

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

TENTATIVE RULINGS

EVENT DATE: 01/25/2016

EVENT TIME: 08:20:00 AM

DEPT.: 43

JUDICIAL OFFICER: Kevin DeNoce

CASE NUM: 56-2014-00461060-CU-NP-VTA

CASE TITLE: P.Q.L INC VS REVOLUTION LIGHTING TECHNOLOGIES INC

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Non-PI/PD/WD tort - Other

EVENT TYPE: Motion to Compel - further responses to discovery

CAUSAL DOCUMENT/DATE FILED: Motion to Compel, 12/31/2015

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:

The court intends to continue Plaintiff's Motion to Compel Further Responses to Discovery to allow for timely service and to allow for meet-and-confer obligations to be satisfied. The court proposes continuing the matter to February 29, 2016, unless another date is agreeable to the parties. Service was insufficient: served via FedEx on 12/31/15. CCP §1005(b) requires service at least 16 court days prior to hearing. FedEx service adds two days. With the 1/18/16 holiday, the earliest this Motion should have been set was 1/27/16.

CCP §§ 2030.300(b), 2031.310(b)(2), 2033.290(b), and 2016.040 require the moving party to make "reasonable and good faith attempt at an informal resolution." The in-person meeting on 9/3/15 appears to have dealt mainly with production requests, while the interrogatories and requests for admission were not discussed (despite being generally outlined in the 8/6/15 letter). Plaintiff itself stated that follow-up correspondence would occur (the 9/8/15 letter states: "A further meet and confer letter related to these concerns [form interrogatories, special interrogatories, requests for admission] is forthcoming.") However, no letter was sent identifying the specific interrogatories or RFA at issue. Plaintiff does not contest the assertion that the interrogatories and RFAs were not discussed in person. It is not clear to the court that the Defendants were made aware of which discovery responses Plaintiff's believed required supplementation once the stay expired. The court is not convinced that there have been sufficient meet and confer efforts since the expiration of the stay. The parties are ordered to engage in additional meet and confer efforts in an attempt to resolve the issues.