



Superior Court of California County of San Benito

Tentative Decisions for March 13, 2024

Courtroom #1: Judge J. Omar Rodriguez

CU-17-00067 Escobedo v. County of San Benito

The Motion to Continue is GRANTED. The court finds good cause to continue the trial currently scheduled to begin on March 25, 2024. The trial is continued to September 9, 2024 at 9:00 a.m. in Department 2. Discovery shall remain open with all discovery deadlines to be related to the new trial date.

CU-23-00011 De La Rosa v. San Benito Health Care District, et al.

The court has read Defendant's Revised Status Report and continues the Status Conference to Wednesday, July 17, 2024 at 3:30 p.m.

CU-23-00089 Venegas Vera v. Fhurong, et al.

Motion 1

Plaintiff's Motion to Strike Preliminary Statement from ACCO Engineered Systems' Untimely Responses to the First Set of Special Interrogatories is DENIED. To properly respond to each discovery request, each answer or objection must be stated separately. (Cal. Civ. Proc. Section 2030.210(a).) However, Plaintiff fails to provide legal authority to strike the preliminary statement.

The requests for sanctions by both parties are denied finding that the parties acted with substantial justification.

Motion 2

Plaintiff's Motion to Strike Preliminary Statement from ACCO Engineered Systems' Untimely Responses to the First Set of Special Interrogatories is DENIED. To properly respond to each discovery request, each answer or objection must be stated separately. (Cal. Civ. Proc. Section 2030.210(a).) However, Plaintiff fails to provide legal authority to strike the preliminary statement.

The requests for sanctions by both parties are denied finding that the parties acted with substantial justification.

Motion 3

Plaintiff's Motion to Compel ACCO Engineered Systems' Further Responses to Form Interrogatory No. 15.1 and to Strike Preliminary Statement is GRANTED. To properly respond to each discovery request, each answer or objection must be stated separately. (Cal. Civ. Proc. Section 2030.210(a).) Here, the Defendant ACCO failed to identify each denial of a material allegation and each special or affirmative defense and, for each, address Items 15.1(a) through (c) as requested in Form Interrogatory 15.1. Additionally, the Response is incomplete as it fails to adequately identify any documents with sufficient specificity. (*See Deyo v. Kilbourne* (1978 84 Cal.App.3d 771, 783-784.)

Defendant ACCO is required to provide full and complete code compliant responses to Form Interrogatory 15.1 within 20 days after this order. Defendant ACCO retains its right to make any proper objections.

The Court imposes sanctions against Defendant ACCO and in favor of Plaintiff in the sum of \$2,260.00 payable within 30 days of this order.

Motion 4

Plaintiff's Motion to Compel Ronald Carl Fhurong's Further Responses to Form Interrogatory No. 15.1 and to Strike Preliminary Statement is GRANTED. To properly respond to each discovery request, each answer or objection must be stated separately. (Cal. Civ. Proc. Section 2030.210(a).) Here, the Defendant Fhurong failed to identify each denial of a material allegation and each special or affirmative defense and, for each, address Items 15.1(a) through (c) as requested in Form Interrogatory 15.1. Additionally, the Response is

incomplete as it fails to adequately identify any documents with sufficient specificity. (*See Deyo v. Kilbourne* (1978 84 Cal.App.3d 771, 783-784.)

Defendant Fhurong is required to provide full and complete code compliant responses to Form Interrogatory 15.1 within 20 days after this order. Defendant Fhurong retains its right to make any proper objections.

The Court imposes sanctions against Defendant Fhurong and in favor of Plaintiff in the sum of \$2,260.00 payable within 30 days of this order.

Motion 5

Plaintiff's Motion to Deem ACCO Engineered Systems' Responses to the First Requests for Admission Admitted is DENIED. An unverified response containing both answers and objections is effective to preserve those objections. (*Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, 657.) The lack of verification renders the fact-specific answers untimely; but that only creates a right to compel answers if the verifications are not subsequently received -- it does not result in a waiver of the objections made. (*Ibid.*) Here, the responses were received by Plaintiff and the objections were timely made. As a result, there is insufficient cause to grant the request to request to deem the answers admitted.

The Court imposes sanctions against Plaintiff and in favor of Defendant ACCO in the sum of \$660.00 payable within 30 days of this order.

Motion 6

Plaintiff's Motion to Deem Defendant Fhurong's Responses to the First Requests for Admission Admitted is DENIED. An unverified response containing both answers and objections is effective to preserve those objections. (*Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, 657.) The lack of verification renders the fact-specific answers untimely; but that only creates a right to compel answers if the verifications are not subsequently received -- it does not result in a waiver of the objections made. (*Ibid.*) Here, the responses were received by Plaintiff and the objections were timely made. As a result, there is insufficient cause to grant the request to request to deem the answers admitted.

The Court imposes sanctions against Plaintiff and in favor of Defendant Fhurong in the sum of \$660.00 payable within 30 days of this order.

Motion 7

Plaintiff's Motion to Compel ACCO Engineered Systems' Further Responses to First Demand for Production of Documents and to Produce Documents is DENIED. An unverified response containing both answers and objections is effective to preserve those objections. (*Food 4 Less Supermarkets, Inc. v. Superior Court* (1995) 40 Cal.App.4th 651, 657.) The lack of verification renders the fact-specific answers untimely; but that only creates a right to compel answers if the verifications are not subsequently received -- it does not result in a waiver of the objections made. (*Ibid.*) Here, the responses were received by Plaintiff and the objections were timely made. As a result, there is insufficient cause to grant the request to request to deem the answers admitted.

The Court imposes sanctions against Plaintiff and in favor of Defendant ACCO in the sum of \$660.00 payable within 30 days of this order.

Motion 8

Plaintiff's Motion to Compel Ronald Carl Fhurong's Further Responses to First Demand for Production of Documents and to Produce Documents is GRANTED as to Requests Nos. 24 and 25. Despite the contention made by Defendant Fhurong, Plaintiff is still entitled to the documents as they are relevant and not privileged.

Defendant Fhurong is required to provide full and complete code compliant responses to Request for Documents Nos. 24 and 25 within 20 days after this order. Defendant Fhurong retains its right to make any proper objections.

The Court imposes sanctions against Defendant Fhurong and in favor of Plaintiff in the sum of \$2,260.00 payable within 30 days of this order.

FL-22-00092 Ramirez v. Garrett

The Review Hearing is continued to April 17, 2024 at 8:30 a.m.

PR-23-00036 In re Estate of Sylvia Roman

The court has read Petitioner's Status Report. The Review Hearing is continued to June 12, 2024 at 10:30 a.m.

PR-23-00024 Estate of Steven Whitmore Sparling

The Petition for Final Distribution and for Allowance of Compensation to Attorney in Lieu of Statutory Fees for Ordinary Services is APPROVED as requested.

END OF TENTATIVE DECISIONS