

**Judge Benson – Law & Motion – Wednesday, May 24, 2023 @ 9:00 AM**  
**TENTATIVE RULINGS**

**1. 20CV01510 Ortega, Ruben et al v. Puig-Palomar, Miquel, MD et al**

*EVENT: Plaintiffs' Motion to Compel Further Responses to Interrogatories, and for Sanctions (against Defendant Liva Nova)*

The Court will hear from the parties. Specifically, the Court is interested in hearing from Plaintiff concerning Interrogatory nos. 9-20 and whether the most recent documents provided by Defendant adequately respond to the requests. The Court notes it was not provided a copy of the most recent documents produced, thereby rendering a section 2030.230 analysis impractical under the circumstances.

As to the remainder of the motion, the Court is inclined to rule as follows.

The motion is DENIED as to interrogatory nos. 22-33, 37, 39. Defendant's speculation objection is well taken. The interrogatories ask Defendant to speculate as to the opinions of one of its employees and his mental impressions. The correspondence clearly demonstrates these were questions that were intended to be asked at the deposition.

The motion is GRANTED as to interrogatory nos. 34 and 35. These requests do not require defendant to speculate as to the deponent's opinion nor do they require defendant to give an expert opinion.

All requests for sanctions are DENIED.

**2. 21CV01249 Palmquist, Andrew v. Russell, Faith**

*EVENT: OEX of Faith Russell*

The Court will swear in the witness.

**3. 21CV01576 Discover Bank v. Gore, Michael J**

*EVENT: Plaintiff's Motion to Enter Judgment Pursuant to CCP § 664.6*

Plaintiff's Motion to Enter Judgment Pursuant to CCP § 664.6 is GRANTED. The Court will sign the Proposed Order and Judgment.

**4-6. 22CV00408 Nolasco Padua, Lesly et al v. Benavidez, Jaime et al**

*EVENT: (1) Request for Prove-Up Hearing for Plaintiff Lesly Nolasco Padua*

*(2) Request for Prove-Up Hearing for Plaintiff Sneijder Nolasco Padua*

*(3) Case Management Conference*

Upon review of the moving papers, Default Judgment is awarded in favor of Plaintiffs in the amount of \$4,000,435.00 to Plaintiff Lesly Nolasco Padua and \$4,000,000.00 to Plaintiff Sneijder Nolasco Padua. The Court will sign the Proposed Judgments.

**7. 23CV00369 Yates, Chad v. Ellenberger, Jared**

*EVENT: Defendant's Motion For Order Vacating and Setting Aside Default*

Defendant's Motion For Order Vacating and Setting Aside Default is GRANTED. Defendant shall file his answer within 10 days. All requests for sanctions are DENIED. Defendant shall prepare and submit a form of order consistent with this ruling within 2 weeks.

**8. 23CV00528 Rosinski, Melinda et al. v. Klopfenstein, Gary et al.**

*EVENT: Specially Appearing Defendant Rodney H. Piercy's Motion to Quash Service of Summons For Lack of Personal Jurisdiction*

The Court will hear from the parties. In reviewing the file, the Court notes there is no proof of service indicating that the opposition was served on defense counsel. The Court is inclined to continue the matter to provide defense counsel with a proper opportunity to respond to the opposition.