**TENTATIVE RULINGS**
**LAW & MOTION CALENDAR**
**Friday, October 23, 2026, 3:00 p.m.**
**Courtroom 16 – Hon. David Kim for Hon. Patrick M. Broderick**
**3035 Cleveland Avenue, Suite 200, Santa Rosa**

**TO JOIN "ZOOM" ONLINE,**
**Courtroom 44**
**Meeting ID: 161-551-6003**
**Passcode: 944679**
https://sonomacourt-org.zoomgov.com/j/1615516003

**TO JOIN "ZOOM" BY PHONE,**
**By Phone (same meeting ID and password as listed above):**
**(669) 254-5252 US (San Jose)**

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 the Court by telephone at **(707) 521-6726**, and all other opposing parties of your intent to appear by 4:00 p.m. the court day immediately before the day of the hearing.

Parties in motions for claims of exemption are exempt from this requirement.

**PLEASE NOTE: The Court WILL NOT provide a court reporter for this calendar. If there are any concerns, please contact the Court at the number provided above.**

***ANY APPEARANCES REQUIRED OR REQUESTED WILL BE HEARD IN DEPT. 44 AT 3:00 P.M.***

## 1. 24CV00531, Knoop v. Knoop

This matter is on calendar for Defendants' motion for leave to file a Third Amended Cross-Complaint ("TACC") and Defendants' motion to continue trial. The motion for leave is **GRANTED** and the motion to continue trial is **GRANTED**. **APPEARANCES ARE REQUIRED** to reset trial.

Defendants shall file and serve the proposed TACC attached at pages 46–59 of their motion within twenty (20) calendar days of this hearing. Defendants are ordered to restrict any further discovery demands to subject matter related to the allegations in ¶¶ 32F, 32G, 32H, 39A, 39B, 39C, and 40A of the TACC.

The Minute Order shall serve as the order of the Court. (See CCP § 1019.5.)

## I. Background

Anthony and Heidi Knoop ("Plaintiffs") own a property in Jenner adjacent to the property owned by their son Taylor Knoop and his wife Carmen Knoop ("Defendants"). This action concerns a dispute over an easement that straddles the boundary between the properties, a road that was meant to be along the easement but allegedly fails to follow it precisely, and a well near the property line whose ownership is disputed. Plaintiffs filed the complaint in this action on January 30, 2024, alleging that Defendants have installed physical barriers that prevent Plaintiffs from using the road, and have shut off the well. The operative complaint, the First Amended Complaint filed on April 15, 2024, alleges causes of action for interference with easement, quiet title, and declaratory and injunctive relief.

Defendants filed a cross-complaint against Plaintiffs on October 9, 2024, followed by a First Amended Cross-Complaint ("FACC") on October 10, 2024. The FACC alleged causes of action for breach of contract, breach of a relationship of trust, unjust enrichment, and declaratory relief, complaining that Plaintiff breached agreements and a relationship of trust with Defendants by installing the well and taking water from Defendants' property. The FACC seeks damages and a determination of Defendants' rights regarding the well, its location, and related issues.

On March 4, 2026, Defendants moved for leave to amend the FACC. The amendment's primary effect was to change the causes of action. The FACC's causes of action for breach of contract, breach of a relationship of trust, and unjust enrichment were replaced by causes of action for quiet title, declaratory relief as to the existence of an easement, trespass and interference with property rights, and negligence. The amendments also added new factual details and references to evidence obtained during litigation. Following a hearing on May 20, 2026, the Court granted leave to amend, and continued the trial date from July 12, 2026 to November 13, 2026. Discovery deadlines were tied to the new trial date. Defendants filed the currently operative Second Amended Cross-Complaint ("SACC") on July 8.

The Honorable Jane Gaskell heard Defendants' motion for leave and motion for trial continuance on October 16, 2026, but ultimately continued both motions to be heard on Friday, October 23, 2026. (See Minute Orders, dated and served on October 16, 2026.) This matter comes on calendar for hearing on Defendants' (1) motion for leave to amend the SACC by replacing it with the TACC appended to their moving papers and (2) motion to continue trial.

## II. Governing Law

Once a responsive pleading has been filed, a pleading may be amended only by leave of court. (CCP §§ 472, 473.) Such leave is within the sound discretion of the trial court. (CCP § 473(a).) Because judicial policy favors amendment to allow resolution of all potential claims and disputes between parties, motions for leave to amend are examined liberally. (*Nestlé v. City of Santa Monica* (1972) 6 Cal.3d 920, 939.) As long as the motion is

"timely" and will not prejudice a party, it is normally an abuse of discretion to refuse to allow amendment if the denial will deprive a party of a meritorious claim or defense. (*Morgan v. Superior Court* (1959) 172 Cal.App.2d 527, 530; *Mabie v. Hyatt* (1998) 61 Cal.App.4th 581, 596.) A pleading may be amended "at any time before or after commencement of trial." (CCP § 576; *Atkinson v. Elk Corp*. (2003) 109 Cal.App.4th 739, 761.)

Although proximity to trial date is not necessarily dispositive, it is a factor. Courts have interpreted this, however, as only applying where the amendment makes substantive changes such as changing or adding causes of action, legal theories, new damages, or the core facts. (*Carrasco v. Craft* (1985) 164 Cal.App.3d 796, 808-809; see also *Leo v. Dunlap* (1968) 260 Cal.App.2d 24, 27; *Ford v. Superior Court* (1973) 34 Cal.App.3d 338, 343.) In such situations, the case will no longer be "at issue," and the amendment could therefore result in a continuance or loss of the trial date.

## III. Discussion

The bulk of Defendants' proposed amendments are essentially clerical and cosmetic. As Defendants say, the proposed TACC "does not add a new party or a new cause of action. It clarifies ownership of the Subject Property [i.e. Defendants' property], removes the previously pleaded DOE cross-defendants and exhibit citations; replaces reverences to 'improvements' with neutral, context-specific terminology; [and] identifies the parties asserting and defending each cause of action." (Motion at p. 4.) In their opposition brief, Plaintiffs do not object to any of those changes. The Court does not either.

What Plaintiffs object to is the next item Defendants mention: "adds particularized allegations supporting punitive and exemplary damages under Civil Code section 3294 within the existing Third and Fourth Causes of Action; [and] adds punitive and exemplary damages to the Prayer." (Motion at p. 4.) In short, the proposed TACC seeks punitive damages, an issue that has never arisen in this litigation since its inception over two and a half years ago. Plaintiffs' opposition focuses on that feature of the TACC; the Court's discussion will do likewise.

### A. Sufficiency of the allegations supporting punitive damages

#### 1. The new allegations

The TACC adds a prayer for punitive damages (TACC Prayer ¶ 6), and the following new allegations in support of that prayer.

##### a. Third Cause of Action

In the Third Cause of Action, Defendants characterize two courses of conduct as "despicable." First, Defendants allege that Plaintiffs planned to have a well dug on their own property and placed stakes indicating to the drilling company where to dig, but that the drilling company instead drilled the well in a different location, which was on

Defendants' property. Defendants allege that "Anthony Knoop knew the well was not being drilled at the designated location and nevertheless permitted the drilling to proceed," and characterize his failure to redirect the drilling company as "despicable." (TACC ¶¶ 32E, 32F.) Plaintiffs do not address this allegation in their opposition.

Second, Defendants allege that Plaintiffs made a telephone call to the real estate agent handling the sale of Defendants' property, during which Plaintiffs informed the agent that they, not Defendants, owned the well described in the sale listing. (TACC ¶ 32G.) In response, Defendants allege, "the listing agent temporarily changed the property's online description and expressed concern about involving herself or her brokerage in the dispute." (*Ibid.*) Defendants also allege that Heidi told the realtor "that Plaintiffs wanted Defendants to move but would slow the sale process if Defendants' effort to sell [their] property was more than a bluff." (*Ibid.*)

Plaintiffs argue that the telephone call to the realtor was no more than "a property owner asserting a good-faith, contested claim of ownership to an agent during an active sale – which has been held to [be] protected activity under the litigation privilege. (CC § 47(b).)" (Oppo at p. 6.) Since Plaintiffs provide no authority for the "has been held" assertion, the Court will not address the litigation-privilege issue.

**b. Fourth Cause of Action**

In the Fourth Cause of Action, Defendants allege that there were severe problems with the electrical equipment associated with the well. (TACC ¶ 39A.) They allege that Taylor informed Anthony of these problems, that Anthony said that he would contact an electrician about them, and that he did not, so Defendants "ultimately incurred costs associated with evaluating, addressing, and remediating the electrical condition." (TACC ¶ 39C.) Defendants characterize Anthony's "fail[ure] to cause the hazardous condition to be timely removed or remediated, requiring Defendants to undertake and pay for the necessary remediation," as "despicable." (TACC ¶ 40A.)

Plaintiffs describe Anthony's conduct in failing to get the well electrical equipment repaired as "at most, negligent maintenance of equipment." (Oppo at p. 6.)

**2. Defendants have satisfied the pleading standard.**

A prayer for punitive damages must be supported by a very specific class of allegations. It is not sufficient to merely allege that the defendant acted with oppression, fraud, or malice. (See, e.g., *Anschutz Entertainment Group v. Snepp* (2009) 171 Cal.App.4th 643.) Indeed, none of those words need even appear in the complaint. Rather, the plaintiff must allege specific facts showing that the defendant's conduct was oppressive, fraudulent, or malicious. (See generally Rutter Group, *Civil Procedure Before Trial* ¶ 6:158.) Those specific facts must rise to clear and convincing evidence of malice, fraud, or oppression, a higher quantum of proof than the preponderance standard that applies to most aspects of civil litigation. (Civ. Code § 3294(a).)

The TACC alleges that Plaintiffs acted with malice. (TACC ¶¶32F, 32H, 40A.) "'Malice' means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others." (Civ. Code § 3294(c)(1).) Defendants clearly rely on the "despicable conduct" prong of that definition, since they quote it verbatim. Therefore, the TACC must allege facts that a trier of fact could determine to be clear and convincing evidence of despicable conduct.

Defendants have satisfied that standard by alleging the specific facts described above. At this point in the proceeding, it does not matter whether or not the Court is persuaded that those facts, if true, would rise to clear and convincing evidence of malice. The question before the Court on a motion for leave to amend is whether the proposed amended pleading is adequately pleaded. Whether the allegations are true, and whether, if so, they prove the level of despicable conduct by Plaintiffs that would support an award of punitive damages, is for a trier of fact to determine at a later stage.

### B. Timing of Defendants' motion for leave to amend

Normally, delay alone is not a sufficient reason to deny amendment, unless the delay will result in prejudice to another party. (*Hirsa v. Superior Court* (1981) 118 Cal.App.3d 486, 490.) Prejudice exists where the amendment would require delaying trial so as to cause a loss of critical evidence, added costs of preparation, increased discovery burdens, and similar problems. (*Magpali v. Farmers Group, Inc.* (1996) 48 Cal.App.4th 471, 486-488.)

Defendants concede that the facts underlying the punitive damage claims were "known or documented before the SACC was filed." (Joint Declaration ¶ 41.) Thus, they could have added the allegations of malice and the prayer for punitive damages to their cross-complaint at any time; when they first filed it, perhaps, or certainly when they amended it in July, 2026. The reason they did not is that only when they conducted a "further review" of the SACC, after filing it, did they "recognize[] that the SACC did not expressly allege or request punitive and exemplary damages." (*Id.* ¶¶ 41, 42.) "Defendants did not intentionally omit punitive and exemplary damages from the SACC for a tactical purpose. As self-represented litigants, Defendants prepared the SACC to state the claims, facts, and relief they then understood to be necessary. They did not appreciate until the subsequent review that an express punitive-damages and supporting factual allegations should be included in the operative pleading." (*Id.* ¶ 43.)

Defendants do not directly explain why they could not have conducted their review *before* moving to amend their FACC, but the apparent point of the above-quoted passages is that Defendants did not include punitive damages language in their SACC because, not being lawyers, they were unaware that they needed to do so to be awarded such damages, or possibly unaware that punitive damages existed at all. This is not a valid argument. Courts do not give self-represented parties special or preferential treatment. (*ViaView v. Retzlaff* (2016) 1 Cal.App.5th 198, 208; *Stebley v. Litton Loan Servicing* (2011) 202 Cal.App.4th 522, 524.) Therefore, the fact that Defendants "did not appreciate" the need to allege

factual support for punitive damages and explicitly pray for them is of no moment if a hypothetical lawyer representing them should have appreciated these points and acted on them at an earlier stage of the litigation.

Plaintiffs argue that they will be prejudiced in two ways by the addition of the punitive damage claims: because the TACC would be filed very shortly before trial, and because its filing would complicate the case "by adding a statutory malice theory tied to newly pleaded factual allegations and potentially triggering additional proceedings concerning punitive-damages discovery and proof." (Oppo at pp. 7-8.)

#### 1. Proximity to trial date

Plaintiffs have filed individual declarations indicating that they are in poor health – recovering from a stroke in Anthony's case and undergoing cancer treatment in Heidi's – and therefore oppose a continuation of the trial date.

Granting leave to file the TACC is not a dispositive factor that, alone, would necessitate continuing the trial.

#### 2. Increased complexity

Plaintiffs argue that "[t]o respond to the new theory, Plaintiffs would reasonably need discovery directed to the participants, context, timing, and content of the communications Defendants now characterize as evidence of an intent to injure or despicable conduct." (Oppo at p. 8.) The Court assumes that this would include taking the deposition of Bonita Cowan, the real estate agent to whom, Defendants allege, Plaintiffs "jointly telephoned . . . and asserted ownership of the well and associated equipment described in the property listing" when Defendants were trying to sell their property. (TACC ¶ 32G; Joint Declaration ¶¶ 11-18.) But Plaintiffs do not identify what other discovery would be necessary, and the Court declines to speculate further. It is true that punitive damages, if awarded, require discovery of the defendant's or cross-defendant's financial condition, but that would not occur until after trial. (Civ. Code § 3295(a) and (c).)

Based on the information before it, the Court finds that the additional discovery burden on Plaintiffs is insufficient to overcome the presumption in favor of granting leave to file the TACC. This is particularly true in light of the fact that the Court will, as discussed next, grant Plaintiffs' request for a limitation on future discovery.

## IV. Conditions

Plaintiffs ask the Court to impose certain conditions if it grants the instant motion. (Oppo at pp. 8-9.) Each is discussed below.

### A. Limited and expedited discovery

Plaintiffs state that "Plaintiffs should be permitted narrowly tailored discovery arising from the newly pleaded punitive-damages allegations, including discovery concerning the July 2022 listing-agent communications and the factual basis for the alleged malice." The Court will place no limitations at all on Plaintiffs' discovery. However, the Court assumes that this was intended to read "*Defendants* should be permitted . . . ."

That request is granted. Defendants are ordered to restrict any further discovery demands to subject matter related to the allegations in TACC ¶¶ 32F, 32G, 32H, 39A, 39B, 39C, and 40A.

### B. No enlargement of the malice theory

Plaintiffs assert that Defendants should be barred from introducing any evidence at trial in support of their punitive damages claims beyond what is alleged in the TACC. The request is denied. Pleadings may be amended to conform to proof even after trial has concluded, which clearly implies that evidence beyond what is alleged in the pleadings may be adduced at trial. (*Rieger v. Rich* (1958) 163 Cal.App.2d 651, 666.) Plaintiffs provide no authority for the proposition that a court may limit the evidence adduced at trial under the circumstances presented here.

### C. Reservation of Plaintiffs' right to challenge the punitive damage allegations

The Court agrees that Plaintiffs may, if they choose, "challenge the legal sufficiency of the punitive damages allegations by demurrer or motion to strike." Plaintiffs may move for an expedited briefing schedule on such a motion in the ordinary manner.

### D. Fees and costs

Plaintiffs ask the Court to order Defendants to "bear Plaintiffs' reasonable costs and fees incurred in opposing this motion and in conducting any additional discovery necessitated by the amendment." The request is denied, as it was when Plaintiffs made it in their opposition to Defendants filing the SACC. Plaintiffs did not then, and do not now, provide any authority for the proposition that a court may grant fees and costs for opposing a motion.

## V. Continue Trial

In the motion to continue trial, Defendants argue that the continuance is justified both by the motion for leave to amend and by Defendants' pending motion to compel production of documents, which is set for hearing on November 4, 2026, slightly over a week before the current trial date. In opposition, Plaintiffs cite to their health issues and state that Defendants have failed to make a showing of good cause justifying the continuance. The Court disagrees. There are still more than two years until the parties approach the five-year deadline to bring this action to trial pursuant to CCP section

583.310 as the Complaint in this action was filed on January 30, 2024. The pleadings are not settled, and as discussed above, the facts of this case do not justify defying the liberal allowance of amendments to the pleadings at all stages of the proceeding. (*Edwards v. Superior Court* (2001) 93 Cal.App.4th 172, 180.) Given the above and the Court's ruling granting leave to file the TACC, Defendants' motion to continue trial is **GRANTED**. All discovery, motion cut-off dates, and other pretrial deadlines will be based upon the new trial date. Discovery is subject to the restriction explained above.

**VI. Conclusion**

Leave to file the TACC is **GRANTED**, subject to the restriction on discovery. Defendants' motion to continue trial is **GRANTED**. All discovery, motion cut-off dates, and other pretrial deadlines will be based upon the new trial date. However, Defendants are ordered to restrict any further discovery demands to subject matter related to the allegations in ¶¶ 32F, 32G, 32H, 39A, 39B, 39C, and 40A of the TACC.

Defendants shall file and serve the proposed TACC attached at pages 46–59 of their motion within twenty (20) calendar days of this hearing.

## 2. SCV-270405, Creditors Adjustment Bureau, Inc. v. Bathe

Defendant and Cross-Complainant David Loyd Bathe (Bathe") moves to compel Plaintiff and Cross-Defendant Creditors Adjustment Bureau ("CAB") further responses to Bathe's Second Set of Requests for Production pursuant to Code of Civil Procedure section 2031.310(a).

The Motion is **DENIED** as discussed below.

### I. FACTUAL AND PROCEDURAL HISTORY

On March 17, 2022, CAB commenced this action to recover approximately $96,343.38 in workers' compensation insurance premiums allegedly owed under a policy issued by the State Compensation Insurance Fund ("SCIF") to Bathe. (Mosley, Decl., Exh. A.) CAB thereafter obtained a default judgment against Bathe, including an award of $1,200 in attorney's fees. (Mosley, Decl., Exh. D.)

On August 20, 2025, Bathe filed a Class Action Cross-Complaint for injunctive and declaratory relief challenging CAB's alleged practice of seeking attorney fees in actions brought as SCIF's assignee. Bathe alleges that CAB is not entitled to attorney's fees under Civil Code section 1717.5 in actions to collect workers' compensation insurance premiums.

On August 29, 2025, CAB served verified responses to Bathe's Requests for Production, Set Two. (Mosley, Decl., ¶ 8.) The requests at issue are:

1. Request No. 13 seeks: "All complaint that YOU have filed since April 1, 2018 as an assignee of State Compensation Insurance Fund which allege that YOU are entitled to attorneys' fees under Civil Code section 1717.5.";

2. Request No. 14 seeks: "Copies of all default judgments that YOU obtained in actions that YOU have brought since April 1, 2018, as assignee of State Compensation Insurance Fund which awarded YOU attorneys' fees."; and

3. Request No. 15 seeks: "All declarations, requests for default, and any other DOCUMENTS that YOU filed since April 1, 2018, in any actions that YOU brought as assignee of State Compensation Insurance Fund which refer to Civil Code Section 1717.5."

(Mosley, Declaration, Exhibit E, p. 1—4.)

CAB objected to each request on grounds including relevance, undue burden and oppression, work product, and equal availability. (Mosley, Decl., Exh. E.) CAB represented that it had filed thousands of actions as SCIF's assignee, did not maintain a database identifying cases involving claims or awards under Civil Code section 1717.5, and would need to spend days compiling information and weeks retrieving responsive documents at substantial cost.

Counsel met and conferred on September 11, 2025. (Mosley, Decl., ¶ 2.) CAB did not agree that its responses were deficient and declined to provide supplemental responses. (Mosley, Decl., ¶ 3.) Bathe initially filed the Motion to compel further responses on October 14, 2025, but the Motion was taken off calendar after CAB filed an anti-SLAPP motion that stayed discovery. (Mosley, Decl., ¶ 9.) The anti-SLAPP motion was denied on April 1, 2026. (*Id*.) Bathe then renewed the present Motion on April 24, 2026.

The Motion was initially set for hearing on April 7, 2026. (*Creditors Adjustment Bureau, Inc. v. Bathe,* Super. Ct. Sonoma County, No. SCV-270405, Minute Order (October 7, 2026), p. 1.) CAB did not timely oppose the Motion by September 24, 2026. (See Code Civ. Proc. § 1005(b).) The hearing was continued to October 23, 2026. (*Id*.) On October 12, 2026, CAB then filed a "Continued Opposition," including a supporting declaration and sanctions request without obtaining leave of court.

## II. GOVERNING LAW

### A. Motions to Compel and Compel Further Generally

Code of Civil Procedure section 2031.300 provides that if a party fails to serve timely responses to requests for production of documents, the responding party waives all objections, including those based on privilege and work product and "[t]he party making the demand may move for an order compelling [a] response to the demand." (Code Civ.

Proc. § 2031.300(a)–(b).) A party may move for an order compelling further responses and sanctions if initial responses are incomplete, evasive, or an asserted objection is meritless or too general. (See Code Civ. Proc. § 2031.310(a) [compelling further response to demand for inspection]; Code Civ. Proc. § 2031.310(h) [monetary sanctions for unsuccessfully making or opposing a motion to compel a further response to demand for inspection].)

**B. The Court Retains Discretion to Reject Late-Filed Papers**

As to briefing, moving and supporting papers must be filed and served in accordance with Code of Civil Procedure section 1005 unless the Court orders otherwise. (Cal. Rules of court, rule 3.1300.) The Court retains broad discretion to accept or reject late-filed papers. (Cal. Rules of Court, rule 3.1300(d); *Jack v. Ring LLC* (2023) 91 Cal.App.5th 1186, 1210.) The general sequence of motion practice does not authorize a party to continue filing papers after briefing has concluded merely because the hearing date has changed, particularly where the supplemental filing advances new arguments or evidence without leave. (*Haydon v. Elegance at Dublin* (2023) 97 Cal.App.5th 1280 [affirming the trial court's refusal to consider supplemental papers filed on the eve of a continued hearing.].)

**III. DISCUSSION**

**A. CAB's Continued Opposition Will Not Be Considered**

On October 12, 2026, CAB filed its continued opposition, without leave, after briefing had concluded. (See Cal. Rules of Court, rule 3.1300(d).) The briefing presents new evidence concerning the volume and accessibility of responsive records and adds a request for $4,200 in monetary sanctions. The Court's continuance did not reopen briefing. (*Creditors Adjustment Bureau, Inc. v. Bathe,* Super. Ct. Sonoma County, No. SCV-270405, Minute Order (October 7, 2026), p. 1.) Accordingly, the Court declines to consider the continued opposition, supporting declaration and exhibits, or sanctions request.

**B. The Absence of a Considered Opposition Does Not Satisfy Bathe's Burden**

CAB's failure to file a timely opposition does not require the Court to grant the Motion. Bathe, as the demanding party, retains the initial burden of establishing good cause for the particular production sought. (Code Civ. Proc. ¶ 2031.310(b)(1); *Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98.)

CAB objected to the requests on several grounds, asserting that they seek irrelevant and immaterial information, impose an undue burden, are oppressive and harassing, require the compilation or summarization of information at substantial cost, and seek documents that Bathe can obtain independently. (Mosley, Decl., Exh. E.) The fact that court filings are public does not, standing alone, defeat production. The practical accessibility of thousands of filings dispersed among court records is not necessarily equivalent to CAB's access to its own case files. But the availability of the records from

other sources remains relevant to proportionality and whether CAB should be required to conduct a file-by-file review solely to identify public records responsive to Bathe's criteria.

Bathe maintains that the requested documents are relevant to establishing numerosity and demonstrating CAB's practice of seeking these fees. The Court finds that the scope of the requests, however, is substantially broader than necessary to obtain that information. For instance, Request No. 15 seeks not only specified documents, but also "any other documents" filed in any qualifying action during an approximately eight-year period. (Mosley, Decl., Exh. E.) Bathe responds that CAB should produce documents from all SCIF assignee actions without determining whether those documents actually allege, award, or refer to attorney fees under Civil Code section 1717.5, leaving Bathe to conduct that review. (Motion, p. 4.) That proposed production would exceed the language of the requests actually served and likely capture documents that are not responsive. A motion to compel further responses does not provide a basis to compel production beyond the demands actually propounded. (See Code Civ. Proc. §§ 2031.300, 2031.310.)

Although Bathe contends the materials may establish numerosity and a uniform practice of seeking attorney's fees, he does not explain why discovery of this breadth is necessary for those purposes or why a narrower period or more focused document category would be inadequate. Accordingly, Bathe has not established good cause to compel compliance with Request Nos. 13 through 15 as drafted.

**IV. DISPOSITION**

The Motion to Compel Further Responses to Requests for Production, Set Two, is **DENIED.**

## 3. SCV-271011, Pratt v. Higgins

Plaintiff David Pratt's motion for an order issuing letters rogatory is **CONTINUED to Friday, December 4, 2026 at 3:00 p.m.** in Department 16 to be heard with Defendant's application to seal records related to the motion for issuing letters rogatory. No further briefing is permitted for this matter.

Accordingly, the hearing on Defendant's application to seal records is **ADVANCED** from February 19, 2027 to **Friday, December 4, 2026 at 3:00 p.m.** in Department 16 subject to the orders described below. Any objection to the advancement may be brought by a request to appear at the October 23rd hearing in accordance with applicable local rules.

Upon the Court's review of the record and the application to seal, it makes the following orders. First, rule 2.550(a)(3) of the California Rules of Court explicitly precludes the application of the sealing rules to discovery motions, records filed or lodged in connection with discovery, and discovery materials used as a basis for adjudication in discovery motions or proceedings. The

application to seal does not address subdivision (a)(3). The Court **ORDERS** further briefing on the application of subdivision (a)(3) to Defendants' sealing request and how Defendants are entitled to the relief they request when it appears precluded by subdivision (a)(3).

Second, the docket from the District Court for the Northern District of California reveals that Plaintiff also made a motion for issuance of letters rogatory on March 12, 2024, which was fully briefed, but the hearing on this motion was vacated on April 16, 2024 by the court. This Court seeks clarification on the federal court's reasoning in vacating the hearing and **ORDERS** all briefing and orders related to that motion that were filed in federal court to be filed with this Court.

The supplemental briefs shall be simultaneous with any response to the Court's above orders to be filed and served no later than close of business on Monday, November 16, 2026. Any brief shall not exceed 10 pages.