

TYRE v TYRE

25CV48174

PLAINTIFF'S MOTION FOR SANCTIONS

This is a dispute seeking partition of personal property (mobile home) brought by Ethan Tyre ("Plaintiff") against Brianna Tyre ("Defendant.")

Now before the Court is a motion to compel responses to Plaintiff's Request for Production of Documents, Set One ("RPD") and Form Interrogatories ("FROGs"). Plaintiff is cautioned that these should have been brought as separate motions and that the failure to do so in the future may result in denial of such motions. Additionally, although labeled as a motion "for sanctions" the essence of the motion is to compel discovery responses and the Court treats it as such.

The motion is unopposed.

I. Procedural History

On September 22, 2025, Plaintiff served on Defendant a set of discovery requests including the RPDs, Set One, and FROGs. (Declaration of Ethan Tyre ("Tyre Decl.") ¶ 2.) Responses were due thirty-five days thereafter, on October 27, 2025. (Code Civ. Proc. § §2030.260(a) and 1013(a).) As of the filing of the motion on November 10, 2025, Defendant has not responded.

II. Legal Standard and Discussion

A. Motions to Compel

Pursuant to Cal. Code Civ. Proc. § 2030.290, if a party to whom interrogatories are directed fails to serve a timely response then:

- (a) The party to whom the interrogatories are directed waives any right to exercise the option to produce writings under Section 2030.230, as well as any objection to the interrogatories, including one based on privilege or on the protection for work product under Chapter 4 (commencing with

Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

- (1) The party has subsequently served a response that is in substantial compliance with Sections 2030.210, 2030.220, 2030.230, and 2030.240.
- (2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

Pursuant to Code Civ. Proc. section 2031.300(a), if a party to whom requests for production of documents fails to serve a timely response then:

(a) The party to whom the demand for inspection, copying, testing, or sampling is directed waives any objection to the demand, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

- (1) The party has subsequently served a response that is in substantial compliance with Sections 2031.210, 2031.220, 2031.230, 2031.240 and 2031.280.
- (2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

Pursuant to Code Civil Procedure 2031.300(b), the party seeking production of documents may move to compel responses. A party moving to compel initial responses under these sections is not required to meet and confer. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 411.)

Plaintiff properly served Defendant with the discovery motions via U.S. mail. Defendant has failed to provide responses to the discovery and have failed to file any opposition to the motion.

Accordingly, Plaintiff's motion to compel responses to Request for Production of Documents – Set One is **GRANTED**. The motion to compel responses to FROGs, Set One is also **GRANTED**. **Defendant is ordered to provide**

verified, code-compliant responses within fifteen (15) days of this Order, without objections.

Plaintiff also seeks sanctions in the amount of \$60 for the filing fee and \$175 for “preparation and service.” **The Court awards \$60 for the filing fee.** Defendant is to pay the Plaintiff \$60 within fifteen (15) days of this Order.

The clerk shall provide notice of this ruling to the parties forthwith. The Court intends to sign the submitted Proposed Order.