

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, August 14, 2026 3:00 p.m.
Courtroom 17 – 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. 24CV01760, Garza v. Cisneros

Defendant Paolo Petrone moves for summary judgment of the First and Second Causes of Action asserted against him in the Complaint. The motion is **DROPPED as MOOT** because Plaintiffs dismissed the action as to Paolo Petrone on June 24, 2026. The Minute Order shall constitute the order of the Court.

2-4. 25CV06321, Stewart v. Providence Medical Foundation

Plaintiff Samantha Stewart (“Plaintiff”) moves to compel Defendant Gansevoort Dunnington Jr., M.D.’s (“Dunnington”) further responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Requests for Production, Set One (“RFP”). The motion to compel further responses is **DENIED** in its entirety. All requested sanctions are **DENIED**.

I. FACTUAL & PROCEDURAL HISTORY

On September 5, 2025, Plaintiff filed her action against Dunnington, Providence Medical Foundation, Providence St. Joseph Health alleging violations of FEHA, including discrimination and retaliation, arising out of a workplace dispute. The causes of action alleged against Dunnington are sexual harassment, retaliation, intentional interference with contractual relations, intentional interference with prospective economic relations, defamation per se, and violation of Labor Code section 1102.5. On January 23, 2026, Plaintiff propounded Form Interrogatories, Set One, Special Interrogatories, Set One, and RFPs, Set One, requiring all responses due by February 26, 2026. (See Mendelson Decls., ¶ 3, Exhibit A.) On February 26, 2026, Dunnington requested a 30-day extension to have responses due by March 26, 2026, for these discovery requests, which Plaintiff agreed to. (Mendelson Decls., ¶ 4.) On March 26, 2026, Dunnington served verified responses to Form Interrogatories, Special Interrogatories, and RFPs. (See Mendelson Decls., ¶ 5, Exhibit B.) Plaintiff believed Dunnington's discovery responses to be deficient, which prompted the parties to meet and confer via email on May 6, 2026, May 8, 2026, and May 11, 2026. (See Mendelson Decls., ¶¶ 6–8, Exhibits C–E.) The meet and confer was not successful and Plaintiff now moves the Court to compel Dunnington's further responses to Form Interrogatories, Special Interrogatories, and RFPs.

II. DISCUSSION

A. Governing Law

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. § 2030.300(a) [compelling further response to interrogatories]; C.C.P. § 2030.300(d) [monetary sanctions for unsuccessfully making or opposing a motion to compel a further response to interrogatories]; C.C.P. § 2031.310(a) [compelling further response to demand for inspection]; C.C.P. § 2031.310(h) [monetary sanctions for unsuccessfully making or opposing a motion to compel a further response to demand for inspection]; 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].)

B. The Discovery at Issue

a. Form Interrogatories

Plaintiff challenges Dunnington's responses to Form Interrogatory Nos. 201.5 and 201.6.

Request No. 201.5 asks for information related to any person hired to replace Plaintiff after her termination/demotion to which Dunnington objected, arguing that he did not make hiring decisions for Providence Medical Foundation and asserted attorney-client privilege and work product doctrine. Without waving objection, Dunnington stated that he did not participate in the hiring process and lacks sufficient personal knowledge. Plaintiff contends that his document production included multiple

emails and correspondence identifying prospective candidates, showing that he does have information responsive to these requests. Similarly, Request No. 201.6 asks for information related to any person who has performed any of Plaintiff's former job duties after she was terminated/demoted. Dunnington asserted the same objection but without waiving such objection, answered that he did not participate in the hiring process and lacks sufficient personal knowledge of the information about any replacement.

While Plaintiff cites to emails that supposedly invalidate Dunnington's response, Plaintiff has not produced these documents for the Court. Even though Defendant asserted objections in his responses, he still answered the interrogatories that he lacks sufficient personal knowledge and was not involved in the hiring process. This answer is sufficient and there is no reason to compel a further answer. The motion to compel further responses to Form Interrogatory Nos. 201.5 and 201.6 is **DENIED**.

b. Special Interrogatories

Plaintiff challenges Dunnington's responses to Special Interrogatory Nos. 27, 34, 102, and 103.

Request No. 27 asks for conversations with Aaron Kime relating to Plaintiff. Dunnington objected that the request was overbroad and unlimited in time but without waiving objection stated that he does not recall specific conversations with Aaron Kime about Plaintiff. Again, Plaintiff cites to document production, including emails that "identify Aaron Kime relating to Plaintiff." The overbroad objection is valid but Dunnington still provided a response. Without more, the Court finds Dunnington's initial response to be sufficient.

Request No. 34 asks for all of Dunnington's communications he had with any individual relative to Plaintiff's job performance. Dunnington objected on the basis that the request was overbroad and unlimited in time and scope. Without waving these objections, Defendant responded that he communicated with persons at Providence regarding Plaintiff's performance, observed that Plaintiff was not meeting coverage needs of cardiothoracic service, and discussed performance issues related to her role. Plaintiff argues that this response is insufficient. However, the overbroad objection is valid. The request is so broad and the response without waiving these objections adequately addressed the breadth requested by the interrogatory. This response is sufficient.

Request No. 102 asks Dunnington to "[i]dentify the people relating to Providence Medical Foundation or Providence St. Joseph Health that you [Dunnington] requested an alternative peer review process relating to You." Dunnington objected to this request are vague and ambiguous. Without waiving objection, Dunnington stated that he recalled discussing the outside peer review process in their department with Dr. Dhar but does not recall requesting an alternative peer review process. Plaintiff argues that Dunnington has not made a reasonable or diligent effort and states that, "No CT surgeon at Santa Rosa Memorial Hospital was subjected to outside peer review in over 20 years prior to [Dunnington]." The fact that no CT surgeon was subjected to outside peer review does not invalidate the ambiguity objection. The Court finds this request to suffer from a grammatical

ambiguity that directly affects the meaning of this request. As such, Dunnington's response is sufficient.

Request No. 103 asks Dunnington to describe in detail why he requested an alternative peer review process than was in place prior to his employment with Providence Medical Foundation or Providence St. Joseph Health. Dunnington's response states that this request is vague and seeks information protected by the peer review privilege under Evidence Code section 1157. Without waiving objection, Dunnington responded that he does not recall requesting alternative peer review process. Again, Plaintiff cites to the fact that no CT surgeon was subjected to outside peer review in the 20 years prior to Dunnington. Without more, the Court finds his response to be sufficient. The motion to compel further responses to Special Interrogatory Nos. 27, 34, 102, and 103 is **DENIED**.

c. RFPs

Plaintiff challenges Dunnington's responses to RFP No. 86. RFP No. 86 requests all documents related to Dunnington's request for an alternative peer review process. Dunnington asserted an objection under Evidence Code section 1157, the peer review privilege. Without waiving his objections, Dunnington stated that he would comply with the demand to produce all responsive, non-privileged documents and produce a privilege log. Dunnington also stated that he did not request an alternative peer review process, but that he was providing messages where he questioned the peer review process but did not make a formal demand for a different process, which were Bates stamped Dunnington 1 through 277. Plaintiff argues that this response fails to identify compliance in whole or part, fails to identify with any particularity Bates-stamped documents, fails to provide sufficient factual information or privilege log, and Dunnington misreads the peer review privilege.

In Opposition, Dunnington claims that he voluntarily produced 277 pages of relevant documents and that no document was withheld from the production on any privilege ground, which does not require production of a privilege log. Even if Dunnington is not covered by the Section 1157 immunity, Plaintiff does not contest Dunnington's claim that he did produce 277 pages of responsive documents. Plaintiff instead challenges that the words "alternative", "external", or "peer" are not located in any communications within the entirety of the production and that the Opposition "judicially admits that it holds knowledge of responsive documents maintained by the hospital." The Court disagrees and finds Dunnington's response to be sufficient. The motion to compel a further response to RFP is **DENIED**.

C. Attorney Conduct and Sanctions

Both parties seek sanctions against the other for various allegations of gamesmanship/discovery abuses and the other side's failure to engage in the meet and confer process in good faith. In Plaintiff's counsel's last communication, he gave the option for further meet and confer but only gave about a day in between this last correspondence and filing the instant motions. Regardless, both sides sent detailed emails of their positions on these disputes and did engage in a back-and-forth discussion that

ultimately was not successful. The Court notes both counsels' hostility conveyed through their briefs for what are generally straightforward discovery disputes. Incivility will not be tolerated from either party. The Civil Discovery Act of 1986's central precept is that civil discovery should be essentially self-executing. (*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1281.) Counsel has failed to uphold this principle necessitating Court intervention. In the event such disputes continue, the Court will consider appointing a discovery referee.

In the initial motions, Plaintiff sought monetary sanctions. In Reply, Plaintiff seeks evidentiary sanctions and heightened monetary sanctions totaling **\$66,902.50** for all three motions:

- Form Interrogatories: \$22,233.00
 - \$15,000.00 pursuant to *Kim v. Westmoore Partners* (2011) 201 Cal.App.4th 267, 294;
 - \$1,479.00 as originally requested by Plaintiff; and
 - \$5,754.00 for the Reply to the Opposition.
- Special Interrogatories: \$23,116.00
 - \$15,000.00 pursuant to *Kim v. Westmoore Partners* (2011) 201 Cal.App.4th 267, 294;
 - \$2,088.00 as originally requested by Plaintiff; and
 - \$6,028.00 for the Reply to the Opposition.
- RFPs: \$21,553.50
 - \$15,000.00 pursuant to *Kim v. Westmoore Partners* (2011) 201 Cal.App.4th 267, 294;
 - \$1,827.00 as originally requested by Plaintiff; and
 - \$4,726.50 for the Reply to the Opposition.

To summarize, Plaintiff seeks \$66,902.50 for compelling further responses to seven (7) fairly routine discovery requests. Such request is excessive and unsupported by authority. First, discovery sanctions are not designed to punish but should serve a remedial purpose and are proportionate to the offending party's misconduct. (*Padron v. Watchtower Bible & Tract Society of New York, Inc.* (2017) 16 Cal.App.5th 1246, 1259–1260.) Second, *Kim* is inapplicable because it concerns appellate sanctions which that court granted under the appellate Rules of Court (Rule 8.204(a)(1)). The Court does not agree with Plaintiff's characterization of Dunnington's opposition as grossly frivolous and meritless, warranting the imposition of monetary and evidentiary sanctions. Furthermore, Plaintiff's counsel's rate of \$685.00 is not reasonable in the Sonoma County locality and hours for anticipated work not yet completed are not costs incurred that would be awardable under the Act. (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095 [“The reasonable hourly rate is that prevailing in the community for similar work.”]; *Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1242–1243 [the relevant “community” is where the court is located]; *Kwan Software Engineering, Inc. v. Hennings* (2020) 58 Cal.App.5th 57, 74; *Argaman v. Ratan* (1999) 73 Cal.App.4th 1173, 1181 [costs must be both actual and reasonable].) Most notably, Plaintiff was not the successful party and therefore is not entitled to sanctions under C.C.P. sections 2030.300(d) and 2031.310(h).

In Opposition, Dunnington also seeks \$8,165.00 in sanctions against Plaintiff for all three motions pursuant to C.C.P. sections 2030.300(d) and 2031.310(h) as the prevailing party on the motion. Even though Plaintiff was unsuccessful in its motion, on balance the Court will find that

Plaintiff acted with substantial justification in making the motion and the arguments contained therein. (*Doe v. United States Swimming, Inc.* (2011) 200 Cal.App.4th 1424, 1434–1435 [Substantial justification means a justification that “is clearly reasonable and well-grounded in both law and fact.”; the losing party has the burden to prove that it acted with substantial justification.].) Thus, all requested sanctions are **DENIED**.

III. CONCLUSION

The motion to compel further responses to Form Interrogatory Nos. 201.5 and 201.6; Special Interrogatory Nos. 27, 34, 102, and 103; and RFP No. 86 is **DENIED**. All requested sanctions are **DENIED**.

Dunnington’s counsel 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).