

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

TENTATIVE RULINGS

EVENT DATE: 05/27/2015

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 - further responses to special interrogatories request for production of documents

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 04/22/2015

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:

Grant in part, and deny in part, Defendant Goodloe E. Moore, Inc.'s ("Goodloe") request for an order compelling Plaintiffs Robert and Getrude Denyer's further responses to form interrogatories (set no. 1), special interrogatories (set no. 1), requests for production (set no. 1), and requests for admissions (set no. 1). The Court grants Defendant's motion with the following exceptions: the Court denies Goodloe's request for an order compelling a further response to special interrogatory no. 34 and sustains Plaintiffs' objection to request for production no. 2 . Please see the details of the Court's ruling under the "Discussion" section below.

The Court notes that Plaintiffs contend that supplemental responses they served during the pendency of this motion render the motion moot. However, Goodloe's motion would only be rendered moot by the service of supplemental responses to the extent those supplemental responses cure the deficiencies in Plaintiffs' original responses. Plaintiffs fail to submit their supplemental responses to the Court, and therefore fails to demonstrate that these supplemental responses cure all (or any) of numerous deficiencies in the original responses. Moreover, by failing to submit a copy of the supplemental responses to the Court, Plaintiffs have prevented the Court from considering them in ruling on this motion. Accordingly, the Court rules on the motion solely based on Plaintiffs' original responses to the written discovery.

Discussion:

The Parties' "Meet and Confer"

Pursuant to Code of Civil Procedure §§2030.300(b), 2031.310(b)(2), and 2033.290(b), a motion to compel further responses to interrogatories, requests for production, or requests for admissions must be accompanied by a declaration showing good faith efforts at "meeting and conferring" regarding the discovery dispute. Here, Defendant Goodloe submits evidence indicating that (i) Goodloe's counsel sent Plaintiffs' counsel a detailed 9-page substantive "meet and confer" letter on March 18, 2015 (see Shannon Decl., ¶10; Exh. I ["Meet and Confer" Letter]), requesting further

responses; (ii) Goodloe's counsel also left a voicemail with Plaintiffs' counsel on March 26, seeking to discuss Plaintiffs' responses, but Plaintiffs' counsel failed to respond to this voicemail (*id.* at ¶12); (iii) on March 31, 2015, Plaintiffs' counsel sent Goodloe's counsel a one-paragraph "meet and confer" letter which stated, in substance: "Plaintiffs will supplement their responses if necessary by Monday, April 7, 2015" (*id.* at ¶14; Exh. K0); (iv) on April 16, 2015, Plaintiffs served supplemental responses to some of the disputed special interrogatories (*id.* at ¶15; Exh. L); and (v) on April 20, 2015, Goodloe's counsel sent a two-page "meet and confer" letter noting that Plaintiffs had not served supplemental responses to the requests for admissions, form interrogatories, or requests for production, that some of the responses to special interrogatories were still deficient, and that the supplemental responses to special interrogatories were unverified. (*Id.* at ¶16; Exh. M.) Goodloe's April 20 "meet and confer" letter also stated that the deadline for a motion to compel further was April 24, 2015, and asked Plaintiffs to provide supplemental responses and an extension of the deadline for a motion to compel or Goodloe would file a motion to compel. (*Id.*) There is no evidence before the Court indicating that Plaintiffs' counsel responded to the April 20 "meet and confer" letter, and Goodloe filed its motion on April 22. This evidence appears sufficient to indicate that Goodloe's counsel made significant efforts to resolve the discovery disputes informally before filing the present motion.

Plaintiffs contend that Goodloe failed to "meet and confer" in good faith prior to bringing this motion because it brought its motion only two days after receiving Plaintiffs' supplemental responses, and without giving Plaintiffs time to respond to the April 20 "meet and confer" letter. However, this contention lacks merit for multiple reasons, including (i) Plaintiffs' supplemental responses only addressed some of the special interrogatories in dispute, and did not address the form interrogatories, requests for production, or requests for admissions at issue; (ii) Plaintiffs' supplemental responses were unverified, and therefore the equivalent of no responses at all; (iii) Plaintiffs' own participation in the "meet and confer" process was *de minimis*, consisting of a one-paragraph equivocal "meet and confer" letter ("Plaintiffs will supplement their responses if necessary") which did not address any of the substantive points made in Goodloe's detailed March 18, 2015 "meet and confer" letter, and the service of unverified supplemental responses which were only partially responsive to Goodloe's March 18 letter; and (iv) Plaintiffs failed to provide Goodloe with an extension of what Goodloe's counsel believed to be the deadline for bringing a motion to compel further, or to correct Goodloe's counsel's mistake as to the deadline.

The above summarized evidence indicates that Goodloe made reasonable attempts to resolve this discovery informally, but was largely thwarted by Plaintiffs' nonresponsiveness, delays in responding, and failure to grant a request for an extension. Accordingly, the Court finds that Goodloe's "meet and confer" requests were sufficient, and reach the substantive merits of Goodloe's motion.

Plaintiffs' Supplemental Responses During the Pendency of this Motion Does Not Render the Motion Moot

Plaintiffs contends that Goodloe's motion to compel further responses is moot because, on May 11, 2015, while the motion was pending, Plaintiff served supplemental responses to the subject written discovery on Goodloe. Plaintiffs are incorrect that mere service of supplemental responses while a motion to compel further responses is pending necessarily renders the motion entirely moot. If this were true, a responding party could delay or avoid indefinitely any scrutiny of its responses by the Court merely by serving supplemental responses – however deficient – every time a motion to compel further is filed, a result clearly inconsistent with the Discovery Act's enforcement mechanisms.

Plaintiffs' service of supplemental responses while Goodloe's motion was pending would only render the motion **entirely** moot if the supplemental responses cure **all** of the deficiencies in the original responses, and will only render the motion **partially** moot to the extent those supplemental cure the deficiencies in the original responses. Simply stated, Goodloe has brought its motion seeking an order requiring Plaintiffs to provide further responses which fully comply with their discovery obligations, and should not be deprived of its right to fully compliant responses by Plaintiffs' belated service of only partially-compliant responses.

Plaintiffs, as the parties contending that their service of supplemental responses renders the Goodloe's pending motion moot, have the burden of supporting this contention. However, Plaintiffs have not submitted a copy of their supplemental responses with their opposition papers: instead, Plaintiffs merely submit a proof of service of those supplemental responses. (See Decl. of Tenny Mirzayan, ¶2; Exh. A [Proof of Service].) By failing to submit copies of his supplemental

responses to the Court, Plaintiffs have failed to provide any support for their argument that the pending motions have been rendered moot. By failing to submit their supplemental responses to the Court, they have also failed to allow the Court to determine the extent to which those supplemental responses cure the deficiencies in the original responses. Accordingly, Plaintiffs fail to demonstrate that their supplemental responses render Goodloe's motion moot, or even that they have any effect on the Court's ruling on the motion.

Requests for Production

Goodloe seeks an order compelling further responses to requests for production (set no. 1) nos. 1 through 16

"Good Cause"

Pursuant to Code of Civil Procedure §2031.310(b), a motion to compel further responses to requests for production "shall set forth specific facts showing good cause justifying the discovery sought by the inspection demand." Here, the subject requests for production all seek documents directly relevant to Plaintiff Robert's claims and contentions against Goodloe and Goodloe's potential defenses thereto, including all documents (i) described in Plaintiffs' responses to Goodloe's special interrogatories (set no. 1) (request no. 1); (ii) supporting the allegations in Plaintiffs' Complaint against Goodloe (request no. 2); (iii) supporting Plaintiffs' allegations that Plaintiff Robert came into physical contact with asbestos-containing materials supplied/sold/labeled/distributed/manufactured by Goodloe (request no. 3); (iv) identifying persons with knowledge of facts relating to Plaintiff Robert's alleged exposure to with asbestos-containing materials supplied/sold/labeled/distributed/ manufactured by Goodloe (request no. 4); (v) identifying the persons with whom Plaintiff Robert worked during each alleged exposure to with asbestos-containing materials supplied/sold/labeled/distributed/manufactured by Goodloe (request no. 5); (vi) constituting copies of any and all claim forms, applications, submissions, filings or other documents submitted to or filed with any asbestos bankruptcy trusts (request no. 6); (vii) supporting Plaintiffs' allegation in their Complaint that Goodloe is liable for negligence (request no. 7); (viii) supporting Plaintiffs' allegation in their Complaint that Goodloe is liable for strict liability (request no. 8); (ix) supporting Plaintiffs' allegation in their Complaint that Goodloe is liable for false representation (request no. 9); (x) supporting Plaintiffs' allegation in their Complaint that Goodloe is liable for intentional tort (request no. 10); (xi) supporting Plaintiffs' allegation in their Complaint that Goodloe is liable for loss of consortium (request no. 11); (xii) outlining all insurance expenditures for Plaintiff Robert's asbestos-related disease (request no. 12); (xiii) outlining all Medicare expenditures for Plaintiff Robert's asbestos-related disease (request no. 13); (xiv) supporting Plaintiffs' claim for economic damages (request no. 14); (xv) supporting Plaintiffs' claim for punitive damages (request no. 15); and (xvi) identifying the locations where Plaintiffs contend Plaintiff Robert came into contact with any asbestos-containing materials supplied/sold/labeled/distributed/manufactured by Goodloe (request no. 16).

Since all of the above requests, on their face, go directly to Plaintiffs' claims and contentions in support of their claims and Goodman's potential defenses thereto (including Plaintiffs' potential receipt of compensation/treatment from alternative sources), the Court finds that there is "good cause" for these requests.

Plaintiffs' Responses

Plaintiffs' Objections

Plaintiffs responded to all of the subject requests for production by raising various objections, including attorney-client privilege, attorney work-product protection, vague and ambiguous, overbroad, compound, calls for a legal conclusion, calls for the evaluation/knowledge of an expert, seeks information equally available to Goodloe, is not reasonably particularized, and/or seeks disclosure of confidential settlement information. Plaintiffs, as the parties asserting objection to the requests for production, bears the initial burden of justifying them. (See *Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220-221.) However, the only objections even addressed in Plaintiffs' opposition papers are the attorney work product and "equally available to the opposing party" objections, and Plaintiffs fail to submit any evidence to justify these two objections. As a result, Plaintiffs fail to demonstrate that any of their objections are well-taken.

The only one of Plaintiffs' objections which is appropriate is Plaintiffs' objection to request no. 2, which requests all documents supporting the allegations in Plaintiffs' Complaint, on the ground that it is not reasonably particularized. This request seeks virtually every document supporting Plaintiffs' case-in-chief without any attempt to particularize the request to specific claims, factual allegations, or claims for damages. As such, the Court sustains Plaintiffs' "failure to reasonably particularize" objection to request no. 2, and declines to order any further responses to this request.

As to Plaintiffs' assertion of attorney-client and attorney work product privileges, Plaintiffs have failed to provide any

evidentiary support for the application of these privileges, and has failed to produce a "privilege log" identifying privileged responsive documents and providing a sufficient description thereof to permit Goodloe and the Court to evaluate the legitimacy of the assertions of privilege. If Plaintiffs wish to assert an attorney-client or work product privilege, Plaintiffs are ordered to provide Goodloe with a verified privilege log which sets forth all documents (if any) which are being withheld based on an assertion of privilege:

"In any event, even had plaintiff brought and prevailed on a motion on that statutory ground, the court could not find a waiver of privilege. The statute authorizes the court to make orders compelling further responses that adequately identify and describe documents for which a party (here, defendant) has raised boilerplate assertions of the attorney-client and work product privileges."

(*Best Products, Inc. v. Sup. Ct.* (2004) 119 Cal.App.4th 1181, 1189; see also *People ex rel. Lockyer v. Sup. Ct.* (2004) 122 Cal.App.4th 1060, 1074-1075.)

The Substantive Portions of Plaintiffs' Responses

The "substantive" portions of Plaintiffs' responses to these requests for production "identify" certain documents, but do not agree to produce any of them. As a result, the responses fail to comply with *Code of Civil Procedure* §2031.220, which provides that:

"A statement that the party to whom a demand for inspection, copying, testing, or sampling has been directed will comply with the particular demand shall state that the production, inspection, copying, testing, or sampling, and related activity demanded, will be allowed either in whole or in part, and that all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production."

Plaintiffs' responses fail to indicate that they will comply either in whole or in part by producing the responsive documents in their possession, custody, or control. As such, the substantive portions of their responses fail to satisfy the requirements of §2031.220. The substantive portion of Plaintiffs' responses are also deficient for another reason: they are grossly overbroad as to the documents they "identify," and are not limited to the documents actually requested by Defendant. In particular, Plaintiffs "identify" as being responsive, *inter alia*, all of Plaintiff Robert's medical records, all of his employment records, all of his social security records, Plaintiffs' entire depositions in this action, "all defendant's job files, invoices, supply logs, transfer transactions and sales receipts to any and all of the defendants in this case, and any premises owner or contractor identified in this case," all prior depositions of Goodloe's "Persons Most Knowledgeable," all of Goodloe's responses to written discovery, numerous unidentified articles and studies relating to the health hazards of asbestos, etc. This response is so overbroad as to be entirely non-responsive.

Based on the above, Plaintiffs are ordered to serve Defendant Goodman's counsel by June 16, 2015 with further responses to requests for production nos. 1 and 3 through 16 which (a) omit all objections, with the exception of attorney-client privilege and attorney work-product; (b) to the extent Plaintiffs wish to maintain their objections based on attorney-client privilege and attorney work product, are accompanied by a verified privilege log which indicates which identifies each document or portion of a document being withheld based on an assertion of privilege, which privilege is being asserted as to each document or portion of document being so withheld, and the request or requests to which that document is responsive; and includes a description of the document in sufficient detail to allow Defendant Goodloe (and the Court, if it later becomes necessary) to evaluate the appropriateness of the assertion of privilege/protection; and (c) contains a substantive statement which fully complies with the requirements of *Code of Civil Procedure* §2031.220, and does not merely "identify" an overbroad universe of places in which responsive documents might potentially be found.

Requests for Admissions

Goodloe seeks an order compelling Plaintiffs' further responses to requests for admissions (set no. 1) nos. 20-46. Each one of these requests for admissions asks Plaintiffs to admit that Plaintiff Robert inhaled airborne asbestos fibers from asbestos-containing materials associated with companies/entities other than Goodloe.

As to each of these requests, Plaintiffs responded with objections on various grounds, including attorney-client privilege, attorney work product, vague/ambiguous/ overbroad/oppressive, calls for expert disclosure/evaluation/testimony, and constitutes an improper use of a request for admission. As indicated above, Plaintiffs, as the parties resisting discovery based on these objections, have the burden of justifying them.

Here, the only relevant objection which Plaintiffs mention in their Opposition Brief is the attorney work-product objection, but Plaintiffs fail to justify this objection by failing to submit any evidence indicating that responding to these requests for admissions will result in the discovery of any information protected as attorney work product. In particular, the requests for admissions each seek an admission of fact regarding Plaintiff Robert's exposure to asbestos-containing products: it is unclear how (and it seems highly unlikely) responding to these requests would involve Plaintiffs' counsel's impressions/conclusions/ opinions/ legal research. Accordingly, Plaintiffs fail to justify their attorney work-product objection. Furthermore, unlike with the requests for production, here there is no intermediate step available or required (e.g., requiring Plaintiffs to provide a privilege log) with respect to Plaintiffs' assertion of attorney-client privilege and attorney work product: Plaintiffs are required to justify these assertions but fail to do so.

Plaintiffs also fail to justify any of their other objections to these requests for admissions. In particular, as to Plaintiffs' objection that the requests for admissions are improper because they ask Plaintiffs to admit facts regarding other Defendants, there is nothing improper about Goodloe asking Plaintiffs to admit such facts to the extent that they are relevant to Goodloe's defense. Here, Plaintiff Robert's exposure to asbestos-containing products manufactured/distributed by companies other than Goodloe is relevant to causation issues and therefore are relevant to the element of causation in the claims against Goodloe. Accordingly, the subject matter of these requests for admissions is appropriate.

Based on the above, Plaintiffs fail to justify any of their objections to these requests for admissions, and the Court orders Plaintiffs to serve Goodloe's counsel, by no later than June 16, 2015, with further responses without objections to requests for admissions nos. 20 through 46.

Form Interrogatory No. 17.1

Goodloe seeks an order compelling Plaintiffs' further response to form interrogatory (set no. 1) no. 17.1. This interrogatory asks Plaintiffs – for each of the requests for admissions as to which they did not make an unqualified admission – to state all facts on which they base their response; the names, addresses and telephone numbers of all persons who have knowledge of those facts; and identify all documents/things that support their response and state the names/address/telephone number of the person who has each such document and thing. Here, Plaintiffs' response to form interrogatory no. 17.1 has two parts. In the first part, Plaintiffs' response to subpart (a) identifies requests for admissions 1-19 as ones they did not unqualifiedly admit. Goodloe's Moving Separate Statement appears to indicate that Goodloe is not seeking a further response to this part. In the second part of Plaintiffs' response, Plaintiffs identify requests for admissions nos. 20-46 in subpart (a) and, in subparts (b) through (d) object on the grounds that Plaintiffs objected to the underlying requests for admissions and therefore interrogatory no. 17.1 is "ambiguous and unintelligible" as phrased. Goodloe seeks further responses to interrogatory no. 17.1 as it applies to requests for admissions nos. 20-46.

Plaintiffs fail to justify any of their objections to requests for admissions nos. 20-46, and are ordered to provide further responses without objections to these requests. To the extent Plaintiffs' further responses to requests for admissions nos. 20-46 consist of anything other than an unqualified admission, Plaintiffs are ordered to provide further responses to form interrogatory no. 17.1 which are full and complete. In particular, *Code of Civil Procedure* §2013.220, each response to an interrogatory "shall be as complete and straightforward as the information available to the responding party reasonably permits."

Based on the above, the Court orders Plaintiffs to serve Goodloe's counsel, by no later than June 16, 2015, with a further response to interrogatory no. 17.1 which – as to all of the further responses to requests for admissions nos. 20-46 ordered above as to which Plaintiffs do not respond with an unqualified admission – contains a full and complete response to all of interrogatory no. 17.1's subparts.

Special Interrogatories

Goodloe seeks an order compelling further responses to special interrogatories (set no. 1) nos. 13-16, 34, 36, 39, 41, 49-53, and 56-63. As to all of these special interrogatories, Plaintiffs responded with objections based on attorney-client privilege, attorney work product, vague/ambiguous/overbroad, calls for disclosure/evaluation/testimony of an expert, compound, seeks information equally available to Goodloe, lack of subject matter relevancy, seeks the disclosure of confidential settlement information, violates the collateral source rule, and (as to special interrogatories numbered higher than 35), exceeds the limit on the number of special interrogatories without justification. As noted above, as the parties resisting discovery based on objections, Plaintiffs bear the burden of justifying them. Included in that initial burden is the burden, where an objection relies on preliminary facts, of submitting evidence of those preliminary facts. (See, e.g., *State Farm Fire & Cas. Co. v. Sup. Ct.* (1997) 54 Cal.App.4th 625, 638 [Stating that: "When a party asserts the attorney-client privilege it is incumbent upon that party to prove the preliminary fact that a privilege exists. [Citation.]"]; *Gonzalez v. Sup. Ct.* (1995) 33 Cal.App.4th 1539, 1548 [Stating that: "Where there is a prima facie showing of relevance, the party opposing disclosure on the basis of a conditional privilege has the burden to establish the preliminary facts essential to the claim of privilege."]; *Fellows v. Sup. Ct.* (1980) 108 Cal.App.3d 55, 67 [Quoting Jefferson, California Evidence Benchbook for the proposition that: "The party claiming the attorney's work-product privilege has the initial burden of establishing that the matter sought to be disclosed comes within the concept of an attorney's work product."]; *Columbia Broadcasting System, Inc. v. Sup. Ct.* (1968) 263 Cal.App.2d 12, 18 [Stating that: "...the burden is on defendants to show that their objections are valid].)

Here, Plaintiffs fail to submit any evidence in support of their objections, and therefore fail to satisfy their initial burden as to their objections, with a single exception noted below. The only exception being special interrogatory no. 34, which appears on its face to seek attorney work product. Specifically, special interrogatory no. 34 asks Plaintiffs, for each person identified as having information supporting their claim for punitive damages against Goodloe, to identify the specific testimony those persons will offer to support the punitive damages claim. This interrogatory does not merely go to the identity of witnesses or their knowledge of facts, but to the testimony Plaintiffs' counsel intends to elicit from such witnesses at trial. As such, it seeks information pertaining to Plaintiffs' counsel's trial strategy and Plaintiffs' attorney work-product objection has merit as to this interrogatory. (See *Snyder v. Sup. Ct.* (2007) 157 Cal. App. 4th 1530, 1536.) Accordingly, the Court denies Goodloe's request for an order compelling a further response to special interrogatory no. 34.

As to Plaintiffs' objection based on the number of special interrogatories exceeding 35, pursuant to Code of Civil Procedure §§2030.030, 2030.040, and 2030.050, a party seeking to propound more than 35 special interrogatories on another party must accompany the special interrogatories with a declaration for additional discovery in a specified form. Here, Goodloe's counsel Robert M. Menchini executed a declaration in the form specified by §2030.050. (See Shannon Decl., Exh. N.) In particular, Menchini sets forth facts indicating that the total number of 64 special interrogatories is a result of the number of causes of action asserted against Goodloe (five), and the requirement under federal law Goodloe report any "settlement, judgment, or award" of a personal injury claim by a person entitled to receive Medicare benefits. (See Menchini Decl., ¶18.) Plaintiffs do not submit any evidence rebutting or contradicting Goodloe's statements. The Court's Order granting Plaintiffs a trial preference provides further support for allowing extra interrogatories, in that such interrogatories are the quickest way for Goodloe to obtain relevant information directly from Plaintiffs.

As to Plaintiffs' objection based on the "collateral source" rule, the so-called "collateral source rule" holds that evidence regarding Plaintiff Robert's unemployment benefits and disability benefits would not be admissible to reduce the amount of damages Plaintiffs can recover from Goodloe. (See *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal. 4th 541, 548-549; *Helfend v. Southern California Rapid Transit Dist.* (1970) 2 Cal.3d 1, 6.) However, the collateral source rule is a rule regarding the proper calculation of damages, not a rule of discovery. The fact that information regarding payments from collateral sources may not be admissible at trial does not mean that they are not discoverable. The possibility evidence otherwise admissible might be excluded at trial under Evidence Code section 352 or some other evidentiary objection is not a relevant consideration for purposes of ruling on a discovery motion.

Here, information regarding the total amount of payments Plaintiff Robert's insurance and other health care coverage has made for treatment of his injuries *is* reasonably calculated to lead to the discovery of admissible evidence because, *inter alia*, the upper bound for Plaintiff's recovery for medical expenses is the amount of expenses actually incurred, and the amounts paid by Plaintiff's insurer is part of the amount actually incurred. Accordingly, the collateral source rule does

not constitute a sufficient ground to deny Goodloe discovery of the information sought.

Based on the above, and with the exception of special interrogatory no. 34, Plaintiffs fail to justify any of their objections to the subject special interrogatories, and the Court orders Plaintiffs to serve Goodloe's counsel, by no later than June 16, 2015, with further responses without objections to special interrogatories nos. 13-16, 36, 39, 41, 49-53, and 56-63.

Sanctions

Pursuant to Code of Civil Procedure sections 2030.300(d) (form and special interrogatories), 2031.310(h) (requests for production), and 2033.290(d) (requests for admissions), the Court would normally award Defendant Goodloe, the substantially prevailing party on these motions, monetary sanctions. However, Goodloe does not request an award of monetary sanctions. Plaintiffs **do** request monetary sanctions, but their request is denied on the grounds that (i) they are not the prevailing parties on this motion; and (ii) as noted above, they were insufficiently responsive to Goodloe's counsel's "meet and confer" attempts. As such, no sanctions should be awarded