

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 20

**Judge Alloggiamento is hearing today's matters for
Judge Socrates Manoukian**

CALENDARS WILL BE HEARD IN DEPARTMENT 9

Thuy Otwell, Courtroom Clerk

191 North First Street, San Jose, CA 95113

Telephone: 408.882.2200

DATE: 11-16-23 TIME: 9 A.M.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

TO CONTEST THE RULING: Before 4:00 p.m. today you must notify the:

- (1) Court by calling (408) 808-6856 and
- (2) Other side by phone or email that you plan to appear and contest the ruling
(California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

TO APPEAR AT THE HEARING: The Court strongly prefers in person appearances. If you must appear virtually, please use video. To access the link, click on the below link or copy and paste into your internet browser and scroll down to **Department 09**.

https://www.sccscourt.org/general_info/ra_teams/video_hearings_teams.shtml

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. Phone lines are now open for you to call and reserve a date before you file your motion. If moving papers are not filed within 5 business days of reserving the date, the date will be released for use in other cases. Where to call for your hearing date: **408-882-2430** When you can call: **Monday to Friday, 8:30 am to 12:30 pm**

FINAL ORDERS: The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

COURT REPORTERS: The Court no longer provides official court reporters. If any party wants a court reporter, the appropriate form must be submitted. See court website for policy and forms.

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 1	22CV393277	Second Osborn, LLC v. Le Garden HB, LLC, et al	OEX can proceed, as proof of service has been shown, Unless the parties agree otherwise, both parties are to appear in Department 20 at 9:00 AM via the Zoom virtual platform. The appropriate oath will be administered by the Court and the parties may conduct the examination off-line and report back to the Court. The parties may meet and confer on how to conduct the examination remotely.
LINE 2	22CV394951	CICELYN TEJADA SLADE v. ASAD WARRAICH	OEX can proceed, as proof of service has been shown, Unless the parties agree otherwise, both parties are to appear in Department 20 at 9:00 AM via the Zoom virtual platform. The appropriate oath will be administered by the Court and the parties may conduct the examination off-line and report back to the Court. The parties may meet and confer on how to conduct the examination remotely.
LINE 3	23CV415529	Lee et al v Hoelscher et al	Defendants gave proper notice of the hearing, yet Plaintiffs did not oppose the motion. Good cause appearing, the Court GRANTS Defendants' motion to strike. Prevailing parties to prepare order.
LINE 4	22CV408294	Rocca v. GM LLC et al.	SEE ATTACHED TENTATIVE RULING. The Court will prepare the final order.
LINE 5	23CV412111	Lopez v. GM LLC et al.	SEE ATTACHED TENTATIVE RULING. The Court will prepare the final order.
LINE 6	23CV412111	Lopez v. GM LLC et al.	See line 5.
LINE 7	23CV412111	Lopez v. GM LLC et al.	See line 5.
LINE 8	22CV398593	VICTOR ARCINIEGA et al. v. WHEELS360 INC. et al.	Good cause appearing, the Court GRANTS the motion to withdraw by Plaintiff's counsel. The Court will sign the already-submitted order.
LINE 9	22CV398593	VICTOR ARCINIEGA et al. v. WHEELS360 INC. et al.	Good cause appearing, the Court GRANTS the motion to withdraw by Plaintiff's counsel. The Court will sign the already-submitted order.
LINE 10	22CV407152	Torres v Henley Restaurants et al.	The matter has been reassigned to D19 (complex) because this is a class action matter. The Final Fairness Hearing is reset to 12/20/23 at 1:30pm in D19.

LINE #	CASE #	CASE TITLE	TENTATIVE RULING
LINE 11	23CV413077	Jones et al. v. Jones	<p>After considering the record, the motion for sanctions is DENIED WITHOUT PREJUDICE to rescheduling the motion. It is not clear whether Defendant had proper notice of the hearing, as the proof of service says service was given by mail, but then there is a handwritten note saying “by fax.”</p> <p>No need for a final order—the minute order will suffice.</p>
LINE 12	23CV413077	Jones et al. v. Jones	<p>After considering the record, the motion to take Defendant’s motion off calendar is DENIED WITHOUT PREJUDICE to rescheduling the motion. There is no proof that Defendant had proper notice of this hearing.</p> <p>No need for a final order—the minute order will suffice.</p>
LINE 13	23CV414259	Hyland v Ford Motor Co. et al.	<p>OFF CALENDAR, as Plaintiff has dismissed the defendant who filed the motion to compel arbitration.</p>

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22CV408294

Rocca v. GM LLC et al.

In this lemon law case, Plaintiff files this motion to compel further document responses. Defendant opposes this request. After reviewing the parties' papers and the record, the Court tentatively rules as follows:

1. There were (barely) enough meet-and-confer discussions between the parties on the document requests ("RFPs") at issue. The Court therefore will consider the merits of Plaintiff's motion.
2. Defendant apparently has supplemented its production by serving documents that were fully responsive to RFPs 7, 10, 34 and 36 as well as documents partially responsive to RFP 19. However, Defendant has not supplemented its responses. Defendant must supplement these responses within 45 days of date of service of this order.

3. With regard to specific RFPs at issue:

--RFP 7: DENIED, as Defendant already has produced documents responsive to this RFP.

--RFP 10: DENIED, as Defendant already has produced documents responsive to this RFP.

--RFP 16: GRANTED in part. Defendant must produce, under the already-entered protective order, internal investigations or reports about the Powertrain Defect. That is relevant information and is not overbroad. However, Defendant does not have to produce email concerning such internal investigations or reports.

To the extent Defendants argues that trade secret or confidential information is being requested, there is a protective order in place. Moreover, no declaration was provided by a knowledgeable GM employee explaining why this information is a trade secret.

--RFP 17: DENIED as overbroad. As stated, this request is overbroad (and ambiguous—"communications" to whom? Internal communications? External communications?). The Court will not order a further response.

--RFP 19: DENIED, as customer complaints have been produced and the Court finds unnecessary to the needs of this case to require further production for this RFP.

--RFP 20: GRANTED in part. Defendant must produce, under the already-entered protective order, internal investigations or reports about failure rates relating to the

Powertrain Defect. That is relevant information and is not overbroad. However, Defendant does not have to produce email concerning such internal investigations or reports.

To the extent Defendants argues that trade secret or confidential information is being requested, there is a protective order in place. Moreover, no declaration was provided by a knowledgeable GM employee explaining why this information is a trade secret.

--RFP 21: GRANTED in part. Defendant must produce, under the already-entered protective order, any reports about fixes of the Powertrain Defect (which is defined narrowly). That is relevant information and is not overbroad. However, Defendant does not have to produce email concerning such reports.

To the extent Defendants argues that trade secret or confidential information is being requested, there is a protective order in place. Moreover, no declaration was provided by a knowledgeable GM employee explaining why this information is a trade secret.

--RFP 34: DENIED, as Defendant already has produced documents responsive to this RFP.

--RFP 36: DENIED, as Defendant already has produced documents responsive to this RFP.

All supplemental document responses must be provided within 45 days of date of service of this order.

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23CV412111

Lopez v. GM LLC et al.

In this lemon law case, Plaintiff has filed three motions to compel and seeks monetary sanctions. Defendants oppose these motions and sanctions requests. After reviewing the parties' papers and the record, the Court tentatively rules as follows:

1. There were adequate meet-and-confer discussions between the parties. The Court will go to the merits of the motions.
2. Motion to Compel re Form Interrogatories: The Court DENIES the motion. Defendant's response to the one form interrogatory (12.1) is adequate, especially for such an ill-fitting form interrogatory.
3. Motion to Compel re Special Interrogatories:
 - a. The Court DENIES the motion as to SI 5, 8, and 11, as it does not appear Defendant is making the contentions at issue at this time.
 - b. Likewise, the Court DENIES the motion as to SI 44, 47, 50, and 53, as it does not appear Defendant is making these contentions at issue at this time.
 - c. The Court GRANTS the motion as to the other SIs at issue. These interrogatories seek relevant information that, based on Defendant's vague interrogatory responses, relate to contentions Defendant is making, and are not overbroad. If Defendant is not making a particular contention at issue, it should say so explicitly in a supplemental response.
4. Motion to Compel re RFPs:
 - a. The Court DENIES the motion for RFP 1 and 2, as Defendant has stated it will provide all requested documents.
 - b. The Court DENIES the motion for RFP 12-14, as Defendant has stated it is producing numerous documents in response to these RFPs. These documents are enough for Plaintiff, especially after weighing burden and need.
 - c. The Court DENIES the motion for RFP 18, 19, and 45, as Defendant has stated it is producing numerous documents in response to these RFPs. These documents are enough for Plaintiff, especially after weighing burden and need.
 - d. The Court GRANTS IN PART the motion for the remaining RFPs. Defendant need only produce actual policies, procedures, or manuals, not documents "relating

to” such policies, procedures, or manuals. Also, Defendant need not produce these documents until there is a protective order in place. But these documents are relevant for willfulness issues.

5. Supplemental Responses: To the extent the Court is ordering supplemental responses, those supplemental responses are due 45 days from the date of this order.

6. Sanctions: The Court finds that Defendant acted with substantial justification for each of these motions to compel, and does not award any sanctions.

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