

TENTATIVE RULINGS FOR January 28, 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.

TERESA SANDOVAL

v.

GENERAL MOTORS LLC

CIVSB2422251

Motion(s): Motion to Compel Deposition of Person Most Knowledgeable (PMK) and Production of Documents

Movant(s): Plaintiff Teresa Sandoval

Respondent(s): Defendant General Motors LLC (GM)

Discussion

PMK Deposition

Sandoval seeks to compel the deposition of GM's PMK and the production of documents at the deposition. The motion indicates Sandoval noticed a deposition for September 16, 2024. GM objected to the deposition and did not appear. GM has also failed to provide alternative dates for the deposition. Furthermore, despite Sandoval's meet and confer efforts, GM has allegedly insisted that its objections are valid. Sandoval also followed up via telephone, but GM failed to respond.

The motion involves PMK topics no.'s 1-13 and requests for production of documents (RPD) no.'s 1-9. The motion is supported by a separate statement, a declaration from attorney Richard Lara, the deposition notice, the meet and confer correspondence, and GM's objections.

The motion is opposed by GM on the grounds that it has agreed to produce a witness, just not as to every category outlined by Sandoval since the objections asserted are valid. GM also contends that Sandoval did not meet and confer in good faith. The opposition is supported by a declaration from attorney Ryan Kay and a responsive separate statement.

“If, after service of a deposition notice, a party to the action ... without having served a valid objection under [Code of Civil Procedure] Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document ... the party giving the notice may move for an order compelling the deponent’s attendance and testimony, and the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice.” (Code Civ. Proc., § 2025.450, subd. (a).) If the deponent appears and proceeds with the deposition but fails to answer particular questions or to produce particular items during the deposition, the party seeking discovery may file a motion to compel the deponent to answer the question or produce the materials. (See Code Civ. Proc., § 2025.480.)

The motion to compel must be “made no later than 60 days after the completion of the record of the deposition.” (Code Civ. Proc., § 2025.480, subd. (b).) It is unclear whether the deposition record is “completed” when the reporter sends notice that the transcript is available for review or only after the expiration of time to sign or correct the transcript, but the safer course is to use the date of the reporter’s notice. The motion to compel must also be accompanied by a declaration stating facts showing “a reasonable and good faith attempt at an informal resolution of each issue presented by the motion.” (Code Civ. Proc., §§ 2016.040 and 2025.480, subd. (b).) The statute requires a serious effort at negotiation and informal resolution; i.e., counsel must “attempt to talk the matter over, compare their views, consult and deliberate.” (*Townsend v. Sup.Ct. (EMC Mortg. Co.)* (1998) 61 Cal.App.4th 1431, 1433.) When the deponent fails to appear, the movant must first inquire about the non-appearance before seeking relief from the court.

The court finds that the Plaintiff has met the procedural burdens to bring the motions to compel. In addition, after reviewing the objections presented by Defendant, the court finds that the objections are without merit and grants the motion to compel the Person Most Knowledgeable Deposition within 30 days of today’s date to all the at-issue topics 1-13.

Documents Requested

A motion to compel production of documents described in a deposition notice must be accompanied by a showing of “good cause,” i.e., declarations containing specific facts justifying inspection of the documents described in the notice. (The Rutter Group, Cal. Prac. Guide Civ. Pro. Before Trial Ch. 8E-15 § 8:787 [citing Code Civ. Proc., § 2025.450, subd. (b)(1)].) “Good cause” has been construed liberally and justification for discovery is found where specific facts show the documents are necessary for effective trial preparation or to prevent surprise at trial. (*Associated Brewers Dist. Co., Inc. v. Sup.Ct. (Jos. Schlitz Brewing Co.)* (1967) 65 Cal.2d 583, 587.)

The court finds that Plaintiff's RPD No. 1-5, and 8-9, are sufficiently particularized and that the objections are without merit. With regards to Plaintiff's RPD No. 6 and 7, are overbroad and not sufficiently particularized, therefore, the Plaintiff's motion as to those RPDs are denied.

Dated: January 27, 2025

Judge N. Quintana Winter