

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 03/12/25 TIME: 1:30 P.M. DEPT: H CASE NO: CV0001892

PRESIDING: HON. SHEILA S. LICHTBLAU

REPORTER:

CLERK: ALINA ANDRES

PLAINTIFF: YENIFER LOURDES
GONZALEZ REYES

and

DEFENDANT: JORGE CAMPOS DIRZO,
ET AL

NATURE OF PROCEEDINGS: 1) MOTION – ADMISSIONS; DISCOVERY FACILITATOR PROGRAM

2) MOTION – INTERROGATORIES; DISCOVERY FACILITATOR PROGRAM

3) MOTION – COMPEL; DISCOVERY FACILITATOR PROGRAM

4) MOTION – INTERROGATORIES; DISCOVERY FACILITATOR PROGRAM

5) MOTION – ADMISSIONS; DISCOVERY FACILITATOR PROGRAM

6) MOTION – INTERROGATORIES; DISCOVERY FACILITATOR PROGRAM

7) MOTION – COMPEL; DISCOVERY FACILITATOR PROGRAM

8) MOTION – INTERROGATORIES; DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiff Yenifer Gonzalez Reyes' (Plaintiff) motions to compel Jorge Campos Dirzo's (Defendant) responses to (1) form interrogatories (2) special interrogatories, and (3) demands for production are GRANTED. Defendant shall provide code compliant responses without objection to Plaintiff's discovery within 20 days of entry of this order.

Plaintiff's motion to deem Defendant's lack of responses to her request for admissions, as admissions, is GRANTED. Plaintiff's motion for monetary sanctions as to each of these motions is GRANTED IN PART. Monetary sanctions for all four motions are granted in the total amount of \$1,400 against Defendant and counsel, to be paid within 30 days of entry of this order.

Plaintiff propounded discovery on Defendant in October 2024 and has not received a response to any of the discovery, which led to the filing of these motions. A notice of hearing was served on the opposing party and no opposition was filed on any of the motions. A failure to oppose a motion may be deemed a consent to the granting of the motion. (Cal. Rules of Court, rule 8.54, subd. (c).) Failure to oppose a motion may also lead to the presumption that [plaintiff] has no meritorious arguments. (See *Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.

App. 3d 481, 489, disapproved of by *Garcia v. McCutchen* (1997) 16 Cal.4th 469, on other grounds.)

As to the request for attorney's fees, Plaintiff's requested \$1,050 for each motion. The attorney declaration asserted that counsel spent one hour putting together each motion and anticipated spending one hour reviewing each of Defendant's oppositions and drafting replies, and one hour preparing for and attending each motion. However, no opposition was filed and the declaration of non-resolution filed by Plaintiff was only a few sentences and applied to all four motions. Moreover, the estimate of one hour per motion to prepare for and attend the hearing is excessive. Costs were not specified in the motion. The court awards a total of four hours for the total time in bringing all motions multiplied by the attorney billing rate of \$350, for a total of \$1,400.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for March, 2025 is as follows:

<https://marin-courts-ca-gov.zoomgov.com/j/1615487764?pwd=Ob4B5J7LLKcpnkxzJjEOSHnzEGafG.1>

Meeting ID: 161 548 7764

Passcode: 502070

If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: <https://www.marin.courts.ca.gov>