

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
NORTH JUSTICE CENTER**

MINUTE ORDER

DATE: 06/24/2019

TIME: 02:00:00 PM

DEPT: N05

JUDICIAL OFFICER PRESIDING: Craig Griffin

CLERK: Rhonda Cruz

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: Nestor Peraza

CASE NO: **30-2018-01014163-CU-CO-NJC** CASE INIT.DATE: 08/22/2018

CASE TITLE: **Ghafoori vs. Rezaei**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

EVENT ID/DOCUMENT ID: 73047896

EVENT TYPE: Motion to Compel Answers to Form Interrogatories

MOVING PARTY: Advance Occupational and Hand Therapy Center

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Interrogatories Form, 05/17/2019

EVENT ID/DOCUMENT ID: 73047902

EVENT TYPE: Motion to Compel Answers to Special Interrogatories

MOVING PARTY: Advance Occupational and Hand Therapy Center

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Interrogatories Special, 05/17/2019

EVENT ID/DOCUMENT ID: 73047904

EVENT TYPE: Motion to Compel Production

MOVING PARTY: Advance Occupational and Hand Therapy Center

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Production/Inspection of Documents or Things, 05/17/2019

Additional events listed on last page.

APPEARANCES

Mark B. Plummer, from Law Offices of Mark B. Plummer, PC, present for Cross - Defendant,Plaintiff(s).

Elmira R. Howard, from Anderson, McPharlin & Connors LLP, present for Cross -
Complainant,Defendant(s).

Tentative Ruling posted on the Internet .

The Court hears from both counsel and modifies the tentative ruling as follows:

Before the Court are four Motions to Compel, all filed by Advance Occupational and Hand Therapy Center dba Sevento7 Physical & Hand Therapy ("Advance"), as to Form and Special Interrogatories, Requests for Production, and Requests for Admission, all Set One, propounded to Plaintiff Wajia Ghafoori ("Ghafoori") on 3/4/19.

The Motions are **GRANTED IN PART**.

The Form and Special Interrogatories: For the Form and Special Interrogatories, no timely responses were provided. Although Ghafoori did belatedly provide verified responses (Plummer Decls. at Ex. A), they included some objections (see Special Interrogatory responses for Nos. 34 and 37, and 56-59, and Form Interrogatory responses for Nos. 2.3(c), (d), 2.6, and 8.2-8.8). As all objections had been waived when those responses were belatedly provided (C.C.P. §2030.290(a)), the Motions are not moot as to those objections. The Motions are thus granted in part, as to the improper objections. Plaintiff Ghafoori is to provide responses, without objections, for those Form and Special Interrogatories, within 10 days after service of notice of these rulings.

The RFPs: For the Requests for Production, timely responses were provided, but without verification. The timely response was sufficient to preserve the objections, and verifications have since been provided. The Motion is therefore moot except as to sanctions. The parties must meet and confer as to any dispute concerning the responses and objections provided: however, to aid the parties in that process, the Court notes that a privilege log should be provided for any material withheld based on a privilege objection. (See C.C.P. § 2031.240(c).)

The RFAs: For the Requests for Admission, timely responses were provided, and tardy verifications were belatedly served. The Motion is therefore moot except as to sanctions.

Sanctions: Advance's sanctions requests are generally well-taken. Although Mr. Plummer's personal circumstances would have warranted extensions, he evidently failed to timely request them or to otherwise communicate with Advance's counsel, and then failed to inform Advance's counsel when the tardy responses and verifications were served. (Howard Reply Decl. ¶¶ 2 and 3 and Ex. 1.) Advance thus reasonably filed the instant motions, and in light of the assertions in the Opposition, reasonably filed replies thereto. Sanctions may be imposed even if responses are served while the motion is pending. (C.R.C. 3.1348(a).) The Court finds that sanctions should be imposed in the aggregate sum of \$4,000.00 against plaintiffs and plaintiffs' counsel jointly and severally.

All such sanctions are to be paid to Advance, through its counsel of record, within 30 days after service of notice of these rulings.

All requests for sanctions stated in the Oppositions are **DENIED**.

Counsel for moving party Advance is to give notice.

ADDITIONAL EVENTS:

EVENT ID/DOCUMENT ID: 73047907

EVENT TYPE: Motion to Compel Response to Requests for Admissions

MOVING PARTY: Advance Occupational and Hand Therapy Center

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Request for Admissions,
05/17/2019