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FILED
Superior Court of California
County of Los Angeles

MAY 04 2018

Sherrri R. Carter, Executive Officer/Clerk of Court
By Raul Sanchez, Deputy

Fee Exempt Per Gov. Code § 6103

6 Attorneys for Defendant, Los Angeles County Metropolitan Transportation Authority, a
7 Public Entity

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES - CENTRAL DISTRICT (Spring Street)

10 GENOVEVA GALVEZ,
11
12 Plaintiff,
13 vs.
14 LOS ANGELES COUNTY
15 METROPOLITAN
16 TRANSPORTATION
17 AUTHORITY; AND DOES 1-50,
18 Defendants.

CASE NO.: BC663460

Hon. Dennis J. Landin
Dept. 4

NOTICE OF RULING ON METRO'S:

1. **MOTION TO COMPEL RESPONSES TO FORM INTERROGATORIES, SET TWO;**
2. **MOTION TO COMPEL RESPONSES TO SPECIAL INTERROGATORIES SET ONE; AND**
3. **MOTION FOR AN ORDER THAT THE TRUTH OF ALL MATTERS SPECIFIED IN DEFENDANT'S REQUEST FOR ADMISSIONS SET ONE BE DEEMED ADMITTED**

ACTION FILED: May 31, 2017

FSC: November 14, 2018
TRIAL: November 30, 2018

25 **TO PLAINTIFF GENOVEVA GALVEZ, AND HER ATTORNEY OF RECORD**
26 **HEREIN:**

27 **PLEASE TAKE NOTICE** that on May 3, 2018 at 1:30 p.m., in Dept. 4 of the above
28 entitled Court the following motions of Defendant LOS ANGELES COUNTY

05/05/2018

1 METROPOLITAN TRANSPORTATION AUTHORITY, a Public Entity (hereinafter
2 "METRO") came on regularly for hearing before the honorable Dennis Landin, Judge
3 Presiding:

- 4 ■ METRO's Motion to Compel GENOVEVA GALVEZ's (hereinafter
5 "Plaintiff") Responses to Special Interrogatories, Set One;
- 6 ■ METRO's Motion to Compel Plaintiff's Responses to Form Interrogatories,
7 Set Two; and
- 8 ■ METRO's Motion for an Order that the Truth of All Matters in Request for
9 Admissions, Set One Be Deemed Admitted.

10 No appearance was made on behalf of Plaintiff. No Opposition papers were filed on
11 behalf of Plaintiff. Lindsay P. Lang, Esq. appeared on behalf of METRO. At the hearing,
12 METRO submitted to the Court's tentative ruling, and the Court ordered as follows.

13 **IT IS HEREBY ORDERED:**

- 14 1. The tentative ruling, attached hereto as Exhibit "A" is made the final order;
- 15 2. METRO's Motion to Compel Plaintiff's Responses to Special Interrogatories,
16 Set One is GRANTED, and Plaintiff is ordered to serve verified responses,
17 without objections, within 20 days;
- 18 3. METRO's Motion to Compel Plaintiff's Responses to Form Interrogatories,
19 Set Two is GRANTED, and Plaintiff is ordered to serve verified responses,
20 without objections, within 20 days;
- 21 4. METRO's Motion for an Order that the Truth of All Matters in Request for
22 Admissions, Set One Be Deemed Admitted is GRANTED, and the Requests
23 are deemed admitted;
- 24 5. Plaintiff and her counsel, Vladimir Shagramanov, Esq., are ordered to pay
25 monetary sanctions to METRO, jointly and severally, in the amount of
26 \$540.00. Payment is due to METRO within 30 days;
- 27 6. METRO to give notice.

28 ///

1 DATED: May 4, 2018

BRISKIN, LANG & PENE APC

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4 Lindsay P. Lang, Esq.
5 Joshua Adelpour, Esq.
6 Attorneys for Defendant, Los Angeles County
7 Metropolitan Transportation Authority, a Public
8 Entity

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05/06/2018

05/06/2016

DEPARTMENT 4 LAW AND MOTION RULINGS

Communicating with the Court Staff re the Tentative Ruling: 1. Please notify the courtroom staff by email not later than 9:30 a.m. on the day of the hearing if you wish to submit on the tentative ruling rather than argue the motion. Use the following email address: SSCDEPT4@lacourt.org. 2. If you submit on the tentative, you must immediately notify the other side that you will not appear at the hearing. You must include the other parties on the email by "cc." 3. Include the word "SUBMISSION" in all caps in the Subject line and include your name, contact information, the case number, and the party you represent in the body of the email. If you submit on the tentative and elect not to appear at the hearing, the opposing party may nevertheless appear at the hearing and argue the motion. 4. Include the words "SUBMISSION BUT WILL APPEAR" if you submit but one or both parties will nevertheless appear.

For other communications with Court Staff "OFF-CALENDAR" should appear in all caps in the Subject line where all parties have agreed to have a matter placed off-calendar. All counsel should be cc'ed (and where appropriate parties not represented by counsel) and the body of the email should state: (a) name and case number; (b) date of proceeding. b. CASE SETTLED should appear in all caps in the Subject line where all parties have agreed that the case has settled for all purposes. All counsel should be cc'ed (and where appropriate parties not represented by counsel) and the body of the email should state: (a) name and case number; (b) whether notice of settlement/dismissal documents have been filed; (c) if (b) has not been done, a date one year from the date of your email which will be a date set by the court for an OSC for dismissal of the case. c. STIPULATION should appear in all caps in the Subject line where all parties have stipulated that a matter before the court can be postponed. All counsel should be cc'ed (and where appropriate parties not represented by counsel) and the body of the email should state: (a) name and case number; (b) what proceeding is agreed to be postponed e.g. Trial, FSC; (c) the agreed-upon future date; (d) whether all parties waive notice if the Court informs all counsel/parties that the agreed-upon date is satisfactory. This communication should be used only for matters that are agreed to be postponed and not for orders shortening time.

PLEASE MAKE SURE THAT ALL COMMUNICATIONS WITH COURT STAFF DEAL ONLY WITH SCHEDULING AND ADMINISTRATIVE MATTERS AND DO NOT DISCUSS THE MERITS OF ANY CASE.

Case Number: BC663460 **Hearing Date:** May 03, 2018 **Dept:** 4

MOVING PARTY: Defendant LA County MTA

RESPONDING PARTY: None

- (1) Motion to Compel Responses to Form Interrogatories, Set Two
- (2) Motion to Compel Responses to Special Interrogatories, Set One
- (3) Motion for an Order That the Truth of All Matters Specified in Defendant's Requests for Admissions, Set One, Be Deemed Admitted

The court considered the moving papers.

BACKGROUND

On May 31, 2017, plaintiff Genoveva Galvez filed a complaint against defendant LA County MTA for motor vehicle negligence based on an incident that occurred on January 17, 2017.

On November 15, 2017, plaintiff filed a First Amended Complaint.

Trial is set for November 30, 2018.

LEGAL STANDARD

Interrogatories

If a party to whom interrogatories are directed fails to serve a timely response, the propounding party may move for an order compelling responses and for a monetary sanction. CCP § 2030.290(b). The statute contains no time limit for a motion to compel where no responses have been served. All that need be shown in the moving papers is that a set of interrogatories was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. *Leach v. Superior Court* (1980) 111 Cal. App. 3d 902, 905-906.

Request for Admissions

Pursuant to CCP § 2033.280(b), a party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction under Chapter 7 (commencing with Section 2033.010). "Failure to timely respond to RFA does not result in automatic admissions. Rather, the propounder of the RFA must 'move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction' under § 2033.010 et seq." *Weil & Brown, Civ. Proc. Before Trial*, ¶ 8:1370, citing CCP § 2033.280(b). The court "shall" grant the motion to deem RFA admitted, "unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220." CCP § 2033.280(c).

DISCUSSION

Defendant LA County MTA requests that the court compel plaintiff to serve responses to defendant's Form Interrogatories, Set Two and Special Interrogatories, Set One and to deem the matters admitted in defendant's Requests for Admissions, Set One. Defendant served its

discovery requests on January 22, 2018. Plaintiff's responses were due by February 25, 2018. On March 5, 2018, defense counsel sent a letter to plaintiff's counsel requesting responses by March 16, 2018. To date, defense counsel has not received responses.

Because defendant properly served its discovery requests and plaintiff failed to serve responses, the motions are GRANTED.

Under CCP § 2023.030(a), "[t]he court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process, or any attorney advising that conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. If a monetary sanction is authorized by any provision of this title, the court shall impose that sanction unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Under CCP § 2023.010, an example of the misuse of the discovery process is "(d) Failing to respond or to submit to an authorized method of discovery."

Sanctions are mandatory in connection with motions to compel responses to interrogatories and requests for production of documents against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel unless the court "finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." CCP §§ 2030.290(c); 2031.300(c).

It is mandatory that the court impose a monetary sanction on the party or attorney whose failure to serve a timely response to requests for admission necessitated a motion to deem them admitted. CCP § 2033.280(c).

Cal. Rules of Court, Rule 3.1348(a) states, "The court may award sanctions under the Discovery Act in favor of a party who files a motion to compel discovery, even though no opposition to the motion was filed, or opposition to the motion was withdrawn, or the requested discovery was provided to the moving party after the motion was filed."

Defendant requests sanctions against plaintiff and her attorney of record, Vladimir Shagramanov, Esq., in the amount of \$720 for each motion. The court finds that \$540 (\$180/hr. x 2 hrs. plus \$180 in filing fees) is a reasonable amount to be imposed against plaintiff and her attorney of record for all three motions.

The court ORDERS:

Plaintiff Genoveva Galvez is ordered to serve on defendant verified responses without objections to defendant's Form Interrogatories, Set Two and Special Interrogatories, Set One, within 20 days.

The court deems admitted the matters in defendant's Requests for Admissions, Set One.

The court orders that plaintiff and her attorney of record, Vladimir Shagramanov, Esq., are to pay to defendant a monetary sanction in the amount of \$540 within 30 days.

Defendant is ordered to give notice of this ruling.

IT IS SO ORDERED.

DATED: May 3, 2018

Dennis J. Landin

Judge of the Superior Court

05/06/2018

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA**)
3) ss.
4 **COUNTY OF LOS ANGELES**)

5 I am employed in the office by a member of the bar of this Court in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 18425 Burbank Boulevard, Suite 712, Tarzana, CA 91356-2859.

6 On May 4, 2018, I served the foregoing document described as

7 **NOTICE OF RULING ON METRO'S:**

- 8 **1.MOTION TO COMPEL RESPONSES TO FORM INTERROGATORIES, SET TWO;**
9 **2.MOTION TO COMPEL RESPONSES TO SPECIAL INTERROGATORIES SET ONE; AND**
10 **3.MOTION FOR AN ORDER THAT THE TRUTH OF ALL MATTERS SPECIFIED IN DEFENDANT'S REQUEST FOR ADMISSIONS SET ONE BE DEEMED ADMITTED**

11 on the interested parties in this action, by placing a true copy (copies) thereof enclosed in a sealed envelope(s) addressed to the following addressee(s):

12 **SEE ATTACHED SERVICE LIST**

13 **BY MAIL:** By placing [] the original [X] a true and correct copy thereof enclosed in sealed envelope(s) with postage thereon fully prepaid addressed to the above-named counsel of record or parties in propria persona. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with the U.S. Postal Service in Tarzana, California, on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

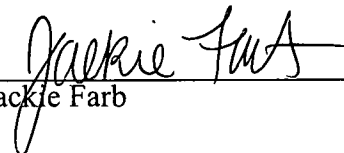
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18 **BY PERSONAL SERVICE:** I personally delivered such envelope to the offices of the addressee(s) on the date specified above.

19 **(BY FEDERAL EXPRESS/OVERNIGHT MAIL)** I deposited the foregoing document with Federal Express/Overnight Mail, fees fully prepaid, addressed to the parties listed herein.

20 **VIA FACSIMILE:** I transmitted the foregoing documents from facsimile number (818) 881-2091 to the facsimile machine(s) of the interested parties on the date specified above. The facsimile machine I used was in compliance with Rule 2003(3) and the transmission was reported as complete without error. Pursuant to Rule 2008(e), a copy of the transmission report issued by the transmitting facsimile machine is attached hereto.

21 Executed on May 4, 2018, at Tarzana, California.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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28 Jackie Farb

05/08/2018

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***Attorneys for Plaintiff, Genoveva Galvez**

Courtesy Copy via Fax

G:\193\H2173-GALVEZ\PLEADINGS\Metro Pldgs\Ntc of motion to compel discovery responses.wpd

07/06/2016