

PIEDRA et. al. v RONALD PARKER et. al.

19CV44151 (Consolidated with 19CV44434 and 19CV44376)

PLAINTIFF FIRE INSURANCE EXCHANGE'S MOTION TO COMPEL COMPLIANCE WITH 1ST SET OF DEMAND FOR PRODUCTION OF DOCUMENTS AND REQUEST FOR SANCTIONS

On December 19, 2019, plaintiff Fire Insurance Exchange propounded a 1st Request for Production of Writings on defendant Ronald Glen Parker. Defendant Parker served unverified responses by mail on January 22, 2020. (Defendant Parker alleges the verification was sent on January 24, 2020; plaintiff alleges the verification was received on February 3, 2020.) Meet and confer letters were exchanged until plaintiff filed this motion on March 26, 2020, to compel compliance with request for documents numbers 1-4.

(Plaintiff has not complied with Local Rule 3.3.7 enacted January 1, 2018, by failing to include the mandatory language in the notice of motion regarding the Court's tentative ruling system. Pursuant to said local rule, lack of compliance provides a specific ground to deny any such procedurally deficient motion. Based solely upon plaintiff's failure to comply with Local Rule 3.3.7, the Motion to Compel Compliance with 1st Set of Demand for Production of Documents and Request for Sanctions would be DENIED without prejudice. However, in the interests of justice and judicial economy, the Court reaches the merits of the motion.)

Although the verification was mailed two days after service of the response, the Court finds that defendant Parker served the responses timely with the lag in producing the verification a de minimis technical shortcoming.

Based on defendant Parker's failure to provide a privilege log as to number 1, the Court GRANTS plaintiff's motion as to request number one, documents referenced in defendant Parker's responses to form interrogatories, specifically 2.3 [driver's license], 12.3 [witness statements], 17.1 (4) [citation issued], and 17.1 (5) [citation issued]. Although defendant Parker claimed privilege in his response to the form interrogatories, a privilege log was required pursuant to CCP section 2031.240. All non-privileged documents and a privilege log are to be provided to plaintiff within ten (10) calendar days of this ruling.

Based on defendant Parker's meet and confer letter dated February 7, 2020, and the signed declaration of attorney Brittany K. Vulcan, the Court finds no privilege log is required for numbers 2-4 as defendant Parker did not withhold any documents based on privilege.

The Court further finds that defendant Parker's objections to number 4 are appropriate as the request is vague, ambiguous, and overbroad.

Defendant Parker and plaintiff Fire Insurance Exchange have requested sanctions. Both requests for sanctions are DENIED as the Court exercises its discretion to not award sanctions in light of the foregoing mixed ruling.

The clerk shall provide notice of this ruling to the parties forthwith. Plaintiff Fire Insurance Exchange to submit a formal Order pursuant to rule 3.1312 in compliance with this ruling.