

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - March 20, 2018

EVENT DATE: 03/23/2018

EVENT TIME: 09:00:00 AM

DEPT.: C-73

JUDICIAL OFFICER: Joel R. Wohlfeil

CASE NO.: 37-2017-00010073-CU-BC-CTL

CASE TITLE: LARRY GERACI VS DARRYL COTTON [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Discovery Hearing

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Discovery, 02/27/2018

The Motion (ROA # 122) of Plaintiff / Cross-Defendant, LARRY GERACI ("Plaintiff" or "Geraci") for an order compelling Defendant / Cross-Complainant DARRYL COTTON ("Defendant" or "Cotton") (1) to appear and testify at deposition and (2) to respond to written discovery requests by serving verified, written responses, without any objections or assertions of privilege, to a) Form Interrogatories-General (Set One), b) Special Interrogatories (Set One), and 3) Requests for Admission (Set One) propounded by Geraci to Cotton, and for sanctions, is DENIED IN PART AND GRANTED IN PART.

The Court has already issued an order directing Defendant to submit to a deposition. ROA # 107, 108. Plaintiff's remedy, if any, is not to ask the Court to re-issue an existing order but to pursue the imposition of escalating sanctions based on Defendant's non-compliance with the Court's order. For this reason alone, this part of Plaintiff's Motion is DENIED.

Defendant is directed to serve responses, without objections, to Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One), and Requests for Admission (Set One), within twenty (20) days of the hearing of this Motion.

Plaintiff's request for sanctions is DENIED. The Court would be inclined to find that Plaintiff has failed to provide discovery responses without substantial justification; however, as much as the Court recognizes the value of Plaintiff counsel's services, counsel's declaration fails to specify the services rendered or his hourly rate; accordingly, Plaintiff has failed to carry his burden which would permit the Court to find that the services are reasonable and necessary and counsel's hourly rate is reasonable.