

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 11/02/2015

EVENT TIME: 08:20:00 AM

DEPT.: 43

JUDICIAL OFFICER: Kevin DeNoce

CASE NUM: 56-2014-00458073-CU-AS-VTA

CASE TITLE: ROBERT DENYER VS AB ELECTROLUX

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Asbestos

EVENT TYPE: Motion to Compel - For Defendant The Coleman Company, Inc to Produce Persons Most Qualified and
CAUSAL DOCUMENT/DATE FILED:

With respect to the below scheduled tentative ruling, no notice of intent to appear is required. If you wish to submit on the tentative decision, you may submit a telefax to Judge DeNoce's secretary, Hellmi McIntyre at 805-662-6712, stating that you submit on the tentative. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. This case has been assigned to Judge DeNoce for all purposes.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

The court's tentative ruling is as follows:

Deny Plaintiffs Gertrude Denyer's, Edward Lawrence Denyer's and Elizabeth Denyer Hoggan's *Ex Parte* Application to compel Defendant The Coleman Company, Inc. ("Coleman") to produce Persons Most Qualified and Custodians of Records, and for production of documents, on the grounds that (a) Plaintiffs' motion is not accompanied by a Separate Statement, as required of any motion seeking to compel production of categories of documents that have been objected to by the deponent (see California Rule of Court 3.1345); (b) Plaintiffs fail to demonstrate "good cause" for the categories of documents they seek to have produced at deposition (see Code of Civil Procedure §2025.450(b)(1)); (c) Plaintiffs' list of 53 categories of "information to be produced" by Coleman's PMQs is overburdensome on its face, and Plaintiffs fail to make any attempt to justify any of these categories, a number of which appear to be notable for their remote relation to the present action and the extreme burden they would impose on Coleman.

This denial is without prejudice to Plaintiff serving a more reasonable Notice of PMQ Deposition(s) on Defendant Coleman. Contrary to Coleman's apparent suggestion in its Opposition Brief, Plaintiffs do not need to have evidence of Decedent's exposure to Coleman's asbestos-containing products in order to obtain discovery regarding the same: the purpose of such discovery is to obtain such evidence. Moreover, there is no legitimate dispute that Plaintiffs are entitled to take Coleman's PMQ(s)'s deposition. However, Plaintiffs' right to PMQ and document discovery does not include the right to over burdensome discovery that Plaintiffs make no serious attempt to justify in their present motion.

No sanctions are awarded.