

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

MINUTE ORDER

DATE: 11/02/2015

TIME: 08:20:00 AM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM: None

CASE NO: **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 Custodian of Records and Production of Documents

APPEARANCES

No Appearance by all parties

At 9:04 a.m., court convenes in this matter with all parties present as previously indicated.

The Court finds/orders:

The Court's tentative is adopted as the Court's ruling.

The court's 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

DATE: 11/02/2015

MINUTE ORDER

Page 1

DEPT: 43

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.

Notice to be given by clerk.