

HAMPTON v EAST BAY MUNICIPAL UTILITY DISTRICT, et al

22CV46329

**DEFENDANT URBAN PARK CONCESSIONAIRE'S SECOND RENEWED MOTION
FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT**

This matter involves personal injuries sustained by Plaintiff Maxwell Hampton ("Plaintiff") while swimming in Lake Comanche. On August 18, 2023, this Court denied Defendant Urban Park Concessionaire's ("UPC") UPC's motion for summary judgment on the grounds that there remained genuine issues of material fact as to whether UPC did something to increase the risk of getting hurt diving off the rock wall. On December 20, 2024, the Court denied UPC's motion for leave to renew summary judgment. Now before the Court is Defendant's second motion for leave to file renewed motion for summary judgment.

UPC's renewed motion focuses on the Court's granting of EBMUD's motion for summary judgment. UPC again contends that it is entitled to renew its motion pursuant to Code Civil Procedure section 437c(f)(2) because there are "newly discovered facts or circumstances or a change of law supporting the issues reasserted in the summary judgment motion." (CCP § 437c(f)(2).) UPC contends that because the Court found that EBMUD was entitled to summary judgment, it should also be entitled to summary judgment.

In granting EBMUD's motion, the Court relied on the governmental immunity found in Government Code section 831.7(b)(2) and found there were no available exceptions to that immunity. UPC is not a governmental entity. Accordingly, the Court's analysis on that issue is inapplicable to UPC. As no new facts or evidence have been presented, the Court **DENIES** UPC's renewed motion for leave to file for summary judgment.

The Clerk shall provide notice of this Ruling to the parties forthwith. Counsel for Plaintiff to prepare a formal Order complying with Rule 3.1312 in conformity with this Ruling.

CREDITORS ADJUSTMENT BUREAU, INC. v HUSTON, III

24CF14419

DEFENDANT'S MOTION TO VACATE/SET ASIDE JUDGMENT

Now before the Court is Defendant's motion to vacate the judgment entered against her on November 13, 2024. She asserts that she was not served at the correct address and that many of the purported debts have been paid. Plaintiff has filed a notice with the Court that it does not oppose the motion.

Accordingly, Defendant's unopposed motion to vacate the judgment is **GRANTED**.

The Clerk shall provide notice of this Ruling to the parties forthwith. Defendant to prepare a formal Order complying with Rule 3.1312 in conformity with this Ruling.

URIBE v KAUR, et al

24CV47592

PLAINTIFF'S MOTIONS TO COMPEL RESPONSES TO FORM INTERROGATORIES

This civil action stems from allegedly negligent dental treatment provided to Plaintiff Jim Uribe ("Plaintiff") by Kirandeep Kaur and Kirandeep Kaur, DDS, Inc. ("Defendants"). Before the Court are Plaintiff's motions to compel further responses to Form Interrogatories. Because both motions refer to the same Form Interrogatories sent to each of the Defendants, the Court will address both motions herein with a single ruling.

I. Factual and Procedural Background

A. Background Facts

In the later part of 2021 and into the early part of 2022, Plaintiff consulted with Defendants in their Copperopolis office regarding a better option for his upper bridge. (FAC ¶ 5.) During this consultation period, Plaintiff was advised by Defendants of a product/procedure known as All on Four dental implants, which would be semi-permanent, natural looking implants. (*Id.* ¶ 6.) In January 2022, Plaintiff agreed to move forward with the All on Four dental implants product/procedure for \$15,000.00. (*Id.* ¶ 7.)

On February 18, 2022, Plaintiff went to Defendants' office to begin the process of what Defendants had previously represented would be All on Four dental implants. (FAC ¶ 8.) However, the implant process apparently required months of various appointments, including four appointments for surgical placement of implant body or posts and bone graft. He was also fitted with temporary teeth. Plaintiff believed that all these appointments were all necessary for the All on Four dental implants. (*Ibid.*)

During this time period, Plaintiff began to suffer from pain and swelling and was unable to eat anything but soft foods. (FAC ¶ 9.) Plaintiff returned numerous times to the office for adjustments, but nothing fixed the problem and he was eventually informed that one of the posts had been placed at a wrong angle and would need to be removed. (*Id.* ¶ 10.) In approximately May-August of 2022, Plaintiff was advised by Defendants that there were problems with two implants which would require additional surgeries. (*Id.* ¶ 11.)

In the mid to later part of 2023, Plaintiff alleges that despite the oral agreement and the representations made by Defendants, he did not get the All in Four dental implants to which he agreed and instead received dentures (which he already had) and that he was charged more than the agreed upon price. (FAC ¶ 12.)

Plaintiff's FAC contains causes of action for: 1) breach of oral contract; 2) fraud and deceit – intentional misrepresentation; and 3) fraud and deceit – negligent misrepresentation.

B. Discovery and Responses

On January 24, 2025, Plaintiff served discovery, including the interrogatories at issue, on Defendants. (Declaration of Micaela N. Chapa ("Chapa Decl.") ¶ 4.) Defendants served their responses on February 25, 2025. Plaintiff contends that the responses to Interrogatory Nos. 12.1, 12.3, 12.4, and 12.6 were incomplete or evasive and contained improper objections. (*Id.* ¶ 5.) Meet and confer letters followed, with Defendants expressing a willingness to provide further responses if the term "incident" was defined. Plaintiff responded with a proposed definition of "incident" to "encompass any pre-surgery consultations, the surgery during which the implants at issue were placed, and subsequent dental appointments." (*Id.* ¶ 9.) Defendant refused to provide further responses but pointed to pages of documents in which the answers to the interrogatories could be found. (*Id.* ¶ 11.)

Unable to reach an amicable resolution, Plaintiff's motions to compel followed.

II. Legal Standard

Pursuant to Cal. Code Civ. Proc. § 2030.300,

(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.

(2) An exercise of the option to produce documents under [Section 2030.230](#) is unwarranted or the required specification of those documents is inadequate.

(3) An objection to an interrogatory is without merit or too general.

As Plaintiff timely filed this motion to compel further responses, Defendant has the burden to justify his objections. (*Fairmont Insurance Company v. Superior Court* (2000) 22 Cal.4th 245, 255.)

III. Analysis

A. Form Interrogatories 12.1, 12.3 and 12.4 – Objection based on overbreadth

Defendants objected to Form Interrogatories 12.1, 12.3, and 12.4 on the grounds that the requests were overbroad in time and scope. These interrogatories seek information related to witnesses or reports from the “incident” and are taken directly from the Judicial Council Form Interrogatories. Although the original objections did not include an objection on the grounds that the term “incident” is vague or ambiguous, that is a primary argument being addressed by both parties in these motions.

The form interrogatories define “incident” as “the circumstances and events surrounding the alleged accident, injury, or occurrence or breach of contract giving rise to the proceeding.” (Form Interrogatories.) This definition inherently contemplates more than one precise moment of injury, as it refers to the plural of both circumstances and events. The Form Interrogatories also instruct the parties that they “may” include their own definition of incident where the “action arises from a course of conduct or a series of events occurring over a period of time.” (*Ibid*, Section 2.c.) The term “incident” can be vague or ambiguous where the claim is based on multiple events. (*Infoshare Sys. V. La Teluga, LLC* (2020) 2020 Cal.Super LEXIS 7637 [citation omitted].)

As acknowledged by Defendants, the FAC specifies that the alleged injury occurred from a course of conduct arising over a period of time. Specifically, from the initial visit in late 2021 or early 2022, to the first procedure on February 18, 2022, and then the multiple procedures thereafter. Thus, from the FAC, the “incident” in question is clearly the surgical procedures, and all pre-surgery and post-surgery events at the Defendants’ office.

In an effort to clarify, during the meet and confer conversations, Plaintiff offered the following definition for “incident”:

Pre-surgery consultations, the surgery during which the implants at issue were placed, and the subsequent dental appointments.

Defendants argue that this broadened the scope of “incident.” However, based on the allegations in the FAC, it appears that Plaintiff only went to Defendants for a particular surgery, and therefore the pre-surgical and post-surgical appointments would be related to those surgeries and therefore not overbroad in time or scope. (*Deyo v. Kilbourne* (1978) 84 Cal.App. 3d 771, 781 [“Interrogatories relevant to the subject matter are permissible including questions which might possibly lead to the discovery of admissible evidence or information which would be helpful in preparing for the trial of a particular cause.”].)

After Plaintiff provided a definition for “incident,” Defendants referred Plaintiff to specific pages in various records provided by Defendant. In responding to interrogatories, it is permissible to reference a pleading or document, but in doing so the document “should be identified and summarized so the answer is fully responsive to the question.” (*Deyo*, 84 Cal.App.3d at 783.) Here, Defendants’ supplemental responses simply identified swaths of pages of records, without summarizing or identifying how those pages could respond to the interrogatory. Even more problematic, the responses directing Plaintiff to pages of his own medical records, seem highly unlikely to provide information about witnesses names, addresses and telephone numbers which were sought in each of the contested interrogatories. The identification and contact information for potential witnesses is a central part of the discovery process. (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249–1250, citing *People v. Dixon* (2007) 148 Cal.App.4th 414, 443.)

Based on the above, Defendants’ objections on the grounds that the requests were overbroad in time and scope, even after Plaintiff provided a specific definition of “incident,” are not meritorious.

B. Form Interrogatory 12.6 – Objection based on vagueness/ambiguity

Form Interrogatory 12.6 seeks information about any “report” that may have been made about the “incident” and the name and contact information for the person making the report. Defendants objected on the grounds that “report” was vague and ambiguous and then directed Plaintiff to his medical records for this information. In the initial objections, Defendants did not identify where in the records this information could be found. In the later meet and confer letter, Defendants, as they did with the other interrogatories, pointed to numerous pages of documents where the information could purportedly be found. However, as with the responses to the other interrogatories, this response was inadequate because it failed to provide the identity and contact information for any person preparing the report (or records) during those appointments. Again, the identification and contact information for potential witnesses is a central part of the

discovery process. (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249–1250, citing *People v. Dixon* (2007) 148 Cal.App.4th 414, 443.)

IV. Conclusion and Sanctions

Plaintiff's Motions to Compel Further Responses to Form Interrogatories is **GRANTED**. Defendants are ordered to provide full and complete verified responses to Form Interrogatories 12.1, 12.3, 12.,4 and 12.6, without objection, within fifteen (15) days of this Order.

Both parties request sanctions in this matter. The Court finds that the parties met and conferred in good faith and that the Defendants' expressed objections, while insufficient, were reasonably made. Accordingly, the Court exercises its discretion and **denies sanctions** to both parties.

The Clerk shall provide notice of this Ruling to the parties forthwith. Counsel for Plaintiff to prepare a formal Order complying with Rule 3.1312 in conformity with this Ruling.