

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Wednesday, December 17, 2025 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.**

1-2. 23CV00822, Steele v. Gentry

The Court **DENIES** Defendant Pat Gentry’s (“Defendant”) two motions to compel depositions of Plaintiffs Moni Syeda and Juneko Steele (“Plaintiffs”) and **DENIES** sanctions requested.

I. PROCEDURAL HISTORY

The parties agreed upon dates for the depositions of Plaintiffs and other non-party witnesses. (Motion to Compel Deposition of Syeda Memorandum of Points and Authorities [“Syeda MPA”], 1:26-27, 2:1-4; Motion to Compel Deposition of Juneko Steele Memorandum of Points and Authorities [“Steele MPA”], 2:3-8.) At the deposition of one of the non-party witnesses, Larry Hinman, a co-owner of a property Defendant rents next door to Plaintiffs’ property, was present on Zoom to observe. (Syeda MPA, 2:4-12.) Plaintiffs’ counsel objected to Mr. Hinman’s presence and without providing a legal basis for the objection, requested the deposition be terminated. (*Ibid.*) Plaintiffs’ counsel stated their intent to file a protective order to prohibit third parties from being present at the depositions. (*Ibid.*) They never filed a protective order, but for a time refused to produce Plaintiffs and other non-party witnesses for their set depositions. (*Ibid.*) As such, Defendant filed motions to compel depositions of Plaintiffs and these other non-party witnesses in March of 2025. The motions were

continued out per the stipulation of the parties, and they participated in discovery facilitation instead to resolve the issues.

After meeting with a discovery facilitator, Plaintiffs conceded that Mr. Hinman had a right to be present at the depositions. (Syeda Supplemental MPA, 1:26-27, 2:1-5; Steele Supplemental MPA, 2:3-9.) On June 5 and 10, 2025, Plaintiffs' depositions went forward, but Plaintiff Steele had difficulty understanding nearly every question so Defendant argues that her deposition was difficult to conduct, and Plaintiff Syeda was obstructive and her deposition was not completed. (Syeda Supplemental MPA, 2:9-13; Steele Supplemental MPA, 2:15-17.) Nonetheless, as the depositions did go forward, Defendant cancelled most of the motions to compel deposition filed with the Court.

However, Defendant did not cancel the motions as to either of the Plaintiffs. Instead, Defendant filed supplemental briefs on November 24, 2025, seeking to compel Plaintiffs' answers and production to questions noticed at the depositions that already went forward. Plaintiffs both oppose on procedural grounds arguing that the supplemental briefs move for something separate than what was requested in the initial motion and that the new requests are untimely.

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.) The court must take judicial notice of any matter requested by a party, so long as it complies with the requirements under C.C.P. § 452. (C.C.P. § 453.)

Defendant requests judicial notice of an Order on Request to Terminate Civil Harassment Restraining Order dated September 24, 2025, but fails to identify in which matter this order was issued and fails to attach a true and correct copy of it as "Exhibit 1" as was stated in the request.

The Request for Judicial Notice is therefore denied at this time.

III. ANALYSIS

Legal Standard

I. Motion to Compel Answers or Produce Documents

C.C.P. section 2025.480 provides that a party can move to compel answers or production to requests that deponent failed to answer or serve if these were specified in a deposition notice or subpoena, even when objected to, and it is the objecting party's burden to show why the requests are burdensome or expensive. Such a motion must be made no later than 60 days after the completion of the record of the deposition and shall be accompanied by a meet and confer declaration under section 2016.040. (C.C.P. § 2025.480(b).) Notice of a motion made under this section shall be given to all parties and to the deponent either orally at the examination, or by subsequent service in writing. (C.C.P. § 2025.480(c).)

II. Subsequent Deposition

Once any party has taken the deposition of any natural person, including that of a party to the action, neither the party who gave, nor any other party who has been served with a deposition notice pursuant to

Section 2025.240 may take a subsequent deposition of that deponent, unless for good cause shown the court grants leave to take a subsequent deposition. (C.C.P. § 2025.610.) The parties may also stipulation to take a subsequent deposition, with the consent of any non-party deponent. (*Ibid.*)

Defendant's Two Motions to Compel Deposition

Per C.C.P. section 2025.450(a), Defendant moves to compel Plaintiffs' depositions and their answers and production for the last deposition for which they already appeared. Defendant argues that there is no legal basis for their objection to their depositions and also asks for sanctions of \$9,825.00 for each motion for 13.0 hours of work at a rate of \$575.00 per hour, 4 hours of work anticipated to prepare any reply and appearing at the hearing, and \$50.00 in filing fees. (Conway Supplemental Declarations, ¶ 8.)

Oppositions

In the Oppositions, Plaintiffs argue that because they've already appeared for their depositions, Defendant's initial motions to compel depositions are moot. (Syeda Opposition, 1:23-25; Steele Opposition, 1:23-26.) Plaintiffs also take issue with Defendant serving supplemental moving papers to this motion without leave of Court and that these new supplemental briefs constitute entirely new motions. (Syeda Opposition, 1:26-27, 2:1-5; Steele Opposition, 1:27, 2:1-10.) Plaintiffs argue that the original separate statements submitted fail to comply with California Rule of Court, Rule 3.1345, and that the new supplemental separate statements are untimely submitted based on the 60-day deadline that runs after the completion of the record of the deposition per C.C.P. section 2025.480. (Syeda Opposition, pp. 3-7; Steele Opposition, pp. 3-7.)

Reply Briefs

In the Reply briefs, Defendant argues that neither of Plaintiffs' depositions were completed, so the 60-day deadline set under C.C.P. section 2025.480 has not yet run and they should be required to appear to complete her deposition. (Steele Reply, pp. 2-5.)

Application

As a preliminary matter, since the depositions of both Plaintiffs Syeda and Steele have already gone forward, Defendant's initial motions to compel their depositions are moot.

Under C.C.P. section 2025.480, a motion to compel answers or production after a deponent failed to answer or serve if these were specified in a deposition notice or subpoena, even when objected to, must be brought no later than 60 days after the completion of the record of the deposition. Defendant argues that since the depositions did not fully complete, the 60-day deadline did not commence. However, the Court finds that the depositions taken on June 5 and 10 did end and the record that those depositions were completed was evidenced by the transcripts attached as exhibits in support of Defendant's supplemental briefs. These supplemental briefs, submitted without leave of Court on November 24, 2025, essentially request the Court to move to compel Plaintiffs' answers and production *after* their depositions have taken place even if the depositions were not fully completed as needed. Defendant seeks the new motions in the supplemental briefs almost six months after the record of Plaintiffs' depositions has been completed. The Court is also unclear

whether Defendant's counsel met and conferred specifically regarding the new motion or gave notice as to the new motion as required per C.C.P. section 2025.480(c), either orally at the examination or through subsequent service in writing.

For these reasons, the Court finds that Defendant's supplemental briefs improperly present a new type of motion, for which adequate notice has not been given and which motion was not timely brought before the Court under C.C.P. section 2025.480. Furthermore, the existing motion under which the supplemental briefs were submitted has been made moot because both Plaintiffs have already appeared for their deposition. The Court cannot grant the procedurally deficient and untimely new motion made in the supplemental briefs. Furthermore, the sanctions of almost more than \$18,000.00 requested by Defendant are excessive and unwarranted as Plaintiffs have already appeared for their depositions and as the Court otherwise finds substantial justification on Plaintiffs' part in opposing these motions.

III. CONCLUSION

The motions are **DENIED**. Plaintiffs shall submit written orders to the Court consistent with this tentative ruling on the two motions and in compliance with Rule of Court 3.1312(a) and (b).

3. 24CV05942, C.L. Marshall Company, Inc. v. Upcycle Builders, Inc.

The hearing on Counsel William L. Porter's unopposed motion to be relieved as counsel for his client, Defendant Upcycle Builders, Inc. is **CONTINUED** to Wednesday, January 7, 2026, at 3:00 P.M. in Department 17. Though counsel did indicate on his supporting declaration that he served the client at the client's last known address, counsel failed to file any proof of service showing timely and proper service of the moving papers on all parties in this matter. Prior to the next hearing date, counsel shall submit a proof of service of the moving papers for the Court's consideration otherwise the Court will deny the motion.