

# Superior Court of California County of San Benito



Tarry Singh  
Court Executive Officer

## Tentative Decisions for September 20, 2023

**Courtroom #1: Judge J. Omar Rodriguez**

### CU-21-00060 Gutierrez v. General Motors, LLC

#### Plaintiff's Motion to Compel Compliance with Discovery Orders

Plaintiff's unopposed Motion to Compel is GRANTED. Within 10 calendar days, Defendant General Motors LLC is ordered to produce its Person Most Knowledgeable for Deposition. Sanctions in the amount of \$500 per day are ordered for each day Defendant fails to comply with any such order. General Motors is also ordered to pay monetary sanctions in the amount of \$2,750.00 in attorneys' fees within 15 calendar days of this order.

#### Defendant General Motors' Motion to Compel

Defendant's Motion to Compel the Deposition of Plaintiff is DENIED.

When a party is served with a deposition notice but fails either to appear for examination or to proceed with it, or to serve a written objection to the notice at least three calendar days before the scheduled date for the deposition, the party giving notice may move for an order to compel the deponent's attendance, their testimony, and /or the production for inspection of any document, electronically stored information, or tangible thing described in the notice. (CCP§§2025.410 sub. (a), (b); 2025.450 sub. (a).) The motion must put forward specific facts showing good cause to justify the production or inspection of any document, et

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**\*\*Please contact Judicial Courtroom Assistant, Wendy Guerrero, at (831) 636-4057 x129 or [wendy.guerrero@sanbenito.courts.ca.gov](mailto:wendy.guerrero@sanbenito.courts.ca.gov) with any objections or concerns.**

al. (CCP§2025.450 sub. (b) (1).) The motion must ordinarily be accompanied by a meet and confer declaration. (CCP§§2016.040, 2025.50 sub. (b)(2).)

Here, based on the declarations, it appears as though Plaintiff was unilaterally noticed for a March 22, 2023 deposition, but Plaintiff objected to the Notice of Deposition. Plaintiff responded that it would be willing to meet and confer regarding an alternative deposition date. In August 2023, Defendant served an Omnibus Notice of Plaintiff Depositions requesting deposition dates for 160 individual Plaintiffs represented by Quill & Arrow LLP prioritizing plaintiffs who have trial dates set. In this case, trial is not set. Plaintiff drew a reasonable inference that her deposition would not be prioritized, but still provided two dates in November for her deposition. It appears that the meet and confer efforts are incomplete. Additionally, it does not appear that Plaintiff failed to appear at a properly noticed deposition. As a result, Defendant's Motion to Compel is DENIED.

**PR-22-00010 In re the Estate of Hortencia R. Flores**

The Petition is APPROVED. No appearances are necessary.

**PR-23-00020 In the Matter of Rosanne Herzog**

The Court has read and considered the status report filed by Petitioner. The status conference is continued to January 31, 2024 at 10:30am.