

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

TENTATIVE RULINGS

EVENT DATE: 07/07/2016

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) - to Compel Further Responses to Plaintiff's Requests for Production of Documents,

CAUSAL DOCUMENT/DATE FILED: Motion to Compel, 05/31/2016

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:

Deny Plaintiff's Motion to Compel Further Responses to Requests for Production of Documents, Set One. Issue no sanctions.

Discussion:

The court notes that the separate statement in support of this motion is not properly formatted. Under CRC Rule 3.1345(c)(3), a separate statement in support of a motion to compel further discovery must include statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute. Here, the moving separate statement contains numerous factual reasons to compel further responses, but no legal reasons. A separate statement is a separate document filed and served with the discovery motion that provides all the information necessary to understand each discovery request and all the responses to it that are at issue. The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and the full response. CRC Rule 3.1345(c).

Plaintiff primarily contends that it is entitled to the following information due to its relevancy: (1) written representations

made to Parrot regarding RedEdge and ATLAS, MicaSense's presentation of RedEdge and ATLA to Parrot; (2) how MicaSense valued RedEdge and ATLAS to Parrot; (3) whether MicaSense disclosed to Parrot that they attempted to sell RedEdge to Plaintiff. As to time and scope, Plaintiff contends that Request No. 60 is not overbroad as to either time or subject matter because the investment by Parrot in September 2014 and September 2015 makes the time frame reasonable, and that "[t]he Request is targeted to see only documents shared with Parrot relating to the products *at issue*." (Motion, page 4, lines 18-19.) [emphasis added.]

Plaintiff's evidence in support of the present motion fails to demonstrate that any of the above narrowing was done through the meet and confer process. By plaintiff's own evidence, the Motion itself was the first time Plaintiff articulated with particularity what they were seeking. Request No. 60 does not, on its face, seek only documents shared with Parrot relating to the products *at issue* (i.e., RedEdge and ATLAS) in a particular time period. Additionally, Request No. 60 does not specifically seek documents representing RedEdge and ATLAS's value or whether MicaSense disclosed to Parrot that they met with Plaintiff. Instead, Request No. 60 seeks *all* documents MicaSense shared with Parrot relating to *any product* offered by MicaSense. Plaintiff has created a list of new, particularized demands to replace the original, broad and objectionable demand. Because Plaintiff has failed to establish that there was a proper meet and confer, the motion is denied. (See *Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1438-1439.)