

## **Tentative Rulings and Resolution Review Hearings**

**April 5, 2024**

### **Butte Exchange (To Be Heard in Department 63)**

This Court does not follow the procedures described in Rules of Court, Rule 3.1308(a). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to California Rule of Court, Rule 3.1308(b)(1). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court's website ([www.shasta.courts.ca.gov](http://www.shasta.courts.ca.gov)) and are available by clicking on the "Tentative Rulings" link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

**In furtherance of compliance with the California Department of Public Health and CDC guidelines and recommendations, the Superior Court of California, County of Shasta is continuing to undertake precautionary measures to ensure the health and safety of the courthouse users. Persons are encouraged to make appearances telephonically, through CourtCall (888-882-6878; courtcall.com). If attending a hearing in person, face coverings are required for all persons in all court facilities.**

### **CREDITORS ADJUSTMENT BUREAU, INC., VS. CASTRO**

**Case Number: 23CVG-00362**

**Tentative Ruling on Motions to Compel Discovery Responses:** The present motions are unopposed. Plaintiff Creditors Adjustment Bureau, Inc. moves separately for an order to compel response to Special Interrogatories and an order to compel responses to its Demand for Production of Documents. Plaintiff also requests sanctions in the amount of \$1,572.75 for each motion.

Merits of Motion: Plaintiff propounded Special Interrogatories, Set One and Demand for Production of Documents, Set One on July 18, 2023. Defendant has never responded to either discovery requested.

When a party fails to respond to interrogatories or requests for production, the propounding party may move for an order compelling responses. CCP §§ 2030.290(b), 2031.300(b). The evidence establishes that Plaintiff properly propounded the discovery and that no responses were provided. An order compelling responses shall issue to Defendant.

Finally, Plaintiff requests monetary sanctions in the amount of \$1,572.75 for each motion. Sanctions are generally mandatory related to a motion compel or to deem matters admitted. CCP §§ 2030.290(c), 2031.300(c) and 2033.280(c). The present motion is unopposed and therefore there is no evidence of any justification or circumstance that would make the imposition of sanctions unwarranted. Sanctions are warranted and will be rewarded. Plaintiff requests an hourly rate of \$500 per hour. The Court finds that the reasonable hourly rate is \$300 per hour. The Court finds the requested three hours per motion to be reasonable. Plaintiff also requests the motion filing fee of \$60 and an e-filing fee of \$12.75. The Court will award the motion filing fee but denies the e-filing fee since this Court does not have e-filing. Sanctions are imposed in the amount of \$960 per motion.

The motions are **GRANTED**. Sanctions are awarded in the amount of \$960 for each motion. Responses shall be due 20 days after service of the notice of entry of order. A proposed order has been lodged and will be executed.

**Tentative Ruling on Motion to Continue Trial:** The present motion is unopposed. Plaintiff Creditors Adjustment Bureau, Inc. moves pursuant to CRC 3.1332 to continue the June 7, 2024 trial date.

Merits of Motion: Trial dates are firm. CRC 3.1332(a). The court may grant a continuance only on an affirmative showing of good cause requiring the continuance. CRC 3.1332(d). Circumstances that may indicate good cause includes when a “significant, unanticipated change in the status of the case has occurred, as a result of which, the case is not ready for trial.” CRC 3.1332(c)(7). Here, Plaintiff has propounded discovery to Defendant but has received no response. Plaintiff alleges it is unable to adequately prepare for trial without the discovery and that Defendant will not be prejudiced by the continuance. Based on the foregoing, the Court finds good cause to grant a trial continuance.

The motion is **GRANTED**. A proposed order has been lodged and will be executed.

The June 7, 2024 trial date is **VACATED**. The matter is set for **Friday, May 3, 2024, at 1:30 p.m. on the Butte Exchange (typically held in Department 63)** for resetting. The parties are ordered to meet and confer prior to the review hearing regarding available trial.