

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, October 9, 2026 3:00 pm
Courtroom 19 –Hon. Oscar A. Pardo
3055 Cleveland Avenue, Santa Rosa**

The 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, **YOU MUST NOTIFY** the Judge’s Judicial Assistant by telephone at **(707) 521-6602**, and all other opposing parties of your intent to appear, **and whether that appearance is in person or via Zoom**, no later 4:00 p.m. the court day immediately preceding the day of the hearing.

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

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1. 24CV00392, Adams v. Recology Sonoma Marin

Defendant Recology Sonoma-Marine filed the instant post-trial motion for recovery of attorney’s fees pursuant to C.C.P. §2033.420, against Plaintiff Jacob Adams. This motion was filed on July 24, 2026. On August 13, 2026, Plaintiff filed a Notice of Appeal of the entire matter. On October 5, 2026, the Court was notified that Plaintiff appeal had been properly registered with the First District Court of Appeal, Div. 5 and assigned case number A177552.

Pursuant to C.C.P. §916(a), the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed thereof. In this instance Plaintiff has appealed the jury’s verdict and any corollary post-trial motion or action is hereby stayed. The motion is **DROPPED** from the Court’s calendar. Defendant may refile this motion, if deemed appropriate, once the appeal is complete, or the stay is lifted, or a remittitur is returned to this Court.

2-4. 25CV07193, 4Leaf, Inc. v. Monarch Consulting Service, LLC

Plaintiff 4LEAF (“4LEAF” or “Plaintiff”) filed its complaint against Defendant Consulting Services, LLC (“Monarch” or “Defendant”) on October 14, 2025, alleging various causes of action described generally herein.

Plaintiff propounded discovery and now moves this Court on three motions requesting further responses and production to its interrogatories and request for production of documents, another motion seeks requests for admissions deemed admitted. All three discovery motions are **GRANTED IN PART AND DENIED IN PART**. Monarch is ordered to provide supplemental verified responses as described herein within 30 days of notice of this order. Sanctions are awarded jointly against Monarch and its counsel in the amount of \$16,050.

Counsel for 4LEAF shall submit a written order consistent with this ruling and in compliance with California Rules of Court, rule 3.1312.

I. Background

Plaintiff is a consulting firm that provides code enforcement services to municipalities. Cecelia Muela, who is not a party to this action, was 4LEAF’s Director of Code Enforcement from approximately March 2022 until she resigned on September 4, 2024. Muela created the business entity Monarch Consulting Services, LLC (“Monarch” or “Defendant”) on February 27, 2023.

On October 14, 2025, 4LEAF filed a complaint (“Complaint”) alleging that Monarch had misappropriated “a 27-point list that allows Plaintiff to instruct any employee working in Plaintiff’s code enforcement department how to abate any potential code violation,” which is designated the “Trade Secret” in the Complaint. (Complaint ¶ 19.) Although the Complaint alleges misappropriation of the “Plaintiff’s Trade Secret and/or other trade secret information,” its prayer for relief seeks injunctive relief only as to Monarch’s “further possession and/or use of Plaintiff’s Trade Secret,” singular and capitalized. (Complaint, prayer ¶ D.) The Complaint also alleges causes of action for intentional interference with contractual relations, specifically with 4LEAF’s contract with the city of San Leandro; intentional and negligent interference with prospective economic advantage; and unfair competition.

On February 10, 2026, 4LEAF served discovery demands on Monarch, consisting of requests for admission (“RFAs”), requests for production of documents (“RPODs”), and special and form interrogatories (respectively “SROGs” and “FROGs”). On April 6, Monarch served unverified responses to all the demands consisting exclusively of objections.

Counsel for both parties met and conferred by email. 4LEAF filed motions to compel with respect to all three discovery modes on July 23. Monarch filed opposition to all three motions on September 28, the last day to do so. On the same date, Monarch served 4LEAF with verified supplemental responses to all three discovery demands. (McCormack RFA Dec Exh. C, McCormack RPOD Dec Exh. C, McCormack Interrogatory Dec Exhs. C and D.) The supplemental responses contain the same objections that comprised the previous responses but provide substantive answers to many of the discovery demands, with “subject to and without waiving the foregoing objections” disclaimers.

II. The meet-and-confer interaction satisfied the statutory requirement.

Counsel for 4LEAF and Monarch exchanged meet-and-confer emails between July 15 and July 22. The emails concerned discovery in both the instant case and another case where the defendant, Urban37, is represented by the same counsel who represents Monarch. The following aspects of the exchange specifically concerned Monarch:

- 4LEAF, June 16: “Reaching out to arrange a meet and confer about (1) motions to compel further response from both Monarch and Urban37.”
- 4LEAF, July 15: “Please find a list [of] 4LEAF’s issues with Monarch’s and Urban37’s responses to 4LEAF’s discovery requests. . . . (I) Monarch [¶] (A) Form Interrogatories, Special Interrogatories, Requests for Admissions, and Requests for Production: [¶] (1) All responses are objections – no substantive responses. Please provide substantive responses and withdraw objections that are not code compliant.”
- 4LEAF, July 15: “Regarding Monarch’s responses that consist entirely of objections, the standard is set forth in *Mead Reinsurance Co. v. Superior Court* (1986) CA3d 313. In that case the objecting party showed that it would take 5 claims adjusters working full time a total of 6 weeks to sort and evaluate 13,000 claim files. We do not believe that the facts here warrant providing only objections based on this standard.”
- 4LEAF, July 17: “Regarding Monarch, we understand that Monarch may be headed for bankruptcy although it has not yet filed. My client, however, still needs the documents and information related to its claims for Monarch’s past acts. We will therefore be moving to compel those responses.”
- Monarch, July 22: “As far as Monarch, I’ve been told they’re in the process of filing for bankruptcy and the case will be stayed within a few weeks, so there is nothing I can really do at this point. If your client wants to file the motion now, that’s their choice. But if you want the same 3-week extension for Monarch, that’s fine as well as it presumably will be stayed by then.”

(McCormack RFA Dec Exh. A.)

The instant motions were filed on July 23, the day after the final above-quoted email. Monarch did not file for bankruptcy.

Monarch argues that 4LEAF’s email “does not relate to the objections Defendant made to the specific requests [4LEAF] propounded. It merely states in conclusory fashion that the objections are not ‘code compliant,’” and suggests that this did not rise to “a reasonable and good faith attempt at an informal resolution of each issue presented by the motion,” as required by statute. (Oppo at p. 5.) Monarch relies on *Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, but the instant case is distinguishable on its facts. There, plaintiff Obregon served interrogatories on Cimm’s, her former employer, who responded with “a mixture of factual answers and objections.” (*Id.* at p. 428.) Obregon responded with a letter containing “a commentary and statement of position concerning the nature of Cimm’s prior responses.” (*Ibid.*) Cimm’s responded, “making no concessions other than to state that Cimm’s was continuing to assemble information. The letter ends ‘please do not hesitate to call me if you should have any further questions or comments.’” (*Ibid.*)

Here, in contrast, there is nothing analogous to Cimm's comments that it was continuing to assemble information, or to its "please do not hesitate to call" invitation. Instead, Monarch's counsel's response to 4LEAF's request for substantive responses was to predict that Monarch would soon be filing for bankruptcy, and to aver that, therefore, "there is nothing I can really do at this point. If your client wants to file the motion now, that's their choice." That is not analogous to anything in the exchange between Obregon and Cimm's, and it did not invite further discussion of Monarch's individual objections. Whatever Monarch's counsel may have intended by that remark, 4LEAF was justified in interpreting it as "we will not be amending our discovery responses, end of discussion."

This is particularly true because the "nothing I can do" comment is inaccurate. Monarch's counsel *could* have responded with verified substantive responses, as he did two months later. The point about the bankruptcy, presumably, was that once the petition was filed the state court case would be subject to an automatic stay, and then there would be no need to respond to discovery. But even if the automatic stay had already been in place, that would not have prevented Monarch from responding to discovery requests. It would have prevented 4LEAF from filing motions to compel discovery, but Monarch's counsel would still have been at liberty to render such motions unnecessary by providing substantive responses, which is the point of the meet-and-confer process. And again, the bankruptcy petition had not been filed yet at the time counsel made the "nothing I can do" comment and never was.

It is true that the meet-and-confer email addressed the Urban³⁷ case in more detail than the instant case. Nevertheless, the email chain satisfied the statutory requirement. 4LEAF's fundamental issue at the time, and in the instant motions, is that Monarch objected to, and declined to provide any substantive response to, *everything*. Monarch's second July 15 email, quoted above, provides authority that, in 4LEAF's view, prohibits objection-only responses under the circumstances. If Monarch had wanted to discuss the finer legal points of the discovery situation, it could have begun with an explanation of why that authority was inapplicable but did not.

The Court finds that the meet-and-confer process was somewhat sparse but was adequate to meet the statutory requirement.

III. Discussion

Monarch has served verified supplemental responses to all of 4LEAF's discovery demands. (McCormack RFA Dec Exh. C; McCormack Interrogatory Dec Exhs. C [SROGs], D [FROGs]; McCormack RPOD Dec Exh. C.) The supplemental responses contain the same objections that Monarch made in its initial responses, but they also contain substantive material; that is, Monarch is no longer responding to discovery demands it characterizes as objectionable by refusing to answer them. The supplemental responses provide 4LEAF with much, but not all, of the discovery they seek. This discussion will focus on the supplemental responses.

A. RFAs

Due to the fact that Monarch has served supplemental responses to the RFAs, 4LEAF is

proceeding on the basis of compelling further responses (CCP § 2033.290), rather than seeking to have the requests deemed admitted. (RFA Reply at p. 3, fn. 1.)

The Court will refer to the RFAs by their amended numbers; that is, the RFA originally numbered as the second “no. 2” will be referred to as “no. 3,” and so forth.

The parties have not raised this issue, but the Court notes that Monarch properly declined to respond to RFAs no. 36 through 43 on the grounds that only 35 RFAs are permitted per set. (CCP § 2033.030.)

1. The “attorney eyes only” (“AEO”) issue

A number of the RFAs relate to the term “TRADE SECRETS,” which is defined to mean “the trade secrets identified in Plaintiff’s Trade Secret Identification served in this Action.” (RFA Sep Stmt at p. 4.) Some also relate to the term “CODE REVIEW DOCUMENT,” which is defined to mean “the trade secret identified in paragraph 1 of 4LEAF’s Trade Secret Identification.” The problem with these definitions is that the Trade Secret Identification to which they refer was marked “TO BE HANDLED AS AEO” on every page. (McCormack RFP Dec ¶ 3.) “AEO” stands for “attorney eyes only.” Because of that designation, Monarch’s counsel was unable to show 4LEAF’s description of its trade secrets to any Monarch personnel. In particular, he could not show it to Muela, Monarch’s CEO.

For all of the RFAs that refer to “TRADE SECRETS” or “CODE REVIEW DOCUMENT,” Monarch has responded, “A reasonable inquiry concerning the matter in the particular request has been made, and the information known or readily obtainable is insufficient to enable Responding Party to admit or deny the matter.” This is compliant with CCP § 2033.220(c), as 4LEAF concedes. (RFA Reply at p. 5.) Moreover, it is a reasonable response under the circumstances, given that the requests are directed at Monarch and not at its counsel, and that Monarch’s client’s CEO was the person who needed to verify the responses. (CCP § 2030.250.) This finding applies to Monarch’s responses to RFAs no. 11, 12, 13, 20, 21, 22, 23, 24, 25, 28, 29, and 30.

2. Other adequate RFA responses

The Court finds that Monarch’s supplemental responses to the following RFAs are reasonably straightforward admissions or denials, and that there is no basis for compelling further responses to them: 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 31, 32, 33, 34, and 35.

3. RFA no. 10

The request is to “Admit that YOU have 4LEAF DOCUMENTS on computing devices.” The supplemental response is “Denied that Responding Party has physical copies of any 4LEAF DOCUMENTS, other than those obtained in connection with the ongoing litigation involving 4LEAF.” This is non-responsive, as the request addressed non-physical documents stored on computing devices.

4. RFA no. 26

The request is to “Admit that YOU have 4LEAF’s CODE REVIEW DOCUMENT.” As discussed above, the definition of “CODE REVIEW DOCUMENT” is based on the Trade Secret Identification, which no Monarch actor has seen due to the AEO designation. However, Monarch’s response to RFA no. 2, “Admit that YOU have documents from 4LEAF,” was to deny that it had *any* 4LEAF documents other than those obtained in litigation. There is no apparent reason why Monarch cannot respond the same way to RFA no. 26. If it does not have any 4LEAF documents at all, then it does not need to know precisely what “CODE REVIEW DOCUMENT” refers to in order to be able to say that it does not have that particular document.

5. RFA no. 27

Along similar lines, the request is to “Admit that YOU memorized 4LEAF’s CODE REVIEW DOCUMENT.” The “information is unavailable” response might be appropriate if any of Monarch’s officers, employees, or anyone else encompassed in the definition of “YOU” had memorized any 4LEAF document, but that seems unlikely. As with RFA no. 26, if nobody memorized any documents at all, then this request can be denied without reference to which specific document nobody memorized.

B. Form Interrogatories

1. Adequate responses to form interrogatories

The Court finds that Monarch’s supplemental responses to the following FROGs are responsive and adequate, and that there is therefore no basis for compelling further responses to them: 1.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 4.1, 4.2, 12.1, 12.2, 12.4, 12.5, 12.6, 12.7, 13.1, 13.3, 14.1, 14.2, 15.1, and 17.1 (see discussion below).

2. FROG no. 12.3

The interrogatory requests identification of any written or recorded statement obtained by the responding party in connection with the action. Monarch’s supplemental response is, in its entirety, “Responding Party has obtained no no-privileged statements.”

This is non-responsive. The interrogatory draws no distinction between privileged and non-privileged statements. It does not need to, because it is not asking about the content of any such statements; it merely asks whether they exist. Monarch does not identify the nature of the privilege it depends on, but if it is attorney-client privilege, “mere disclosure of the fact that a communication between client and attorney had occurred does *not* amount to disclosure of the specific content of that communication . . .” (*Mitchell v. Superior Court* (1984) 37 Cal.3d 591, 602, original emphasis.) If it is work product privilege, that does not excuse responding to FROG no. 12.3 without “a preliminary or foundational showing that answering the interrogatory would reveal the attorney’s tactics, impression, or evaluation of the case, or would result in opposing counsel taking undue advantage of the attorney’s industry or efforts.” (*Coito v. Superior Court* (2012) 54 Cal.4th 480, 502.)

Monarch is ordered to supplement its response to FROG no. 12.3 with a description of any statement it has obtained. Monarch need not disclose the content of any such statement if it is protected by privilege. If disclosing the very existence of a statement would violate Monarch's work product privilege, Monarch shall explain why that is.

3. FROG no. 17.1

4LEAF points out correctly that "Form Interrogatory No. 17.1 must be answered for every request for admission that Monarch did not unqualifiedly admit." (Interrogatory Reply at p. 8.) Monarch has responded to only three of the 35 RFAs with unqualified admissions: RFAs no. 4, 32, and 33. It has duly addressed all of the other RFAs in its response to FROG no. 17.1

4. The FROG no. 50 series

These interrogatories all refer to agreements "alleged in the pleadings." Monarch has responded with information about Muela's employment agreement with 4LEAF. That agreement is indeed alleged in 4LEAF's Complaint. (See, e.g., Complaint ¶ 3.) But the Complaint alleges a cause of action for Intentional Interference with Contractual Relations, which is based on an allegation that Monarch "induced [the city of] San Leandro to breach its existing contract with Plaintiff." (Complaint ¶ 15.) That is an allegation that there *was* such an "existing contract."

The Complaint also alleges that Monarch entered into a contract with the city of San Leandro. (Complaint ¶ 32.) 4LEAF may not have any information about the contents of that contract, but since it is alleged in the pleadings, 4LEAF needs to disclose any information it does have.

Finally, the complaint alleges that Monarch interfered with "existing and anticipated customer contracts." (Complaint ¶¶ 45, 47.) Those may be the "other contracts" referred to in Complaint ¶¶ 61-65. Anticipated contracts, by their nature, do not exist, but existing contracts do. Those existing customer contracts were alleged in the Complaint and therefore are part of the subject matter addressed by the FROG no. 50 series.

Monarch is ordered to supplement its responses to the FROGs with complete responses to the FROG no. 50 series.

C. Special interrogatories

The Court finds nothing objectionable about 4LEAF's supplemental responses to SROGs no. 5 and 9. The sections below address 4LEAF's discussion in its reply brief of the other SROGs, and the Court's rationale for finding nothing objectionable about those either.

1. SROGs no. 2, 3, and 4 (mass storage media)

The Court agrees with Monarch that these SROGs are vastly overbroad. SROG no. 2, for example, asks Monarch to identify "all electronic devices or equipment that YOU plugged into any external drives" during a period of over three years. In the first place, that is confusing

because external drives are typically plugged into electronic equipment rather than the other way around. But assuming that 4LEAF is referring to something along the lines of connecting a computer to an external hard drive, this interrogatory would encompass, for example, Muela using a USB drive to move a file from one of her own computers to another.

4LEAF, perhaps recognizing that these SROGs were inartfully drafted, “would accept responses limited to devices and storage media used by Monarch, its founder, or any of its personnel who formerly worked for Plaintiff from 2023 to the present.” (Interrogatory Reply at p. 5.) The Court takes this to mean that 4LEAF will accept responses limited to devices and storage media used on their own premises and connected to their own computers.

That is what Monarch has provided. In its response to SROG no. 2, Monarch states that it “will limit the response to only devices plugged into external drives belonging to the Plaintiff in this action, or to any of its employees, representatives, affiliates, or agents.” The same limitation is incorporated into the responses to SROGs no. 3 and 4. The Court finds this limitation reasonable, and Monarch’s supplemental responses adequate.

2. SROG no. 11

The SROG seeks identification of any mass storage devices possessed by Monarch that have been on 4LEAF’s premises. Monarch’s response is “None.” That is a complete and reasonable response.

3. SROGs no. 6, 8, and 10 (San Leandro)

These SROGs seek information about interactions between Monarch and the city of San Leandro. 4LEAF states that they “would accept a response limited to Monarch’s communications and dealings with the TARGET CITY [i.e. San Leandro] concerning code enforcement services, Plaintiff, or Plaintiff’s contact with the City.” (Interrogatory Reply at p. 6.) Monarch’s supplemental response to SROG no. 8 explains that its “interactions with San Leandro . . . arise entirely from a code enforcement consulting engagement between Monarch Consulting, LLC . . . and San Leandro,” and then explains the nature of the agreement, the compensation it provided to Monarch, Monarch’s activities pursuant to the agreement, and the invoices Monarch submitted to the city. This is a thorough and informative response.

SROG no. 8 asks Monarch to “[d]escribe how YOU perform code enforcement.” Because the verb is in the present tense, Monarch’s supplemental response that it has ceased all operations and does not presently perform code enforcement at all would have been sufficient. However, Monarch supplemented that with a description of how it supplied Code Enforcement Officers to San Leandro in the past.

SROG no. 10 asks Monarch to “[d]escribe all instances that YOU performed code enforcement for [San Leandro].” In response, Monarch describes the services it provided to San Leandro between September 2024 and July 2025, including identification of the personnel it assigned to perform code enforcement in the field. The explanation is followed by “No more granular detail of specific ‘instances’ of performing code enforcement for San Leandro exists.” The Court

agrees with the suggestion that the term “instances” does not apply here and is satisfied that this is a complete response to the SROG.

4. SROG no. 7 (employees and contractors)

The interrogatory asks Monarch to “IDENTIFY all YOUR employees and/or independent contractors.” Monarch, reasonably interpreting this to mean “*current* employees and contractors,” responded that it “currently has no employees or contractors.” Monarch also provided the names of three former employees who had previously worked for 4LEAF. This is a reasonable response.

The Court notes that the word “IDENTIFY” in the interrogatory is in all capital letters, which ordinarily denotes an explicitly defined term. Parties propounding interrogatories sometimes define “IDENTIFY” to mean “provide the name and contact information.” However, in this case the term is not defined in the “DEFINITIONS” section of the SROGs. (Chenette Dec Exh. 4 at pp. 1-4.) Therefore, Monarch was justified in interpreting it as “provide the name.”

5. SROGs no. 1 and 12 (4LEAF documents)

SROG no. 1 asks Monarch to “IDENTIFY all documents in YOUR possession that are from 4LEAF.” SROG no. 12 asks it to “[l]ist all the documents YOU have that are from 4LEAF.” In its initial response, Monarch objected to these SROGs as duplicative. 4LEAF responds that they are not because “Interrogatory 1 requests identification of the documents, and Interrogatory 12 requests a list.” (SROG Reply at p. 6.) The Court is unclear on how those two things are different, but it does not matter since 4LEAF concedes that “Monarch may use the same answer for 1 and 12.” (*Ibid.*)

Monarch has done so. It has responded to both SROGs that the 4LEAF documents in its possession consist of the Complaint, other court documents related to another lawsuit between the parties, and employment documents including W2 forms. This is an adequate response to both SROGs.

D. RPODs

1. General objections

4LEAF argues that Monarch’s supplemental response is not code-compliant because it “still includes a preliminary statement and ‘general objections.’” (RPOD Reply at p. 4.) 4LEAF is correct. When a responding party objects to an RPOD, the response must identify with particularity any document to which an objection is being made and must set forth the specific ground for the objection. (CCP § 2031.240.) Thus, the “PRELIMINARY STATEMENT AND GENERAL OBJECTIONS” section of Monarch’s supplemental RPOD response is both ineffective and non-code compliant. (McCormack RPOD Dec Exh. C at pp. 1-3.)

Monarch is ordered to serve supplemental responses without the general objections, and with all objections stated in connection with the specific document request to which they apply.

2. ESI search protocol

Monarch's supplemental responses to RPODs no. 3, 6, 11-13, 17-20, 32, and 33 consist of an assertion that Monarch will produce all responsive unprivileged documents "which relate to any allegations in this action." Monarch then adds "Responding Party invites Plaintiff to meet-and-confer in order to develop an appropriate ESI search protocol." The parties appear to agree on this point, since 4LEAF states that it "remains open and willing to discuss an ESI search protocol to the extent that it is a legitimate concern of Monarch." (RPOD Reply at p. 3.) On the assumption that the parties can resolve this issue without the Court's involvement, the Court finds those supplemental responses adequate.

3. RPOD no. 8

The request is for documents referring to current or former 4LEAF employees from January 1, 2023, to the present. Monarch's objections on "outside the timeframe" and "not reasonably likely to lead to the discovery of admissible evidence" are overruled. The timeframe is restricted to the period of Muela's employment with 4LEAF, and the allegation that she poached 4LEAF employees when she founded Monarch is central to this action. (See, e.g., Complaint ¶ 80 ["Defendant disrupted many of 4LEAF's relationships with its customers, clients, *and employees*, by acquiring those customers, clients, *and employees* for Defendant's own business," emphasis supplied].)

Monarch also objects on privacy grounds, citing the privacy provisions of the California Constitution and *Britt v. Superior Court* (1978) 20 Cal.3d 844. That objection is also overruled. For one thing, Monarch has already supplied the names of three former 4LEAF employees it has hired in its supplemental response to SROG no. 7. Moreover, privacy protection in the discovery context is not absolute, and courts must balance the right of privacy against the need for discovery. (*Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d 652, 657.)

4LEAF is clearly seeking the identity of 4LEAF employees with whom Monarch has interacted on the basis that they may be percipient witnesses to the misconduct alleged in the Complaint. "[T]here is generally no protection for the identity, addresses and phone numbers of percipient witnesses." (Rutter Group, *Civil Procedure Before Trial* ¶ 8:299.5.) "[A] percipient witness's willingness to participate in civil discovery has never been considered relevant witnesses may be compelled to appear and testify whether they want to or not." (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1251-1252.)

The Court finds that 4LEAF's need for the requested discovery outweighs any privacy concerns. Monarch is ordered to provide a substantive supplemental response to RPOD no. 8.

4. RPOD no. 16

The request is for "[a]ll DOCUMENTS between YOU and every person that receives a W-2 or 1099 tax form from YOU from January 1, 2023, to the date of this demand." Monarch's

objections, including the one on privacy grounds, are overruled for the reasons discussed above regarding RPOD no. 8.

Monarch also objects on the grounds that the definition of “YOU” includes “attorneys.” (Chenette Dec Exh. 2 at p. 2.) Therefore, Monarch argues, this request calls for material that would violate the attorney-client privilege. While that is true, the solution is not to refuse to answer; it is to except privileged material from the response, as Monarch has done in its supplemental responses to numerous other RPODs. (See, e.g., supplemental response to RPOD no. 3 [“Responding Party will produce all unprivileged documents”].)

Monarch is ordered to provide a substantive supplemental response to RPOD no. 8. The response may state that only non-privileged documents will be produced.

5. RPOD no. 21

The request is for “[a]ll DOCUMENTS that relate to YOUR possession of 4LEAF’s TRADE SECRETS” Monarch objects on the same grounds discussed in the context of the RFAs: “TRADE SECRETS” is defined to mean “the trade secrets identified in Plaintiff’s Trade Secret Identification served in this action” (Chenette Dec Exh. 2 at p. 4), but due to the “attorney eyes only” designation on the Trade Secret Identification, Monarch personnel have not been able to review that document and therefore cannot verify any response relating to that definition. Monarch’s objection is sustained for the reasons discussed above.

6. RPOD nos. 22, 23, and 27

These requests are for, respectively, “YOUR balance sheets and income statements, relating to FY 2025,” “YOUR balance sheets and income statements, relating to FY 2023,” and “YOUR income statements from 2023 to the present.” Monarch’s privilege objections related to the definition of “YOUR” are overruled for the reasons discussed above.

Monarch also objects on the grounds that the requests seek confidential and proprietary information. That objection is also overruled. Where a party’s only reason for seeking another party’s financial information is to gain a tactical edge in settlement negotiations by threatening to disclose it, the disclosure should be prohibited, but where “the financial information goes to the heart of the cause of action itself, a litigant should not be denied access so easily.” (*Rawnsley v. Superior Court* (1986) 183 Cal.App.3d 86, 91, quoting *GT, Inc. v. Superior Court* (1984) 151 Cal.App.3d 748, 754.) Here, 4LEAF’s allegations that it has suffered financial losses as the result of Monarch’s relationship with the city of San Leandro are central to the interference with contractual relations cause of action, and the financial information 4LEAF seeks goes to the heart of that issue.

Monarch is ordered to provide supplemental substantive responses to RPOD nos. 22, 23, and 27. Monarch may restrict its responses to financial information that bears on the allegations of the Complaint.

7. RPOD no. 26

The request is for Monarch's tax returns. With a few exceptions not applicable here, tax returns are not discoverable. (*Schnabel v. Superior Court* (1993) 5 Cal.4th 704, 718-721; *Webb v. Standard Oil Co.* (1957) 49 Cal.2d 509, 513.) Monarch's objection on those grounds is sustained.

IV. Sanctions

A. 4LEAF is the prevailing party on the motions

A monetary sanction "shall" be imposed against "any party, person, or attorney who unsuccessfully makes or opposes a motion" to compel discovery unless the court finds "substantial justification" for that party's position or other circumstances making sanctions unjust. (CCP §§ 2030.300(d) [interrogatories], 2031.310(h) [RPOD], 2033.290(d) [RFA].)

The Court finds that Monarch has unsuccessfully opposed the instant three motions. It is true that the supplemental responses the Court is ordering are minimal, but that is not because of the strength of Monarch's opposition; it is because Monarch retreated from its objection-only position regarding the discovery without being ordered to do so. The fact that Monarch served its supplemental discovery responses on the same day it filed its opposition to the motions makes it clear to the Court that the instant motions to compel motivated the supplemental responses, and that Monarch would not have provided them if 4LEAF had not filed the motions. The Court finds no substantial justification here. The supplemental responses do not qualify; the Rules of Court explicitly contemplate that sanctions may be awarded against a party who has provided the requested discovery after a motion to compel was filed. (Cal. Rules of Court, rule 3.1348(a); see also *Masimo Corp. v. Vanderpool Law Firm* (2024) 101 Cal.App.5th 909, 909, fn. 9 [forcing a party to resort to court to get discovery is sanctionable behavior].)

Before a court may order sanctions against an attorney, the motion to compel must advise the attorney that such sanctions are sought. (*Blumenthal v. Superior Court* (1980) 103 Cal.App.3d 317, 319). Here, all three of 4LEAF's notices of motions satisfy that requirement by explicitly seeking monetary sanctions "against Defendant and its counsel of record, jointly and severally."

B. The hourly rates claimed by 4LEAF are outside the prevailing range in Sonoma County.

4LEAF seeks sanctions for all three motions in the amount of \$37,214.50, consisting of six hours of attorney time at \$1,019/hour, 42.5 hours of attorney time at \$625/hour, and anticipated attorney time, presumably for preparation of the reply brief and attendance at oral argument, of two hours at \$1,019/hour and four hours at \$625/hour. Monarch argues that the sanction demand should have been broken down by individual motion; that is, that 4LEAF should have itemized the time it spent on each individual motion rather than making a single set of claims for all three motions. The Court, having itself treated the three motions as functionally a single omnibus motion, has no objection to 4LEAF doing the same.

However, the Court finds the hourly rates claimed in 4LEAF's sanctions request excessive. Regarding the rates, 4LEAF asserts that "[t]he reasonable hourly rate is the prevailing rate for

comparable work,” citing *PLCM Group v. Drexler* (2000) 22 Cal.4th 1084, but that is not quite what the opinion says; it says that “[t]he reasonable hourly rate is that prevailing *in the community* for similar work.” (*Id.* at p. 1095, emphasis supplied.) The “community” in question is the one where the court is located. (*Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1242–1243.) 4LEAF’s counsel is located in San Francisco, and the Court does not question counsel’s assertion that the hourly rates underlying their claims are reasonable in that community, but they are substantially higher than those in Sonoma County.

4LEAF’s counsel Susanna Chenette has submitted two somewhat mutually contradictory declarations. In the one filed with the original moving papers, she declares that an attorney who bills \$1,019/hour and has been “practicing since 2008” spent six hours on the motions. (Chenette Dec ¶ 18.) She also declares that “[a] second attorney,” singular, worked for 42.5 hours at the rate of \$625/hour. (*Ibid.*) This declaration suggests that the motions were prepared by two attorneys, one of whom has been practicing since 2008 and bills \$1,019/hour, and the other of whom bills \$625/hour. But in the declaration filed with the reply briefs, Ms. Chenette declares that she herself has been practicing since 2008 and bills \$700/hour, and that her colleague Jake Kamstra, who has been practicing for five years, bills \$550/hour. (Chenette Reply Dec ¶¶ 2, 3.) The Court infers that Ms. Chenette is the attorney who spent six hours on the initial motions, and that Mr. Kamstra is the one who spent 42.5 hours but is puzzled as to whether Ms. Chenette’s hourly rate is \$1,019 or \$700, and whether Mr. Kamstra’s is \$625 or \$550. However, it does not matter, because all of those figures are outside the prevailing rates in Sonoma County. The prevailing rate for lawyers with Ms. Chenette’s level of experience is \$550/hour, and for those with Mr. Kamstra’s, \$400/hour. The Court will base its sanctions award on those figures.

C. The time claimed by 4LEAF is excessive.

The Court also finds the claimed time to be excessive. The six hours claimed by Ms. Chenette presumably include the time she spent on the meet-and-confer emails, but as noted above, those emails primarily address a different case involving the same counsel, the Urban37 matter. In recognition of that point, the Court will reduce the time claimed to three hours. The Court finds that 42.5 hours, more than a full week’s full-time work, is unreasonable for the preparation of three five-page memoranda. The Court will award sanctions based on 36 hours’ work by Mr. Kamstra: one 8-hour day to prepare each of the initial pleadings, one additional day to review and revise them, and the requested additional four hours for preparing the reply briefs. The Court will not award sanctions at this time for attendance at oral argument, since it is possible that neither party will request it.

Therefore, sanctions will be awarded for three hours at \$550/hour and 36 hours at \$400/hour, for a total of \$16,050.

V. Conclusion

Monarch is ordered to provide verified supplemental responses to 4LEAF’s discovery demands as follows:

- Substantive responses to RFAs no. 10, 26, and 27;
- Substantive responses to FROGs no. 12.3 and 50.1 through 50.6;

- A supplemental response to the RPOD omitting the PRELIMINARY STATEMENT AND GENERAL OBJECTIONS section; and
- Substantive responses to RPODs no. 8, 16, 22, 23, and 27.

All supplemental responses may contain restrictions as described herein.

Sanctions are awarded to 4LEAF, jointly against Monarch and its counsel, in the amount of \$16,050.

****This is the end of the Tentative Rulings.****