

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

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**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).)**

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**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 Rulings begin at the next page)**

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## **Tentative Rulings for Department 403**

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(20)

**Tentative Ruling**

Re: ***California Labor Commissioner v. Great American Investments, Inc., et al.***  
Superior Court Case No. 19CECG03976

Hearing Date: February 1, 2022 (Dept. 403)

Motion: Unopposed Motions by Plaintiff to Compel Further Responses to Form Interrogatories - General

**Tentative Ruling:**

To grant plaintiff's motion to compel defendants A.J. Rassamni, Sharon Rassamni, Liberty Financial Group, and Great American Investments to provide further responses to Form Interrogatories – General, as specified below.

To impose monetary sanctions in favor of plaintiff Labor Commissioner, and against A.J. Rassamni in the sum of \$333.00, Sharon Rassamni in the sum of \$333.00, Liberty Financial Group in the sum of \$333.00, and Great American Investments in the sum of \$333.00. (Code Civ. Proc., § 2023.010, subd. (f), (h).) Defendants shall pay the sanctions to plaintiff's counsel within 30 days of the clerk's service of the minute order.

**Explanation:**

Motion to Compel Further Responses from A.J. Rassamni and Sharon Rassamni to Form Interrogatories – General, Set One

The answer to each interrogatory must be "as complete and straightforward as the information reasonably available to the responding party permits." (Code Civ. Proc., § 2030.220, subd. (a); *Collin v CalPortland Co.* (2014) 228 Cal.App.4th 582, 590.) When an interrogatory cannot be answered completely, it must be answered to the extent possible. (Code Civ. Proc., § 2030.220, subd. (b).) An answer is incomplete if it merely refers to other documents without summarizing them (e.g., "See my deposition," or "See the financial statement." (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783–784.)) Because the duty to answer extends beyond personal knowledge, where a party lacks personal knowledge sufficient to respond fully, the party must make "a reasonable and good faith effort to obtain the information" from other sources. (Code Civ. Proc., § 2030.220, subd. (c); see *Sinaiko Healthcare Consulting, Inc. v Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 406.) A respondent need not undertake an investigation that essentially prepares the opponent's case for him or her (see *Holquin v Superior Court* (1972) 22 Cal.App.3d 812, 821); or seek and provide information that is equally available to the propounding party (Code Civ. Proc., § 2030.220, subd. (c)).

From the individual defendants plaintiff is seeking further responses to interrogatory nos. 2.5, 3.6, 12.2, 12.3, 12.6, 14.1, 14.2, and 15.1. There is no opposition to the motion. After reviewing these defendants' responses, the court agrees that further responses are required.

No. 2.5: This interrogatory simply requests plaintiff's residences for the last five years. The supplemental response gives one address, which does not appear to be a residence but the location of the car wash. The response is incomplete as the subparts are not answered.

No. 3.6: Defendants did not respond to this interrogatory.

Nos. 12.2, 12.3, 12.6: Further responses are required, but only because the supplemental response is not verified. (*Deyo, supra*, 84 Cal.App.3d 771 at p. 782, ["Verification of the answers is in effect a declaration that the [responding] party has disclosed all information Which is available to [it]."]) The supplemental responses provide a clear, unequivocal "no" in response to the questions posed by the interrogatories. The subparts need not be answered where the question is answered in the negative. The responses just needs to be verified.

Nos. 14.1, 14.2: The "unknown" response does not comply with Code of Civil Procedure section 2030.220, subdivision (c), which provides were responding party does not have personal knowledge sufficient to respond fully, then "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". "If a [responding party] cannot furnish details, [it] should set forth the efforts made to secure the information." (*Deyo, supra*, 84 Cal.App.3d at p. 782.) "[A responding party] cannot plead ignorance to information which can be obtained from sources under [its] control." (*Id.*) "Evasive answers such as, "I don't recall" are an open invitation to sanctions." (*Id.* at p. 783.) Additionally, the supplemental response is not verified.

No. 15.1: The interrogatory requests details and supporting information for denials and affirmative defenses set forth in the responding party's answer. Defendants fail to make any effort at all to answer the interrogatory. The claimed lack of personal knowledge fails to comply with section 2030(c), and the response is not verified.

#### Motion to Compel Further Responses from Liberty Financial Group to Form Interrogatories – General, Set One

The interrogatories at issue are nos. 12.2, 12.3, 12.6, 14.2 and 15.1. The motion is granted as to each interrogatory. Except as otherwise noted below, the responses are the same as from the individual defendants.

No. 12.6: The response to the interrogatories asking for reports concerning the "INCIDENT," simply states, "Not applicable." This interrogatory may be difficult to answer in the context of this action, but simply stating "not applicable" is not an adequate response. The initial response was unverified. A verified response is required. Moreover, after Liberty Financial failed to respond to plaintiff's request for pretrial discovery conference, the court ordered defendant to provide a supplemental response within 30 days of the date of the order. (See 11/12/20.) No supplemental response was served. Liberty Financial still must serve a supplemental response.

Motion to Compel Further Responses from Great American Investments to Form Interrogatories – General, Set One

## Sanctions

In the Court's August 5, 2021 Order, the Court specified that sanctions would be calculated based on 10 hours of work for 12 motions, at \$400.00 per hour, resulting in \$333.00 per motion.

## Tentative Ruling

Issued By: KCK on 01/27/22  
(Judge's initials) (Date)

(24)

**Tentative Ruling**

Re: ***Nijmeddin v. Translongia (and consolidated action, Johnson v. Singh)***  
Superior Court Case No. 19CECG03865 (consolidated with 19CECG03617)

Hearing Date: February 1, 2022 (Dept. 403)

Motion: Petitions to Approve Compromise of Disputed Claims of Three Minors: Jordyn F. Lujan, Omrie G. Lujan, and Luis M. Gonzalez

**Tentative Ruling:**

To continue to Thursday, February 10, 2022, in order for petitioner to provide further information, as detailed below. In the event that oral argument is requested the minors are excused from appearing. Petitioner shall file a supplement to the petition on or before 5:00 p.m. on Monday, February 7, 2022, addressing the court's concerns.

**Explanation:**

The court requires further information regarding how the guardian ad litem decided to divide the settlement proceeds between herself, as decedent's mother, and the decedent's three minor children (ages 6, 8, and 12). The gross settlement amount is \$530,000, and the petition indicates that each minor will receive only \$40,000 each, while the guardian ad litem will receive \$410,000.

Under a wrongful death cause of action, heirs specified in Code of Civil Procedure section 377.60 are entitled to recover damages on their own behalf for the loss they have sustained by the death of a relative due to the negligence or wrongful act of another. (*Corder v. Corder* (2007) 41 Cal.4th 644, 651.) The specified heirs must be joined in one suit. (*Id.* at p. 652.) "[T]he trial court must apportion an award among the heirs based on the pecuniary damages suffered by each heir." (*Ibid.*; see Code Civ. Proc., § 377.61, last sentence ["The court shall determine the respective rights in an award of the persons entitled to assert the cause of action."].) In *Corder v. Corder*, the Supreme Court of California considered whether the court's apportionment duty also applied to settlements of wrongful death lawsuits, and held that it did apply. (*Id.* at pp. 654-655, citing, *inter alia*, *Estate of Kuebler v. Superior Court* (1978) 81 Cal.App.3d 500, 504 ["the court has jurisdiction to apportion the settlement proceeds"].)

Under Code of Civil Procedure section 377.60, where the decedent left issue (i.e., children or issue of deceased children), the decedent's parents have standing as wrongful death claimants only if they were "dependent on the decedent." (*Id.*, subd. (a) and (b)(1); see also *Chavez v. Carpenter* (2001) 91 Cal.App.4th 1433, 1440.) However, in *Collins v. Hemet Valley Hospital Dist.* (1986) 186 Cal.App.3d 922, the appellate court found that where the decedent's parents are included in a pretrial wrongful death settlement (as here one parent is) the court has no jurisdiction to determine whether the parents were, in fact, dependent on the decedent. At the pretrial settlement stage, the

court simply relies on the parent's *claim* to be dependent on the decedent, and the only issue is the fairness of the settlement. (*Id.* at p. 927-928.)

The court needs more information as to how the guardian ad litem determined it to be fair for her (as decedent's parent) to receive 77.5% of the award, while the decedent's children will only take a combined total of 22.5% of the award. One would normally assume that a decedent's children were more dependent on him than the decedent's parent was (even if only considering financial support), and thus the general assumption would be that as between them, the children's loss of their father represents a greater pecuniary damage to them than the pecuniary damage to the decedent's parent. Especially since the guardian ad litem making this decision is not disinterested, but in fact is directly interested, the court needs more information.

The court has set such a short continuance due to the recently enacted Probate Code section 3505, which requires the court to schedule a hearing on petitions for compromise within 30 days from the date of filing, and to “issue a decision” on an unopposed petition within that timeframe. Even so, the court does not interpret that statute to prohibit the petitioner from asking for a continuance outside that timeframe. Thus, the court will grant a longer continuance if it is requested.

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 01/27/22  
(Judge's initials) (Date)