

**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: August 13, 2024 TIME: 9:00 A.M.**

**RECORDING COURT PROCEEDINGS IS PROHIBITED**

**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, you must 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.scscourt.org/general\\_info/ra\\_teams/video\\_hearings\\_teams.shtml](https://www.scscourt.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.scscourt.org/general\\_info/court\\_reporters.shtml](https://www.scscourt.org/general_info/court_reporters.shtml)

**FOR YOUR NEXT HEARING DATE:** Use Court Schedule to reserve a hearing date for your next motion. Court Schedule is an online scheduling tool that can be found on the court's website here:

<https://reservations.scscourt.org/>

LINE	CASE NO.	CASE TITLE	TENTATIVE RULING
1	22CV400012	Pacific States Environmental Contractors, Inc. vs Steleco LLC et al	Steleco, LLC and Kipling Post LP move to consolidate this action with several others, including an ongoing JAMS arbitration. DPR Construction opposes consolidation and in an ex parte application sought to relate this case to one currently pending in D16 (Case No. 24CV439209). The Court granted the motion to relate cases and transfer Case No. 24CV439209 to department 6 but ordered the parties to appear for argument regarding the timing of a hearing on this motion to consolidate and a related motion to dismiss/stay submitted in the later filed case. The Court does intend to hear these two motions together, but because the ex parte application was filed so close to this August 13 hearing date, the Court did not yet receive any opposition and thus wanted to provide opposing parties with an opportunity to be heard. The parties are therefore ordered to appear at the hearing.
2	23CV410415	Vivian Chin vs Rachel Wang	<p>Plaintiff's motion to compel Defendant Tenyuen Cheng to provide further responses to special interrogatories (set one-nos. 19, 20, 21, 25 and 26) without objection is GRANTED, IN PART. First, there is no basis to find Defendant Cheng waived objections here. Next, although these interrogatories seek information regarding Defendant's personal medical information regarding eyesight, some, but not all, of the discovery sought by these special interrogatories is relevant and likely to lead to the discovery of admissible evidence.</p> <p>The California Constitution creates "a zone of privacy" that protects against unwarranted compelled disclosure of private or personal information that extends to financial information and to the details of an individual's personal life. (Cal. Const. art I, § 1; see also, e.g., <i>Williams v. Superior Court</i> (2017) 3 Cal.5th 531, 552; <i>Life Technologies Corp. v. Superior Court</i> (2011) 197 Cal.App.4th 640, 651-655.) This protection extends to discovery issues related to both parties and non-parties. (<i>Vinson v. Superior Court</i> (1987) 43 Cal.3d 833, 841 (plaintiffs); <i>Heda v. Superior Court</i> (1990) 225 Cal.App.3d 525, 528 (defendants); <i>Digital Music News LLC v. Superior Court</i> (2014) 226 Cal.App.4th 216, 229 (third parties).) Where a zone of privacy is impacted by a discovery request, the trial court must consider the purpose of the information sought, the effect that disclosure will have on the affected persons and parties, the nature of the objections urged by the party resisting disclosure, and the availability of alternative, less intrusive means for obtaining the requested information. (<i>SCC Acquisitions, Inc. v. Superior Court</i> (2015) 243 Cal.App.4th 741, 754-755; <i>Hill v. National Collegiate Athletic Association</i> (1994) 7 Cal.4th 1, 26.) The more sensitive the personal information sought to be disclosed, the more substantial the showing of need required. (<i>SCC Acquisitions, Inc. v. Superior Court</i> (2015) 243 Cal.App.4th 741, 755.)</p> <p>In this rear end collision case where Defendant disputes at least some liability, some information regarding Defendant's eyesight is relevant. The Court agrees that the fact that Defendant has an unrestricted license does not change this analysis—circumstances developing after Defendant received the license plainly could have changed. However, physician's names and medical diagnoses for a five year period prior to the accident is overbroad. Accordingly, the Court GRANTS Plaintiff's motion to compel further responses to special interrogatory nos. 20 and 21 for prescriptions, if any, Defendant had as of the date of the collision and no. 25 for any medical condition Defendant had as of the date of the collision in which his physician(s) restricted his driving. Plaintiff's motion is otherwise DENIED.</p> <p>the parties were substantially justified in bringing this issue to the Court for resolution, and the Court therefore declines to award sanctions to either party. Defendant is ordered to produce verified further interrogatory responses as outlined above within 20 days of service of this formal order, which the Court will prepare.</p>

3	23CV418900	W. BRADLEY ELECTRIC, INC. vs KIPLING POST LP et al	Please see line 1, above.
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