TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, April 3, 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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1-4. 24CV076067, Oswald v. American Honda Motor Co, Inc.

Plaintiff Andrew Oswald ("Plaintiff") filed the complaint (the "Complaint") in this action against defendants American Honda Motor Co., Inc., ("Defendant") and Does 1-10, relating to Plaintiff's purchase of a 2019 Honda Odyssey (the "Vehicle").

This matter is on calendar for the motion by Defendant seeking to compel further responses to Set One of each of the requests for admission ("RFAs"), form interrogatories ("FIs"), special interrogatories ("SIs"), and requests for production of documents ("RPODs"), from Plaintiff under Code of Civil Procedure ("CCP") §§ 2030.300, 2031.310, and 2033.290, and sanctions thereon.

I. Procedural Issues

Since the motions were filed, Plaintiff has served supplemental discovery responses covering each of them but not to every request as issue thereon. See, e.g., Plaintiff's Separate Statement in Opposition to RFAs, RFA ¶ 2. Neither party has enumerated what matters received supplemental responses, and which have not. There is also no separate statement containing Defendant's

contentions regarding what is insufficient in the supplemental responses. There is no evidence that the parties have met and conferred regarding the sufficiency of these responses. The failure to comply with even the most basic of discovery motion practice is frustrating for the Court in that it is forced to piecemeal the motion and responses in an effort to determined what are the discovery requests still at issue in these motions.

The Court must analyze the sufficiency of the original responses for the purposes of sanctions regardless. Therefore, the Court will issue rulings on Plaintiff's original responses without ruling on the sufficiency of the supplemental responses. If Defendant finds those supplemental responses insufficient, they may file a separate motion compelling further response thereon, after meeting and conferring as required by statute.

The Court also notes that due to the provision of supplemental responses, Plaintiff has excised Defendant's reasoning for providing further responses in Plaintiff's version of the separate statement. The purpose of a separate statement is for the Court to have a "document filed and served with the discovery motion that provides all the information necessary to understand each discovery request and all the responses to it that are at issue." Cal. Rule of Court, Rule 3.1345 (c). Plaintiff's removal of the other party's responses frustrates this purpose, even if supplemental responses have been provided after the motion was filed.

Finally, the Court notes that *neither* party provides the preamble objections attached to the separate statement, as is required. Cal. Rule of Court, Rule 3.1345 (c). Defendant likely does so because preamble objections are generally improper. However, Defendant's opinion regarding their propriety should not result in failing to do what is required by the Rules of Court. Given that both parties fail in this regard, the Court proceeds to the merits.

II. Governing Law

A. Discovery Generally

The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540. "California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides that "any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." CCP § 2017.010; see also, *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712, fn. 8. ("For discovery purposes, information is relevant if it 'might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement…") See *Lopez, supra,* 246 Cal.App.4th at 590-591, citing *Garamendi, supra,* 116 Cal.App.4th at 712, fn. 8. "Admissibility is not the test and information[,] unless privileged, is discoverable if it might reasonably lead to admissible evidence." *Id*. "These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases." *Id.* Good cause can be met through showing specific facts of the case and the relevance of the

requested information. *Associated Brewers Distributing Co. v. Superior Court of Los Angeles County* (1967) 65 Cal.2d 583, 586–587. "(T)he good cause which must be shown should be such that will satisfy an impartial tribunal that the request may be granted without abuse of the inherent rights of the adversary. There is no requirement, or necessity, for a further showing." *Greyhound Corp. v. Superior Court In and For Merced County* (1961) 56 Cal.2d 355, 388. As the right to discovery is liberally construed, so too is good cause. *Id* at 377-378. Generally, failure to assert a discovery objection in a response waives that objection later. *Stadish v. Superior Court* (1999) 71 Cal.App.4th 1130, 1140. "When discovery requests are grossly overbroad on their face, and hence do not appear reasonably related to a legitimate discovery need, a reasonable inference can be drawn of an intent to harass and improperly burden." *Obregon v. Superior Court* (1998) 67 Cal.App.4th 424, 431.

B. Interrogatories

Regarding FIs and SIs, a party responding to an interrogatory must provide a response that is "as complete and straightforward as the information reasonably available to the responding party permits" and "[i]f an interrogatory cannot be answered completely, it shall be answered to the extent possible." CCP §2030.220(a)-(b). "If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party." CCP §2030.220(c).

Upon receipt of a response, the propounding party may move to compel further response if it deems that an answer to a particular interrogatory is evasive or incomplete, an exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate, or an objection to an interrogatory is without merit or too general. CCP §2030.300(a). Any motion to compel further answers to interrogatories must be filed within 45 days of receipt of response unless the parties agree to extend the time in writing. CCP § 2030.300 (c). When such a motion is filed, the Court must determine whether responses are sufficient under the Code and the burden is on the responding party to justify any objections made and/or its failure to fully answer the interrogatories. *Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-21; *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255.

C. Requests for Production of Documents

Regarding the RPODs, a demand for production may request access to "documents, tangible things, land or other property, and electronically stored information in the possession, custody, or control" of another party. 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. CCP § 2031.210(a). If only part of an item or category demanded is objectionable, the response must contain an agreement to comply with the remainder, or a representation of the inability to comply. CCP § 2031.240(c)(1). If a responding party is not able to comply with a particular request, that party "shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand." CCP § 2031.230. "This 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 "[t]he statement shall 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." *Id.* CCP § 2031.240(c)(1) provides that when asserting claims of privilege or attorney work product protection, the objecting party must provide "sufficient factual information" to enable other parties to evaluate the merits of the claim, "including, if necessary, a privilege log."

Upon receipt of a response to a request for production, the propounding party may move for an order compelling further response if the propounding party deems that a statement of compliance with the demand is incomplete; a representation of inability to comply is inadequate, incomplete, or evasive; or an objection in the response is without merit or too general. CCP § 2031.310(a). A motion to compel further responses to a request for production of documents must "set forth specific facts showing 'good cause' justifying the discovery sought by the demand." CCP §2031.310(b)(1). Absent a claim of privilege or attorney work product, the party who seeks to compel production has met his burden of showing 'good cause' simply by showing that the requested documents are relevant to the case, *i.e.*, that it is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence under CCP § 2017.010. *See also Kirkland v. Sup. Ct.* (2002) 95 Cal.App.4th 92, 98. Once good cause is shown, the burden shifts to the responding party to justify its objections. *See Coy*, 58 Cal.2d at 220–221. It is insufficient to claim that a requested document is within the possession of another person if the party has control over that document. *Clark v. Superior Court of State In and For San Mateo County* (1960) 177 Cal.App.2d 577, 579.

"If an objection is based on a claim of privilege or a claim that the information sought is protected work product, the response shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log." CCP, § 2031.240 (c)(1). However, failure to provide a privilege log does not, in and of itself, waive attorney client privilege. *Catalina Island Yacht Club v. Superior Court* (2015) 242 Cal.App.4th 1116, 1131.

D. RFAs

Regarding requests for admission, CCP § 2033.010 provides that "[a]ny party may obtain discovery ... by a written request that any other party to the action admit ... the truth of specified matters of fact, opinion relating to fact, or application of law to fact" relating to any "matter that is in controversy between the parties." It is well-established that requests for admissions may go to the "ultimate issues" of a case. *St. Mary v. Sup. Ct.* (2014) 223 Cal.App.4th 762, 774; *see also Stull v. Sparrow* (2001) 92 Cal.App.4th 860, 864. Each response to a request for admission "shall be as complete and straightforward as the information reasonably available to the responding party permits" and must either object or answer, in writing and under oath, with an admission of so much of the matter as is true; a denial of so much of the matter as is untrue; or a specification of so much of the matter as the responding party is unable to admit or deny based on insufficient knowledge or information. CCP §§2033.210(a)-(b), 2033.220. "If a responding party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." CCP § 2033.220(c). "If only a part of a request for admission is objectionable, the remainder of the request shall be answered" and if an

objection is made to a request or part thereof, "the specific ground for the objection shall be set forth clearly in the response." CCP §2033.230.

Upon receipt of a response, a requesting party may move for a further response if it determines that an answer to a particular request "is evasive or incomplete" or if an objection to a particular request "is without merit or too general." CCP § 2033.290(a).

> Most of the other discovery procedures are aimed primarily at assisting counsel to prepare for trial. Requests for admissions, on the other hand, are primarily aimed at setting at rest a triable issue so that it will not have to be tried. Thus, such requests, in a most definite manner, are aimed at expediting the trial. For this reason, the fact that the request is for the admission of a controversial matter, or one involving complex facts, or calls for an opinion, is of no moment. If the litigant is able to make the admission, the time for making it is during discovery procedures, and not at the trial.

Cembrook v. Superior Court In and For City and County of San Francisco (1961) 56 Cal.2d 423, 429. Matters within the knowledge or experience of a party's expert is deemed obtainable, and therefore claims that such matters fall within the purview of expert testimony is not a defense to request for admission. *Chodos v. Superior Court for Los Angeles County* (1963) 215 Cal.App.2d 318, 323. Where an admission is denied outright (regardless of "weaseling qualifications"), the court cannot "force a litigant to admit any particular fact if he is willing to risk a perjury prosecution or financial sanctions." *Holguin v. Superior Court* (1972) 22 Cal.App.3d 812, 820.

E. Right to Privacy

The right of privacy is an "inalienable right" secured by article I, section 1 of the California Constitution. *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d 652, 656. The right of privacy protects against the unwarranted, compelled disclosure of private or personal information and "extends to one's confidential financial affairs as well as to the details of one's personal life." *Ibid*. Compelling need is not always the test to apply in determining whether discovery is permissible, as "Courts must instead place the burden on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, and against that showing must weigh the countervailing interests the opposing party identifies". *Williams v. Superior Court* (2017) 3 Cal.5th 531, 557.

F. Sanctions

CCP § 2030.300(d) (relating to interrogatories), and CCP § 2031.310(h) (relating to requests for production of documents) provides that a monetary sanction "shall" be imposed against the party losing a motion to compel further responses unless the court finds "substantial justification" for that party's position or other circumstances making sanctions "unjust." For the court to order sanctions against an attorney, the Court must find that the attorney advised their client to engage in discovery misconduct. *Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 81. Additionally, the motion must advise the attorney that joint and several liability against the attorney is sought for the sanctions. *Blumenthal v. Superior Court* (1980) 103 Cal.App.3d 317, 319.

III. Analysis

As an initial matter, Plaintiff's use of preamble, general objections is improper and unsupported. CCP §§ 2030.210(a)(3), 2031.240(a), 2033.230(b). They are unjustified. Given that Plaintiff offers no actual argument for their propriety, the Court need not address them further.

A. Requests for Admission

Defendant moves to compel further responses RFAs ¶ 1-21, averring that Plaintiff has asserted meritless objections to each RFA which renders responses insufficient.

Plaintiff opines that responses were sufficient because each answer has *some* form of substantive response, and that Defendant cannot show that the objections were without merit or too general, averring that because they were accompanied by answers they cannot be found insufficient. This is not persuasive. The motion to compel further statute is abundantly clear. Compelling further is proper where "**either or both**" the answers are evasive or incomplete or objections are without merit or too general. CCP § 2033.290 (a). The sufficiency of a substantive answer mixed with meritless objections cannot cure the deficient nature of the objections. One or the other is sufficient under the statute for a motion to be filed, or the inclusion of the word "either" would be rendered surplusage. However, as is relevant below, Plaintiff **denies** each RFA except RFA ¶ 11. This is relevant to the disposition.

It appears necessary to address the objections exemplifying Plaintiff's underlying misconception regarding the purpose of RFAs. Plaintiff objects as to each RFA that the RFAs request an admission of law and not of fact, citing CCP § 2033.010. This fundamentally misapprehends the purpose of RFAs. RFAs are properly targeted to various issues, including "application of law to fact". CCP, § 2033.010. Plaintiff articulates no example of the RFAs being an exclusively legal conclusion, and each examined by the Court clearly constitutes a factual element. Plaintiff has failed to justify the objection regarding issues of law pervading the RFAs, as that is properly within their scope when dealing with application of facts of the case to the law.

Plaintiff's objection that the RFAs call for expert opinion is equally meritless. Matters within expert opinion are properly the subject of RFAs. *Cembrook v. Superior Court In and For City and County of San Francisco* (1961) 56 Cal.2d 423, 429. Plaintiff's objection that the information is in Defendant's custody or control appears equally ill targeted, as that is a principle not applicable to RFAs, and instead derives directly from a statutory section applying to interrogatories.

Plaintiff's objection that each RFA contains ambiguous terms is not addressed in their separate statement. Plaintiff does object to different particularized terms as ambiguous for each RFA, but the Court cannot find an instance where such ambiguity is justified. As an example, in RFA ¶ 3, Plaintiff objects asserting that the terms "repurchase or replace" are vague. This strains credulity. Plaintiff's complaint alleges that Defendant "failed to promptly replace" the Vehicle, "or make restitution to Plaintiff as required by Civil Code section 1793.2(d)." Complaint ¶ 15. On matters of Song-Beverly claims, such restitution is pervasively referred to as repurchase. See, e.g., *Carver v. Volkswagen Group of America, Inc.* (2024) 107 Cal.App.5th 864, 878 ("If the vehicle

cannot be repaired, the manufacturer must offer to replace or repurchase the vehicle from the consumer. (§ 1793.2, subd. (d).)"). This is one of a myriad of examples of Plaintiff's unpersuasive confusion regarding terms common in Song-Beverly claims. Given that Plaintiff proffers no specific justification for these objections, they are not justified.

Plaintiff's objections that the RFAs are an undue burden, overbroad, harassing and unreasonable are unsupported by any showing by Plaintiff supporting these contentions. As such, these objections fail. *West Pico Furniture Co. of Los Angeles v. Superior Court In and For Los Angeles County* (1961) 56 Cal.2d 407, 417; *Toshiba America Electronic Components v. Superior Court* (2004) 124 Cal.App.4th 762, 773.

The objections interposed are an unnecessary and baseless prevarication to what would otherwise be a sufficient response. However, all of this somewhat place the burden improperly. The burden is first on Defendant to show that further responses are required. Of the original responses, only RFA ¶ 11 provides anything except a flat denial "without waiving" objections. Caselaw is clear that even where preceded by boilerplate, baseless objections, such responses are still "unequivocal" as contemplated by the statute. *American Federation of State, County & Municipal Employees v. Metropolitan Water Dist.* (2005) 126 Cal.App.4th 247, 269. Plaintiff's rote denial is the relevant factor where determining whether their prevarication is a basis for compelling further. Defendant may obtain fees for proving these matters, and so the admissions have served their purpose, to either force Plaintiff to concede issues, or possibly be subject to cost-shifting exposure. As to RFA ¶ 11, Plaintiff avers that he is unable to admit or deny. Defendants'' separate statement makes no attempt to argue that the *substantive* answer of being unable to admit or deny is insufficient, instead repeating the same arguments targeted to Plaintiff's boilerplate objections. The motion as to RFAs is unnecessary, as further responses are not required.

The motion to compel further responses to RFAs is DENIED.

B. Inspection Demands

Defendant makes many of the same arguments regarding insufficiency regarding the RPOD responses Defendant argues that as to all but one of the RPODs, Plaintiff identifies the same documents without regard for the content of the request.

As an initial matter, Defendant's contention that RPOD ¶ 19 fails to have a substantive response is not reflected in the documents before the Court. Neither Defendant's separate statement, nor the copy of responses attached to the motion reflects that RPOD ¶ 19 has any distinct response. Good cause for each of the discovery requests appears obvious, and Plaintiff raises no substantive argument attacking good cause. The discovery requests relate to Plaintiff's allegations, the averred deficiencies of the Vehicle, and Plaintiff's claimed damages.

The first question is whether Defendant is entitled to further responses by showing good cause. As to RPODs particularly, the good cause for compelling further responses appears to derive from objections which may limit the documents produced. Plaintiff asserts again that the objections are meritorious because of the substantive responses. Plaintiff misapprehends the

purpose of objections generally. Plaintiff avers that he is "entitled to assert its objections to preserve them". Opposition, pg.3:8. This is an impermissible abrogation of responsibility by counsel. It is the burden of attorneys under the discovery code to ensure their objections have merit and to sign objection responses. CCP 2031.250 (c) ("The attorney for the responding party shall sign any responses that contain an objection."). In this manner, counsel take responsibility for those legal contentions they assert on behalf of their clients. Plaintiff is correct that objections must be asserted to discovery responses, or otherwise waived. *Stadish v. Superior Court* (1999) 71 Cal.App.4th 1130, 1140. However, **nothing** states that it is therefore acceptable to assert meritless, inapplicable objections that counsel cannot justify. Boilerplate objections are sanctionable conduct. *Korea Data Systems Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516. If Plaintiff's objections are meritless, it does not stand scrutiny that some form of substantive response may save them.

This appears particularly true when dealing with RPODs. Neither Defendant nor the Court can predict what documents are withheld subject to a meritless objection. Whether documents might otherwise have been withheld must be considered when assessing the sufficiency of Plaintiff's responses as a result. After the good cause for the request is met, Plaintiff has the opportunity to not produce the documents if he can justify his objection. Otherwise, further responses must be compelled. Assertion of objections which do not protect any documents are a performative practice adding to discovery gamesmanship. They do not serve any practical purpose except to give the illusion of documents not produced.

Plaintiff makes many of the same arguments regarding their reiterated objections already addressed by the Court above. The same reasoning applies to Plaintiff's boilerplate averments of vagueness, ambiguity, overbreadth, oppression, undue burden, harassment, and Defendant's access to information. They are overruled for the reasons already stated.

For RPODs, additional deficiencies apply, as objections for undue burden must include types or categories of information that are not reasonably accessible. CCP § 2031.210(d). Trial courts retain broad discretion and authority to manage discovery issues, including determining whether a discovery request causes undue burden. *Toshiba America Electronic Components v. Superior Court* (2004) 124 Cal.App.4th 762, 773.

Plaintiff also asserts attorney client privilege. This bare assertion without any support, either in the discovery response or in opposition, is wholly insufficient. "If an objection is based on a claim of privilege or a claim that the information sought is protected work product, the response shall provide sufficient factual information for other parties to evaluate the merits of that claim, including, if necessary, a privilege log." CCP, § 2031.240 (c)(1). The Court however, does not find this objection generally waived, as mere failure to provide a privilege log is not sufficient to waive attorney client privilege. *Catalina Island Yacht Club v. Superior Court* (2015) 242 Cal.App.4th 1116, 1131. To the degree Plaintiff has responsive, attorney-client privileged documents, a privilege log must be produced. Failure to do so justifying each discovery request where the privilege is asserted will result in the objection thereon being overruled.

As to the sufficiency of Plaintiff's identification of documents, this is an issue under CCP § 2031.280 and 2031.350, and not motions to compel further responses under CCP § 2031.310. It

need not be addressed here, as it does not fall under the code section cited in the notice of motion. This does not affect the general insufficiency of the responses given the meritless objections.

Defendant's motion to compel further responses to RPODs is GRANTED on RPODs ¶ 1-42.

C. Form Interrogatories

As to the form interrogatories, Plaintiff asserts essentially the same objections to every interrogatory. Plaintiff's objections fare no better here than elsewhere. However, distributed throughout are direct and substantive answers after the needless prevarication. The Court analyzes good cause to each FI as a result.

FIs ¶ 2.6 and 12.1 are answered substantively and directly after the uniform objections. FI ¶ 12.1 has the additional consideration that Plaintiff identifies documents, an issue addressed below. However, that does not change the substantive nature of the response. Defendant does not show good cause as to why these are not complete answers in spite of the objections asserted. Further responses to FIs ¶ 2.6 and 12.1 are not warranted as a result.

In contrast, the remainder of the FIs have good cause. Plaintiff's response to FI ¶ 2.2 is clearly incomplete. As to FI ¶ 2.8, 12.7, 14.1 and 14.2, Plaintiff provides no substantive response at all. Good cause for further responses is readily apparent, and the burden shifts to Plaintiff to determine the sufficiency of objections. As to FI ¶ 17.1, Plaintiff provides an omnibus response related to the 21 RFAs at issue without providing any disambiguation as to what portion applies to which RFA. The structure of the form interrogatory is clear. Plaintiff must provide, "for each response that is not an unqualified admission", the number of the RFA at issue, the facts, witnesses, and documentary evidence thereon. Plaintiff's omnibus response is clearly not code compliant. Plaintiff must structure his responses in a way which makes clear what facts are responsive to a particular RFA.

To the merits of the objections, Plaintiff again provides no justification for the same repeatedly asserted objections of overbreadth, and burden. Plaintiff claims each interrogatory is both irrelevant and "exceeds the scope of the claims and/or defenses", to which the Court has already found to the contrary by finding good cause. Plaintiff continues to contend without justifiable basis that the requests, this time *form* interrogatories, are somehow impermissibly vague, pleading ignorance as to clearly legally defined terms. See, e.g., Plaintiff's Response to FI ¶ 14.1 (Plaintiff's contention that "statute, ordinance, or regulation" is a vague term). This is not a sufficient objection.

Plaintiff also makes an entirely unsubstantiated privacy objection. Again, good cause indicates that the information is relevant and Plaintiff has undertaken no effort to show the intrusiveness of **every** interrogatory, to which this contention is asserted boilerplate. The Court will not grant this more consideration than the manner in which it was tendered. As to FI ¶ 2.8 particularly, the Court notes that Plaintiff, by filing this matter, has placed his credibility at issue. While character evidence is strictly limited in California, prior convictions for crimes of moral turpitude may be admissible to impeach. *People v. Burton* (2015) 243 Cal.App.4th 129, 133. Defendant cannot

determine if Plaintiff has such prior convictions if Plaintiff's responses are obstructed through no greater privilege than a privacy objection provided with no further legal or factual support. None of Plaintiff's objections are supported.

Defendant's motion to compel further responses to FIs ¶ 2.2, 2.8, 14.1, 14.2, and 17.1 is GRANTED. As to FIs ¶ 2.6 and 12.1, the motion is DENIED.

D. Special Interrogatories

Again, Plaintiff has interspersed substantive responses within multitudinous objections. The Court assesses good cause and the objections thereafter.

As to SI ¶ 14 particularly, Defendant fails to express something amounting to good cause. Defendant does not provide any reason why the date Plaintiff first retained counsel is or could lead to admissible, relevant evidence. As to SIs ¶ 18, 26, 29-30 and 37, Plaintiff appears to have fully responded to the request with a simple, concise answer preceded by preamble objections and the contention that Plaintiff will identify documents under CCP § 2030.230 (again without adequately doing so). These responses appear adequately clear that further responses are not needed, and Defendant makes no showing of good cause beyond the same reiterated paragraph attacking the objections. Given the clarity of the responses, the objections do not appear to have impacted the sufficiency of the response.

For the remainder of the requests, Defendant shows good cause in that Plaintiff's responses are clearly deficient. Each of the requests go to the condition of the vehicle, Plaintiff's contentions, or what evidence on which Plaintiff will rely. Good cause is clear, as the information goes directly to the Plaintiff's own action.

In SIs ¶ 1-13, 15-17, 19-26, 27-28, 31-36, and 38-54, Plaintiff repeatedly relies upon the ability to provide documents in lieu of answers under CCP § 2030.230 without additionally providing a sufficiently clear factual response. However, Plaintiff fails to provide adequate specificity as would be required for answers to be compliant with that statute. Such answers are only available if "the answer to an interrogatory would necessitate the preparation or the making of a compilation, abstract, audit, or summary of or from the documents of the party to whom the interrogatory is directed". CCP, § 2030.230. Responses under CCP § 2030.230 must "specify the writings from which the answer may be derived or ascertained . . . in sufficient detail to permit the propounding party to locate and to identify . . . the documents from which the answer may be ascertained." It is obvious that Plaintiff's uniform response identifying every document he has produced in this case is not a specification. Nor has Plaintiff adequately articulated facts supporting the preamble requirement. The interrogatory at issue must require "the preparation or the making of a compilation, abstract, audit, or summary of or from" documents, and many of the SIs do not implicate such efforts being required by Plaintiff. Clear, factual responses are required.

Plaintiff's responses to SIs ¶ 6-12, 20-24, 27-31 and 38, relating to vehicle condition and nonconformity, are non-substantive reiterations of vague pleading from the Complaint, and the same insufficient assertion of CCP § 2030.230. The modern liberal allowance of pleadings is in

part dependent on the principle that discovery procedures are intended to provide clarity on what otherwise might be vague pleadings. *A.J. Fistes Corp. v. GDL Best Contractors, Inc.* (2019) 38 Cal.App.5th 677, 695. Plaintiff cannot provide a laundry list of vague and unspecified failures in the Complaint and fail to clarify in discovery. Where the interrogatories ask for Plaintiff to provide facts, he cannot in turn provide conclusions. The answers are unresponsive as a result.

Plaintiff's responses to SIs ¶ 41-54 (which relate to damages) have similar impermissible ambiguities. Plaintiff's conclusion that he has suffered "actual damages in the amount paid or payable under the sales contract, incidental damages such as out-of-pocket expenses for example, for tows or rentals, replacement vehicle, insurance premiums, registration fees, extended service contracts/warranties, warranty repair deductibles, as well as repairs and maintenance costs" is not sufficient to "(s)tate the dollar amount of each item of consequential damage". See Plaintiff's Response to SI ¶ 50. Plaintiff's responses are insufficient.

Plaintiff also repeatedly asserts that the information is equally accessible to Defendant. There has traditionally been an exception as related to interrogatories for equally accessible information. This exception is reflected in the current version of the applicable statute, opining that, "If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party." CCP., § 2030.220 (c). The requirement here is that Plaintiff **lack the personal knowledge** to respond. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 406. Plaintiff asserts this objection haphazardly without regard to the interrogatory, and without any factual support provided in opposition. It does not stand scrutiny that Plaintiff lacks personal knowledge about his own contentions regarding damages and nonconformities, what modifications **he** may have performed on the vehicle, identification of specific defects, or his particular date on which he revoked acceptance of the Vehicle. Plaintiff provides no support for this objection.

Defendant's motion to compel further responses to special interrogatories is GRANTED as to SIs ¶ 1-13, 15-17, 19-26, 27-28, 31-36, and 38-54.

IV. Sanctions

Defendant requests sanctions for Plaintiff's failure to produce code compliant responses. In so doing, they produce an attorney declaration which avers the rate actually charged to Defendant, and the amount of time expended. Defendant's four motions each request exactly $1,900 in sanctions.

Plaintiff avers that sanctions are unwarranted because their position was substantially justified as required by the statute. As the Court has addressed exhaustively above, Plaintiff's objections are largely meritless. The motion was necessitated by Plaintiff's accordingly deficient responses. Plaintiff's subsequent service of responses does not cure the deficiency. "Untimely compliance is not compliance." *Deck v. Developers Investment Co., Inc.* (2023) 89 Cal.App.5th 808, 831.

The purpose of monetary sanctions is to mitigate the effects of the necessity of discovery motions and responses on the prevailing party. The Fernandez declaration that accompanies each motion uniformly avers $1,900 in sanction is appropriate due to the expenditure of seven hours of time, a $60 filing fee, and one expected hour at the hearing. The rate thereon appears to be $230 per hour. The hourly rate is reasonable. However, the Court interprets Defendant's uniform time across the three motions as being indicative that this is a single sanctions request. The four motions rely on the same meet and confer letter, for which Defendant asks for two hours. The lack of distinction between the time requested in spite of the discrepancy in the number of requests at issue in the motions lends itself to this conclusion. Therefore, the Court analyzes the *single* request for $1,900 across the four motions.

Of the time expended, it appears clearly reasonable, but the request for the hour attending hearing is not a ripe request. The Court may only impose sanctions for costs "incurred" as a result of discovery abuse. CCP § 2023.030. "Here, the use of the past tense—'incurred'—in section 2023.030 suggests the individual seeking sanctions must have already become liable for those expenses before those expenses can be awarded as sanctions." *Tucker v. Pacific Bell Mobile Services* (2010) 186 Cal.App.4th 1548, 1563. The hearing has not yet occurred. Therefore, only seven of the eight hours at issue is proper. If a hearing occurs, the Court will grant appropriate time thereon.

Defendant has only prevailed on three of their four motions and has not separated their request. Therefore, three quarters of the request appears to be an appropriate amount of sanctions. Defendant requests the sanctions be imposed against both Plaintiff and their counsel. As to Defendant's prevailing motions, Plaintiff interposed numerous boilerplate, unsuccessful objections, or prevarication defending wording which lacks coherence. Counsel prepared these defenses, and the Court draws the conclusion that the responses stemmed from the advice from counsel as a result. Joint liability for sanctions is therefore appropriate.

Defendant's request for sanctions against both Plaintiff and their counsel jointly and severally on their motions to compel further responses to FIs, SIs, and RPODs is GRANTED in the total amount of $1,252.50. Sanctions on the motion to compel further responses to RFAs is DENIED.

V. Conclusion

Defendant's motions to compel further responses to RPODs, SIs, and FIs are GRANTED as to RPODs ¶ 1-42, SIs ¶ 1-13, 15-17, 19-26, 27-28, 31-36, and 38-54, and FIs ¶ 2.2, 2.8, 14.1, 14.2, and 17.1. Plaintiff will serve code compliant, objection-free responses (to the degree they are not cured by Plaintiff's supplemental responses) within 30 days of notice of this order. The motions to compel are DENIED as to RFAs, SIs ¶ 14, 18, 26, 29-30 and 37, and FIs ¶ 2.6 and 12.1. The request for sanctions is GRANTED and Plaintiff and/or their counsel shall pay $1,252.50 to Defendant within 30 days' notice of this order.

Defendant's counsel shall submit a written order 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.*****