

Tentative Rulings for February 9, 2023
Department 403

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

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Tentative Ruling

Re: **Sean Willis v. Taylor Christian Kliewer et al.**
Superior Court Case No. 20CECG02499

Hearing Date: February 9, 2023 (Dept. 403)

Motions: (1) By Defendant Taylor Kliewer for an Order Compelling Initial Responses to Interrogatories from Plaintiff Sean Willis, and Request for Sanctions;
(2) By Defendant Taylor Kliewer for an Order Compelling Initial Responses to Demand for Inspection of Documents from Plaintiff Sean Willis, and Request for Sanctions;
(3) By Defendant Taylor Kliewer for an Order to Deem Requests for Admissions as Admitted by Plaintiff Sean Willis, and Request for Sanctions

Tentative Ruling:

To grant each of the motions to compel initial responses to form and special interrogatories, and demand for inspection of documents. Within ten (10) days of service of the order by the clerk, plaintiff Sean Willis shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production of Documents, Set One, and produce all documents responsive to the Requests for Production.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against Plaintiff Sean Willis **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To impose monetary sanctions in the total amount of \$1,050 against plaintiff Sean Willis, in favor of defendant Taylor Kliewer. Within thirty (30) days of service of the order by the clerk, plaintiff Sean Willis shall pay sanctions to defendant Taylor Kliewer's counsel.

If oral argument is timely requested, the matter will be heard on Thursday, February 16, 2023 at 3:30 p.m. in Dept. 403

Explanation:

On May 18, 2022, the discovery at issue was served on plaintiff Sean Willis ("plaintiff"). (E.g., Cozad Decl., ¶ 3, and Ex. A thereto.) As of the filing of the motions to compel, none have been served. (*Id.*, ¶ 4.) No opposition was filed.

Initial Responses to Interrogatories and Inspection Demand

Within 30 days of service of interrogatories, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding

