

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

MINUTE ORDER

DATE: 12/16/2014

TIME: 08:20:00 AM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Tari Cody

CLERK: Martha Lagana

REPORTER/ERM: None

CASE NO: **56-2014-00453806-CU-PA-VTA**

CASE TITLE: **Lindsay vs. Christian**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion - Other (CLM) to Stay Discovery and/or for a Protective Order

MOVING PARTY: Drew Christian Construction Inc, Drew Christian

CAUSAL DOCUMENT/DATE FILED: Motion - Other to Stay Discovery and or for a Protective Order
Memorandum of Points and Authorities Declaration of A.C. Hackett, 11/14/2014

APPEARANCES

David Weisberg, counsel, present for Plaintiff(s) telephonically.

Adam Hackett, counsel, present for Defendant

Counsel have received and read the court's written tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

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

The court's ruling is as follows:

Defendants seek a protective order/stay of discovery propounded on them until the pending criminal case has ended. Defendant Drew Christian is charged with misdemeanor hit and run driving (Veh. C. §20002(a).) Arraignment is set for 12/22/14 after having been continued at least twice. There is no known discovery propounded on Defendants to which responses are due. There are pending motions to compel further responses to past discovery. In response to some of this discovery Defendants invoked their constitutional privilege against self-incrimination. Defendant Drew Christian has sat for his deposition and in response to some questions he also asserted the privilege. There is no trial date yet set in this case.

The court has the discretion to fashion orders that address the competing interests – Defendants' right to invoke the privilege and not suffer a penalty for doing so, Plaintiff's right to an expeditions and fair resolution without being subjected to unwarranted surprise and the court's goal of expeditiously disposing of civil cases and in efficiently utilizing judicial resources. (*Fuller v. Superior Court* (2001) 87

Cal. App. 4th 299, 305-306.)

The request for protective order and stay is granted with respect to discovery to which Defendants have to date asserted the privilege and as to further any additional discovery propounded on Defendants. The discovery requests to which Defendants have asserted a privilege are:

Request for Admission – Nos. 2, 16, 17 and 18

Form Interrogatories – Nos. 17.1 (as it pertains to RFA Nos. 2, 17, 18, 23)

Demand for Prod. Of Docs – Nos. 7, 14.

Discovery from Defendants as to these matters is stayed until the earlier of January 20, 2015, or resolution of the pending criminal case. A status hearing is set for 1/20/15 at 8:30 a.m. at which time the court reserves the ability to extend the stay.

Motion - Other (CLM) to Stay Discovery and/or for a Protective Order - (Status hearing) continued to 01/20/2015 at 08:20 AM in department 20.