

ADAMS v ADAMS

21FL45124

PETITIONER'S'S MOTIONS TO COMPEL DISCOVERY

This is a dissolution action concerning the marriage of Rita Adams ("Petitioner") and Kinley Adams ("Respondent").

Now before the Court are Petitioners motions to compel discovery ("Motions") against Respondent. Specifically, Petitioner brings the following, all of which are addressed herein:

- Motion to Compel Responses to Form Interrogatories (Family), Set One ("FROGS Family")
- Motion to Compel Responses to Form Interrogatories (General), Set One ("FROGS General")
- Motion to Compel Responses to Request for Production of Documents, Set One ("RPDs")
- Motion to Compel Responses to Special Interrogatories, Set One ("SROGS")
- Motion for Order Deeming Admitted Truth of Facts ("RFAs")

The Motions are unopposed. Petitioner also seeks sanctions.

I. Procedural History

On May 6, 2025, Petitioner served FROGS (Family) on Respondent via his attorney by mail. (Declaration of Katherine Domenico 1 ("Domenico Decl.") ¶ 4, Ex. A.) Responses were due thirty-five days thereafter, on June 10, 2025. (Code Civ. Proc. § §2030.260(a) and 1013(a).) As of the filing of the Motions on June 26, 2025, Respondent had not responded.

On May 13, 2025, Petitioner served her RPDs, FROGS (General), SROGS, and RFAs on Respondent by U.S. Mail. (Domenico Decls. ¶ 4.) Responses were due on or before June 17, 2025. (Code Civ. Proc. §2031.260(a) and 1013(a).) As of the filing of the Motions on June 26, 2025, Respondent had 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, 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 Civ. Proc. section 2033.280:

(a) The party to whom the requests for admission are directed waives any objection to the requests, 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 2033.210, 2033.220, and 2033.230.
- 2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

Further, the Court shall deem the facts admitted as truth, unless it finds that the party to whom the RFAs were directed, "has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220." (Code Civ. Proc. § 2033.280(c).)

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.)

Petitioner properly served Respondent with the discovery Motions via his attorney of record via U.S. mail. Respondent has failed to provide responses to the discovery. Nor has Respondent filed an opposition to the Motions.

B. Sanctions

Petitioner seeks sanctions related to Respondent's failure to provide responses to discovery.

Pursuant to Code Civ. Proc. section 2033.280(c) the Court must impose sanctions for the failure to file a timely response to RFAs. The Court must also impose sanctions in the amount of \$1,000 (in addition to other reasonable sanctions) for the failure to provide responses to RPDs. (Code Civ. Proc. § 2023.050(a).) The Court may also impose sanctions for the failure to respond to discovery requests as a misuse of the discovery process. (Code Civ. Proc. § Section 2023.030(a).) The Court may impose sanctions even where there has been no opposition filed. (Cal. Rule of Court 3.1348.)

Specifically, Petitioner seeks \$3,000 in sanctions for each Motion, which would be a total of \$15,000 in sanctions. Petitioner does not however provide any information about counsel's hourly fee nor the amount of time spent on each motion, or any other basis for the requested amount(s).

Accordingly, Petitioner's Motions to compel responses to the FROGS-General, FROGS-Family, SROGS, RPDS, and RFAs are **GRANTED**. Respondent is ordered to provide verified, code-compliant responses within fifteen (15) days of this Order, without objections. The RFAs are **deemed admitted**.

The Motion for Sanctions is **partially granted**. As there was no opposition filed to the motions to compel interrogatory responses the Court declines to award sanctions on those three motions. As to RFAs, the Court imposes sanctions of \$1,000.00. As to RPDs, the Court imposes the statutorily-mandated sanction of \$1,000.00. Respondent to **pay Petitioner the amount of \$2,000.00, within fifteen (15) days** of this Order, payable c/o her attorney.

The clerk shall provide notice of this ruling to the parties forthwith. Petitioner to submit a formal Order in compliance with Rule of Court 5.125 in conformity with this Ruling.