

**July 14, 2025 Truckee Civil TRs**

**1. CU0000595          James House vs. Realty & Consulting Management Services, LLC dba BCM Services, Inc., et al.**

Mr. Birnberg's Motion to be Relieved as Counsel is dropped as moot. The motion was granted at the *ex parte* hearing heard on June 25, 2025. No appearances are required.

**2. CL0002296          Synchrony Bank v. Sherri Moore**

Appearance required by Plaintiff to show cause as to why this matter should not be dismissed for failure to timely serve the Summons and Complaint in this matter. Absent good cause being shown, the Court intends to dismiss this action in its entirety without prejudice thereby vacating the trial date currently set for August 14, 2025 at 11:00 a.m. in Dept. A.

**3. CU0001911          Celeste Dexter vs. West River Real Estate, Inc., a corporation**

Defendant West River's Motion to Quash Service is denied as moot and due to untimely service of notice. While the parties agreed to extend Defendant's time to answer, and thus it's time to file notice of a motion to quash under California Code of Civil Procedure § 418.10(a)(1) to May 30, 2025, Defendant did not file notice of his motion until June 3, 2025. Additionally, Plaintiff filed Proof of Service of Summons, Compliant, Notice of CMC, Blank CMC Statement, and Stipulation and order to participate in ADR on June 18, 2025 which evidences compliance with Local Rule 4.00.8(A). Finally, the Court dismissed the OSC re dismissal/sanctions filed on May 9, 2025 in light of the filing of a proof of service. While it is true Plaintiff did not timely serve Defendant or request an extension of time, the Court has discretion as to whether or not sanctions (which can include dismissal) should issue as evidenced by the word "may" in California Rules of Court, Rule 3.110(f). In accordance with the laws strong preference for deciding matters on their merits as opposed to dismissing on procedural grounds, the Court exercised its discretion and dismissed the OSC. Similarly, at this time, the Court declines to grant Defendant's motion and quash service of the Summons in this matter or otherwise sanction Plaintiff at this time based on the lack of strict compliance with Rule 3.110. Defendant shall file its responsive pleading by July 29, 2025.

**4. CU0001644          Louis White PC, et al. vs. Jessica Sheer, et al.**

**1) Plaintiff Alana Belucci's Motion to Compel Further Responses to Discovery, Set One, and for Monetary Sanctions Against Defendant Jessica Sheer DBA Sierra Mountain Management and Defendant's Counsel**

Plaintiff Alana Belucci's ("Belucci") unopposed Motion to Compel Further Responses to Discovery, Set One, is granted in part. Defendant Jessica Sheer dba Sierra Mountain Management ("Sheer") is ordered to provide verified, code-compliant, further responses to Belucci's Special Interrogatories, Set One and verified code-compliant, further responses to Plaintiff's Requests for

Admission, Set One within thirty (30) days of notice of entry of this order. Because no separate statement was filed as to Sheer's Responses to Belucci's Form Interrogatories, Set One, the parties are ordered to meet and confer further with Belucci filing a renewed motion with a separate statement as she may deem necessary. Belucci is awarded sanctions in the amount of \$1,400.00 against Sheer which amount shall be due within thirty (30) days from service of notice of entry of this order.

(1) *Background*

On or about February 20, 2025, Belucci served her Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set Ones on Sheer. It does not appear from Belucci's Exhibits she served a Request for Production on Sheer. Sheer served unverified responses on March 24, 2025. The parties engaged in meet and confer efforts with Sheer granting an open-ended motion to compel deadline and, ultimately, agreeing to provide substantively amended responses by May 12, 2025. After Sheer failed to provide the promised amended responses, Belucci filed her instant motion. While the motion purports to seek further responses to Belucci's Form Interrogatories, Special Interrogatories, Requests for Admission, and Requests for Production, the Separate Statement only addresses Belucci's Special Interrogatories, Set One and Requests for Admission, Set One.

(2) *Procedural Requirements*

Prior to bringing a motion to compel further responses, the moving party must first make efforts to meet and confer in good faith with the responding party; they must also file, concurrent with their motion, a declaration attesting to same. Code of Civil Procedure § 2030.300(b)(1). Here, Belucci's motion includes a supporting declaration by counsel which adequately demonstrates meet and confer requirements were satisfied.

Additionally, any motion seeking to compel further responses must be accompanied by a separate statement providing all information necessary to understand each discovery request and all the responses at issue. Cal. Rules of Ct., Rule 3.1345. The separate statement should provide all information necessary to understand each discovery request and all the responses to it that are at issue. Cal. Rules of Ct., Rule 3.1345(c). Belucci has also filed a Rule 3.1345 compliant separate statement precisely identifying the requests at issue, but only addressing Plaintiff's Special Interrogatories, Set One, and Requests for Admission, Set One.

The separate statement requirement was designed to streamline adjudication of discovery motions, and a failure to file a separate statement is a sufficient bases for denying a motion to compel. *Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893. However, here, Belucci was granted an "open extension in which to bring a motion to compel"; thus, the Court has the authority to order the parties to meet and confer and file a separate statement. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409. Therefore, the Court will only grant Belucci's Motion as to Sheer's responses to Special Interrogatories, Set One, and Requests for Admission, Set One. In that Sheer granted Belucci an open-ended motion to compel deadline, the Court orders the parties to meet and confer further, and, if outstanding issues as to Sheer's responses to Belucci's Form Interrogatories, Set One remain, Belucci may file a renewed motion

with the requisite separate statement. In other words, the Court denies Belucci's motion without prejudice as to Belucci's Form Interrogatories, Set One.

*(3) Plaintiff Belucci's Motion to Compel Further Responses to Special Interrogatories, Set One*

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.

Here, the Court finds the objections set forth by Sheer to Belucci's Special Interrogatories, Set One are without merit and specious. Not only do they set forth general boilerplate objections, they also state that Sheer has "not conducted an independent medical examination of Plaintiff." The Complaint does not allege any claims arising out of medical issues, nor do any of Belucci's Special Interrogatories seek information arising out of medical claims. Moreover, Sheer filed no opposition to the motions and has thus failed to justify her objections or otherwise justify her failure to fully answer the special interrogatories. The Court notes that while Belucci has failed to clarify whether she served a Declaration for Additional Discovery, Sheer did not object on the grounds the interrogatory limit had been exceeded. Additionally, Sheer agreed during meet and confer to substantively amend the responses and provide a privilege log as required.

Further, each of Sheer's responses to the interrogatories at issue is a paragraph of nearly identical objections. "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.'" *Williams v. Superior Court* (2017) 3 Cal.5th 531, 541 (citations omitted). "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." *Id.*

Sheer's meet and confer letter made no effort to justify the lengthy, general objections interposed with each of her responses. Moreover, she did not file an opposition to the motion. Thus, Sheer's

stated objections are overruled, and she is ordered to provide further verified responses to Plaintiff's Special Interrogatories Set One within thirty (30) days of notice of entry of this order.

*(4) Plaintiff Belucci's Motion to Compel Further Requests for Admissions, Set One*

CCP § 2033.010 provides "[a]ny party may obtain discovery ... by a written request that any other party to the action admit ... the truth of specified matters of fact, opinion relating to fact, or application of law to fact" relating to any "matter that is in controversy between the parties." Each response to a request for admission "shall be as complete and straightforward as the information reasonably available to the responding party permits" and must either object or answer, in writing and under oath, with an admission of so much of the matter as is true; a denial of so much of the matter as is untrue; or a specification of so much of the matter as the responding party is unable to admit or deny based on insufficient knowledge or information. CCP §§2033.210(a)-(b), 2033.220. "If a responding party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." CCP § 2033.220(c). "If only a part of a request for admission is objectionable, the remainder of the request shall be answered", and, if an objection is made to a request or part thereof, "the specific ground for the objection shall be set forth clearly in the response." CCP §2033.230.

Upon receipt of a response, a requesting party may move for a further response if it determines an answer to a particular request "is evasive or incomplete" or if an objection to a particular request "is without merit or too general." CCP § 2033.290(a). "California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. More specifically, the Code provides "any party 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." CCP § 2017.010. See also, *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8. "For discovery purposes, information is relevant if it 'might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement...' See, *Lopez, supra*, 246 Cal.App.4th at 590-591, citing *Garamendi, supra*, 116 Cal.App.4th at 712, fn. 8. "Admissibility is not the test and information[,] unless privileged, is discoverable if it might reasonably lead to admissible evidence." *Id.* "These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases." *Id.* The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court, supra* 3 Cal.5th at 540.

Sheer's responses to the Requests for Admissions, Set One do not admit or deny any of them and solely contain reiterated boilerplate objections. Thus, the Court finds Sheer has refused to meaningfully respond to discovery requests that are reasonably calculated to lead to the discovery of admissible evidence. CCP § 2017.010. A motion to compel is the proper application when a party's responses contain objections which are without merit, too general, evasive or incomplete. *Best Products, Inc. v. Sup. Ct.* (2004) 119 Cal.App.4th 1181, 1189-1190; see also, Code Civ. Proc.

§ 2031.310. Sheer's responses are vague to the point of non-responsiveness. Accordingly, Belucci's Motion to Compel Further Responses to Requests for Admissions, Set One is granted, Sheer's asserted objections are overruled, and Sheer shall provide further responses within thirty (30) days of service of notice of entry of this order.

*(5) Plaintiff Belucci's Request for Sanctions*

As to the request for monetary sanctions, Sheer's failure to provide substantive code-compliant responses constitutes "misuse of the discovery process" within the meaning of *Code of Civil Procedure* § 2023.010(d) ("[f]ailing to respond or to submit to an authorized method of discovery"), thereby subjecting Defendant to monetary sanctions. (*Code of Civil Procedure* § 2023.030(a) ["The court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process ... pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct"]; *Department of Forestry & Fire Protection v. Howell* (2017) 18 Cal.App.5th 154, 193 *disapproved of on other grounds in Presbyterian Camp & Conference Centers, Inc. v. Superior Court* (2021) 12 Cal.5th 493.) The Court does not find either "substantial justification" or "other circumstances mak[ing] the imposition of the sanction unjust" and, accordingly, must impose monetary sanctions.

Plaintiff seeks a total of \$8,750.00 in attorney's fees, including 10.5 hours for meeting and conferring and preparing the motion, 5 hours analyzing opposition and preparing reply, 2 hours attending the hearing motions. Counsel seeks a rate of \$500.00 per hour. No opposition was filed in this matter, and, correspondingly, no reply was submitted. Thus, no award of fees in relation to same is warranted. Likewise, the *prospective* time to prepare and present the motion for hearing is speculative and unwarranted based on the current procedural posture. Counsel fails to justify his billing rate, and fails to separate out the time spent drafting the motion from the time spent meeting and conferring.

Furthermore, Belucci's counsel's declaration asserts the same facts as to sanctions for each of the three motions filed. He does not clarify whether he seeks \$8,750.00 for each motion or for the three motions combined, and he incorrectly labels himself counsel for Defendants in describing the amount of time he has billed. Nevertheless, Belucci has prevailed in her motion, and, thus, sanctions are to be ordered. Accordingly, the Court grants sanctions in the amount of \$1,400.00 which the Court deems reasonable attorney's fees incurred in the bringing of the instant motion. Said amount shall be paid by Sheer to Belucci within thirty (30) days of service of the notice of entry of this order.

**2) Plaintiff Louis White PC's Motion to Compel Further Responses to Discovery, Set One, and for Monetary Sanctions Against Defendant Jessica Sheer DBA Sierra Mountain Management and Defendant's Counsel**

Plaintiff Louis White PC's ("White") unopposed Motion to Compel Further Responses to Discovery, Set One, is granted in part and denied in part. Defendant Jessica Sheer dba Sierra Mountain Management ("Sheer") is ordered to provide verified, code-compliant, further responses to White's Requests for Production, Set One within thirty (30) days of service of the notice of entry of the Court's order. Because no separate statement was filed as to Sheer's Responses to

White's Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set One, the parties are ordered to meet and confer further, and White may file a renewed motion with separate statement as it deems necessary. White is awarded sanctions in the amount of \$1,400.00 payable by Sheer within thirty (30) days of service of notice of entry of this order.

(1) *Background*

On or about February 20, 2025, White served its Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set One on Sheer. Sheer served unverified responses on March 24, 2025, and verifications on April 4, 2025. The parties engaged in meet and confer efforts, with Sheer granting White an open-ended motion to compel deadline and, ultimately, agreeing to provide substantively amended responses by May 12, 2025. After Sheer failed to provide amended responses, White filed the instant motion. While the motion purports to seek further responses to White's Form Interrogatories, Special Interrogatories, Requests for Admission, and Requests for Production, all Set One, the Separate Statement only addresses White's Requests for Production, Set One.

(2) *Procedural Requirements*

Prior to bringing a motion to compel further responses, the moving party must first make efforts to meet and confer in good faith with the responding party; they must also file, concurrent with their motion, a declaration attesting to the same. Code of Civil Procedure § 2030.300(b)(1). Here, White's motion includes the declaration of its counsel which adequately demonstrates meet and confer requirements were satisfied.

Additionally, any motion that seeks to compel further responses must be accompanied by a separate statement providing all information necessary to understand each discovery request and all the responses at issue. Cal. Rules of Ct., Rule 3.1345. The separate statement should provide all information necessary to understand each discovery request and all the responses to it that are at issue. Cal. Rules of Ct., Rule 3.1345(c). White has also filed a Rule 3.1345 compliant separate statement precisely identifying the requests at issue but only addressing White's Requests for Production, Set One.

The separate statement requirement was designed to streamline adjudication of discovery motions, and a failure to file a separate statement is a sufficient bases for denying a party's motion to compel. *Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893. However, moving party was granted an "open extension in which to bring a motion to compel"; thus, the Court has the authority to order the parties to meet and confer and file a separate statement. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409. Therefore, the Court will only rule on White's Motion as to Sheer's Requests for Production, Set One. In that Sheet granted White an open-ended motion to compel deadline, the Court orders the parties to meet and confer further, and, if outstanding issues as to Sheer's responses to White's Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set One remain, White may file a renewed motion with a separate statement as necessary. Thus, with regard to the request to compel further responses to Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set One, such request is denied without prejudice.

(3) *Plaintiff White's Motion to Compel Further Requests for Production, Set One*

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. “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” and “[t]he 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.” *Id.*

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 also *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 v. Superior Court* (1962) 58 Cal.2d 210, 220–221. It is insufficient to claim a requested document is within the possession of another person if the claiming 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.

Here, the Court finds White has set forth specific facts showing good cause justifying the discovery sought, and Sheer’s responses to White’s requests are not code-compliant as they contain identical, boilerplate objections. While no documents were produced, Sheer fails to affirm an inability to comply nor that a diligent search or reasonable inquiry has been made. Additionally, Sheer agreed during the meet and confer process she would substantively amend her responses and provide a privilege log as required. However, she has, thus far, failed to do so. Therefore, the motion is granted, Sheer’s objections are overruled, and Sheer is ordered to provide further responses to

Plaintiff White's Request for Production of Documents, Set One within thirty (30) days of service of notice of entry of this order.

*(4) Plaintiff's Request for Sanctions*

As to the request for monetary sanctions, Sheer's failure to provide substantive code-compliant responses constitutes "misuse of the discovery process" within the meaning of *Code of Civil Procedure* § 2023.010(d) ("[f]ailing to respond or to submit to an authorized method of discovery"), thereby subjecting Defendant to monetary sanctions. (*Code of Civil Procedure* § 2023.030(a) ["The court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process ... pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct"]; *Department of Forestry & Fire Protection v. Howell* (2017) 18 Cal.App.5th 154, 193 *disapproved of on other grounds in Presbyterian Camp & Conference Centers, Inc. v. Superior Court* (2021) 12 Cal.5th 493.) The Court finds sanctions are appropriate in this circumstance.

White seeks a total of \$8,750.00 in attorney's fees, including 10.5 hours for meeting and conferring and preparing the motion, 5 hours analyzing opposition and preparing reply, 2 hours attending the hearing motions. Counsel seeks a rate of \$500.00 per hour. No opposition was filed in this matter and correspondingly no reply was submitted. Thus, no award of fees on that basis is warranted. Likewise, the *prospective* time to prepare and present the motion for hearing is speculative and unwarranted based on the current procedural posture. Counsel fails to justify his billing rate, and fails to separate out the time spent drafting the motion from the time spent meeting and conferring.

Furthermore, White's counsel's declaration asserts the same facts as to sanctions for each of the three motions filed. He does not clarify if he seeks \$8,750.00 for each motion or for the three motions combined, and he incorrectly labels himself counsel for Defendants in describing the amount of time he has billed. Therefore, the Court grants sanctions related to what it determines to be reasonable attorney's fees in the bringing of the motion in the amount of \$1,400.00 which shall be paid to White by Sheer within thirty (30) days of service of notice of entry of this order.

**3) Plaintiff Louis White PC's Motion to Compel Further Responses to Discovery, Set One, and for Monetary Sanctions Against Defendant Tahoe-Sierra Meadows Community Association, Inc. and Defendant's Counsel**

Plaintiff Louis White PC's ("White") unopposed Motion to Compel Further Responses to Discovery, Set One filed against Defendant Tahoe-Sierra Meadows Community Association, Inc. ("Tahoe-Sierra") is granted in part and denied in part. Tahoe-Sierra is ordered to provide verified, code-compliant, further responses to White's Special Interrogatories, Set One, Requests for Admission, Set One, and Requests for Production, Set One, within thirty (30) days of service of notice of entry of the Court's order. Because no separate statement was filed as to Tahoe-Sierra's Responses to White's Form Interrogatories, Set One, this portion of the motion is denied without prejudice. Further, the parties are ordered to meet and confer further, and, should White deem responses remain lacking, it may file a renewed motion which included a separate statement. White



is awarded sanctions related to attorneys' fees and costs in the amount of \$1,000.00 payable by Tahoe-Sierra within thirty (30) days of service of notice of entry of this order.

(1) *Background*

On or about February 20, 2025, White served its Form Interrogatories, Special Interrogatories, and Requests for Admission, all Set One on Tahoe-Sierra. Tahoe-Sierra served unverified responses on March 24, 2025 and verifications on April 4, 2025. The parties engaged in meet and confer efforts with Tahoe-Sierra granting an open-ended motion to compel deadline and, ultimately, agreeing to provide substantively amended responses by May 12, 2025. After Tahoe-Sierra failed to provide the promised amended responses, White filed the instant motion. While the motion purports to seek further responses to White's Form Interrogatories, Special Interrogatories, Requests for Admission, and Requests for Production, all Set One, the Separate Statement fails to address the Form Interrogatories, Set One.

(2) *Procedural Requirements*

Prior to bringing a motion to compel further responses, the moving party must first make efforts to meet and confer in good faith with the responding party; they must also file, concurrent with their motion, a declaration attesting to the same. Code of Civil Procedure § 2030.300(b)(1). Here, White's motion includes the declaration of its counsel which adequately demonstrates meet and confer requirements were satisfied.

Additionally, any motion that seeks to compel further responses must be accompanied by a separate statement providing all information necessary to understand each discovery request and all the responses at issue. Cal. Rules of Ct., Rule 3.1345. The separate statement should provide all information necessary to understand each discovery request and all the responses to it that are at issue. Cal. Rules of Ct., Rule 3.1345(c). White has also filed a Rule 3.1345 compliant separate statement precisely identifying the requests at issue except as to its Form Interrogatories, Set One.

The separate statement requirement was designed to streamline adjudication of discovery motions, and a failure to file a separate statement is a sufficient bases for denying a party's motion to compel. *Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893. However, moving party was granted an "open extension in which to bring a motion to compel"; thus, the Court has the authority to order the parties to meet and confer and file a separate statement. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409. Therefore, the Court denies without prejudice that portion of White's motion seeking further responses to its Form Interrogatories, Set One. Because Tahoe-Sierra granted White an open-ended motion to compel deadline, the Court orders the parties to meet and confer further and, if outstanding issues remain as to Tahoe-Sierra's responses to White's Form Interrogatories, Set One, White may file a renewed motion with a separate statement as necessary.

(3) *Plaintiff White's Motion to Compel Further Special Interrogatories, Set One*

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 that 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. See, *Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-21; See also, *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255.

The objections set forth by Tahoe-Sierra to White’s Special Interrogatories are without merit and specious. Not only do they set forth general boilerplate objections, they also state Tahoe-Sierra has “not conducted an independent medical examination of Plaintiff.” The Complaint does not allege any claims arising out of medical issues, nor do any of the special interrogatories seek information arising out of medical claims. Moreover, Tahoe-Sierra made no opposition to the motion and has, thus, failed to justify its objections and failure to fully answer the special interrogatories. The Court notes, while White has failed to clarify if it served a Declaration for Additional Discovery, Tahoe-Sierra did not object on the grounds the interrogatory limit had been exceeded. Additionally, Tahoe-Sierra agreed during meet and confer to substantively amend the responses and provide a privilege log as required, yet it failed to do so.

Each of Tahoe-Sierra’s responses to the special interrogatories at issue is a paragraph containing nearly the exact same objections. “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.” *Williams v. Superior Court* (2017) 3 Cal.5th 531, 541 (citations omitted). “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.” *Id.*

Tahoe-Sierra’s meet and confer letter made no effort to justify the lengthy, general objections interposed with each of its responses, nor did it file an opposition to White’s motion. Thus, the Court overrules the objections and orders Tahoe-Sierra to provide further responses to White’s Special Interrogatories, Set One within thirty (30) days of service of notice of entry of this order.

(4) *Plaintiff White’s Motion to Compel Further Requests for Admission, Set One*

CCP § 2033.010 provides “[a]ny party may obtain discovery ... by a written request that any other party to the action admit ... the truth of specified matters of fact, opinion relating to fact, or application of law to fact” relating to any “matter that is in controversy between the parties.” Each response to a request for admission “shall be as complete and straightforward as the information

reasonably available to the responding party permits” and must either object or answer, in writing and under oath, with an admission of so much of the matter as is true; a denial of so much of the matter as is untrue; or a specification of so much of the matter as the responding party is unable to admit or deny based on insufficient knowledge or information. CCP §§2033.210(a)-(b), 2033.220. “If a responding party gives lack of information or knowledge as a reason for a failure to admit all or part of a request for admission, that party shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter.” CCP § 2033.220(c). “If only a part of a request for admission is objectionable, the remainder of the request shall be answered” and if an objection is made to a request or part thereof, “the specific ground for the objection shall be set forth clearly in the response.” CCP §2033.230.

Upon receipt of a response, a requesting party may move for a further response if it determines that an answer to a particular request “is evasive or incomplete” or if an objection to a particular request “is without merit or too general.” CCP § 2033.290(a). “California law provides parties with expansive discovery rights.” *Lopez v. Watchtower Bible & Tract Society of N.Y., Inc.* (2016) 246 Cal.App.4th 566, 590-591. Specifically, the Code provides that “any party 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.” CCP § 2017.010; see also, *Garamendi v. Golden Eagle Ins. Co.* (2004) 116 Cal.App.4th 694, 712, fn. 8. “For discovery purposes, information is relevant if it ‘might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement...’” See *Lopez, supra*, 246 Cal.App.4th at 590-591, citing *Garamendi, supra*, 116 Cal.App.4th at 712, fn. 8. “Admissibility is not the test and information[,] unless privileged, is discoverable if it might reasonably lead to admissible evidence.” *Id.* “These rules are applied liberally in favor of discovery, and (contrary to popular belief), fishing expeditions are permissible in some cases.” *Id.* The scope of discovery is one of reason, logic and common sense. *Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612. The right to discovery is generally liberally construed. *Williams v. Superior Court* (2017) 3 Cal.5th 531, 540.

Tahoe-Sierra’s responses to White’s Request for Admissions, Set One do not admit or deny any of them, are repetitive, and contain boilerplate objections which are hereby overruled. Tahoe-Sierra has refused to meaningfully respond to discovery requests that are reasonably calculated to lead to the discovery of admissible evidence. CCP § 2017.010. A motion to compel is the proper application when a party’s responses contain objections which are without merit, too general, evasive or incomplete. *Best Products, Inc. v. Sup. Ct.* (2004) 119 Cal.App.4th 1181, 1189-1190; see also Code Civ. Proc. § 2031.310. Tahoe-Sierra’s responses are vague to the point of non-responsiveness, and an order compelling further response is appropriate.

Accordingly, Tahoe-Sierra shall provide meaningful responses compliant with the Discovery Act within thirty (30) days of service of notice of entry of this order.

(4) *Plaintiff’s Motion to Compel Further Requests for Production, Set One*

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. “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” and “[t]he 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.” *Id.*

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 also, *Kirkland v. Superior Court* (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 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.

Here, White has set forth specific facts showing good cause justifying the discovery sought. Tahoe-Sierra’s responses to White’s Requests for Production, Set One are not code-compliant in that they merely contain repetitive, boilerplate objections. While no documents were produced, Tahoe-Sierra fails to affirm an inability to comply or that a diligent search or reasonable inquiry has been made. Additionally, Tahoe-Sierra agreed during the meet and confer process it would substantively amend its responses and provide a privilege log as required, but has, thus far, failed to do so. Therefore, the Court overrules the objections asserted by Tahoe-Sierra to White’s Requests for Production, Set One and hereby orders Tahoe-Sierra to provide code compliant responses within thirty (30) days of service of entry of this order.

(5) *Plaintiff White’s Request for Sanctions*

As to White's request for monetary sanctions, Tahoe-Sierra's failure to provide substantive code-compliant responses constitutes "misuse of the discovery process" within the meaning of *Code of Civil Procedure* § 2023.010(d) ("[f]ailing to respond or to submit to an authorized method of discovery"), thereby subjecting Tahoe-Sierra to monetary sanctions. (*Code of Civil Procedure* § 2023.030(a) ["The court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process ... pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct"]; *Department of Forestry & Fire Protection v. Howell* (2017) 18 Cal.App.5th 154, 193 *disapproved of on other grounds in Presbyterian Camp & Conference Centers, Inc. v. Superior Court* (2021) 12 Cal.5th 493.) The Court finds no justification for Tahoe-Sierra's misuse and, thus, orders sanctions in the amount of \$1,400.00 payable to White.

Plaintiff White seeks a total of \$8,750.00 in attorney's fees, including 10.5 hours for meeting and conferring and preparing the motion, 5 hours analyzing opposition and preparing reply, 2 hours attending the hearing motions. Counsel seeks a rate of \$500.00 per hour. No opposition was filed in this matter and correspondingly no reply was submitted. Thus, no award of fees for such anticipated work is warranted. Likewise, the *prospective* time to prepare and present the motion for hearing is speculative and unwarranted based on the current procedural posture. Counsel fails to justify his billing rate and fails to separate out the time spent drafting the motion from the time spent meeting and conferring.

Furthermore, White's counsel's declaration asserts the same facts as to sanctions for each of the three motions filed. He does not clarify if he seeks \$8,750.00 for each motion or for the three motions combined, and he incorrectly labels himself counsel for Defendants in describing the amount of time he has billed.

Here, the Court orders sanctions in the amount of \$1,400.00 payable by Defendant Tahoe-Sierra to Plaintiff White which the Court determines to be reasonable attorney's fees and costs related to the bringing of the instant motion. Said amount shall be paid within thirty (30) days of service of notice of entry of this order.