

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)]

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

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
SPECIAL INTERROGATORIES, 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") § 2030.300]

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

Action Filed: []
Trial Date: []

25
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Special Interrogatories, Set No. [#], Interrogatories 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* § 2030.300, et seq.

This motion is made pursuant to *CCP* § 2030.300 on the grounds that the Defendant has failed, without justification, to serve proper response to these interrogatories.

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 Special
5 Interrogatories, Set No. [#], on Defendant. (Declaration of Daniel E. Selarz, Esq., (“Selarz
6 Decl.”) ¶2; Exhibit “A”.) On [Date], Defendant served responses which, as to
7 Interrogatories Nos. [#], failed to provide adequate, substantive responses and/or provided
8 responses, which contained general and meritless objections. (Selarz Decl., ¶3; Exhibit
9 “B”.)

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

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

26 **II. THE COURT IS AUTHORIZED TO COMPEL FURTHER RESPONSES**
27 **TO THESE INTERROGATORIES (CCP § 2030.300).**

28 *CCP* § 2030.300 provides the following:

SELARZ LAW CORP.
11777 San Vicente Blvd., Suite 702
Los Angeles, California 90049
T: 310.651.8685 • F: 310.651.8681

- 1 (a) On receipt of a response to interrogatories, the propounding party
2 may move for an order compelling a further response if the
3 propounding party deems that any of the following apply:
4 (1) An answer to a particular interrogatory is evasive or incomplete.
5 (2) An exercise of the option to produce documents under Section
6 2030.230 is unwarranted or the required specification of those
7 documents is inadequate.
8 (3) An objection to an interrogatory is without merit or too general.”

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

13 **III. DEFENDANT’S RESPONSES ARE DEFICIENT AND REQUIRE AN**
14 **ORDER COMPELLING FURTHER RESPONSES**

15 *CCP* § 2030.220 requires a party responding to interrogatories to provide complete
16 and straightforward responses. Specifically, the code provides that:

- 17 (a) Each answer in a response to interrogatories shall be as complete
18 and straightforward as the information reasonably available to the
19 responding party permits.
20 (b) If an interrogatory cannot be answered completely, it shall be
21 answered to the extent possible.
22 (c) If the responding party does not have personal knowledge
23 sufficient to respond fully to an interrogatory, that party shall so state,
24 but shall make a reasonable and good faith effort to obtain the
25 information by inquiry to other natural persons or organizations,
26 except where the information is equally available to the propounding
27 party.

28 When responding to interrogatories, the Discovery Act requires a party to make a
reasonable and good faith effort to obtain the information before responding to the
interrogatories. *Regency Health Services, Inc. v. Superior Court* (1998) 64 Cal.App.4th
1496. A party cannot plead ignorance to information, which can be obtained from sources
under his control. *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 782. This includes a party’s
lawyer *Smith v. Superior Court* (Alfred) (1961) 189 Cal.App.2d 6, agents or employees,
Gordon v. Superior Court (1984) 161 Cal.App.3d 151, 167-168, and family members, *Jones*
v. Superior Court (1981) 119 Cal.App.3d 534, 552. See Weil and Brown, Cal. Prac. Guide:
Civil Procedure Before Trial (TRG 2018) ¶8:1051-1060.

1 As discussed below and in Plaintiff’s Separate Statement, filed herewith, Defendant
2 served evasive, nonresponsive answers, which included boilerplate and meritless objections.

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

4 “Each answer in a response to interrogatories shall be as complete and
5 straightforward as the information reasonably available to the responding party permits.”
6 *CCP* § 2030.220(a).

7 As demonstrated in moving party’s Separate Statement, Defendant provided
8 incomplete, deficient, nonresponsive and evasive answers to Plaintiff’s Special
9 Interrogatories, Set [#], Nos. [#].

10 **B. Defendant’s Responses Fail to Fully Address the Questions**

11 “If an interrogatory cannot be answered completely, it shall be answered to the extent
12 possible.” *CCP* § 2030.220(b).

13 As shown in Plaintiff’s Separate Statement, in the case of Interrogatory Nos. [#],
14 Defendant has asserted objections as to only a portion of these interrogatories and has failed
15 to provide the remaining information requested to which no objections were asserted.

16 **C. Defendant Failed to Perform an Adequate Investigation**

17 “If the responding party does not have personal knowledge sufficient to respond fully
18 to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort
19 to obtain the information by inquiry to other natural persons or organizations, except where
20 the information is equally available to the propounding party.” *CCP* § 2030.220(c).

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

26 Verification of the answers is in effect a declaration that the party has
27 disclosed all information which is available to him. If only partial
28 answers can be supplied, the answers should reveal all information
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

1 ignorance to information which can be obtained from sources under
2 his control.

3 *Deyo* at 781-783.

4 In many instances, Defendant failed to conduct an adequate investigation, when
5 responding to Plaintiff's Special Interrogatories, including consulting all sources reasonably
6 available to obtain the information (i.e., facts necessary to respond properly to the discovery
7 requests). *See, e.g., Holguin v. Superior Court* (1972) 22 Cal.App.3d 812; *Lindgren v.*
8 *Superior Court* (1965) 237 Cal.App.2d 743, 746 and *Deyo v. Kilbourne* (1978) 84
9 Cal.App.3d 771.

10 **IV. DEFENDANT'S OBJECTIONS ARE WITHOUT MERIT AND/OR TOO** 11 **GENERAL**

12 *CCP* § 2017.010 provides the following:

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

26 *CCP* § 2030.240 further provides:

- 27 (a) If only a part of an interrogatory is objectionable, the remainder of
28 the interrogatory shall be answered.
(b) If an objection is made to an interrogatory or to a part of an
interrogatory, the specific ground for the objection shall be set forth
clearly in the response. If an objection is based on a claim of privilege,
the particular privilege invoked shall be clearly stated. If an objection
is based on a claim that the information sought is protected work
product under Chapter 4 (commencing with Section 2018.010), that
claim shall be expressly asserted.

As demonstrated in moving party's Separate Statement, Defendant improperly relies
upon a myriad of boilerplate and meritless objections. Defendant interposed the same
general and boilerplate objections to nearly all interrogatories, without any effort to explain

1 or identify how each objection applied to any particular question or part of a question.

2 **A. Defendant Improperly Objects to Portion of Interrogatories Without**
3 **Addressing the Remaining Portions**

4 “If only a part of an interrogatory is objectionable, the remainder of the interrogatory
5 shall be answered.” *CCP* § 2030.240(a).

6 As shown in Plaintiff’s Separate Statement, in the case of Interrogatory Nos. [#],
7 Defendant has asserted objections as to only a portion of these interrogatories and has failed
8 to provide the remaining information requested to which no objections were asserted.

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

11 “If an objection is based on a claim of privilege, the particular privilege invoked shall
12 be clearly stated. If an objection is based on a claim that the information sought is protected
13 work product under Chapter 4 (commencing with Section 2018.010), that claim shall be
14 expressly asserted.” *CCP* § 2030.240(b).

15 Defendant’s responses to Special Interrogatory Nos. [#] interpose objections based
16 upon claims of privilege but completely fail to identify the particular privilege asserted or
17 the particular matters claimed to be privileged.

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

20 *CCP* § 2030.290(a) provides, in relevant part, the following:

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

24 Belated objections to interrogatories are not valid unless the defaulting party
25 demonstrates good cause to grant relief from such default, and the burden is on the defaulting
26 party to seek and justify relief. *Mannino v. Superior Court*, (1983) 142 Cal. App. 3d 776,
27 778; *see CCP* § 2030.290(a)(1)-(2).

28

1 In the present case, Defendant served untimely responses containing numerous
2 objections, including those based upon privilege. Defendant has neither sought such relief,
3 nor can relief be justified for Defendant’s willful refusal to comply with its discovery
4 obligations.

5 In the present case, Plaintiff served Special Interrogatories, Set No. [#], on Defendant
6 on [Date]. (Selarz Decl. ¶2; Exhibit “A”.) Responses to these discovery requests were,
7 therefore, due on, or before, [Date], pursuant to *CCP* § 2030.260(a). [Thirty-day response
8 plus five calendar days if served by mail (*CCP* § 1013(a))]. Defendant, however, failed to
9 provide responses until [Date]. (Selarz Decl., ¶3; Exhibit “B”.) Accordingly, Plaintiff
10 requests the Court to order compelling Defendant, to serve full and complete further verified
11 responses, without objections to the subject discovery.

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

14 *CCP* § 2030.300(b) provides that this motion “shall be accompanied by a meet and
15 confer declaration under Section 2016.040.” A meet and confer declaration in support of a
16 motion shall state facts showing a reasonable and good faith attempt at an informal
17 resolution of each issue presented by the motion. *CCP* § 2016.040.

18 On [Date], Plaintiff sent a Meet and Confer Letter to Defense Counsel, outlining the
19 deficiencies in Defendant’s responses, unilaterally allowing fifteen additional days to
20 provide further verified substantive responses and offering additional time should it be
21 requested. (Selarz Decl., ¶4; Exhibit “C”.) It is now May 24, 2020, and Defendants
22 responses to Plaintiff’s Special Interrogatories, Set [#] remain deficient. (Selarz Decl., ¶5.)

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

24 *CCP* § 2030.300(c) provides:

25 Unless notice of this motion is given within forty-five days of the
26 service of the verified response, or any supplemental verified
27 response, or on or before any specific later date to which the
28 propounding party and the responding party have agreed in writing,
the propounding party waives any right to compel a further response
to interrogatories.

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

4 **VIII. MONETARY SANCTIONS AGAINST DEFENDANT AND DEFENSE**
5 **COUNSEL ARE WARRANTED FOR FAILURE TO RESPOND TO**
6 **LEGITIMATE DISCOVERY AND FOR NECESSITATING THIS**
7 **MOTION**

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

16 “The court *shall* impose a monetary sanction under Chapter 7 (commencing with
17 Section 2023.010) against any party, person, or attorney who unsuccessfully makes or
18 opposes a motion to compel a response to interrogatories, unless it finds that the one subject
19 to the sanction acted with substantial justification or that other circumstances make the
20 imposition of the sanction unjust.” *CCP* § 2030.290(c) (*emph. added.*). These sanctions
21 may be awarded under the Discovery Act in favor of a party who files a motion to compel
22 discovery, even though no opposition to the motion was filed, or an opposition to the motion
23 was withdrawn, or the requested discovery was provided to the moving party after the
24 motion was filed. *Cal. Rules of Ct.*, Rule 3.1030(a).

25 In the present case, there is no excuse or justification for Defendant’s refusal to
26 provide further responses to the subject discovery. The Declaration of Daniel E. Selarz, Esq.
27 submitted herewith attests to the efforts expended on the part of this moving party to avoid
28 this motion. The purpose of discovery sanctions is to prevent abuse of the discovery process

1 and correct the problem presented. *Do v. Superior Court*, (2003) 109 Cal. App. 4th 1210,
2 1213. It is evident from the facts presented that Defendant will not comply with this
3 authorized method of discovery absent a court order and the imposition of sanctions.

4 In the present case, Plaintiff has incurred \$1,060.00 in costs and attorneys' fees in
5 connection with this motion and enforcing this discovery. (Selarz Decl., ¶7.) Pursuant to
6 *CCP* §§ 2023.010, 2023.030, and 2030.300, and the power of this court to impose monetary
7 sanctions against the losing party on a motion to compel responses to interrogatories,
8 Plaintiff submits that given the attempts by Plaintiff to avoid this motion, and the lack
9 compliance by Defendant, sanctions should properly be awarded to Plaintiff, and against
10 Defendant and Defense Counsel of record in the amount of \$1,060.00, as reflected in the
11 Declaration of Daniel E. Selarz, Esq.

12 **IX. ISSUE, EVIDENTIARY AND/OR TERMINATING SANCTIONS ARE**
13 **WARRANTED UNDER THESE CIRCUMSTANCES**

14 In addition to monetary sanctions awardable pursuant to *CCP* § 2023.030 (which also
15 gives the court discretion to award issue, evidentiary and/or terminating sanctions, *CCP*
16 §2030.300(e) specifically provides:

17 If a party...fails to obey an order compelling further response to
18 interrogatories, the court may make those orders that are just,
19 including the imposition of an issue sanction, an evidence sanction or
20 a terminating sanction under Chapter 7 (commencing with Section
21 2023.010). In lieu of or in addition to that sanction, the court may
22 impose a monetary sanction under Chapter 7 (commencing with
23 Section 2023.010).

21 In *Stein v. Hassen*, (1973) 34 Cal. App. 3d 294, 301-302, citing *Fred Howland Co. v.*
22 *Superior Court of Los Angeles County*, (1966) 244 Cal. App. 2d 605, the court found “[t]here
23 is no question of the power of the respondent court to apply the ultimate sanction of default
24 against a litigant who persists in an outright refusal to comply with his discovery
25 obligations.” In *Stein*, the court struck defendant’s answer and counterclaim and entered his
26 default after finding defendant’s initial answers and two sets of further answers to
27 interrogatories insufficient, nonresponsive, evasive; and that the responses reflected a lack
28

1 of good faith and a willful disregard for the discovery process without substantial
2 justification, warranting striking of defendant’s pleadings and entering default.

3 **X. DEFENDANT’S VIOLATION OF THE COURT’S PRIOR ORDER**
4 **PERMITS THE IMPOSITION OF ADDITIONAL SANCTIONS**

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

8 A judicial officer shall have the power to impose reasonable money
9 sanctions, not to exceed fifteen hundred dollars (\$1,500), notwithstanding
10 any other provision of law, payable to the court, *for any violation of a*
11 *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.

12 Sanctions pursuant to this section shall not be imposed except on notice
13 contained in a party’s moving or responding papers; or on the court’s own
14 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.

15 (*emphasis added*)

16 Defendant, without either good cause or substantial justification, has violated, and
17 continues to violate, the terms of this Court’s [Date], order. Contrary to Defendant’s
18 position, complying with court orders is not discretionary, nor is complying with the rules of
19 discovery, which was the conduct warranting sanctions in the first place. Defendants are
20 bound by the Court’s order to comply with the law. Such disobedience should not be
21 tolerated, and the Court should be compensated the full \$1,500.00 for the resources expended
22 to ensure Defendant’s compliance with the Court’s prior order. Sanctions pursuant to *CCP*
23 § 177.5, are necessary to prevent Defendant from disobeying court orders in the future of
24 this litigation.

25 **XI. CONCLUSION**

26 For the foregoing reasons, Plaintiff respectfully requests that the Court enter an order
27 compelling Defendant to provide full and complete further verified responses, without
28 objections, to Plaintiff’s Special Interrogatories, Set [#], Nos. [#] propounded on [Date].

SELARZ LAW CORP.

11777 San Vicente Blvd., Suite 702
Los Angeles, California 90049
T: 310.651.8685 • F: 310.651.8681

1 Additionally, Plaintiff respectfully requests monetary sanctions be awarded in the amount
2 of \$1,060.00 against Defendant and Defense Counsel, jointly, and in favor of Plaintiff for
3 misuse of discovery without substantial justification and for Defendant’s willful violation of
4 the discovery statutes discussed herein in addition to any other sanctions deemed appropriate
5 by the Court.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: May 24, 2020

SELARZ LAW CORP.

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

1 SELARZ LAW CORP.
DANIEL E. SELARZ (State Bar No. 287555)
2 *dselarz@selarzlaw.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. [#]]

SEPARATE STATEMENT

Filed Concurrently With Notice Of Motion
And Motion To Compel Further Responses,
Without Objections, To Special
Interrogatories, 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: []

25
26 ///
27 ///
28 ///

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 Special Interrogatories, 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 2030.300(a)(3). Even though several interrogatories may be objectionable on the same
11 ground they may not be objected to as a group. *Hogan and Weber*, California Civil
12 Discovery (2d. ed 2009) § 518. Plaintiff requests the Court order Defendant to provide
13 further responses, without any improper general or blanket objections.

14
15 **Special Interrogatory No. [#]:**

16
17 **Response to Special Interrogatory 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 Interrogatory because Plaintiff was
2 injured as a result of Defendant colliding into Plaintiff's vehicle. Accordingly, Plaintiff is
3 entitled to discover information about Defendant's conduct and operation of his motor
4 vehicle at the time of the incident. Additionally, this Interrogatory was drafted by the court
5 thus bringing it within the scope of discoverable information.

6 B. Invalid Objections

7 The objections made to this interrogatory 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
13 Interrogatory is [] is without merit. California allows for a broad scope of
14 discovery and a discovery is relevant so long as it pertains to the subject matter of the action
15 or appears reasonably calculated to lead to the discovery of admissible evidence. *CCP* §
16 2017.010; *Laddon v. Superior Court (1950)* 167 Cal.App.2d 391; *1880 Corp. v. Superior*
17 *Court, (1962)* 57 Cal.App.2d 840. Defendant is being asked basic information which can
18 easily be stated. A party has a duty to answer if "the nature of the information sought is
19 apparent." *Deyo v. Kilbourne (1978)* 84 Cal. App. 3d 771. Evasive answers or the posting
20 of objections without a proper basis are also grounds for discovery sanctions. *See CCP* §
21 2023.010(f). Additionally, Form Interrogatories are drafted, and approved, by the Court thus
22 bringing it within the scope of discoverable information that requires a response.
23 Furthermore, Defendant has knowledge with which to respond accurately. A proper response
24 to this Interrogatory is required. Accordingly, the Court should order Defendant provide a
25 further response to this Interrogatory.

SELARZ LAW CORP.

11777 San Vicente Blvd., Suite 702
Los Angeles, California 90049
T: 310.651.8685 • F: 310.651.8681

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: May 24, 2020

SELARZ LAW CORP.

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

1 SELARZ LAW CORP.
DANIEL E. SELARZ (State Bar No. 287555)
2 dselarz@selarzlaw.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. [#]]

DECLARATION OF DANIEL E. SELARZ, ESQ. AND EXHIBITS IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES, WITHOUT OBJECTIONS, TO SPECIAL INTERROGATORIES, 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 Special Interrogatories, 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]

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

Action Filed: []
Trial Date: []

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 Special Interrogatories, 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 Special Interrogatories, 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 Interrogatories Nos. [#],
12 failed to provide adequate, substantive responses and/or provided responses, which
13 contained general and meritless objections. A true and correct copy is attached hereto as
14 Exhibit “B”.

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

19 5. It is now May 24, 2020, and Defendants responses to Plaintiff’s Special
20 Interrogatories, Set [#], Nos. [#] remain deficient.

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

24 7. As the result of Defendant’s willful refusal to provide further answers to
25 Plaintiff’s proper discovery, which further responses are necessary in order to proceed with
26 discovery and effectively prepare for trial, I have expended approximately four hours in
27 pursuit of this matter, researching, drafting and editing the instant motion. My hourly wage
28

SELARZ LAW CORP.

11777 San Vicente Blvd., Suite 702
Los Angeles, California 90049
T: 310.651.8685 • F: 310.651.8681

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

is \$250.00 per hour times four hours. In addition, the filing fee for this motion is \$60.00. Therefore, I ask that the Court award sanctions in the amount of \$1,060.00.

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@selarzlaw.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 SPECIAL
INTERROGATORIES**

Filed Concurrently with Notice of Motion
and Motion and Motion to Compel
Responses, Without Objections, to Special
Interrogatories, 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: []

25
26 ///
27 ///
28 ///

1 The Court, having reviewed the moving and opposing papers on Plaintiff’s Motion
2 to Compel Further Responses, Without Objections, to Special Interrogatories, 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 Special Interrogatories, 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 SPECIAL INTERROGATORIES, 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.

11777 San Vicente Blvd., Suite 702
Los Angeles, California 90049
T: 310.651.8685 • F: 310.651.8681

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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]]