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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

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| >ERINN HEUBERGER, an individual,,  Plaintiff,  v.  >TEEPEE III, LLC, an unknown business entity; JOHN T. POTTS, an individual; TIM MATHEWS, an individual; and DOES 1 through 25, inclusive,,  Defendant. | Case No. >37-2023-00028893-CU-WT-CTL  Reservation Number: 3018765  Judge: Hon. >Richard S. Whitney  Dept.: >C-68  ’S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF HER MOTION FOR ORDERS: (1) COMPELLING NANCY ABDOU TO PROVIDE FURTHER RESPONSES, WITHOUT A PRELIMINARY STATEMENT OR GENERAL OBJECTIONS, TO SPECIAL INTERROGATORIES (SET ONE); and, (2) MONETARY SANCTIONS AGAINST NANCY ABDOU AND/OR ATTORNEY SETH BOBROFF  Hearing Date: 01/19/2023  Hearing Time: 1:30 pm  Filing Date: >2023-07-07  Trial Date:  > |

Plaintiff, >, respectfully submits the following memorandum of points and authorities in support of her motion for orders: (1) compelling NANCY ABDOU to provide further responses, without a preliminary statement or general objections, to Special Interrogatories (Set One)(“SROG1”) Nos. 4, 6 and 11; and, (2) monetary sanctions against NANCY ABDOU and/or attorney Seth Bobroff.

**SUMMARY OF RELEVANT FACTS**

On June 27, 2023, plaintiff’s counsel served NANCY ABDOU *via* personal serve at the offices of attorney Seth Bobroff with BONNIE GAY’s SROG1. No discovery extensions were requested, and accordingly, NANCY ABDOU’s responses were due no later than July 27, 2023. (Tyson Decl. ¶ 2).

On July 28, 2023, NANCY ABDOU served her responses to SROG1. (Tyson Decl. ¶ 3; **Exhibit A**).

On July 31, 2023, plaintiff’s counsel issued a ‘meet and confer’ email. Specifically, in that email BONNIE GAY requested: (1) the removal of defendant’s ‘Preliminary Statement and General Objections’ and cited legal authority for her position; (2) BONNIE GAY asked NANCY ABDOU to provide a supplemental response to SROG1, Nos. 4 because no response was provided and asserted boilerplate objections only and, Nos. 6 and 11 because NANCY ABDOU only states that she does not have the requested information but does not affirm that made a diligent search for the information or provide contact information for individuals who do have the information.

and 6 because the interrogatories contained subparts NANCY ABDOU either failed to answer or provided an incomplete response.

On August 4, 2023, attorney Seth Bobroff sent an email stating that his was preparing supplemental responses as requested in plaintiff counsel’s July 31st ‘meet and confer’ email. Attorney Bobroff further indicated he would have those responses emailed by August 7, 2023. (Tyson Decl. ¶ 5).

On August 8, 2023, plaintiff’s counsel followed up after not receiving responses by the August 7th deadline. (Tyson Decl. ¶ 6).

On August 14th, 2023, plaintiff’s counsel requested a status on the discovery responses. (Tyson Decl. ¶ 7).

On August 15, 2023, attorney Bobroff advised plaintiff’s counsel his clients were out of town but that he would “have the supplemental responses tomorrow.” Responses did not follow the next day. (Tyson Decl. ¶ 8).

On August 24, 2023, plaintiff’s counsel circled back notifying attorney Bobroff a motion to compel and sanction would be filed next week. (Tyson Decl. ¶ 9).

On August 30, 2023, plaintiff’s counsel filed motions to compel supplemental responses. That same day, plaintiff’s counsel notified defendant *via* email that BONNIE GAY was preparing to file motions to compel further responses on the remaining discovery and asked counsel what he intended to do. (Tyson Decl. ¶¶ 10, 11).

On September 1, 2023, attorney Bobroff issued an email indicating that he would have the discovery out by the end of the day.

To date, NANCY ABDOU has not supplemented her responses to FROG-G1. (Tyson Decl. ¶ 12).

**LEGAL AUTHORITY**

"A central purpose of the Discovery Act was to keep the trial courts out of the business of refereeing day-to-day discovery by requiring parties to conduct discovery and resolve disputes with minimal judicial involvement." Fairmont Ins. Co. v. Superior Court (2000) 22 Cal.4th 245, 253-54.

Answers to interrogatories must be complete and responsive. Deyo v. Kilbourne (1978) 84 Cal.App.3d 771, 783. After receiving a response to interrogatories, the propounding party may move to compel a further response if an answer is evasive or incomplete, an exercise of the option to produce documents under section 2030.230 is unwarranted or not sufficiently specific, or an objection to an interrogatory is meritless or too general. Code Civ. Proc. § 2030.300(a).

When the Discovery Act authorizes a monetary sanction – such as Code of Civil Procedure sections 2030.300(d) and 2031.310(h) – the trial court must impose such a sanction unless the offending party acted with substantial justification or the imposition of the sanction would be unjust. Code Civ. Proc. § 2023.030(a). However, in awarding sanctions, "a trial court has discretion to reduce the amount of fees and costs...in order to reach a reasonable award." Realty Advisors, LLC v. Summit Healthcare Reit, Inc. (2020) 56 Cal.App.5th 771, 791.

**LEGAL DISCUSSION**

If NANCY ABDOU does not have personal knowledge sufficient to respond fully to an interrogatory, she must state so. (C.C.P. § 2030.220). Here, in response to SROG1 Nos. 6 and 11, NANCY ABDOU simply asserts that, “This responding party does not have the requested information,” but promises the information will be provided as soon as it is obtained.

BONNIE GAY asks this Court to compel NANCY ABDOU to do what she already promised she would do, which is to provide supplemental responses, with no preliminary statement or general objection, to SROG1. Plaintiff’s counsel reasonably estimates 2 hours in preparing the instant motion and incurred a $60 dollar filing fee. (Tyson Decl. ¶ 13). Thus, BONNIE GAY must be compensated for bringing the instant motion at the reasonable expense of $1,160.00 dollars.

**CONCLUSION**

For all of the foregoing reasons, BONNIE GAY respectfully requests that this Court grant her motion to compel NANCY ABDOU to provide further responses, without a preliminary statement or general objections, to SROG1.

LAW OFFICE OF ZACHARY T. TYSON

Dated: September 9, 2023

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zachary T. Tyson

Attorney for >ERINN HEUBERGER