

Tentative Rulings for August 26, 2026
Department 501

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.

24CECG01665	<i>Porraz v. Quality Group Homes, Inc</i> is continued to Thursday, August 27, 2026, at 3:30 p.m. in Department 501.
23CECG02950	<i>Jorgensen & Sons, Inc. v. VL Management, Inc.</i> is continued to Wednesday, September 23, 2026, at 3:30 p.m. in Department 501.
26CECG00446	<i>Ramos v. Fahrney</i> is continued to Wednesday, September 23, 2026, at 3:30 p.m. in Department 501.

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Tentative Rulings for Department 501

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(46)

Tentative Ruling

Re: **Nicole Rodriguez Jimenez v. Camilla Marquez**
Superior Court Case No. 25CECG01250

Hearing Date: August 26, 2026 (Dept. 501)

Motion: by Defendant Clifton Van Putten, M.D. to Compel, from each plaintiff individually, Initial Responses to:
(1) Form Interrogatories, Set One;
(2) Special Interrogatories, Set One; and
(3) Request for Production of Documents, Set One.

Tentative Ruling:

To grant each of the motions to compel initial responses to form and special interrogatories, and request for production of documents, against plaintiffs Jose Rodriguez Jimenez and Nicole Rodriguez Jimenez, individually.

Within ten (10) days of service of the order by the clerk, each individual plaintiff shall serve verified responses, without objections, to Form Interrogatories—General, Set One; Special Interrogatories, Set One; and Request for Production, Set One; and produce all documents responsive to the Request for Production.

Explanation:

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 party. (Code Civ. Proc., § 2030.260.) Within 30 days of service of a demand for inspection, the party to whom the demands are directed shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2031.260.) A party that fails to serve a timely response to a discovery request waives “any objection” to the request. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).) The propounding party may move for an order compelling a party to respond to the discovery request. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).)

On December 1, 2025, defendant Clifton Van Putten, M.D. propounded sets of discovery on each individual plaintiff, Jose Rodriguez Jimenez and Nicole Rodriguez Jimenez, comprised of form interrogatories, special interrogatories, and request for production of documents. (Barnas Decls., ¶ 4, see Exhs. A.) To date, Defendant has received no response to the interrogatories and request for production propounded on plaintiffs. (Id., ¶ 10.) Neither plaintiff filed opposition to these motions to offer any substantial justification for the delay in response.

Accordingly, an order compelling each plaintiff to provide initial, verified responses is warranted. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).) All objections are waived. (Id., §§ 2030.290, subd. (a), 2031.300, subd. (a).)

(20)

Tentative Ruling

Re: ***Bedrosian v. Saint Agnes Medical Center***
Superior Court Case No. 24CECG05453

Hearing Date: August 26, 2026 (Dept. 501)

Motion: By Plaintiffs to Compel Production of Documents From
Defendant Saint Agnes Medical Center

Tentative Ruling:

To grant the motion to compel production of documents as specified below. Within 20 days of service of the order by the clerk, Saint Agnes Medical Center shall produce all responsive documents *without* redactions (Code Civ. Proc., § 2031.310, subd. (a)), and pay to plaintiff Central California Hospital Medical Group, Inc.'s counsel \$17,681.50 in monetary sanctions (Code Civ. Proc., §§ 2023.030, 2031.310, subd. (h)).

Explanation:

This discovery dispute centers on Request for Production of Documents, Set One, propounded by Central California Hospital Medical Group, Inc. ("CCHMG") on Saint Agnes Medical Center ("SAMC") on February 12, 2025. SAMC served its initial written responses on March 18, 2025. Part of the delay in bringing this dispute before the court was the parties' agreements to put discovery proceedings on hold on two occasions, once while a demurrer was pending, and again while they were pursuing mediation.

SAMC's responses included various objections, and SAMC insisted on entry of a protective order before full production of responsive documents. The stipulated Protective Order was finally entered on December 18, 2025, alleviating concerns about production of private, confidential, or proprietary information.

SAMC has supplemented its responses to the document demand numerous times. This motion to compel came before the court on May 20, 2026. A week before the hearing date SAMC made its fifth production pursuant to the production demand, representing that the production "completes SAMC's production of documents responsive to Plaintiffs' requests for production, set one," and demanded that CCHMG take its motion to compel off calendar because it was "always premature and procedurally defective" and "now moot." (Sarabian Supp. Reply Decl., ¶ 3, Ex. 1.) However, following the fifth production CCHMG identified eight categories of documents that still had not been produced. Accordingly, the court continued the hearing and directed SAMC to produce *everything* it intended to produce by June 3, 2026; no more delays or excuses. Sure enough, SAMC's representation that its fifth production was fully compliant was not correct, as pursuant to the court order SAMC made a sixth document production of about 1,300 pages, demonstrating that SAMC has never met a promised deadline in this ever-continuing document production.

Despite this further substantial production of documents, CCHMG's counsel has identified numerous categories of responsive documents that almost certainly exist but

still have not been produced. These are detailed on counsel's declaration, which the court copies here:

- a. Attached hereto as Exhibit 4 is a true and correct copy of SAMC000013-34, a document produced by SAMC in this action. SAMC000013-34 reflects The Vituity Proposal submitted to SAMC but there are no accompanying e-mail communications produced regarding the same.
- b. There are multiple drafts of the Vituity agreement with various redlines produced by SAMC. There are zero e-mail communications related to any of the drafts or any of the redlines.
- c. Attached hereto as Exhibit 5 is a true and correct copy of SAMC001326-27, a document produced by SAMC in this action. SAMC001326-27 reflects August Talking Points Memorandum that includes reference to, "All 9 physician leaders I contacted..." but there are no accompanying communications related to the 9 physician leader contacts are produced. No documents showing who drafted the memo. No redlines. No documents showing it being circulated.
- d. Attached hereto as Exhibit 6 is a true and correct copy of SAMC000082-96, a document produced by SAMC in this action. SAMC000082-96 reflects Hospitalist Change Why and What presentation slideshow created by SAMC that includes reference to, "Meeting Held to Obtain Input: Solicited proposal – reviewed Vituity – Galen IP Physicians[,] Medical Staff Leadership & Med Exec Committee[,] Introductory meetings with Vituity and Hospital clinical leaders & individual hospitalists[,] General Medical Staff Input on Quality of care and interaction with medical staff with change in Hospitalist Program received through e-mail." However, there are no written solicitations for hospitalist services at SAMC, invitations for meetings, or input emails produced. SAMC has not produced any e-mails showing when Vituity was first contacted, the nature of the inquiry, what prompted it, who was involved in those communications, or internal deliberations regarding the same.
- e. Attached hereto as Exhibit 7 is a true and correct copy of SAMC000116, a document produced by SAMC in this action. SAMC000116 reflects a September 19, 2024 e-mail from Imamu Tomlinson (Vituity) to Gurvinder Kaur produced at SAMC000116 showing, "Attachments: Video.mov". No video has been produced.
- f. Attached hereto as Exhibit 8 is a true and correct copy of SAMC000117-19 and SAMC000829-31 (a partially unredacted copy of SAMC000117-19), which is another slideshow produced by SAMC in this action. SAMC000829-31 contains references to surveys and investigations but there are no accompanying materials related to any such survey, investigation, or any invitations for meetings where this slideshow was presented, who was involved in those communications, or internal deliberations regarding the same.
- g. Attached hereto as Exhibit 9 is a true and correct copy of SAMC000608, a document produced by SAMC in this action. SAMC000608 reflects an April 17, 2024, e-mail from SAMC's CEO and former Vituity partner Gurvinder Kaur's to Reginald Eadie for SAMC's Hospitalist Master Services Agreement and expressing to Eadie and John Evanko that SAMC is, "having significant

challenges without Hospitalist service and need to look for some solutions." Dr. Kaur asked for a specific document clearly related to a contemplated agreement for hospitalist services, yet SAMC produced no response. In fact, there are no e-mail communications produced between April 18, 2024, and August 27, 2024. There is an additional e-mail from Dr. Kaur dated September 16, 2024, where she forwards an e-mail from April 2024 where she explains that prior to agreeing to work with her former partnership, she considered using Sound Physicians: "we did start with asking for information on Sound Physicians but then heard from SO that they wanted to change the direction towards Vituity largely because of Private Equity backing of Sound physicians and more alignment with Vituity culturally."

h. Attached hereto as Exhibit 10 is a true and correct copy of SAMC00063135, a document produced by SAMC in this action. SAMC000633 reflects a September 19, 2024 email from Imamu Tomlinson (Vituity) to Gurvinder Kaur produced at SAMC000116 showing, "Attachments: Video.mov". No video has been produced. SAMC000634-635 reflects the agendas of the SAMC Board for their meeting on October 25, 2024, regarding "Closure of Hospitalist Services," but there are no meeting minutes, materials, vote record, or resolutions produced from that meeting.

i. Attached hereto as Exhibit 11 is a true and correct copy of SAMC001265, a document produced by SAMC in this action. SAMC001265 reflects a September 20, 2024 e-mail from Dr. Kaur to David McFadyen and Benjamin Carter showing, "Attachments: image001.jpg[,] image002.jpg" and stating, "I am meeting with each Board Member . . . individually before the October Board meeting to go over this as well as to discuss closing the service." There are no attachments produced nor documents relating to the scheduling of these meetings, the content of these meetings, notes from the same, meeting invitations. There is also a reply e-mail from David McFadyen with the body stating, "Please see attached." There is no attachment produced. There is also no letter produced despite it being attached in an e-mail from Sheila Jones to David McFadyen with the subject: "URGENT REVIEW" and the body stating, "This letter came for you today from Saint Agnes Hospitalist Physicians."

j. Attached hereto as Exhibit 12 is a true and correct copy of SAMC00143278, a document produced by SAMC in this action. SAMC001432-78 reflects the Master Services Agreement for Hospitalist Services between SAMC and Vituity, yet there is not a single written communication attaching or discussing the Agreement or its drafts.

k. SAMC has not produced a single text message relating to the Vituity Agreement or any issue relevant to this case.

l. Attached hereto as Exhibit 13 is a true and correct copy of SAMC00087685, a document produced by SAMC in this action. SAMC000876-85 reflects reply e-mail to SAMC that includes a statement, "Thank you very much for your emails on 12/21/19 with a Word document a ached [sic] (Appendix A) and 12/22/19 (Appendix B) which are a ached [sic]." But not a single written communication or e-mail attachment from SAMC to CCH Physicians on December 21, 2019 or December 22, 2019.

m. Attached hereto as Exhibit 14 is a true and correct copy of SAMC000886, a document produced by SAMC in this action. SAMC000886 reflects an Louis Fierens (Trinity) email that includes a statement, "I am writing to confirm receipt of your email dated January 3, 2020," yet not a single written communication from January 3, 2020

n. Attached hereto as Exhibit 15 is a true and correct copy of SAMC00088789, a document produced by SAMC in this action. SAMC000887-89 reflects the Medical Staff Policy / Procedure governing the Hospitalist Service at SAMC, yet there is not a single written communication attaching or discussing the policy despite the inclusion of three anonymous comments and redlines.

o. Attached hereto as Exhibit 16 is a true and correct copy of SAMC00089091, a document produced by SAMC in this action. SAMC000890-91 reflects a May 1, 2020 e-mail from Paul Goebel that states, "159 ballots emailed on April 14, 2020[;] 106 ballots received at 5:00 pm, April 28, 2020." However, there are no written communications disseminating or receiving ballots between April 14, 2020 and April 28, 2020 regarding the Hospitalist Medicine Policy Ballot.

p. Attached hereto as Exhibit 17 is a true and correct copy of SAMC000904SAMC000911, a document produced by SAMC in this action. SAMC000904-SAMC000911 reflects the Provider Services Agreement between SAMC and Plaintiffs, but SAMC does not produce a single written communication attaching or discussing the same.

q. Attached hereto as Exhibit 18 is a true and correct copy of SAMC00132023, a document produced by SAMC in this action. SAMC001320-23 reflects a Hospitalist Evolution SAMC memorandum produced at SAMC001320-23, yet not a single written communication attaching or discussing the same is produced.

r. Attached hereto as Exhibit 20 is a true and correct copy of the Master Services Agreement as between Trinity Health and Vituity. Exhibit 21 is a true and correct copy of the agreement as between Vituity and SAMC for the rendition of hospitalist services at SAMC. Neither agreement, based on my review, states price term is confidential or cannot be disclosed.

(Sarabian Decl., ¶ 6.)

The court finds that CCHMG's counsel has made a compelling case that the referenced documents exist, are response to the production demands, but have not been produced. The court orders SAMC to produce all documents referenced in paragraph 6 of Mr. Sarabian's declaration. SAMC's counsel is to submit a declaration under penalty of perjury with the further and final production. If any of these documents have already been produced but were missed by CCHMG's counsel, they should be identified by bates number in the declaration. If after a diligent search and inquiry (which should be described in the declaration) any of these documents are found to not exist or are not in the possession or control of SAMC, such should be articulated and explained in the declaration.

SAMC served a "redaction log" following its sixth production of documents, with 82 entries indicating redactions on the following grounds: "not relevant," "nonresponsive," "proprietary hospital information," "third party privacy," and Evidence

Code section 1157. (Sarabian Decl., ¶ 4, Exh. 3.) There should not be any redactions. Initially, "not relevant" and "nonresponsive" is not a basis for redacting information from otherwise relevant and responsive documents. If the documents were not relevant or responsive, they would not have been produced by SAMC. (See Code Civ. Proc., § 2031.240, subd. (c)(1) [responsive matter may be withheld on basis of privilege or work product].) Nor are "Confidentiality," "Third-Party Privacy," and "Contractual Privacy" viable grounds for redaction of information from responsive documents in light of the stipulated Protective Order entered by the court on December 18, 2025. The Protective Order covers "Highly Confidential" information, which SAMC has redacted (and therefore not disclosed) in its document production: "trade secrets, proprietary business information, the private information of a third party, patient health information, or other highly sensitive information, the disclosure of which to the receiving party or non-parties would create a substantial risk of competitive harm, commercial harm, or other injury." (Protective Order ¶ 2.) The Protective Order also provides, "Confidential Materials and Highly Confidential Materials shall be used by the persons or entities receiving them only for the purposes of preparing for, conducting, participating in the conduct of, and/or prosecuting and/or defending the Proceeding, and not for any business or other purpose whatsoever." (Protective Order ¶ 9.) The Protective Order converts each of SAMC's confidentiality objections from a basis to withhold into, at most, a basis to designate as confidential or highly confidential. With this Protective Order in place, there is no basis for withholding the information that SAMC has redacted, including financial and business data, which would fall under the "Highly Confidential" designation. SAMC produces no authorities supporting withholding documents such as these when a protective order is in place. Any redacted documents must be produced again, without redaction.

SAMC also withholds documents pursuant to Evidence Code section 1157.

Section 1157 specifies that the records of a medical staff committee are immune from discovery when the committee has "the responsibility of evaluation and improvement of the quality of care rendered in the hospital" In passing upon the claim of immunity, a court must have before it facts which allow it to match the staff committee's mission and function against the specifications of the statute. ... The burden of establishing entitlement to nondisclosure rested with the party resisting discovery, not the party seeking it. (*Sierra Vista Hospital v. Superior Court* (1967) 248 Cal.App.2d 359, 365 [56 Cal.Rptr. 387].)"

(*Matchett v. Superior Court* (1974) 40 Cal.App.3d 623, 627.) "The medical staff immunity described in section 1157 extends to, first, the proceedings, and second, the records of the described staff committees. It does not embrace the files of the hospital administration (as distinguished from staff)." (*Id.* at p. 628.)

SAMC has not shown that the section 1157 protection applies to any of the documents requested. From the supplemental opposition SAMC's primary contention appears to be that section 1157 applies to documents relating to Medical Staff Bylaws, as well as documents related to votes of the medical staff with respect to the closure of any department, division, service, practice area, documents related to the effect of the Vituity agreement on physician privileges, etc. SAMC cites to no authority for this broad assertion. SAMC makes no showing that these are peer-review records that the statute protects. This is not a medical malpractice case in which documents are sought related

to a committee's evaluation of a physician's competence. This is a dispute over SAMC's business decision to enter an exclusive hospitalist services contract with Vituity. The documents at issue relate to that business decision. As SAMC recognizes in its supplemental opposition, the hospital is distinct from its medical staff. (Supp. Opp. at 11 ['The Medical Staff and the Hospital are separate and distinct legal entities.'].) A hospital's contractual decision to close a service and award it to another firm is not a medical staff committee's candid appraisal of a peer. SAMC has not shown that the privilege applies here. Any documents withheld on the basis of section 1157 must be produced.

If a party properly asks for monetary sanctions, such sanction “shall” be imposed unless the court finds that party made or opposed the motion “with substantial justification” or other circumstances make the sanction “unjust.” (Code Civ. Proc., §§ 2031.310, subd. (h), 2023.030, subd. (a); see *Kravitz v. Superior Court* (2001) 91 Cal.App.4th 1015, 1021.) SAMC contends that sanctions are not warranted because it had to navigate complex and overlapping statutory privileges and protections, requiring careful, document-by-document review and redactions before production could be made. SAMC says it even in good faith unredacted some documents. SAMC’s arguments are not convincing.

It took 16 months for SAMC to produce all documents that have been produced, and there appear to be more that have not been produced. Documents have been withheld and redacted on the basis of improper objections such as irrelevance and unresponsiveness, and despite the existence of a protective order with a Highly Confidential designation that specifically exists for the purpose of production of “confidential” and “proprietary” information. Given the long history of this discovery dispute and SAMC’s repeated failures to make full production, the court intends to award \$17,681.50, the full amount of sanctions requested by CCHMG in connection with this motion. (See Sarabian Supp. Reply Decl., ¶¶ 10; Code Civ. Proc., §§ 2023.030, 2031.310, subd. (h).) The court will not impose the issue sanction requested by CCHMG.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK on 08/24/26.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **A. M. v. Fresno Unified School District**
Superior Court Case No. 22CECG02656

Hearing Date: August 26, 2026 (Dept. 501)

Motion: Plaintiff's Motion to Compel Deposition of Fresno Unified School District's Person Most Knowledgeable and Production of Documents

Tentative Ruling:

To grant Plaintiff, A.M.'s motion to compel the deposition of Fresno Unified School District's person most knowledgeable. Fresno Unified School District's is ordered to produce its person most knowledgeable on the categories identified in the notice of deposition at a mutually agreeable time within 14 days of notice of this order.

To deny Plaintiff, A.M.'s motion to compel the production of documents.

Explanation:

Plaintiff, A.M. ("plaintiff") moves the court for an order compelling the defendant Fresno Unified School District's ("FUSD" or "defendant") Person Most Knowledgeable ("PMK"), and production of documents by request at the time of deposition.

Background

Plaintiff noticed the deposition of FUSD's PMK for March 3, 2026. (Felton Decl., ¶2, Ex. 1.) FUSD served its objections on February 26, 2026. (Felton Decl., ¶3, Ex. 2; Berger Decl., ¶7, Ex. E.)

On March 27, 2026, plaintiff's counsel filed a motion to compel the PMK deposition, the hearing, which was initially set for May 21, 2026. On April 1, 2026, Plaintiff's counsel applied ex parte for an order shortening time for hearing on plaintiff's motion to compel the PMK deposition. On April 1, 2026, the court set a Pre-Trial Discovery Conference regarding plaintiff's motion to compel for April 17, 2026.

On April 17, 2026, a Pretrial Discovery Conference was held, resulting in an order providing "Plaintiff may file a motion to Compel." (Berger Decl., Ex. H.) Plaintiff's counsel then met and conferred with counsel for FUSD to clear August 25, 2026, as the hearing date for plaintiff's motion to compel. (Berger Decl., Ex. I.)

Meet and Confer

A motion to compel a deposition must include a meet and confer declaration stating facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (Code Civ. Proc., §§ 2025.450(b); 2016.040.)

Here, plaintiff's counsel made several attempts to resolve these discovery issues. (Felton Decl. ¶¶ 3-7.) Defendant contends that these conversations could have gone into more depth. (Berger Decl., ¶8.) However, the court finds these attempts sufficient under the present circumstances. On April 17, 2026, a Pretrial Discovery Conference was held, resulting in an order providing "Plaintiff may file a motion to Compel." (Berger Decl., Ex. H.) Plaintiff's counsel then met and conferred with counsel for FUSD to clear August 25, 2026, as the hearing date for plaintiff's motion to compel. (Berger Decl., Ex. I.)

Therefore, the Court finds that plaintiff has sufficiently met the meet and confer requirements.

Motion Papers

FUSD first argues that plaintiff did not properly notice this hearing. (FUSD's Opposition Papers, pg. 4:1-8.) However, this argument is without merit under these circumstances where FUSD tacitly accepted that this motion would be heard on August 25, 2026 as a result of the April 17, 2026 Pretrial Discovery Conference, and where the initial moving papers had set a hearing on this matter for May 21, 2026.

Compel Deposition

Plaintiff moves to compel FUSD to designate a PMK to speak on 16 separate categories of testimony and produce that person for deposition.

Code of Civil Procedure section 2025.450, subdivision (a) provides, "[i]f, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document, electronically stored information, or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent's attendance and testimony, and the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice." Code of Civil Procedure section 2025.450 requires the Court to compel the deposition unless it finds a valid objection was served under Code of Civil Procedure section 2025.410. The objecting party has the burden to justify objections asserted. (See *Denari v. Superior Court* (1989) 215 Cal.App.3d 1488, 1494-95.)

FUSD argues that plaintiff's motion to compel deposition should be denied because plaintiff did not provide a separate statement, as required by California Rules of Court rule 3.1345, with its motion to compel deposition. FUSD did not discuss its objections as to why plaintiff's motion to compel FUSD's PMK should be denied. (FUSD's Opposition Papers, pp. 4:9-5:13.)

FUSD's argument fails, as the requirement for a separate statement does not apply in instances where FUSD failed to produce a deponent. According to California Rules of Court rule 3.1345(a)(4), a separate statement is required where a motion seeks to compel answers to questions that were asked at deposition but not answered.

Here, given that FUSD did not produce its deponent, it becomes impossible to know which questions would remain unanswered. Consequently, a separate statement could not feasibly list the full text of unasked questions and non-responses, as required by California Rules of Court rule 3.1345(c).

Therefore, the Court concludes that the requirement for a separate statement is not applicable in this context, given FUSD's failure to produce a deponent.

Compel Production

Plaintiff also seeks to compel, at deposition, production of 31 categories of documents.

Where production of documents is sought in connection with the deposition, the motion must set forth specific facts showing good cause justifying the production. (Code Civ. Proc., § 2025.450(b)(1).) These facts must also be set forth in a separate statement filed by the moving party. (Cal. Rules of Court Rule 3.1345(c).) This burden "is met simply by a fact-specific showing of relevance." (*TBG Ins. Servs. Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 448.)

Here, plaintiff fails to attempt to set forth any specific facts showing how information in the documents sought would tend to prove or disprove some issue in the case, or why such information is necessary for trial preparation or to prevent surprise at trial, nor has plaintiff set forth these facts in a separate statement.

Accordingly, plaintiff's motion for production of documents is denied.

Misuse of Discovery

FUSD further objects to the production of a witness and argues that plaintiff's notice of deposition under Code of Civil Procedure section 2025.230 with production of documents served 33 days before close of regular discovery, and 61 days before trial, was timed with the intent to cause unwarranted annoyance, embarrassment, oppression or undue burden and expense, as per Code of Civil Procedure section 2023.010, subdivision (c). (FUSD Opposition Papers, pg. 7:12-20.)

FUSD argues:

Regarding the "MATTERS ON WHICH THE WITNESS IS TO BE EXAMINED," there are sixteen extremely broad areas that, when expanded by the "DEFINITIONS" section, e.g., the use of "CHILDHOOD SEXUAL ASSAULT" and "BOUNDARY VIOLATION," among others, turns each of eleven of those areas into at least fifteen, and as much as thirty-nine, areas depending on which or both definitions are used. Further, and again, there is no indication that these overly broad areas of inquiry have any relevance whatsoever to the instant case, and Plaintiff has made no attempt to explain how

