

**1. GETZ v. SERRANO EL DORADO OWNERS' ASSOC., PC20170113**

**Class Action Conference**

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, FEBRUARY 18, 2022, IN DEPARTMENT FOUR.**

**2. VANWEY v. MARTIN, SC20210065****OSC Re: Dismissal for Plaintiff's Failure to Appear at CMCs, to Provide the Court With Contact Information, and for Failure to Serve Defendant**

This action was commenced on March 23, 2021. To date, plaintiff has not served defendant with the summons and complaint. In his Case Management Conference Statements, plaintiff states he has not served defendant because she has a protective order against him.

Plaintiff failed to appear at CMCs held on July 20, 2021, September 21, 2021, October 19, 2021, and December 7, 2021. The court minute orders from July 20, 2021, and October 19, 2021, that were sent to plaintiff at his address of record were returned to the court as undeliverable.

Following the CMC on December 7, 2021, this hearing was set for plaintiff to appear and show cause why this action should not be dismissed for his repeated failures to appear at CMCs, for his failure to provide the court with his updated contact information, and for his failure to serve defendant.

**TENTATIVE RULING # 2: PLAINTIFF'S APPEARANCE IS REQUIRED AT 1:30 P.M., FRIDAY, FEBRUARY 18, 2022, IN DEPARTMENT FOUR.**

**3. MATTER OF MEIER, 21CV0294**

**OSC Re: Name Change**

**TENTATIVE RULING # 3: PETITION IS GRANTED. NO APPEARANCE IS  
REQUIRED.**

**4. SULLIVAN v. GENERAL ELECTRIC CO., ET AL., SC20200063****Motion to Compel Defendants' Further Responses to Discovery Requests**

Plaintiff moves to compel further responses from defendants General Electric and Home Depot to plaintiff's Requests for Production (Sets One and Two) and Special Interrogatories (Sets One and Two), and plaintiff moves for an order requiring defendants to produce original responses to discovery.

As a preliminary matter, the parties' objections to the timeliness of defendants' opposition and to the format of plaintiff's separate statement are overruled.

Special Interrogatories (Set One)

The motion as to request numbers 1–3, 6–8, and 13–19 is **granted in part**. Defendants' objections are overruled, except as follows.

The subject matter of an action, for purposes of discovery, is defined as “any of the physical facts or circumstances bearing upon or touching [the subject matter] ... which may lead to admissible evidence.” (*Darbee v. Superior Court* (1962) 208 Cal.App.2d 680, 688.) Any information that “might reasonably assist a party in *evaluating* the case, *preparing* for trial, or *facilitating* settlement” falls within the meaning of permissible discovery. (*Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1611 [emphasis in original].) Given the broad scope of discovery, the court finds that plaintiff's requests seek discoverable and relevant information. The court further finds that the requests are not ambiguous or vague.

If defendants' counsel believes any information requested implicates the attorney-client privilege, they should produce a privilege log. (Code of Civ. Proc. § 2030.240(b); *Catalina Island Yacht Club v. Superior Court* (2015) 242 Cal.App.4th 1116, 1125.)

The court finds that plaintiff's requests are overbroad as to time. Plaintiff is limited to a 2-year time period of plaintiff's counsel's choosing.<sup>1</sup>

Additionally, because many of the requests seek the names, addresses, and phone numbers of non-parties, those non-parties must first be notified and given an opportunity to object to disclosure of their private contact information. (*Alch v. Superior Court* (2008) 165 Cal.App.4th 1412, 1423.)

Home Depot—Special Interrogatories (Set Two)

The motion is **granted** as to request numbers 30 and 31.

General Electric—Special Interrogatories (Set Two)

The motion is **granted** as to request numbers 30 and 31.

Requests for Production (Set One)

Plaintiff's motion as to request numbers 8 and 9 is **granted in part**. Defendants' objections are overruled, except as follows.

The court finds that the requests seek discoverable and relevant information, and are not ambiguous or vague. Further, because the requests seek complaints in legal actions, the documents are public records and are not subject to the attorney-client privilege and are not an invasion of any non-parties' privacy rights. Depending upon the jurisdiction, any relevant complaints are not necessarily as readily available to plaintiff's counsel as compared to defendants' counsel.

However, the court finds that plaintiff's requests are overbroad as to time. Plaintiff is limited to a 2-year time period of plaintiff's counsel's choosing.

Requests for Production (Set Two)

Plaintiff's motion as to request numbers 16–18 is **granted in part**. Defendants' objections are overruled, except as follows.

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<sup>1</sup> The court notes that the parties did not give an indication of how long this dishwasher model has been in production.

The court finds that the requests seek discoverable and relevant information, and the requests are not ambiguous or vague. If defendants' counsel believes any document implicates the attorney-client privilege, they should produce a privilege log. (Code of Civ. Proc. § 2031(c)(1); *Catalina*, *supra*, 242 Cal.App.4th at p. 1125.)

Request for Original Responses

The request for an order requiring defendants to produce original responses is granted.

Sanctions

Having reviewed and considered plaintiff's counsel's declaration, and bearing in mind that plaintiff did not prevail entirely, the court finds that \$3,000.00 is a reasonable sanction under the Discovery Act.

**TENTATIVE RULING # 4: PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES (SETS ONE AND TWO) AND REQUESTS FOR PRODUCTION (SETS ONE AND TWO) IS GRANTED IN PART. DEFENDANTS MUST SERVE PLAINTIFF WITH FURTHER VERIFIED RESPONSES, WITHOUT OBJECTIONS, AS SET FORTH IN THE FULL TEXT OF THE TENTATIVE RULING, AND DEFENDANTS MUST SERVE PLAINTIFF WITH ORIGINAL RESPONSES AS TO ALL SETS OF DISCOVERY, AND PAY PLAINTIFF'S COUNSEL \$3,000.00 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.**

**5. FORBES v. LAKE TAHOE BOAT RIDES, INC., ET AL., SC20190113****Defendants' Motion for Summary Judgment**

This action arises from injuries plaintiff sustained in 2017 while she was a passenger in a boat on Lake Tahoe. Plaintiff's complaint, filed June 27, 2019, alleges a single cause of action for negligence against defendants. Pending is defendants' motion for summary judgment (filed Oct. 19, 2021).

On February 4, 2021, plaintiff's counsel filed a declaration seeking a continuance pursuant to Code of Civil Procedure § 437c(h). That subsection provides: "If it appears from the affidavits submitted in opposition to a motion for summary judgment or summary adjudication, or both, that facts essential to justify opposition may exist but cannot, for reasons stated, be presented, the court shall deny the motion, order a continuance to permit affidavits to be obtained or discovery to be had, or make any other order as may be just. The application to continue the motion to obtain necessary discovery may also be made by ex parte motion at any time on or before the date the opposition response to the motion is due." (*Ibid.*)

Having reviewed and considered plaintiff's counsel's declaration as well as defendants' reply opposing plaintiff's request, the court finds that plaintiff's counsel has made the necessary showing that a continuance is justified to obtain essential discovery to oppose defendants' motion. Specifically, plaintiff's counsel states that defendant Scott Hoffman's (the boat captain) and plaintiff's depositions have not yet been taken. Discovery is still open and trial for this case is not scheduled to begin until December 2022. Accordingly, the court will continue this motion to April 22, 2022, in order for the essential discovery to be obtained. Plaintiff's supplemental opposition is due by April 8, 2022, and defendants' reply is due by April 15, 2022.

**TENTATIVE RULING # 5: THE MOTION IS CONTINUED TO 1:30 P.M., FRIDAY, APRIL 22, 2022, IN DEPARTMENT FOUR. PLAINTIFF'S**

SUPPLEMENTAL OPPOSITION IS DUE BY APRIL 8, 2022, AND DEFENDANTS' SUPPLEMENTAL REPLY IS DUE BY APRIL 15, 2022. 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.

**6. TURNER, ET AL. v. GRAHAM, ET AL, SC20200048**

**Case Management Conference**

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, FEBRUARY 18, 2022, IN DEPARTMENT FOUR.**

**7. RURAL COMMUNITIES UNITED v. COUNTY OF EL DORADO, PC20210189  
CMC Re: Service, Response, Record, Briefing Schedule**

**TENTATIVE RULING # 7: AT THE REQUEST OF THE PARTIES, THE CASE MANAGEMENT CONFERENCE IS CONTINUED TO 2:00 P.M., FRIDAY, APRIL 22, 2022, IN DEPARTMENT FOUR. THE DEADLINES FOR PREPARATION OF THE ADMINISTRATIVE RECORD AND HOLDING A SETTLEMENT CONFERENCE ARE CONTINUED TO APRIL 22, 2022.**