



Superior Court of California County of San Benito

Tentative Decisions for June 27, 2025

Courtroom #2: Judge Pro Tempore Page Galloway

CL-24-000520

Windsor The Ridge Rehabilitation Center LLC v. Louise Mendez **6-27-25**

On calendar for: 1) Plaintiff's 5-29-25 Motion to Compel Further Responses to Form Interrogatories, set one, and for Monetary Sanctions; 2) Plaintiff's Motion to Compel Further Responses to Requests for Admission, set one, and for Monetary Sanctions; 3) Plaintiff's Motion to Compel Further Responses to Special Interrogatories, set one, and Monetary Sanctions; 4) Plaintiff's Motion to Compel Further Response to Request for Identification and Production of Documents, set one, and Monetary Sanctions.

The motions are unopposed.

Plaintiff: J. Edward Wilson (Windsor The Ridge Rehabilitation Center LLC)

Defendant: Self-Represented (Louise S. Mendez aka Louise Sumaya Mendez)

Complaint filed 7-31-24 for 1) Violation of Welfare and Institutions Code §14110.8-Failure to pay Medi-Cal share of Cost Obligation; and 2) Money Had and Received. The complaint arises from a written contract entered 7-19-21 between the Defendant's father (Decedent) and the Plaintiff for his care and services received in the Plaintiff's skilled nursing facility as described in their contract for services. Such care was provided until his death on 10-12-23. Plaintiff avers they are owed \$23,012.00 for care and treatment provided. Decedent was a Medi-Cal recipient, and he or his agent was obligated to pay a share of the costs of his care at the facility. It was believed that Defendant maintained joint accounts with the Decedent and received his monthly income that was designated by Medi-Cal to be paid as Share of Cost to Plaintiff, and as such she was his Medi-Cal Agent. She did not pay all of the share of cost, and this suit follows.

9-24-24 Defendant's answer is filed and avers that her sister held Decedent's power of attorney, and though the contract lists his daughter as agent, the specific daughter was not named. Moreover, Decedent had dementia and was not capable of understanding the contract, which was signed during the time her sister held power of attorney. She avers that they mediated with the Office of the Ombudsman, and they were deemed not responsible for the costs as they never agreed to nor signed the contract. She asserts seven affirmative defenses.

Argument: Defendant has provided answers to the Plaintiff's discovery requests. However, the responses are inadequate, and constitute incomplete, evasive, and statutorily non-compliant responses.

Form Interrogatories: CCP section 2030.210 provides a description of the required elements of code compliant responses to interrogatories. A responding party must state the "truth, the whole truth, and nothing but the truth" in answering interrogatories (*Union Bank v. Sup. Ct.* (1995) 31 Cal. App. 4th 573, 580, n. 3.) Answers must disclose sufficient information to be clear, concise and responsive. (CCP§ 2030.210, 2030.220.) Each response must be as "complete and straight forward as the information reasonably available to the responding party permits. (CCP§2030.220(a).) If the responding party cannot answer the interrogatory completely, they must answer to the extent possible. (CCP§2030.220(b).) A non-responsive or evasive answer to properly drafted interrogatories are a misuse of discovery process, subject to sanction. (CCP§2030.210.) Moreover, if a party does not have enough personal knowledge to respond fully, they must state this in writing and make reasonable good faith efforts to obtain the information by asking other persons or organizations within their control. (CCP§2030.220(c); *Deyo v. Kilbourne* (1978)(84 Cal. App. 3rd 771, 782.) There is no exemption for self-represented parties from these obligations. Sanctions are appropriate to compensate for the reasonable attorney's fees to bring this motion. Meet and confer was attempted by letter on May 2, 2025, and no response was given.

The motion argument made in each successive motion is very similar: that the answers received are statutorily inadequate and references the specific code sections for each mode of discovery subject to these motions. For the motion for further responses to requests for admissions the Plaintiff notes that code compliant responses have not been provided pursuant to CCP§2033.220. The plaintiff also notes that the Defendant has not served verified responses to the requests for admissions, and they are entitled to code compliant, verified responses. Plaintiff avers the answers to their specially prepared interrogatories were incomplete, and notes that the response to this form of discovery did not include a proof of service, so they must estimate the date of their service, and does so as of “April 14, 2015” (Motion, p. 3, 1123-24.) The court presumes this to be a typographical error as it predates even the filing of the complaint. Again, the responses are argued to be incomplete, evasive, and non-compliant pursuant to CCP§2030.210. The motion for identification and production of documents notes again that no proof of service for the response was provided. They sought ten categories of documents, what was provided is detailed, and appears to be only selected parts of the documents, including photocopies that were either cut off or illegible; none are identified as responsive to any particular request and no written responses were provided, nor was a verification under oath provided. What is required to respond is as defined in CCP§§2031.210, 2031.240.

The motions are unopposed.

Separate statements have been provided for each motion

Form Interrogatories: Specific statement lists the following items as deficient and requiring further response: Form Interrogatory 102.4. requesting each residence address for the last five years and the dates the responding party lived at each address. The response provided gives only the street address, but not the city, state, or zip code, nor any dates. The response is incomplete. Interrogatory 115.2, which asks for detailed facts on which the responding party bases their contention they are not responsible for Plaintiff’s damages. Her response is unclear, consisting of sentence fragments. What is meant by certain terms is unclear as it does not define who it refers to, for example. 115.3 requests to know who, other than the person making the interrogatory, is responsible for damages claimed. The answer is incomplete because she did not provide an address for the person named, nor any explanation why one was not stated.

For the Requests for Admissions, requests 1 to 13 are noted as deficient, the code requires that the responding party either admit, deny, or specify so much of the matter involved in the request of which the party lacks sufficient information or knowledge. (CCP§2033.220) There is a duty to inquire, and there is no indication that the Defendant made any such inquiries. Regarding Specially Prepared Interrogatories: Plaintiff notes deficiencies for Special Interrogatory 2, 3, and 4. The answers to these interrogatories consist of one word and are not as complete and straightforward as the information reasonably available permits (CCP§2033.220(a).) The answers are non-responsive, for example if Defendant intends in response to item 4 that there is no probate to administer the Decedent’s estate, she should so state. The answer provided was “No.”

Regarding the Requests for Identification and Production of Documents, the Plaintiff notes that no written responses were received. As noted, there is a duty for the responding party to address separately, each demanded item or category of items by stating that they will 1) comply with the particular demand; state that they lack the ability to comply with the demand; or object to the particular demand. (CCP§§2031.210, 2031.240.) The statements in response must have the same number and be in the same sequence as the corresponding item or category in the demand. (CCP§2031.210(c).) Further, Defendant must identify the documents or category of documents with the specific number to which the documents respond. (CCP§2031.280 (a).) These responses are required to be verified and must be compliant with the statute. (CCP§2031.250(a).) With regard to the documents that the Defendant has sent, they are not fully legible, incomplete, nor identified with which demand the documents are being produced to respond to.

Legal Authority: Litigants are entitled to disclosure in discovery as a matter of right unless statutory or public policy considerations clearly prohibit it. (*Greyhound Corp. v. Sup. Ct.* (1961) 56 Cal. 2nd 355, 378 (*Greyhound*), interpreting the Discovery Act of 1957.) Unless there is a statutory exception, the Civil Discovery Act (CCP §§2061.010-2036.050) applies to every civil action and special proceeding of a civil nature. (CCP§2016.020.) Discovery serves the purpose of providing a simple, convenient and inexpensive means of revealing truth and exposing false claims (*Greyhound, supra*, at p. 376.) It also serves to help parties learn information about the claims and defenses to encourage settlement and expedite and facilitate trial. (*Emerson Elec. Co. v. Sup. Ct.* (1997) 16 Cal. 4th 1101, 1107.) The Civil Discovery Act provides in various parallel sections, the ability of the party seeking discovery to move for an order compelling further responses to interrogatories, demands for production, and requests for admission. (e.g. CCP§2031.310 (a) (1)-(3) (requests for production).) Further, the Civil Discovery Act requires in its various provisions that the responding party provide responses in a specific manner in order to be compliant with the Civil Discovery Act. All responses to discovery must be as “complete and straightforward as the information reasonably available to the responding party permits.” (e.g. CCP§2030.220(a).) If a party cannot, for example, answer an interrogatory completely, they must answer to the extent possible. (CCP§2030.220(b).) If the party does not have enough personal knowledge to respond in full, they must state this in writing and make reasonable good faith efforts to obtain the information sought by asking other persons or other organizations in their control. (CCP§2033.220(c). See also *Deyo v. Kilbourne* (1978) 84 Cal. App. 3rd 771, 782.) Likewise, for production of documents requests, the party must make a diligent search and make reasonable inquiry in efforts to comply with the demand (CCP§2031.230). A party must produce responsive items in their possession custody or control, including items in the physical custody of a third party but which belong to or are controlled by the party. The failure to provide code compliant responses, such as incomplete or evasive responses, is deemed an abuse of discovery, which can subject the non-compliant party to sanctions.

Analysis: These motions are unopposed. The Plaintiff presents four separate motions properly supported by declaration and the necessary separate statements pursuant to the California Rules of Court. The Plaintiff has also provided a declaration from counsel for each motion stating that they made a written meet and confer effort to which they received no response. From reading the answers to the varied discovery requests subject to this motion and specified in the separate statements, it does appear that the Defendant answered, albeit imperfectly and not in full compliance with the requirements of statute. The fact that, as a self-represented litigant, the Defendant may be ignorant of the full requirements of a code compliant response is unavailing in this situation. (*Nwosu v. Uba* (2004) 122 Cal. App. 4th 1229, 1246-1247.) When a party chooses to act as their own attorney they are “to be treated like any other party and [are] entitled to the same, but no greater consideration than other litigants and attorneys. [Citation].” (*Id. at p. 1247.*) Self represented litigants, like attorneys, must follow the correct rules of procedure and are held to the same restrictive procedural rules as attorneys. (*Ibid; Bistawros v. Greenberg* (1987) 189 Cal. App. 3rd 189, 193.)

Here, the answers to the specific Interrogatories, both Form Interrogatories and Specially Prepared Interrogatories, are non-compliant with statute, phrased in such manner as to be woefully ambiguous and thus incomplete and evasive. The Request for Production of Documents did not receive, as is required by statute, a set of written responses to each category of document sought stating whether the Defendant would produce documents, was unable to produce documents, and had made reasonable and diligent efforts to obtain them to no avail or provided objections. The documents then produced were produced without clarification as to which category requested, they were responsive to, and to the extent they were produced they were illegible or incomplete. The responses to the requests for admissions fare no better; the responses to the Requests specified in the Separate Statement neither admit nor deny the matter, nor state that the Defendant lacks information to be able to either admit or deny the request. These, too, are statutorily inadequate responses, and are thus evasive and incomplete. Moreover, the responses, such as they are in all respects, are unverified. The Plaintiff seeks \$1410.00 per motion for each unopposed motion, and an additional \$887.50 for each motion if they must respond to opposition.

Proposed ruling: The court will grant each motion as prayed, generally, but limits monetary sanction for each motion to \$1,410.00.

END OF TENTATIVE RULING