

TENTATIVE RULINGS FOR January 24, 2025
Department S29 - Judge Nicole Quintana Winter

This court follows California Rules of Court, rule 3.1308(a) (1) for tentative rulings. (See San Bernardino Superior Court Local Emergency Rule 8.) Tentative rulings for each law & motion will be posted on the internet (<https://www.sb-court.org>) by 3:00 p.m. or 7:00 p.m. on the court day immediately before the hearing.

If you wish to submit on the ruling, call the Court, check-in and state that you will be submitting on the Tentative, and your continued appearance is not necessary. However, you must check in. If both sides do not appear, the tentative will simply become the ruling. If any party submits on the tentative, the Court will not alter the tentative and it will become the ruling. If one party wants to argue, Court will hear argument but will not change the tentative. If the Court does decide to modify tentative after argument, then a further hearing for oral argument will be reset for both parties to be heard at the same time by the Court. This procedure is meant to minimize your waiting time in Court.

JANE DOE
V.
RBD CALIFORNIA RESTAURANTS LIMITED, et al.

CIVSB2302984

Motion(s): Motions To Compel Production of Documents

Movant(s): Plaintiff

Respondent(s): Defendant

ANALYSIS

RFP #41

RFP #41 requested the entirety of William Briggs' personnel file. Defendant objected to the request on the following grounds: 1) vague, ambiguous, and does not designate the documents to be produced either by specifically describing each individual document or by reasonably particularizing each category of documents; 2) "YOU" as defined by the Plaintiff within the demand; and 3) the privacy interests of Mr. Briggs. This court finds that parties then met and conferred as required by the code and were unable to resolve the discovery conflict. On November 4, 2024, the Plaintiff timely filed this motion, and as required by the code, the Plaintiff submitted the required separate statement.

The court finds Defendants' objections, listed above, as one and two unpersuasive. The heart of the issue is the competing interests of the Plaintiff for RFP #41 and the privacy interests of Mr. Briggs.

First this court must, “consider the significant differences in privacy concerns attaching to different categories of information.” (*Alch v. Superior Ct.*, (2008) 165 Cal. App. 4th 1412, 1437). This court notes that the Defendant has failed to submit any declarations regarding the types of information might be contained in its personnel files and how that information would be of the nature to raise a constitutional challenge to the RFP #41. The Defendant seems to rest upon the argument that the Plaintiff has erroneously requested the totality of Mr. Briggs’s personnel file. However, as the California Supreme Court stated, “[t]he party asserting a privacy right must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious.” *Williams v. Superior Ct.*, (2017) 3 Cal. 5th 531, 552.

However, for the sake of argument, and more importantly, a thorough analysis, this court will assume that the personnel file at issue may contain documents and information related to health care, workers compensation, issues, dependents or prior dependents (such as divorced spouses), prior employment and wage garnishments. Assuming this information actually exists in Mr. Briggs’s personnel file, Mr. Briggs would have a privacy interest in protecting information related to his medical issues, credit issues, divorces or family law orders and his prior employment record.

Again, for the sake of argument and analysis, the court will find that a privacy right is at issue in this case. Now the court must weigh the any countervailing interests of the Plaintiff and any interests of the State and California.

Here, the Plaintiff has asserted the need for totality of Mr. Briggs’s personnel file based on the community’s interest in public safety, and the plaintiff’s interests in a fair adjudication of the case at hand. As discussed in *Alch v. Superior Court*, “[t]he state has an interest in the ascertainment of truth in all legal proceedings in its courts.” (165 Cal. App. 4th 1412, 1437.) In addition, the state has an interest in preventing sexual harassment and assault by employers and its agents, just as the state has an interest in battling “against discrimination on the basis of race, gender, age, national origin, or other invidious categories of discrimination.” (*Id.*) In this case, the court finds that there are compelling reasons on the part of Plaintiff and the community to the requested information.

In balancing these interests, the court finds that the interests of the Plaintiff and the community outweigh the privacy interests of Mr. Briggs. However, the Court finds that these compelling interests can be met with a more tailored request and a protective order.

RULING

The court orders that the Defendant provides any items contained in Mr. Briggs's personnel file which reference any incident or allegation of harassment, sexual harassment, assault, or aggressive conduct on the part of Mr. Briggs. In addition, the court orders that Plaintiff not disclose any information provided by the Defendant in response to this order, except to its agents or investigators as needed for the Plaintiff's investigation in this case. Finally, the Plaintiff is ordered to file with the court, ten court days after this hearing, a proposed order consistent with this ruling, and the Defendant is ordered to respond to this order 30 calendar days after the Plaintiff serves on the Defendant the Court final order on this issue.

Dated: January 23, 2025

Judge N. Quintana Winter