

Superior Court of California County of San Benito



Tentative Decisions for May 1, 2026

Courtroom #2: Judge Pro Tempore Page Galloway

CL-25-00502 Capital One, N.A. v. Tammy L. Eiland 5-1-2026

On calendar for Plaintiff's 3-12-26 Motion for requests for admissions to be deemed admitted.

Plaintiff: Brian Langdyk (Capital One N.A.)

Defendant: Self Represented (Tammy Eiland)

5-30-2025 Complaint for \$6,218.90 plus costs of suit and attorney's fees based on 1) Breach of Contract. This case involves efforts to collect on consumer debt.

Defendant Answers that she owes Plaintiff \$5,600.00 for credit card debt, and is willing to make payments on this sum. The other fees and amounts are for interest and late payment. She denies receiving any calls or paperwork on this matter but notes her living situation had a temporary disruption. She has only \$1800.00 month in retirement income but is willing to agree to payments.

Argument:

3-12-26: Plaintiff's counsel states on or about 10-24-25 they served the Defendant by mail with their requests for admission, set one, which were due 35 days thereafter. No responses have been received to date. Pursuant to CCP§2033.280 et seq, if a party propounding requests for admission has properly served those requests and the time to respond has expired without any response having been received, the court shall order that the requests be deemed admitted and documents requested to be admitted as genuine be deemed genuine.

3-12-25 Declaration of A. Balzer Carr support, attached as exhibits are the request for admission, set one, and the proof of service for that request for admission.

Legal Argument: Any party may obtain discovery by written request that any other party to the action admit the genuineness of specified documents, or the truth of specified matters of fact, opinion related to a fact, or application of law to a fact. (CCP§ 2033.010.) Similarly, a request for admissions may relate to a matter in controversy between the parties. (Id.) A party served with requests for admissions has 30 days to serve their response after being served with the requests. (CCP§2033.250.) If no response is received, the propounding party must bring a formal "deemed admitted motion" to have requests for admission which has received no timely response deemed admitted. (*Stover v. Bruntz* (2017) 12 Cal. App. 5th 19, 30; *St. Mary v. Sup. Ct.* (2014) 2223 Cal. App. 4th 76, 775-776.) Service of responses before the hearing defeats the motion, but imposing monetary sanctions remains mandatory. There is no meet and confer requirement for a motion to deem admitted under CCP§2033.280 as there is for a motion to compel further response. (*St. Mary v. Sup Ct., supra*, at 777-778.) Unless the judge determines that a responding party has served, before the hearing on the motion, a proposed response to the requests for admission in substantial compliance with CCP§2033.220 the judge must order the requests for admission deemed admitted. Such an order establishes, by judicial fiat, that a non-responding party has responded to the requests by admitting the truth of the matters contained in the requests. (*St. Mary v. Sup. Ct, supra*, at 776.) Moreover, pursuant to CCP§2033.420(a), a party may also request the court order that the genuineness of any documents and the truth of any matters specified in the request for admission be admitted.

Analysis: Plaintiff has provided declarations supporting that the Plaintiff served the requests for admissions and request to establish the genuineness of documents on or about 10-24-25. The time for responding to these requests has elapsed without any service of code compliant responses. As is required, the Plaintiff now moves the court to deem admitted the matters to be deemed admitted; such motion is proper and provides the court with the needed factual basis for the request.

Proposed ruling: The Plaintiff's motion is granted as prayed.

On calendar for Plaintiff's 3-12-26 Motion for requests for admissions to be deemed admitted.

Plaintiff: Brian Langdyk (Bank of America N.A.)

Defendant: Self Represented (Linda S. Mullen)

6-26-25 Complaint for \$25,002.23 plus costs of suit and attorney's fees based on 1) Breach of Contract. This case involves efforts to collect on consumer debt.

8-14-25 Defendant Answers denying all claims in the complaint. She asserts that the amount claimed is incorrect and includes incorrect charges and fees added to the account and unauthorized charges to the account. Defendant asserts 5 affirmative defenses and moves to compel arbitration or mediation as part of the answer.

9-12-25: There being no proof of service, the matter is continued to 11-7-25 on Defendant's combined answer and motion to compel arbitration.

11-7-25: Defendant's motion has still not been served despite the court continuing the matter to allow for proper service. The Defendant's motion to compel arbitration is denied without prejudice. Further the court notes that the combining of the motion with the Answer is improper. Motions should be filed separately from Answer as these filings serve different purposes.

Argument:

3-12-26: Plaintiff's counsel states on 11-18-25 that they served the Defendant with their requests for admission, set one, which were due 35 days thereafter. No responses have been received to date. Pursuant to CCP§2033.280 et seq, if a party propounding requests for admission has properly served those requests and the time to respond has expired without any response having been received, the court shall order that the requests be deemed admitted and documents requested to be admitted as genuine be deemed genuine.

3-12-25 Declaration of B. Langedyk support, attached as exhibits are the request for admission, set one, and the proof of service for that request for admission.

Legal Argument: Any party may obtain discovery by written request that any other party to the action admit the genuineness of specified documents, or the truth of specified matters of fact, opinion related to a fact, or application of law to a fact. (CCP§ 2033.010.) Similarly, a request for admissions may relate to a matter in controversy between the parties. (Id.)

A party served with requests for admissions has 30 days to serve their response after being served with the requests. (CCP§2033.250.) If no response is received, the propounding party

must bring a formal “deemed admitted motion” to have requests for admission which has received no timely response deemed admitted. (*Stover v. Bruntz* (2017) 12 Cal. App. 5th 19, 30; *St. Mary v. Sup. Ct.* (2014) 2223 Cal. App. 4th 76, 775-776.) Service of responses before the hearing defeats the motion, but imposing monetary sanctions remains mandatory. There is no meet and confer requirement for a motion to be deemed admitted under CCP§2033.280 as there is for a motion to compel further response. (*St. Mary v. Sup Ct., supra*, at 777-778.) Unless the judge determines that a responding party has served, before the hearing on the motion, a proposed response to the requests for admission in substantial compliance with CCP§2033.220 the judge must order the requests for admission deemed admitted. Such an order establishes, by judicial fiat, that a non-responding party has responded to the requests by admitting the truth of the matters contained in the requests. (*St. Mary v. Sup. Ct, supra*, at 776.) Moreover, pursuant to CCP§2033.420(a), a party may also request the court order that the genuineness of any documents and the truth of any matters specified in the request for admission be admitted.

Analysis: Plaintiff has provided declarations supporting that the Plaintiff served the requests for admissions and request to establish the genuineness of documents on or about 11-18-2025. The time for responding to these requests has elapsed without any service of code compliant responses. As is required, the Plaintiff now moves the court to deem admitted the matters to be deemed admitted; such motion is proper and provides the court with the needed factual basis for the request.

Proposed ruling: The Plaintiff’s motion is granted as prayed

END OF TENTATIVE RULING