

TENTATIVE RULINGS

1. SFL083228, BIGELOW/BIGELOW DISSO:

TENTATIVE RULING:

Parties to appear. May appear via Zoom.

2. SFL087424, RODRIGUEZ-MUNOZ/RODRIGUEZ DISSO:

TENTATIVE RULING:

Attorney Vonder Haar's Motion to Withdraw is granted.

3. SFL089034, SILLIPHANT/CHAMPOUX DISSO:

On September 12, 2022, Petitioner's attorney was served with Requests for Admission (RFA's) and associated Civil Form Interrogatories to be answered in conjunction with the RFA's. Though Petitioner did eventually respond to the RFA's, the associated Civil Form Interrogatory 17.0 was left unanswered.

On September 14, 2022, Petitioner's attorney was personally served with Respondent Ronald E. Champoux's Document Production Demand, Set Three. Responses, documents and materials requested in the Document Production Demand have not been provided.

The deadline for exchanging Final Declarations of Disclosure in this matter was September 26, 2022. On September 30, 2022, Petitioner provided her Final Declaration of Disclosure. Items 4-6 of the Declaration of Disclosure were left unanswered.

Over the last 60 days the attorneys have met and conferred to resolve the outstanding discovery. Petitioner has not provided the requested response to Form Interrogatory 17.1, Documents Set Three and items 4-6 of the Final Declaration of Disclosure.

Procedural History

On December 2, 2022, Respondent filed this Request for Order to Compel responses to discovery and for attorney's fees and sanctions.

As of January 4, 2023, Petitioner has not filed an opposition.

Request for Order

Respondent moves the Court: 1) order Petitioner to respond to his discovery requests, and 2) order Wife pay attorney's fees and sanctions.

Compel Discovery Responses

Unless otherwise limited by order of the court, a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the action. (Code Civ. Proc., § 2017.010.) A party may obtain discovery by interrogatories, inspection of documents, things, and places in the possession, custody, or control of the other party to the action. (Code Civ. Proc., § 2019.010 subd. b; c; Code Civ. Proc., § 2030.010; Code Civ. Proc., § 2031.010.) Responses to discovery requests must be provided within 30 days of service of the requests unless the court has modified the time for response. (Code Civ. Proc., § 2030.260 subd. a; Code Civ. Proc., § 2031.260 subd. a.) Additionally, if the party to which the discovery requests were made fails to provide timely responses, the demanding party may move for an order compelling response. (Code Civ. Proc., § 2030.290 subd. b; Code Civ. Proc., § 2031.300 subd. b.)

Here, pursuant to the Code of Civil Procedure, Respondent may obtain discovery. Petitioner has failed to provide responses as required by statute. Therefore, this court compels Petitioner to respond to the discovery requests within 15 days of the date of the hearing on this Request for Order without any objections, as Petitioner has waived such objections by her failure to timely respond. (Code Civ. Proc., § 2030.290 subd. a; Code Civ. Proc., § 2031.300 subd. a.). Petitioner will provide information as requested in Items 4 – 6 of her Disclosures within 15 days. Mother requests monetary sanctions.

a. Monetary Sanctions

Respondent requests monetary sanctions for Petitioner's failure to respond to her discovery requests pursuant to Code of Civil Procedure §2030.290(c), which requires sanctions, under specified circumstances, against a party "who unsuccessfully makes or opposes a motion to compel..." and further states "...the court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010)." Code of Civil Procedure §2023.010 sets forth conduct constituting a misuse of the discovery process, which includes "failing to respond or to submit to an authorized method of discovery." (Code of Civ. Proc., § 2023.010 subd. d.) Additionally, Respondent requests sanctions pursuant to Family Code §271, which states, in relevant part, "the court may base an

award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys....”

Mother requests sanctions of \$2,500.00. The court may impose sanctions for Petitioner's failure to respond to Respondent's discovery requests. (See Code of Civil Procedure § 2023.010 subd. d.) Petitioner has not opposed this Request for Order or provided the court with an explanation for her failure to respond. The court awards Mother \$1,500.00 total in permissible sanctions pursuant to Code of Civil Procedure §2030.290(c) for such failure.

Conclusion

Accordingly, the court GRANTS the Request for Order to Compel responses to discovery, AWARDS monetary sanctions of \$1,500.00 to Respondent. Petitioner to respond to the discovery requests and Item 4 – 6 of disclosure within 15 days of the date of the hearing on this Request for Order without any objections. Sanctions are to be paid by February 17, 2023.

It is SO ORDERED.