

**1. ESTATE OF PURVIS, 22PR0262****Petition to Administer Estate**

Petitioner is the spouse of decedent, a non-resident who died testate on April 30, 2022. A copy of decedent's will, dated December 21, 2016, is attached to the petition. The will nominates petitioner to serve as personal representative, without bond. Petitioner seeks full authority to administer the estate under the IAEA.

To date, Proof of Publication is not in the court's file.

Petitioner needs to file the mandatory Duties and Liabilities of Personal Representative (Judicial Council Form DE-147). Additionally, the Local Rules also require that petitioners submit the Confidential Supplement to Duties and Liabilities of Personal Representative (Judicial Council Form DE-147S). (El Dorado County Superior Court Local Rules, Rule 10.02.10.)

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, OCTOBER 26, 2022, IN DEPARTMENT FOUR.**

**2. ESTATE OF RAMIREZ, 22PR0258**

**Petition to Administer Estate**

**TENTATIVE RULING # 2: PETITION IS GRANTED. THE COURT SETS A HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M., WEDNESDAY, MARCH 1, 2023, IN DEPARTMENT FOUR. THE COURT FURTHER SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M., WEDNESDAY, OCTOBER 25, 2023, IN DEPARTMENT FOUR.**

**3. MATTER OF EDWARD W. DUNN & MIRA Y. DUNN TRUST, SP20210034****(1) Motion to Compel Further Responses to Form Interrogatories****(2) Motion to Compel Further Responses to Requests for Production**

Respondent Pat Hansen moves, pursuant to Code of Civil Procedure sections 2030.300, 2031.210–2031.240, and 2031.310, for an order compelling petitioner Michael Dunn to provide further substantive, code-compliant, verified responses to respondent's Form Interrogatories (Set One) and Requests for Production of Documents (Set One). Petitioner did not file an opposition to the motions.

Form Interrogatories

A party propounding interrogatories has the burden of filing a motion to compel if it finds the answers it receives unsatisfactory, but “the burden of justifying any objection and failure to respond remains at all times with the party resisting an interrogatory.” (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220–221.) To show an interrogatory seeks relevant, discoverable information “is not the burden of [the party propounding interrogatories]. As a litigant, it is entitled to demand answers to its interrogatories, as a matter of right, and without a prior showing, unless the party on whom those interrogatories are served objects and shows cause why the questions are not within the purview of the code section.” (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 422.)

Respondent seeks a further response from petitioner to Form Interrogatory Number 17.1. Petitioner responded to Number 17.1 by stating, “Objection. All responses to requests for admission have the information annotated to them, so that is not necessary to repeat here.”

Petitioner's objection is not well taken. The response is incomplete. The answer to each interrogatory must be “as complete and straightforward as the information reasonably available to the responding party permits.” (Code Civ. Proc., § 2030.220(a).) An answer is incomplete if it merely refers to other documents without summarizing them; e.g., “See my deposition,” or “See my admissions.” (*Deyo v. Kilbourne* (1978) 84

Cal.App.3d 771, 783–784.) Further, because petitioner did not file an opposition brief, he has not met his burden of justifying his objection. (*Coy, supra*, 58 Cal.2d at pp. 220–221.)

Respondent’s motion to compel petitioner’s further response to Form Interrogatories (Set One), Number 17.1 is granted.

#### Requests for Production

The burden on the propounding party is higher in compelling responses to requests for production of documents (“RFP”) than in compelling responses to interrogatories. The motion to compel must “set forth specific facts showing good cause justifying the discovery sought by the demand.” (Code Civ. Proc., § 2031.310(b)(1).) “[A]bsent a claim of privilege or attorney work product, the party who seeks to compel production has met his burden of showing good cause simply by a fact-specific showing of relevance.” (*Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98.) “In the context of discovery, evidence is ‘relevant’ if it might reasonably assist a party in evaluating its case, preparing for trial, or facilitating a settlement.” (*Glenfed Development Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1117.) Once good cause is shown, the burden shifts to the party opposing the motion to justify its objection(s). (*Kirkland, supra*, 95 Cal.App.4th at p. 98.)

Respondent seeks further responses from petitioner to RFP, Numbers 1–11. Petitioner responded to every RFP by stating, “Objection, Pat Hansen has been Trustee of the Dunn Trust since the Dunn’s [*sic*] died in 2003 until her resignation in 2021, so she already has all documents relevant to the Trust’s administration and the required accountings.”

Petitioner also included these additional statements to several of the RFP: “The reports delivered does [*sic*] not have all the same transactions as contained in the QuickBooks data file or the income tax returns.” (No. 3.) “The general ledger delivered does not have all the same transactions as contained in the QuickBooks data file or the income tax returns.” (No. 4.) “The QuickBooks backup data file delivered to me was date stamped and named June 6, 2022.” (No. 5.) “[S]he already has all documents relevant to

the Trust's administration and the activities which might have required the assistance of counsel." (No. 8.) "Counsel for the Propounding Party [i.e., respondent's counsel] have been previously provided a copy of the notice to Michael from the Social Security Administration." (No. 9.) And, "she already has all documents relevant to the Trust's administration and the expenditures or distributions in excess of the Trust's income for unnecessary or excessive items including compensation to Pat Hansen in an amount greater than reasonable for the work done." (No. 10.)

Having reviewed the moving papers, the court finds that respondent has shown good cause for the RFPs. In turn, petitioner has not justified his objections or failure to produce the requested documents for inspection. Petitioner's responses are also incomplete because they do not state that he will comply by the date set for the inspection, or that he lacks the ability to comply. Further, the objection on the basis that the information is available to respondent is not a valid objection as petitioner has not shown that the RFPs would require him to make more than a "reasonable inquiry." (See Code Civ. Proc., § 2031.230.)

Respondent's motion to compel petitioner's further responses to RFP (Set One), Numbers 1–11 is granted.

#### Sanctions

Respondent did not request sanctions in the moving papers or provide a declaration from counsel setting forth the attorney fees and costs incurred in bringing the motions. Thus, no sanctions are awarded.

**TENTATIVE RULING # 3: RESPONDENT'S MOTIONS ARE GRANTED. PETITIONER MUST SERVE CODE COMPLIANT, VERIFIED RESPONSES, WITHOUT OBJECTION TO RESPONDENT'S (1) FORM INTERROGATORIES (SET ONE), NUMBER 17.1, AND (2) REQUESTS FOR PRODUCTION (SET ONE), NUMBERS 1–11, NO LATER THAN 20 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. PARTIES MAY APPEAR IN PERSON AT THE HEARING. IF ANY PARTY WISHES TO APPEAR REMOTELY THEY MUST APPEAR BY ZOOM.

**4. ESTATE OF MIYASAKA, SP20210033**

**Petition for Final Distribution on Waiver of Account**

**TENTATIVE RULING # 4: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.**

**5. GUARDIANSHIP OF RYLAN R., 22PR0252**

**Petition to Appoint Guardian**

At the court investigator's request, matter is continued to December 7, 2022.

**TENTATIVE RULING # 5: MATTER IS CONTINUED TO 8:30 A.M., WEDNESDAY,  
DECEMBER 7, 2022, IN DEPARTMENT FOUR.**



**6. MATTER OF EDWIN & SHIRLEY GUTTRY TRUST, 21PR0029**

**Status Review Hearing**

A mandatory settlement conference was conducted on October 17, 2022. The matter was not settled.

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M.,  
WEDNESDAY, OCTOBER 26, 2022, IN DEPARTMENT FOUR.**