

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

**TENTATIVE RULINGS**

EVENT DATE: 07/06/2015

EVENT TIME: 08:20:00 AM

DEPT.: 43

JUDICIAL OFFICER: Kevin DeNoce

CASE NUM: 56-2015-00465460-CU-BC-VTA

CASE TITLE: AEROVIRONMENT INC VS. TORRES

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion - Other (CLM) - for Protective Order Regarding the Sequence of Discovery and to Compel

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 06/04/2015

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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.

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**The court's tentative ruling is as follows:**

The Court denies Plaintiff's Motion for Protective Order re: Sequence of Discovery; and Motion to Compel Defendant's Depositions and Production of Documents.

**Discussion:**

Code Civ. Proc., § 2019.020 provides:

"(a) Except as otherwise provided by a rule of the Judicial Council, a local court rule, or a local uniform written policy, the methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or another method, shall not operate to delay the discovery of any other party.

(b) Notwithstanding subdivision (a), on motion and for good cause shown, the court may establish the sequence and timing of discovery for the convenience of parties and witnesses and in the interests of justice."

Code Civ. Proc., § 2025.420 provides:

"(a) Before, during, or after a deposition, any party, any deponent, or any other affected natural person or organization may promptly move for a protective order. The motion shall be accompanied by a meet and confer declaration under Section 2016.040.

(b) The court, for good cause shown, may make any order that justice requires to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense. This protective order may include, but is not limited to, one or more of the following directions:

(2) That the deposition be taken at a different time.

(5) That the deposition be taken only on certain specified terms and conditions.

CCP §2025.450(a) provides that a party may move for an order to compel attendance at a deposition, if after proper service of notice the party fails to appear."

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Plaintiff has not established good cause as to why the depositions need to go first, and prior to Plaintiff providing discovery responses. The Court is not inclined to change the normal timing of discovery in this case. Plaintiff should respond to the written discovery propounded by Defendants and not be excused from its obligations just because it sent out earlier deposition notices. The depositions should take place according to the parties schedules.