

1. MAISEL v. BUSSELL, ET AL., 23CV1464**Plaintiff's Motion to Compel Further Responses**

Plaintiff moves, pursuant to Code of Civil Procedure sections 2030.300, subdivision (a) and 2031.310, subdivision (a) for an order compelling defendant Ryan Bussell (“defendant”) to provide further substantive, code-compliant, verified responses to plaintiff’s Form Interrogatories, Special Interrogatories, and Request for Production (all Set One). Plaintiff further requests the court impose monetary sanctions against defendant in the amount of \$14,470.29. (Shofner Decl., filed Nov. 1, 2024, ¶¶ 7–8.)

Defendant opposes the motion and requests the court impose monetary sanctions against plaintiff in the amount of \$6,475.00.

1. Background

Plaintiff filed this *Marvin* action¹ against defendant. The operative complaint states causes of action for (1) breach of contract, (2) fraud, (3) fraudulent inducement, (4) quiet title, and (5) partition (with respect to both real and personal property).

2. Meet and Confer Requirement

As a preliminary matter, defendant claims that plaintiff failed to meet and confer before filing her supplemental briefing and that this constitutes a misuse of the discovery process. However, defendant does not provide, and the court is not aware of any requirement to meet and confer again after filing the motion to compel. The moving party is merely required to meet and confer prior to filing the motion to compel (Code Civ. Proc., §§ 2016.040, 2030.300, subd. (b)(1), 2031.310, subd. (b)(2)), which plaintiff did in this case.

¹ *Marvin v. Marvin* (1976) 18 Cal.3d 660, 669–671, holding that express or implied contracts between persons living together in a nonmarital relationship should be enforced, unless contracts were explicitly founded on the consideration of “meretricious sexual services.”

3. Discussion

3.1. Form Interrogatories

Based on plaintiff's supplemental separate statement filed October 1, 2024, it is the court's understanding that the following Form Interrogatories are no longer in dispute: Form Interrogatory Numbers 1.1, 2.1, 2.8, 2.9, 2.10, 2.12, and 2.13. As to the remaining discovery requests, the court rules as follows:

Form Interrogatory No. 2.2 – defendant's objections lack merit. The motion to compel is granted.

Form Interrogatory No. 2.3 – the court finds that defendant's driver's license information is not relevant to the subject matter. (Code Civ. Proc., § 2030.030, subd. (a)(1).) Additionally, the term, "incident," as defined, is vague and ambiguous in the context of this interrogatory.² It is unclear as to what point in time the interrogatory is focused. The motion to compel is denied.

Form Interrogatory No. 2.4 – the court finds that defendant's driver's license information is not relevant to the subject matter. (Code Civ. Proc., § 2030.030, subd. (a)(1).) Additionally, the term, "incident," as defined, is vague and ambiguous in the context of this interrogatory. It is unclear as to what point in time the interrogatory is focused. The motion to compel is denied.

Form Interrogatory No. 2.5 – defendant's objections lack merit. Additionally, defendant's answer is incomplete, as he provides his current address only. The motion to compel is granted.

Form Interrogatory No. 2.6 – the court finds that defendant's employment information is not relevant to the subject matter. (Code Civ. Proc., § 2030.030, subd. (a)(1).) The motion to compel is denied.

² Plaintiff's Form Interrogatories define the term, "incident," as meaning "the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding."

Form Interrogatory No. 2.7 – defendant’s objections lack merit. Defendant’s answer is incomplete. The motion to compel is granted.

Form Interrogatory No. 2.11 – the term, “incident,” as defined, is vague and ambiguous in the context of this interrogatory. It is unclear as to what point in time the interrogatory is focused. The motion to compel is denied.

Form Interrogatory Nos. 9.1 & 9.2 – defendant’s objections lack merit. Defendant states that he intends to seek damages in the form of a future cross-complaint but does not answer the questions regarding the damages he attributes to the “incident.” In these interrogatories, the term, “incident,” is not vague and ambiguous, as it refers to the entire circumstances regarding the parties’ alleged agreement regarding their property ownership. The nature of the information sought is apparent. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez v. Watchtower Bible & Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566, 596.) The motion to compel is granted.

Form Interrogatory No. 12.1 – the term, “incident,” as defined, is vague and ambiguous in the context of this interrogatory. The motion to compel is denied.

Form Interrogatory No. 12.2 – in this interrogatory, the term, “incident,” is not vague and ambiguous. The nature of the information sought is apparent. The interrogatory is asking whether defendant has interviewed any individual concerning the allegations in plaintiff’s operative complaint. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez, supra*, 246 Cal.App.4th at p. 596.) The motion to compel is granted.

Form Interrogatory No. 12.3 – in this interrogatory, the term, “incident,” is not vague and ambiguous. The nature of the information sought is apparent. The interrogatory is asking whether defendant has obtained a written or recorded statement from any

individual concerning the allegations in plaintiff's operative complaint. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez, supra*, 246 Cal.App.4th at p. 596.) The motion to compel is granted.

Form Interrogatory No. 12.4 – in this interrogatory, the term, “incident,” is not vague and ambiguous. The nature of the information sought is apparent. The interrogatory is asking whether defendant knows of any photographs, films, or videotapes depicting any place, object, or individual related to the allegations in plaintiff's operative complaint. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez, supra*, 246 Cal.App.4th at p. 596.) The motion to compel is granted.

Form Interrogatory No. 12.5 – in this interrogatory, the term, “incident,” is vague and ambiguous. While the interrogatory may be requesting whether defendant knows of any diagram, reproduction, or model of the subject-property, that is unclear. It is also unclear as to what other diagrams, reproductions, or models the interrogatory might refer. The motion to compel is denied.

Form Interrogatory No. 12.6 – in this interrogatory, the term, “incident,” is not vague and ambiguous. The nature of the information sought is apparent. The interrogatory is asking whether a report was made by any person concerning the allegations in plaintiff's operative complaint. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez, supra*, 246 Cal.App.4th at p. 596.) The motion to compel is granted.

Form Interrogatory No. 12.7 – in this interrogatory, the term, “incident,” is vague and ambiguous. It is unclear what the scene of the incident refers to. The motion to compel is denied.

Form Interrogatory Nos. 13.1 & 13.2 – in these interrogatories, the term, “incident,” is not vague and ambiguous. The nature of the information sought is apparent. The interrogatories are asking whether defendant has conducted surveillance of any individual involved in the allegations in plaintiff’s operative complaint, or any party to this action. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (See *Lopez, supra*, 246 Cal.App.4th at p. 596.) The motion to compel is granted.

Form Interrogatory Nos. 50.1 – 50.6 – defendant’s objections lack merit. However, the motion to compel is moot due to the fact that defendant denies the parties entered into the alleged agreements.

3.2. Special Interrogatories

Special Interrogatory No. 1 – defendant’s objections lack merit. However, the motion to compel is moot due to the fact that defendant denies the parties entered into any agreement pertaining to the subject-property.

Special Interrogatory Nos. 2 & 3 – defendant’s objections lack merit. Additionally, defendant’s answers are incomplete because they only refer to the subject-property. The interrogatories ask defendant to describe any agreement the parties entered into regarding the purchase and/or ownership of *any real property*. The motion to compel is granted.

Special Interrogatory No. 4 – defendant’s objections lack merit. However, the motion to compel is moot due to the fact that defendant denies the parties entered into any agreement pertaining to defendant’s living expenses.

Special Interrogatory No. 5 – defendant’s objections lack merit. However, the motion to compel is moot due to the fact that defendant denies the parties entered into any agreement pertaining to recreational activities.

Special Interrogatory Nos. 6–8 – defendant’s objections lack merit. The motion to compel is granted.

Special Interrogatory No. 9 – the court sustains defendant’s objection on the basis that the information sought in this interrogatory is equally available to plaintiff. The motion to compel is denied.

Special Interrogatory No. 10 – defendant’s objections lack merit. Additionally, defendant’s answer is non-responsive; the interrogatory asks about compensation received, not whether there was an agreement for compensation. The motion to compel is granted.

Special Interrogatory No. 11 – defendant’s objections lack merit. Additionally, defendant’s answer is non-responsive; the interrogatory asks about contributions made by persons other than plaintiff. The motion to compel is granted.

Special Interrogatory No. 12 – defendant’s objections lack merit. Additionally, defendant’s answer is non-responsive; the interrogatory asks about compensation received, not whether there was an agreement for compensation. The motion to compel is granted.

Special Interrogatory Nos. 13 – 15 – defendant’s objections lack merit. However, the motion to compel is moot because defendant provided substantially complete responses.

3.3. Request for Production

Request for Production No. 1 – the court sustains defendant’s objection on the ground that the request does not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc. v. Superior Court* (1997) 53 Cal.App.4th 216, 222.)

Request for Production No. 2 – defendant’s objections lack merit. However, the court finds that the request is overbroad. Defendant is ordered to produce any and all communications with plaintiff related to the purchase, ownership, and remodeling of the subject-property.

Request for Production No. 3 – the court sustains defendant’s objection that the request is unduly burdensome, as it requests at least some communication that is not relevant to the subject matter. The motion to compel is denied.

Request for Production Nos. 4 – 8 – the court sustains defendant’s objection on the ground that the requests do not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc., supra*, 53 Cal.App.4th at p. 222.)

Request for Production No. 9 – defendant’s objections lack merit. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (Code Civ. Proc., § 2031.240, subd. (c)(1); *Lopez v. Watchtower Bible & Tract Soc. of New York, Inc.* (2016) 246 Cal.App.4th 566, 596–597.) However, the motion to compel appears to be moot due to the fact that defendant provided a code-compliant response.

Request for Production Nos. 10 –13 – the court sustains defendant’s objection on the ground that the requests do not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc., supra*, 53 Cal.App.4th at p. 222.)

Request for Production No. 14 – defendant’s objections lack merit. The motion to compel is granted.

Request for Production Nos. 15 –20 – the court sustains defendant’s objection on the ground that the requests do not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc., supra*, 53 Cal.App.4th at p. 222.)

Request for Production No. 21 – defendant’s objections lack merit. The attorney-client and attorney work product privileges do not apply because the request seeks documents written or drawn by plaintiff. However, the motion to compel appears to be moot due to the fact that defendant provided a code-compliant response.

Request for Production Nos. 22 –37 – the court sustains defendant’s objection on the ground that the requests do not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc., supra*, 53 Cal.App.4th at p. 222.)

Request for Production No. 38 – defendant’s objections lack merit. The attorney-client and attorney work product privileges do not apply because the request seeks communications with plaintiff. However, the motion to compel appears to be moot due to the fact that defendant provided a code-compliant response.

Request for Production Nos. 39 –49 – the court sustains defendant’s objection on the ground that the requests do not designate the requested items with reasonable particularity. (Code Civ. Proc., § 2031.030, subd. (c)(1).) It is not reasonable to describe

documents by categories which require the responding party to determine (at risk of sanctions) which of its extensive records fit a demand that asks for everything in its possession relating to a specific topic. (See *Calcor Space Facility, Inc., supra*, 53 Cal.App.4th at p. 222.)

Request for Production No. 50 – defendant’s objections lack merit. Although defendant objects on the grounds of attorney-client privilege and attorney work product, he has not produced a privilege log or any facts demonstrating that a privilege applies. (Code Civ. Proc., § 2031.240, subd. (c)(1); *Lopez v. Watchtower Bible & Tract Soc. of New York, Inc.* (2016) 246 Cal.App.4th 566, 596–597.) However, the motion to compel is moot because defendant states no responsive documents ever existed.

3.4. Sanctions

As outlined above, the court has granted the motion in part and denied the motion in part. Plaintiff seeks sanctions in the total amount of \$14,470.29, which is comprised of \$14,333.00 in attorney fees and \$137.29 in costs. The declaration from plaintiff’s counsel in support of the requested sanctions does not provide a detailed breakdown of the hours spent on the instant motion. Rather, plaintiff’s counsel states that she spent a total of 18.3 hours performing the following tasks: reviewing discovery responses, meeting and conferring, and researching and drafting the motion. It also appears that plaintiff claims a total of 18.5 hours (17.7 hours of paralegal time and 0.8 hours of plaintiff’s counsel’s time) on administrative tasks. The court finds that \$2,887.29 (10 billable hours at an hourly rate of \$275.00 plus \$137.29 in costs) is a reasonable sanction under the Civil Discovery Act.

TENTATIVE RULING # 1: THE MOTION TO COMPEL IS GRANTED IN PART AND DENIED IN PART. REFER TO THE FULL TEXT. FOR THOSE DISCOVERY REQUESTS WHERE THE COURT GRANTED THE MOTION TO COMPEL, DEFENDANT RYAN BUSSELL IS ORDERED TO SERVE VERIFIED, FURTHER RESPONSES AND PAY PLAINTIFF \$2,887.29 IN SANCTIONS NO LATER

THAN 30 DAYS FROM THE DATE OF SERVICE OF THE NOTICE OF ENTRY OF ORDER. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

2. BARCLAYS BANK DELAWARE v. SCHAFFER, 23CV1365

OSC Re: Dismissal

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**

3. CAVALRY SPV I, LLC v. CRUZ, 23CV1089

OSC Re: Dismissal

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**

4. ONEMAIN FINANCIAL GROUP, LLC v. KRUEGER, 23CV0926

OSC Re: Dismissal

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**

5. VELOCITY INVESTMENTS, LLC v. BELTRAN, 23CV1328

OSC Re: Dismissal

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.

6. VELOCITY INVESTMENTS, LLC v. GONZALEZ, 23CV0900

OSC Re: Dismissal

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**

7. VELOCITY INVESTMENTS, LLC v. PRIETO, 23CV1407

OSC Re: Dismissal

**TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**

8. WELLS FARGO BANK, N.A. v. SYSOCK, 23CV1085

OSC Re: Dismissal

**TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 1:30 P.M., FRIDAY,
NOVEMBER 15, 2024, IN DEPARTMENT FOUR.**