

- 1. WEILAND v. EL DORADO COUNTY ASSESSMENT APPEALS BD., 22CV0341  
CMC Re: Status of Service, Response, Administrative Record, Briefing  
Schedule**

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, APRIL 22, 2022, IN DEPARTMENT FOUR.**

**2. LACROIX v. TAHOE KEYS PROP. OWNERS' ASSOC., SC20200157****Plaintiff's Motion to Compel Further Response to Special Interrogatory**

This action arises from injuries plaintiff sustained after he allegedly struck an unmarked cable barricade while riding a one-wheel skateboard. As a result of the collision, he tore his left PCL and ACL and he fractured his left tibia. Plaintiff's complaint, filed in November 2020, asserts a single cause of action for premises liability against defendant Tahoe Keys Property Owners' Association.

Plaintiff contends that defendant failed to repair, maintain, and inspect the cable barricade to ensure reflectors or other warning devices were properly affixed. Plaintiff states that two of the responding firefighters and plaintiff's brother-in-law testified at deposition that no reflectors were affixed to the cable at the time of the incident. The only person who testified to observing reflectors is Shawn Ruby, defendant's maintenance technician. At Ruby's deposition, he testified that he was convicted of a felony about 21 years ago, but did not recall the crime for which he was convicted or the county in which he was convicted. Subsequently, plaintiff conducted a cursory investigation into Ruby's criminal record, which revealed additional convictions Ruby did not disclose at his deposition.

Pending is plaintiff's motion to compel a further response from defendant to Special Interrogatory Number 17, which requests that if Ruby has been convicted of a felony, "for each felony conviction please provide ... [¶] (a) the city and state where he was convicted; [¶] (b) the date of the conviction; [¶] (c) the offense; and [¶] (d) the court and case number." Defendant responded in part that "Responding Party has no knowledge of any felony conviction of Mr. Ruby beyond that contained in the deposition testimony of Mr. Ruby himself, and states that based upon information and belief, Mr. Ruby has had no felony convictions within the past 10 years."

"Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party

permits. [¶] ... If an interrogatory cannot be answered completely, it shall be answered to the extent possible. [¶] ... If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.” (Code of Civ. Proc. § 2030.220(a)–(c).)

Plaintiff argues that defendant did not “make a reasonable and good faith effort to obtain” information about Ruby’s criminal history following Ruby’s deposition.

The court disagrees. Information about Ruby’s criminal history was not in defendant’s control. (*Bunnell v. Superior Court* (1967) 254 Cal.App.2d 720, 723–724; *Holguin v. Superior Court* (1972) 22 Cal.App.3d 812, 821.) Ruby had already been deposed, under oath, and he either could not or would not testify to the full extent of his criminal history. Parties responding to interrogatories must answer on the basis of the collective knowledge of their agents as well as themselves. (*Morgan v. S. Cal. Rapid Transit Dist.* (1987) 192 Cal.App.3d 976, 982–983, disapproved of on other grounds by *Schwab v. Rondel Homes, Inc.* (1991) 53 Cal.3d 428.) Other than Ruby himself, there were no other natural persons or agents of defendant to question about the information. Further, it is highly unlikely that if defendant were to have made a subsequent inquiry of Ruby that he would have disclosed information that he did not already reveal when asked at a deposition under penalty of perjury.

Additionally, as plaintiff has demonstrated, the information about Ruby’s criminal history is equally available to the propounding party.

Plaintiff’s motion is denied.

**TENTATIVE RULING # 2: PLAINTIFF’S MOTION IS DENIED. 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.**

**3. MATTER OF LUNDGREN, 22CV0203**

**OSC Re: Name Change**

**TENTATIVE RULING # 3: PETITION IS GRANTED.**

**4. ROSEN v. RENTFROW, SC20200178**

**Plaintiff's Motion to Compel Compliance with Subpoena for Production of Business Records of Non-Party MRK Medical Consultants**

To date, defendant's opposition has not been officially filed due to a filing defect that has not been corrected. Additionally, the judicial officer assigned for all purposes is unavailable. Accordingly, on the court's own motion, this matter is continued to May 13, 2022.

**TENTATIVE RULING # 4: MATTER IS CONTINUED TO 1:30 P.M., FRIDAY, MAY 13, 2022.**

5. **RURAL COMMUNITIES UNITED v. COUNTY OF EL DORADO, PC20210189**  
**CMC Re: Status of Service, Response, Administrative Record, Briefing**  
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**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M.,  
FRIDAY, APRIL 22, 2022, IN DEPARTMENT FOUR.**

**6. SUTTER TAHOE LP v. SILVER STATE INVESTORS, 21CV0280**

**Plaintiff's Motion for Stay and to Refer to Binding Arbitration**

**TENTATIVE RULING # 6: AT THE PARTIES' REQUEST, MATTER IS  
CONTINUED TO 1:30 P.M., FRIDAY, JUNE 17, 2022, IN DEPARTMENT  
FOUR.**