

**Judge Gingery – Law & Motion – Wednesday, February 26, 2025 @ 9:00 AM
TENTATIVE RULINGS**

**** If you are requesting oral argument please call 530-732-7153****

1. 21CV00994 Tarman, Thomas A v. Parker, Robert F

EVENT: Motion for Order Compelling Thomas A. Tarman, Individually and as Trustee to Serve Further Answers to Interrogatories and Responses to Requests for Admissions, and For Sanctions

Defendant Parker's Motion for Order Compelling Thomas A. Tarman, Individually and as Trustee to Serve Further Answers to Interrogatories and Responses to Requests for Admissions, and For Sanctions is GRANTED in PART and DENIED in PART. Pursuant to *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, and given the impending trial date, the Court is exercising its discretion in considering the adequacy of the amended responses.

To the extent the motion is granted, Plaintiff shall provide further responses within 10 days of this Order.

The motion is untimely, as it was served just 15 court days prior to the noticed hearing date. (CCP § 1005(b).) However, Plaintiff timely filed an Opposition and did not raise the procedural defect. Plaintiff has waived the defect in notice.

Interrogatories 9, 13, and 22

The motion is DENIED. Defendant does not challenge the adequacy of the substantive responses, only the objections. 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).)

Finally, the responses provided do not suggest any information is being withheld because of the objection.

Requests for Admissions 1(b) and 1(c)

The motion is GRANTED. The amended responses fail to include the statutory required language that "the information known or readily available is insufficient to enable that party to admit the matter."

Both requests for sanctions are denied.

Defendant shall prepare and submit a form of Order.

