

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

Department 6

Honorable Evette D. Pennypacker, Presiding

David Criswell, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: (408) 882-2160

DATE: November 30, 2023 TIME: 9:00 A.M.

FOR ORAL ARGUMENT: Before 4:00 PM 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 at the hearing to contest the ruling
- (California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

FOR APPEARANCES: The Court strongly prefers in person appearances. If you must appear virtually, please use video. To access the courtroom, click or copy and paste this link into your internet browser and scroll down to Department 6:

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

FOR COURT REPORTERS: The Court does not provide official court reporters. If you want a court reporter to report your hearing, you must submit the appropriate form, which can be found here:

https://www.scsccourt.org/general_info/court_reporters.shtml

FOR 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. Civil Local Rule 8C is in the amendment process and will be officially changed in January 2024.

Where to call: 408-882-2430

When to call: Monday through Friday, 8:30 am to 12:30 pm

LINE	CASE NO.	CASE TITLE	TENTATIVE RULING
1	23CV409932	YAN LI vs CONG RAN, MD et al	Non-Party Dr. Regenass's Motion to Quash Deposition Subpoena and for Protective Order is CONTINUED to February 1, 2024 at 9 a.m. in Department 6 to join with motions to compel already pending in this case. The Court is unable to locate a proof of service for an Amended Notice of Motion with the November 30, 2023 hearing date. The Code of Civil Procedure, Rules of Court and Civil Local Rules require that the moving party serve a written notice of motion with the hearing date and time. (See Code Civ. Proc. §§1005(a), 1010.) A court lacks jurisdiction to hear a motion that has not been properly served, even if the non-moving party had some type of advanced notice. (See <i>Diaz v. Professional Community Mgmt.</i> (2017) 16 Cal.App.5th 1190, 1204-1205; <i>Five-O-Drill Co. v. Superior Court of Los Angeles County</i> (1930) 105 Cal. App. 232.) Non-Party Dr. Regenass is ordered to serve an amended notice of motion with the January 25, 2024 hearing date and time. If there is no proof of service demonstrating such service by the next court date, the Court will deny this motion without prejudice. Court to prepare formal order.
2	23CV416264	Salvador Perez vs GENERAL MOTORS, LLC.	Plaintiff filed a First Amended Complaint on November 15, 2023. This demurrer is accordingly off calendar.
3	23CV416264	Salvador Perez vs GENERAL MOTORS, LLC.	Plaintiff filed a First Amended Complaint on November 15, 2023. This motion to strike is accordingly off calendar.
4	22CV407913	A&E Electrical Company, Inc. vs Scott Nishiyama dba Ethel's Fancy et al	A&E Electrical Company, Inc. Motion to Compel Responses to Document Requests and Interrogatories and for sanctions is DENIED. Please scroll down to lines 4-5 for full tentative ruling. Court to prepare formal order.
5	22CV407913	A&E Electrical Company, Inc. vs Scott Nishiyama dba Ethel's Fancy et al	A&E Electrical Company, Inc. Motion to Deem Requests for Admission Admitted and for sanctions is DENIED. Please scroll down to lines 4-5 for full tentative ruling. Court to prepare formal order.
6	22CV409006	Ray Chen vs Bing Lu et al	Ray Bing's Motion to Compel Ray Chen's Further Responses to Form Interrogatory-General and Special Interrogatories and for Sanctions is GRANTED. Please scroll down to Line 6 for full tentative ruling. Court to prepare formal order.
7	22CV409123	Esmeralda Guzman et al vs Paula Arroyo et al	Plaintiff's Motion to Compel Defendant Elizabeth Maldonado Sosa's Further Responses to Request for Admissions and Requests for Production of Documents (Set One) and for Sanctions is GRANTED. Please scroll down to line 7 for full tentative ruling. Court to prepare formal order.
8	23CV410716	Nayef Alwardat vs Sahel Helweh	Sahel Helweh's Motion to Compel Further Responses to Special Interrogatory Nos. 1, 2, and 6 and for sanctions is DENIED. Plaintiff provided responses to these requests that were already substantially code-compliant and has since clarified them further. Court to prepare formal order.

9	23CV410716	Nayef Alwardat vs Sahel Helweh	Sahel Helweh's Motion to Compel Further Verified Responses to Form Interrogatories (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One) is DENIED. Plaintiff has now served code-compliant responses. Defendant's motion for \$3,142.50 in Sanctions is DENIED. The Court already sanctioned Plaintiff in for his failure to open the second discovery letter which lead to this motion practice in connection with Defendant's motion to deem requests for admission admitted. The Court finds that to be sufficient on these related motions. Court to prepare formal order.
10	23CV410716	Nayef Alwardat vs Sahel Helweh	Sahel Helweh's Motion to Deem Requests for Admission Admitted is DENIED. Plaintiff served code compliant responses to the requests for admission before the November 30, 2023 hearing. Accordingly, Sahel Helweh's motion must be denied. (Code of Civ. Proc. § 2033.280(c); <i>St. Mary v. Superior Court</i> (2014) 223 Cal.App.4 th 762, 776, 778.) The motion for \$1,575 in sanctions is GRANTED. While Plaintiff was self-represented when he first received the discovery and meet and confer letter, self-represented litigants are entitled to the same, but no greater, consideration than other litigants and attorneys. (<i>County of Orange v. Smith</i> (2005) 132 Cal.App.4 th 1434, 1444.) Self-represented litigants "are held to the same standards as attorneys" and must comply with the rules of civil procedure. (<i>Kobayashi v. Superior Court</i> (2009) 175 Cal.App.4 th 536, 543; see also <i>Rappleyea v. Campbell</i> (1994) 8 Cal.4 th 975, 984-985.) Given that the parties were already engaged in two lawsuits, it was not substantially justified for Plaintiff to not open a letter he received from his opponent just because he received two letters on the same day. Plaintiff is ordered to pay Defendant \$1,575 within 60 days of service of this formal order. Court to prepare formal order.
11	23CV412208	Marcia Hall vs Stephen Lapinski et al	Defendant's Motion to have Requests for Admission Deemed Admitted and for sanctions is DENIED. Plaintiff (a) informed Defendant that she would be unable to respond on the due date, (b) did not receive proper notice of the motion, but (c) nevertheless promptly served complete responses without objections upon her return from travel about which she informed Defendant. Court to prepare formal order.
12	18CV321554	Palo Alto Property Owner LLC vs The Grocery Men I, LLC et al	This motion to tax costs is off calendar. It is resolve pursuant to the parties' November 9, 2023 stipulation. The Court commends the parties for resolving this motion through agreement.
13	18CV340043	BH Financial Services LLC vs Rafael Cortez	Rafael Cortez's claim of exemption is DENIED. The levy is not for a wage garnishment, it is for bank accounts.
14	19CV345229	Michelle Gomez vs James Roger Mayers et al	Plaintiff's Motion to Enforce Settlement was previously heard and ruled upon by order dated November 2, 2023. This case is now set for Mandatory Settlement Conference on March 13, 2024 and trial on March 18, 2023. This incorrectly set motion is off calendar.
15	19CV348847	Trevar Shyshka vs Carlos Saavedra	Joseph A. Lepera's Motion to Withdraw as Counsel for defendant Carlos Saavedra is GRANTED. Court to use form of order on file.

16	20CV366946	Rajesh Raghani vs Samir Maharjan et al	Plaintiff's motion to file a first amended complaint is GRANTED. An amended notice of motion with this hearing date was served on Defendants by electronic mail on November 3, 2023. No opposition was filed. Failure to oppose a motion may be deemed consent to the motion being granted. (Cal. Rule of Court, 8.54(c).) Also, "it is a rare case in which 'a court will be justified in refusing a party leave to amend his pleadings so that he may properly present his case.' (<i>Guidery v. Green</i> , 95 Cal. 630, 633; <i>Marr v. Rhodes</i> , 131 Cal. 267, 270.) If the motion to amend is timely made and the granting of the motion will not prejudice the opposing party, it is error to refuse permission to amend and where the refusal also results in a party being deprived of the right to assert a meritorious cause of action or a meritorious defense, it is not only error but an abuse of discretion. (<i>Nelson v. Superior Court</i> , 97 Cal.App.2d 78; <i>Estate of Herbst</i> , 26 Cal.App.2d 249; <i>Norton v. Bassett</i> , 158 Cal. 425, 427.)" (<i>Morgan v. Superior Court of Los Angeles County</i> (1959) 172 Cal. App. 2d 527, 530-531 (error for trial court to fail to give leave to amend). Here, Defendants will suffer no demonstrable prejudice by granting leave to amend at this time. Court to prepare formal order.
17	20CV372696	Anu Sharma vs Dennis Lee	Off calendar.
18	20CV374668	Violet Williamson vs MOSAIC DANCE AND FITNESS, LLC, a California limited liability	This matter will be heard in department 16.
19	21CV382438	Huong Burrow et al vs Long Nguyen et al	The Court's tentative ruling is to DENY Defendants' Motion to Expunge Lis Pendens on the basis that to grant the motion on this procedural posture, as opposed to those present in Defendants' cited cases, would improperly pass upon issues now before the appellate court. Defendants' cited cases involve property owners who succeeded on the merits. Here, Plaintiffs' appeal contends they (non-property owners) succeeded on the merits at the time default judgment was entered and the undersigned Court erred in setting aside that judgment. However, the Court requests further argument on this issue during the hearing.
20	23CV419027	Hakan Kavlak vs John Kim et al	This matter was continued from September 26, 2023 to permit Plaintiff to timely serve Defendants with the order to show cause why an order for sale of the dwelling commonly known as 2165 Ceynowa Lane, San Jose, CA 95121 should not issue. Such timely service has been made, but not opposition or other response has been filed. Failure to oppose a motion may be deemed consent to the motion being granted. (Cal. Rule of Court, 8.54(c).) There is also good cause to issue the order directing sale of the dwelling; all requirements for the sale have been met. Moving party to prepare formal order.

oo0oo

Calendar Lines 4-5

Case Name: A&E Electrical Company, Inc. vs Scott Nishiyama dba Ethel's Fancy et al

Case No.: 22CV407913

Before the Court is Cross-Defendant A&E Electrical Company, Inc.'s ("A&E") Motions to Compel Responses to Requests for Production of Documents and to Deem Requests for Admission Admitted. Pursuant to California Rule of Court 3.1308, the Court issues its tentative ruling.

I. Background

A&E served requests for production of documents, interrogatories and requests for admissions on Cross-Complainant Alsterlind Construction Incorporated ("ACI") on May 19 2023, making ACI's responses due June 21, 2023. ACI did not serve responses. A&E did not move to compel, but instead engaged in informal document exchange in the context of mediation, which informal exchange did not satisfy A&E's discovery requests.

By email dated October 11, 2023, ACI first claimed not to have received the discovery, then after a telephone conference with A&E, acknowledged receiving the discovery but claimed it was not properly served because it was only served on counsel of record and not staff. ACI's counsel was out of the country for two weeks when the discovery was served without copy to his staff. An out of office message notified email senders of ACI's counsel's absence. ACI states service on staff was required based on prior notice to A&E.

ACI first learned about the outstanding discovery when it was referenced in A&E's mediation brief in the context of the parties' October 10, 2023 mediation. Despite the June 21, 2023 due date for responses, A&E never once contacted ACI regarding the discovery. ACI also would have served code compliant responses after the discovery was properly served and negotiated a shortened time for response, but A&E never responded to ACI's email requesting the discovery be properly served or otherwise engaged in meaningful meet and confer before filing this motion. A&E has now served code compliant responses to all outstanding discovery requests.

II. Legal Standard

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.) Information is relevant to the subject matter of the action if it might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement. (*Gonzalez v. Superior Court* (1995) 33 Cal.App.4th 1539, 1546.)

A party responding to interrogatories must respond in writing, under oath separately to each interrogatory with an answer that contains the information sought, an exercise of the party’s option to produce writings from which the answer can be determined, or an objection to the interrogatory. (Code Civ. Pro. §2030.210(a).) The responding party must make a reasonable, good faith effort to obtain information to provide a response and generally may not respond to the interrogatory by simply stating it cannot respond. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 406; Code Civ. Pro. §2030.210(c).)

A party served with Requests for Admission must serve a response within 30 days. (Code of Civ. Pro. §2033.250.) When a party fails to respond—even in the face of a motion to have the matters in the Requests for Admission deemed admitted, the Court must order the Requests for Admission deemed admitted. (Code of Civ. Pro. §2033.280(c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 775-776.) Such a “deemed admitted” order establishes that the nonresponding party has responded to the requests for admission by admitting the truth of the matters contained in the requests. (*Id.*) However, where a party serves code compliant responses before the hearing, the motion to have matters admitted must be denied. (Code of Civ. Proc. § 2033.280(c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778.)

Code of Civil Procedure section 2023.020 states: “the court *shall* impose a monetary sanction ordering that any party or attorney who fails to confer as required pay the reasonable expenses,

including attorney's fees, incurred by anyone as result of that conduct.” (Emphasis added; see also *Moore v. Mercer* (2016) 4 Cal.App.5th 424, 448 (failure to participate in meet and confer process in good faith is independent discovery abuse for which sanctions are authorized by statute); *Ellis v. Toshiba Am. Info. Sys., Inc.* (2013) 218 Cal.App.4th 843, 879-880 (substantial monetary sanction appropriate for failure to cooperate in setting protocol for expert inspection as ordered).) This monetary sanction is mandatory regardless of how the court rules on the offending party's motion. (Code Civ. Proc. §2023.020.)

III. Analysis

First, even assuming service was correct, the Court finds good cause to set aside any waiver of objections. ACI's failure to respond to the discovery was not willful; it was a result of not having seen the discovery because it was sent only to someone who was out of the country at the time of service and who expected staff to be receiving all service documents as well.

Next, ACI has now served what appear to the Court to be substantive responses to all of the outstanding discovery requests. This moots A&E's motion to compel, which is DENIED.

Finally, the Court finds A&E failed to adequately meet and confer before bringing this motion to compel. The record demonstrates that A&E said nothing to ACI for four months, had a brief exchange with A&E regarding service, then filed this motion to compel. Had A&E simply emailed the discovery to ACI's service list or engaged in a meaningful conversation with ACI regarding a means to obtain the information A&E seeks, this motion practice would not have been necessary – indeed, A&E likely would have obtained discovery responses sooner and have been able to move forward with a motion to compel further responses, if necessary. While the statute states the court “shall” award sanctions when a party fails to meaningfully meet and confer, ACI did not request sanctions, so the Court declines to award them here.

Calendar Line 6**Case Name:** *Ray Chen vs Bing Lu et al***Case No.:** 22CV409006

Before the Court is Defendant's Motion to Compel Ray Chen's Further Responses to Form Interrogatory-General (Set One), Special Interrogatory (Set One) and Requests for Production (Set One) and for Sanctions. Pursuant to California Rule of Court 3.1308, the Court issues its tentative ruling.

I. Background

On April 6, 2023, Defendants served Form Interrogatory-General (Set One), Special Interrogatory (Set One) and Requests for Production (Set One) on Plaintiff. After Defendants agreed to an extension for Plaintiff to respond, Plaintiff served responses to Special Interrogatory (Set One) and Requests for Production (Set One) by email on or about June 1, 2023. Defendants claim that as of the filing of their motion, Plaintiff did not response to Form Interrogatory-General (Set One).

Defendants sent meet and confer letters on June 8, 2023 and June 21, 2023. Plaintiff asked for an extension to respond to the letter, and the parties agreed to extend the deadline for Defendants' motion to compel to August 15, 2023. Plaintiff thereafter responded to the meet and confer letter but did not agree to supplement any responses. Plaintiff asserts the responses are code compliant and any further information would be in Defendants' possession given that this case is about a partner being shut out of the partnership.

II. Legal Standard

A party responding to interrogatories must respond in writing, under oath separately to each interrogatory with an answer that contains the information sought, an exercise of the party's option to produce writings from which the answer can be determined, or an objection to the interrogatory. (Code Civ. Pro. §2030.210(a).) The responding party must make a reasonable, good faith effort to obtain information to provide a response and generally may not respond to the interrogatory by simply stating it cannot respond. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 406; Code Civ. Pro. §2030.210(c).)

III. Analysis**A. Special Interrogatories**

No. 2: GRANTED. This interrogatory seeks identification of witnesses, not documents. Plaintiff is ordered to list any witnesses with knowledge about his capital contribution. If Plaintiff really knows of no witnesses based on his own knowledge, then he must so state.

No. 5: GRANTED. This interrogatory seeks identification of witnesses, not documents. Plaintiff is ordered to list any witnesses with knowledge about his 50% ownership in the Company. If Plaintiff really knows of no witnesses based on his own knowledge, then he must so state.

B. Form Interrogatory No. 17

GRANTED. This Form Interrogatory was drafted by the judicial council and is not overly broad or unduly burdensome. Plaintiff's response is not particularized to each request for admission that is not an unqualified admission, but rather, a blanket summary of Plaintiff's view of the case.

C. Sanctions

The Court finds \$400 per hour appropriate for this market and this type of case. However, the number of hours spent seems somewhat more than necessary. Accordingly, the Court orders Plaintiff to pay Defendants \$3,200 in sanctions.

Calendar Line 7**Case Name:** *Esmeralda Guzman et al vs Paula Arroyo et al***Case No.:** 22CV409123

Before the Court is Plaintiff's Motion to Compel Defendant Elizabeth Maldonado Sosa's Further Responses to Request for Admissions and Requests for Production of Documents and for Sanctions. Pursuant to California Rule of Court 3.1308, the Court issues its tentative ruling.

I. Background

Plaintiffs, spouses, contend Elizabeth Maldonado Sosa gave them faulty wire instructions that caused \$1,280,000 to be wired to an unknown account. Defendant claims she was "hacked."

Plaintiffs served Form Interrogatories, Requests for Admission, and Requests for Production of Documents (Set One) on Defendant on March 24, 2023. On July 14, 2023, Plaintiffs emailed Defendant's counsel indicating Defendant had failed to respond to this discovery and offered July 28, 2023 as a new deadline for response and that full and complete responses without objections would be necessary to avoid motion practice. Defendant served responses on or about August 8, 2023. However, Defendant responded to Requests for Admissions propounded on Paula Arroyo, not those propounded on Defendant. Defendant's written responses to requests for production contained a single statement of compliance, and her document production failed to include electronically stored information, despite the fact that she signed a verification that she would produce all responsive documents, including communications with "hackers". Plaintiffs emailed Defendant's counsel on August 29 and September 18, 2023, called twice between August 29 and September 19, 2023, and tried to reach Defendant's counsel at different email addresses. None of these efforts resulted in a response from Defendant's counsel.

Defendant contends she could not have responded to the Requests for Admission because she did not receive page 2 of those Requests until she received Plaintiff's separate statement. Defendant has now served responses to those missing Requests for Admission, marked as Defendant's Exhibit 1. Although those responses are not attached to a declaration, Plaintiff now deems those response to be code compliant. Defendant further contends she could not produce documents in response to Request Nos. 14, 15 17, or 18 because those documents are in the possession, custody, or control of third parties.

She further contends that she produced all emails from her aol.com email address. Defendant's counsel does not address his failure to meet and confer, which appears to have continued even in the midst of this motion.

II. Legal Standard

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.) Information is relevant to the subject matter of the action if it might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement. (*Gonzalez v. Superior Court* (1995) 33 Cal.App.4th 1539, 1546.)

A party served with Requests for Admission must serve a response within 30 days. (Code of Civ. Pro. §2033.250.) When a party fails to respond—even in the face of a motion to have the matters in the Requests for Admission deemed admitted, the Court must order the Requests for Admission deemed admitted. (Code of Civ. Pro. §2033.280(c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 775-776.) Such a “deemed admitted” order establishes that the nonresponding party has responded to the requests for admission by admitting the truth of the matters contained in the requests. (*Id.*) However, where a party serves code compliant responses before the hearing, the motion to have matters admitted must be denied. (Code of Civ. Proc. § 2033.280(c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776, 778.)

Code of Civil Procedure section 2023.020 states: “the court *shall* impose a monetary sanction ordering that any party or attorney who fails to confer as required pay the reasonable expenses,

including attorney's fees, incurred by anyone as result of that conduct.” (Emphasis added; see also *Moore v. Mercer* (2016) 4 Cal.App.5th 424, 448 (failure to participate in meet and confer process in good faith is independent discovery abuse for which sanctions are authorized by statute); *Ellis v. Toshiba Am. Info. Sys., Inc.* (2013) 218 Cal.App.4th 843, 879-880 (substantial monetary sanction appropriate for failure to cooperate in setting protocol for expert inspection as ordered).) This monetary sanction is mandatory regardless of how the court rules on the offending party's motion. (Code Civ. Proc. §2023.020.)

III. Analysis

First, while Defendant's opposition was untimely, the Court has discretion to consider late filed papers. (*Gonzalez v. Santa Clara County Dep't of Social Servs.* (2017) 9 Cal.App.5th 162, 168.) And, where a party provides a substantive response to a late filing, the party waives all defects in service. (*Moofly Productions, LLC v. Favila* (2020) 46 Cal. App. 5th 1, 10.) The Court will accordingly consider Defendant's opposition on the merits.

Next, when a party serves code compliant responses to requests for admission before the hearing, the Court must deny the motion have those requests deemed admitted, a point Plaintiffs do not contest.

With respect to the requests for production of documents, it is not sufficient for Defendant's counsel to state in an opposition to a motion to compel the reasons why certain documents were not produced. Nor is it code compliant to make a single blanket written response. A statement of compliance must be made as to each request.

Accordingly, Plaintiffs' motion to compel is GRANTED. Defendant is ordered to (1) serve verified written responses to each request for production stating what was produced, what locations were searched for documents, and whether Defendant has any additional documents and (2) to produce any additional documents within 20 days of service of this formal order.

Plaintiffs' motion for sanctions is also GRANTED. This entire motion could plainly have been avoided had Defense counsel simply responded to Plaintiffs' numerous requests to confer. The Court is alarmed at Defense counsel's complete failure to engage with Plaintiffs on these issues—even in the midst of the motion to compel. Accordingly, Defense counsel Kenneth Ray Gaugh is ordered to pay

Plaintiffs \$2,675 in attorneys fees and costs associated with Plaintiffs having to bring this motion. Such payment shall be made within 30 days of service of this formal order.