order of the Presiding Judge, a party or representative of a party may appear in Department 17 in person or remotely by Zoom, a web conferencing platform.

CourtCall is not permitted for this calendar.

If the tentative ruling is accepted, no appearance is necessary via Zoom unless otherwise indicated.

TO JOIN D17 ZOOM ONLINE:
Meeting ID: 161 126 4123
Passcode: 062178
https://sonomacourt-org.zoomgov.com/j/1611264123

TO JOIN ZOOM BY PHONE:
By Phone (same meeting ID and password as listed for each calendar):
+1 669 254 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, **YOU MUST NOTIFY** Judge Gaskell's Judicial Assistant by telephone at **(707) 521-6723**, and all other opposing parties of your intent to appear, and **whether that appearance is in person or via Zoom**, by ***4:00 p.m. the court day immediately preceding the day of the hearing.***

1. 24CV01898, Kehoe v. Borcher

Defendant/Cross-Complainant Christian Borcher ("Borcher") moves to quash the deposition subpoena for business records directed to Fire Victim Trust, Trustee Cathy Yanni c/o Joel Miliband, Brown Rudnick LP, issued by Plaintiffs/Cross-Defendants Bricker and Kehoe ("Plaintiffs"). The motion to quash is **GRANTED**. In the Court's discretion, sanctions are awarded for $4,225.00 in attorney's fees, $1,140.00 in paralegal fees, and $82.89 for filing costs of the motion.

I. PROCEDURAL HISTORY

Plaintiffs commenced this action against Defendants regarding the parties' rights and obligations under a private roadway known as Maple Glen Road that serves eight real properties in Glen Ellen, all of which are benefited and burdened by an easement that provides access over the roadway. (Memorandum of Points and Authorities in Support of Motion ["MPA"], pp. 1-3.) The easement was damaged during the Nuns Fire and the parties are now in a dispute over a PG&E Claim relating to the damage, from which Borcher apparently received $2,093,452.14 on behalf of those who signed the "Road Maintenance Agreement" ("RMA"). (*Id*. at pp. 3-5.)

Defendants filed a Cross-Complaint seeking declaratory relief that Plaintiffs have no right to the PG&E Claim Funds received as relief independent of the RMA. Defendants claim that Plaintiffs are not a

party to the RMA because they refused to sign it and their predecessor-in-interest did not bind them to the RMA. (MPA, pp. 5-6; Cross-Complaint, ¶¶ 17-18.)

On November 7, 2025, Plaintiffs served deposition subpoenas for business records to Fire Victim Trust, Trustee Cathy Yanni c/o Joel Miliband, Brown Rudnick LP, ("Subpoenas") seeking Borcher's Fire Victim Trust file for all of his claims to the Fire Victim Trust, including two separate claims for roadway easement damage and personal loss, which Borcher argues are unrelated with the claims at issue in this action. (MPA, 1:3-15.)

Borcher filed this motion to quash on the basis that Plaintiffs failed to properly serve the subpoenas and because the documents sought are protected by Borcher's privacy rights. Plaintiffs oppose the motion and Borcher did not submit a reply brief.

II. REQUEST FOR JUDICIAL NOTICE

Judicial notice of State and Federal laws, regulations, legislative enactments, official acts and court records is statutorily appropriate. (Evid. Code §§ 451, 452.) Per Evidence Code sections 451 and 452, the Court **GRANTS** Borcher's requests for judicial notice of six court records.

III. ANALYSIS

Legal Standard

I. Motion to Quash

Pursuant to California Code of Civil Procedure section 1987.1, a party, witness, consumer per section 1985.3, or employee per section 1985.6, may bring a motion to quash, condition, or modify a subpoena requiring attendance or production of items before a court, at trial, or a deposition. The court may also on such a motion make an order "as appropriate to protect the person from unreasonable or oppressive demands…." (C.C.P. § 1987.1)

The court may in its discretion award the amount of reasonable expenses incurred in making or opposing the motion to quash, including reasonable attorney's fees, if the court finds the motion was made or opposed in bad faith or without substantial justification or that one or more of the requirements of the subpoena was oppressive. (Code Civ. Proc. § 1987.2(a).)

II. Right to Privacy

The right of privacy is an "inalienable right" secured by article I, section 1 of the California Constitution. (*Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d 652, 656.) The right of privacy protects against the unwarranted, compelled disclosure of private or personal information and "extends to one's confidential financial affairs as well as to the details of one's personal life." (*Ibid.*)

Nonetheless, even the constitutional right of privacy does not provide absolute protection "but may yield in the furtherance of compelling state interests." (*People v. Wharton* (1991) 53 Cal.3d 522, 563.) Thus, "when the constitutional right of privacy is involved, the party seeking discovery of private matter … must demonstrate a compelling need for discovery, and that compelling need must be so strong as to outweigh the privacy right when these two competing interests are carefully balanced." (*Lantz v. Superior Court* (1994) 28 Cal.App.4th 1839, 1853-1854.) A discovery proponent may demonstrate compelling need by establishing the discovery sought is directly relevant and essential to the fair

resolution of the underlying lawsuit. (*Planned Parenthood Golden Gate v. Superior Court* (2000) 83 Cal.App.4th 347, 367.)

Compelling need is not always the test to apply in determining whether discovery is permissible, as "courts must instead place the burden on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, and against that showing must weigh the countervailing interests the opposing party identifies." (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 557.) Good cause can be met through showing specific facts of the case and the relevance of the requested information. (*Associated Brewers Distributing Co. v. Superior Court of Los Angeles County* (1967) 65 Cal.2d 583, 586-587.) Good cause "should be such that will satisfy an impartial tribunal that the request may be granted without abuse of the inherent rights of the adversary. There is no requirement, or necessity, for a further showing." (*Greyhound Corp. v. Superior Court In and For Merced County* (1961) 56 Cal.2d 355, 388.) As the right to discovery is liberally construed, so too is good cause. (*Id.* at 377-378.)

Borcher's Motion to Quash

As a preliminary issue, Borcher argues that if the Court heard the Motion to Quash after Borcher's motion for summary judgment scheduled on February 25, 2026, then the Motion to Quash would be moot so the Court ought to consider the two motions together. (MPA, 1:18-23.) On ex parte application, the Court advanced the hearing date of the Motion to Quash to hear it before the Motion for Summary Judgment, so the Court finds that this Motion to Quash is not moot.

Borcher argues that Plaintiffs failed to properly serve the Subpoena because Plaintiffs' counsel served the Subpoena and Notice to Consumer on Borcher's counsel and the Fire Victim Trust at the same time, whereas C.C.P. section 1985.4(b)(3) requires that a Notice to Consumer be served at least 5 days prior to the service of the subpoena upon the custodian of records. (MPA, pp. 8-9.) Borcher cites *In re Marriage of Moore* (2024) 102 Cal.App.5th 1275, 1288, in which case the Court held that a deposition subpoena not personally served in compliance with C.C.P. section 2020.220 imposes no obligations on a nonparty deponent. (*Ibid*.) Though Borcher's counsel requested that the subpoena be withdrawn and re-served properly, Plaintiffs' counsel indicated that they would re-serve the subpoena on the Trust five days after but that the production deadline would remain the same regardless. (MPA, 9:9-13.)

Otherwise, Borcher argues that Plaintiffs have no right to the Fire Claim documents because they are protected by his privacy rights because the documents are not likely to be relevant to the parties' claims in this matter. (MPA, pp. 10-14.)

Finally, Borcher requests sanctions of $6,665.00 in fees and $82.89 for filing costs of the motion against Plaintiffs arguing that Plaintiffs failed to have any substantial justification for their actions. (Berry Decl., ¶ 9.) The fee amount includes 8.5 hours of counsel Berry's time preparing the motion and anticipated time to prepare a reply and attend the hearing at a rate of $650.00 per hour and 5.7 hours of Paralegal McMahon's time assisting with the motion at a rate of $200.00 per hour. (*Ibid*.)

Plaintiffs' Opposition

Plaintiffs first oppose the motion on the basis that Borcher took a nearly identical position to Plaintiffs' discovery motions which were granted by the Court. (Opposition, pp. 5-8.) Plaintiffs concede that they served the Notice to Consumer on the same day that they served the Trust with the subpoena and did not comply with the requirements of C.C.P. section 1985.3(b)(3) which requires serving the Notice to Consumer at least 5 days prior to serving the subpoena on the custodian of records. (*Id*. at 8:6-15.)

Plaintiffs argue that they were not required to serve a Notice to Consumer on Borcher, but did so in an abundance of caution, because the subpoena does not seek "personal records" of a consumer. (Opposition, pp. 16-17.)

Plaintiffs also argue that Borcher's privacy and overbreadth arguments are meritless because the subpoena already limits the production of records to only claims pertaining to the Roadway Easement and because the Court already rejected the privacy argument in Plaintiffs' previous discovery motions. (*Id*. at pp. 9-12.)

Plaintiffs claim $7,885.00 in fees incurred and requests sanctions be awarded in their favor. (Giannini Decl., ¶ 15.) Plaintiffs' counsel claims to have spent 15.6 preparing the opposition at a rate of $475.00 per hour. (*Ibid*.)

Application

Per C.C.P. section 1985.3(a)(1), a "trust company" is included in the list of witnesses which maintain documents that are considered "personal records." For that reason, the Fire Victims Trust is to be considered a witness maintaining "personal records" on behalf of Borcher. As such, the Court finds that it was not proper for Plaintiffs to serve the trust company as the custodian of records with the subpoena and Borcher as the consumer with the Notice of Consumer at the same time under section 1985.3(b)(3). Thus, the deposition subpoena was served improperly and imposes no obligations on Fire Victims Trust, so it ought to be quashed entirely.

Regarding sanctions, the Court finds that there was not substantial justification in Plaintiffs' actions as the deposition subpoena could have easily been withdrawn and re-served as Borcher requested in a code-compliant and proper manner. The motion was necessitated due to Plaintiffs' refusal to do so, so the Court finds that sanctions are warranted. The Court will award Borcher sanctions, but only for the 6.5 hours at a rate of $650.00 spent in attorney's fees for preparing the motion because no reply was timely filed unlike was anticipated by Counsel Berry. In total, sanctions are awarded for $4,225.00 in attorney's fees, $1,140.00 in paralegal fees, and $82.89 for filing costs of the motion.

IV. CONCLUSION

Based on the foregoing, the motion to quash is **GRANTED**. Sanctions are awarded in the Court's discretion for $4,225.00 in attorney's fees, $1,140.00 in paralegal fees, and $82.89 for filing costs of the motion. Borcher shall submit a written order to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

2. 24CV05942, C.L. Marshall Company, Inc. v. Upcycle Builders, Inc.

Counsel William L. Porter's unopposed motion to be relieved as counsel for Defendant Upcycle Builders, Inc. is **GRANTED**, per Code of Civil Procedure section 284(2).

Counsel declares that he and his client have irreconcilable differences regarding the management of the defense and provision of the action and regarding other such facts that are protected by attorney client privilege. (Counsel Decl., ¶ 2) Counsel timely and properly served the parties and the client with the moving papers. (Proof of Service, dated December 16, 2025; Notice of Continued Hearing, dated

December 16, 2025.) No opposition or objection having been filed, the Court will grant the motion. The next hearing set in this matter is a Motion for Terminating Sanctions set to be heard on March 13, 2026. Counsel shall submit a proposed order consistent with this tentative ruling and which indicates the correct next scheduled hearing in this action.

3. 24CV07407, Struthers v. Diligence Security Group, Inc.

Infinity Select Insurance Company's ("Intervenor") unopposed motion for leave to intervene on behalf of Defendant Natalia T. Lepore ("Defendant") per Code of Civil Procedure ("C.C.P.") section 387 is **GRANTED**.

I. PROCEDURAL BACKGROUND

This action involves a motor vehicle collision giving rise to Plaintiff Struthers' causes of action for negligence and negligence per se alleged against Defendants. (Motion, 3:16-19.) Intervenor, as Defendant Lepore's liability insurer, requests leave of Court to intervene and defend its interests as well as Defendant Lepore's interests in this action because Defendant does not have the capacity to defend herself in the litigation and is unlikely and unable to do so. (Sahagun Decl., ¶ 4, Exhibit A.) Intervenor seeks to file the proposed Answer-in-Intervention attached as Exhibit A to the Declaration of Sahagun. Plaintiff filed a statement of non-opposition to the motion.

II. ANALYSIS

Per C.C.P. section 387, a non-party intervenor may petition the court ex parte or by noticed motion to become a party to an action between other persons. A copy of the proposed complaint or answer in intervention that sets forth the grounds upon which intervention rests. (C.C.P. § 387(c).) The court shall permit intervention upon timely application where a provision of law confers an unconditional right to intervene or "the person seeking intervention claims an interest relating to the property or transaction that is the subject of the action and that person is so situated that the disposition of the action may impair or impede that person's ability to protect that interest, unless that person's interest is adequately represented by one or more of the existing parties." (C.C.P. § 387(d)(1).) A nonparty may also be allowed to intervene if the person has an interest in the matter in the litigation, or in the success of either of the parties, or an interest against both. (C.C.P. § 387(d)(2).)

Intervenor has made many efforts to communicate with Defendant Lepore via correspondence and telephone for cooperation in responding to discovery requests and in defending against Plaintiff's allegations. (Sahagun Decl., ¶ 6.) Due to Defendant Lepore's lack of response, Intervenor concluded that Defendant Lepore is unlikely to defend their interests in this matter, so Intervenor must intervene otherwise Intervenor's interests will be adversely affected. (*Id*. at ¶ 4, Exhibit A.) As mentioned above, Plaintiff does not oppose and no other party opposes or objects.

It appears that the statutory requirements under C.C.P. section 387 have been met, so the Court will grant the motion and allow Intervenor leave to file the proposed Answer-in-Intervention.

III. CONCLUSION

The motion is **GRANTED**. Intervenor shall file and serve its proposed Answer-in-Intervention within ten (15) days of service of notice of entry of the Court's order on this motion. The Court notes that the proposed order lodged with the motion mistakenly states that Intervenor will file a "Complaint-in-

Intervention" rather than an Answer-in-Intervention. Defendant shall submit a proposed order on this motion correcting these errors and incorporating the Court's tentative ruling in compliance with California Rules of Court, Rules 3.1312(a) and (b).

4-5. 24CV07952, Gonzalez v. Ford Motor Company

The Court rules as follows on Plaintiff Gonzalez's two discovery motions against Defendant Ford Motor Company ("Ford"):

1. Plaintiff's motion to compel further responses to Special Interrogatories from Ford and request for sanctions is **DENIED**.

2. Plaintiff's motion to compel further responses to Requests for Production from Ford is **GRANTED in part** as to Request Nos. 16, 20-24, 26-30, and 45-46, and **DENIED in part** as to Request Nos. 17, 18, and 25. The Court will award sanctions of **$2,096.00**, which amount reflects a 20% proportional reduction of the amount of sanctions requested for the motion based on the number of requests to which further responses are ordered. Ford shall serve further responses to Requests Nos. 16, 20-24, 26-30, and 45-46 within 30 days of this Court's order along with any responsive documents. For any items withheld due to confidentiality or privilege, Ford shall provide a privilege log.

I. PROCEDURAL HISTORY

Plaintiff commenced this action against Ford alleging violations of the Song-Beverly Consumer Warranty Act regarding Plaintiff's 2022 Ford Bronco that Plaintiff purchased and with which they subsequently experienced issues while driving. (Complaint, ¶¶ 15-31.)

On April 28, 2025, Plaintiff propounded their first set of discovery on Ford, which included Special Interrogatories and Requests for Production of Documents. (Meagle Declarations, ¶ 3, Exhibit A.) Ford served verified responses to the discovery requests. (Meagle Declarations, ¶ 4, Exhibit B.) Finding several responses deficient and objections without merit, Plaintiff's counsel met and conferred with Ford's counsel on all of the discovery responses at issue, but ultimately Ford did not provide supplemental responses. (Meagle Declarations, ¶¶ 5-7.)

Plaintiff filed two separate motions to compel further responses to Special Interrogatories and Requests for Production. Ford opposes both motions. Plaintiff replied to Ford's oppositions. The Court now considers the motions and sanctions requested therein.

II. ANALYSIS

Plaintiff's Motion to Compel Further Responses to Special Interrogatories

A propounding party may move to compel a further response to an interrogatory if: "(1) An answer to a particular interrogatory is evasive or incomplete. (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate. (3) An objection to an interrogatory is without merit or too general." (C.C.P. § 2030.300(a).) The motion to compel must be accompanied by a meet and confer declaration showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (C.C.P. §§ 2016.040, 2030.300(b)(1).) The court shall impose a monetary sanction against any party who unsuccessfully makes

or opposes a motion to compel a further response to interrogatories, unless the court finds that the sanctionable party acted with substantial justification or that other circumstances make it unjust to impose sanctions. (C.C.P. § 2030.300(d).)

Plaintiff seeks further responses to Special Interrogatories Nos. 44-45, to which Ford Motor Company responded with objection-only responses on the basis of the requests being overly broad, unduly burdensome, and seeking irrelevant information as to repairs as to 2022 Ford Bronco vehicles. (See Separate Statement, pp. 1-5.) For this motion, Plaintiff requests sanctions of $2,580.00 for fees incurred in bringing the motion, including 2.3 hours in preparing the motion at a rate of $400.00 per hour, an anticipated 4 hours to prepare a reply brief and attend the hearing on the motion, and $60.00 in filing costs. (Meagle Decl., ¶¶ 9-11.)

Ford argues that their responses are code-compliant and that Special Interrogatories Nos. 44-45 are overly broad and seeking irrelevant documents because they are not limited to a relevant timeframe, to any specific claims or repair, to Plaintiff's allegations, or to any specific or alleged malfunction, problem, or concern, or to allegations in this case. (Opposition, pp. 3-6.) Ford argues that Plaintiff failed to meet and confer in good faith before filing the motion because Ford inadvertently forgot to respond to Plaintiff's meet and confer efforts and Plaintiff never reached out again after that. (*Id*. at 6:3-14.) Ford requests that sanctions not be awarded. (*Id*. at pp. 6-7.)

Plaintiff's reply brief reaffirmed the arguments made in the motion and requested sanctions be awarded.

Special Interrogatories Nos. 44-45 request information for *any and all* repairs made to 2022 Ford Broncos without any time limitation. The Court finds this request is overbroad in that these interrogatories seek information beyond the type of repair or defect alleged in the Complaint for Plaintiff's vehicle. For that reason, any information regarding repairs on defects that are totally irrelevant to Plaintiff's claims would have to be provided by Ford. Furthermore, there is no time limitation stated in the interrogatories, so Ford would have to infer the time limit which could be easily interpreted in multiple ways, such as in the time since the manufacturing of the first 2022 Ford Bronco, in the time since Plaintiff filed the Complaint, or in the time since Plaintiff first discovered the defects giving rise to the claims. For these reasons, the Court will **DENY** the motion to compel further responses as to Special Interrogatories Nos. 44-45 and **DENY** the request for sanctions as to these motions.

Plaintiff's Motion to Compel Further Responses to Demand for Production

A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. (C.C.P. §2031.210(a).) If a responding party is not able to comply with a particular request, or part thereof, that party "shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand." (C.C.P. § 2031.230.) The response shall also specify "whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party" and also must set forth the "name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item." (*Ibid*.) Otherwise, if a responding party is objecting to a demand only, then the responding party must identify the demanded document, tangible thing, land, or electronically stored information to which an objection is being made, set forth the grounds for objection, and if privileged, provide a privilege log for the demanded items that are privileged. (C.C.P. § 2031.240.) A propounding party may move for an order compelling further response to a demand for production if that party deems that: (1) a statement of compliance with the

demand is incomplete; (2) a representation of inability to comply is inadequate, incomplete, or evasive; or (3) an objection in the response is without merit or too general. (C.C.P. § 2031.310(a).) The court shall impose a monetary sanction against a party who unsuccessfully makes or opposes a motion to compel further responses to a demand for production, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. (C.C.P. § 2031.310(h).)

Plaintiff seeks further responses to Requests for Production Nos. 16-18, 20-30, and 45-46, to which Ford Motor Company partially responded with reference to Ford's warranty, policy, procedure, and workshop manuals and otherwise stated objection on the basis of the requests being overly broad, unduly burdensome, and seeking irrelevant information. (See generally, Separate Statement.) For this motion, Plaintiff requests sanctions of $2,620.00 for fees incurred in bringing the motion including 2.4 hours in preparing the motion at a rate of $400.00 per hour, an anticipated 4 hours to prepare a reply brief and attend the hearing on the motion, and $60.00 in filing costs. (Meagle Decl., ¶¶ 9-11.)

On the same basis that Ford objected to the Special Interrogatories Nos. 44-45, Ford argues that their responses to Request for Production Nos. 16-18, 20-30, and 45-46 are code-compliant and that the Requests are overbroad in that they do not contain a reasonable time limitation. (Opposition, pp. 8-13.) Ford further argues that it has already produced certain manuals responsive to the requests and otherwise withheld documents that were confidential or privileged. (*Id*. at pp. 13-15.) Regardless, Ford has agreed to further produce documents to these Requests for Production since Plaintiff filed the motion to compel. As stated above, Ford argues that Plaintiff failed to meet and confer in good faith because Ford inadvertently forgot to respond to Plaintiff's single meet and confer efforts and there was no follow-up after that. (*Id*. at pp. 15-16.) Accordingly, Ford requests that sanctions not be awarded. (*Ibid*.)

Plaintiff's reply brief reaffirmed the arguments made in the motion and requested sanctions be awarded.

On review of the parties arguments and their separate statements, the Court finds that Requests for Production Nos. 16, 20-24, 26-30, 45-46 warrant a further response from Ford because the responses to these are incomplete or evasive. The Court does not find that Ford's responses to Requests for Production Nos. 17-18 and 25 were incomplete or not code-compliant. As such, the Court **partially GRANTS** the motion as to Request Nos. 16, 20-24, 26-30, and 45-46. As the motion was partially granted, the Court will award sanctions but reduce the amount proportionally by 20% of what was requested based on the number of requests to which further responses are ordered. Of the $2,620.00, the Court awards sanctions of $2,096.00.

III. CONCLUSION

Based on the above:

1. Plaintiff's motion to compel further responses to Special Interrogatories from Ford and request for sanctions is **DENIED**.

2. Plaintiff's motion to compel further responses to Requests for Production from Ford is **GRANTED in part** as to Request Nos. 16, 20-24, 26-30, and 45-46, and **DENIED in part** as to Request Nos. 17, 18, and 25. The Court will award sanctions of **$2,096.00**. Ford shall serve responses and responsive documents for Requests Nos. 16, 20-24, 26-30, and 45-46 within 30 days of this Court's order along with a privilege log identifying any items withheld due to confidentiality or privilege.

Plaintiff shall submit a written order to the Court consistent with this tentative ruling regarding the two discovery motions and in compliance with Rule of Court 3.1312(a) and (b).

6-9. 25CV01244, Hallock v. CMOUTS LLC

The Court rules as follows on Defendant Wendy Chapin Jardine's ("Defendant") four unopposed discovery motions filed against Plaintiff Carter Chapin Hallock ("Plaintiff"):

1. Defendant's motion to compel Plaintiff's verified, objection-free responses to Special Interrogatories is **GRANTED**.

2. Defendant's motion to compel Plaintiff's verified, objection-free responses to Form Interrogatories is **GRANTED**.

3. Defendant's motion to compel Plaintiff's verified, objection-free responses to Requests for Production of Documents is **GRANTED**.

4. Defendant's motion to compel Plaintiff's verified, objection-free responses to Requests for Admission is **DENIED** because the request to deem the Requests for Admission as admitted is **GRANTED**.

Sanctions are awarded in the amount of **$2,640.00** collectively for the four motions. Plaintiff shall serve verified, objection-free responses to the above discovery requests except for the Requests for Admissions which have been deemed as admitted. Plaintiff shall also produce any documents responsive to Requests for Productions in a code-compliant manner.

I. PROCEDURAL HISTORY

Plaintiff, self-represented, filed this action claiming breach of contract related to unpaid wages and/or profits for when he worked for CMOUTS LLC. (Four Motions, 3:8-12.) Plaintiff named CMOUTS LLC and its president, Wendy Chapin Jardine, as defendants in this action. (*Ibid.*)

On June 13, 2025, Defendant Jardine served Plaintiff with set one of written interrogatories, including Form Interrogatories, Special Interrogatories, Requests for Admission, and Requests for Production of Documents. (Four Motions, 3:13-18; Motte Decl., ¶¶ 1-5, Ex. A-D.)

Plaintiff did not serve timely responses, so Defendant's counsel met and conferred via correspondence to inquire about Plaintiff's responses to the written discovery requests. (Four Motions, 3:19-21; Motte Decl., ¶¶ 6-7.) After no responses from Plaintiff to either the discovery or the meet and confer efforts, Defendant filed the instant four motions to compel Plaintiff's responses. (Four Motions, 3:21-23.)

Rather than opposing the motions to compel, Plaintiff separately filed three requests: (1) A Memorandum of Points and Authorities in Opposition of Future Temporary or Permanent Restraining Orders; (2) Plaintiff's Request for Injunctive Relief in Support of Special Motion for Appointment; and (3) Plaintiff's Request for Injunctive Relief in support of a Protective Order Against Excessive Discovery. (See Requests filed December 16, 2025.) By way of these requests, Plaintiff seeks a protective order against claimed excessive discovery served on him and seeks to have himself designated as the President

and Chairman of CMOUTS LLC and to strike any future temporary or permanent restraining orders entered against him. (*Ibid*.)

The Court notes that the Clerk's Office did not set any hearing date on these requests because the format of the papers submitted were not compliant with California Rules of Court, Rule 3.1110, which requires that the first page of a moving paper specify immediately below the number of the case: "(1) the date, time, and location, if ascertainable, of any scheduled hearing and the name of the hearing judge, if ascertainable; (2) the nature or title of any attached document other than an exhibit; (3) the date of filing of the action; and (4) the trial date, if set." (C.R.C., Rule 3.1110(b)(1).) As there was no place for the Clerk's Office to include a hearing date in the proper place on Plaintiff's requests, the Court entered the documents into the record as a "filed document" as opposed to a motion.

Regardless, the Court has reviewed Plaintiff's three requests and will address the requests that relate to Defendant's four discovery motions below. Neither the temporary restraining order entered by the Court against Plaintiff nor Plaintiff's "special motion for appointment" are related to these discovery motions, so those two requests will not be considered at this time.

II. ANALYSIS

Legal Standard

a. Interrogatories

A party who fails to serve a timely response to interrogatories absent evidence showing mistake, inadvertence, or excusable neglect, waives any right to object to the interrogatory, including objections based on privilege or work product, and the court shall impose monetary sanctions upon the party who unsuccessfully opposes a motion to compel initial the responses. (C.C.P. § 2030.290.)

b. Demand for Production of Documents

A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. (C.C.P. §2031.210(a).) If a responding party is not able to comply with a particular request, or part thereof, that party "shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand." (C.C.P. § 2031.230.) If the responding party fails to timely respond, the demanding party may move for an order compelling a response. (C.C.P. § 2031.300(b).)

c. Requests for Admission

A party who "fails to serve a timely response" to requests for admissions waives any objection to those requests. (C.C.P. § 2033.280(a).) After a lack of response, the requesting party can move for an order "that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted." (C.C.P. § 2033.280(b).) However, if the Court finds that the lack of response was the result of mistake, inadvertence, or excusable neglect, and that the party who obtained the admission will not be substantially prejudiced in maintaining the party's action or defense on the merits, then the Court may permit leave to withdraw or amend an admission after notice to all parties. (C.C.P. § 2033.300(a)-(b).)

d. Discovery Sanctions

Under the Discovery Act, the court may impose sanctions after notice to any affected party, person, or attorney, and after an opportunity for hearing, against anyone engaging in conduct that is a misuse of the discovery process. (C.C.P. § 2023.030(a).) Sanctions may include reasonable expenses, including attorney fees. (*Ibid.*) A request for sanctions under the Discovery Act shall, in the notice of motion, identify every person, party, and attorney against whom the sanction is sought, and specify the type of sanction sought, shall be supported by a memorandum of points and authorities, and shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanction sought. (C.C.P. § 2023.040.)

The Court may also award sanctions under the Discovery Act "in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed." (California Rules of Court, Rule 3.1348(a).) At the same time, "the failure to file a written opposition or to appear at a hearing or the voluntary provision of discovery shall not be deemed an admission that the motion was proper or that sanctions should be awarded." (C.R.C., Rule 3.1348(b).)

Defendant's Four Discovery Motions

Defendant seeks to compel Plaintiff's objection-free and verified responses to the discovery requests as Plaintiff has waived all objections by failing to timely serve any responses. (Four Motions, 4:3-9.) Defendant also seeks that the Requests for Admission be deemed as admitted against Plaintiff. (Motion to Compel Responses to Request for Admission, 8:8-11.)

Defendant seeks sanctions of $4,410.00 for 6 hours of work drafting the moving papers for all four motions at a rate of $695.00 per hour, as well as $240.00 for total filing fees. (Motte Decl., ¶¶ 8-11.)

Plaintiff's Request for Injunctive Relief in Support of Protective Order Against Excessive Discovery

Plaintiff seeks a protective order against "excessive discovery" claiming that Defendants ignore signed banking and government contracts and this places an undue burden and unnecessary expense on him to present truth to the Court. (Plaintiff's Request for Injunctive Relief in Support of Protective Order Against Excessive Discovery, p. 1.) Plaintiff discusses arguments against the ex parte temporary restraining order granted by the Court against him at length in the Request, but as mentioned above, those will not be addressed here as they do not relate to Defendant's discovery motions.

Application

The Court finds that Defendant's four unopposed discovery motions are warranted. Plaintiff's separate request for a protective order against excessive discovery fails to address any of the arguments made in the four discovery motions and fails to make an intelligible argument supported by legal authority for why the Court should consider the four discovery motions as "excessive." Discovery requests of this nature are common in the regular course of litigation and Plaintiff failed to provide any substantial justification for why he did not respond to the discovery requests. As such, the Court will grant the motions to compel and deem the Requests for Admissions as admitted, and will award sanctions against Plaintiff. Filing costs will be awarded in full as requested and sanctions will be awarded for a reduced amount that reflects the local rate in Sonoma County. In total, the Court awards Defendant $2,640.00 in sanctions, which includes $240.00 for filing costs of the four motions and $2,400.00 for Defendant's counsel's 6 hours of work collectively on the motions at a rate of $400.00 per hour.

III. CONCLUSION

As stated above, Defendant's four unopposed discovery motions are **GRANTED** as follows:

1. Defendant's motion to compel Plaintiff's verified, objection-free responses to Special Interrogatories is **GRANTED**.

2. Defendant's motion to compel Plaintiff's verified, objection-free responses to Form Interrogatories is **GRANTED**.

3. Defendant's motion to compel Plaintiff's verified, objection-free responses to Requests for Production of Documents is **GRANTED**.

4. Defendant's motion to compel Plaintiff's verified, objection-free responses to Requests for Admission is **DENIED** because the request to deem the Requests for Admission as admitted is **GRANTED**.

Sanctions are awarded in the amount of **$2,640.00** collectively for the four motions. Plaintiff shall serve verified, objection-free responses to the above discovery requests except for the Requests for Admissions which have been deemed as admitted. Plaintiff shall also produce any documents responsive to Requests for Productions in a code-complaint manner. Defendant shall submit a written order to the Court consistent with this tentative ruling regarding the four discovery motions and in compliance with Rule of Court 3.1312(a) and (b).