

TENTATIVE RULINGS: CIVIL LAW & MOTION

Friday, March 7, 2025 at 8:30 a.m.

Courtroom 18 – **Covered by Hon. Dennis Hayashi for Hon. Kenneth G. English**

Civil and Family Law Courthouse

3055 Cleveland Avenue

Santa Rosa, California 95403

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) 521-6604**, 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.

TO JOIN ZOOM ONLINE:

Department 18:

Meeting ID: **160—739—4368**

Password: **000169**

<https://sonomacourtorg.zoomgov.com/j/1607394368?pwd=aW1JTWIL3NBeE9LVHU2NVVpQIVRUT09>

TO JOIN ZOOM BY PHONE:

By Phone (same meeting ID and password as listed for each calendar):

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Unless notification of an appearance has been given as provided above, the tentative ruling shall become the ruling of the Court the day of the hearing at the beginning of the calendar.

1. SCV-272299, Abraham v. Foppoli: Defendant TKW's Demurrer to Plaintiff's SAC; TKW's Request for Judicial Notice

Defendant Two Kings Wine Company LLC's (doing business as Christopher Creek Winery) ("TKW") demurrer to Plaintiff Farrah Abraham's ("Plaintiff") Second Amended Complaint "SAC" is **OVERRULED**.

TKW's request for judicial notice is **GRANTED** subject to evidentiary limitations described below.

Procedural History

This action arises from Defendant Dominic Foppoli's alleged sexual abuse of Plaintiff at a wine event, individually and in his capacity as owner TKW. (See SAC, filed November 18, 2024.) Plaintiff filed her Complaint in December 21, 2022 and subsequently her First Amended Complaint ("FAC") on June 21, 2024. (See Complaint, filed December 21, 2022; FAC, filed June 21, 2024.) In her FAC, Plaintiff sought damages for seven causes of action: sexual assault and battery, violation of the Ralph Act, unfair competition, negligence, gender violence, intentional infliction of

emotional distress (“IIED”), and intentional interference with prospective economic advantage. (FAC, filed June 21, 2024.) TKW demurred and moved to strike several causes of action and requested relief in the FAC. (See Demurrer and Motion to Strike, filed August 7, 2024.) The Court sustained the demurrer with leave to amend as to the following causes of action: unfair competition, negligence, and IIED. Plaintiff filed her SAC on November 18, 2024 asserting six causes of action: sexual assault and battery, violation of the Ralph Act, negligence, gender violence, IIED, and intentional interference with prospective economic advantage. (SAC, filed November 18, 2024.) TKW now demurs as to the IIED cause of action. (Demurrer, filed December 19, 2024.)

Governing Law

Judicial notice of official acts is statutorily appropriate. (Evid. Code § 452(c).) The court may take judicial notice of facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (Evid. Code § 452(h).) The court must take judicial notice of any matter requested by a party, so long as it complies with the requirements under Evidence Code section 452. (Evid. Code § 453.) Courts may take notice of public records, but not take notice of the truth of their contents. (*Herrera v. Deutsche Bank National Trust Co.* (2011) 196 Cal.App.4th 1366, 1375.)

IIED requires the plaintiff to show “(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff suffered severe emotional distress; and (3) the defendant's extreme and outrageous conduct was the actual and proximate cause of the severe emotional distress.” (*Crouch v. Trinity Christian Ctr. of Santa Ana, Inc.* (2019) 39 Cal. App. 5th 995, 1007.)

Request for Judicial Notice

TKW filed a request for judicial notice of the SAC in this case, filed November 18, 2024. TKW’s request for judicial notice is **GRANTED** subject to the evidentiary limitations above.

Demurrer to the SAC

TKW argues that Plaintiff’s SAC fails to allege that its conduct was directed at Plaintiff with intent to cause Plaintiff emotional distress. (Demurrer, 4:6–7.) Defendant also requests that the Court sustain the demurrer without leave to amend. (Demurrer, 4:25–26.)

In her Opposition, Plaintiff claims her SAC alleges sufficient facts that Defendant Foppoli, as the agent of TKW, directed his conduct (the sexual assault) at Plaintiff with intent to cause her emotional distress. (Opposition, 4:7–13.) Plaintiff argues that the case law Defendant has relied upon is irrelevant because they do not discuss an agency or vicarious liability. (Opposition, 4:20–5:13.)

In TKW’s Reply, it contends that Plaintiff has only pled factual or legal conclusions as to TKW’s intent to cause Plaintiff emotional distress. (Reply, 2:10–17.)

Here, Plaintiff alleges in her SAC that Defendants both acted with intent to cause emotional distress and with reckless disregard of the probability of causing emotional distress. (See SAC, ¶¶ 80–81.) At

the demurrer stage, conclusory allegations are sufficient. (See *Perkins*, *supra*, 117 Cal.App.3d at 6.) Therefore, TKW's demurrer is **OVERRULED**.

Conclusion

TKW's request for judicial notice is **GRANTED**. TKW's demurrer to Plaintiff's SAC is **OVERRULED**.

Plaintiff shall submit a written order on its motion to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

2 & 3. SCV-272977, Young v. Schultz: Defendant's Motion for a Protective Order and Sanctions; Defendant's Motion to Compel Further Production of Documents and Sanctions; Requests for Judicial Notice

Defendant Ronald Schultz's ("Defendant") request for judicial notice is **GRANTED**. Plaintiff Jacalyn A. Young's ("Plaintiff") request for judicial notice is **GRANTED**.

Defendant's motion for a protective order is **GRANTED**. Defendant's motion to compel further requests for admission ("RFAs") and further requests for production of documents ("RFPDs") is **GRANTED in part with limitations**. Plaintiff must produce code-complaint responses to RFAs, set two and to RFPDs Nos. 7, 33, 34, and 37. RFPD No. 1 is limited to the time period of April 21, 2021 to today. The Court **ORDERS** an ESI consultant to manage and ensure Plaintiff's compliance with all discovery requests.

Plaintiff's objections related to the deposition subpoena to Jessica Berry are **OVERRULED**.

Defendant's request for sanctions is **GRANTED** in the amount of \$14,913.11 for both motions.

Procedural History

This action arises from Defendant's alleged stalking and invasion of Plaintiff's privacy. (See First Amended Complaint, filed November 8, 2023.) On September 13, 2024, Plaintiff served Defendant with 76 requests for admissions with a Declaration for Additional Discovery stating that the number of requests for admissions is warranted pursuant to C.C.P. Section 2033.040. (Motion for Protective Order ["MPO"], 4:14–5:4; Loveman Declaration ¶¶ 7–8, Exhibits C–D.) On September 17, 2024, Defendant's counsel contacted Plaintiff's counsel and they met and conferred regarding Plaintiff's requests for admission. (MPO, 9:13–15; Loveman Declaration, ¶ 9.) On September 19, 2024, Defendant's counsel sent meet and confer correspondence to Plaintiff's counsel to carefully review his requests before serving discovery. (MPO, 9:13–21; Loveman Declaration, ¶ 10, Exhibit E.) On September 30, 2024, Defendant's counsel left a voice message for Plaintiff's attorney to which he did not respond. (MPO, 9:19–21; Loveman Declaration, ¶¶ 11–12.) Defendant now motions the court for a protective order and sanctions arguing that the number of admission requests is unwarranted.

In a separate motion, Defendant seeks to compel Plaintiff to provide further responses to RFAs, set two and RFPDs, set two and to compel plaintiff to produce documents and things along with

sanctions. (Motion to Compel [“MTC”], 1:20–23.) Defendant alleges that Plaintiff’s responses are inconsistent with her allegations or that she has withheld relevant documents and requests that the Court compel Plaintiff to provide her computer or unaltered and uncorrupted files to a neutral electronically stored information (“ESI”) consultant to search for and produce any relevant and responsive material. (MTC, pp. 3–9.)

Governing Law

Judicial notice of official acts is statutorily appropriate. (Evid. Code § 452(c).) The court may take judicial notice of facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (Evid. Code § 452(h).) The court must take judicial notice of any matter requested by a party, so long as it complies with the requirements under Evidence Code section 452. (Evid. Code § 453.) Courts may take notice of public records, but not take notice of the truth of their contents. (*Herrera v. Deutsche Bank National Trust Co.* (2011) 196 Cal.App.4th 1366, 1375.)

The Discovery Act gives courts the power to enter protective orders to protect a party from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense. (C.C.P. §§ 2016 et seq, 2030.090.) The Court may “restrict the frequency or extent of use of a discovery method” if “[t]he selected method of discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.” (C.C.P. § 2019(a)(2).)

When a motion for protective order is filed due to the number of interrogatories being unwarranted, “the propounding party shall have the burden of justifying the number of these interrogatories.” (C.C.P. §§ 2030.040(b), 2030.090(a), 2033.040(b).) On “good cause” shown, the court take measures to protect a party against “unwarranted annoyance, embarrassment, oppression or undue burden and expense.” (C.C.P. § 2033.080(c).) This includes limiting:

- “(1) That the set of admission requests, or particular requests in the set, need not be answered at all.
- (2) That, contrary to the representations made in a declaration submitted under Section 2033.050, the number of admission requests is unwarranted.
- (3) That the time specified in Section 2033.250 to respond to the set of admission requests, or to particular requests in the set, be extended.
- (4) That a trade secret or other confidential research, development, or commercial information not be admitted or be admitted only in a certain way.
- (5) That some or all of the answers to requests for admission be sealed and thereafter opened only on order of the court...”

(C.C.P. § 2033.080(b).) These similar limitations can also apply to interrogatories as well as request for production. (C.C.P. §§ 2030.090(b), 2031.060(a)-(b).)

A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. (C.C.P. §2031.210(a).) If a responding party is not able to comply with a particular request, or part thereof, that party “shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand.” (C.C.P. § 2031.230.) The statement shall also specify “whether the

inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party,” and shall also set forth “the name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item.” (*Ibid.*) Otherwise, if a responding party is objecting to a demand only, then the responding party must identify the demanded document, tangible thing, land, or electronically stored information to which an objection is being made, set forth the grounds for objection, and if privileged, provide a privilege log for the demanded items that are privileged. (C.C.P. § 2031.240.)

Section 2025.480 allows for a party seeking discovery to bring a motion to compel an answer or production within 60 days after the completion of the record of the deposition if a deponent fails to answer any question or produce any document, electronically stored information, or tangible thing. The deponent objecting to or opposing the production bears the burden “of demonstrating that the information is from a source that is not reasonably accessible because of undue burden or expense.” (C.C.P. § 2025.480(d).)

The Court shall impose a monetary sanction “against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel an answer or production, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” (C.C.P. § 2025.480(j).) The court shall impose a monetary sanction “under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order under this section, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” (C.C.P. § 2033.080(d).) Discovery monetary sanctions are required to be reasonable and actual. (*Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 74.)

Requests for Judicial Notice

Defendant’s Request for Judicial Notice

On October 1, 2024, Defendant filed a request for judicial notice of two documents: (1) the Court’s April 25, 2024 Ruling to Grant in Part and Deny in Part Defendant’s Special Motion to Strike (Anti-SLAPP); and (2) the Court’s August 8, 2024, Ruling to Sustain Defendant’s Demurrer Plaintiff’s invasion of privacy cause of action without leave to amend.

Defendant’s request for judicial notice is **GRANTED** subject to the evidentiary limitations discussed above.

Plaintiff’s Request for Judicial Notice

On February 21, 2025, Plaintiff filed a request for judicial notice of four documents: (1) Settlement Agreement *Young v. Schultz* (SCV-268731) filed September 3, 2021; (2) Amended Civil Harassment Restraining Order After Hearing (SCV-271339) filed October 12, 2022; (3) First Amended Complaint (SCV-272977) filed November 8, 2023; and (4) Defendant’s Response to Request for Civil Harassment Restraining Orders (SCV-268731) dated July 16, 2021 by Ronald Schultz.

Defendant objects to Plaintiff's request for judicial notice, arguing that the first two documents (the settlement agreement and amended civil restraining order) are irrelevant to the present action. (See Defendant's Objection to Plaintiff's Request for Judicial Notice, filed February 28, 2025.)

Defendant also objects to judicial notice of Plaintiff's First Amended Complaint unless the Court takes judicial notice of its April 24, 2024 and August 8, 2024 Orders. (*Ibid.*)

Defendant's objections are **OVERRULED**. Plaintiff's request for judicial notice is **GRANTED** subject to the evidentiary limitations discussed above.

Defendant's Motion for a Protective Order

Defendant seeks a protective order stating that he does not need to respond to the set of 76 RFAs served upon him on September 13, 2024 because the number of RFAs is not warranted given that there is only one remaining cause of action in Plaintiff's First Amended Complaint for stalking. (MPO, pp. 1–2, 5–9.)

Plaintiff opposes Defendant's motion for a protective order, claiming that the number of RFAs are warranted pursuant to C.C.P. Sections 2033.080(b)(1)–(2). (Opposition to MPO, 2:24–28.) Plaintiff argues that requests about Defendant's education, employment, and military history establish his credibility, which is necessary because Defendant has given false or misleading testimony at his August 7, 2024 deposition and violated the civil harassment restraining order. (Opposition to MPO, pp. 2–4.)

Plaintiff fails to display good cause for the additional RFAs. Plaintiff is entitled to 35 RFAs absent issues of complexity which require additional admissions to address. (C.C.P. §§ 2033.040–2033.050.) Once a protective order is filed, the burden is on the plaintiff to justify the additional RFAs. (C.C.P. § 2033.040(b).) The RFAs posed here do not relate to matters relevant to the case, nor do they appear targeted to the purpose of admissions—“ultimate issues.” (*St. Mary v. Sup. Ct.* (2014) 223 Cal.App.4th 762, 774.). Plaintiff expends 37 RFAs attempting to ascertain matters regarding Defendant's background that have no relevant bearing on the allegations in this case (stalking). Accordingly, the protective order is **GRANTED**.

Defendant's Motion to Compel

Defendant requests several forms of relief in his motion: (1) compel further responses to RFAs, set two and RFPDs, set two; (2) compel Plaintiff to produce ESI for all communications referring or relating to Defendant; (3) compel Plaintiff to produce business records relating to lost business income, including state and federal tax returns; and (4) sanctions. (MTC, pp. 3–9.) Defendant requests an ESI consultant to search for approved search terms and locate all communications between Plaintiff and any-third person from April 21, 2021 to today that refer or relate to Defendant because “Plaintiff has admittedly destroyed emails that are so obviously relevant to this case.” (MTC, pp. 3–5.) Regarding Plaintiff's loss of business claims, Defendant asserts that the business records that Plaintiff has produced are not responsive to Defendant's requests and seeks to compel Plaintiff to provide her computer, or the unaltered and uncorrupted files to a neutral ESI consultant who can search for this information and provide it to Defendant. (MTC, 6–8.)

Plaintiff objects to the following RFAs: Nos. 3, 10, 11, 12, and 13. (Plaintiff's Separate Statement in Opposition, pp. 1–3.) Plaintiff objects to the following RFPDs: Nos. 1, 7, 33, 34 and 37. (Plaintiff's Separate Statement in Opposition, pp. 3–6.) Plaintiff also objects on the basis that Defendant failed to meet and confer regarding ESI, violating California Rules of Court, Rule 3.724. (Plaintiff's Separate Statement in Opposition, pp. 1–6.) In his Reply, Defendant argues that Plaintiff cannot waive a claim for special damages in her Opposition and therefore Plaintiff's business records are relevant. (Defendant's Reply, 7:8–19.)

In Plaintiff's Separate Statement in Opposition, she states objections to RFA Nos. 3, 10, 11, 12, and 13, but the responses are not complete answers as required by C.C.P. Section 2033.220. Thus, Defendant's motion to compel RFAs, set two is **GRANTED**.

An opposition or separate statement is not the appropriate avenue to waive a cause of action or remedy from a complaint. Therefore, Plaintiff's claim of economic loss is still operative and related documents are discoverable. Defendant's motion to compel RFPDs Nos. 7, 33, 34, and 37 is **GRANTED**. Defendant's motion to compel RFPD as to No. 1 is **GRANTED in part** but only for the time period of April 21, 2021 to today.

Plaintiff also objects to any evidence obtained by the Deposition Subpoena for Production of Business Records issued on July 23, 2024 by Mr. Loveman to Jessica Berry as inadmissible for failure to give Plaintiff's counsel notice as required by C.C.P. Section 2025.240(a). (Plaintiff's Objections to Evidence, 1:19–28.) Plaintiff also objects on the basis of hearsay to these documents. (Plaintiff's Objections to Evidence, 2:5–8.) Defendant contends that evidence obtained by Jessica Berry's deposition is admissible because it was acquired through a third-party subpoena and because C.C.P. Section 2025.240 is inapplicable here as Defendant is not requesting "personal records" under Section 2025.240. (Defendant's Response to Plaintiff's Objection to Evidence, pp. 1–2.)

As to Plaintiff's Objections to Evidence regarding the emails produced by Jessica Berry, the objection is **OVERRULED** as the emails are relevant to the matter.

The Parties have discussed an ESI consultant but have not agreed upon this issue. The Court finds that the Parties would benefit from an ESI consultant. Thus, the Court **ORDERS** an ESI consultant to manage Plaintiff's code-complaint RFAs and RFPDs with the cost divided evenly among the Parties.

Defendant's Request for Sanctions

Protective Order

Defendant requests in sanctions totaling \$7,279.61 at \$459 per hours for the following: 9.7 hours researching and preparing the protective order and corresponding documents, 6 hours to prepare a reply and appear at the hearing, and \$73.31 for the filing fee. (Loveman Declaration, ¶ 13.)

Plaintiff asserts that Defendant shall not be awarded sanctions against Plaintiff for failure to meet and confer. (Opposition to MPO, 4:27–5:4.) Plaintiff requests sanctions against Defendant pursuant to C.C.P. Section 2033.080(d). However, the Court "shall impose a monetary sanction... against any party...who unsuccessfully...opposes a motion for a protective order." (C.C.P. § 2033.080(d).)

Since Defendant is the prevailing party, Plaintiff's request for sanctions is **DENIED**. Defendant's time spent appears actual and reasonable. Thus, the Court **GRANTS** Defendant's request for monetary sanctions for \$7,279.61 relating to the protective order.

Motion to Compel

Defendant requests sanctions totaling \$7,633.50 at \$459 per hour for the following: 9 hours for attorney's fees, 7 hours to review Plaintiff's opposition, prepare a reply and appear at the hearing, and \$60 for the filing fee. (MTC, 9:14–21.)

The Court **GRANTS** Defendant's request for monetary sanctions for \$7,633.50 relating to the motion to compel.

Conclusion

Plaintiff and Defendant's requests for judicial notice are **GRANTED** subject to evidentiary limitations discussed above.

Defendant's motion for a protective order is **GRANTED**. Defendant's motion to compel is **GRANTED in part with limitations**. Plaintiff must produce code-complaint responses to RFAs, set two and to RFPDs Nos. 7, 33, 34, and 37. RFPD No. 1 is limited to the time period of April 21, 2021 to today. The Court **ORDERS** an ESI consultant to manage and ensure Plaintiff's compliance with all discovery requests.

Plaintiff's objections related to the deposition subpoena to Jessica Berry are **OVERRULED**.

Sanctions are imposed on Plaintiff in the amount of \$14,913.11. The Court orders Plaintiff to pay \$14,913.11 to Defendant within 30 days of notice of this order. Defendant submit a written order on its motion to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

4 & 5. SCV-271342, Smith v. Smith: Defendant's Motion to Compel Further Responses to Interrogatories and Sanctions; Defendant's Motion to Compel Plaintiff's Deposition and Sanctions

Defendant David A. Smith's ("Defendant") motion to compel further responses to form and special interrogatories, set one is **GRANTED**. Plaintiff Mahara K. Smith ("Plaintiff") must serve code-compliant responses to each discovery request no later than **March 21, 2025**.

Defendant's motion to compel Plaintiff's deposition is **CONTINUED to Friday, April 4, 2025, at 8:30 a.m. in Department 18**.

Defendant's request for sanctions for attorney's fees and costs in the amount of \$4,037.50 is **GRANTED**. The Court orders Plaintiff to pay \$4,037.50 to Defendant within 30 days of notice of this order.

Procedural History

This action arises from Plaintiff and Defendant's alleged marriage and Defendant's alleged sexual and physical abuse of Plaintiff. (See Complaint, filed August 5, 2022.) On July 2, 2024, Defendant served Plaintiff with form and special interrogatories, set one, to which Plaintiff served certified responses to on August 20, 2024. (Motion to Compel ["MTC"] Further Responses, 6:20–39.) After meeting and conferring with Defendant, Plaintiff served unverified supplemental responses via email on October 25, 2024. (MTC Further Responses, 6:30–7:1.) Defendant claims these responses are vague and evasive based on information and belief. (MTC Further Responses, pp. 7–12.)

Defendant has attempted to meet and confer with Plaintiff on various occasions. Defendant's counsel contacted Plaintiff via email on October 8, 2024 with no response and again on October 15, 2024. (MTC Further Responses, 9:24–27; Evans Declaration ¶¶ 5–6, Exhibits 4, 7.) Plaintiff offered to provide supplemental responses by Friday, October 25, 2024 and to allow Defendant more time to file a motion to compel further responses by November 8, 2024, which Defendant accepted on October 18, 2024. (MTC Further Responses, 9:28–10:4; Evans Declaration ¶¶ 5–7, Exhibits 7–9.) Plaintiff followed this communication with her October 25, 2024 supplemental responses to which Defendant motioned the Court to compel Plaintiff to provide further responses to form and special interrogatories, set one. (MTC Further Responses, 10:5–6; Evans Declaration ¶ 8, Exhibits 10–12.)

On January 23, 2025, Plaintiff filed her Opposition to the motion to compel further responses and asked that the Court dismiss the motion based on Defendant's violation of California Rules of Court, Rule 3.1345 for Defendant's failure to submit a separate statement. (Opposition, 2:18–20.) On January 27, 2025, Defendant filed its Reply to Plaintiff's Opposition along with a separate statement. (See Reply and Defendant David A. Smith's Separate Statement, filed January 27, 2025.) On February 5, 2025, the Court continued this matter to February 28, 2025 to allow Plaintiff to respond to Defendant's separate statement by February 14, 2025. (See Minute Order, dated February 11, 2025.) The Court noted that even though failure to file a separate statement is grounds for denying Defendant's motion to compel, it was in the interest of justice for the Court to exercise its discretion to continue the motion. (See Minute Order, dated February 11, 2025.) Due to the Court's clerical error, the February 28, 2025 hearing was not calendared so it was continued to March 7, 2025. The Court now considers Defendant's motion to compel further responses to form and special interrogatories, set one and sanctions.

Governing Law

Where the responding party agrees to produce the documents, things, property, or information requested, but then fails to do so, the party seeking discovery may move to compel production of the promised documents, information, or things. (C.C.P. § 2031.320.) After receiving a response to interrogatories, the propounding party may move for an order compelling further response if the propounding party deems that an answer is evasive or incomplete to a particular interrogatory or an objection to an interrogatory is without merit or too general. (C.C.P. § 2030.300.) A party who fails to serve a timely response to interrogatories, absent evidence showing mistake, inadvertence, or excusable neglect, waives any right to object to the interrogatory, including objections based on privilege or work product, and the court shall impose monetary sanctions upon the party who unsuccessfully opposes a motion to compel initial the responses. (C.C.P. § 2030.290.)

For compelling responses to interrogatories and production requests, the court shall impose monetary sanctions on the losing party unless that party acted with substantial justification, or other

circumstances make sanctions unjust. (C.C.P. §§2023.010, 2023.030, 2030.290, 2031.300.) With a motion to compel for failure to respond, there is no deadline and no meet-and-confer requirement. (*Ibid.*) The moving party must merely show that the responding party failed to comply as agreed. (C.C.P. § 2031.320(a); see also *Standon Co., Inc. v. Sup.Ct.* (1990) 225 Cal.App.3d 898, 903.) Furthermore, it is “mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2033.010) on the party or attorney, or both, whose failure to serve a timely response to request for admission necessitated this motion.” (C.C.P. § 2033.280(c).) For compelling a deposition, the court shall impose monetary sanctions under Chapter 7 in favor of the party who noticed the deposition and against the deponent or the party with whom the deponent is affiliated. (C.C.P. § 2025.450(g).) Additionally, discovery monetary sanctions are required to be reasonable and actual. (*Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 74; *Argaman v. Ratan* (1999) 73 Cal.App.4th 1173, 1181.)

Defendant’s Motion to Compel Further Responses to Form and Special Interrogatories

The Court gave Plaintiff additional time to respond to Defendant’s separate statement filed January 27, 2025, but Plaintiff did not respond. Defendant attempted to meet and confer in good faith in which Plaintiff failed to participate. The Court finds that Plaintiff has failed to provide full and complete answers to Defendant’s Form Interrogatory 12.4(c) and to Defendant’s Special Interrogatories 2, 4, 6, and 12 without justification. The interrogatories directly pertain to Plaintiff’s alleged injuries and incidents of injury and treatment as alleged in her Complaint. Defendant’s motion to compel further responses to Defendant’s Form Interrogatory 12.4(c) and Special Interrogatories 2, 4, 6, and 12 is **GRANTED**. Plaintiff has waived all objections and therefore must serve objection-free responses to each discovery request no later than **March 21, 2025**.

Sanctions

For Defendant’s motion to compel form and special interrogatories, he requests \$4,037.50 in attorney’s fees and costs for the following at a rate of \$425 per hour: 1.5 hours meeting and conferring with Plaintiff, 4 hours preparing this motion to compel, and 4 hours reviewing Plaintiff’s Opposition and preparing a Reply.

The time spent appears actual and reasonable. The Court **GRANTS** Defendant’s request for monetary sanctions for \$4,037.50 as to his motion to compel form and special interrogatories.

Conclusion

Based on the foregoing, Defendant’s motion to compel is **GRANTED**. Plaintiff must serve objection-free responses to each discovery request no later than **March 21, 2025**.

Sanctions are imposed on Plaintiff in the reduced amount of \$4,037.50. The Court orders Plaintiff to pay \$4,037.50 to Defendant within 30 days of notice of this order. Defendant shall submit a written order on its motion to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

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