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ROSEN ♦ SABA, LLP

9350 Wilshire Boulevard, Suite 250, Beverly Hills, CA 90212


ROSEN ♦ SABA, LLP
RYAN D. SABA, ESQ. (State Bar No. 192370)
rsaba@rosensaba.com
KRYSTLE D. MEYER, ESQ. (State Bar No. 270995)
kmeyer@rosensaba.com
9350 Wilshire Boulevard, Suite 250
Beverly Hills, California 90212
Telephone: (310) 285-1727
Facsimile: (310) 285-1728

Attorneys for Defendant and Cross-Complainant,
XPO GF AMERICA, INC.
(formerly known as NDO America, Inc.)

FILED
SAN MATEO COUNTY

MAR - 6 2018

Clerk of the Superior Court
By 
DEPUTY CLERK

17 - CIV - 01393
NOT
Notice
1015192


SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

ARMANDO SOLORIO, an individual,

Plaintiff,

v.

XPO LOGISTICS, INC., a Delaware
Corporation; NDO AMERICA, INC., a
California Corporation; and DOES 1
through 20, Inclusive,

Defendants.

XPO GF AMERICA, INC., a California
Corporation

Cross-Complainant,

v.

ARMANDO SOLORIO, an individual,
and ROES 1 through 10, Inclusive,

Cross-Defendants.

Case No.: 17CIV01393

**NOTICE OF RULING REGARDING
DEFENDANT'S MOTION TO COMPEL
PLAINTIFF TO ANSWER QUESTIONS
IN DEPOSITION BY FAX**

Hearing Date: March 6, 2018
Time: 9:00 a.m.
Dept.: Law and Motion

Complaint Filed: March 28, 2017
FAC Filed: July 17, 2017
Trial Date: September 24, 2018



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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Defendant and Cross-Complainant XPO GF America, Inc.'s ("XPO") Motion to Compel Plaintiff and Cross-Defendant Armando Solorio ("Solorio") to Answer Questions in Deposition came on for hearing on March 6, 2018, at 9:00 a.m. in the Law and Motion Department of the San Mateo County Superior Court, located at 400 County Center, Redwood City, California 94063. Carla Hartley appeared in person on behalf of Solorio, and Krystle Meyer appeared on behalf of XPO, the Honorable Susan Greenberg presiding.

After oral argument, Judge Greenberg adopted her tentative ruling as the Order of the Court. Attached hereto as Exhibit "A" please find a copy of the Court's Order.

DATED: March 6, 2018

ROSEN ♦ SABA, LLP

By: Krystle D Meyer
RYAN D. SABA, ESQ.
KRYSTLE D. MEYER, ESQ.
Attorneys for Defendant and Cross
Complainant, XPO GF AMERICA, INC.



EXHIBIT A

The motion is denied as to Category 39, as not reasonably particularized.

The motion is granted as to Category 40. Plaintiff shall supplement his response to by identifying responsive documents, if any, that are withheld under objection. (Code of Civ. Proc. sect. 2031.230)

The motion is denied as to Category 54. Plaintiff's compensation is not relevant to the subject matter of the Complaint or Cross-complaint.

As to documents that are proprietary or confidential to Plaintiff's employers, the Court finds that the Protective Order in this matter does not justify requiring Plaintiff to produce those documents. The Order addresses confidential matter, but not the issue of documents that are property of a nonparty to this litigation.

Both parties' requests for sanctions are denied.

Plaintiff shall serve verified supplemental responses no later than March 23, 2018. Any extension of the deadline shall be confirmed in writing by Defendant's counsel.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

4. XPO GF AMERICA, INC.'S MOTION TO COMPEL ARMANDO SOLORIO TO ANSWER QUESTIONS IN DEPOSITION, REQUEST FOR MONETARY SANCTIONS IN THE AMOUNT OF \$3,750.00

TENTATIVE RULING:

The motion is granted as to Questions 1 through 32, and 34 through 58. Plaintiff's counsel interposed objections, many of which had merit. With the exception of an objection based on privilege, however, valid objections do not justify an instruction not to answer or a witness's refusing to answer a question. The remedy for a continuing inquiry of objectionable matter is a motion for protective order. (Code of Civ. Proc. sect. 2025.460(b) & 2025.470.) Otherwise, the deponent must answer the question and the testimony will be received, subject to the objection. (Id. sect. 2025.460(b).) Instructing the witness not to answer is improper. (*Stewart v. Colonial Western Agency, Inc.* (2001) 87 Cal.App.4th 1006, 1014, 1015.)

The motion is denied as to Question 33. Plaintiff answered the question. (See Transcript at 21:12.)

Defendant's request for sanctions is granted in the amount of \$2,625.00. Plaintiff's objections mostly had merit, but the refusals to answer were not substantially

justified.

Plaintiff shall answer questions 1 through 32, and 34 through 58.

Plaintiff Armando Solorio and his attorney Carla Hartley and the law office of Dillingham & Murphy shall jointly and severally pay a monetary sanction of \$2,625.00 to Defendant XPO GF America, Inc., no later than 10 calendar days after service of written notice of this order.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

9:00

LINE: 5

17-CIV-03360 BRUGGER CORPORATION VS. AMIDI CONVENTION WAY,
LLC, ET AL

BRUGGER CORPORATION
AMIDI CONVENTION WAY, LLC

MATTHEW D. ZUMSTEIN
KAVEH BADIEI

DEFENDANT'S MOTION FOR ORDER AND MOTION FOR COMPLIANCE AND
REQUEST FOR SANCTIONS AGAINST BRUGGER CORPORATION
TENTATIVE RULING:

This hearing is continued to March 28, 2018 at 9 am pursuant to stipulation of the parties.

If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

ROSEN SABA, LLP
9350 Wilshire Boulevard, Suite 250, Beverly Hills, CA 90212

PROOF OF SERVICE

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

I am employed 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: 9350 Wilshire Boulevard, Suite 250, Beverly Hills, California 90212.

On March 6, 2018, I served the foregoing document described as: **NOTICE OF RULING REGARDING DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO ANSWER QUESTIONS IN DEPOSITION** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

DILLINGHAM & MURPHY, LLP Carla J. Hartley, Esq. Anna Nagornaia, Esq. 601 Montgomery Street, Suite 1900 San Francisco, California 94111	Attorneys for Plaintiff Armando Solorio: Tel: (415) 397-2700 Fax:: (415) 397-3300 cjh@dillinghammurphy.com an@dillinghammurphy.com
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BY MAIL - As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California 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.

BY E-MAIL OR ELECTRONIC TRANSMISSION - Based on a Court order or on an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) described above to be sent from e-mail address dsanchez@rosensaba.com to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct

Executed on March 6, 2018, at Beverly Hills, California.


Danielle Sanchez

