

## TENTATIVE RULINGS

### LAW & MOTION CALENDAR

Friday, June 5, 2026 3:00 p.m.

Courtroom 17 – Hon. Dennis Hayashi for the Hon. Jane Gaskell

3035 Cleveland Avenue, Santa Rosa

**PLEASE NOTE:** In accordance with the Order of the Presiding Judge, a party or representative of a party may appear in Department 17 in person or remotely by Zoom, a web conferencing platform.

**CourtCall is not permitted for this calendar.**

**If the tentative ruling is accepted, no appearance is necessary via Zoom unless otherwise indicated.**

#### **TO JOIN D17 ZOOM ONLINE:**

Meeting ID: 161 126 4123

Passcode: 062178

<https://sonomacourt-org.zoomgov.com/j/1611264123>

#### **TO JOIN ZOOM BY PHONE:**

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

+1 669 254 5252

The following tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument as to any motion, **YOU MUST NOTIFY** Judge Gaskell's Judicial Assistant by telephone at **(707) 521-6723**, and all other opposing parties of your intent to appear, and **whether that appearance is in person or via Zoom**, by **4:00 p.m. the court day immediately preceding the day of the hearing.**

### **1. SCV-272616, Mountain Metal Works, Inc. v. Lion Energy, LLC**

Counsel Jeanine Donohue and her firm Buchalter LLP request to be relieved as counsel for Defendant Lion Energy, LLC, due to a breakdown in the attorney-client relationship via a conflict of interest. In her declaration, she represents that Defendant has obtained new counsel to represent it in the appeal of the instant case. While it is unclear to the Court why the parties did not execute a substitution of attorney instead of the instant motion since Defendant has retained new counsel for the appeal of this case, the motion is unopposed. Defendant was served with the motion on February 11, 2026 and served with Counsel's notice of non-opposition filed on May 27, 2026. The *unopposed* motion is **CONDITIONALLY GRANTED** as the proposed order filed on February 11, 2026, is not complete. Counsel Donohue must lodge a revised proposed order with sections 3 through 9 filled out, as applicable, within 7 days of this ruling.

### **2. 24CV06734, Meyer v. Cullen**

Defendant Vincent Charles Zanoni, as Trustee of Vincent Charles Zanoni 2017 Trust, ("Defendant") moves for an order deeming Requests for Admission ("RFAs"), Set One admitted and

sanctions pursuant to C.C.P. sections 2033.280(b), 2033.030, and 2033.280(c). The motion and sanctions are **DENIED**.

## **I. FACTUAL & PROCEDURAL HISTORY**

This action arises from wrongful foreclosure of Plaintiff Keni Mae Meyer’s (“Plaintiff”) property. Defendant propounded the RFAs, Set One on December 31, 2025 with responses due February 2, 2026. (Mierzwa Decl., ¶¶ 5–6, Exhibit A.) Plaintiff’s former counsel emailed Defendant’s counsel on January 30, 2026 advising her that the RFA responses were not complete, but Defendant’s counsel did not agree to an extension due to the pending trial date in October of 2026 and the deadline for filing a motion for summary judgment. (Mierzwa Decl., ¶¶ 7–8, Exhibit B.) In the interim, Plaintiff relieved her former counsel and was representing herself in the action again. (Mierzwa Decl., ¶ 9.) Defendant’s counsel stated that as of February 11, 2026, she had not received any responses to the RFAs. (Mierzwa Decl., ¶ 10.) Since filing the motion, additional correspondence regarding the discovery has occurred. On February 26, 2026, Defendant’s counsel sent a meet and confer request with responses due by March 5, 2026, offering to schedule a meet and confer call on March 6, 2026. (Supp. Mierzwa Decl., ¶ 4, Exhibit 1.) On March 2, 2026, Plaintiff sent several emails with “non-compliant, unverified, unsigned purported discovery responses with no declaration of service and no proof of service on all other parties to this action.” (Supp. Mierzwa Decl., ¶ 5, Exhibit 2.) On March 26, 2026, and April 13, 2026, Defendant’s counsel sent meet and confer emails identifying deficiencies in Plaintiff’s responses. (Supp. Mierzwa Decl., ¶¶ 6–7, Exhibits 3–4.) Defendant’s counsel granted two extensions between April 13, 2026, and April 29, 2026. (Supp. Mierzwa Decl., ¶ 8, Exhibit 5.) Between May 1, 2026, and May 28, 2026, Defendant’s counsel communicated extensively with Plaintiff. (Supp. Mierzwa Decl., ¶¶ 9–12, Exhibits 6–8.) Plaintiff filed an opposition to the motion on April 21, 2026 and on June 2, 2026, filed verified responses to RFAs, Set One that Plaintiff contends she served on all parties on June 1, 2026.

## **II. DISCUSSION**

### **A. Governing Law**

A party’s failure to timely respond to discovery allows the propounding party to move for an order compelling responses and monetary sanctions. (See C.C.P. §§ 2033.280(b)–(c) [requesting an order that the truth of any matters specified in the requests be deemed admitted and monetary sanctions].) A party may move for an order compelling further responses and sanctions if initial responses are incomplete, evasive, or an asserted objection is meritless or too general. (See C.C.P. § 2033.290(a) [compelling a further response to requests for admissions]; and C.C.P. § 2033.290(d) [monetary sanctions for unsuccessfully making or opposing a motion to compel a further response to requests for admissions].) Failure to serve a timely response to RFAs allows the requesting party to move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted and monetary sanctions. (C.C.P. § 2033.280(b).)

### **B. Plaintiff has Served Code-Compliant Responses Before the Hearing**

Notably, Defendant’s counsel does not challenge the sufficiency of the responses themselves but instead attacks the formatting sufficiency of Plaintiff’s responses to justify its request to deem RFAs

admitted. The Court does not find Plaintiff's March 2, 2026, response to RFAs, Set One to be deficient. Defendant's counsel states that these responses are not compliant with C.C.P. section 2033.210, subdivision (b) and (c). Plaintiff's responses are compliant with these subdivisions as each of Plaintiff's responses answer the substance of the requested admission and identify the responding party, the set number, and the requesting party in the first paragraph immediately below the title of the case. Counsel cites no authority supporting her contention that discovery, specifically RFAs, must be served on *all* parties in the case, not just the propounding party. The Discovery Act repeatedly refers to the propounding party or requesting party and the responding party, not "all parties" in a given action. Defendant's counsel also challenged Plaintiff's signature on the RFAs since she signed as "/s/ Keni Mae Meyer" in Plaintiff's March 2, 2026, responses. However, Counsel cites to no authority that /s/ before a typewritten name is not a valid electronic signature. Documents may be electronically signed under penalty of perjury. (California Rules of Court, rule 2.257(b).) An electronic signature "is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means." (California Rules of Court, rule 2.257(a).) "A record or signature may not be denied legal effect or enforceability solely because it is in electronic form." (Civ. Code § 1633.7.) Therefore, Plaintiff's March 2, 2026, signature was valid and may not be denied legal effect. Regardless, Plaintiff filed and served code-compliant responses pursuant to Defendant's counsel's repeated formatting requests on June 2, 2026, before the June 5, 2026 hearing. (*St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776 ["a responding party's service, prior to the hearing on the 'deemed admitted' motion, of substantially compliant responses, will defeat a propounding party's attempt under section 2033.280 to have the RFAs deemed admitted."]) Thus, Defendant's request to deem RFAs, Set One, admitted is **DENIED**.

### C. Sanctions

Defendant seeks sanctions against Plaintiff for \$5,465.50 pursuant to C.C.P. 2033.280(c). However, the Court finds that Plaintiff is in substantial compliance with section 2033.220 pursuant to section 2033.280(c). Plaintiff's former counsel necessitated the instant motion and since being put on notice that her former counsel failed to serve discovery responses, Plaintiff has engaged in the meet and confer process with Defendant's counsel and has attempted to serve code-compliant responses several times. Defendant's counsel attacks the formatting sufficiency of Plaintiff's responses, which does not warrant sanctions, and as discussed above, the Court does not find these arguments to be meritorious. Therefore, Defendant's request for sanctions is **DENIED**.

### III. CONCLUSION

The motion is **DENIED** in its entirety.

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

### **3-4. 24CV05839, Harris v. Sonoma Specialty Hospital, LLC**

Plaintiff John Harris ("Plaintiff") by and through his Power of Attorney, Heather Harris

("Plaintiff's Agent") filed the complaint (the "Complaint") against defendants Sonoma Specialty Hospital, LLC ("Sonoma Specialty"), American Advanced Management, Inc. ("American, together with Sonoma Specialty, "Defendants") and Does 1-50 for causes of action arising out of alleged dependent adult abuse. This matter is on calendar for the motions by Defendants to compel responses to requests for production of documents ("RPODs") under Code of Civil Procedure ("CCP") § 2031.300, to compel further responses to form interrogatories ("FIs") and special interrogatories ("SIs") under CCP § 2030.290. The motions are GRANTED

## I. Procedural and Evidentiary Issues

Plaintiff has filed no opposition. Plaintiff's Agent filed an opposition on February 23, 2026, which the Court does not consider. As the Court addressed in the motion for Plaintiff's Counsel's withdrawal, an agent under a power of attorney has no capacity to appear in court on behalf of their principle. *People By and Through Dept. of Public Works v. Malone* (1965) 232 Cal.App.2d 531, 536–537 ["A power of attorney does not permit an agent to act as an attorney at law. If the rule were otherwise, the State Bar Act could be relegated to contempt by any layman who secured from his principal an ordinary power of attorney, for the purpose of representing him in pending litigation"]; see also *Russell v. Dopp* (1995) 36 Cal.App.4th 765, 775 ["The general American rule is that an unlicensed person cannot appear in court for another person..."]. Second, the opposition filed contains no signature, and therefore it cannot be considered. CCP § 128.7. The inability of Plaintiff's Agent to appear means that signing the document would not remedy the matter. The opposition filed by Plaintiff's Agent cannot be considered for both of these reasons.

The Court also notes two areas within Defendants' motion to compel interrogatory responses where Defendants make reference to "OROVILLE HOSPITAL's Special Interrogatories, and OHPAC PARTNERS, LLC's Special Interrogatories, Sets One". See, e.g., Memorandum, pg. 4:23-25. The Court assumes that these are typographical errors derived from templating, and not addressing matters not immediately apparent from the record. Given that there is no viable opposition, the Court addresses matters on their substance.

## II. Governing Law

Regarding interrogatories, 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." Code Civ. Proc. ("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). If a party fails to serve a timely response to interrogatories, the court shall impose sanctions unless it finds that the party subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. CCP §2030.290(c). Code of Civil Procedure section 2030.290 provides that if a party to whom interrogatories were directed fails to serve timely responses, the responding party waives

all objections, including those based on privilege and work product protection, and the propounding party may move for an order compelling responses. CCP §2030.290(a)-(b); see also, *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 404. All that the moving party needs to show in its motion is that a set of interrogatories was properly served, that the time to respond has expired, and that no response has been provided. See, *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905-906.

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.* Where no response was served to a RPOD, there is no time requirement in moving to compel, nor any requirement to show good cause for the production requested. See CCP § 2031.300; see also Cal. Prac. Guide Civ. Pro. Before Trial Ch. 8H-8, Enforcing Demand: §§ 8:1484, 8:1487; contra CCP § 2031.310 (b-c) (a motion to compel further shall set forth good cause for the demand and shall be filed within 45 days of service of the unsatisfactory response). Code of Civil Procedure section 2031.300 provides that if a party fails to serve timely responses to requests for production of documents, the responding party waives all objections, including those based on privilege and work product and “[t]he party making the demand may move for an order compelling [a] response to the demand.” CCP §2031.300(a)-(b).

There is no requirement to meet and confer prior to filing a motion to compel where there has been no response to discovery requests. *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 906; *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 405.

### III. Analysis

Defendants served their FIs, SIs, and RPODs to Plaintiff on January 8, 2025. Hutchings Declaration ¶ 2. Plaintiff has provided no responses. *Id.* at ¶ 3. These motions were filed on July 9, 2025.

Plaintiff was required to provide responses over a year ago, and no responses have yet been provided. Untimely responses waive objections. CCP § 2030.290(a); CCP § 2031.300 (a). Objection free responses are therefore required. Defendants’ motion to compel is GRANTED. Plaintiff is to produce complete, objection free responses to the Form Interrogatories, Special Interrogatories and Requests for Production of Documents within 45 days of notice of this order.

IV. Conclusion

The unopposed Motion to compel is **GRANTED**.

Defendants 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). Defendants shall serve a copy of this order to Plaintiff in compliance with CCP § 1019.5 and attach the relevant discovery requests.