

**LAKES TREATMENT CENTER, INC. v
LAKE TULLOCH, LLC, et al**

21CV45585

PLAINTIFF'S MOTION FOR RESTORATION OF JURY TRIAL

This case stems from a property dispute between Plaintiffs The Lakes Treatment Center, Inc. ("LTC") and Bernadette Cattaneo ("Cattaneo") (collectively, "Plaintiffs"), and The Resort at Lake Tulloch, ("Resort"), Narullah Safdari ("Safdari") and Odell Tristin ("Tristin") (collectively, "Defendants").

Plaintiffs move for relief from "inadvertent" waiver of right to jury trial (for failure to timely post jury fee deposit) and for an order granting a jury trial. Defendants have not filed any opposition.

Pursuant to Code of Civil Procedures section 631(f), a party waives trial by jury by "failing to timely pay the fee described in subdivision (b), unless another party on the same side of the case has paid that fee." However, the court retains discretion to proceed with a jury trial even in the face of waiver. (Code Civ. Proc. §631(g); *TriCoast Builders, Inc. v. Fonnegra* (2024) 15 Cal.5th 766, 778–779.) When evaluating a request for relief from the failure to timely pay the deposit, a court properly considers equitable factors, including the reasons for the belated decision, closeness to trial, potential tactics at play and hardship. (*Id.* 784-785.) "Where the right to jury is threatened, the crucial focus is whether any prejudice will be suffered by any party or the court if a motion for relief from waiver is granted." (*Wharton v. Superior Court* (1991) 231 Cal.App.3d 100, 104.)

Here, Plaintiff LTC originally filed this cause of action in 2021, while Cattaneo brought an arbitration through the American Arbitration Association pursuant to a clause in the relevant LLC operating agreement. Defendant Resort filed a cross-complaint against LTC and a separate action against Cattaneo based on a different alleged contract. The parties stipulated, and the Court agreed, to consolidate this matter with the other civil case and the associated arbitration. As a result, Cattaneo was added as a party to this action and Plaintiffs filed their Second Amended Complaint on August 16, 2023.

Plaintiffs' counsel avers that it is his consistent practice to post jury fees to preserve his clients' rights to a jury trial and that this is generally done by paralegals in his office. (Declaration of Zachary P. Young ("Young Decl.") ¶ 3.) Mr. Young avers that he believed that his paralegal had in fact posted the jury fees as it was always Plaintiffs' intent to request a trial by jury. (*Ibid.*) The first Case Management Statement filed by Plaintiffs

supports this as it clearly indicated the intent to have a jury by trial. (CMC dated Jan. 4, 2022.) Plaintiffs were unaware that the jury fees had not been paid until April 28, 2025, during a settlement conference. (Young Decl. ¶ 4.)

A jury trial appears to have been plaintiffs' original intention, as evidenced by the CMC statement, counsel's declaration, and also the declaration of Plaintiff Catteneo. The waiver appears to be "technical noncompliance" and defendant has fulfilled the core objective of the statute, which is to give timely notice that a jury is demanded. (*TriCoast Builders*, supra (2024) 15 Cal.5th 766, 782 – 783.) Defendants have not filed any opposition to this motion and the Court sees no hardship that outweighs Plaintiffs' right to a jury trial.

Accordingly, Plaintiffs' motion to restore jury trial is **GRANTED**. Plaintiffs must lodge their statutory jury fee deposit with the Court by 3:00 p.m. on August 1, 2025.

The clerk shall provide notice of this ruling to the parties forthwith. Counsel for Plaintiffs to submit a formal Order in compliance with Rule of Court 3.1312 in conformity with this Ruling.

WALKER v YADAV ENTERPRISES, INC., et al

23CV46729

PLAINTIFF'S MOTIONS TO COMPEL DISCOVERY

This matter involves a claim for sexual harassment and assault, as well as wage and labor violations, by Romei Walker ("Plaintiff") against Yadav Enterprises, Inc. ("Yadav"), Greenhorn Golf LLC ("Greenhorn"), Raymond Lee Warren ("Warren") and Elaine Offenbach ("Offenbach.")

Plaintiff has filed a motions to compel discovery against various defendants, each of which improperly combines multiple motions to compel into a single motion. Each of these motions should have been filed separately with separate filing fees. (*Dunbar v. Mir Fashion, LLC* (2025) 2025 Cal.Super.LEXIS 4391.) The Court has chosen to rule on the substance of these motions but Plaintiff is admonished that future failures to file separate motions may result in denial of the motion with prejudice.

Plaintiff also seeks sanctions. Plaintiff's attempted meet and confer efforts are sufficient.

The motions are unopposed.

I. Background Facts

Plaintiff began working at Defendants Greenhorn Creek in about August 2021 as an 23 Event Coordinator and Restaurant Supervisor. (Complaint ¶ 9.) Plaintiff alleges that Yadav is also her employer. Plaintiff was routinely subjected to sexual harassment by multiple employees, including line cook Warren. (*Id.* ¶ 11.) Plaintiff alleges that at different times she warned her employer that it should not hire or retain employees that engage in sexual harassment but was ignored. (*Ibid.*)

On about August 2, 2022, Defendants threw a party at which Plaintiff alleges she was told by a co-worker that the co-worker had been sexually assaulted by Warren. (*Id.* ¶ 18-20.) Apparently, Warren threatened to also sexually assault Plaintiff and when Plaintiff learned of this she was extremely concerned. (*Id.* ¶ 22-23.) On about August 4, 2022, Plaintiff returned to work and told the company's Sales & Marketing Director,

Defendant Offenbach, everything about the co-worker's rape and Defendant Warren's threats to rape Plaintiff. (*Id.* ¶ 27.) Offenbach allegedly discounted the accusations and suggested it was the result of the way Plaintiff and the co-worker dressed and acted. (*Ibid.*) Plaintiff reported the assault to Greenhorn general manager Miriam Cline as well as the human resources director but nothing was done. (*Id.* ¶¶ 31,33.) Plaintiff alleges that she was constructively discharged because her employer failed to act to protect her or ensure that she had a safe work environment. Plaintiff also alleges various violations of wage and labor laws.

B. Procedural History

On October 5, 2023, Plaintiff served Yadav with: 1) Form Interrogatories – Employment Law, Set One; 2) Form Interrogatories – General, Sets One and Two; 3) Requests for Admissions, Set One; 4) Special Interrogatories, Set One; and 5) Requests for Production of Documents, Set One. (Declaration of Nathan Searcy (“Searcy Decl.”) ¶ 2, Exs. 1-6.) Roughly a year later, on September 12, 2024, Yadav served Responses to Plaintiff's Form Interrogatories – Employment Law, Set One; Form Interrogatories – General, Sets One and Two; Requests for Admissions, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One. (Searcy Decl. ¶ 3, Exs. 7-12.) From October 2024 to January 2025, counsel for Plaintiffs and Yadav attempted to meet and confer to resolve the remaining discovery disputes. (Searcy Decl. ¶¶ 18, 27, 32.)

On March 10, 2025, Yadav served Amended responses to Plaintiff's Form Interrogatories – General, Set Two and Special Interrogatories. (Searcy Decl. ¶ 32, Exs. 44-45.) At that same time, Defendant's counsel granted Plaintiff's extension request, making Plaintiff's deadline to file a Motion to Compel, regarding both Yadav's original discovery responses and amended discovery responses, April 28, 2025. (Searcy Decl. ¶ 34, Ex. 47.)

After Plaintiff's counsel granted numerous extensions and provided detailed meet and confer correspondence, Yadav failed to provide the requested supplemental discovery responses. (Searcy Decl. ¶ 35.) To date, Yadav has also failed to verify any of its discovery responses and has failed to produce any responsive documents. (*Ibid.*) Accordingly, Plaintiff thereafter filed the instant Motion.

II. Legal Standards and Discussion

A party may move to compel a further response to a discovery demand if the demanding party deems that the statement of compliance with the demand is incomplete; the representation of inability to comply is inadequate, incomplete, or evasive; or an objection in the response is without merit or too general. (Code Civ. Proc., §§ 2030.300(a) [interrogatories], 2031.310(a) [documents], 2033.290(a) [admissions].)

MOTION TO COMPEL AS TO DEFENDANT YADAV

A. Employment Form Interrogatories

Plaintiff seeks to compel further responses to several employment form interrogatories (“ELFROG”) on the grounds that Yadav’s answers are unverified and incomplete or evasive.

An unverified response is tantamount to no response at all. (*Appleton v. Sup. Ct.* (1988) 206 Cal.App.3d 632, 636.) There is no evidence that Yadav has attempted to provide subsequent verified response, and filed no opposition to the motion. Yadav is therefore ordered to provide verified responses to the ELFROGS.

Substantively, Plaintiff contends that the answers are vague or incomplete to ELFROGS No. 200.1, 200.2, 200.3, 200.4, 200.5, 201.1, 201.2, 201.3, 201.4, 201.5, 201.6, 201.7, 207.1, 209.1, 209.2, 211.1, 211.2, 211.3. Each of these interrogatories address the employee/employer relationship and relevant questions thereunder (such as whether the employment relationship was contractual, or whether there was a termination). Yadav’s response to each of these questions was substantially the same:

Defendant objects to this Interrogatory on the grounds that it seeks a legal conclusion as to whether an employment relationship exists. Subject to, and without waiving the foregoing objection, Defendant responds there was no

employment relationship between Plaintiff and Defendant and she was employed at all times by defendant Greenhorn.

A party cannot object to a discovery request based solely on the fact that the question seeks or calls for a legal conclusion. (*Burke v. Superior Court of Sacramento County* (1969) 71 Cal.2d.276, 281.) Indeed, the purpose of discovery is to clarify and narrow the issues made by the pleadings. (*Ibid.*) Yadav is therefore ordered to respond to the ELFROGS without this objection.

However, the Court disagrees that the remaining response is incomplete. Yadav asserts repeatedly that it was not Plaintiff's employer. There are no allegations or evidence accompanying the motion to compel that set forth the grounds on which Plaintiff disputes this assertion. If Yadav categorically denies being in an employment relationship with Plaintiff, it cannot be compelled to answer questions about a non-existent relationship. Accordingly, Yadav is not compelled to provide further substantive answers to ELFROGS Nos. 200.1, 200.2, 200.3, 200.4, 200.5, 201.1, 201.2, 201.3, 201.4, 201.5, 201.6, 201.7, 207.1, 209.1, 211.1, 211.2, 211.3 as each of these is relevant only if there was an employer/employee relationship.

As regards ELFROG No. 209.2, however, Yadav is required to provide a code-compliant response. This interrogatory asks whether, in the past 10 years has any employee filed a civil action against the Yadav regarding his or her employment. This interrogatory is not related to specific questions about Plaintiff's employment, but may reasonably lead to admissible discovery.

Conclusion: ELFROGS

Yadav is ordered to provide verified responses to all ELFROGS and is to remove the unmerited objections refusing to answer based on the questions asking for a "legal conclusion." Yadav is ordered to prove a verified and code-compliant response to No. 209.2.

B. General Form Interrogatories

Plaintiff seeks to compel further responses to several general form interrogatories (“FROG”) on the grounds that Yadav’s answers are unverified and incomplete or evasive.

An unverified response is tantamount to no response at all. (*Appleton v. Sup. Ct.* (1988) 206 Cal.App.3d 632, 636.) There is no evidence that Yadav has attempted to provide subsequent verified response, and filed no opposition to the motion. Yadav is therefore ordered to provide verified responses to all of the FROGS.

Substantively, Plaintiff contends that the answers are vague or incomplete to FROGS 12.1-12.6, 15.1, and 17.1. FROGS No. 12.1-12.5 are each multipart questions seeking information related to whether anyone witnessed, took interviews, obtained statements, took photographs or films, made recreations, or filed any report regarding the “Incident.”

The “Incident” is defined as “Plaintiff’s constructive discharge on or about August 5, 2022, as alleged in Plaintiff’s complaint for damages.”

FROGS No. 12.1-12.6

As to FROGS No. 12.1-12.6, Defendant made the following substantially similar response to each interrogatory:

Defendant objects to this Interrogatory on the grounds that it seeks a legal conclusion as to whether there was any employment relationship between Defendant and Plaintiff. Defendant further objects to this Interrogatory on the ground that the definition of the term “INCIDENT” is overly broad and renders the interrogatory unduly vague, ambiguous and harassing in light of the number of causes of action broad timeline of allegations present in the Complaint. Subject to, and without waiving the foregoing objection, Defendant responds there was no employment relationship between Plaintiff and Defendant and she was employed at all times by defendant Greenhorn and therefore it is unclear what role Defendant is alleged to have played in the “INCIDENT” such that it can provide information on possible witnesses.

As stated above, a party cannot object to a discovery request based solely on the fact that the question seeks or calls for a legal conclusion. (*Burke v. Superior Court of Sacramento County* (1969) 71 Cal.2d.276, 281.) Indeed, the purpose of discovery is to clarify and narrow the issues made by the pleadings. (*Ibid.*) Yadav is therefore ordered to respond to the FROGS without this objection.

Yadav's objection to FROGS 12.1-12.6 on the grounds that the term "Incident" is vague is not well taken. The term is clearly defined in the Definition section to the FROGS as Plaintiff's alleged constructive discharge on August 5, 2022. The term is not "unintelligible" nor is it overly broad in time and scope. Plaintiff's factual allegations surrounding the Incident span a limited time between August 2, 2022 to August 5, 2022. A party may not "deliberately misconstrue a question for the purpose of supplying an evasive answer. [citation] Indeed, where the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response. [citation]." (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.) Finally, the objection that the Plaintiff was not an employee is irrelevant to whether Yadav has information related to the facts and circumstances leading up to and surrounding the Incident.

FROG 15.1

Yadav failed to provide any response to FROG 15.1. This is a standard interrogatory approved by the Judicial Counsel and there is no stated reason for the failure to respond.

FROG 17.1

This interrogatory asks whether the "response to each request for admission served with these interrogatories is an unqualified admission" and specific information related to each admission.

Yadav objected as follows:

Defendant objects to this Interrogatory on the grounds that it is premature as discovery and litigation is ongoing. Defendant objects to this Request on the

ground it asks Defendant to admit to ultimate questions of law, which is beyond the scope permitted by Code of Civil Procedure § 2033.010. Defendant further objects to this Interrogatory on the grounds that it seeks information and material protected by the attorney-client privilege or work-product doctrine, specifically because each and every Request for Admission asks Defendant to admit or deny a legal concept.

Defendant further incorporates its objections to each Request for Admission as if set forth herein. Subject to and without waiving any of the foregoing objections, Defendant responds that it provided sufficient information in response to each response to a Request for Admission that was not an unqualified admission.

Yadav agreed to provide amended substantive responses before January 6, 2025 which were apparently not provided.

As stated above, Yadav's objections based on the question seeking a legal conclusion is unmerited. As regards, the attorney-client privilege objection, this privilege permits the client, whether or not a party, to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer. (Evid. Code § 954.) Work product is also protected and includes the attorney's evaluation or interpretation of the law or facts. (*Mack v. Sup. Ct. (State of Calif.)* (1968) 259 Cal.App.2d 7, 10.) Here, the call of the subject interrogatory does not seek attorney-client communications, or any kind of attorney work product. It merely seeks information related to the Requests for Admissions. The mere fact that Yadav's attorney may have to respond to legal questions in the RFAs does not automatically render the interrogatory one seeking privileged information.

Conclusion: FROGS

Yadav is ordered to provide verified responses to FROGS 12.1-12.6 and is to remove the unmerited objections refusing to answer based on the questions asking for a "legal conclusion" or vagueness. The Court notes that Yadav had already agreed to provide amended responses on or before January 6, 2025 and failed to do so. (Searcy Decl. ¶ 18, Ex. 28, 29.)

Yadav is further ordered to provide the addresses and telephone numbers for the witnesses to the Incident (Melissa Dawson and Sierra WiefelsPecora.)

Yadav is further ordered to provide a verified code-compliant responses to FROG 15.1 and 17.1 (without objection).

C. Special Interrogatories (SROGS)

Plaintiff seeks to compel further responses to several special interrogatories (“SROG”) on the grounds that Yadav’s answers are unverified and incomplete or evasive.

SROG 10, 11: These interrogatories seek information related to whether there are other claims that could be paid out of the relevant insurance policy and to identify those claims.

Yadav objected on the grounds that the term “other claims” was vague, on relevance grounds and privacy grounds. The term “other claims” is not vague or ambiguous in the context of the question which is clearly seeking information as to whether Yadav’s commercial insurance is covering other similar/employment claims. Discovery of information related to insurance coverage is allowed. (Code Civ. Proc., §2017.210.) The privacy concerns of other individuals who may have claims against Yadav is reasonable, though it may also lead to admissible discovery.

Yadav is ordered to provide verified code-compliant responses to SROGS 10 and 11, but may request a protective order if necessary to protect third-party information.

SROG 12-15:These interrogatories seek information related to the “owners” and “members” of Yadav and the percentage of ownership.

Yadav offers no legitimate reason for refusing to answer these interrogatories. The identity of the owners and members, and their ownership percentage, is relevant -- at the least -- to Plaintiffs claims for wage violations. (See Cal. Lab. Code § 558.1.)

Yadav is ordered to provide verified code-compliant response to SROGS 12-15.

SROG 26-29. These interrogatories seeks information related to Yadav's methods and policies and procedures to train personnel on harassment, discrimination or retaliation; and on other wage and labor claims.

Yadav objects on the grounds that Plaintiff had no employment relationship. The employment status of Plaintiff is irrelevant to basic questions sought about general employment policies and procedures.

Yadav is ordered to provide verified code-compliant response to SROGS 26-29.

Conclusion: SROGS

Yadav is ordered to provide verified responses to all the SROGS. Yadav is furthered ordered to provide code-compliant responses to SROGS No. 10-15. Yadav may seek a protective order to protect any third parties who may be revealed in these interrogatories.

Yadav is ordered to provide verified code-compliant response to SROGS 26-29.

D. Request for Production

Motions to compel further responses to RPDs must set forth specific facts showing good cause justifying the discovery sought by the request. (CCP § 2031.310(b).) To establish good cause, a discovery proponent must identify a disputed fact that is of consequence in the action and explain how the discovery sought will tend in reason to prove or disprove that fact or lead to other evidence that will tend to prove or disprove the fact. (*Digital Music News LLC v. Superior Court* (2014) 226 Cal.App.4th 216, 224, disapproved on other grounds by *Williams v. Superior Court* (2017) 3 Cal.5th 531; see also *Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98 [characterizing good cause

as “a fact-specific showing of relevance”].) If good cause is shown by the moving party, the burden shifts to the responding party to justify any objections made to disclosure of the documents. (*Kirkland, supra*, 95 Cal.App.4th at 98.)

Plaintiff seeks further responses to over 100 Requests for Production of Documents (“RPDs”). Defendants agreed to provide amended response during meet and confer efforts but no further responses have been given.

RPDs 1-4, 10, 12-13, 17, 18, 22, 24, 25, 27-31, 34-37, 42-45, 49, 83-90, 91: These RPDs all seek documentation related to Plaintiff’s employment, including job duties, contracts, wages paid, hours worked, benefits paid, complaints made by Plaintiff at any time, and similar employment documents. RPD 91 seeks attendance records for similarly situated employees.

Yadav objected to each of these with the following substantially similar objection:

Defendant objects to this Request on the ground it assumes preliminary facts not in evidence, including that Plaintiff was employed by Defendant at any time. Subject to, and without waiving the foregoing objection, Defendant responds there was no employment relationship between Plaintiff and Defendant and she was employed at all times by defendant Greenhorn and therefore none exist.

Plaintiff requests further responses to these documents on the grounds that if Yadav has responsive documents, they must be produced regardless of whether Yadav was Plaintiff’s employer. Plaintiff further requests that the responses comply with Code of Civil Procedure section 2031.230 and specify the reasons for non-compliance.

The requested documents are relevant to Plaintiff’s claims and are specific to Plaintiff’s claims of employment by Yadav. There is therefore good cause to require production of the documents and Yadav, in failing to file any opposition, has failed to carry its burden to show that the objections are justified. (*Kirkland, supra*, 95 Cal.App.4th at 98.)

RPD Nos. 15, 16, 19-21, 26: These RPDs seek documents related to employee discipline, and policies and training related to investigations, suspension and discipline.

Yadav objected to each of these with the following substantially similar objection:

Defendant objects to this Request on the ground it assumes preliminary facts not in evidence, including that Plaintiff was employed by Defendant at any time. Defendant further objects to this request on the ground that it seeks information that is not relevant to the subject matter of this action and/or not reasonably calculated to lead to the discovery of admissible evidence, specifically because any procedures related to the promotion or demotion of Defendant's employees are not relevant to work done for wholly separate entities. Subject to, and without waiving the foregoing objection, Defendant responds there was no employment relationship between Plaintiff and Defendant and she was employed at all times by defendant Greenhorn and therefore none exist.

Plaintiff requests further responses to these documents on the grounds that if Yadav has responsive documents, they must be produced regardless of whether Yadav was Plaintiff's employer. Plaintiff further requests that the responses comply with Code of Civil Procedure section 2031.230 and specify the reasons for non-compliance.

The requested documents are relevant to Plaintiff's claims and are specific to Plaintiff's claims of employment by Yadav. There is therefore good cause to require production of the documents and Yadav, in failing to file any opposition, has failed to carry its burden to show that the objections are justified. (*Kirkland, supra*, 95 Cal.App.4th at 98.)

RPD Nos. 46, 47, 48: These RPDs seek documents pertaining to any administrative or civil complaints against Yadav in the past three years related to wage/hour disputes; document retention policies, and organizational charts depicting Yadav's corporate structure in the last five years.

Yadav objected to these RPDs generally on the grounds that there was no employment relationship with Plaintiff, and the documents are irrelevant.

Plaintiff offers good cause for producing the documents. Specifically, Yadav admits that it had some control over Plaintiff's employment and was involved in investigations into

many of Plaintiff's allegations. Yadav's organizational charts are clearly relevant as Plaintiff is alleging punitive damages and Plaintiff is entitled to an understanding of Yadav's reporting structure. There is also good cause to produce any wage and hour complaints and document retention policies as these are relevant to the Plaintiff's claims and whether or not Yadav may have retained documents. Yadav, in failing to file any opposition, has failed to carry its burden to show that the objections are justified. (*Kirkland, supra*, 95 Cal.App.4th at 98.)

RPDs 7, 11, 14, 50, 51-56, 58, 59-156: These RPDs seek any documentation (recordings, policies, communications, email, text messages) related to the factual allegations in the Complaint. Specifically, documentation related to the claims of sexual assault, Plaintiff's reporting, statements made about Plaintiff's clothing, Plaintiff's reports to supervisors, and allegations related to Yadav's responses to these complaints.

Yadav objected to these RPDs generally on the grounds that there was no employment relationship with Plaintiff, and the documents are irrelevant.

The requested documents are relevant to Plaintiff's claims and are specific to Plaintiff's claims of employment by Yadav, the failure to respond to claims of sexual assault and harassment, and the extent to which Yadav had control over Plaintiff's employment. There is therefore good cause to require production of the documents and Yadav, in failing to file any opposition, has failed to carry its burden to show that the objections are justified. (*Kirkland, supra*, 95 Cal.App.4th at 98.)

Conclusion: Yadav is ordered to provide verified, code-compliant responses to the RPDs.

E. Sanctions

Plaintiff seeks \$2,800 in sanctions based on Greenhorn's evasive, non-code compliant answers to discovery. (Code of Civil Procedure section 2023.030.) This amount is based on Plaintiff's counsel's regular rate of \$400 times seven hours of work. The Court finds that Greenhorn's failure to provide the further answers agreed upon in meet and confer efforts, and the failure to provide verified code-compliant answers is a misuse of the discovery process. Accordingly, sanctions are warranted. However, the Court continues

to find the going rate for attorney's fees in this County is \$300 per hour and this standard value is applied in all sanctions awards.

III. Conclusion

Plaintiff's Motion to Compel is **GRANTED** as to Defendant Yadav. Yadav is ordered to provide verified responses to all discovery., without objection, within twenty (20) calendar days. Specifically:

- Yadav is ordered to provide verified responses to all ELFROGS and is to remove the unmerited objections refusing to answer based on the questions asking for a "legal conclusion." Yadav is ordered to provide a verified and code-compliant response to No. 209.2.
- Yadav is ordered to provide verified responses to FROGS 12.1-12.6 and is to remove the unmerited objections refusing to answer based on the questions asking for a "legal conclusion" or vagueness. The Court notes that Yadav had already agreed to provide amended responses on or before January 6, 2025 and failed to do so. (Searcy Decl. ¶ 18, Ex. 28, 29.)
- Yadav is further ordered to provide the addresses and telephone numbers for the witnesses to the Incident (Melissa Dawson and Sierra WiefelsPecora.)
- Yadav is further ordered to provide a verified code-compliant responses to FROG 15.1 and 17.1 (without objection).
- Yadav is ordered to provide verified responses to all the SROGS. Yadav is further ordered to provide code-compliant responses to SROGS No. 10-15. Yadav may seek a protective order to protect any third parties who may be revealed in these interrogatories.
- Yadav is ordered to provide verified code-compliant response to SROGS 26-29.
- Yadav is ordered to provide verified, code-compliant responses to the RPDs at issue.

Yadav is also ordered to pay **sanctions in the amount of \$1,500.00.**

MOTION TO COMPEL AS TO DEFENDANT GREENHORN

Procedural History

On October 5, 2023, Plaintiff served Greenhorn with: 1) Form Interrogatories – Employment Law, Set One; 2) Form Interrogatories – General, Sets One and Two; 3) Requests for Admissions, Set One; 4) Special Interrogatories, Set One; and 5) Requests for Production of Documents, Set One. (Declaration of Nathan Searcy (“Searcy Decl.”) ¶ 2, Exs. 1-6.) Roughly a year later, on September 12, 2024, Greenhorn served Responses to Plaintiff’s Form Interrogatories – Employment Law, Set One; Form Interrogatories – General, Sets One and Two; Requests for Admissions, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One. (Searcy Decl. ¶ 3, Exs. 7-12.) From October 2024 to January 2025, counsel for Plaintiff and Greenhorn attempted to meet and confer to resolve the remaining discovery disputes. (Searcy Decl. ¶¶ 18, 27, 32.)

On March 10, 2025, Greenhorn served amended responses to Plaintiff’s Form Interrogatories – General, Set One, Form Interrogatories – Employment, Requests for Production of Documents and Special Interrogatories. (Searcy Decl. ¶ 32, Exs. 44-47.) At that same time, Defendant’s counsel granted Plaintiff’s extension request, making Plaintiff’s deadline to file a Motion to Compel, regarding both Greenhorn’s original discovery responses and amended discovery responses, to April 28, 2025. (Searcy Decl. ¶ 34, Exs. 48-49.)

After Plaintiff’s counsel granted numerous extensions and provided detailed meet and confer correspondence, Greenhorn failed to provide the requested supplemental discovery responses. (Searcy Decl. ¶ 35.) To date, Greenhorn has also failed to verify any of Defendant’s discovery responses and has failed to produce any responsive documents. (*Ibid.*) Thereafter, Plaintiff brought the instant Motion.

A. Employment Form Interrogatories

Plaintiff seeks to compel further responses to Employment Form Interrogatory (“ELFROG”) No. 211.1 on the grounds that Greenhorn’s answers are unverified and incomplete or evasive. Plaintiff also asserts that Greenhorn indicated its willingness to provide further responses but failed to do so.

An unverified response is tantamount to no response at all. (*Appleton v. Sup. Ct.* (1988) 206 Cal.App.3d 632, 636.) There is no evidence that Greenhorn has attempted to provide subsequent verified response, and filed no opposition to the motion. Greenhorn is therefore ordered to provide verified responses to all ELFROGS.

Substantively, Plaintiff seeks further response to No. 211.1 which states:

Identify each type of BENEFIT to which the EMPLOYEE would have been entitled, from the date of the ADVERSE EMPLOYMENT ACTION to the present, if the ADVERSE EMPLOYMENT ACTION had not happened and the EMPLOYEE had remained in the same job position. For each type of benefit, state the amount the EMPLOYER would have paid to provide the benefit for the EMPLOYEE during this time period and the value of the BENEFIT to the EMPLOYEE.

Greenhorn objected, stating:

Defendant objects to this Interrogatory on the grounds that it assumes preliminary facts not in evidence and calls for a legal conclusion. Subject to, and without waiving the foregoing objections, Defendant responds as follows: Plaintiff voluntarily resigned, thereby forfeiting the continuance of her benefits.

Pursuant to Code of Civil Procedure section 2030.220(a), “[e]ach answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits.” Greenhorn’s response is not code-compliant. Plaintiff was employed by Greenhorn and alleges she was constructively discharged. “Termination” is defined in the Form Interrogatories as “the actual or constructive termination of employment and includes a discharge, firing, layoff, resignation, or completion of the term of the employment agreement.” Accordingly, Plaintiff’s allegations of constructive discharge constitute “termination.”

Greenhorn’s objection is meritless and Greenhorn is therefore ordered to provide verified, code-compliant response to ELFROG No. 211.1. (See *also* Cal. Rules of Court 3.1342(b) [“The failure of the opposing party to serve and file a written opposition may be construed by the court as an admission that the motion is meritorious, and the court may grant the motion without a hearing on the merits.”].)

B. Special Interrogatories (SROGS)

Plaintiff seeks to compel further responses to several special interrogatories (“SROG”) on the grounds that Greenhorn’s answers are unverified and incomplete or evasive.

SROG 10, 11: These interrogatories seek information related to whether there are other claims that could be paid out of the relevant insurance policy and to identify those claims.

Greenhorn objected on the grounds that the term “other claims” was vague, on relevance grounds and privacy grounds. The term “other claims” is not vague or ambiguous in the context of the question which is clearly seeking information as to whether Greenhorn’s commercial insurance is covering other similar/employment claims. Discovery of information related to insurance coverage is allowed. (Code Civ. Proc., §2017.210.) The privacy concerns of other individuals who may have claims against Greenhorn is reasonable, though it may also lead to admissible discovery.

Greenhorn is ordered to provide verified code-compliant responses to SROGS 10 and 11, but may request a protective order if necessary to protect third-party information.

C. Sanctions

Plaintiff seeks \$800 in sanctions based on Greenhorn’s evasive, non-code compliant answers to discovery. (Code of Civil Procedure section 2023.030.) The Court finds that Greenhorn’s failure to provide the further answers agreed upon in meet and confer efforts, and the failure to provide verified code-compliant answers is a misuse of the discovery process. Accordingly, sanctions are warranted.

III. Conclusion

Plaintiff’s Motion to Compel is **GRANTED** as to Defendant Greenhorn. Greenhorn is ordered to provide verified responses to all discovery, without objection, within twenty (20) calendar days. Greenhorn is further ordered to provide further verified, code-compliant responses to ELFROG 211.1 and SROGS 10 and 11, without objection. Greenhorn may seek a protective order as it sees fit.

Greenhorn is ordered to pay **sanctions in the amount of \$450.00**.

MOTION TO COMPEL AS TO DEFENDANT OFFENBACH

Procedural History

On October 5, 2023, Plaintiff served Offenbach with: 1) Form Interrogatories General, Set One; Requests for Admissions, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One. (Declaration of Nathan Searcy (“Searcy Decl.”) ¶ 2, Exs. 1-4.) Roughly a year later, on September 12, 2024, Offenbach served Defendant’s Responses to Plaintiff’s Form Interrogatories – General, Set One; Requests for Admissions, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One. (Searcy Decl. ¶ 3, Exs. 5-8.) From October 2024 to January 2025, counsel for Plaintiff and Greenhorn attempted to meet and confer to resolve the remaining discovery disputes. (Searcy Decl. ¶¶ 18, 27, 32.)

On March 10, 2025, Offenbach served amended responses to Plaintiff’s Form Interrogatories – General, Set One, Request for Production of Documents and Special Interrogatories. (Searcy Decl. ¶ 32, Exs. 40-42.) At that same time, Defendant’s counsel granted Plaintiff’s extension request, making Plaintiff’s deadline to file a Motion to Compel, regarding both Greenhorn’s original discovery responses and amended discovery responses, to April 28, 2025. (Searcy Decl. ¶¶ 33, 34.)

After Plaintiff’s counsel granted numerous extensions and provided detailed meet and confer correspondence, Offenbach failed to provide the requested supplemental discovery responses. (Searcy Decl. ¶ 35.) To date, Offenbach has also failed to verify any of Defendant’s discovery responses and has failed to produce any responsive documents. (*Ibid.*) Thereafter, Plaintiff brought the instant Motion.

II. Legal Standards and Discussion

A party may move to compel a further response to a discovery demand if the demanding party deems that the statement of compliance with the demand is incomplete; the representation of inability to comply is inadequate, incomplete, or evasive; or an objection in the response is without merit or too general. (Code Civ. Proc., §§ 2030.300(a) [interrogatories], 2031.310(a) [documents], 2033.290(a) [admissions].)

Plaintiff seeks to compel further responses to Form interrogatories (“FROG”) No 12.1 and Special Interrogatory (SROG) 1, on the grounds that Offenbach’s answers are unverified and incomplete or evasive.

An unverified response is tantamount to no response at all. (*Appleton v. Sup. Ct.* (1988) 206 Cal.App.3d 632, 636.) There is no evidence that Offenbach has attempted to provide subsequent verified response, and filed no opposition to the motion. Offenbach is therefore ordered to provide verified responses to all discovery.

Substantively, Plaintiff contends that the answers to FROG No. 12.1 is not code-compliant and the objections made are meritless.

No. 12.1 is a multipart question seeking information on anyone who witnessed, took interviews, obtained statements, or has other knowledge regarding the “Incident.”

The “Incident” is defined as “Plaintiff’s constructive discharge on or about August 5, 2022, as alleged in Plaintiff’s complaint for damages.”

Offenbach objected on the “ground that the definition of the term “INCIDENT” is overly broad and renders the interrogatory unduly vague, ambiguous and harassing in light of the number of causes of action broad timeline of allegations present in the Complaint.” Offenbach further objected on the grounds that the request could implicate third-party privacy rights.

Offenbach’s objection on the grounds that the term “Incident” is vague is not well taken. The term is clearly defined in the Definition section to the FROGS as Plaintiff’s alleged constructive discharge on August 5, 2022. The term is not “unintelligible” nor is it overly broad in time and scope. Plaintiff’s factual allegations surrounding the Incident span a limited time between August 2, 2022 to August 5, 2022. A party may not “deliberately misconstrue a question for the purpose of supplying an evasive answer. [citation] Indeed, where the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response. [citation].” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.)

Offenbach’s objection based on the vague privacy rights of third parties is meritless. Code of Civil Procedure section 2017.010 provides that unless the court imposes limits, “any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.” (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249.) “Central to the discovery process is the identification

of potential witnesses. ‘The disclosure of the names and addresses of potential witnesses is a routine and essential part of pretrial discovery.’ [citation omitted].” (*Id.* 1249-1250.)

SROG 1 asks Offenbach to “identify” any witness Offenbach may know of who may have information of knowledge about the “incident.”

Offenbach objected on the grounds that the answer could implicate attorney-client privilege and on the grounds of third-party privacy rights. Offenbach then provided the names of five individuals, without contact information.

Plaintiff moves to compel a verified code-compliant response that complies with the definition of “identify” within the SROGs. “Identify” as used in the SROGs means to include the full name, phone number, address, last known occupation or business affiliation, and relationship to the respondent (past or present).

Defendant failed to provide any contact information, occupation, or relationship information. As stated above, the identity and contact information for potential witnesses is central to the discovery process. (*Puerto*, supra 158 Cal.App.4th at 1249.) There is no legitimate objection to providing this very basic information to Plaintiff.

Offenbach is ordered to provide verified, code-compliant responses to FROG 12.1 and SROG 1.

C. Sanctions

Plaintiff seeks \$800 in sanctions based on Offenbach’s evasive, non-code compliant answers to discovery. (Code of Civil Procedure section 2023.030.) The Court finds that Offenbach’s failure to provide the further answers agreed upon in meet and confer efforts, and the failure to provide verified code-compliant answers using baseless objections is a misuse of the discovery process. Accordingly, sanctions are warranted.

III. Conclusion

Plaintiff’s Motion to Compel as to defendant Offenbach is **GRANTED**. Offenbach is ordered to provide verified responses to all discovery, without objection. Offenbach is further specifically ordered to provide further verified, code-compliant responses to FROG 12.1 and SROG 1, without objection.

Offenbach is ordered to pay **sanctions in the amount of \$350.00**.

The clerk shall provide notice of this ruling to the parties forthwith. Counsel for Plaintiff to submit a formal Order in compliance with Rule of Court 3.1312 in conformity with this Ruling.