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5 **Attorneys for Plaintiff(s),**
[CLIENT'S NAME(S)]
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF [COUNTY], [DISTRICT]**
9

10 [PLAINTIFF(S)], an individual,
11 Plaintiff,
vs.
12 [DEFENDANT(S)], and DOES 1 to [#],
13 inclusive,
14 Defendants.

Case No. []
Honorable []
[Dept. [#]]

**NOTICE OF MOTION AND MOTION
TO COMPEL FURTHER RESPONSES,
WITHOUT OBJECTIONS, TO
REQUESTS FOR ADMISSION, SET
NO. [#] AND REQUEST FOR ORDER
AWARDING MONETARY
SANCTIONS AGAINST DEFENDANT
AND DEFENSE COUNSEL IN THE
SUM OF \$1,060.00; MEMORANDUM
OF POINTS AND AUTHORITIES**

Filed Concurrently with Separate
Statement; Declaration of Daniel E. Selarz,
Esq. and Exhibits; [Proposed] Order

[California Code of Civil Procedure
("CCP") § 2033.290]

Date: []
Time: []
Dept.: []

Action Filed: []
Trial Date: []

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TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on [Date], at [Time] or as soon thereafter as the matter may be heard in Department [#] of the above-entitled court, Plaintiff [CLIENT’S NAME] (“Plaintiff”), will move the court for an order compelling Defendant, [DEFENDANT’S NAME] (“Defendant”), to serve further, verified responses, without objections to Requests for Admission, Set No. [#], Requests Nos. [#] served on Defendant on [Date].

Notice is further given that Plaintiff will request that the Court award monetary sanctions against Defendant and Defense Counsel, and in favor of Plaintiff in the sum of \$1,060.00 pursuant to *CCP* § 2023.010 et seq., and *CCP* § 2033.290, et seq.

This motion is made pursuant to *CCP* § 2033.290 on the grounds that the Defendant has failed, without justification, to serve proper response to these Requests.

This motion is further based upon this notice; the attached Memorandum of Points and Authorities; Separate Statement; Declaration of Daniel E. Selarz and Exhibits, filed herewith; upon the records and files in this action; and upon such further evidence and argument as may be presented prior to or at the time of hearing on the motion.

DATED: May 24, 2020

SELARZ LAW CORP.

By: _____
Daniel E. Selarz, Esq.
Attorneys for Plaintiff(s),
[Client’s Name(s)]

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The present case arises out of a [Date], [Type of Accident], resulting in personal
4 injuries to Plaintiff [Client’s Name] (“Plaintiff”). On [Date], Plaintiff served Requests for
5 Admission, Set No. [#], on Defendant. (Declaration of Daniel E. Selarz, Esq., (“Selarz
6 Decl.”) ¶2; Exhibit “A”.) On [Date], Defendant served responses which, as to Requests Nos.
7 [#], failed to provide adequate, substantive responses and/or provided responses, which
8 contained general and meritless objections. (Selarz Decl., ¶3; Exhibit “B”).

9 On [Date], Plaintiff sent a Meet and Confer Letter to Defense Counsel, outlining the
10 deficiencies in Defendant’s responses, unilaterally allowing fifteen additional days to
11 provide further verified substantive responses and offering additional time should it be
12 requested. (Selarz Decl., ¶4; Exhibit “C”). It is now May 24, 2020, and Defendants
13 responses to Plaintiff’s Requests for Admission, Set [#], Nos. [#] remain deficient. (Selarz
14 Decl., ¶5.)

15 As a result of Defendant’s willful refusal to serve full and complete verified responses
16 to these Requests, Plaintiff is unable to proceed with meaningful discovery. The information
17 requested is necessary in order to proceed with depositions, and to effectively prosecute this
18 action and prepare for trial. Accordingly, Plaintiff is forced to file the present motion,
19 requesting a Court order compelling Defendant, to serve full and complete further verified
20 responses, without objections, to Requests for Admission, Set No. [#], Nos. [#] served on
21 Defendant on [Date]. Furthermore, Plaintiff requests monetary sanctions against Defendant
22 and Defense Counsel, jointly, for their misuse of the discovery process and because there is
23 no showing that they acted with substantial justification or that other circumstances make
24 the imposition unjust.

25 **II. THE COURT IS AUTHORIZED TO COMPEL FURTHER RESPONSES**
26 **TO THESE REQUESTS (CCP § 2033.290).**

27 *CCP* § 2033.290 provides the following:

28 “On receipt of a response to requests for admissions, the party
requesting admissions may move for an order compelling a further

1 response if that party deems that either or both of the following apply:
2 (1) An answer to a particular request is evasive or incomplete.
3 (2) An objection to a particular request is without merit or too
4 general.”

5 As discussed below and in Plaintiff’s Separate Statement, filed herewith, Defendant
6 served evasive, nonresponsive answers, which included general and meritless objections.
7 Accordingly, the Court is authorized to compel further responses for the reasons stated
8 below.

9 **III. DEFENDANT’S RESPONSES ARE DEFICIENT AND REQUIRE AN**
10 **ORDER COMPELLING FURTHER RESPONSES**

11 C.C.P. Section 2033.220 provides the following:

- 12 (a) Each answer in a response to requests for admission shall be as
13 complete and straightforward as the information reasonably available
14 to the responding party permits.
15 (b) Each answer shall:
16 (1) Admit so much of the matter involved in the request as is true,
17 either as expressed in the request itself or as reasonably and clearly
18 qualified by the responding party.
19 (2) Deny so much of the matter involved in the request as is untrue.
20 (3) Specify so much of the matter involved in the request as to the
21 truth of which the responding party lacks sufficient information or
22 knowledge.
23 (c) If a responding party gives lack of information or knowledge as a
24 reason for a failure to admit all or part of a request for admission, that
25 party shall state in the answer that a reasonable inquiry concerning the
26 matter in the particular request has been made, and that the
27 information known or readily obtainable is insufficient to enable that
28 party to admit the matter.

As stated in the Declaration of Daniel E. Selarz, Esq., and detailed in the Separate
Statement, included herewith, Defendant served evasive, nonresponsive answers, which
included boilerplate and meritless objections.

A. Defendant’s Responses are Incomplete, Nonresponsive and Evasive

“Each answer in a response to requests for admission shall be as complete and
straightforward as the information reasonably available to the responding party permits.”
CCP § 2030.220(a).

1 As demonstrated in moving party's Separate Statement, Defendant provided
2 incomplete, deficient, nonresponsive and evasive answers to Plaintiff's Requests for
3 Admission, Set [#], Nos. [#].

4 **A. Defendant's Responses Fail to Comply with The Requirements of a**
5 **Proper Response to Requests for Admissions**

6 "Each answer shall: (1) Admit so much of the matter involved in the request as is
7 true, either as expressed in the request itself or as reasonably and clearly qualified by the
8 responding party. (2) Deny so much of the matter involved in the request as is untrue. (3)
9 Specify so much of the matter involved in the request as to the truth of which the responding
10 party lacks sufficient information or knowledge." CCP § 2030.220(b) "If a responding
11 party gives lack of information or knowledge as a reason for a failure to admit all or part of
12 a request for admission, that party shall state in the answer that a reasonable inquiry
13 concerning the matter in the particular request has been made, and that the information
14 known or readily obtainable is insufficient to enable that party to admit the matter." CCP
15 § 2030.220(c).

16 As shown in Plaintiff's Separate Statement, in the case of Request Nos. [#],
17 Defendant fails to admit, deny or specify so much of the matter in the request to which
18 Defendant lacks sufficient information knowledge to admit or deny. Further, Defendant's
19 responses fail to state that a reasonable inquiry concerning the matter was made and that the
20 information known or readily obtainable is insufficient to enable Defendant to admit the
21 matter.

22 **B. Defendant Failed to Perform an Adequate Investigation**

23 The responding party is required to undertake a "good faith" effort to investigate
24 sources reasonably available to him or her for purposes of formulating answers to Requests
25 for Admissions. (*See, Chodos v. Superior Court for Los Angeles County*, 215 Cal. App. 2d
26 318, 322, 30 Cal. Rptr. 303 (2d Dist. 1963).)

27 In *Cembrook v. Superior Court In and For City and County of San Francisco*, 56 Cal.
28 2d 423, 15 Cal. Rptr. 127, 364 P.2d 303 (1961), the Court held that making no attempt to

1 provide detailed reasons why responding party cannot truthfully admit or deny a request fails
2 to constitute good faith. *Cembrook v. Superior Court*, 56 Cal.2d at 430.

3 “Parties, like witnesses, are required to state the truth, the whole truth, and nothing
4 but the truth in answering written Requests. *Deyo v. Kilbourne*, 84 Cal. App. 3d 771, 783.
5 “Where the question is specific and explicit, an answer which supplies only a portion of the
6 information sought is wholly insufficient.” *Id.* Likewise, a party may not provide deftly
7 worded conclusionary answers designed to evade a series of explicit questions.” *Id.*

8 Verification of the answers is in effect a declaration that the party has
9 disclosed all information which is available to him. If only partial
10 answers can be supplied, the answers should reveal all information
11 then available to the party. If a person cannot furnish details, he should
set forth the efforts made to secure the information. He cannot plead
ignorance to information which can be obtained from sources under
his control.

12 *Deyo* at 781-783.

13 It is evident that Defendant failed to conduct an adequate investigation, when
14 responding to Plaintiff’s Requests for Admission, including consulting all sources
15 reasonably available to obtain the information (i.e., facts necessary to respond properly to
16 the discovery requests). *See, e.g., Holguin v. Superior Court* (1972) 22 Cal.App.3d 812;
17 *Lindgren v. Superior Court* (1965) 237 Cal.App.2d 743, 746 and *Deyo v. Kilbourne* (1978)
18 84 Cal.App.3d 771.

19 **IV. DEFENDANT’S OBJECTIONS ARE WITHOUT MERIT AND/OR TOO**
20 **GENERAL**

21 *CCP* § 2017.010 provides the following:

22 Unless otherwise limited by order of the court in accordance with this
23 title, any party may obtain discovery regarding any matter, not
24 privileged, that is relevant to the subject matter involved in the
25 pending action or to the determination of any motion made in that
26 action, if the matter either is itself admissible in evidence or appears
27 reasonably calculated to lead to the discovery of admissible evidence.
28 Discovery may relate to the claim or defense of the party seeking
discovery or of any other party to the action. Discovery may be
obtained of the identity and location of persons having knowledge of
any discoverable matter, as well as of the existence, description,
nature, custody, condition, and location of any document,
electronically stored information, tangible thing, or land or other
property.

1 CCP § 2033.230 further provides:

2 (a) If only a part of a request for admission is objectionable, the
3 remainder of the request shall be answered.

4 (b) If an objection is made to a request or to a part of a request, the
5 specific ground for the objection shall be set forth clearly in the
6 response. If an objection is based on a claim of privilege, the particular
7 privilege invoked shall be clearly stated. If an objection is based on a
8 claim that the information sought is protected work product under
9 Chapter 4 (commencing with Section 2018.010), that claim shall be
10 expressly asserted.

11 As demonstrated in moving party’s Separate Statement, Defendant improperly relies
12 upon a myriad of boilerplate and meritless objections. Defendant interposed the same
13 general and boilerplate objections to nearly all Requests, without any effort to explain or
14 identify how each objection applied to any particular question or part of a question.

15 **A. Defendant Improperly Objects to Portion of the Requests Without**
16 **Addressing the Remaining Portions**

17 “If only a part of a request for admission is objectionable, the remainder of the
18 Request shall be answered.” CCP § 2033.230(a).

19 As shown in Plaintiff’s Separate Statement, in the case of Request Nos. [#],
20 Defendant has asserted objections as to only a portion of these Requests and has failed to
21 provide the remaining information requested to which no objections were asserted.

22 **B. Defendant Failed to Identify the Privilege Asserted or The Particular**
23 **Matters Claimed to Be Privileged.**

24 “If an objection is based on a claim of privilege, the particular privilege invoked shall
25 be clearly stated. If an objection is based on a claim that the information sought is protected
26 work product under Chapter 4 (commencing with Section 2018.010), that claim shall be
27 expressly asserted.” CCP § 2033.230(b).

28 Defendant’s responses to Form Request Nos. [#] interpose objections based upon
claims of privilege but completely fail to identify the particular privilege asserted or the
particular matters claimed to be privileged.

V. DEFENDANT IMPROPERLY INCLUDES OBJECTIONS, WHICH
WERE WAIVED DUE TO UNTIMELY RESPONSES

1 CCP § 2033.280(a) provides, in relevant part, the following:

2 If a party to whom requests for admission are directed fails to serve a
3 timely response . . . [t]he party to whom the requests for admission
4 are directed waives any objection to the requests, including one based
5 on privilege or on the protection for work product under Chapter 4
(commencing with Section 2018.010).

6 Belated objections to Requests are not valid unless the defaulting party demonstrates
7 good cause to grant relief from such default, and the burden is on the defaulting party to seek
8 and justify relief. *Mannino v. Superior Court*, (1983) 142 Cal. App. 3d 776, 778; *see CCP*
§ 2030.290(a)(1)-(2).

9 In the present case, Defendant served untimely responses containing numerous
10 objections, including those based upon privilege. Plaintiff served Requests for Admission,
11 Set No. [#], on Defendant on [Date]. (Selarz Decl. ¶2; Exhibit “A”.) Responses to these
12 discovery requests were, therefore, due on, or before, [Date], pursuant to *CCP* §
13 2030.260(a). [Thirty-day response plus five calendar days if served by mail (*CCP* §
14 1013(a))]. Defendant, however, failed to provide responses until [Date]. (Selarz Decl., ¶3;
15 Exhibit “B”.) Defendant has neither sought such relief, nor can relief be justified for
16 Defendant’s willful refusal to comply with its discovery obligations. Accordingly, Plaintiff
17 requests the Court to order compelling Defendant, to serve full and complete further verified
18 responses, without objections to the subject discovery.

19 **VI. PLAINTIFF HAS MADE A GOOD FAITH EFFORT TO RESOLVE THE**
20 **ISSUES ADDRESSED HEREIN**

21 *CCP* § 2033.290(b) provides that this motion “shall be accompanied by a meet and
22 confer declaration under Section 2016.040.” A meet and confer declaration in support of a
23 motion shall state facts showing a reasonable and good faith attempt at an informal
24 resolution of each issue presented by the motion. *CCP* § 2016.040.

25 On [Date], Plaintiff sent a Meet and Confer Letter to Defense Counsel, outlining the
26 deficiencies in Defendant’s responses, unilaterally allowing fifteen additional days to
27 provide further verified substantive responses and offering additional time should it be
28

1 requested. (Selarz Decl., ¶4; Exhibit “C”.) It is now May 24, 2020, and Defendants
2 responses to Plaintiff’s Requests for Admission, Set [#] remain deficient. (Selarz Decl., ¶5.)

3 **VII. THIS MOTION IS TIMELY NOTICED**

4 *CCP* § 2033.290(c) provides:

5 Unless notice of this motion is given within forty-five days of the
6 service of the verified response, or any supplemental verified
7 response, or on or before any specific later date to which the
8 propounding party and the responding party have agreed in writing,
9 the propounding party waives any right to compel a further response
10 to requests for admission.

11 As shown by the proof of service attached to Defendant’s verified responses and the
12 proof of service of this Noticed Motion, this Motion is timely made as moving party has
13 noticed the motion within forty-five days of the service of the response.

14 **VIII. MONETARY SANCTIONS AGAINST DEFENDANT AND DEFENSE 15 COUNSEL ARE WARRANTED FOR FAILURE TO RESPOND TO 16 LEGITIMATE DISCOVERY AND FOR NECESSITATING THIS 17 MOTION**

18 “To the extent authorized by the chapter governing any particular discovery method
19 or any other provision of this title, the court, after notice to any affected party, person or
20 attorney, and after opportunity for hearing may impose ... sanctions against anyone
21 engaging in conduct that is a misuse of the discovery process...” *CCP* § 2023.030. “Misuses
22 of the discovery process include, but are not limited to . . . (e) Making, without substantial
23 justification, an unmeritorious objection to discovery . . . (f) Making an evasive response to
24 discovery . . . (h) Making or opposing, unsuccessfully and without substantial justification,
25 a motion to compel or to limit discovery” *CCP* § 2023.010.

26 “The court *shall* impose a monetary sanction under Chapter 7 (commencing with
27 Section 2023.010) against any party, person, or attorney who unsuccessfully makes or
28 opposes a motion to compel a further response, unless it finds that the one subject to the
sanction acted with substantial justification or that other circumstances make the imposition
of the sanction unjust.” *CCP* § 2033.290(d) (*emphasis added*). These sanctions may be

1 awarded under the Discovery Act in favor of a party who files a motion to compel discovery,
2 even though no opposition to the motion was filed, or an opposition to the motion was
3 withdrawn, or the requested discovery was provided to the moving party after the motion
4 was filed. *Cal. Rules of Ct.*, Rule 3.1030(a).

5 In the present case, there is no excuse or justification for Defendant's refusal to
6 provide further responses to the subject discovery. The Declaration of Daniel E. Selarz, Esq.
7 submitted herewith attests to the efforts expended on the part of this moving party to avoid
8 this motion. The purpose of discovery sanctions is to prevent abuse of the discovery process
9 and correct the problem presented. *Do v. Superior Court*, (2003) 109 Cal. App. 4th 1210,
10 1213. It is evident from the facts presented that Defendant will not comply with this
11 authorized method of discovery absent a court order and the imposition of sanctions.

12 In the present case, Plaintiff has incurred \$1,060.00 in costs and attorneys' fees in
13 connection with this motion and enforcing this discovery. (Selarz Decl., ¶7.) Pursuant to
14 *CCP* §§ 2023.010, 2023.030, and 2033.290, and the power of this court to impose monetary
15 sanctions against the losing party on a motion to compel responses to Requests, Plaintiff
16 submits that given the attempts by Plaintiff to avoid this motion, and the lack compliance by
17 Defendant, sanctions should properly be awarded to Plaintiff, and against Defendant and
18 Defense Counsel of record in the amount of \$1,060.00, as reflected in the Declaration of
19 Daniel E. Selarz, Esq.

20 **IX. THE COURT SHOULD ISSUE AN ORDER DEEMING THAT THE**
21 **MATTERS INVOLVED IN THE INSTANT REQUESTS BE DEEMED**
22 **ADMITTED**

23 In addition to monetary sanctions awardable pursuant to *CCP* § 2023.030 (which also
24 gives the court discretion to deem the matters involved in the instant requests deemed
25 admitted. *CCP* § 2033.290(e) specifically provides:

26 If a party then fails to obey an order compelling further response to
27 requests for admission, the court may order that the matters involved
28 in the requests be deemed admitted. In lieu of, or in addition to, this
order, the court may impose a monetary sanction under Chapter 7
(commencing with Section 2023.010).

1 Defendant, without either good cause or substantial justification, has violated, and
2 continues to violate, the terms of this Court's [Date], order. Contrary to Defendant's
3 position, complying with court orders is not discretionary, nor is complying with the rules of
4 discovery, which was the conduct warranting sanctions in the first place. Defendants are
5 bound by the Court's order to comply with the law. Such disobedience should not be
6 tolerated, and the Court should issue an order deeming the matters involved in the instant
7 requests deemed admitted. An order pursuant to *CCP* § 2033.290(e) is necessary to prevent
8 Defendant from disobeying court orders in the future of this litigation.

9 **X. DEFENDANT'S VIOLATION OF THE COURT'S PRIOR ORDER**
10 **PERMITS THE IMPOSITION OF ADDITIONAL SANCTIONS**

11 To ensure that orders and judgments from the Court are not being disregarded, the
12 law provides express authority for the court to impose sanctions for violating a lawful court
13 order, aside and apart from contemnor sanctions. Thus, *CCP* § 177.5 states:

14 A judicial officer shall have the power to impose reasonable money
15 sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding
16 any other provision of law, payable to the court, *for any violation of a*
17 *lawful court order* by a person, done without good cause or substantial
justification. This power shall not apply to advocacy of counsel before
the court. For the purposes of this section, the term "person" includes a
witness, a party, a party's attorney, or both.

18 Sanctions pursuant to this section shall not be imposed except on notice
19 contained in a party's moving or responding papers; or on the court's own
20 motion, after notice and an opportunity to be heard. An order imposing
sanctions shall be in writing and shall recite in detail the conduct or
circumstances justifying the order.

21 (*emphasis added*)

22 As discussed above, Defendant, without either good cause or substantial justification,
23 has violated, and continues to violate, the terms of this Court's [Date], order. The Court
24 should be compensated the full \$1,500.00 for the resources expended to ensure Defendant's
25 compliance with the Court's prior order. Sanctions pursuant to *CCP* § 177.5, are necessary
26 to prevent Defendant from disobeying court orders in the future of this litigation.

27 **XI. CONCLUSION**
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For the foregoing reasons, Plaintiff respectfully requests that the Court enter an order compelling Defendant to provide full and complete further verified responses, without objections, to Plaintiff’s Requests for Admission, Set [#], Nos. [#] propounded on [Date]. Additionally, Plaintiff respectfully requests monetary sanctions be awarded in the amount of \$1,060.00 against Defendant and Defense Counsel, jointly, and in favor of Plaintiff for misuse of discovery without substantial justification and for Defendant’s willful violation of the discovery statutes discussed herein in addition to any other sanctions deemed appropriate by the Court.

DATED: May 24, 2020

SELARZ LAW CORP.

By: _____
Daniel E. Selarz, Esq.
Attorneys for Plaintiff(s),
[Client’s Name(s)]

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5 **Attorneys for Plaintiff(s),**
[CLIENT'S NAME(S)]
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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF [COUNTY], [DISTRICT]**
9

10 [PLAINTIFF(S)], an individual,
11 Plaintiff,
vs.
12 [DEFENDANT(S)], and DOES 1 to [#],
13 inclusive,
14 Defendants.

Case No. []
Honorable []
[Dept. [#]]

SEPARATE STATEMENT

Filed Concurrently With Notice Of Motion
And Motion To Compel Further Responses,
Without Objections, To Requests for
Admission, Set No. [#] And Request For
Order Awarding Monetary Sanctions
Against Defendant And Defense Counsel In
The Sum Of \$1,060.00; Memorandum Of
Points And Authorities; Declaration Of
Daniel E. Selarz, Esq, And Exhibits;
[Proposed] Order

[California Rules of Court ("CRC"), Rule
3.1345]

Date: []
Time: []
Dept.: []

Action Filed: []
Trial Date: []

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1 **SEPARATE STATEMENT**

2 Plaintiff submits this separate statement in support of the Notice of Motion and
3 Motion to Compel Further Responses, Without Objections, to Requests for Admission, Set
4 [#], in compliance with CRC, Rule 3.1345.

5
6 **General Objections:**

7
8 **Legal and Factual Reasons for Compelling Further Response:**

9 General objections, by definition, are “too general” to be properly made. *CCP* §
10 2033.290(a)(3). Even though several Requests may be objectionable on the same ground
11 they may not be objected to as a group. *Hogan and Weber*, California Civil Discovery (2d.
12 ed 2009) § 518. Plaintiff requests the Court order Defendant to provide further responses,
13 without any improper general or blanket objections.

14
15 **Form Request No. [#]:**

16
17 **Response to Form Request No. [#]:**

18
19 **Legal and Factual Reasons for Compelling Further Response:**

20 A. **Good Cause for Discovery**

21 *CCP* § 2017.010 provides that:

22 Unless otherwise limited by order of the court in accordance with this
23 title, any party may obtain discovery regarding any matter, not
24 privileged, that is relevant to the subject matter involved in the
25 pending action or to the determination of any motion made in that
26 action, if the matter either is itself admissible in evidence or appears
27 reasonably calculated to lead to the discovery of admissible evidence.
28 Discovery may relate to the claim or defense of the party-seeking
discovery or of any other party to the action. Discovery may be
obtained of the identity and location of persons having knowledge of
any discoverable matter, as well as of the existence, description,
nature, custody, condition and location of any document, tangible
thing, or land or other property.

1 Good cause exists for full compliance with this Request because Plaintiff was injured
2 as a result of Defendant colliding into Plaintiff's vehicle. Accordingly, Plaintiff is entitled
3 to discover information about Defendant's conduct and operation of his motor vehicle at the
4 time of the incident. Additionally, this Request was drafted by the court thus bringing it within
5 the scope of discoverable information.

6 B. Invalid Objections

7 The objections made to this Request are *too general and are also meritless*.
8 Objections must convey with specificity the grounds upon which they are made and must be
9 made with substantial justification. *CCP* § 2030.240(b). Under *CCP* § 2023.010(e)
10 providing responses that consist primarily of unjustified, boilerplate objections may
11 constitute misuse of the discovery process.

12 Defendant's objections are not well taken. Defendant's objections that this Request
13 is [] is without merit. California allows for a broad scope of discovery and a
14 discovery is relevant so long as it pertains to the subject matter of the action or appears
15 reasonably calculated to lead to the discovery of admissible evidence. *CCP* § 2017.010;
16 *Laddon v. Superior Court (1950)* 167 Cal.App.2d 391; *1880 Corp. v. Superior Court, (1962)*
17 *57 Cal.App.2d 840*. Defendant is being asked basic information which can easily be stated.
18 A party has a duty to answer if "the nature of the information sought is apparent." *Deyo v.*
19 *Kilbourne (1978)* 84 Cal. App. 3d 771. Evasive answers or the posting of objections without
20 a proper basis are also grounds for discovery sanctions. *See CCP* § 2023.010(f).
21 Additionally, Requests for Admission are drafted, and approved, by the Court thus bringing
22 it within the scope of discoverable information that requires a response. Furthermore,
23 Defendant has knowledge with which to respond accurately. A proper response to this
24 Request is required. Accordingly, the Court should order Defendant provide a further
25 response to this Request.

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DATED: May 24, 2020

SELARZ LAW CORP.

By: _____
Daniel E. Selarz, Esq.
Attorneys for Plaintiff(s),
[Client's Name(s)]

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5 **Attorneys for Plaintiff(s),**
[CLIENT'S NAME(S)]

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF [COUNTY], [DISTRICT]**

10 [PLAINTIFF(S)], an individual,
11 Plaintiff,
12 vs.
13 [DEFENDANT(S)], and DOES 1 to [#],
inclusive,
14 Defendants.

Case No. []
Honorable []
[Dept. [#]]

DECLARATION OF DANIEL E. SELARZ, ESQ. AND EXHIBITS IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES, WITHOUT OBJECTIONS, TO REQUESTS FOR ADMISSION, SET NO. [#] AND REQUEST FOR ORDER AWARDING MONETARY SANCTIONS AGAINST DEFENDANT AND DEFENSE COUNSEL IN THE SUM OF \$1,060.00

Filed Concurrently with Notice of Motion and Motion to Compel Further Responses, Without Objections, to Requests for Admission, Set No. [#] and Request for Order Awarding Monetary Sanctions Against Defendant and Defense Counsel in the Sum Of \$1.060.00; Memorandum of Points and Authorities; [Proposed] Order

[California Code of Civil Procedure ("CCP") § 2030.290(b)]

Date: []
Time: []
Dept.: []

Action Filed: []
Trial Date: []

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1 I, Daniel E. Selarz, Esq., declare as follows:

2 1. I am an attorney duly licensed to practice law before all courts of the State of
3 California. My law firm, Selarz Law Corp., is counsel for Plaintiff in this action. This
4 declaration is submitted in support of Plaintiff’s Motion to Compel Responses, Without
5 Objections, to Requests for Admission, Set No. [#] and Request for Order Awarding
6 Monetary Sanctions Against Defendant and Defense Counsel in the Sum Of \$1,060.00. The
7 following facts are within my personal knowledge and, if called as a witness herein, I can
8 and will competently testify thereto.

9 2. On [Date], our office served Requests for Admission, Set No. [#], on
10 Defendant. A true and correct copy is attached hereto as Exhibit “A”.

11 3. On [Date], Defendant served responses which, as to Requests Nos. [#], failed
12 to provide adequate, substantive responses and/or provided responses, which contained
13 general and meritless objections. A true and correct copy is attached hereto as Exhibit “B”.

14 4. On [Date], our office sent a Meet and Confer Letter to Defense Counsel,
15 outlining the deficiencies in Defendant’s responses, unilaterally allowing fifteen additional
16 days to provide further verified substantive responses and offering additional time should it
17 be requested. A true and correct copy is attached hereto as Exhibit “C”.

18 5. It is now May 24, 2020, and Defendants responses to Plaintiff’s Requests for
19 Admission, Set [#], Nos. [#] remain deficient.

20 6. As a result of Defendant’s willful refusal to serve full and complete verified
21 responses to these Requests, Plaintiff is unable to proceed with meaningful discovery,
22 proceed with depositions, or effectively prosecute this action and prepare for trial.

23 7. As the result of Defendant’s willful refusal to provide further answers to
24 Plaintiff’s proper discovery, which further responses are necessary in order to proceed with
25 discovery and effectively prepare for trial, I have expended approximately four hours in
26 pursuit of this matter, researching, drafting and editing the instant motion. My hourly wage
27 is \$250.00 per hour times four hours. In addition, the filing fee for this motion is \$60.00.
28 Therefore, I ask that the Court award sanctions in the amount of \$1,060.00.

SELARZ LAW CORP.

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Los Angeles, California 90049
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: May 24, 2020

By: _____
Daniel E. Selarz, Esq.

1 SELARZ LAW CORP.
DANIEL E. SELARZ (State Bar No. 287555)
2 *dselarz@selarzl原因.com*
11777 San Vicente Blvd., Suite 702
3 Los Angeles, California 90049
Telephone: 310.651.8685
4 Facsimile: 310.651.8681

5 **Attorneys for Plaintiff(s),**
[CLIENT'S NAME(S)]
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF [COUNTY], [DISTRICT]**
9

10 [PLAINTIFF(S)], an individual,
11 Plaintiff,
vs.
12 [DEFENDANT(S)], and DOES 1 to [#],
13 inclusive,
14 Defendants.

Case No. []
Honorable []
[Dept. [#]]

**[PROPOSED] ORDER COMPELLING
FURTHER RESPONSES, WITHOUT
OBJECTIONS, TO REQUESTS FOR
ADMISSION**

Filed Concurrently with Notice of Motion
and Motion and Motion to Compel
Responses, Without Objections, to Requests
for Admission, Set No. [#] and Request for
Order Awarding Monetary Sanctions
Against Defendant and Defense Counsel in
the Sum Of \$1,060.00; Memorandum of
Points and Authorities; Declaration of
Daniel E. Selarz, Esq, and Exhibits

[California Code of Civil Procedure
("CCP") § 2030.290]

Date: []
Time: []
Dept.: []

Action Filed: []
Trial Date: []

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1 The Court, having reviewed the moving and opposing papers on Plaintiff’s Motion
2 to Compel Further Responses, Without Objections, to Requests for Admission, Set No. [#]
3 and Request for Order Awarding Monetary Sanctions Against Defendant and Defense
4 Counsel in the Sum Of \$1.060.00; and oral argument of counsel having been received by
5 the Court:

6
7 The Court finds, adjudges and orders as follows:

- 8 1. That Plaintiff’s Motion is hereby GRANTED;
- 9 2. That Defendant is hereby ordered to serve full and complete further verified
10 responses, without objections, to Requests for Admission, Set No. [#], Nos. [#], served on
11 Defendant by Plaintiff on [Date].
- 12 3. That said further verified responses, without objections, shall be served on the
13 Plaintiff no later than _____.

14 IT IS FURTHER ORDERED:

- 15 4. That monetary sanctions be imposed jointly against Defendant and Defense
16 Counsel, in the sum of \$ _____, payable no later than _____.
- 17 5. IT IS FURTHER ORDERED as follows: _____
18 _____
19 _____.

20 IT IS SO ORDERED.

21
22
23 Date: _____

_____ The Honorable [Name of Judge]
[City] Superior Court

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to the within action. I am an employee of, or agent for, SELARZ LAW CORP., whose business address is 11777 San Vicente Blvd., Suite 702, Los Angeles, CA, 90049.

On May 24, 2020 I served the foregoing document(s) **NOTICE OF MOTION AND MOTION TO COMPEL FURTHER RESPONSES, WITHOUT OBJECTIONS, TO REQUESTS FOR ADMISSION, SET NO. [#] AND REQUEST FOR ORDER AWARDING MONETARY SANCTIONS AGAINST DEFENDANT AND DEFENSE COUNSEL IN THE SUM OF \$1.060.00; MEMORANDUM OF POINTS AND AUTHORITIES; SEPARATE STATEMENT; DECLARATION OF DANIEL E. SELARZ, ESQ. AND EXHIBITS; [PROPOSED] ORDER** to the following party(ies) in this action addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

- (BY MAIL) I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Los Angeles, California. I am “readily familiar” with this firm’s business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (BY PERSONAL SERVICE) I caused to be delivered each such document by hand to each addressee above.
- (BY CERTIFIED MAIL – CCP §§1020, et seq.) I caused said document(s) to be deposited with the United States Mail, postage prepaid, return receipt requested, signed by addressee that said documents were received.
- (BY FACSIMILE) By use of facsimile machine number (310) 651-8681, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.
- (BY ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at their electronic notification addresses. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on May 24, 2020, in Los Angeles, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Daniel E. Selarz

SELARZ LAW CORP.

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SERVICE LIST

SENT VIA U.S. MAIL

[Attorney's Name]

[Law Firm Name]

[Street Address]

[City, State & Zip Code]

Tel: (xxx) xxx-xxxx / Fax: (xxx) xxx-xxxx

Email: [Email Address]

[Attorneys for Defendant [DEFENDANT'S NAME]]