SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Department 16
(Dept 16 is now hearing cases that were formerly in Dept 2)
Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-04-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

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 will call the cases of those who appear in person first. If you 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 16.
https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml. You must use the current link.

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. You may make an online reservation to 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. Go to the Court's website at www.scscourt.org to make the reservation.

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.

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LINE #	CASE #	CASE TITLE	RULING
LINE 1	22CV406816 Motion: Strike	Sonia Santoro vs Charles Wagner	Although no opposition to Plaintiff's motion to strike Defendant's answer was filed, the motion is denied for lack of good cause. Plaintiff asks that the answer be stricken because it was filed after she filed for default. But the default was not entered and, as such, there is no basis to strike. The Motion is DENIED.
LINE 2	23CV418832 Hearing: Demurrer	Lihui Ma vs Kevin Bravo	See Tentative Ruling. Court will issue the final order.
LINE 3	20CV375037 Motion: Summary Judgment/Adjudication	Natasha Doubson vs Fyodor Konkov	See Tentative Ruling. Plaintiff shall submit the final order.
LINE 4	22CV409066 Motion: Compel	Jesus Gamez vs General Motors, LLC	See Tentative Ruling. Defendant shall submit the final order.

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LINE 5	23CV410594 Motion: Admissions Deemed Admitted	Cahalan Properties LLC et al vs Pacific Construction & Management et al	Plaintiff moves the Court to deem admitted its requests for admissions because Defendant did not respond to their request. Parties now agree that Defendant provided responses, though not verified, on March 21, 2024. Under CCP 2033.220, the Court should not deem the admissions admitted where the party to whom the requests for admissions have been directed serves responses prior to the hearing on the motion. Because responses were served before the hearing, the admissions are not deemed admitted. However, because Defendant failed to timely respond, necessitating this motion, and still did not provide code-compliant responses as of March 21, 2024, without substantial justification, the Court orders Defendants to pay sanctions to Plaintiff's counsel in the amount of $860 (2 hours + $60 filing fee) within 20 days of the final order. Defendants also must verify their responses within 20 days of the final order. Plaintiff shall submit the final order.
LINE 6	23CV418696 Motion: Compel	Ted Liu vs GENERAL MOTORS, LLC	See Tentative Ruling. Defendant shall submit the final order.

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

LINE 7	23CV411968 Motion: Order Leave to Intervene	Ponciano Cid vs Concrete Ready Mix, Inc. et al	Notice appearing proper and good cause appearing, West American Insurance Co.'s (WAIC) unopposed motion for leave to intervene is GRANTED. WAIC shall submit the final order.
LINE 8	24CV432563 Hearing Petition to remove Mechanics Lien	CAN DO L.P. vs L&W SUPPLY CORPORATION	Notice appearing proper, the unopposed petition to remove mechanics lien is GRANTED. Petitioner shall submit the final order.
LINE 9			
LINE 10			
LINE 11			
LINE 12			
LINE 13			
LINE 14			
LINE 15			
LINE 16			
LINE 17			

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Calendar Line 2
Case Name: *Ma v. Bravo*
Case No.: 23CV418832

According to the allegations of the complaint, plaintiff Lihui Ma ("Plaintiff") was coming to a stop in his 2018 Toyota RAV4 on June 8, 2021 at 4:40 pm, when he was rear-ended by defendant Kevin Anthony Bravo ("Defendant"), resulting in injuries to Plaintiff. (See complaint, second cause of action, ¶ GN-1.)

On July 6, 2023, Plaintiff filed a complaint against Defendant, asserting causes of action for:

1) Motor vehicle negligence; and,
2) General negligence.

Defendant demurs to the complaint on the ground that it is barred by the statute of limitations.

I. DEFENDANT'S DEMURRER TO THE COMPLAINT

Defendant argues that the complaint, asserting causes of action for motor vehicle negligence and general negligence, is barred by the two year statute of limitations for negligence. (See Def.'s memorandum of points and authorities in support of demurrer ("Def.'s memo"), pp.3:24-28, 4:1-28, 5:1-16.) Indeed, Code of Civil Procedure section 335.1 states that "[a]n action for… injury to… an individual caused by the wrongful act or neglect of another" must be commenced "[w]ithin two years." (Code Civ. Proc. § 335.1.) Here, the complaint alleges that the alleged injury occurred on June 8, 2021. The complaint was filed more than two years from the date of injury. Defendant is correct that the complaint alleges facts that indicate that the complaint is time-barred. (See *Woods v. Fox Broadcasting Sub., Inc.* (2005) 129 Cal.App.4th 344, 350 (stating that "[w]hen a ground for objection to a complaint, such as the statute of limitations, appears on its face… a demurrer on that ground is proper").)

In opposition, Plaintiff argues that he was mentally incapacitated during certain periods of time in 2021 as a result of the accident, and that any statute of limitations is tolled during this time of incapacity. (See Pl.'s opposition to demurrer to complaint ("Opposition"), p.2:13-27, 3:1-27, 4:1-9.) Plaintiff presents medical records documenting his medical condition and lack of capacity. (See Opposition, exh. 1.) However, the medical records are not the subject of any judicial notice and there are no allegations regarding Plaintiff's lack of mental capacity in the complaint. (See *Ferrick v. Santa Clara University* (2014) 231 Cal.App.4th 1337, 1341 (stating that "[w]e treat the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law… [and] also consider matters which may be judicially noticed").) As such, Plaintiff fails to demonstrate that the complaint alleges facts that show that the complaint was timely filed. Nevertheless, Plaintiff shall have the opportunity to cure this defect. (See *Board of Trustees v. Super. Ct. (Umana)* (2007) 149 Cal.App.4th 1154, 1163 (stating that "California courts have 'a policy of great liberality in allowing amendments at any stage of the proceeding so as to dispose of cases upon their substantial merits where the authorization does not prejudice the substantial rights of others'… [i]ndeed, 'it is a rare case in which 'a court will be justified in refusing a party leave to amend his [or her] pleading so that he [or she] may properly present his [or her] case'").)

Defendant's demurrer to the complaint is SUSTAINED with 10 days leave to amend.

The Court will prepare the Order.

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Calendar Line 3
Case Name: Doubson v. Konkov
Case No.: 20CV375037

This is an action for rescission of gift and violation of Welfare and Institutions Code section 15657.6. Plaintiff Natasha Doubson ("Plaintiff") moves for summary judgment, or, in the alternative, for summary adjudication of each her causes of action of the first amended complaint ("FAC") on the ground that she was of "unsound mind" and was a "dependent adult" within the meaning of section 15657.6 at the time of her gift to defendant and former husband Fyodor Konkov ("Defendant"), and is entitled to judgment on the rescission of gift and violation of Welfare and Institutions Code section 15657.6 causes of action of the FAC.

In support of her motion, Plaintiff presents her declaration and the declaration of licensed psychiatrist Stephen H. Richmond. These declarations demonstrate that there are no triable issues of material fact and that each element of the causes of action in question have been proved, entitling her to judgment. (See *Aguilar v. Atlantic Richfield Co*. (2001) 25 Cal.4th 826, 850-851; see also Code Civ. Proc. § 437c, subd.(p)(1); see also Civ. Code §39 (stating that "[a] conveyance or other contract of a person of unsound mind, but not entirely without understanding, made before the incapacity of the person has been judicially determined, is subject to rescission… [a] rebuttable presumption affecting the burden of proof that a person is of unsound mind shall exist for purposes of this section if the person is substantially unable to manage his or her own financial resources or resist fraud or undue influence"); see also Welf. & Inst. Code, § 15657.6 (stating that "[a] person or entity that takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining the real or personal property of an elder or dependent adult when the elder or dependent adult … is of unsound mind, but not entirely without understanding, pursuant to Section 39 of the Civil Code, shall, upon demand by the elder or dependent adult or a representative of the elder or dependent adult, as defined in subdivision (d) of Section 15610.30, return the property and if that person or entity fails to return the property, the elder or dependent adult shall be entitled to the remedies provided by Section 15657.5, including attorney's fees and costs").)

Plaintiff meets her initial burden on her motion. In opposition, Defendant failed to file an opposition to the motion. Accordingly, Plaintiff's motion for summary judgment is GRANTED in its entirety. (See *Thompson v. Ioane* (2017) 11 Cal.App.5th 1180, 1195 (Sixth District case, stating that "'[o]nce the plaintiff... has met that burden, the burden shifts to the defendant... to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto'"), quoting Code Civ. Proc. § 437c, subd. (p)(1); see also *Taliaferro v. Coakley* (1960) 186 Cal.App.2d 258, 261 (stating that the opposing party "in not filing a counteraffidavit or affidavits failed to show that there was a genuine issue of fact in the case, and the court had no alternative but to grant the motion"); see also *Knudsen v. Faubus* (1962) 199 Cal.App.2d 659, 661-662 (stating that "[w]here the affidavit in support of a motion for summary judgment states facts sufficient to sustain a judgment in favor of the moving party, unless an affidavit filed on behalf of the opposing party competently states facts indicating the existence of a triable issue with respect to a material fact relied upon by the moving party, the latter's motion should be granted").)

Plaintiff shall file the final order.

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Calendar line 4
Case Name: Gamez v. GM
Case No.: 22CV409066

I. Background

This is a lemon law case. Plaintiff allege he purchased a 2019 Chevrolet Silverado ("Vehicle") on or about August 11, 2019 and obtained an express warranty. Plaintiff further alleges that during the warranty period, the Vehicle developed defects, relating to its transmission and its component parts. Plaintiff brought this case against GM on December 27, 2022 asserting various warranty claims, negligent repair, and fraud by concealment. Plaintiff now seeks an order compelling GM to produce documents relating to (1) the subject Vehicle (RFP Nos. 1, 2, 3, 7); (2) internal Knowledge and investigation Discovery (RFP Nos. 17, 22-24, 35-40); (3) documents concerning summaries and memos regarding transmission defects (RFP Nos. 41-43, 47, 49, 50); (4) documents concerning buyback policies and procedures (RFP Nos. 55. 56. 65); (5) Communications with Governmental Agencies (and suppliers (RFP Nos. 73, 75, 76, 77; and (6) Documents concerning Dealer Agreements and GM's Financial Documents and other documents (81, 82, 85).

GM makes a number of objections including that the requests are overly broad, irrelevant, and overly burdensome.

II. Legal Standard

Discovery is generally permitted "regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." (Code Civ. Pro. § 2017.010.) Everything that is relevant to the subject matter is presumed to be discoverable. (*Id.*) The Discovery Act further declares that "the court shall limit the scope of discovery" if it determines that the burden, expense, or intrusiveness of that discovery "clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." (Code Civ. Pro. § 2017.020(a); *Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385.) The California Supreme Court teaches in *Greyhound* that the judge exercising discretion to limit discovery should construe disputed facts liberally in favor of discovery; reject objections such as hearsay that only apply at trial; permit fishing expeditions (within limits), avoid extending limitations on discovery, such as privileges; and, whenever possible, impose only partial limitations rather than denying discovery entirely. (*Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385; *see also Tylo v. Superior Court* (1997) 55 Cal.App.4th 1379, 1386.)

The party to whom a request for production of documents has been directed can make one of three responses: (1) a statement that the party will comply with the demand, (2) a representation that the party lacks the ability to comply, or (3) an objection. (Code Civ. Pro. §2031.210(a).) A party may move for an order compelling a further response to a document demand on the ground that (1) an objection is without merit or too general, (2) a statement of compliance with the demand is incomplete, or (3) a representation of inability to comply is inadequate, incomplete, or evasive. (Code Civ. Pro. §2031.210(a).) A party seeking to

compel is required to "set forth specific facts showing good cause justifying the discovery sought by the demand." (Code Civ. Pro. §2031.210(b)(1); *Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98.) This burden may be satisfied by a fact-specific showing of relevance. (*TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 448.)

Plaintiff argues the documents it seeks regarding GM's internal investigations and analyses are likely to lead to the discovery of admissible evidence regarding GM's knowledge of the defect which they claim relates to the "willful" requirement for a civil penalty and to the fraud claim. With respect to willfulness, one court has opined that "[a] decision made without the use of reasonably available information germane to that decision is not a reasonable, good faith decision." (*Kwan v. Mercedes-Benz of North America, Inc.* (1996) 23 Cal.App.4th 174, 186.) Some factors the court (or jury) may consider when making a willfulness determination include:

1. Whether the manufacturer knew the vehicle was a lemon (*Lukather v. General Motors, LLC* (2010) 181 Cal. App. 4th 1041, 1051-52);
2. Whether the manufacturer or its representative was provided with a reasonable period of time or reasonable number of attempts to repair the vehicle (*Jensen v. BMW of N. Am., Inc.* (1995) 35 Cal.App.4th 112, 136);
3. Whether the manufacturer knew the vehicle had not been repaired within a reasonable time or after a reasonable number of attempts (*Jensen v. BMW of N. Am., Inc.* (1995) 35 Cal.App.4th 112, 136);
4. The lengths the manufacturer or its representative went through to and diagnose and repair the vehicle's problems (*Ramos v. FCA US LLC* (2019) 385 F. Supp. 3d 1056, 1072);
5. Whether the vehicle usually operated normally while in the shop for diagnosis and repair (*Ramos v. FCA US LLC* (2019) 385 F. Supp. 3d 1056, 1072);
6. Whether the manufacturer had reasonable suspicions that the purchaser had tampered with the vehicle (*Ramos v. FCA US LLC* (2019) 385 F. Supp. 3d 1056, 1072);
7. Whether the manufacturer had a written policy on the statutory requirement to repair or replace the vehicle (*Jensen v. BMW of N. Am., Inc.* (1995) 35 Cal.App.4th 112, 136);
8. Whether the manufacturer knew the purchaser had requested replacement or restitution (*Lukather v. General Motors, LLC* (2010) 181 Cal. App. 4th 1041, 1051-52);
9. Whether the manufacturer actively discouraged the purchaser from requesting replacement or restitution (*Lukather v. General Motors, LLC* (2010) 181 Cal. App. 4th 1041, 1051-52);
10. Whether the manufacture relied on reasonably available and germane information when deciding whether to offer to replace or pay restitution (*Kwan v. Mercedes-Benz of North America, Inc.* (1996) 23 Cal.App.4th 174, 186);
11. Whether the purchaser made multiple unsuccessful requests for replacement or restitution (*Ramos v. FCA US LLC* (2019) 385 F. Supp. 3d 1056, 1072);
12. Whether the manufacturer's offer to pay restitution was a lowball offer or for an incorrect amount (*Ramos v. FCA US LLC* (2019) 385 F. Supp. 3d 1056, 1072).

A close study of the above categories reveals that the primary focus is on the vehicle at issue in a particular case—not sweeping discovery regarding other customers' complaints.

Plaintiff's citations to cases such as *Donlen v. Ford Motor Co.* (2013) 217 Cal.App.4th 138 and *Doppes v. Bently Motors, Inc.* (2009) 174 Cal.App.4th 967 do not change this analysis. Neither of those cases directly addressed a trial court's discovery orders in a lemon law case. *Donlen* finds the trial court did not commit error when it denied the manufacturer's motion in limine to exclude evidence of other customer complaints about the same transmission model in plaintiff's vehicle at issue in that case. *Doppes* examined the trial court's granting of terminating sanctions against the manufacturer for its repeated failure to comply with the trial court's discovery orders. Neither opinion examines the need for discovery or the weighing process undertaken by a trial court in determining the scope of discovery. (Code Civ Proc § 2019.030(a)(2) ("The court shall restrict the frequency or extent of use of a discovery method. . . if it determines. . . The selected method of discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.").)

III. Analysis

The Subject Vehicle

Plaintiff claims that she is entitled to RFP Nos. 1,2, 3, and 7 because they relate to the subject vehicle. Each of these requests ask for "all" documents regarding the vehicle, with no limitation by time or subject area. Defendant rightly objects that this request is "too broad." Plaintiff has made no showing of how documents regarding the vehicle, but having nothing to do with the claimed defect might be relevant to her case. The case of *Jensen v. BMW of N. Am., LLC,* 328 F.R.D. 557 (S.D. Cal. 2019) is of no help, as in that case the records requested related to the defect that the vehicle car was alleged to have had. Moreover, *Jensen* simply says that similar defects in the car of the same make, model, and year of the subject car, could conceivably be relevant to a willfulness allegation. *Jensen,* 328 F.R.D. at 562. Simply claiming all documents related to the subject vehicle are relevant does not make them so. This request is DENIED.

Other Requests

These same issues of overbreadth plague the other requests. None of the requests are limited to cars of similar make, model, and year. Rather they seek information related to a similar transmission (RFP Nos 17, 22-24, 35-43, 57, 49, 50) or seek documents, sometimes limited since 2019, related to handling of or policies related to claims under the Song Beverly Consumer Warranty Act generally, regardless of car or defect alleged (RFPs 55, 56, 65). RFP Nos. 73, 75-77, 81, 82 and 85 similarly lack reference to either the specific make, model, and year of the car.

Plaintiff simply asserts the relevance of the requests without any specification of particular things needed or how such things might be relevant to the claims made. That documents relate to the Vehicle, regardless of issue, or to a GM Transmission, regardless of make, model or year, is not enough. The cases cited by Plaintiffs do not support their claims. Most are not cases even discussing the scope of discovery. That particular documents, not at issue, may have been relevant to the issue of fraud in a particular case, says nothing about the proper breadth of Plaintiff's requests in this case. The motion is DENIED and no sanctions are awarded. GM shall submit the final order.

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Calendar Line 6
Case Name: Liu v. GM
Case No.; 23CV418696

I. Background

This is a lemon law case. Plaintiff allege he purchased a 2022 Chevrolet Bolt EUV ("Vehicle") on or about November 2, 2022, and obtained an express warranty. Plaintiff further alleges that during the warranty period, the Vehicle developed defects, relating to its transmission and its component parts. Plaintiff brought this case against GM on July 3, 2023, asserting various warranty claims, negligent repair, and fraud by concealment.
Plaintiff now seeks an order compelling GM to produce responses to Requests for Production Nos. 8, 16-19, 21-22, 27, 34, 37, 40-43, and 56. These requests seek (i) all documents relating to GM's internal analysis, investigations, communications, reports and design-related documents of the alleged "BATTERY DEFECT" in both the Subject Vehicle and other customers' vehicles (Request Nos. 16-17, 19, 21-22, and 40-43); (ii) all documents relating to GM's policies, procedures, training materials and organizational structure; (Request Nos. 78, 27, 34, 37, and 56); and, (iii) "[a]ll DOCUMENTS, including but not limited to electronically stored information and electronic mails, concerning or relating to any decision to issue any notices, letters, campaigns, warranty extensions, technical service bulletins and recalls concerning" the broadly defined "BATTERY DEFECT" in vehicles of the same year, make, and model as the Subject Vehicle (Request No. 18.)

GM makes a number of objections including that the requests are overly broad, irrelevant, and overly burdensome.

II. Legal Standard

Discovery is generally permitted "regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence." (Code Civ. Pro. § 2017.010.) Everything that is relevant to the subject matter is presumed to be discoverable. (*Id.*) The Discovery Act further declares that "the court shall limit the scope of discovery" if it determines that the burden, expense, or intrusiveness of that discovery "clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." (Code Civ. Pro. § 2017.020(a); *Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385.) The California Supreme Court teaches in *Greyhound* that the judge exercising discretion to limit discovery should construe disputed facts liberally in favor of discovery; reject objections such as hearsay that only apply at trial; permit fishing expeditions (within limits), avoid extending limitations on discovery, such as privileges; and, whenever possible, impose only partial limitations rather than denying discovery entirely. (*Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385; *see also Tylo v. Superior Court* (1997) 55 Cal.App.4th 1379, 1386.)

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§2031.210(a).) A party may move for an order compelling a further response to a document demand on the ground that (1) an objection is without merit or too general, (2) a statement of compliance with the demand is incomplete, or (3) a representation of inability to comply is inadequate, incomplete, or evasive. (Code Civ. Pro. §2031.210(a).) A party seeking to compel is required to "set forth specific facts showing good cause justifying the discovery sought by the demand." (Code Civ. Pro. §2031.210(b)(1); *Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98.) This burden may be satisfied by a fact-specific showing of relevance. (*TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 448.)

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3. Whether the manufacturer knew the vehicle had not been repaired within a reasonable time or after a reasonable number of attempts (*Jensen v. BMW of N. Am., Inc.* (1995) 35 Cal.App.4th 112, 136);
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A close study of the above categories reveals that the primary focus is on the vehicle at issue in a particular case—not sweeping discovery regarding other customers' complaints. Plaintiff's citations to cases such as *Donlen v. Ford Motor Co.* (2013) 217 Cal.App.4th 138 and *Doppes v. Bently Motors, Inc.* (2009) 174 Cal.App.4th 967 do not change this analysis. Neither of those cases directly addressed a trial court's discovery orders in a lemon law case. *Donlen* finds the trial court did not commit error when it denied the manufacturer's motion in limine to exclude evidence of other customer complaints about the same transmission model in plaintiff's vehicle at issue in that case. *Doppes* examined the trial court's granting of terminating sanctions against the manufacturer for its repeated failure to comply with the trial court's discovery orders. Neither opinion examines the need for discovery or the weighing process undertaken by a trial court in determining the scope of discovery. (Code Civ Proc § 2019.030(a)(2) ("The court shall restrict the frequency or extent of use of a discovery method. . . if it determines. . . The selected method of discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.").)

III. Analysis

Request No. 18 seeks "[a]ll DOCUMENTS, including but not limited to electronically stored information and electronic mails, concerning or relating to any decision to issue any notices, letters, campaigns, warranty extensions, technical service bulletins and recalls concerning" the broadly defined "BATTERY DEFECT" in vehicles of the same year, make, and model as the Subject Vehicle. Defendant indicates that it already produced the responsive documents including the Global Warranty History Report; any field actions, including recalls, for the Subject Vehicle; and lists of Technical Service Bulletins ("TSBs") and Information Service Bulletins ("ISBs") for vehicles of the same year, make, and model as the SUBJECT VEHICLE. GM also offered–-at Plaintiff's request—to search for and produce, if located, copies of a reasonable number of TSBs and ISBs, if any, that Plaintiff has identified as relevant to the conditions alleged in Plaintiff's Complaint. In addition, GM has already agreed to produce other customer complaints within GM's ESI database that are substantially similar to Plaintiff's complaint(s) concerning the alleged "BATTERY DEFECT" for vehicles purchased in California of the same year, make, and model as the Subject Vehicle subject to entry of the protective order. (Pappas Decl., ¶ 7; Beck Decl., Ex. 15.) Accordingly, supplementation of Request for Production No. 18 is unnecessary. The request is DENIED.

Request Nos. 16-17, 19, 21-22, and 40-43 seek GM's internal analysis, investigations, communications, reports and design-related documents about the alleged "BATTERY DEFECT" in vehicles other than Plaintiff's own Bolt. Plaintiff has asserted breach of warranty claims, not product liability claims. Documents about other vehicles or the design of the Bolt are not relevant to the pending claims. The requests are DENIED.

In Request for Production Nos. 8, 27, 34, 37, and 56, Plaintiff demands *all documents* relating to GM's policies, procedures related to GM's policies, procedures, training materials and organizational structure. This is overbroad and not limited to the claims of this particular case. The requests are DENIED.

Moreover, as many of Plaintiff's requests seek "all documents" or relate to all "BATTERY DEFECTS," they are so broad as to require an amount of time, money and resources to comply that vastly outweighs "the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation."

Accordingly, the motion is DENIED and no sanctions are awarded. GM shall submit the final order.

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