

**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: 09-10-24 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	23CV413334 Hearing: Demurrer	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Court will issue the final order.
LINE 2	23CV413334 Motion: Strike	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Court will issue the final order.
LINE 3	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Court will issue the final order.
LINE 4	23CV413334 Hearing: Demurrer	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Court will issue the final order.
LINE 5	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	See Tentative Ruling. Court will issue the final order.
LINE 6	23CV426855 Hearing: Demurrer	Samuel Flores vs Ismal Milo, Care Taker et al	Notice appearing proper, the unopposed demurrer of Defendant Miroslava Flores is GRANTED without leave to amend. The failure to file a written opposition ““creates an inference that the motion or demurrer is meritorious.”” <i>Sexton v. Superior Court</i> (1997) 58 Cal.App.4th 1403, 1410. The Court notes that it explained the process for opposing a motion and contesting a tentative decision to all parties at the August 1, 2024 hearing. The Court will issue the final order. Defendant Flores shall submit a proposed judgment.

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

LINE 7	23CV427769 Hearing: Demurrer	Rhett Anderson vs Santa Clara County et al	Plaintiff filed an ex parte request to continue this hearing date, which the Court has denied. Notice appearing proper, the unopposed demurrer of Defendant Santa Clara County is GRANTED without leave to amend as there is no way that Plaintiff can cure the complaint. The failure to file a written opposition “creates an inference that the motion or demurrer is meritorious.” <i>Sexton v. Superior Court</i> (1997) 58 Cal.App.4th 1403, 1410. Defendant is ordered to appear at the hearing. Defendant shall submit the final order.
LINE 8	19CV360445 Motion: Summary Judgment/Adjudication	Teresa Riccardi et al vs City of Santa Clara et al	As the case has settled, the motion is OFF CALENDAR.
LINE 9	23CV421042 Motion: Compel	Weiting Zhan et al vs Jianing Tang et al	See Tentative Ruling. Court will issue final order.
LINE 10	2005-1-CV-038200 Hearing: Claim of Exemption	Fireside Bank vs Veronica Contreras	Defendant/Debtor seeks a total exemption and Plaintiff/Creditor opposes any claim for exemption. However, both sides state, that should its position be denied, Defendant/debtor should pay \$150 per pay period. As such, the claim of exemption is GRANTED IN PART. Defendant is ordered to pay Plaintiff \$150 on a bi-weekly basis. Plaintiff shall submit the final order.
LINE 11			

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LINE 12			
LINE 13			
LINE 14			
LINE 15			
LINE 16			
LINE 17			

Calendar Lines 1-5

Case Name: Muhammad Khan v. Bay Area Criminal Lawyers, et al.

Case No.: 23CV413334

Motions to Quash

Defendants' primary basis for the motions to quash service of summons is that Plaintiff never personally served either Defendant Cohen or Defendant Guilmartin. Cohen is the owner of Bay Area Criminal Lawyers ("BACL"), and Guilmartin was an employee of BACL at the time. In their declarations, Defendants claim that the process server (a Deputy Sheriff) improperly served the summons and complaint on a BACL receptionist, who is not an agent of BACL. Defendant Guilmartin claims he was not present at the time of service. There is a previous Court order (filed December 5, 2023) denying Defendants' motion to quash. The current motions to quash raise nearly identical arguments as the previously denied motions. Attorneys cannot get a second bite at the apple especially when raising similar arguments based on the same facts. Additionally, the Defendants did not move for reconsideration per Code of Civil Procedure section 1008 and they do not comply with its requirements for this Court to *reconsider* Defendants' previously denied motions to quash. This was their recourse and they failed to take advantage of it. In light of the above authority and statutes, this Court **DENIES** the motions to quash service of summons.

Demurrers

Each Defendant demurs to the complaint for failure to state a claim and on the basis of plea in abatement. Plaintiff has failed to oppose the demurrers. While in general a lack of opposition is a concession, the Court must ensure that Defendants have met their burden and that there is good cause to grant the demurrers. The Court addresses each demurrer in turn.

1) Failure to State a Claim

a. Defendant Guilmartin's Demurrer

Defendant Guilmartin demurs to all eight (8) causes of action on the ground of failure to state a claim.

Conversion (1) – Def. Guilmartin meets his burden here given that he was an employee of BACL. He claims, as an employee, he did not have access to Plaintiff's property in question, and thus could not have interfered with it as required under a conversion cause of action. Alternatively, Def. Guilmartin argues the payment on Plaintiff's retainer agreement was made by Plaintiff's family, not Plaintiff himself, and thus, Plaintiff has not alleged ownership or right to possession of property. "Conversion is the wrongful exercise of dominion over the property of another. The elements of a conversion claim are: (1) the plaintiff's ownership or right to possession of the property; (2) the defendant's conversion by a wrongful act or disposition of property rights; and (3) damages." (*Welco Electronics, Inc. v. Mora* (2014) 223 Cal.App.4th 202, 208, internal quotation marks and citations omitted.) Defendant has met his burden. The demurrer is **SUSTAINED** without leave to amend, as this cannot be cured given that Guilmartin is an employee.

Fraudulent deceit (2) – Plaintiff alleges fraudulent deceit pursuant to Civil Code sections 1709 – 1710. Civil Code section 1709 states, “One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damage which he thereby suffers.” Plaintiff fails to allege, with sufficient particularity, Guilmartin’s intent to induce Plaintiff. Instead Plaintiff provides the following conclusory statements in his Complaint: “Defendants fraudulently placed a new contract...Defendants fraudulently promised to pursue county funding...” (See Complaint, 201-202.) “*Fraud must be pleaded with particularity* and the doctrine of liberal construction of pleadings does not apply. (*Lazar v. Superior Court* (1996) 12 Cal.4th 631, 638.).) This particularity requirement necessitates pleading facts that show how, when, where, to whom and by what means the alleged misrepresentations were tendered. (*Id.* at 645.) The is demurrer is SUSTAINED with leave to amend.

Breach of contract (3) – Defendant Guilmartin alleges he was not a party to the contract, but rather Defendant Cohen (owner of BACL) and BACL. Unfortunately, both the Complaint and Demurrer fail to attach the retainer agreement, in question, as an exhibit. (see *Gold v. Gibbons* (1960) 178 Cal.App.2d 517, 519 (stating that “[b]reach of contract cannot be made the basis of an action for damages against defendants who did not execute it and who did nothing to assume its obligations”); see also *Tri-Continent Internat. Corp. v. Paris Savings Loan Assn.* (1993) 12 Cal.App.4th 1354, 1359 (stating that “Tri—Continent cannot assert claim for breach of contract against one who is not party to the contract”).) The Court must accept, as true, the facts alleged in a Complaint for purposes of a demurrer. Here, Plaintiff alleges sufficient facts under each element for a breach of contract. Guilmartin argues that Plaintiff fails to plead with sufficient particularity whether Guilmartin entered into an express or implied contract with Plaintiff. (See Demurrer, p. 13:10-19.) This appears to fall under an uncertainty argument, or, alternatively, an argument made for fraud claims. This is not a proper argument under a failure to state a claim. The demurrer to this cause of action is OVERRULED.

Fraud/Intentional Misrepresentation (4) – As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. The demurrer to this cause of action is SUSTAINED with leave to amend.

False Promise (5) - As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. The demurrer to this cause of action is SUSTAINED with leave to amend.

Concealment (6) – As with fraudulent deceit, this requires pleading with particularity which Plaintiff has failed to do. (See *Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828, 843-844 [“Fraud, **including concealment**, must be pleaded with specificity.”].) The demurrer to this cause of action is SUSTAINED with leave to amend.

Unfair Business Competition (7) – Defendant has met his burden here because Guilmartin is an employee of BACL, not an employer. UCL claims generally involve unlawful business practices exercised by the employer. The injunctive relief sought by Plaintiff is inapplicable to an employee. “The UCL defines ‘unfair competition’ to ‘mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising’ and any act prohibited by [Business and Professions Code] section 17500. [Citation.]” (*Searle v. Wyndham Int’l* (2002) 102 Cal.App.4th 1327, 1332-1333 (Searle).) The demurrer to this cause of action is SUSTAINED without leave to amend as it cannot be cured.

Negligence in Hiring (8) – Again, Defendant’s burden is met here because Defendant is an employee of BACL, not an employer. “*An employer may be liable to a third person for the employer’s negligence in hiring or retaining an employee who is incompetent or unfit.* [Citation.]” (*Roman Catholic Bishop v. Super. Ct.* (1996) 42 Cal.App.4th 1556, 1564-1565.) The demurrer to this cause of action is **SUSTAINED** without leave to amend as it cannot be cured.

If a plaintiff has not had an opportunity to amend the pleading in response to a motion challenging the sufficiency of the allegations, leave to amend is liberally allowed as a matter of fairness, unless the pleading shows on its face that it is incapable of amendment. (See *City of Stockton v. Super. Ct.* (2007) 42 Cal.4th 730, 747; see also *Eghtesad v. State Farm General Ins. Co.* (2020) 51 Cal.App.5th 406, 411 [“denial of leave to amend constitutes an abuse of discretion unless the complaint ‘shows on its face that it is incapable of amendment.’”].) No express request to amend would be necessary. (Code Civ. Proc., § 472c.) (*Hawkins v. Oakland Title Ins. & Guaranty Co.* (1958) 165 Cal.App.2d 116, 123.)

Accordingly, Defendant Guilmartin’s demurrer as to the **first, seventh and eighth** causes of action on the ground of failure to state a claim is **SUSTAINED without leave to amend**. Defendant Guilmartin’s demurrer as to the **second, fourth, fifth and sixth** causes of action on the ground of failure to state a claim is **SUSTAINED with 20 days leave to amend**. The demurrer as to the **third cause of action for breach of contract** is **OVERRULED**.

b. Defendant Cohen’s Demurrer (owner of BACL) – to four causes of action

Defendant Cohen joins Defendant Guilmartin in demurring to the second, fourth, fifth, and sixth causes of action of Plaintiff’s Complaint. Given the above recommended ruling on these causes of action, this Court similarly **SUSTAINS with 20 days leave to amend** Cohen’s demurrer as to the **second, fourth, fifth, and sixth causes of action** on the ground of failure to state a claim.

2) Plea in Abatement

a. Addressed identically in both Defendants’ Demurrers

Both Defendants demur to Plaintiff’s Complaint on the ground that there is another action pending in San Francisco County (filed on July 25, 2022) between the same parties on nearly identical causes of action. (Code Civ. Proc., §430.10, subd. (c); see also David J. Cohen’s Demurrer - Exh. A – Pending Complaint). Citing to Code of Civil Procedure section 430.10, subdivision (c), both Defendants Cohen and Guilmartin demur to Plaintiff’s Complaint on the ground that there is another action pending between the same parties, involving the same facts, on nearly identical causes of actions, *in the same state*. “The pendency of another earlier action growing out of the same transaction and between the same parties is a ground for abatement of the second action.” (*Leadford v. Leadford* (1992) 6 Cal.App.4th 571, 574.) This is called a plea in abatement and is a valid basis for demurrer. (See Code Civ. Proc., § 430.10, subd. (c) [plea of abatement is one of the grounds for demurrer explicitly set forth in Code of Civil Procedure section 430.10] ; see also *Plant Insulation Co. v. Fibreboard Corp.* (1990) 224 Cal.App.3d 781, 789 (*Fibreboard*) [“A plea in abatement pursuant to section 430.10, subdivision (c), may be made by demurrer or answer when there is another action pending

between the same parties on the same cause of action”].) Plaintiff’s instant Complaint contains two additional claims, namely, unfair competition, and negligent hiring. Defendants reconcile this difference by asserting “primary rights.” Abatement may still be proper where the the primary right asserted by Plaintiff is the same. Because the Demurrer is sustained with leave to amend, the demurrer on the basis of a plea of abatement is **MOOT**.

Defendant Guilmartin’s Motion to Strike

Here, Defendant Guilmartin requests this Court to strike portions of the Complaint on the ground that they are “egregiously” immaterial to the causes of action alleged by Plaintiff. Because the Court is granting leave to amend, the motion to strike is **MOOT**. The Court advises Plaintiff, however, that irrelevant or improper allegations may be struck. (Code Civ. Proc., § 436, subd. (a).) Irrelevant matter includes (1) an allegation that is not essential to the statement of a claim or defense, (2) an allegation that is neither pertinent to nor supported by an otherwise sufficient claim or defense, and (3) a demand for judgment requesting relief not supported by the allegations of the complaint or cross-complaint. (See Code Civ. Proc., § 431.10, subds. (b), (c).)

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Calendar line 9

Case Name: *Zhan, et al. v. Tang, et al.*

Case Nos.: 23CV421042 [Lead Case]; 23CV427271 [Consolidated Case]

Currently before the Court is self-represented¹ litigant Weiting Zhan's ("Plaintiff") motion to compel further responses to form² interrogatories ("FIs") and for monetary sanctions.

FACTUAL AND PROCEDURAL BACKGROUND³

These consolidated cases arise out of related alleged malicious prosecution of Plaintiff. According to the First Amended Complaint ("FAC"), on March 19, 2021, there was a physical altercation between Plaintiff and Defendant, who were roommates at the time, and the police were called. (FAC, p. 3.) Defendant then initiated a criminal action (Case No. C2106178) against Plaintiff. (FAC, p. 2:2-3.) Plaintiff alleges Defendant confessed to providing false information to a police officer to secure rent and deposit. (FAC, p. 2:5-8.) She further alleges Defendant provided false information to get an emergency protective order, which Defendant then used to breach the terms of the rental lease agreement, and Defendant applied for California rent relief using Plaintiff's personal information, without consent. (FAC, pp. 2:23-24-3:22-25; 6.)

On December 4, 2023, Plaintiff filed her initial complaint, asserting one cause of action for intentional tort. On January 22, 2024, she filed her FAC, which appears to assert four causes of action for intentional torts: 1) malicious prosecution; 2) false issuance of an emergency protective order; 3) identity theft; and 4) unlawful sharing of personal information. On March 4, 2024, Plaintiff filed a motion to compel responses to special interrogatories (Set

¹ As noted above, Plaintiff is self-represented, which is sometimes referred to as appearing in propria persona. "[W]hen a litigant is appearing in propria persona, he is entitled to the same, but no greater, consideration than other litigants and attorneys. Further, the in propria persona litigant is held to the same restrictive rules of procedure as an attorney." (*Burnete v. La Casa Dana Apartments* (2007) 148 Cal.App.4th 1262, 1267, internal citations omitted; see also *County of Orange v. Smith* (2005) 132 Cal.App.4th 1434, 1444.) Self-represented litigants "are held to the same standards as attorneys" and must comply with the rules of civil procedure. (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543; see also *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985 ["A doctrine generally requiring or permitting exceptional treatment of parties who represent themselves would lead to a quagmire in the trial courts, and would be unfair to the other parties to litigation"].)

² Although Plaintiff's caption indicates she is moving to compel "responses to special interrogatories," it appears both her declaration and memorandum of points and authorities request further responses to form interrogatories. (See Memorandum of Points and Authorities in Support of Motion to Compel Responses ("MPA Comp."), p. 3; see also Declaration of Weiting Zhan in Support of MPA Comp. ("Zhan Decl."), pp. 5-6.)

³ The factual and procedural background largely mirror this Court's Order denying Jianing Tang's ("Defendant") motion to strike, filed on June 11, 2024, in the consolidated case. (See Court Order, Case No. 23CV427271 entitled *Weiting Zhan vs. Jianing Tang*, filed on June 11, 2024.)

one) (“SIs”) and request for production of documents (set one), which this Court granted on April 10, 2024. (See Court Order, Case No. 23CV427271 entitled *Weiting Zhan vs. Jianing Tang*, filed on April 12, 2024.) On June 25, 2024, Plaintiff filed the instant motion to compel responses to SIs and for monetary sanctions in docket number 23CV427271. Defendant opposed the motion August 26, 2024, on both procedural and substantive grounds. Plaintiff filed a reply two days later.

DISCUSSION

I. Preliminary Matters

A. Meet and Confer

A motion to compel further responses to interrogatories must be accompanied by a meet and confer declaration under section 2016.040. (Code Civ. Proc., §§ 2030.300, subd. (b).) “A meet and confer declaration in support of a motion shall state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion.” (Code Civ. Proc., § 2016.040.) A reasonable and good faith attempt at informal resolution requires that the parties present the merits of their respective positions with candor, specificity, and support. (*Townsend v. Super. Ct.* (1998) 61 Cal.App.4th 1431, 1435, 1439.) The level of effort at informal resolution which satisfies the “reasonable and good faith attempt” standard depends upon the circumstances of the case. (*Obregon v. Super. Ct.* (1998) 67 Cal.App.4th 424, 431.)

Here, Plaintiff has provided a meet and confer declaration evidencing meet and confer efforts. Defendant does not argue that Plaintiff’s meet and confer efforts were insufficient. Any further meet and confer efforts would be fruitless.

B. Separate Statement

A separate statement is required for a motion to compel further responses to interrogatories. (Cal. Rules of Court, Rule 3.1345(a)(2).) As noted in Defendant’s opposition, no separate statement has been provided by Plaintiff, (See Opp., p. 2:21-22), and it appears based on Plaintiff’s declaration that Defendant failed to respond and/or “altered” his response to a few form interrogatories. (See Zhan Decl., pp. 5-6.) As noted in footnote 1, it appears Plaintiff filed a motion to compel further responses.

Rules of Court, rule 3.1345(a) provides that a separate statement is required for a motion to compel further responses to discovery requests. (Cal. Rules of Court, rule 3.1345(a)(1)-(3).) A court has discretion to summarily deny a discovery motion due to the absence of a proper separate statement. (*Mills v. U.S. Bank* (2008) 166 Cal.App.4th 871, 893.) As the decision to deny a discovery motion based on a missing separate statement is discretionary, the Court is inclined to consider the motion on its merits.

C. Form of the Motion – Improper Notice

Defendant contends Plaintiff provides improper notice of her motion because the motion fails to specify or provide the following: 1) grounds for the motion; 2) discovery questions at issue; and 3) statutory references. (Opp., p. 2:1-9.) However, because the memorandum of points and authorities, and the Plaintiff’s declaration, were served

concurrently with the motion, these supporting documents are sufficient to inform Defendant of the grounds for the motion. “Sometimes this purpose [of Code of Civil Procedure section 1010] is met notwithstanding deficient notice. For example, it may be sufficient that the supporting papers contain the grounds for the relief sought, even if the notice does not. (*Luri* [v. *Greenwald* (2003) 107 Cal.App.4th 1119, 1125]; 366-386 *Geary St., L.P. v. Superior Court* (1990) 219 Cal.App.3d 1186, 1200.)” (*Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 137-138.) This is such a case, and the Court finds that Plaintiff has provided sufficient notice of her motion to compel.

II. Analysis

A. Legal Standard

A responding party must provide non-evasive answers to interrogatories that are “as complete and straightforward...to the extent possible,” and, if after a reasonable and good faith effort to obtain the information they still cannot respond fully to an interrogatory, the responding party must so state in its response. (Code Civ. Proc., § 2030.220.) If the responding party provides incomplete or evasive answers, or objections without merit, the propounding party’s remedy is to seek a court order compelling a further response to the interrogatories. (Code Civ. Proc., § 2030.300.)

B. Merits of the Motion

1. FI Nos. 21, 22, 23, and 28

Here, it appears Plaintiff seeks further responses to FI Nos. 21, 22, 23, and 28. (Zhan Decl., pp. 5-6.)

FI No. 21 seeks the following information from Defendant: “Did you inform the police, following the 50-second conversation (from 2021-03-19...to 2021-03-19...) with Mr. Shuaiqi Ge, that you had decided to press criminal charges against Ms. Zhan Weiting?”

FI No. 22 seeks the following information from Defendant: “Did you receive the emergency protective order before photographs were taken of your injury?”

FI No. 23 seeks the following information from Defendant: “Did you receive the emergency protective order before disclosing to the police that you had held a knife.”

FI No. 28 seeks the following information from Defendant: “Did you receive Bank of America’s request for April’s rent from Ms. Zhan Weiting at 2:18AM on March 19, 2021.”

According to the declaration, Defendant responded to the “altered” FI Nos. 22, 23, and 28, with “I do not recall.” (Zhan Decl., pp. 5:16-20-6:1-19.) Defendant did not respond to FI No. 21 at all. (Zhan Decl., p. 5:1-3.)

As a general matter, “any party may obtain discovery 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. Proc., § 2017.010.) When responding to an interrogatory, each answer must be as complete and straightforward as the information reasonably available to the responding party permits. (See Code Civ. Proc. § 2030.220, subd. (a).) If the responding party lacks sufficient knowledge to respond to an interrogatory, it shall so state “but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party.” (Code Civ. Proc. § 2030.220, subd. (c).)

Defendant, in opposition, asserts that she provided substantive responses to Plaintiff’s discovery requests. (Opp., p. 3.) Defendant additionally argues Plaintiff has provided “no factual or legal argument” as to why Defendant should be required to provide further responses. (*Ibid.*) Defendant concludes, Plaintiff is simply noting a “typographical error” in Defendant’s “restatement of the questions,” rather than a deficiency in her responses to the discovery requests. (*Ibid.*)

Plaintiff maintains that further responses to FI Nos. 21, 22, 23, and 28, are warranted because Defendant’s current response is evasive and incomplete in that Defendant “could review the police recording dated March 19, 2021, to help provide a complete answer.” (Zhan Decl., p. 5:23-26.) As noted above, Code of Civil Procedure section 2030.220, subdivision (c), states that a responding party must “make a good faith effort” to obtain information by inquiry. This Court agrees that Defendant failed to provide a response to FI No. 21 without reasonable justification. Defendant also provided evasive, “I do not recall,” responses to FI Nos. 22, 23, and 28.

Next, in reply, Plaintiff notes she made four failed attempts to contact Defendant regarding the claimed typographical errors, and the errors were not harmless. (Plaintiff’s Opposition to Defendant’s Motion to Compel Responses to SIs and For Monetary Sanctions (“Reply”), p. 2.) Specifically, Plaintiff appears to argue Defendant made substantive changes to what was being requested in FI Nos. 22, 23, and 28, and this impacted the integrity of Defendant’s response. (Reply, p. 2: 16-21.) The Court agrees that Defendant’s “alteration” or “restatement” of FI Nos. 22, 23, and 28, whether intentional or not, requires that Defendant respond to the actual question posed. (*Ibid.*)

Accordingly, Plaintiff’s motion to compel further responses to FI Nos. 21, 22, 23, and 28, is GRANTED. The Court orders Defendant to fully respond to Plaintiff’s discovery requests.

C. Requests for Sanctions

Plaintiff makes a non-code-compliant request for sanctions under Code of Civil Procedure sections 2023.010 and 2030.290 on the ground that it took her “6 hours to research and prepare the instant motion.” (Zhan Decl., p. 4:13-14.) A request for sanctions must identify every party against whom the sanctions are sought, and the type of sanctions sought in the notice of motion. (Code Civ. Proc. § 2023.040.) Here, the notice of motion does not contain this information. In any event, a self-represented Plaintiff cannot recover monetary sanctions for attorney fees. (See *Argaman v. Ratan* (1999) 73 Cal.App.4th 1173, 1181 [finding that a pro se attorney may not recover monetary sanctions for the value of his time in filing a discovery motion].)

In reply, Plaintiff requests a \$14.99 filing fee. (See Reply, p. 2:9-10.) Filing fees incurred in connection with this motion constitute reasonable expenses and are recoverable. (See *Kravitz v. Super. Ct.* (2001) 91 Cal.App.4th 1015, 1021 [stating that “[i]f pro se litigants ... actually incur expenses for computer-assisted legal research, or photocopying, or transportation to and from court, or any other identifiable item, there is no reason those expenses cannot be recovered as discovery sanctions”].) The Court does not find the objections to the motion to be without justification, and therefore, denies Plaintiff’s non-code-compliant request for sanctions.

Therefore, Plaintiff’s request for sanctions is DENIED. The Court will prepare the final order.

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