

October 13, 2025 Truckee Civil Tentative Rulings

1. CL0001593 Midland Credit Mangement Inc., v. Jingmey Sherpa

Appearance required by Plaintiff to show cause as to why Plaintiff should not be sanctioned \$250.00 payable to the Court in thirty (30) days for failure to timely move this case forward as previously ordered. In addition, absent good cause, the Court intends to calendar this matter for mandatory dismissal pursuant to CCP section 583.310.

2. CL0002922 Stacy Briscoe v. Ezekiel Wooldridge

Appearance required by Plaintiff to show cause, if any, as to why this action should not be dismissed and/or Plaintiff sanctioned for failure to comply with local case management, delay reduction, or other court rules. See Code of Civil Procedure Sections 177.5, 575.2 and 1141.10 *et seq.*; Government Code Section 68608(b); California Rules of Court 2.30, 3.110, 3.740 and 3.810 *et seq.*; Local Rules 4.00-4.00.8, 4.00.10, 4.02, 4.02.1, 4.03.

Absent good cause being shown, the Court intends to dismiss the case in its entirety without prejudice.

3. CL0002961 Portfolio Recovery Associates, LLC v. Herlinda Mora Urbina

No appearances required. On the Court's own motion and in light of the Declaration filed by counsel for Plaintiff, the Court continues the OSC re Dismissal to October 10, 2025 at 1:30 p.m. in Dept. A. Plaintiff shall file a proof of service, an application to serve by publication (if deemed appropriate), or a request for dismissal of defendant in advance of the continued order to show cause date. The Court notes the declaration of non service filed by Plaintiff fails to show good faith efforts which would support a request to serve by alternate means.

4. CL0002962 Juan Carlos Sarmiento Garcia v. William Wesley Stroup

On the Court's own motion the OSC as to Plaintiff is DISMISSED. Plaintiff has now filed a proof of service evidencing service of the summons and complaint on the sole named defendant. The Case Management Conference remains as set.

5. CU0001187 Yan Kalika vs. Sugar Bowl Corporation, a California corporation

As set forth herein, Defendant's motion to compel further responses to Defendant's Special Interrogatories, Set Three, is granted in part and denied in part. The motion is granted to require a further verified response to Special Interrogatory No. 101. Defendant's motion to compel further responses to Defendant's Requests for Production of Documents, Set Four, is denied. The requests for monetary sanctions is denied.

Background

Any party to an action may obtain "discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the

party seeking discovery or of any other party to the action. Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.” Code Civ. Proc. § 2017.010.

On or about April 18, 2025, Defendant served Requests for Production of Documents, Set Four (“RFPs”), and Special Interrogatories, Set Three (“SIs”), on Plaintiff. Plaintiff served objections to the discovery on June 3, 2025. On September 8, 2025, after Defendant filed motions to compel further responses to RFPs and SIs and the motions were fully briefed, the Court found Defendant did not substantively respond to Plaintiff’s meet and confer efforts to discuss Plaintiff’s objections and potential compromises. The Court provided further guidance regarding how the dispute might be resolved, including by agreeing to a protective order, coming to acceptable compromises on scope of the requests, including as to time periods and “key players”, as well as keywords searches and modifying requests accordingly.

Based on the parties’ subsequent status updates, it appears, while the language of a protective order has been agreed to, and Plaintiff has accordingly agreed to supplement some responses, no other compromises have been reached which might negate the need for further consideration of Defendant’s motions to compel.

Privacy Analysis

As to both motions, the right of privacy is raised by Plaintiff.

The right of privacy is an “inalienable right” secured by article I, section 1 of the California Constitution. *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal.3d 652, 656. The right of privacy protects against the unwarranted, compelled disclosure of private or personal information and “extends to one’s confidential financial affairs as well as to the details of one’s personal life.” *Id.* Personal financial information can be within the zone of privacy protected. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 557. However, the right is not protected in every request for discovery of private information. *Id.* Rather, the burden is on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, against which the court must weigh the countervailing interests the opposing party identifies. *Id.*

“If there is a reasonable expectation of privacy and the invasion of privacy is serious, the court must balance the privacy interest at stake against other competing or countervailing interests, which include the interest of the requesting party, fairness to the litigants in conducting the litigation, and the consequences of granting or restricting access to the information.” *Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1251. In balancing the competing considerations, the court may consider the legitimate and important interests disclosure serves versus any feasible alternatives that serve the same interests, or any protective measures that would diminish the loss of privacy. *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal. 4th 1, 37-40.

In *Hill*, the Court set forth a three-part analysis to be used in evaluating privacy concerns, and, once all three are found to apply, the burden shifts to the party seeking disclosure of the private information to show a compelling interest exists warranting the privacy invasion and the method

of disclosure is narrowly tailored to the interest expressed. *Id.*; See also, *Williams, supra*, 3 Cal.5th at 552. This framework requires analysis of (1) whether there is a legally protected privacy interest; (2) whether a party has an objectively reasonable expectation of privacy as to the items requested; and (3) whether production would result in a serious invasion of that privacy interest. *Id.* A court must then balance these competing considerations.” *Hill, supra*, 7 Cal.4th at 37-40; See also, *Williams, supra* 3 Cal.5th at 552.

The right to privacy “extends to a person’s confidential financial affairs”. *Overstock.com, Inc. v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 503. This right includes confidential financial information, such as “tax returns, checks, statements, or other account information”. *Id.* Financial privacy is an interest to which the *Hill* framework applies. *Williams, supra*, 3 Cal.5th at 552.

Motion to Compel Further Special Interrogatories, Set Three

A party responding to an interrogatory must provide a response that is “as complete and straightforward as the information reasonably available to the responding party permits”, and “[i]f an interrogatory cannot be answered completely, it shall be answered to the extent possible.” CCP §2030.220(a)-(b). “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.” CCP §2030.220(c). Upon receipt of a response, the propounding party may move to compel further response if it deems an answer to a particular interrogatory is evasive or incomplete, an exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate, or an objection to an interrogatory is without merit or too general. CCP §2030.300(a). When such a motion is filed, the Court must determine whether responses are sufficient under the Code, and the burden is on the responding party to justify any objections made and/or its failure to fully answer the interrogatories. *Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-21; *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255.

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.” While the party propounding interrogatories may have the burden of filing a motion to compel if it finds the answers it receives unsatisfactory, the burden of justifying any objection and failure to respond remains at all times with the party resisting an interrogatory.

Williams, supra, 3 Cal.5th at 541 (internal citations omitted).

The parties have recently agreed to the language of a protective order. Pursuant to the protective order, Plaintiff has agreed to supplement his responses to Special Interrogatories 90, 102-104, and 106-107. Accordingly, the requests for further responses to these Special Interrogatories are MOOT.

Special Interrogatory Nos. 80-85, 87-88 seek information regarding the Unit Purchase Agreement dated May 26, 2022 and information regarding the commencement and final negotiations of that Agreement. The Court finds Plaintiff has met its burden to justify its objections, and Defendant has not shown good cause as to the breadth of the discovery requested or otherwise overcome the objections. In addition, Defendant failed to engage in a meaningful meet and confer to limit the requests. Accordingly, the requests for further responses to these Special Interrogatories are DENIED.

As to Special Interrogatory No. 86, Plaintiff provided adequate response to this interrogatory, so the request is MOOT.

Special Interrogatory No. 89 requests a statement regarding Plaintiff's clinical work schedule, yet it is not limited as to time. The Court finds Defendant has not shown good cause as to the breadth of the discovery requested. Thus, Plaintiff has met its burden to justify its objections, and Defendant failed to engage in a meaningful meet and confer to limit the requests. Accordingly, the request for further response is DENIED.

Special Interrogatory No. 101 seeks the number of hours per month Plaintiff worked for Image Specialty Partners. While Defendant could have more easily obtained this information by requesting timesheets or numbers of hours worked per year, the request is relevant and not unduly burdensome. Therefore, the request for further response to Special Interrogatory No. 101 is GRANTED.

Special Interrogatory Nos. 108-109, 111-112, 114-123 seek W2 and 1099 income and information for various years. The party moving to compel has the initial burden to show good cause justifying the discovery, which can be met "simply by a fact-specific showing of relevance." *Kirkland v. Superior Court* (2002) 95 Cal.App. 92, 98. The relevance asserted by Defendant is "Plaintiff is required to mitigate his damages. He has in fact done so by continuing to work in various capacities.... Defendant is entitled to know...how much income he is earning that offsets his alleged losses...." Defendant's Separate Statement re Special Interrogatories, Pg. 88, ll. 23-26. This argument is, in part, a sufficient statement of good cause to satisfy the initial burden as to the motion to compel. However, Plaintiff has raised privacy objections which are to be addressed under the *Hill* framework as explained in *Williams*.

The first three *Hill* factors—a legally protected privacy interest, an objectively reasonable expectation of privacy, and a threatened intrusion that is serious—are met by the requests being for tax returns and/or their contents. Tax records, both state and federal, are privileged to facilitate disclosure and payment of taxes, and this includes documents forming an integral part of the tax return, such as W-2 forms. *Brown v Superior Court* (1977) 71 Cal.App.3d 141, 143-144. Attempts to avoid the application of the privilege of tax documents cannot be tolerated under the privacy analysis. *Sav-On Drugs, Inc. v. Superior Court* (1975) 15 Cal.3d 1, 7. Even if an interrogatory does not ask for the privacy protected document itself (i.e. tax return), requiring a response to a question concerning specific entries in the return would render any such privilege meaningless. *Id.* Since the returns themselves are protected, the information contained in the returns is also protected. *Id.*

It is true, the Court has discretionary authority to order production in rare instance where public policy against disclosure is outweighed by other compelling legislatively declared public policies, yet such does not include discovery in civil litigation. *Fortunato v. Super Ct.* (2003) 114 Cal.App.4th 475, 483. Here, the Court does not find the privacy invasion is justified nor that the means are narrowly tailored. Accordingly, the requests for further responses to these Special Interrogatories are DENIED.

Special Interrogatory Nos. 110, 113 seek monthly gross income. As discussed above, Defendant has made a sufficient statement of good cause to satisfy the initial burden as to the motion to compel. However, individuals have a privilege against disclosing tax returns or their contents. *Sav-On Drugs, Inc., supra*, 15 Cal.3d at 6. Gross income is part of that protected content. Additionally, unlike lost business income which might be directly at issue, Plaintiff's personal earnings after the sale of his business may be considered mitigation evidence, but they are not the lost income itself. Moreover, Defendant failed to engage in meaningful meet and confer efforts. Accordingly, the requests for further responses to Special Interrogatories 110 and 113 are DENIED.

Motion to Compel Further Requests for Production of Documents, Set Four

A demand for production may request access to "documents, tangible things, land or other property, and electronically stored information in the possession, custody, or control" of another party. A party to whom a document demand is directed must respond to each item in the demand with an agreement to comply, a representation of inability to comply, or an objection. CCP § 2031.210(a). If only part of an item or category demanded is objectionable, the response must contain an agreement to comply with the remainder, or a representation of the inability to comply. CCP § 2031.240(c)(1). If a responding party is not able to comply with a particular request, that party "shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand." CCP § 2031.230.

Upon receipt of a response to a request for production, the propounding party may move for an order compelling further response if the propounding party deems that a statement of compliance with the demand is incomplete; a representation of inability to comply is inadequate, incomplete, or evasive; or an objection in the response is without merit or too general. CCP § 2031.310(a). A motion to compel further responses to a request for production of documents must "set forth specific facts showing 'good cause' justifying the discovery sought by the demand." CCP § 2031.310(b)(1). Absent 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 showing that the requested documents are relevant to the case, i.e., that it is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence under CCP § 2017.010. See, *Kirkland v. Sup. Ct.* (2002) 95 Cal.App.4th 92, 98.

"[U]nless there is a legitimate privilege issue or claim of attorney work product, [the] burden [of showing good cause for the request] is met simply by a fact-specific showing of relevance." *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 448; *see also*, Code Civ. Proc., § 2017.010. Once good cause is shown, the burden shifts to the responding party to justify its objections. See *Coy, supra*, 58 Cal.2d at 220–221. It is insufficient to claim a requested document

is within the possession of another person if the responding party has control over that document. *Clark v. Superior Court of State In and For San Mateo County* (1960) 177 Cal.App.2d 577, 579.

The parties have agreed to the language of a protective order. Pursuant to the protective order, Plaintiff has agreed to supplement his responses to Request for Production Nos. 65-68 and 71-72. Accordingly, the requests for further responses to these Requests for Production are MOOT.

Request for Production Nos. 60-64: seek “all writings” relating to the Unit Purchase Agreement, Plaintiff’s work schedule, and travel to conferences. The Court finds Defendant has not shown good cause as to the breadth of the discovery requested. In addition, Plaintiff has met his burden to justify his objections and Defendant failed to engage in a meaningful meet and confer to limit the requests. Accordingly, the requests for further responses to these Special Interrogatories are DENIED.

Request for Production Nos. 69-70, 73-74 seek all writings that document income and tax records. While these documents may be relevant, Plaintiff’s privacy objections must be evaluated. Tax records, both state and federal, are privileged to facilitate disclosure and payment of taxes. This includes documents forming an integral part of the tax return, such as W-2 forms. *Brown v Superior Court* (1977) 71 Cal.App.3d 141, 143-144. The Court has discretionary authority to order production in the rare instance where public policy against disclosure is outweighed by other compelling legislatively declared public policies, yet such does not include discovery in civil litigation. *Fortunato v. Super Ct.* (2003) 114 Cal.App.4th 475, 483. Accordingly, the requests for further responses to these Special Interrogatories are DENIED.

Monetary Sanctions

The Court “shall impose a monetary sanction . . . against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel further response to a demand, 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.” Code Civ. Proc., § 2031.310.

Although Defendant’s Motion to Compel further responses to special interrogatories was granted in part, the Motion to Compel further responses to requests for production was denied. Therefore, Defendant was not successful in bringing both its motions. Moreover, following Court order, the meet and confer process did lead to the entry of a protective order and some resolution, and, given the mixed results of the motions, the Court finds the circumstances surrounding these motions make the imposition of sanctions unjust. Accordingly, the Court denies each party’s respective request for an award of sanctions.

6. CU0001644 LOUIS WHITE PC, a business entity et al vs. JESSICA SHEER et al

Appearances are required by counsel for all parties. This matter is before the Court on Plaintiffs’ Louis White PC, et al.’s unopposed motion for leave to file first amended complaint.

Pursuant to Code of Civil Procedure section 1005(b), Plaintiffs’ counsel was required to file and serve their notice of motion and motion at least sixteen (16) court days before the hearing.

Moreover, the period of notice is extended by two additional court days for opposing counsel because of electronic service. See, Code Civ. Proc. §§ 1005, 1010.6(a)(3). Here, notice for the motion was insufficient. Plaintiffs' counsel filed his notice of motion for leave to file first amended complaint on September 29, 2025 with an attached proof of service indicating emailed service on Defendants occurred on September 27, 2025, yet notice of the motion was required to be given by September 17, 2025.

The Court can infer a waiver of any issue of timeliness, yet is disinclined to do so absent affirmation by Defendants due to the lack of any responsive pleading. It may be Defendants do not oppose the request as they indicated a desire to file an amended answer at the last court appearance. The Court desires appearances to inquire as to whether the motion can be granted or whether it should be continued to provide Defendants sufficient time to respond.

7. CU0001660 Alana Bellucci v. Chad Yates, et al.

Appearance required by Plaintiff to show cause, if any, as to why she should not be sanctioned \$250.00 payable to the Court in thirty (30) days for failing to appear as ordered on August 25, 2025.

In addition, the Court notes it erred it not ordering both defendants to appear to show cause as to why they should not be sanctioned also in that neither defendant appeared on August 25, 2025 as ordered. An OSC shall issue as to each defendant regarding same.

8. CU0001681 Randy Ryan Agno vs. James L Gould, IV et al.

Appearances required. Plaintiffs filed a motion seeking to withdraw the pending motion requesting they be allowed to serve Defendant, James L. Gould, IV, via publication. A proof of service has been filed asserting personal service on Defendant Gould of a Summons and Complaint. However, the operative pleading at this point is Plaintiffs' First Amended Complaint. In addition, Defendant Michelle Dykes filed an opposition to the pending motion. As such, moving parties cannot simply file a notice of withdrawal. Should all parties agree the pending motion is moot in that Defendant Gould has now been properly served, the Court will consider the motion MOOT.

9. CU0001919 In Re Mary H. Guerrero

Appearance required. The Court does not have proof of service by publication. In addition, the Amended Petition is confusing in that moving party is representing two different current names. Petitioner shall appear to explain to the Court what exactly she is seeking to do.

10. CU0002187 MA Construction, et al. v. Jingwen Li, et al.

Appearances required by Plaintiffs to show cause, if any, as to why this action should not be dismissed and/or Plaintiffs sanctioned for failure to comply with local case management, delay reduction, or other court rules. See Code of Civil Procedure Sections 177.5, 575.2 and 1141.10 *et seq.*; Government Code Section 68608(b); California Rules of Court 2.30, 3.110, 3.740 and 3.810

et seq.; Local Rules 4.00-4.00.8, 4.00.10, 4.02, 4.02.1, 4.03. Specifically, Plaintiffs have failed to timely serve any named defendant in this matter. Absent good cause being shown, the Court intends to dismiss this case in its entirety without prejudice.

11. CU0002216 Peter Zellner et al vs. Amanda Jean Neadeau

Defendant's Motion to Strike is DENIED.

Analysis

Defendant moves to strike references to punitive and exemplary damages and the prayer for punitive damages in the Complaint. The Court is not persuaded.

Pleadings are to be construed liberally with a view to substantial justice between the parties. Code Civ. Proc. § 452. "In passing on the correctness of a ruling on a motion to strike, judges read allegations of a pleading subject to a motion to strike as a whole, all parts in their context, and assume their truth." *Clauson v. Superior Court* (1998) 67 Cal.App.4th 1253, 1255.

Civil Code section 3294, subdivision (a) provides:

In an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

With respect to punitive damage allegations, mere legal conclusions of oppression, fraud or malice are insufficient and therefore may be stricken. *Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6. However, if looking to the complaint as a whole, sufficient facts are alleged to support the allegations, then a motion to strike should be denied. *Id.* Allegations that include conclusions of law or that are considered to be ultimate facts will stand if sufficient facts are alleged to support them. *Id.* Stated another way, if the facts and circumstances are set out clearly, concisely, and with sufficient particularity to apprise the opposite party of what is called on to answer, such is sufficient to support a claim for punitive damages. *Lehto v. Underground Const. Co.* (1977) 69 Cal.App.3d 933, 944.

Punitive damages are awardable only where there is clear and convincing evidence of "malice." Malice means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others. Code Civ. Proc., § 3294(c)(1). Under the statute, malice does not require actual intent to harm. *Pfeifer v. John Crane, Inc.* (2013) 220 Cal.App.4th 1270, 1299. Therefore, an allegation that a defendant intended to injure a plaintiff or acted in conscious disregard of her safety will suffice. *G.D. Searle & Co. v. Superior Court* (1975) 49 Cal.App.3d 22, 32-33. Conscious disregard for the safety of another may be sufficient where the defendant is aware of the probable dangerous consequences of her conduct and she willfully fails to avoid such consequences. *Pfeifer, supra*, 220 Cal.App.4th at 1299. Malice may be proved either expressly

through direct evidence or by implication through indirect evidence from which the jury draws inferences. *Id.*

The issue on a motion to strike is whether the allegations in the complaint are proper – not whether a defendant has an alternate view of the events. Here, the Complaint alleges Defendant’s conduct constituted malice and was also despicable. Complaint, ¶ 8. More specifically, the Complaint alleges as follows: while under the influence of alcohol, Defendant failed to stay in her lane on Donner Pass Road and crossed the double parallel solid yellow lines, causing a head-on collision and resulting injuries and damage to Plaintiffs. Complaint, ¶ 6. Before the incident, Defendant consumed substantial amounts of alcohol to the point of intoxication and the incident was caused by her driving under the influence of alcohol. Complaint, ¶ 8. Defendant was consciously aware she was consuming enough alcohol to result in intoxication, was consciously aware she was unfit to drive a motor vehicle, and consciously decided to drive on the public roadways, including Donner Pass Road, knowing she had consumed alcohol to the point of intoxication and making the conscious decision to imperil the lives and safety of everyone on the roadway. Complaint, ¶¶ 6, 8. The consequences and effects of intoxicated driving are widely known, and there is no excuse for conduct involving driving on public roadways while intoxicated. Such conduct was in conscious disregard for the safety of others. Complaint, ¶¶ 9-10.

Defendant argues the allegations are of mere and ordinary negligence. While such may be true after the trier of fact decides the case, the Complaint alleges Defendant consciously decided to do something in conscious disregard for the safety of others (which includes Plaintiffs). Taking the allegations as a whole and assuming their truth, as the Court must do in relation to ruling on the instant motion, the allegations, at the very least, sufficiently allege Defendant engaged in despicable conduct with a willful and conscious disregard of the rights or safety of Plaintiffs. Therefore, the Complaint contains allegations sufficient to support a claim for punitive damages.

As such, Defendant’s motion is DENIED.