

September 13, 2024

Dept. 9

Tentative Rulings

<b>1.</b>	<b>22CV1669</b>	<b>LESARRA HOMEOWNERS ASSOC. v. SELVAN</b>
<b>Motion to Compel</b>		

Defendant brings this Motion to Compel Responses to Special Interrogatories, Set Two, and Request for Production of Documents, Set Two, as well as monetary sanctions. Defendant argues that he propounded discovery on Plaintiff on March 8, 2024. He argues that he did not receive a complete response and admits that Plaintiff's counsel attempted to engage in meet and confer efforts with him, however, Defendant did not like counsel's response.

Defendant then details the deposition efforts, which are not before the Court as part of this Motion. Defendant requests an award of sanctions in the amount of \$1,445.00 for the \$385 paid to a limited scope attorney, the \$60 filing fee for the Motion, and \$1,000.00 for loss of income in preparing and arguing the Motion. It is noted that page 5 of the Motion is not signed.

Pursuant to California Code of Procedure ("CCP") §2030.300(c):

Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories.

Plaintiff responds, noting that its discovery responses were timely served on April 9, 2024.<sup>1</sup> On April 15, 2024, Defendant attempted to meet and confer, and Plaintiff's counsel engaged in discussions. Defendant did not request an extension of time to bring a Motion to Compel.

Pursuant to CCP, the Court is required to impose monetary sanctions against Defendant for bringing an unsuccessful motion. (§2031.300(c) / §2030.290(c))

**TENTATIVE RULING #1:**

- 1. MOTION TO COMPEL IS DENIED.**
- 2. DEFENDANT ORDERED TO PAY MONETARY SANCTIONS IN THE AMOUNT OF \$150.00 WITHIN THIRTY (30) DAYS.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

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<sup>1</sup> Under CCP §2030.300(c), this Motion needed to be noticed by May 24, 2024, which was 45 days from the date the responses were served. It was not brought until 118 days from the responses.

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**LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

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<b>2.</b>	<b>24CV0627</b>	<b>MONTANO v. RUBALCAVA</b>
<b>Motion for Interlocutory Judgment</b>		

The Parties entered a Stipulation, signed by Judge Slossberg on August 28, 2024.

**TENTATIVE RULING #2:**

**HEARING DROPPED FROM CALENDAR.**

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<b>3.</b>	<b>22CV1200</b>	<b>WILLIAMS v. FALLAD</b>
<b>Judgment on the Pleadings</b>		

Mohammed F. Atabar/Ascension Ranch (“Defendant”) brings this Motion for Judgment on the Pleadings (“Motion”) against the Complaint filed by Perry M. Williams/The Veterans Hill Project (“Plaintiff”). The Complaint contains One Cause of Action for breach of contract. According to the Motion, Plaintiff alleges that Defendant entered into a verbal contract with Plaintiff on August 10, 2021. Plaintiff is seeking \$10,000,000<sup>1</sup> in damages.

#### Standard of Review

When a motion for judgment on the pleadings is made by a defendant, the court must find that the complaint on its face does not state facts sufficient to constitute a cause of action against the defendant. Code of Civil Procedure § 438(c)(1)(B)(ii). The court may consider the allegations of the complaint and any matter of which the court is required to take judicial notice.

#### Argument

“To prevail on a breach of contract in California, the plaintiff must prove the following elements (1) the existence of a contract, (2) the plaintiff’s performance of the contract or excuse for nonperformance, (3) the defendant’s breach, and (4) the resulting damage to the plaintiff.” *Richman v. Hartley* (2014) 224 Cal.App.4th 1182.

The Court notes that paragraph 11 of the Complaint contains the only facts alleged – “Mohammed F. Atabar entered into a verbal contract with Perry M. Williams and The Veterans Hill Project on August 10, 2021.” While this statement alleges a contract, it cannot be said that it proves the existence of a contract. Further, the Complaint does not include any details regarding the terms of the alleged contract, plaintiff’s performance or nonperformance, defendant’s breach, or what damage the Plaintiff suffered. However, Plaintiff may be able to amend and include sufficient details regarding the elements above.

#### **TENTATIVE RULING #3:**

**MOTION IS GRANTED WITH LEAVE TO AMEND WITHIN THIRTY (30) DAYS, WHICH IS OCTOBER 14, 2024.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.**

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<sup>1</sup> The Motion states Plaintiff is seeking \$10,000.00 in damages, but page one of the Complaint notes that the action is an unlimited civil case, exceeding \$25,000, and the number of zeroes indicates it is \$10,000,000.

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**RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

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<b>4.</b>	<b>22CV1586</b>	<b>WYNN INNOVATIONS v. PRICE</b>
<b>Motions to Compel</b>		

On February 20, 2024, Plaintiff filed the following: (1) Motion to compel Defendant Price Global Logistics LLC dba Quality MRO's Further Responses to Plaintiff Wynn Innovations, LLC Requests for Production of Documents Set One, and for Monetary Sanctions in the Amount of \$2,810; (2) Motion to Compel Defendant Joe Price's Further Responses to Plaintiff Wynn Innovations, LLC's Requests for Production of Documents, Set One and for Monetary Sanctions in the Amount of \$3,310; and (3) Motion to Compel Defendant Brandon Hutson's [sic] Further Responses to Plaintiff Wynn Innovations, LLC's Special Interrogatories, Set One, and for Monetary Sanctions in the Amount of \$3,310. An additional Motion to Compel was filed by Plaintiff on April 11, 2024, this time a Motion to Compel Defendant Price Global Logistics, LLC dba Quality MRO's Further Responses to Plaintiff Wynn Innovations, LLC's Special Interrogatories, Set One, and for Monetary Sanctions in the Amount of \$3,060.

Defendants filed and served their Oppositions to Motion to Compel and Declarations of Dan Rowan on August 30<sup>th</sup>. Petitioner filed and served its Reply Briefs on September 6<sup>th</sup>.

*Motion to Compel Further Responses of Price Global Logistics to Requests for Production of Documents, Set One.*

According to the filings, Plaintiff served Requests for Production of Documents, Set One ("RFPs") on Defendant Price Global on February 23, 2023. Price Global did not respond to the discovery until after an order compelling them to do so. Thereafter, on October 2, 2023, Defendant served its responses to the RFPs. A meet and confer letter was sent on November 20, 2023 and there was some back and forth thereafter. The parties agreed to extend the time to file a Motion to Compel Further Responses to January 12, 2024. However, according to Price Global, amended responses were served on January 4, 2024. Plaintiff filed its Motion to Compel on February 20, 2024.

The crux of Price Global's argument is that the motion is untimely as it was filed more than a month after the agreed upon extension of time to file. Plaintiff argues that the time to file the motion was 45 days from the date the amended responses were served.

Notice of a motion for further responses must be given within "45 days of the service of the verified response, or any supplemental verified response, or on or before any specific date to which the demanding party and the responding party have agreed in writing...." Cal. Civ. Pro. § 2031.310(c).

Given the specific reference to supplemental responses in Section 2031.310, it does stand to reason that the service of the amended responses would reset the 45-day clock. However, Plaintiff's motion addresses only the initial, October 2<sup>nd</sup> responses. Only the October

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2<sup>nd</sup> responses are attached to the Declaration of Sylvia S. Li in support of Plaintiff's motion and the Separate Statement only addresses the October 2<sup>nd</sup> responses. In fact, nowhere in Plaintiff's moving papers are the amended responses mentioned nor does the court have any information regarding their contents.

While the court recognizes that other motions concurrently filed did reference the amended responses, each set of discovery stands alone as does each motion. If the Price Global responses were not amended or if they were but the motion does not provide any of the responses therein, then the operative deadline to file the Motion to Compel based on the original responses is the date agreed upon by the parties, January 12<sup>th</sup>. For the foregoing reason, the motion is denied as untimely. Even if the motion were considered timely, Plaintiff has not provided the court with any information as to what Price Global's amended responses say and why the responses, as amended, are still deficient.

Plaintiff's request for sanctions is denied on the same basis the motion is denied. Defendant's request for sanctions is granted. Sanctions are mandatory for one who "engages in conduct that is a misuse of the discovery process" (Cal. Civ. Pro. § 2023.030) or who "...unsuccessfully makes or opposes a motion to compel an answer or production, unless [the court] finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. § 2025.480(j); *See also* Cal. Civ. Pro. 2023.030(a). Sanctions imposed are to include "...the reasonable expenses, including attorney's fees, incurred by anyone as a result of..." the conduct of the party subject to sanction. Cal. Civ. Pro. 2023.030(a) & 2023.020. According to Defendant, it has incurred \$1,725 in opposing this motion. As such, Plaintiff is ordered to pay Defendant Price Global \$1,725 as and for sanctions no later than September 25, 2024.

*Motion to Compel Further Responses of Joe Price to Requests for Production of Documents, Set One.*

The facts for this motion are similar to those above. Plaintiff served on Defendant Joe Price ("Price"), Requests for Production of Documents, Set One ("RFPs") on February 23, 2023. On September 1, 2023, the court issued an order compelling Price to provide responses without objections. Price served responses on October 2<sup>nd</sup>, and Plaintiff responded with a meet and confer letter on November 20, 2023. The parties ultimately agreed upon January 12, 2024 as the filing deadline for a Motion to Compel. However, on January 3, 2024, Price did send amended responses. Plaintiff is now seeking \$3,310 in sanctions and an order compelling further responses to requests numbers 7, 12, 13, 18-21, 22-24, and 29. Defendant argues the motion is untimely, Plaintiff failed to meet and confer on the amended responses, and the responses are sufficient as-is. Defendant is requesting sanctions in the amount of \$1,725.

As a threshold question, the court is addressing the timeliness of this motion. Because the motion addresses the amended responses and because the amended responses were not

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served until January 4, 2024, the court does find the motion to be timely under Civil Procedure § 2032.310 which makes specific reference to the time limit being 45 days from the date supplemental responses are served. As such, the court finds that the matter can be reached on the merits.

“A party to whom a demand for inspection, copying, testing, or sampling has been directed shall respond separately to each item or category of item by any of the following:” (1) a statement that the party will comply, (2) a statement that the party lacks the ability to comply, or (3) an objection to the demand or request made. Cal. Civ. Pro. §2031.210. Where a party fails to provide timely responses the party to whom the discovery was directed waives “any objection...including one based on privilege or on the protection of work product...” Cal. Civ. Pro. §2031.300(a).

A statement that the party will comply shall include a statement “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.” Cal. Civ. Pro. § 2031.220. Further, “[a]ny documents or category of documents produced in response to a demand...shall be identified with the specific request number to which the documents respond.” Cal. Civ. Pro. § 2031.280(a).

A statement of inability to comply shall “affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. 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. The 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.” Cal. Civ. Pro. § 2031.230

Request number 7 seeks documents Price received from *any* third parties relating to the purchase of nitrile gloves. Defendant responded by producing only those documents he deemed to be related to the subject glove transaction between the parties. He argues that the request seeks information that is not reasonably likely to lead to the discovery of admissible evidence and that even though the objections were ordered to be waived, he is not required to provide such information. However, Defendant is essentially arguing that the request is overbroad, which was one of the many objections Defendant waived by failing to respond to discovery in the first place. As such, Defendant is ordered to provide a full and complete further response to this request, without objections, no later than September 25, 2024.

Requests 12 and 13 both reference a joint venture (“JV”) agreement. Each party is accusing the other of playing semantics over this phrase. Plaintiff insists there was a JV agreement while Defendant is adamant the agreement was a PO/Sales Agreement. Plaintiff is refusing to simply rephrase the requests in a manner that will lead to the production of the



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documents they are seeking. Ultimately, Defendant responded stating that he has no documents in his possession, custody, or control that are responsive to the request as phrased because Defendant does not believe there was a JV agreement in existence. Defendant has informed Plaintiff of the reason he cannot respond to the request as drafted and provided Plaintiff with the information necessary to simply rephrase the question. Nothing in the code requires Defendant to admit to the existence of a JV agreement or agree with Plaintiff's characterization of the agreement as such. Therefore, the court finds these responses to be code compliant and no amendment is necessary.

Request numbers 18-21 and 29 seek a variety of documents regarding the transaction between the parties. In Price's amended responses he states only that after a diligent search and reasonable inquiry, he has produced all documents requested. While this may seem responsive on the face, Defendant fails to specify which documents are responsive to which request as required by Cal. Civ. Pro. § 2031.280(a). As such, the responses are not code compliant and must be amended. Defendant is ordered to serve amended responses to these requests, without objections, no later than September 25, 2024.

Request numbers 22-24 seek information regarding Defendant's sale of nitrile gloves, 3-ply masks, and other PPE from January 1, 2021 to the present date. Defendant's initial response, "[i]t's impossible to give you all sales for two and ¾ years" once again amounts to an improper objection to the scope of the question. This objection has been waived by court order. Defendant first states that responsive documents are being produced, but in his amended responses he states that he does not have any responsive documents. The responses are inherently conflicting. Either there are responsive documents being produced or there are no responsive documents. Defendant is ordered to serve amended responses to these requests, without objections, no later than September 25, 2024.

"[T]he court *shall* impose a monetary sanction...against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a response to a demand for inspection, copying, testing, or sampling, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Cal. Civ. Pro. § 2031.320(b) (emphasis added).

The amount of sanctions awarded centers on two main principles: causation, and reasonableness. See *Cornerstone Realty Advisors, LLC. V. Summit Healthcare Reit, Inc.* 56 Cal. App. 5<sup>th</sup> 771 (2020). First, monetary sanctions may only be imposed based on attorney's fees and costs incurred "as a result" of the misuse of the discovery process. Cal. Civ. Pro. § 2023.030(a). Second, "[t]he amount of monetary sanctions is limited to the 'reasonable expenses, including attorney's fees' that a party incurred as a result of the discovery abuse." *Cornerstone Realty Advisors, LLC*, 56 Cal. App. 5<sup>th</sup> at 791 *citing* Cal. Civ. Pro. § 2023.030(a).

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A party requesting sanctions for reasonable expenses that were incurred as a result of discovery abuse must already be liable for those expenses before the court can award the costs as sanctions. *See Tucker v. Pacific Bell Mobile Servs.*, 186 Cal. App. 4<sup>th</sup> 1548 (2010) (anticipated costs for future deposition could not be included in award of sanctions).

Plaintiff's request for sanctions is granted, in part. Counsel states she spent ten hours reviewing the original responses, preparing meet and confer correspondents, reviewing the supplemental responses, preparing this motion and supporting documentation. Time spent reviewing the responses was not incurred as a result of the deficiencies therein. Price could have served perfectly compliant responses and this time would still have been incurred, therefore this time is not related to the abuse of the discovery process. Additionally, Plaintiff is seeking one hour of time to prepare for and attend the hearing. However, these expenses have not yet been incurred and may not be if no hearing is called for. Therefore, the court is awarding the \$60 filing fee plus an estimated eight hours of additional work related to the misuse of the discovery process. At a billing rate of \$250 per hour, Plaintiff is awarded \$2,060 in sanctions. This amount shall be paid no later than September 25, 2024.

Given that the motion is granted, albeit only in part, Price's request for sanctions is denied as the court finds the motion was not filed frivolously and in bad faith.

*Motion to Compel Further Responses of Brandon Hutson to Special Interrogatories*

As noted above, the Motion to Compel Mr. Hutson's further responses to Special Interrogatories was filed on February 20<sup>th</sup>. While the title of the document indicates that it is a Motion to Compel Mr. Hutson, the content of the document seeks to compel Mr. Price's responses to Special Interrogatories. Additionally, all supporting documents that were filed concurrently with the Notice of Motion and Motion, are captioned – "...In Support of Wynn Innovations, LLC's Motion to Compel Defendant **JOE PRICE'S** Further Responses to Special Interrogatories, Set One..." Given that the notice itself contains the incorrect caption, the court is concerned with a defect in notice to the defendant.

That said, Defendant Price did file his opposition papers addressing the issues on their merits therefore the court finds any potential defect in notice to be waived and the matter will be reached on the merits.

Petitioner brings this motion seeking Joe Price's further responses to Special Interrogatories, Set One numbers 2, 3, 6-11, 14, 15, and 22 as well as sanctions in the amount of \$3,310. Defendant opposes the motion and requests \$1,875 in sanctions against Plaintiff. The facts for this motion are the same as those listed above. Because Price served further responses on January 4<sup>th</sup>, the supplemental responses restarted the time to file a Motion to Compel Further Responses and therefore the court finds the motion to be timely.

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Special Interrogatory number 2 asks Price to describe all communications between him and Plaintiff from January 2021 to present. Price provided a description of the form of communication between the parties, the general topic being the nitrile glove order and the fact that he only remembers the “gist” of the communications. He recalls the communications being evasive and threatening. Plaintiff argues that this is nonresponsive because Price fails to include any discussions regarding the December 24, 2021 purchase order. However, the interrogatory did not request a summary of communications regarding that purchase order specifically. Price did respond to the question by summarizing the communications, simply because he did not summarize them in the way Plaintiff is wanting him to, it is not necessarily an evasive response. The court finds this response to be code compliant and therefore no further response is necessary.

Special Interrogatory 3 seeks the name and contact information of each person who participated in communications between Price and Plaintiff from January 1, 2021 to present. Price indicated that the last known contact information of each named individual is equally available to Plaintiff and/or is already in Plaintiff’s possession through documents previously produced. In conducting discovery, each “party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, proper basis for refusing to provide discovery under another method.” *Irvington-Moore, Inc. v. Sup. Ct.* 14 Cal. App. 4<sup>th</sup> 733 (1993); *See also Bunnel v. Sup. Ct.*, 254 Cal. 2d 720, 723-724 (1967) and *Holguin v. Sup. Ct.*, 22 Cal. 3d 812, 821 (1972). In light of the foregoing, Price’s response to this interrogatory is not, strictly speaking, code compliant therefore, Price is ordered to serve a supplemental response to Special Interrogatory 3 no later than September 25, 2024.

Special Interrogatories 6, 8,9,10,11,14 and 22 are all questions regarding various information on the “JV agreement.” Price gave essentially the same response to each of these requests, no such agreement exists. Price, through the meet and confer process, has informed Plaintiff of the issue with the phrasing and provided them with alternate language to use – a PO or sales agreement. Yet Plaintiff has chosen not to amend the language of its request. Simply because Defendant does not agree with Plaintiff’s contention that the agreement is a JV agreement, does not make Defendant’s response evasive. Especially where Defendant has provided specific alternate language. The response is code compliant, and no further responses are necessary.

Special Interrogatory number 7 asks that Price “identify each person with whom you had arranged for purchase of nitrile gloves...” Plaintiff argues the response, which identifies Baluster from Arkansas, is non responsive because it does not offer specific information as to whether this is an order for nitrite gloves, who the buyers were, the quantity and unit price for items under the order. But the interrogatory does not request any of that information. The term “IDENTIFY” is defined in the interrogatory as providing (1) full name; (2) last known address and

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phone number; (2) last known employer; and (4) job title. Nothing in the interrogatory itself or in the defined term requires the information that Plaintiff is seeking therefore no further response is necessary.

Special Interrogatory number 15 asks Defendant to identify each person “involved with” transactions of nitrile gloves from January 1, 2021 through present. Defendant simply responded that there are too many to list. This is essentially objecting to the request as overbroad. However, Defendant waived all such objections by failing to respond to discovery in the first place, so such, Price is ordered to serve and amended response no later than September 25, 2024.

Finally, regarding the dueling requests for sanctions, the court denies both requests. As previously stated, where a party engages in the misuse of the discovery process, the court “shall” impose monetary sanctions “unless it finds that one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.” Cal. Civ. Pro. 2023.030(a)(emphasis added) & 2023.020. Misuse of the discovery process includes, but is not limited to, failing to confer in a reasonable good faith attempt to informally resolve any discovery dispute. Cal. Civ. Pro. § 2023.010.

Here, the majority of the requests at issue involve the phrase “JV agreement.” Both parties appear to be engaging in some level of gamesmanship in this regard. Defendant refuses to respond to anything referencing a JV agreement because he does not believe one existed, though Defendant is aware of the agreements to which Plaintiff is referring. Plaintiff has met and conferred on the issue but when confronted with the objectionable phrasing Plaintiff steadfastly refused to simply rephrase their interrogatories. This calls into question whether Plaintiff’s meet and confer efforts were made entirely in good faith. The court is not awarding sanctions to either party as the court finds that circumstances would make the imposition of sanctions unjust where not one but both parties are engaging in the misuse of the discovery process.

*Motion to Compel Further Responses of Price Global Logistics to Special Interrogatories*

The timeline of discovery involved in this motion is largely the same as the previous motions with the exception that Price Global served its amended responses to Special Interrogatories on February 26, 2024. The motion was filed on April 11<sup>th</sup> and, under the same analysis as above, is therefore considered timely and will be reached on the merits.

Plaintiff is requesting an order for further responses to Special Interrogatory numbers 2, 3, 5-11, 14, 16, 23, 24, and 27, as well as sanctions in the amount of \$3,060. Defendant opposes the motion and is requesting \$3,112.50 in sanctions against Plaintiff.

Many of the interrogatories and responses are the same as those at issue in Joe Price’s discovery responses. Therefore, the analysis is the same and is hereby incorporated by reference. Based on that analysis the court makes the same rulings as follows: The Motion to

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Compel Further Responses is granted as to Special Interrogatory number 3, the motion is denied as to Special Interrogatory Numbers 2, 6-8, 10 and 11.

Special Interrogatory Number 5 asks Price Global to describe in detail all communications with Children's Hospital Los Angeles from January 1, 2021 to the present date. Plaintiff argues the response is evasive and incomplete because Defendant does not identify the participants to each of the conversations or the dates of those conversations other than April 14, 2021; yet the interrogatory does not direct Defendant to list the date of, and the participants to, each conversation. The response is code compliant as-is therefore no further responses are needed.

Special Interrogatory Number 9 requests Price Global describe all meetings that were held relating to the JV agreement. Price Global initially responded indicating that there were no meetings. It later supplemented its response to state that there was no JV agreement. Simply because Price Global does not agree with Plaintiff's assertion that the agreement was a joint venture agreement, does not make Price Global's response evasive, especially where Price Global conferred with Plaintiff on the issue and informed Plaintiff of alternative language that could be used. The motion as to this request is denied.

Special Interrogatory Number 14 asks that Price Global describe all communications with DRE Health from January 1, 2021 to present. Price Global responded that there were no conversations related to the subject nitrile gloves. However, the request is not limited to conversations regarding the *subject* nitrile gloves. Instead, it seeks information regarding all communications with DRE Health. As such, the answer given is nonresponsive and Price Global is therefore ordered to serve an amended response no later than September 25, 2024.

Special Interrogatory number 16, this request seeks the identity of each person involved with the transactions of nitrile gloves from January 1, 2021 to present. Defendant responded that there are too many to state. However, this amounts to an objection to the breadth of the question. All objections were ordered waived therefore Price Global is ordered to serve an amended response no later than September 25, 2024.

Special Interrogatory number 23 seeks a list of the potential buyers for the additional 100,000 boxes of nitrile gloves. Defendant identified Andy Baker of Baluster. However, Plaintiff still argues that the response is evasive and non-responsive as "it is unclear whether this was the only potential buyer or not." The request seeks the identity of each potential buyer, the response lists only one potential buyer. Therefore, it stands to reason that Price Global's response is simply that Andy Baker at Baluster was the only potential buyer. It is unclear why Plaintiff would consider this to be either evasive or non-responsive. No further response is needed.

Special Interrogatory number 24 asks Price Global to identify each transaction with Asellus Group, Inc. Price Global did identify one \$8,000 transaction, yet Plaintiff feels this is non-responsive as Price Global fails to give the date and time for the transaction, the merchandise

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involved and the parties to the transaction. Again, the term “identify” is not defined as requiring any of the foregoing information. Nowhere in the interrogatory is any of that information requested therefore the response is code compliant and no further response is necessary.

Special Interrogatory number 27 asks Price Global to identify each of its transactions with DRE Health. Price global responded by giving an overview of its relationship with DRE Health and identifying the dates of six transactions. Plaintiff argues that the response is deficient because it “fails to provide the terms or the details” of each transaction. Yet again, the interrogatory does not ask that the terms and details of each transaction be included. The response is compliant as phrased and therefore no further response is required.

As with the requests for sanctions discussed in the Motion to Compel Further Responses of Joe Price, it does not appear that either party worked entirely in good faith to resolve these issues therefore the court does not grant either party’s request for sanctions.

**TENTATIVE RULING #4:**

- 1. PLAINTIFF’S MOTION TO COMPEL PRICE GLOBAL’S FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE IS DENIED. PRICE GLOBAL’S REQUEST FOR SANCTIONS IS GRANTED. PLAINTIFF IS ORDERED TO PAY PRICE GLOBAL \$1,725 AS AND FOR SANCTIONS NO LATER THAN SEPTEMBER 25, 2024.**
- 2. PLAINTIFF’S MOTION TO COMPEL JOE PRICE’S FURTHER RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE IS GRANTED WITH REGARD TO REQUEST NUMBERS 7, 18-21, 22-24, AND 29. FULL AND COMPLETE RESPONSES WITHOUT OBJECTIONS ARE DUE NO LATER THAN SEPTEMBER 25, 2024. PRICE IS ORDERED TO PAY PLAINTIFF SANCTIONS IN THE AMOUNT OF \$2,060 TO BE PAID NO LATER THAN SEPTEMBER 25, 2024. DEFENDANT’S REQUEST FOR SANCTIONS IS DENIED. PRICE’S REQUEST FOR SANCTIONS IS DENIED.**
- 3. PLAINTIFF’S MOTION TO COMPEL JOE PRICE’S FURTHER RESPONSES TO SPECIAL INTERROGATORIES, SET ONE IS GRANTED WITH REGARD TO SPECIAL INTERROGATORY NUMBERS 3 AND 15 ONLY. PRICE IS ORDERED TO SERVE AMENDED RESPOSES TO THESE REQUESTS, WITHOUT OBJECTIONS, NO LATER THAN SEPTEMBER 25, 2024. THE MOTION TO COMPEL IS DENIED WITH REGARD TO SPECIAL INTERROGATORIES 2, 6-11, 14, 15, AND 22. BOTH REQUESTS FOR SANCTIONS ARE DENIED.**
- 4. PLAINTIFF’S MOTION TO COMPEL PRICE GLOBAL’S FURTHER RESPONSES TO SPECIAL INTERROGATORIES SET ONE IS GRANTED WITH REGARD TO SPECIAL INTERROGATORY NUMBERS 3, 14, AND 16. AMENDED RESPONSES, WITHOUT OBJECTIONS, ARE DUE NO LATER THAN SEPTEMBER 25, 2024. THE MOTION IS DENIED AS TO SPECIAL INTERROGATORIES 2, 5-11, 23, 24, AND 27. EACH PARTY’S REQUEST FOR SANCTIONS IS DENIED.**

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**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6551 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999).**

**NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; EL DORADO COUNTY LOCAL RULE 8.05.07. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.**

**LONG CAUSE HEARINGS MUST BE REQUESTED BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED AND THE PARTIES ARE TO PROVIDE THE COURT WITH THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. LONG CAUSE ORAL ARGUMENT REQUESTS WILL BE SET FOR HEARING ON ONE OF THE THREE MUTUALLY AGREEABLE DATES ON FRIDAY AFTERNOONS AT 2:30 P.M. THE COURT WILL ADVISE THE PARTIES OF THE LONG CAUSE HEARING DATE AND TIME BY 5:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. PARTIES MAY PERSONALLY APPEAR AT THE HEARING. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**