

**Judge Mosbarger – Law & Motion – Wednesday, September 7 @ 9:00 AM
TENTATIVE RULINGS**

1. 19CV02948 EASTWIN LLC V. FOUR SEASONS LANDSCAPE

EVENT: Motion to be Relieved as Counsel

There is no proof of service in the Court's file and as such, notice does not comply with Cal Rules of Ct 3.1362(d) or Code of Civil Procedure §1005. The Motion is denied.

2. 20CV01274 GILILLAND, GARRET, III ET AL V. SUNDAHL, PETER ET AL

EVENTS: (1) Motion to Compel Further Responses by Plaintiff Nicole Devilla Gililland to Interrogatories, Requests for Admission, and Requests for Production of Documents; Request for Sanctions

(2) Motion to Compel Further Responses by Plaintiff Garret Gililland III to Interrogatories, Requests for Admission, and Requests for Production of Documents; Request for Sanctions

Defendant's Motion to Compel Further Responses by Plaintiff Nicole Devilla Gililland to Interrogatories, Requests for Admission, and Requests for Production of Documents; Request for Sanctions; and Motion to Compel Further Responses by Plaintiff Garret Gililland III to Interrogatories, Requests for Admission, and Requests for Production of Documents; Request for Sanctions are granted in part and denied in part.

Plaintiffs' responses to Form Interrogatory No. 2.5 fail to account for the period between November 2018 and April 2019 and the Motion is granted as to Form Interrogatory No. 2.5.

The Court finds that while the legal argument regarding the types of damages permitted in a trespass action is superfluous and inappropriate for responding to Form Interrogatory Nos. 6.2 and 6.3, Plaintiffs did respond that they are suffering from emotional and mental distress. While there is little detail provided regarding the specific emotional and mental distress alleged, the responses are sufficient Code compliant responses. The Motion is denied as to Form Interrogatory Nos. 6.2 and 6.3

Finally, in regard to Form Interrogatory No. 17.1, the responses to subsection (d) as they relate to Requests for Admission Nos. 11, 20 and 21 are insufficient. The Motion is granted as to Form Interrogatory No. 17.1 (relating solely to Requests for Admission Nos. 11, 20 and 21).

The Court finds that the responses to Special Interrogatory No. 29 are insufficient. Defendant seeks the addresses of the homes the Plaintiffs claim were previously not visible. The response provided is "the homes off of Andover Drive between Ranger Court and Barat Court...the homes off of Ranger Court, Marin Court, Altus Court, Barat Court, Staten Court and Boone Court." Defendant's argument is compelling

that Plaintiffs are the ones in the position to provide this information and unless every home on the roads listed were once not visible, a further response is necessary. The Motion is granted as to Special Interrogatory No. 29.

Plaintiffs Nicole Devilla Gililand and Garret Gililand III shall provide further responses, without objections, within 14 days' notice of this Order.

The Court finds that Plaintiffs' responses to Requests for Production Nos. 10, 11, 12 and 13 do not comply with the requirements of Code of Civil Procedure §2031.210 and the Motion is granted with Plaintiffs Nicole Devilla Gililand and Garret Gililand III to provide all responsive, nonprivileged documents responsive to these Requests within 14 days' notice of this Order.

Sanctions are awarded to Defendant in the amount of \$1,500, to be paid within 30 days' notice of this Order.

The Court further orders that counsel are to comply with Butte County Local Rule 2.14(b) - Pretrial Discovery Conference, for future discovery disputes.

Counsel for the Defendant shall submit a revised form of order within two weeks.

3. 20CV01493 SHIPPEN, KALEN ET AL V. FAIRHURST, THOMAS J ET AL

EVENT: Plaintiff's Motion to Compel Further Discovery Responses

Defendants' Request for Judicial Notice is granted. In regard to Defendants' Objections to Plaintiffs' Evidence, the Court notes initially that there is no Objection No. 10. The Court sustains Objection Nos. 4 and 5 and overrules the remainder of the Objections. The Court finds that the requested information is reasonably calculated to lead to the discovery of admissible evidence on the alter ego issue, that the Interrogatories are narrowly tailored, and the Motion is granted in its entirety. Defendant Dan Palmer Trucking shall provide further responses to Special interrogatory Nos. 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 23, 24, 25, 27 and Defendant Dan Palmer Brokering shall provide further responses to Special Interrogatory Nos. 10, 11, 13, 14, 15, 17, 19, 22, 24 within 20 days' notice of this Order which shall be subject to a protective order that the information obtained shall be used solely for the purposes of prosecuting this litigation. Plaintiffs shall submit a form of order consistent with this ruling within two weeks.

4. 21CV00746 BARTOS, JEANNETTE V. RALEY'S ET AL

EVENT: Plaintiff's Motion to Quash or Modify Deposition Subpoenas for Production of Medical/Psychiatric Records

Plaintiff's Motion to Quash or Modify Deposition Subpoenas for Production of Medical/Psychiatric Records is granted in part and denied in part. Defendants have agreed to limit the scope of the Subpoenas to a period of five years prior to Plaintiff's March 2020 leave of absence, which does appear to the Court to be narrowly tailored so that it effects the most minimal intrusion possible to Plaintiff's privacy rights while still furthering Defendants' essential right to defend itself against Plaintiff's claims. The Court further requires that the scope of the Subpoenas be limited to records related only to those injuries Plaintiff has put at issue. Based on the allegations in Plaintiff's Complaint and Plaintiff's responses to discovery, the Court understands the alleged injuries include stress, anxiety, depression, and more generally, emotional distress. [See Complaint at ¶¶19, 20, 26; Plaintiff's Responses to Form Interrogatories – General Nos. 10.1, 10.2 and Form Interrogatories – Employment Nos. 212.1, 212.2, and 212.3.] Plaintiff's Motion is granted to the extent that the Subpoenas shall be limited in scope to only those injuries to which Plaintiff has put in issue in this lawsuit, and for records which date back no more than five years prior to Plaintiff's March 2020 leave of absence. Defendant Raley's request for sanctions is denied. Plaintiff shall submit a form of order consistent with this ruling within two weeks.

5. 21CV01116 IN RE: CLAIM OF SPAIN, SPENCER

EVENT: Plaintiff's Application and Motion for Default and Judgment of Forfeiture

The request for default judgment is granted. The Case Management Conference on October 19, 2022 at 10:30 a.m. is vacated. The Court will sign the Default Judgment and Judgment of Forfeiture provided by the People.

6. 22CV00727 SCOTT, KORENA V. VINCENT, CHANTE ET AL

EVENT: Motion to be Relieved as Counsel

The Motion to be Relieved as Counsel is granted and the Court will sign the form of order submitted by counsel.

7. 22CV01618 IN RE: SANCHEZ, ALEX ANGUIANO

EVENT: Petition for Change of Name

If proper proof of publication is submitted at or before the hearing, the Petition will be granted.

8. 22CV01712 JG WENTWORTH ORIGINATIONS, LLC V. C, M

EVENT: Verified Petition for Approval for Transfer of Payment Rights

Based upon the information submitted by the Petitioner, the Court has determined that the transfer does not comply with the requirements of *Insurance Code §10137*, including that it is not in the best interest of the Payee. The Petition is therefore denied with prejudice.