

Judge Benson – Law & Motion – Wednesday, February 5, 2025 @ 9:00 AM
TENTATIVE RULINGS

1. 23CV01364 Dickson, Amber Bowden v. Amber Grove Place, LLC et al

EVENT: Plaintiff's Consolidated Motion to Compel Defendant Amber Grove Management, LLC to Plaintiff's Special Interrogatories (Set Two), Form Interrogatories (Set One), and Requests for Production of Documents (Set One), and Requests for Monetary Sanctions

Form Interrogatories

12.1 – Moot (Note: to the extent the Court finds specific requests are moot, the Court is not commenting on whether the amended response is or is not code compliant. The Court has discretion whether to entertain alleged deficiencies in amended responses that are raised in the reply, and the Court declines addressing those matters in this motion.)

12.2 – The motion is denied. The motion does not challenge the substantive response provided. In the Court's opinion, challenging objections to a discovery response without challenging the substantive portion of the response is a futile exercise. The law does not require a futile act. (*Crawford v. JPMorgan Chase Bank, N.A.* (2015) 242 Cal.App.4th 1265, 1274 citing *Sutherland v. Barclays American/Mortgage Corp.* (1997) 53 Cal.App.4th 299, 313)

12.3 – GRANTED. The amended response is identical to the original response save the last sentence. The last sentence does not render the motion moot. All objections excepting privilege objections are without merit. Defendant must indicate whether it currently has, or does not have facts to support its affirmative defenses. To the extent it does and that information is protected by privilege, a privilege log is required.

Special Interrogatories

The following requests are moot: 1,3-6, 19,20, 23-27, 29

The following requests are denied as futile: 7-17, 21,22,28

Request no. 2 – The motion is granted. No amended response was provided to this request. Contrary to the opposition, the actual response does not provide a substantive response. The objections are without merit.

Production of Documents

Moot: 1-10, 12-28, 31-34, 40-44,46,48,49,52-54,62,64,65,67-69, 74 (based on the substantive response to no.73), 78, [80 and 81 based on the previous responses indicating there is one location].

Denied as futile (As the Court noted, challenging objections to a discovery response without challenging the substantive portion of the response is a futile exercise. Although the reply

contends the substantive responses were incomplete and evasive, nowhere in Plaintiff's separate statement does it make those contentions.): 11,29,30,35-38,47,55,59-61,63,66,73,77,79.

Denied on other grounds: 70, 71 (The request is overly burdensome in light of the substantive response to request no. 20. [The substantive response to request no. 20 was not challenged]), 84 (The request is clearly duplicative of request no. 83.)

Granted: 45 (Defendant failed to meet its burden in substantiating the objections and no substantive response was provided. The Court notes a protective order is in place.), 51 (Defendant failed to meet its burden in substantiating the objections and no substantive response was provided), 56 (Defendant failed to meet its burden in substantiating the objections and no substantive response was provided), 57-58 (Defendant failed to meet its burden in substantiating the objections and no substantive response was provided), 72 (Unlike nos. 70 and 71, this request is not burdensome on its face), 75-76 (Defendant failed to meet its burden in substantiating the objections and no substantive response was provided), 82-83 (Defendant failed to meet its burden in substantiating the duplicative objection by identifying the duplicative request(s).)

The requests for sanctions is DENIED.

To the extent the motions are granted, Defendant shall provide further responses within 20 days of this order.

Plaintiff shall prepare and submit a form of order consistent with this ruling within 2 weeks.

2-3. 24CV00525 Wells Fargo Bank, N.A. v. Curtis, Ryan T

EVENT: (1) Plaintiff's Motion for Summary Judgment

(2) Case Management Conference

Plaintiff's Motion for Summary Judgment is GRANTED. Plaintiff has provided admissible evidence on each element of each cause of action demonstrating no triable issue of fact exists and the motion is unopposed. The Court will sign the proposed order and judgment.

4. **24CV02636 Barclays Bank Delaware v. Leach, Martha**

EVENT: Motion to Deem Requests for Admissions Admitted

Motion to Deem Requests for Admissions Admitted is GRANTED. The Court will sign the proposed order.

5. **24CV03308 In re: Andrews, Caressa Star**

EVENT: Change of name (adult) (Continued from 11/20/24)

There is no proof of publication on file. Upon the filing of the proof of publication, the Court will sign the decree provided.

6. **24CV03752 In re: Kissiar, Jessica**

EVENT: Change of name (minor) (Continued from 1/8/25)

The Court is inclined to grant the Petition. The Court is in receipt of father's declaration indicating he is waiving any objection.

7. 23CV02018 Ginger, Mary v. Oroville Hospital et al.

EVENT: Defendants' Motion to Continue Trial

Defendants' Motion to Continue Trial is DENIED WITHOUT PREJUDICE. The Court will consider a renewed motion in the event Plaintiff has not provided verifications within the next two weeks.

Defendants were dilatory in failing to commence discovery until 10 months after the case was set for trial back in January 2024. Simply put, the complications complained of by Defendants would have been resolved with plenty of time to spare had they commenced discovery by spring of 2024. By granting this motion, the Court would be setting an undesirable precedent by permitting those seeking to file a summary judgment motion to obtain a trial continuance based on an unjustifiable delay in pursuing discovery.

Plaintiff shall prepare and submit a form of order within 2 weeks.

8. 24CV03050 In re: Collins, Alisha

EVENT: Change of name (minor) (continued from 12/11/24 and 1/22/24)

The Petition is in order. Absent an objection at the hearing, the Court will sign the decree provided.

9-10. 24CV02515 Mesa, Isela v. Pozar, Kimberly

EVENT: (1) Plaintiff/Cross-Defendant's Motion to Quash Subpoena, For Protective Order, and For Sanctions

(2) Plaintiff/Cross-Defendant's Motion to Quash Subpoena and For Protective Order

Plaintiff/Cross-Defendant's Motion to Quash Subpoena, For Protective Order, and For Sanctions is DENIED. As Defendant correctly notes there are procedural problems with this motion, including notice that does not comply with the Code of Civil Procedure.

That aside, the motion fails on the merits. The subpoena clearly redacts Plaintiff's social security number. Further, the requested information is relevant pursuant to the liberal

policies concerning relevance in the context of discovery as articulated in the Code of Civil Procedure.

Defendant shall prepare and submit a form of order within 2 weeks.

11. 25CV00335 Butte County Animal Control v. Huffmon, Robert

EVENT: Petition to Determine if Dog is Vicious

The Court will conduct a hearing.