

Tentative Rulings – May 15, 2003

To request a hearing on any matter on this calendar, you must call the Court at (209) 223-6360 by 4:30 p.m. today. Notice of the intention to appear must also be given to all other parties. If the clerk is not notified of a party's intention to appear, there will be no hearing and the tentative ruling becomes the order of the court.

Citibank v. Klammt – 02CV2313 – Plaintiff's Motion to Compel Answers to Interrogatories

The plaintiff's unopposed motion for an order compelling the defendant to provide responses to form and supplemental interrogatories is granted. The defendant is ordered to serve the plaintiff's counsel with verified responses to these discovery requests, without objection, within 20 days of receiving notice of this ruling.

Defendant is ordered to pay plaintiff sanctions in the amount of \$223.00 for attorney fees and costs incurred in bringing this motion. The court reserves the right to modify the amount of sanctions awarded if oral argument is requested and appearances are required.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed. Plaintiff to provide notice of this ruling.

Neco v. Department of Transportation – 02CV2354 – Plaintiff's Motion to Compel Discovery Responses

The court has read and reviewed the reports submitted by the parties regarding their attempts to meet and confer regarding the outstanding discovery issues. The court finds the parties have met and conferred in good faith and were able to resolve a number of issues as a result of their efforts.

As to the remaining issues, the court finds:

Form Interrogatory 15.1

The court overrules the defendant's attorney work-product objection to this interrogatory. Contentious interrogatories such as this are appropriate to obtain the factual basis of the legal theories set forth in the defendant's answer to the complaint.

However, court finds the defendant's response, when made, was a complete response to the interrogatory. As noted by the defendant, discovery had only recently commenced and it was in the process of obtaining information to support its affirmative defenses.

No further response to Form Interrogatory 15.1 is required. This ruling is without prejudice to plaintiffs' ability to obtain supplemental responses to interrogatories pursuant to Code of Civil Procedure Section 2030(c)(8).

Form Interrogatory 17.1 re Request for Admissions Nos. 18 and 19

Plaintiff seeks further response to defendant's supplemental answers to requests for admissions nos. 18 and 19. However, as plaintiffs acknowledge, these responses were not at issue at the time the original motion was filed and therefore, not addressed in the Rule 335 Statement. Because these responses were not included within the scope of the original motion, the court will not rule on the sufficiency of the responses.

Request for Production

To the extent the defendant contends there are privileged documents responsive to any request for production of documents, defendant is ordered to provide a privilege log that complies with the provisions of Code of Civil Procedure Section 2031(g)(3). (See Wellpoint Health Networks, Inc. v. Superior Court (1997) 59 Cal.App.4th 110, 130.) The privilege log must be served on the plaintiff within twenty days of the date of this ruling.

If there are no privileged documents responsive to these requests, the defendant is ordered to serve the plaintiff's with an amended response within twenty days of the date of this ruling.

The court finds both parties acted with substantial justification and therefore, an award sanctions is not warranted.

Unless a hearing is requested, this minute order is effective immediately. No formal order per California Rules of Court, Rule 391 is needed, nor is further notice of this ruling required.