

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Wednesday, May 6, 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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PLEASE NOTE: The Court’s Official Court Reporters are “not available” within the meaning of California Rules of Court, Rule 2.956, for court reporting of civil cases.

1. 24CV00517, Taft Street Incorporated v. Sussman

Plaintiff Taft Street Incorporated (“Taft” or “Plaintiff”) filed the presently operative Complaint against defendants Eric Sussman (“Sussman”), Radio-Coteau Wine Cellars, LLC (“Radio”), Agrarian Properties, LLC (“Agrarian”, together with Sussman and Radio, “Defendants”) with causes of action for declaratory and injunctive relief, intentional interference with prospective economic relations, negligent interference with prospective economic relations, and breach of contract(the “Complaint”) related to 2030 Barlow Lane, Sebastopol, in the County of Sonoma (the “Property”). Agrarian and Radio (together “Cross-Complainants”) have in turn filed the currently operative first amended cross-complaint (“FAXC”) against Taft and Michael Martini (“Martini”, together with Taft, “Cross-Defendants”) with ten causes of action (the “Cross-Complaint”).

The matter is on calendar for the motion by Cross-Defendants for summary adjudication pursuant to Cal. Code Civ. Proc. (“CCP”) § 437c. The motion is **DENIED** without prejudice.

I. Evidentiary and Pleading Issues

As an initial matter, Cross-Defendants have filed a motion seeking to adjudicate multiple pleadings. They offer no authority showing the propriety of such a motion. This conclusion is reinforced by the record. As Cross-Complainants argue, the motion fails for multiple procedural difficulties. First and most glaringly, Cross-Defendants' notice of motion does not opine the matters to be summarily adjudicated. "If summary adjudication is sought, whether separately or as an alternative to the motion for summary judgment, the specific cause of action, affirmative defense, claims for damages, or issues of duty must be stated specifically in the notice of motion and be repeated, verbatim, in the separate statement of undisputed material facts." Cal Rule of Court 3.1350 (b). It provides none of the specific matters to be considered for summary adjudication, and certainly fails to disclose that the motion seeks to adjudicate multiple pleadings.

Second, Cross-Defendants' separate statement is not reflective of the issues addressed "verbatim" in his notice of motion as required by Cal. Rule of Court 3.1350(b), and accordingly, the reasons for such strict requirements become clear. "(T)he burden (to establish compliance with procedural requisites) is on the party moving for summary judgment; because of the drastic nature of the remedy sought, he is held to strict compliance with the procedural requisites." *Department of General Services v. Superior Court* (1978) 85 Cal.App.3d 273, 284. The Court is not persuaded that such a motion is allowable, and therefore Cross-Defendants' motion is DENIED without prejudice to bringing separate motions separately addressing the Complaint and the Cross-Complaint.

The Court also notes, but does not reach, the deficiencies in Cross-Complainants' formatting of the separate statement. Cross-Complainants' separate statement, in disputing facts, must cite to evidence for the dispute, not their own facts elsewhere in the separate statement. Rule of Court, Rule 3.1350 (d)(3). "Each of the material facts stated shall be followed by a reference to the supporting evidence." CCP, § 437c(b)(3).

Cross-Complainants 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).

2-4. 24CV02480, Schirtzinger v. Steele

Plaintiffs Robert F. Schirtzinger ("Schirtzinger") and Sarah C.E. Thompson ("Thompson," together with Schirtzinger, "Plaintiffs"), has filed the currently operative second amended complaint (the "SAC") against defendants Kaiser Permanente Medical Group, Inc. ("Kaiser"), The Permanente Medical Group ("TPMG"), Allied Universal Security Services Universal Protection Service, LLP ("Allied"), Nicholas Schirtzinger ("Nicholas"), Thomas Steele ("Steele"), Sandy Karren ("Karren", together with all other defendants, "Defendants"), and Does 1-25 with five causes of action.

This matter is on calendar for Plaintiffs' motion for leave to amend the Complaint and for their motion to compel documents withheld subject to a privilege log from Kaiser.

Plaintiffs have filed an appeal of the Court's prior order disqualifying their counsel. Given that said counsel is still within the case due to the automatic stay resulting from the appeal, matters

litigated therein have already been found by the Court to justify exercising a discretionary stay due to the facts and circumstances of this case. *URS Corp. v. Atkinson/Walsh Joint Venture* (2017) 15 Cal.App.5th 872, 888. Kaiser had brought an ex parte application for stay pending the appeal, and the Court granted that request on April 20, 2026. This matter is stayed, and the instant motions (Plaintiffs' December 22, 2025, motion to compel production of documents, and their motion to amend the complaint filed January 6, 2026¹) are taken off calendar until such time that the appeal is finally determined and any required remittitur has issued. At that juncture, Plaintiffs may file ex parte to have the matters placed back on calendar.

5-6. 25CV02465, Msalam v. Auto Car, Inc.

Plaintiff Ghassan Msalam ("Plaintiff") filed the complaint (the "Complaint") in this action against defendants American Honda Motor Co., Inc., ("Manufacturer"), Auto Car, Inc. ("Dealer", together with Manufacturer, "Defendants") and Does 1-10. The Complaint contains causes of action for: 1) breach of express warranty under the Song-Beverly Consumer Warranty Act, Civ. Code § 1790 et seq. (the "Act"); and 2) breach of implied warranty under the Act.

This matter is on calendar for the motion by Plaintiff to compel further responses from Dealer to Requests for Production of Documents ("RPODs") and requests for admission ("RFAs") under CCP § 2031.310. The motion is **GRANTED IN PART AND DENIED IN PART**. The requests for sanctions thereon are **GRANTED**.

I. Procedural Issues

Dealer has filed no timely opposition.

II. Governing Law

A. Discovery Generally

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

¹ A preceding version of the motion from December 8, 2026, also remains on calendar, but given the synonymous relief, only the later one appears to be at issue.

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.

B. 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.

C. RPODs

Regarding 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.

D. Sanctions

CCP § 2033.290(d) (relating to requests for admission) 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.” There is no requirement that the failure to comply with discovery be willful for the court to impose monetary sanctions. *Ellis v. Toshiba America Information Systems, Inc.* (2013) 218 Cal.App.4th 853, 878. 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

A. RFAs

Plaintiff avers that Dealer responded to the wrong set of RFAs, responding to the RFAs propounded to the Manufacturer, and not the RFAs actually propounded to Dealer. Dealer has filed no opposition to the motion. Given that Dealer provided responses, but to the wrong RFAs, the answers are clearly insufficient as irrelevant. Compelling further responses appears mandatory.

Plaintiff’s motion to compel further responses to the RFAs ¶ 1-6 is GRANTED.

B. RPODs

Plaintiff propounded RPODs to Dealer on various categories of documents. Dealer provided responses to each RPOD with the following language:

Auto Car, Inc. objects to this request as vague, ambiguous, and overly broad. Moreover, the request fails to describe with reasonable particularity the documents or categories of documents being requested in violation of Code of Civil Procedure, Section 2031.030(c)(1). Auto Car, Inc. objects to this request on the grounds that it seeks documents that are equally available to Plaintiff. Auto Car, Inc. further objects to the extent this request asks Auto Car, Inc. to respond on behalf of any other entity and responds only on behalf of Auto Car, Inc. Subject to and without waiving its objections, the requested production will be allowed in whole and all documents in the requested category that are in the possession, custody, or control of Auto Car, Inc. will be included in Defendant AHM’s production, including all relevant documents applicable to the subject vehicle, the 2024 Honda Prologue, VIN 3GPKHURM5RS531827.

Dealer asking that they produce Plaintiff contends that that the responses provided by Dealer are not sufficient. The novel problem raised is that Dealer’s responses are posed as being produced simultaneously with the production from Manufacturer. The Discovery Act provides that an agreement to produce is:

A statement that the party to whom a demand for inspection, copying, testing, or sampling has been directed will comply with the particular demand shall state that the production, inspection, copying, testing, or sampling, and related activity demanded, will be allowed either in whole or in part, and that all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production.

Code Civ. Proc., § 2031.220.

First, the Court notes that Dealer has asserted various objections without regard to the nature of each of the RPODs. This in turn shows good cause. As to RPODs particularly, the good cause for compelling further responses appears to derive from objections which may limit the documents produced. Neither Plaintiff nor the Court can augur what documents are withheld subject to a meritless objection. Whether documents might otherwise have been withheld must be considered when considering the sufficiency of Plaintiff's responses as a result. After the good cause for the request is met, Dealer has the opportunity to not produce the documents if they can justify the objections. 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.

The Court notes that the instant motion is not targeted to the issue which appears to concern Plaintiff most. Plaintiff contends that the responses averring that documents would be produced with Manufacturer's document production. Plaintiff has filed a motion to compel further responses. In examining the relevant statute, the responses by Dealer do not violate CCP § 2031.220. They affirm that "all documents in the requested category that are in the possession, custody, or control" will be produced. Motions related to the actual production are under CCP § 2031.320. Even there, it doesn't appear clear that the production of documents by multiple parties simultaneously is impermissible.

Regardless, good cause for further responses is met due to the inclusion of objections resulting in possibly incomplete production. The objections are unjustified. Dealer's objections that the RFAs are an undue burden, overbroad, harassing and unreasonable are unsupported by any showing by Dealer 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. Boilerplate objections are sanctionable conduct. *Korea Data Systems Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516. The averment that the documents are equally available to the other party are misplaced, as this is a contention related to interrogatories. See CCP § 2030.220(c); *Bunnell v. Superior Court* (1967) 254 Cal.App.2d 720. There is no similar provision related to inspection demands. The objections are overruled.

Plaintiff's motion to compel further is GRANTED as to RPODs ¶ 1-13.

C. Sanctions

Turning to the propriety of sanctions, the motion is the result of Dealer's failure to produce sufficient responses, which necessitated Plaintiff's motion. Monetary discovery sanctions are intended to be compensatory for discovery abuse. Dealer's contentions regarding substantial justification are not persuasive for the same reasons that their answers were insufficient. This is not a windfall, it is abrogation of the harm imposed by being forced to bring motions for obviously deficient responses. The subsequent attempts to oppose on frivolous grounds does nothing to show substantial justification. As such, sanctions are mandatory.

The notice of motion only requests sanctions against Dealer, and not their counsel. Sanctions are therefore only capable of imposition against Dealer. Plaintiff seeks \$949.22 for each of the motions compelling further responses from Dealer. Plaintiff has prevailed in a similar manner as to both motions, and therefore sanctions as to each appears appropriate. Counsel requests a rate of \$350 per hour, with 2.5 hours for per motion. The motion also has a filing fee of \$60, and an e-filing cost of \$14.22. Two and a half hours per motion appears reasonable. Counsel's fees are not excessive. The fees and costs related to filing are actual and reasonable.

Therefore, the Court finds appropriate sanctions of \$1,898.44.

The motions are GRANTED as to sanctions. Plaintiff's requests for sanctions against Dealer is GRANTED in the amount of \$1,898.44. Dealer is to pay this amount within 45 days.

IV. Conclusion

The Motion to compel further responses to RFAs is **GRANTED** as to RFAs ¶ 1-6. The Motion to compel further responses to RPODs is **GRANTED** as to RPODs ¶ 1-13. Dealer will provide code compliant responses within 30 days of notice of this order. Plaintiff's requests for sanctions against Dealer is **GRANTED** in the amount of \$1,898.44. Dealer is to pay this amount within 45 days.

Plaintiff 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).

7. 25CV07803, Rodriguez v. Acosta

The parties have executed a Stipulation to allow Plaintiff to file a first amended complaint. The Court has now signed a corresponding order on May 5, 2026, allowing for such filing. Defendant's demurrer to the original complaint is therefore rendered MOOT.

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