

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

TENTATIVE RULINGS

EVENT DATE: 06/28/2016
JUDICIAL OFFICER: Kevin DeNoce

EVENT TIME: 08:20:00 AM

DEPT.: 43

CASE NUM: 56-2014-00460814-CU-PA-VTA
CASE TITLE: PEREZ RULFO VS. BLOIS

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion to Compel - Further Responses to Supplemental Interrogatories and Request for Production
CAUSAL DOCUMENT/DATE FILED: Motion to Compel, 06/01/2016

The morning calendar in courtroom 43 will begin at 9 a.m. Cases including *ex parte* matters will not be called prior to 9 a.m.

Please check in with the courtroom clerk by no later than 8:45 a.m. If appearing by CourtCall, please call in between 8:35 and 8:45 a.m.

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 can send an email to the court at: Courtroom43@ventura.courts.ca.gov or send a telefax to Judge DeNoce's secretary, Christine Schaffels at 805-477-5894, stating that you submit on the tentative. Do not call in lieu of sending a telefax. 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.

For general information regarding Judge DeNoce's rules and procedures for law and motion matters, *ex parte* matters, telephonic appearances, trial rules and procedures, etc., please visit: <http://www.ventura.courts.ca.gov/Courtroom/C43>

The court's tentative ruling is as follows:

Grant Ds motion to compel further responses to supplemental interrogatories (Rogs) and supplemental documents.

Ds request: Later acquired document. (CCP 2031.050.)

Ps response: No non-privileged documents.

Ds response for further response: Not verified. No statement of diligent search and unable to comply etc. (CCP 2031.230.)

COURT: Grant. P did not comply with CCP 2031.230.

Form Rogs

(1). Rog 6.3

Ds request: Any complaints attributed to incident. If so, describe, subsiding, same or worse and frequency and duration.

Ps response: Migraines, scintillating scotoma, nausea, field of vision defects - come and go. Continued

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symptoms based upon traumatic brain injury.

Ds reason for further response: Does not comply with CCP 2030.220(a). What is "come and go?"

COURT: Grant.

(2). Rog 6.4

Ds request: Any consultation/examination (except expert witness) or treatment from health care provider for injury from incident? If so, name, address, phone, type of consultation/exam/treatment, dated and charges.

Ps response: Please see EOBs attached. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.220(a). Nothing as to subparts (b), (c) and (d).

COURT: Grant. [See CCP 2030.220 above]

(3). Rog 6.6

Ds request: Any other medical services not previously listed? If so, nature, date, cost, name/address/phone number of each provider.

Ps response: Please see previous records and additional EOBs attached. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant.

(4). Rog 6.7

Ds request: Has any health care provider advised you of future or additional treatment? If so, name, address, complaints for which treatment advised, nature/duration and estimated cost of treatment.

Ps response: Please see documents produced including medical records. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

Special Rogs

(1). Rog 2:

Ds request: Has any health care provider advised you of future or additional treatment? If so, name, address, complaints for which treatment advised, nature/duration and estimated cost of treatment.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(2). Rog 3:

Ds request: For each medical provider, state name and initial billing.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(3). Rog 4:

Ds request: For each medical provider, state name followed by adjusted or reduced amount provider accepted.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(4). Rog 5:

Ds request: For each medical provider, state name followed by amount owed.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(5). Rog 6:

Ds request: For each medical provider, state name followed by amount paid.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(6). Rog 7:

Ds request: For each amount identified in Rog 6, state how funds were paid.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. . [See CCP 2030.230 above]