

TENTATIVE RULING FOR January 8, 2025
Department R12 - Judge Kory Mathewson
County of San Bernardino v. Blue Cross of California, et al – CIVDS1723565

Motion: Compel Further/Compel Compliance re Production of Documents (Set 4)
Movant: Defendant PrimeCare Medical Network, Inc.
Respondent: Plaintiff County of San Bernardino
RULING: GRANT Defendant PrimeCare’s Motion to Compel Further/Compel Compliance re RFPs #65, 69, 72, 75, 76, & 78-80 by way of Plaintiff County shall within 30 days of this hearing (a) produce all responsive documents located and/or (b) serve verified supplemental responses complying with Code of Civil Procedure section 2031.230; and PrimeCare’s request for monetary sanctions is DENIED.

Movant to provide Order(s) and give Notice.

ANALYSIS

RFP #65

RFP #65 asked for all contracts or agreements entered between County dba Arrowhead and any payor that were in effect between January 1, 2022, and December 31, 2023, concerning reimbursement for emergency room and post-stabilization services similar to those at issue in this litigation. After objecting, Plaintiff stated it would produce updated contracts and LOAs.

Defendant seems to concede contracts were produced. Yet it argues production is not been made to amendment 8 to 10/1/20 agreement with Inland Empire Health Plan and IEHP Health Access and agreements from Blue Shield of California for 2022-2023, Kaiser Foundation Hospitals for 2015-2018 and 2023, Molina Healthcare of California for 2015-2018, and Heritage Provider Network, Inc. for 2015-2016.

The demand asked for agreements for 2022 and 2023. The fact agreements for 2015-2018 and an amendment to a 2020 agreement have not been produced is of no consequence because they were not demanded within RFP #65. Despite such, the County has noted it has produced all purported missing contracts identified by PrimeCare. (Tassa Decl. at ¶6.) PrimeCare argues in its Reply that the above contracts remain unproduced. As Plaintiff agreed to produce all agreement with other payors between 2022 and 2023, the Court compels a further response with either production of yet un-produced 2022 and 2023 contracts or statement of inability to comply per Code of Civil Procedure section 2031.230.

RFPs #69, 72, 75, 76, 78, 79-80

Demands #69, 72, 75, 76, and 78 asked for documents that evidence authorizations, notices, and requests for post-stabilization care. After objecting, the County indicated it would respond after meeting and conferring on the claims involved. RFPs #79-80 asked for all documents that the County contends constitute the reasonable and customary value of the medical services provided and that it is entitled to 100% reimbursement of its billed charges.

After objecting, the County stated it would produce responsive documents. Based on the meet and confer correspondence, these demands were related to the 471 New Claims added to the litigation.

As above, Plaintiff produced responsive documents, even before the first motion was filed. (Allen Decl. at ¶¶13-15 & 17.) It further believes all documents that can be located will be produced before today's hearing. (Tassa Decl. at ¶7.) Ultimately, Plaintiff County is not refusing to produce the responsive records. Defendant is just unhappy with the timeline for the County to conduct a reasonable search and diligent inquiry to locate responsive documents. Nonetheless, to ensure completion before the upcoming trial, the Court compels Plaintiff County to produce all responsive documents within 30 days of this hearing or produce a verified supplemental response stating after diligent search and reasonable inquiry documents were not located per Code of Civil Procedure section 2031.230.

Sanctions

First, PrimeCare offers no authority for the Court to consider discovery sanctions on a prior motion, even if related to the current motion. Second, sanctions are not justified when Plaintiff County has not refused to comply and produce the records demanded. Although time may have elapsed, there is no evidence that the County has been acting dilatory in searching for the responsive records. Third, even if sanctions were justified, Defense Counsel fails to provide any basis to evaluate a reasonable sanction, i.e., he fails to identify his reasonable hourly rate and time spent on this motion (versus the prior motion). Therefore, the request for monetary sanctions is denied.

Dated: January 8, 2025

Judge Kory Mathewson