November 23, 2026 Truckee Civil Law & Motion Tentative Rulings

1. CL0004048 JPMorgan Chase Bank N.A. vs. Orin A Sheldon

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for over seven (7) months. The Court notes it granted a continuance on September 11, 2026, pursuant to counsel for Plaintiff's request and information of new contact information for Defendant. However, there is nothing on the record showing any efforts to located and serve Defendant since that date. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for December 18, 2026 at 11:00 a.m.

2. CL0004125 Wells Fargo Bank, N.A. vs. Kamal Narayan

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for over seven (7) months. The Court notes it granted a continuance on October 1, 2026, pursuant to counsel for Plaintiff's declaration stating Defendant had been located and settlement discussions commenced. However, there is no further update on the record. Absent good cause being shown, the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for January 15, 2027 at 11:00 a.m.

3. CL0004250 Cavalry SPV I, LLC as assignee of Citibank, N.A. vs. Zackary Wise

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 January 25, 2027 at 1:30 p.m. in Dept. A. Plaintiff shall file its amended complaint, 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 is disinclined to allow further continuances based on the length of time this matter has been pending and what the Court views as minimal efforts to serve the defendant.

4. CL0004298 OneMain Financial, LLC vs. Jessica L Jacobs

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 January 25, 2027 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.

5. CL0004300 American Express National Bank vs. Michael Fortson

Appearance required by Plaintiff to show cause as to why this case should not be dismissed and/or Plaintiff sanctioned for failure to serve the Summons and Complaint on Defendant despite the fact this case has been pending for almost five (5) months. Absent good cause being shown,

the Court intends, on its own motion, to set the matter for dismissal pursuant to CCP section 583.420 and vacate the trial date set for February 19, 2027 at 11:00 a.m.

6. CL0004315 JPMorgan Chase Bank, N.A. vs. Kevin Moniz

No appearances required. In light of the proofs of service of the Summons and Complaint filed on October 8, 2026, the OSC re Dismissal is vacated. The matter remains calendared for court trial as indicated in the notice of trial issued on July 8, 2026. However, the Court sets a case management conference ("CMC") for December 18, 2026 at 9:00 a.m. in Dept. A to confirm the trial setting remains appropriate. Counsel shall file timely CMC statements. Plaintiff shall give notice of the CMC.

7. CU0002050 Sumeet Singh vs. Kirtesh Prasad et al

Motion for Leave to File Amended Complaint

Plaintiff Sumeet Singh's unopposed motion for leave to file First Amended Complaint is granted. Plaintiff shall file his amended complaint within ten (10) days of the Court's order.

Legal Standard

The Court may, in its discretion and after notice to the adverse party, allow an amendment to any pleading. Code Civ. Proc., § 473(a)(1). A motion to amend a pleading must include a copy of the proposed amendment or amended pleading which must be serially numbered to differentiate it from previous pleadings or amendments and must state what allegations in the previous pleading are proposed to be deleted or added, if any, and where, by page, paragraph, and line number, the allegations are located. California Rules of Court, rule 3.1324(a). The motion shall also be accompanied by a declaration attesting to the effect of the amendment, why the amendment is necessary and proper, when the facts giving rise to the amended allegations were discovered, and why the request for amendment was not made earlier. California Rules of Court, rule 3.1324(b).

"If discovery and investigation develop factual grounds justifying a timely amendment to a pleading, leave to amend must be liberally granted." *Mabie v. Hyatt* (1998) 61 Cal.App.4th 581, 596. Instances justifying the court's denial of leave to amend are rare. *Armenta ex rel. City of Burbank v. Mueller Co.* (2006) 142 Cal.App.4th 636, 642. Judicial policy favors resolution of all disputed matters in the same lawsuit. *Kittredge Sports Co. v. Sup. Ct.* (1989) 213 Cal. App. 3d 1045, 1047.

While trial courts have discretion to permit or deny the amendment of the complaint, a court may deny leave to amend following a long, inexcusable delay, where there is cognizable prejudice, such as discovery needed, trial delay, critical evidence lost, or added preparation expense. *Solit v. Tokai Bank* (1999) 68 Cal. App. 4th 1435, 1448; *Atkinson v. Elk Corp.* (2003) 109 Cal. App. 4th 739, 761; *Green v. Rancho Santa Margarita Mortgage Co.* (1994) 28 Cal.App.4th 686, 692; *Magpali v. Farmers Group, Inc.* (1996) 48 Cal.App.4th 471, 487. In considering whether there was unjustified delay as to a motion for leave to file an amended pleading, the court should consider whether the party, "was not diligent in offering the amendment after knowledge of the

facts…." *Solit, supra,* 68 Cal. App. 4th at 1448 (citing *Roemer v. Retail Credit Co.* (1975) 44 Cal. App. 3d 926, 940). If the court finds amendment is appropriate, the trial should be continued if necessary. *Honig v. Financial Corp. of America* (1992) 6 Cal. App. 4th 960, 967.

Analysis

Here, the Court finds Plaintiff has acted diligently. Plaintiff's written discovery and investigation developed factual grounds justifying an amendment to his complaint in April and June, 2026. Phillips Decl., ¶¶ 5-6. Plaintiff subsequently filed the present motion in September 2026, which does not constitute an unjustified delay. The motion is unopposed, so no prejudice to any party has been demonstrated. Therefore, the Court finds good cause to grant Plaintiff's motion.

Motion to Compel Compliance

Plaintiff's motion to compel Defendant Prasad's Transport, Inc.'s compliance with responses to Request for Production of Documents, Set One, is granted. Plaintiff's request for sanctions is granted in the amount of $1,285.00.

Compel Compliance to Responses

Plaintiff seeks an order compelling Defendant Prasad's Transport, Inc.'s documents consistent with its responses to requests for production of documents.

Pursuant to Code of Civil Procedure § 2031.210, a "party to whom a demand for inspection…has been directed shall respond separately to each item or category of item by any of the following: (1) A statement that the party will comply with the particular demand for inspection…; (2) A representation that the party lacks the ability to comply with the demand for inspection, copying, testing, or sampling of a particular item or category of item; (3) "An objection to the particular demand." Code Civ. Proc. § 2031.210(a). A statement the party will comply with the particular demand shall state the production "will be allowed either in whole or in part, and that all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production." Code Civ. Proc. § 2031.220. A representation of inability to comply with a demand "shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. 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." Code Civ. Proc. § 2031.230.

"If a party filing a response to a demand for inspection…under [the above] thereafter fails to permit the inspection…***in accordance with that party's statement of compliance***, the demanding party may move for an order compelling compliance." Code Civ. Proc. § 2031.320(a) (emphasis added).

On April 24, 2026, Defendant served responses to Plaintiff's Request for Production of Documents, Set One. Phillips Decl., ¶ 3. In its responses, Defendant agreed to "produce all

documents in his possession, custody or control" in response to Request Nos. 1, 2, 3, 4, 5, 6, 8, 10, 12, 13, and 14. Phillips Decl., ¶ 5; Pltf's Sep. Stmt ISO Mot. Despite indicating responsive documents would be produced, Defendant did not produce any such documents. Phillips Decl., ¶ 7.

In opposition, Defendant argues the motion should be denied because it only agreed to produce documents in its possession, custody, or control, not that any responsive documents existed. Opp., 2:2-4. However, as discussed above, if there was an inability to comply because no documents existed, Defendant could and should have responded accordingly, or amended its responses if the lack of documents became known after initial discovery responses were served, to indicate such pursuant to Code of Civil Procedure § 2031.230.

In its responses, Defendant agreed to produce all documents in its possession, custody, or control. Such clearly connotes documents exist which will be produced. Defendant, thereafter, failed to produce any documents in accordance with its statement of compliance, or failed to amend its responses to indicate no such documents existed. Therefore, an order compelling compliance with its discovery responses is warranted. Defendant shall produce all documents in compliance to its responses to Request Nos. 1, 2, 3, 4, 5, 6, 8, 10, 12, 13, and 14. Defendant shall also serve amended, code-compliant, responses as prescribed by the code sections discussed above.

Sanctions

Plaintiff requests an order imposing sanctions against Defendant in the amount of $2,093.50.

Pursuant to Code of Civil Procedure § 2031.320(b), "the court shall impose a monetary sanction…against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel compliance with a demand.

The Court finds, due to Defendant's first response to the discovery requests indicating responsive documents would be produced and Defendant's failure to produce any documents or amend its responses after receiving Plaintiff's meet and confer letter, Plaintiff was forced to incur fees and costs related to the filing of this motion.

As such, the Court finds that Plaintiff is entitled to recover reasonable attorney fees and costs related to this motion. The Court finds reasonable fees and costs amount to $1,285.00 consisting of 3.5 hours in connection with the motion at a reasonable hourly fee of $350/hour, plus the $60 filing fee. See Phillips Decl. ¶ 12.

Accordingly, Defendant shall pay sanctions to Plaintiff in the total sum of $1,285.00. Said amount shall be paid no later than fifteen (15) days from notice of entry of this order.

8. CU0002532 Brian Taylor vs. Rolling Green, Inc.

Demurrer

Defendant Rolling Green, Inc.'s Demurrer to Plaintiff's First Amended Complaint ("FAC") is overruled.

Legal Standard

On demurrer, a court's function is limited to testing the legal sufficiency of the complaint. *Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114. In determining a demurrer, the court assumes the truth of the facts alleged in the complaint and the reasonable inferences that may be drawn from those facts. *Miklosy v. Regents of the Univ. of Cal.* (2008) 44 Cal.4th 876, 883. A court must determine if the factual allegations of the complaint are adequate to state a cause of action under any legal theory. *Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 103.

Contentions, deductions and conclusions of law, however, are not presumed as true. *Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967. Moreover, "facts appearing in exhibits attached to the complaint will also be accepted as true and, if contrary to the allegations in the pleading, will be given precedence." *Dodd v. Citizens Bank of Costa Mesa* (1990) 222 Cal.App.3d 1624, 1627, *citing Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604 ("The courts … will not close their eyes to situations where a complaint contains allegations of fact inconsistent with attached documents, or allegations contrary to facts which are judicially noticed.")

A plaintiff is not required to plead evidentiary facts supporting the allegation of ultimate facts; the pleading is adequate if it apprises the defendant of the factual basis for the plaintiff's claim. *Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6. A demurrer is not the appropriate procedure for determining the truth of disputed facts. *Fremont Indemnity Co.*, 148 Cal.App.4th at 113-114.

"If a complaint does not state a cause of action, but there is a reasonable possibility that the defect can be cured by amendment, leave to amend must be granted." *Milligan v. Golden Gate Bridge Highway & Transportation Dist.* (2004) 120 Cal.App.4th 1, 6.

Third Cause of Action: Declaratory Relief

Defendant argues Plaintiff's allegations concern the past conduct of Defendant's alleged trespass and cutting of a tree, which issues are fully encompassed by Plaintiff's causes of action for trespass and trespass to trees. The Court disagrees.

"To qualify for declaratory relief, a party would have to demonstrate its action presented two essential elements: (1) a proper subject of declaratory relief, and (2) an actual controversy involving justiciable questions relating to the party's rights or obligations." *Jolley v. Chase Home Finance, LLC* (2013) 213 Cal.App.4th 872, 909. However, Code of Civil Procedure section 1061 provides "[t]he court may refuse to exercise the power granted by this chapter [declaratory relief] in any case where its declaration or determination is not necessary or proper at the time under all the circumstances," and Section 1061 grants the trial court discretion to dismiss a declaratory relief claim where an adequate remedy exists for the parties to resolve their dispute (i.e., another cause of action) and there are no allegations suggesting declaratory relief

will regulate future conduct by the parties. *See Osseous Technologies of America, Inc. v. Discovery Ortho Partners LLC* (2010) 191 Cal.App.4th 357, 374. "The declaratory relief statute should not be used for the purpose of anticipating and determining an issue which can be determined in the main action. The object of the statute is to afford a new form of relief where needed and not to furnish a litigant with a second cause of action for the determination of identical issues." *General of America Ins. Co. v. Lilly* (1968) 258 Cal.App.2d 465, 47.

At bar, the FAC alleges Defendant intentionally entered Plaintiff's property and cut down the tree, leaving the dead tree and stump, without permission from Plaintiff to enter the property or cut down the tree. FAC, ¶¶ 8, 11, 14. After the incident, Plaintiff contacted Defendant, who refused to provide Plaintiff with information regarding the alleged trespass and destruction of the tree. FAC, ¶ 9. Plaintiff alleges the incident is not an isolated event, and Defendant has trespassed on other properties to remove trees without authorization. FAC, ¶ 23.

Therefore, the FAC sufficiently alleges a cause of action for declaratory relief seeking a declaration of the parties' rights and obligations. The demurrer to this cause of action is overruled.

Fourth Cause of Action: Unfair Business Practices

Defendant again argues the FAC describes only an isolated trespass, not a business practice by Defendant as part of its operations. The Court again disagrees.

"Unfair competition under the UCL includes 'any unlawful, unfair or fraudulent business act or practice.'" *Jackson v. Lara* (2024) 100 Cal.App.5th 337, 346 (quoting Bus. & Prof. Code, § 17200. "[A] plaintiff alleging an unfair business practice must show the defendant's conduct is tethered to an[] underlying constitutional, statutory or regulatory provision, or that it threatens an incipient violation of an antitrust law, or violates the policy or spirit of an antitrust law." *Id*. at p. 347 (citations omitted) (internal quotation marks omitted). "An 'unlawful' business activity includes 'anything that can properly be called a business practice and that at the same time is forbidden by law.'" *Smith v. State Farm Mut. Auto. Ins. Co.* (2001) 93 Cal.App.4th 700, 717-718. Section 17200 "borrows" from violations of other laws and "treats them as 'unlawful' practices independently actionable under the unfair competition law." *Id*. at 718.

"A plaintiff alleging unfair business practice under these statutes must state with reasonable particularity the facts supporting the statutory elements of the violation." *Khoury v. Maly's of California, Inc.* (1993) 14 Cal.App.4th 612, 619.

To establish standing under the UCL, a plaintiff must (1) establish a loss or deprivation of money sufficient to qualify as injury in fact, i.e., economic injury, and (2) show that the economic injury was the result of, i.e., caused by, the unfair business practice that is the gravamen of the claim. See *Kwikset Corp. v. Superior Court* (Benson) (2011) 51 Cal. 4th 310, 337.

At bar, Plaintiff alleges Defendant violated Civil Code § 3346 and Code of Civil Procedure § 733 by willfully trespassing on Plaintiff's property and destroying the tree without permission or authorization, as well as by violating established public policy protecting private property rights, which caused economic injury as a result of the act. FAC, ¶¶ 11, 14, 20-21. Plaintiff further

alleges, which the Court must accept as true for purposes of ruling on the motion, Defendant has trespassed onto other persons' property to remove trees and profitted therefrom. FAC, ¶ 23. These allegations, taken as true, sufficiently allege a business practice causing economic damage allowing for a cause of action under the UCL. The demurrer as to this cause of action is overruled.

Motion to Strike

Defendant Rolling Green, Inc.'s motion to strike portions of Plaintiff's First Amended Complaint ("FAC") is denied in part and granted in part with leave to amend.

Legal Standard

Any party, within the time allowed to respond to a pleading, may serve and file a motion to strike the whole pleading or any part thereof. Code Civ. Proc., § 435(b)(1); Cal. Rules of Court, rule 3.1322(b). On a motion to strike, the court may: (1) strike out any irrelevant, false, or improper matter inserted in any pleading; or (2) strike out all or any part of any pleading not drawn or filed in conformity with the laws of California, a court rule, or an order of the court. Code Civ. Proc., § 436(a)-(b); *Stafford v. Shultz* (1954) 42 Cal.2d 767, 782.

Punitive Damages

Defendant moves to strike Plaintiffs' request for punitive damages.

In ruling on a motion to strike punitive damages, "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. To state a prima facie claim for punitive damages, a plaintiff must allege the elements set forth in the punitive damages statute, Civil Code section 3294. *College Hosp., Inc. v. Superior Court* (1994) 8 Cal.4th 704, 721. Per Civil Code section 3294, a plaintiff must allege that the defendant has been guilty of oppression, fraud, or malice. Civ. Code § 3294(a).

> (1) "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. (2) "Oppression" means despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights. (3) "Fraud" means an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury.

Civ. Code, § 3294(c)(1)-(3) (emphasis added).

Further, a plaintiff must assert facts with specificity to support a conclusion a defendant acted with oppression, fraud or malice. To wit, there is a heightened pleading requirement regarding a claim for punitive damages. See *Smith v. Superior Court* (1992) 10 Cal.App.4th 1033, 1041-1042.

At bar, Plaintiff alleges:

> 14. That Plaintiff is the owner of the Property. That Defendant intentionally entered Plaintiff's Property and cut down the tree leaving the dead tree and stump. Plaintiff did not give permission for Defendant to enter the Property and did not give Defendant permission to cut down the Tree. Destruction of the Tree has caused damage to Plaintiff, both in terms of the loss of the beautiful 100+ year old tree and the fact that Plaintiff was left to dispose of the Tree and stump. Defendants' conduct is the substantial factor in causing Plaintiff's harm as it was Defendant that trespassed on to Plaintiff's property and cut down the Tree.
>
> 15. The fact that Defendant did not seek or obtain Plaintiff's permission to enter the Property or to cut down the Tree, coupled with the fact that Defendant refuses to provide Plaintiff with information in order to hide its trespass, is conduct done with malice, oppression, or fraud.

FAC, ¶¶ 14-15.

Thus, the FAC alleges Defendant intentionally entered Plaintiff's property without permission to cut down a fully mature tree yet the intent to do so. Therefore, Plaintiff alleges Defendant acted intentionally and with willful or reckless disregard for Plaintiff's rights sufficient to support a claim for punitive damages.

Accordingly, the motion to strike punitive damages is denied.

Treble Damages

Defendant moves to strike Plaintiff's request for treble damages.

> For wrongful injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such sum as would compensate for the actual detriment, except that where the trespass was casual or involuntary, or that the defendant in any action brought under this section had probable cause to believe that the land on which the trespass was committed was his own or the land of the person in whose service or by whose direction the act was done, the measure of damages shall be twice the sum as would compensate for the actual detriment, and excepting further that where the wood was taken by the authority of highway officers for the purpose of repairing a public highway or bridge upon the land or adjoining it, in which case judgment shall only be given in a sum equal to the actual detriment.

Civ. Code § 3346(a).

As discussed above, Plaintiff adequately alleges Defendant intentionally trespassed and cut down Plaintiff's mature tree without permission sufficient to support a claim for treble damages.

Therefore, the motion to strike treble damages is denied.

Punitive and Treble Damage Recovery

Defendant requests the Court limit Plaintiff's potential recovery to either punitive or treble damages. Plaintiff argues the request is inappropriate at the pleading stage. Here, Plaintiff has the better argument.

Under Civil Code § 3346, "if the trespass is found to be willful and malicious, the court may impose treble damages but must impose double damages. If the trespass is found to be casual and involuntary or under a mistake of fact, the court must impose double damages." *Baker v. Ramirez* (1987) 190 Cal.App.3d 1123, 1138. "The damages to be doubled or trebled are those determined by the trier of fact to constitute just compensation within the overall limits of reasonableness, regardless of what specific measure of damages is used." *Ibid*.

Therefore, Defendant's request to limit damages at the pleading stage is premature.

Declaratory Relief

Defendant's request to strike the declaratory relief request is addressed in the demurrer ruling above.

Injunctive Relief

Defendant moves to strike Plaintiff's request for injunctive relief, arguing an injunction is inappropriate where the alleged wrongs have been completed and there is no showing the alleged past violation is likely to recur. The Court is not persuaded.

At bar, the FAC alleges Defendant intentionally entered Plaintiff's property and cut down the tree, leaving the dead tree and stump, without permission from Plaintiff to enter the property or cut down the tree. FAC, ¶¶ 8, 11, 14. After the incident, Plaintiff contacted Defendant, who refused to provide Plaintiff with information regarding the alleged trespass and destruction of the tree. FAC, ¶ 9. Plaintiff alleges the incident is not an isolated event, and Defendant has trespassed on other properties to remove trees without authorization. FAC, ¶ 23.

Such is sufficient to allege a threat of recurrence including at Plaintiff's own property making a request for injunctive relief appropriate. Thus, the motion to strike the request for injunctive relief is denied.

Disgorgement and Restitution

Defendant moves to strike Plaintiff's request for disgorgement and restitution as to himself and other property owners because the remedies available for himself are adequate, and he cannot obtain monetary relief on behalf of others in a non-class UCL action.

The remedies available to a private plaintiff under the unfair competition law are limited to restitution and injunctive relief. Disgorgement of profits is not available in an individual action unless the disgorgement sought is restitutionary in nature, meaning it restores money in which

the plaintiff held an ownership or vested interest. *Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1148, 1152; Bus. & Prof. Code, § 17203.

Plaintiff seeks for "[a]ll moneys obtained by Defendant through such unlawful trespasses should be disgorged, and restitution should be paid to the property owners whose trees were unlawfully removed by Defendant." FAC, ¶ 23. Plaintiff also prays "[f]or restitution and disgorgement of all money or property obtained by Defendant through its unlawful and unfair business practices, including restitution to other property owners whose trees were unlawfully removed by Defendant." FAC at Prayer, ¶ 7.

As pled, Plaintiff's request for disgorgement is unavailable. While Plaintiff may properly seek restitution and injunctive relief for himself under the UCL, he does not have standing to seek those remedies on behalf of other property owners.

Therefore, Defendant's motion to strike is granted as to the following:

- FAC, page 5, ¶ 23, phrase: "All moneys obtained by Defendant through such unlawful trespasses should be disgorged"

- FAC, page 5, number 7, prayer for relief, "disgorgement" and "including restitution to other property owners whose trees were unlawfully removed by Defendant".

Plaintiff asserts he can plead additional facts regarding conduct on other properties and to assert a claim on behalf of other property owners on a representative basis. Therefore, leave to amend is granted.

9. CU0002714 Alliance Physical Therapy Group, LLC et al vs. Tahoe Forest District Hospital dba Tahoe Forest Hospital

The September 10, 2026, motions of Defendant Tahoe Forest Hospital District:

- Motion for order deeming matters admitted and request for monetary sanctions against Plaintiff Zurich American Insurance Company;
- Motion for order deeming matters admitted and request for monetary sanctions against Plaintiff Alliance Physical Therapy Group, LLC;
- Motion to compel responses to Form Interrogatories – General, Set One, and Requests for Production of Documents, Set One, and request for monetary sanctions against Plaintiff Zurich American Insurance Company; and
- Motion to compel responses to Specially Prepared Interrogatories, Set One, and Requests for Production of Documents, Set Two, and request for monetary sanctions against Plaintiff Alliance Physical Therapy Group, LLC

are denied as moot. Defendants' request for sanctions is granted in the amount of $1,800.00.

Plaintiffs served admittedly untimely responses to the discovery requests. That being the case, the motions to compel are denied as moot.

A court retains the authority to hear a motion to compel even after responses are served, as the court may still award sanctions in favor of the propounding party due to the responding party's failure to provide timely responses. *See Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409.

At bar, Plaintiffs failed to provide timely responses to the discovery requests forcing Defendant to file the present motions. No good cause or justification has been provided for Plaintiffs' inaction. Defendants are entitled to sanctions for the costs of bringing the motion. The Court awards sanctions against Plaintiff in the amount of $1,800.00 for reasonable attorney's fees and costs in relation to the instant motions noting, as a government entity, Defendant is exempt from filing fees. Said amount is payable by Plaintiffs to Defendant within fifteen (15) days of notice of entry of this order.