

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

**MINUTE ORDER**

DATE: 03/27/2015

TIME: 01:24:00 PM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Tari Cody  
CLERK: Marlene Gabriel  
REPORTER/ERM:

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

CASE TITLE: **Lindsay vs. Christian**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

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**EVENT TYPE:** Ruling on Submitted Matter

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**APPEARANCES**

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The Court, having previously taken the Motion to deem requests for admission admitted and request for monetary sanctions and cost's against Defendant Drew Christian and Defendant's counsel of record for failure to obey the court order of December 16, 2014 (3/23/15) under submission, now rules as follows:

Plaintiff's previous motion to compel further responses to request for admissions was granted as to RFAs 1, 5, 6, 8, 9, 11, 12, 13. As to RFAs 2, 16, 17 and 18 the motion has been continued because Defendant has asserted his 5<sup>th</sup> Amendment rights and his criminal trial has not yet occurred.

Defendant provided further responses to RFAs 1, 5, 6, 8, 9, 11, 12, and 13. Plaintiff filed this motion to deem RFAs 1, 8, 9, 11 and 12, admitted based upon Defendant's alleged failure to provide further responses as ordered by the court.

The motion sought an order to deem admitted the disputed RFAs. That request is denied. However, as discussed below, Defendant shall be required to provide a further response to RFA 12.

RFA 1:

In his further responses, Defendant reasserted the same objections previously asserted and added "lacks foundation" and "calls for speculation" and asserted his 5<sup>th</sup> Amendment right as an additional objections to RFAs 1. All objections except the 5<sup>th</sup> Amendment privilege are overruled. The court will consider this motion as one to compel a further response and stay any further response in light of the pending criminal matter. This motion to compel further response to RFA 1 shall be subject to protective order and shall be continued to 5/4/15 at the same time as the prior motions were continued for the purpose of determining whether a further stay will be ordered because of the pending criminal trial.

RFA 8, 9:

In his further response to these RFAs, Defendant reasserted the same objections and added the objection "calls for an expert opinion." All objections are overruled. However, Defendant has satisfied the requirement of CCP 2033.220(c) by stating he lacks information or knowledge necessary to admit or deny all or part of a request and he has stated "that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable that party to admit the matter." Plaintiff contends Defendant could just look up the information on Google and then admitting what is found on Google. Defendant could admit that the information was found on Google but is not required to admit that what Google discloses is a true fact. Not everything found on the Internet is true. Moreover, if a party fails to admit the truth of any matter when requested if the party requesting that admission thereafter proves the truth of that matter, the party requesting the admission may move the court for an order requiring the party to whom the request was directed to pay the reasonable expenses incurred in making that proof, including reasonable attorney's fees. (CCP § 2033.420(a).)

RFA 11:

In his further response to this RFA, Defendant reasserted the same objections and added the objection "irrelevant as to what Insurance Company knows." All objections are overruled. See ruling on RFA 8 and 9 above.

RFA 12:

In his further response to this RFA, Defendant reasserted the same objections and added the objections "calls for speculation" and "irrelevant as to what Insurance Company knows." All objections are overruled. Defendant has admitted that he is unaware of what his insurance company knows. That is not what the request for admission seeks, however. Defendant shall provide a further response, without objection, that is code compliant by April 10, 2015.

The requests for sanctions are denied.

Clerk to give notice.