

**Tentative Rulings for November 1, 2022**  
**Department 403**

---

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

**21CECG03250      *Ernesto Orosco v. Aerotek, Inc.* is continued to Thursday, November 3, 2022 at 3:30 p.m. in Department 403**

---

**(Tentative Rulings begin at the next page)**

## **Tentative Rulings for Department 403**

Begin at the next page

**Tentative Ruling**

Re:

**Amie Vang v. Jim Anderson**

Superior Court Case No. 21CECG03365

Hearing Date:

November 1, 2022 (Dept. 403)

Motion:

By Plaintiff Amie Vang to (1) Compel Defendant Jim Anderson's Responses to Form Interrogatories (Set One), Special Interrogatories (Set One), Request for Production of Documents (Set One); (2) to Deem Admissions Admitted; and (3) for Monetary Sanctions

**Tentative Ruling:**

To grant plaintiff Amie Vang's motions to compel for Form Interrogatories (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One).

To grant plaintiff Amie Vang's request to deem Requests for Admissions admitted. The truth of the matters specified in the Requests for Admissions, Set One, are to be deemed admitted unless defendant Jim Anderson serves, before the hearing, a proposed response to the Requests for Admission that is in substantial compliance with Code of Civil Procedure section 2033.220.

To grant monetary sanctions against defendant Jim Anderson in the total amount of \$840. Monetary sanctions are ordered to be paid within 30 calendar days from the date of service of the minute order by the clerk.

**Explanation:**

Motions to Compel

Defendant has had sufficient time to respond to the discovery propounded by plaintiff, and has not done so. Failing to respond to discovery within the 30-day time limit waives objections to the discovery, including claims of privilege and work product protection. (Code Civ. Proc., § 2030.290, subd. (a) [interrogatories]; Code Civ. Proc., § 2031.300, subd. (a) [production demands]; see *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.) Here, defendant was granted an extension and still did not respond to the discovery requests.

Requests for Admissions

Plaintiff served Requests for Admissions on defendant on June 6, 2022. As of August 5, 2022, no responses had been received. The court has no information that any responses have been received as of the date of this ruling.

Failure to timely respond to requests for admissions results in a waiver of all objections to the requests, and upon proper motion the court *shall* deem them admitted. (Code Civ. Proc., § 2033.280.) The statutory language leaves no room for discretion. (*Tobin v. Oris* (1992) 3 Cal.App.4th 814, 828.) However, the court may relieve the party who fails to file a timely response if, before entry of the order deeming the requested matters admitted, the party in default 1) moves for relief from waiver and shows that the failure to serve a timely response was due to "mistake, inadvertence or excusable neglect; and 2) the party has served a response in "substantial compliance with Code of Civil Procedure Section 2033.220. (Code Civ. Proc., § 2033.280(a)-(c); see *Brigante v. Huang* (1993) 20 Cal.App.4<sup>th</sup> 1569, 1584.) Here, no responses have been received to date.

### Sanctions

Regarding the interrogatories, where a party seeks monetary sanctions, the court "shall" impose such a sanction against the unsuccessful party, unless the court finds that party acted with substantial justification or other circumstances would render such sanctions as unjust. (Code Civ. Proc., § 2030.290, subd. (c).) Sanctions are mandatory against a party whose failure to respond timely necessitates a motion to deem admitted. (Code Civ. Proc., § 2033.280, subd. (c).) Pursuant to California Rules of Court, Rule 3.1030(a), this also applies where no opposition to the motion was filed. The sanction amount awarded disallows the time for responding to the opposition, as this proved unnecessary, and allows \$240 in motions fees. The court finds it reasonable to allow for two hours for preparation of the motions at the hourly rate of \$300 provided by counsel. Therefore, the amount in sanctions is \$840.

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** 10/28/22.  
(Judge's initials) (Date)