

**TENTATIVE RULINGS
LAW & MOTION CALENDAR
Friday, September 11, 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) 521-6725**, 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. 24CV03928, Foppoli v. Lawson

Plaintiff Joseph Foppoli (“Plaintiff”) moves to compel Defendant Two Kings Wine Company, LLC (“Defendant”) to produce, without objection, all documents responsive to Plaintiff’s Request for Production Nos. 1 through 44 as set forth in Plaintiff’s Notice of Taking Deposition of Defendant’s Person Most Knowledgeable (“PMK”). The motion is **DENIED**.

I. PROCEDURAL HISTORY

On April 3, 2026, Plaintiff served a Notice of Taking Deposition of Defendant’s PMK for June 16, 2026, and requesting that Defendant produce 44 categories of documents directly relevant to Plaintiff’s claims for wrongful termination, retaliation, wage-and-hour violations, and breach of fiduciary duty. (Memorandum of Points and Authorities [“MPA”], 1:20-25.) These requests encompassed Plaintiff’s personnel records, compensation records, timekeeping and attendance records, communications regarding the termination decision, financial records, internal investigation documents, comparative discipline records, wine production records, and documents relating to the alleged \$100,000 product loss Defendant attributed to Plaintiff’s conduct. (*Id.* at 2:15-26.)

Defendant did not serve timely objections in writing, but 30 minutes before the deposition was set to begin, defense counsel served a 20-page set of written responses with boilerplate objections and did not respond at all as to Requests Nos. 4-5, 10-14, 17, 19, and 36-40. (*Id.* at 2:3-6.) Plaintiff's counsel met and conferred with Defendant's counsel demanding that Defendant withdraw all objections and produce all responsive documents, or otherwise Plaintiff would file this motion to compel. (*Id.* at 3:14-16.) Defendant's counsel indicated that their position was that C.C.P. section 2025.410's waiver provision does not apply to document production requests attached to a deposition notice and rather objections are instead governed by section 2031.310. (*Id.* at 3:16-22.)

Plaintiff now moves to compel production of all responsive documents to Request Nos. 1-44 attached to the Deposition Notice without objection and impose monetary sanctions. (MPA, 2:10-12.) Defendant filed an Opposition, to which Plaintiff replied.

ANALYSIS

Legal Standard

Failure to Produce Documents Requested in Deposition Notice

A party served with a deposition notice who does not comply with C.C.P. section 2025.210 et seq. waives any error or irregularity unless that party promptly serves a written objection specifying that error or irregularity at least three calendar days prior to the date for which the deposition is scheduled, on the party seeking to take the deposition and any other attorney or party on whom the deposition notice was served. (C.C.P. § 2025.410(a).)

If a deponent fails to answer any question or to produce any document, electronically stored information, or tangible thing under the deponent's control that is specified in the deposition notice or a deposition subpoena, the party seeking discovery may move for the court to compel that answer or production. (C.C.P. § 2025.480(a).) If the court determines that the answer or production sought is subject to discovery, it shall order that the answer be given or the production be made on the resumption of the deposition. (C.C.P. § 2025.480(i).) The Court may not, absent exceptional circumstances, impose sanctions on any party, person, or attorney for failure to provide electronically stored information that has been lost, damaged, altered, or overwritten due to routine, good faith operation of an electronic information system. (C.C.P. §§ 2025.410(e)(1), 2025.480(l)(1).)

Discovery Cut-Off

Where a party properly notices a discovery motion to be heard on or before the discovery motion cutoff date, that party has a right to have the motion heard. (*Pelton-Shepherd Industries, Inc. v. Delta Packaging Products, Inc.* (2008) 165 Cal.App.4th 1568, 1586.) Per C.C.P. section 2024.020(a), a party is entitled as a matter of right to complete discovery proceedings on or before the 30th day, and to have motions concerning discovery heard on or before the 15th day, before the date initially set for the trial of the action.

Also, by negative implication, a party who notices a discovery motion to be heard after the discovery motion cutoff date does not have a right to have the motion heard, but even so, the fact that a party does not have a right to have a discovery motion heard after the discovery motion cutoff date does not mean the court has no power to hear it, or that the court errs in hearing it. (*Pelton-Shepherd Industries, Inc. v. Delta Packaging Products, Inc.* (2008) 165 Cal.App.4th 1568, 1586.)

Plaintiff's Motion to Compel

Plaintiff argues that Defendant failed to timely serve written objections at least three calendar days prior to the date for which the deposition was scheduled because the objections were served on the day of the deposition, which is in violation of C.C.P. section 2025.410(a). (MPA, 3:23-26, 4:1-9.) Furthermore, section 2025.450(a) allows a motion to compel to be filed when a party served with a deposition notice fails to appear or produce documents or things described in the deposition notice without having served a valid objection first. As such, Plaintiff argues that Defendant waived the objections by failing to serve them on time, so this motion to compel is warranted under section 2025.450. (MPA, pp. 4-6.)

Plaintiff also seeks mandatory sanctions against Defendant arguing that Defendant had more than ten weeks to review the deposition notice and document requests, gather responsive documents, and serve timely objections, but failed to do so and offered no substantial justification or legal authority to support the late objections that were served on the day of the deposition. (*Id.* at 6:17-26, 7:1-2.) Plaintiff's counsel seeks sanctions for the total amount of \$6,630.00 for the motion, which includes 4.8 hours of fees incurred preparing the motion at a rate of \$850.00 per hour and 3 hours anticipated at the same rate to review the opposition, prepare a reply brief, and attend the hearing on the motion. (Neumann Decl., ¶ 14.)

Opposition

Defendant argues that this motion was filed and heard after the discovery cutoff deadline under C.C.P. section 2024.020 based on when trial was initially set, and reopening discovery proceedings would be against the plain language of this code section. (Opposition, pp. 3-7.) Defendant also argues that section 2025.460 is the correct section to govern raising objections to answering or producing documents responsive to a production demand made in the deposition notice, so Defendant properly raised their substantive objections shortly before the deposition. (*Id.* at pp. 7-9.) Considering these claimed issues with Plaintiff's motion, Defendant requests that the Court not award sanctions as requested because it would be unjust to impose them under these circumstances. (*Id.* at pp. 9-10.)

Reply

The Reply requests that the Court exercise its discretion under section 2024.050 to reopen discovery and hear the motion because trial has been continued to November 6, 2026, and there were issues in obtaining a timely hearing date on this motion even though Plaintiff attempted to shorten the time for the Court to hear the motion per ex parte application. (Reply, pp. 3-5.)

Application

Trial in this matter was initially set for August 14, 2026, so any discovery motion had to have been heard at least 15 days before that date regardless of whether trial was later continued. The Court denied Plaintiff's motion to advance the hearing date set on this motion due to "an insufficient showing of irreparable harm and a lack of due diligence in filing the motion." (See Order dated July 21, 2026.) While Defendant may have served untimely objections to Plaintiff's Deposition Notice, Plaintiff also was not diligent in filing this motion to compel or seeking leave to reopen discovery per a separate noticed motion as is required. A Reply brief is not the appropriate avenue to request relief which is statutorily required to be brought on a separate noticed motion.

For these reasons, the Court will deny the motion.

CONCLUSION

The motion is **DENIED**. Defendant shall submit a written order on this motion to the Court consistent with this tentative ruling and in compliance with California Rules of Court, Rules 3.1312(a) and (b).

2. 24CV04788, Otani v. Northfield

The Court rules as follows to Defendant Scott Tweten, M.D.'s ("Tweten" or "Defendant") omnibus motion to compel further verified responses from Plaintiffs Shelley ("Shelley") and Carole ("Carole") Otani (together "Plaintiffs") to the below discovery requests:

1. Shelley shall serve further responses to Form Interrogatories, Set One, ("Shelley FROGs") Interrogatory Nos. 12.3 and 12.4.
2. Shelley shall serve further responses to Special Interrogatories, Set One ("Shelley SPROGs") Interrogatory Nos. 2, 6, 38, 39, 55, 58, 59, and 60.
3. Shelley shall serve further responses to Demand for Inspection of Documents, Set One ("Shelley PRODs") Demand Nos. 5, 8, 11, 12, 16, 18, 19, 23, 24, 25, 30, 31, 32, 33, 36, 37, 42, 43, and 44. Shelley shall also produce any documents responsive to the demands, unless they are protected by privilege or confidentiality in which case a privilege log identifying any documents withheld on the basis of claimed privilege or confidentiality shall be produced.
4. Carole shall serve further responses to Form Interrogatories, Set One, ("Carole FROGs") Interrogatory Nos. 12.3 and 12.4.
5. Carole shall serve further responses to Special Interrogatories, Set One ("Carole SPROGs") Interrogatory Nos. 6, 14, and 15.
6. Carole shall serve further responses to Demand for Inspection of Documents, Set One ("Carole PRODs") Demand Nos. 10, 20, 26, 27, 28, 45, 46, and 47. Carole shall also produce any

documents responsive to the demands, unless they are protected by privilege or confidentiality in which case a privilege log identifying any documents withheld on the basis of claimed privilege or confidentiality shall be produced.

All of the above further responses shall be served within 20 days of this Court's order. As sanctions were not requested in the motion, the Court will not impose any sanctions in its discretion.

II. PROCEDURAL HISTORY

On September 23, 2025, Tweten served Set One of discovery requests on both Plaintiffs, which included: (1) Form Interrogatories; (2) Special Interrogatories; and (3) Demand for Inspection and Production of Documents. (Omnibus Motion, pp. 2-4.) After several extensions, Plaintiffs served unverified responses to these discovery requests on January 5, 2026, by email. (*Id.* at pp. 2-5.) Tweten found some of the responses to be deficient because they were evasive, objection-only responses or promises to provide information that was later never provided. (*Ibid.*) No documents responsive have been produced as of the date of the Omnibus Motion was filed. (*Ibid.*)

Tweten's counsel met and conferred via email and phone call with Plaintiffs' counsel about the deficient responses, and though Plaintiffs' verifications were ultimately sent, the responses have not been amended. (Omnibus Motion, 4:27-28, 5:1-9.) Tweten filed this Omnibus Motion as a result, after which Plaintiffs' counsel served "Supplemental Responses to Written Discovery" and an Opposition to the Omnibus Motion. (Weston Reply Decl., ¶ 2, Exhibit K.) Tweten submitted a Reply to the Opposition.

III. ANALYSIS

Legal Standard

a. Further Responses to Interrogatories

A propounding party may move to compel a further response to an interrogatory if: "(1) An answer to a particular interrogatory is evasive or incomplete. (2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate. (3) An objection to an interrogatory is without merit or too general." (C.C.P. § 2030.300(a).) The motion to compel must be accompanied by a meet and confer declaration showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (C.C.P. §§ 2016.040, 2030.300(b)(1).)

The court shall impose a monetary sanction against any party who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless the court finds that the sanctionable party acted with substantial justification or that other circumstances make it unjust to impose sanctions. (C.C.P. § 2030.300(d).)

b. Further Responses to Demand for Production of Documents

A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. (C.C.P. §2031.210(a).) If a responding party is not able to comply with a particular request, or part thereof, that party “shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand.” (C.C.P. § 2031.230.) The response 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 also must set forth the “name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item.” (*Ibid.*) Otherwise, if a responding party is objecting to a demand only, then the responding party must identify the demanded document, tangible thing, land, or electronically stored information to which an objection is being made, set forth the grounds for objection, and if privileged, provide a privilege log for the demanded items that are privileged. (C.C.P. § 2031.240.)

A propounding party may move for an order compelling further response to a demand for production if that party deems that: (1) a statement of compliance with the demand is incomplete; (2) a representation of inability to comply is inadequate, incomplete, or evasive; or (3) an objection in the response is without merit or too general. (C.C.P. § 2031.310(a).) The court shall impose a monetary sanction against a party who unsuccessfully makes or opposes a motion to compel further responses to a demand for production, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. (C.C.P. § 2031.310(h).)

Omnibus Motion

Tweten seeks further responses to the following:

1. Shelley FROGs, Set One, Interrogatory Nos. 12.3 and 12.4;
2. Shelley SPROGs, Set One, Interrogatory Nos. 2, 6, 38, 39, 55, 58, 59, and 60;
3. Shelley PRODs, Set One, Demand Nos. 5, 8, 11, 12, 16, 18, 19, 23, 24, 25, 30, 31, 32, 33, 36, 37, 42, 43, and 44, plus any responsive documents;
4. Carole FROGs, Set One, Interrogatory Nos. 12.3 and 12.4;
5. Carole SPROGs, Set One, Interrogatory Nos. 6, 14, and 15; and
6. Carole PRODs, Set One, Demand Nos. 10, 20, 26, 27, 28, 45, 46, and 47, plus any responsive documents.

Tweten seeks further responses arguing that the responses are evasive, objection-only responses or that the responses promise to provide information that was later never provided. (Omnibus Motion, pp. 5-7.) The motion did not request sanctions.

Opposition

The Opposition only offers that supplemental responses were provided on the same day the Opposition was submitted and details these responses. (Opposition, pp. 2-5.)

Reply

Tweten attached the full Supplemental Responses served to Tweten's counsel's declaration for the Court's reference and argues that these do not moot the motion because they do not address the issues raised in the Omnibus Motion and they are not code-compliant. (Reply, 2:2-6.)

Application

The Court finds that the motion was warranted because the discovery responses were evasive, incomplete, and did not otherwise provide the information or document requested. The Supplemental Responses provided only when Plaintiffs opposed the motion are neither sufficient nor do they moot the motion. Thus, the Court will grant the Omnibus Motion in its entirety.

IV. CONCLUSION

Based on the forgoing, the motion is **GRANTED** in its entirety. Plaintiffs shall serve further responses and produce any responsive documents (other than those indicated in a privilege logs) to the discovery requests identified in this motion within 20 days of this Court's order. Unless oral argument is requested, the Court will sign the proposed order lodged with the Motion.

3-4. 24CV05965, White v. Alimpic

This action centers around Plaintiff's allegation that Defendant arranged for the delivery and installation of a large amount of fill material to Plaintiff's construction site and that Defendant installed the material improperly, resulting in the County imposing remediation orders and fines on Plaintiff. The matter is before the Court for hearing on Plaintiff's two motions to compel compliance with Plaintiff's business-records subpoenas by two third-party trucking companies, Sunny Motors and S&S Motors Trucking (collectively the "Deponents").

For the reasons set forth below, the hearing on the two motions is **CONTINUED** to **Wednesday, November 18, 2026 at 3:00 p.m.** in Department 17.

Plaintiff filed the instant motions on May 22, 2026, and they were set for hearing on August 21. In her fundamentally identical declarations in the two motions, Plaintiff's counsel asserted that "On March 11, 2026, my office served [each deponent] with a Deposition Subpoena for the Production of Business Records" (Beletsis Dec, ¶ 5.) The subpoenas were attached as Exhibit A to each declaration. Each Exhibit A consists of a cover letter from the Long Beach attorney-services firm Macro-Pro, followed by the subpoena, followed by a proof of service ("POS"). Each POS indicates service by mail on Katharine Falace, Esq., counsel for Defendant. However, neither POS indicates service of the subpoena on the trucking company from whom the records were sought.

The Court issued a tentative ruling continuing the hearing to September 11, and indicating that “Plaintiff may file POSs reflecting service of the subpoenas on deponents in compliance with CCP § 2020.220 at any time up to five court days before the new hearing date. If Plaintiff does not do so, the Court will deny the motion.”

On August 28, Plaintiff filed two documents captioned “Proof of Service of Deposition Subpoena for Production of Business Records,” one for each of the Deponents. The one for Sunny Motors contains a new POS indicating that Macro-Pro employee Susan Arellano served the subpoena on Sunny Motors by mail at an address in Brentwood, CA on March 23, 2026. The one for S&S Motors also contains a new POS, which indicates that Ms. Arellano served S&S Motors by email to harman@sstrucks.com. This POS does not specify when service was effected but the signature block indicates that the POS was executed on March 11, 2026.

Neither of the new POSs complies with CCP § 2020.220. The statute requires personal service: “Any person may serve the subpoena by *personal delivery* of a copy of it”; and “*Personal service* of any deposition is effective to require . . . [a]ny specified production . . .” (CCP § 2020.220(b) and (c), emphasis supplied.) Nothing in the statute authorizes service of a third-party deposition subpoena by postal mail or email.

This is a jurisdictional requirement. “No person is compelled to act in a judicial proceeding in which jurisdiction over her person has not been obtained.” (*Sousa v. Freitas* (1970) 10 Cal.App.3d 660, 668.) In the case of third-party deposition subpoenas, “it is the personal service of the deposition subpoena that triggers a nonparty’s obligation to comply with the subpoena’s commands and subjects them to potential sanctions for disobedience . . .” (*In re Marriage of Moore* (2024) 102 Cal.App.5th 1275, 1288.) Therefore, “[a] deposition subpoena that has not been personally served in compliance with section 2020.220 imposes no obligations on a nonparty deponent.” (*Ibid.*) These authorities make it clear that without proof of personal service, the Court lacks the jurisdiction to compel the Deponents to produce documents, or to do anything else.

The Court will once again continue the hearing on the instant motions. Once again, Plaintiff may file POSs reflecting service of the subpoenas on Deponents in compliance with CCP § 2020.220 – which unequivocally means personal service -- at any time up to five court days before the new hearing date. If Plaintiff does not do so, the Court will deny the motion. Plaintiff is reminded of the timing requirements for business-records deposition subpoenas set forth in CCP §§ 2020.220(a) and 2020.410(c).

No further continuances are contemplated.

5. 25CV00751, Kingsborough v. Guy

The hearing on Defendants’ demurrer is **CONTINUED** to **Wednesday, December 16, 2026 at 3:00 p.m.** in Department 17. Demurring parties’ supplemental brief filed August 28, 2026, states that the parties have continued meaningful discussions to evaluate their claims and request a last 60-day continuance on the Demurrer hearing. Parties shall file supplemental briefs nine (9) court days prior to the hearing. Reply briefs are to be filed five (5) court days prior to the hearing.

6. 25CV04376, 5095 Knollwood, LLC v. Hollaway-Vinson

Defendant Kim Hollaway-Vinson (“Trustee”), individually and as Trustee of the David and Kim Vinson Family Trust, Dated November 2, 2010, (“Vinson Trust”) moves to strike Plaintiff 5095 Knollwood, LLC’s second opposition filed July 1, 2026, to Defendants’ Demurrer to the First Amended Complaint (“FAC”) and requests monetary sanctions.

The Court **GRANTS** this Motion and will subsequently issue the ruling under submission on the Demurrer without considering the stricken second opposition. Per Evidence Code section 452(d), the Court **GRANTS** judicial notice of Trustee’s Amended Notice of Demurrer to Plaintiff’s FAC and Notice of Demurrer to Plaintiff’s FAC.

In the Court’s discretion, the Court will not award sanctions on this Motion as there was confusion between the parties as to the correct hearing date on the second Demurrer.

I. PROCEDURAL HISTORY

Trustee demurred to Plaintiff’s entire FAC, to which Plaintiff filed two separate oppositions, first on May 7, 2026, and then again on July 1, 2026, after the Reply had already been filed to the first opposition. Trustee filed this Motion to Strike the second opposition, which was pending review on E-File at the time of the hearing on the Demurrer. Though the parties failed to notify the Court of the pending Motion to Strike, the Court at that time took the Demurrer under submission to issue a ruling after this Motion to Strike was heard on the issue of the second opposition. The Court now considers this Motion.

II. DEFENDANT’S MOTION TO STRIKE

Defendant relies on C.C.P. section 128, which allows the Court inherent authority to control proceedings before it. C.C.P. section 1005 sets forth the procedures and deadlines for the filing of an opposition to a noticed motion and does not contemplate multiple oppositions or sur-replies. California Rules of Court (“C.R.C.”), Rule 3.1113 which also outlines procedures and deadlines for the filing of a motion, opposition, and reply does not contemplate multiple oppositions or sur-replies. Based on these, Defendant argues there is no legal authority to support Plaintiff’s filing of the subsequent opposition without leave of the Court, which also included a subsequent Request for Judicial Notice and a 207-page attorney declaration to which Defendant had no opportunity to respond. Defendant seeks sanctions under C.R.C., Rule 2.30 for the payment of reasonable monetary sanctions for failure without good cause to comply with the applicable rules.

Plaintiff’s Opposition does not offer any legal authority to support the filing of multiple oppositions, though it does argue that sanctions ought to not be awarded because Defendant has not followed procedure in the past and has caused separate discovery issues that are not relevant to this motion. Plaintiff argues that there was confusion as to the hearing date on the Motion because, after the first demurrer was mooted by Plaintiff’s filing of an amended Complaint, Defendant tried to unilaterally set the hearing date on the second demurrer on the same day the first demurrer was to be

heard, which is why Plaintiff filed the Opposition to the second motion so early. However, Plaintiff fails to explain why oral argument was not requested at that hearing so that Plaintiff could request the Court leave to file a supplemental opposition following the deadline of the Court-set hearing on the second demurrer.

The Reply points out that the Opposition fails to address the issues raised in the Motion and cites no authority to support the filing of the second opposition with no authorization from the Court. Defendant also notes that there was confusion as to the hearing date, which is why an Amended Notice was served as soon as the Court clarified the issue in the May 19, 2026, Tentative Ruling.

Finding that Plaintiff failed to offer any legal authority or sufficient cause to file the second opposition without leave of Court, the Court will grant this motion. As both parties were confused as to the correct hearing date until the Court offered clarification in its Tentative Ruling denying the first Demurrer as moot, the Court will not award sanctions in its discretion.

III. CONCLUSION

Based on the foregoing, the Motion to Strike is **GRANTED** except as to sanctions which the Court will not award in its discretion.

7. 25CV05609, Lopez v. Sonoma County Office of Education

Plaintiff Lopez, as Guardian Ad Litem for minor Plaintiff, moves to compel further responses from Defendant Sonoma County Office of Education to Plaintiff's Requests for Production of Documents ("RFPDs"), Set One, Nos. 3 through 12. The unopposed motion is **GRANTED**.

Minor Plaintiff is an autistic student at Oliver Elementary School, which was operated by Defendant, at which school he was allegedly physically and emotionally abused by a teacher's aide employed by Defendant. (Motion, 2:3-5.) Plaintiff served RFPDs on Defendant and Defendant responded identifying that personnel records and other documents were being withheld due to employee privacy objections. (*Id.* at 2:11-19.) The parties have come to a stipulation for the production of the records after the teacher's aide agreed to their release, but Defendant's position is that these records cannot be released without a Court order. Thus, Plaintiffs filed this motion to seek such an order from the Court. (Motion, 2:11-22.)

As support for the unopposed Motion, Plaintiffs attached a Stipulation and Proposed Order for the release of the personnel records that are the subject of this Motion. Though Defendant did not oppose the motion, Defendant signed the Stipulation and is withholding the private personnel records until the Court grants this Motion.

As the parties are in agreement about the production of the personnel records and the employee to whom those records pertain has agreed to their release, the Court will **GRANT** this Motion and sign the proposed order lodged with the Motion.