

TENTATIVE RULING:

Plaintiff's Motion for Order for Forensic Document Examination is DENIED.

Defendant's Motion to Compel Further Discovery Responses and for Sanctions is GRANTED.

Plaintiff's Motion for Order Permitting the filing of Plaintiff's First Amended Complaint is continued to January 17, 2021 at 8:30 a.m. in Department 1.

Plaintiff's Motion to Compel Production of Documents is DENIED.

1) Plaintiff's Motion for Order for Forensic Document Examination:

Plaintiff's motion alleges that in response to discovery requests, Defendant provided a copy of an "Addendum to Membership Agreement" and that the purported signature of Plaintiff on that agreement is a forgery. Plaintiff now seeks an order that Defendant pay for "all expenditures for the forensic examination".

Plaintiff provides no legal authority for the notion that Defendant is responsible for payment of all expenditures for the forensic examination of the alleged forged signature.

Plaintiff's motion is denied. If Defendant wishes to seek sanctions, he may do through a separately noticed motion.

2) Defendant's Motion to Compel Further Discovery Responses and for Sanctions:

Defendant's motion to compel was timely served and filed as per code. Opposition and reply are timely filed.

Form interrogatories and request for admissions were propounded on August 2, 2021. Plaintiff served his responses on Defendant personally on August 5, 2021.

Moving party has complied with the meet and confer requirement by submitting a declaration stating facts that show a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (CCP § 2016.040.) This is evidenced by two letters sent by the moving party, dated August 20, 2021 and August 27, 2021.

Plaintiff provided supplemental responses on August 30, 2021, which were unsigned and unverified.

Defendant moves for an order compelling further responses and sanctions pursuant to CCP § 2030.300, which states, in relevant part: "(a) On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that any of the following apply: (1) An answer to a particular interrogatory is evasive or incomplete... (3) An objection to an interrogatory is without merit or too general."

The interrogatories and request for admission No. 4 represent requests for information relevant to the case pursuant to CCP 2017.010. The court finds that Plaintiff provided evasive and incomplete responses, and his objections were without merit.

Supplemental responses provided were unverified and also without merit.

Plaintiff is ordered to provide verified, further responses to Form Interrogatories, 1.1, 2.6(a)-(b), 2.8 (a)-(c), 2.12 (a)-(d), 2.12 (a)-(c), 8.1, 8.2 (a)-(c), 8.3, 8.4, 8.5, 8.6, 8.7, 8.8 (a)-(d), 9.1 (a)-(d), 9.2, 17.1 (a)-(f), 50.1 (a)-(f), 50.4, 50.6 and Request for Admission No. 4, without objection within ten (10) calendar days.

Sanctions:

The court shall impose a monetary sanction against any party, person or attorney who unsuccessfully makes or opposes a motion to compel a response to interrogatories, unless it finds that the one subject to sanction acted with substantial justification, or that other circumstances make the imposition of the sanction unjust. (CCP § 2030.290(c); 2031.320(b).)

The court finds that Plaintiff did not act with substantial justification.

The court reserves on the issue of the amount of sanctions. Defendant may seek sanctions in a separately noticed motion.

3) Plaintiff's Motion for Order Permitting the filing of Plaintiff's First Amended Complaint:

On the court's own motion, Plaintiff's Motion for Order Permitting the filing of Plaintiff's First Amended Complaint is continued to January 17, 2021 at 8:30 a.m. in Department 1.

Moving party is ordered to file a valid proof of service pursuant to CRC 8.25.

4) Plaintiff's Motion to Compel Production of Documents:

Plaintiff's motion to compel production of documents and other things was filed on September 16, 2021. Whether or not it is timely filed is impossible to determine as Plaintiff's declaration indicates the request was personally served on Defendant on July 1, 2021 and the request was to "meet at Staples Copy Center in Martell" with the documents. Plaintiff alleges Defendant failed to appear at Staples on the designated date and time, with the documents requested. Plaintiff declaration fails to indicate the exact date of that appearance, and does not attach a copy of the production request or list what documents were requested, or what documents were provided and when.

In opposition, counsel explains that Defendant was personally served a subpoena for personal appearance and production of documents and things at trial with an attached list of documents and that the box (b) was checked indicating that Defendant was not required to appear at any location, but to lodge the documents attached to the subpoena and mail it to the clerk of the court. Counsel indicates the documents were lodged with the court a copy provided to Plaintiff.

There is no indication that a request for production for documents and things was propounded on Defendant by Plaintiff.

Plaintiff's motion is denied. The court reserves on the issue of sanctions. Defendant may seek sanctions in a separately noticed motion.

Unless a hearing is requested, this ruling is effective immediately. Neither further notice of the ruling nor a formal order per CRC 3.1312 is required.

CIVIL MISCELLANEOUS MOTION - PLAINTIFF

TENTATIVE RULING:

Petitioner's motion for reconsideration of the court's May 17, 2021 order dismissing the case is GRANTED.

The court shall set aside the dismissal. However, the court cannot grant Petitioner's name change until Petitioner has filed with the court the following: 1) Proof of Service of Publication, 2) valid Proof of Service of the Order to Show Cause for Name Change to the warden, and 3) CDCR 2010.

Petitioner's Petition for Change of Name shall be continued to January 10, 2022 at 8:30 a.m. in Department 1.

Petitioner is incarcerated at Mule Creek State Prison. As per Amador Local Rules of Court, rule 4.03, subdivision F, the tentative ruling procedures do not apply in any case in which a self-represented party in the custody of the California Department of Corrections and Rehabilitation. Petitioner may appear telephonically for hearing; orders will be made at time of hearing.