

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, October 3, 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. 24FL02521 Shantz/Shantz Dissolution

The Motion to Compel Further Discovery Responses and Impose Monetary Sanctions is DENIED as untimely.

Facts

Petitioner filed this action for dissolution of marriage without minor children on December 12, 2024. Respondent filed his response on March 10, 2025.

On March 26, 2025, Petitioner served Respondent with Form Interrogatories-Family Law, Set One (“FROGs”) and Respondent, through his then-attorney, Thomas Shield (“Shield”) served responses containing only objections on April 21, 2025. Declaration of Jarin A. Beck in Support of Motion to Compel Responses and to Impose Monetary Sanctions (“Beck Dec.”), ¶¶3-4. The objections stated that Respondent could not respond due to that fact that he was “presently unable to respond” because he could not understand, recall, or communicate the required information due to unspecified health and medical conditions at that time. Id., ¶4, Exs.B-C. Petitioner asked if a guardian ad litem would be needed, and Shields responded that that might be the “only option.” Id., ¶¶5-6, Exs.D-E. On May 12, 2025, the parties’ attorneys engaged in a telephone conference in which Shields stated that Respondent would complete his preliminary declaration of disclosure (“PDD”) and provide amended discovery responses, and would agree to sale of the residence and

car, with Respondent the next day signing the stipulations to sell the residence and car. *Id.*, ¶6, Ex.F. The parties entered into the Stipulation and Order re Sale of Residence and Vehicle (the “Stipulation”), which was entered on May 22, 2025.

Petitioner received no further communication regarding discovery and no new information or documents before Shields left the firm representing Respondent and the firm substituted out on July 21, 2025, leaving Respondent self-represented. *Id.*, ¶¶8-13. Respondent has not provided new responses. *Ibid.*

Motion

In her Request for Order (“RFO”) and Motion to Compel Further Discovery Responses and Impose Monetary Sanctions, Petitioner moves the court to compel Respondent to serve further responses to the FROGs.

There is no opposition.

Timeliness of the Motion

The responding party must verify substantive responses but not objections. CCP section 2030.250. Where a substantive response is unverified, the response is ineffective and is the equivalent of no response at all. See *Appleton v Sup.Ct.* (1988) 206 Cal.App.3d 632, 636. However, a party need not verify responses consisting solely of objections, which only the attorney must sign. CCP section 2030.250(a), (c); *Blue Ridge Ins. Co. v. Sup.Ct.* (1988) 202 Cal.App.3d 339, 344. CCP section 2030.250 states, in pertinent part,

(a) The party to whom the interrogatories are directed shall sign the response under oath unless the response contains only objections.

...

(c) The attorney for the responding party shall sign any responses that contain an objection.

Accordingly, objections require an attorney signature, if an attorney represents the responding party, but substantive responses require a party verification.

It has long been established that this means that a timely but unverified response containing both substantive responses and objections is invalid as to substantive responses but valid as to the objections. See *Food 4 Less Supermarkets, Inc. v. Sup.Ct.* (1995) 40 Cal.App.4th 651, 657. As the court explained in *Food 4 Less*, after discussing the requirement for objections and determining that the law clearly does not require party verification for objections,

[w]hat... is the appropriate procedure if a party tenders a hybrid response containing objections and fact-specific responses? Given our analysis, there is no need to verify that portion of the response containing the objections. Thus, if the response is served within the statutory time period, that portion of the response must be considered timely notwithstanding the lack of verification. The omission of the verification in the portion of the response containing fact-specific responses merely renders that portion of the response untimely and therefore only creates a right to move for orders and sanctions under subdivision (k) of section 2031 as to those responses but does not result in a waiver of the objections made.

CCP section 2030.300(c) states that “[u]nless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response...the propounding party waives any right to compel a further response....” If the party seeking discovery does not bring the motion by the 45-day deadline, that party waives the right to compel further responses unless there is a “specific later date to which the propounding party and the responding party have agreed in writing.” CCP sections 2030.300(c), 2031.310(c), 2033.290(c). It is extended 5 days where the responses were served by mail. CCP sections 2016.050, 1013.

The deadline is mandatory and party who files a motion to compel further responses after the deadline waives the right to compelling further responses. *Vidal Sassoon, Inc. v. Sup.Ct.* (1983) 147 Cal.App. 3d 681, 685; see also *Weinstein v. Blumberg* (2018) 25 Cal.App.5th 316, at 320-322 (a party waives the right to seek further responses even where the party served only a notice of motion and motion without supporting papers before the deadline).

With respect to the application of the 45-day deadline to responses consisting of objections without party verification, Petitioner relies on *Golf & Tennis Pro Shop, Inc. v. Superior Court* (2nd Dist. 2022) 84 Cal.App.5th 127, at 136, for the proposition that the 45-day deadline does not apply to a motion to compel further responses based on timely objections without substantive responses. She notes that this decision expressly held that a motion to compel further responses is required and that the applicable standards apply. However, her analysis is unpersuasive and in conflict with long-standing standards regarding discovery responses and motions to compel responses or further responses. *Golf & Tennis Pro Shop* involved responses containing unverified substantive responses and objections and the moving party sought to compel further responses regarding the objections only. The court of appeal held that a motion to compel further responses was required but held that the 45-day time limit did not bar the motion where the responses lacked verification. It claimed that

matter to be one of first impression. It found that where there is no verification, the responses do not trigger the commencement of the 45-day period. However, the analysis in *Golf & Tennis Pro Shop* is unclear and does not support Petitioner's interpretation of the law, which is in conflict with long-standing interpretations of these issues.

First, the *Golf & Tennis Pro Shop*, at 136, court expressly noted that responses containing *only* objections need no verification and that its decision did not address the 45-day time limit for responses containing only objections. The responses before it contained both objections and substantive responses. As Petitioner admits, the court therefore did not even address the specific situation in this motion and indicated that its analysis did not apply to such a situation. Moreover, it pointed out, at 135-136,

Pursuant to section 2030.250, subdivision (a), “[t]he party to whom ... interrogatories are directed shall sign the response under oath unless the response contains only objections.” (Ibid., italics added.) Again, we can ascertain from the inclusion of the qualifying word “only” before the word “objections” that a response which consists of both objections and responses must be verified, the only exception to this requirement is a response that contains nothing but objections.

It therefore expressly did not address responses containing only objections and arguably implied that the 45-day deadline still applies and starts to run on only objections even without verification.

Second, the decision repeatedly, and only, refers to the responses as lacking verification and there is no discussion whatsoever of whether the responses contained an attorney signature. The record in that decision fails to show that the responses contained an attorney signature, and nothing shows that an attorney signed the responses, the decision only stating that the responses were not verified. In fact, it is not even clear if an attorney was involved in preparing the responses, the decision repeatedly referring to the petitioner's counsel, but only referring to the real parties in interest themselves, without referring to involvement of counsel. The decision therefore fails to demonstrate that the responses were prepared by an attorney and lacked an attorney signature. If the responses were not only unverified but also lacked an attorney signature, such as where the attorney failed to sign them or the parties were self-represented, then the court's analysis was clearly correct and consistent with long-standing principles. Such an analysis does not support Petitioner here because an attorney did sign these responses.

If, on the other hand, the court felt that even unverified mixed responses and objections containing an attorney signature were ineffective to start the 45-day clock, which is what Petitioner

argues, that reasoning would in this court's view be in conflict with long-standing interpretation. Such a conclusion would not truly be, as the court claimed, a matter of first impression and it would conflict with a plain logical application of the discovery statutes as well as the long-standing principles.

As explained above, a motion to compel further responses necessarily includes a 45-day deadline. A motion to compel further responses is required for compelling new responses where the responding party has served technically effective responses. Technically effective responses are substantive responses with party verification or signed objections, which only require an attorney signature where an attorney represents the responding party. As also explained above, the court in *Food 4 Less Supermarkets, Inc. v. Sup.Ct.* in 1995 addressed this issue and found that no party verification is required for objections to be effective in hybrid responses which have an attorney signature.

Therefore, if the *Golf & Tennis Pro Shop* court intended to mean a contrary result, its decision would be not only inconsistent with long-standing interpretations but also not truly one of first impression, which it stated was the case. Given that the standards for a motion to compel further responses, including the deadline for such a motion, apply to a motion addressing technically effective responses, an application of the law which applies the deadline to technically effective substantive responses but not to technically effective objections, is anomalous and illogical.

The court notes that the court in *Golf & Tennis Pro Shop* focused on the legislature's addition of "verified" in an amendment to the Discovery Act, in the language at section 2030.300(c) stating that the notice of motion must be made "within 45 days of the service of the verified response, or any supplemental verified response...." The court took this to mean that the legislature intended that only verified responses start the clock, even as to objections, noting that the only exception it saw is where there are only objections, as noted above. Again, if *Golf & Tennis Pro Shop* actually means what Petitioner claims, this application of the insertion of "verified" is incorrect and inconsistent with the rest of the statutory language. As explained above, party verification is required to make substantive responses valid, while it is not necessary to make objections valid. If an attorney represents the responding party, an attorney signature is required to make objections valid. Moreover, in fact, where an attorney represents a party, party verification is not only not needed to make objections valid but in of itself cannot actually make the objections valid. It is wholly irrelevant to the validity of objections. The legislature's addition of "verified" in

section 2030.300(c) must, *Golf & Tennis Pro Shop* states, be interpreted in the context of the entire statutory language. That language, to repeat, requires verification for substantive responses but not objections. Therefore, the legislature's addition of "verified" in section 2030.300(c) must be taken to apply only to those responses which actually require verification, i.e., substantive responses, and cannot be interpreted to apply to those responses which do not require verification, i.e., objections. If Petitioner's view of *Golf & Tennis Pro Shop* is correct and that decision is meant to apply a requirement of verification to objections, that decision would directly conflict with the rest of the statutory language by adding a requirement that objections include verification even though the statute states that they do not require party verification and instead require an attorney signature.

Based on the record and the evidence provided, the motion is untimely, and by a significant amount of time. Respondent served the responses, by Petitioner's own admission, less than 30 days after being served with the FROGs, on April 21, 2025. Petitioner filed this motion on August 19, 2025, 120 days later.

Petitioner acknowledges the 45-day time limit applying to motions to compel further responses but contends that it does not apply, and instead the standard for motions where there have been no responses, which has no time limit, applies. Petitioner notes that the responses were unverified, but admits that Respondent served timely responses with objections. The attorney, Shields, signed those responses and as explained above, responses containing only objections need only the attorney's signature and do not need to be verified. The responses were therefore technically effective. As a result, this motion is untimely.

This court finds that this motion is untimely. The 45-day deadline applies to it and had expired several months prior to Petitioner filing this motion. This court has no jurisdiction to consider the merits and DENIES the motion.

Conclusion

The motion is DENIED as untimely. If oral argument is requested pursuant to local rules of court, this matter will be heard on January 16, 2026, at 9:30 a.m. in Department 23.

END OF TENTATIVE RULING