

DeCastro v. Peter, Clement, Pierattini, Omo Jr., Does 1-30

Case Number: 23SMCV00538	Hearing Date:	March 7, 2024
Case Name: DeCastro v. Peter, et al.		
Case No.: 23SMCV00538	Complaint Filed:	2-6-23
Hearing Date: 2-20-24	Discovery C/O:	1-27-25
Calendar No.: 6	Discovery Motion C/O:	2-10-25
POS: 6	Trial Date:	2-24-25
SUBJECT:	MOTION TO COMPEL RESPONSES AND FURTHER RESPONSES TO DISCOVERY	
MOVING PARTY:	Defendant Michael Perattini	
RESP. PARTY:	Plaintiff Jose DeCastro	

TENTATIVE RULING

1. Defendant Michael Pierattini's motion to compel responses to form interrogatories and request for sanctions is granted. Plaintiff José DeCastro's is ordered to serve the responses, without objections, and pay monetary sanctions in the amount of \$1,635 within 30 days of service of the order. Pierattini is ordered to submit the proposed order in accordance with CRC Rule 3.1312.
2. The Court orders the parties to meet and confer regarding the necessity of serving more than 30 "contention" requests for admissions and 30 "contention" special interrogatories. It appears that many of 187 special interrogatories are duplicative of each other and seek the information sought by the form interrogatories. Likewise, the purpose of requests for admissions is to narrow discovery by eliminating undisputed issues. The Court's concerned that the 76 request for admissions that essentially ask DeCastro to admit his case has no merit is inconsistent with that purpose. Likewise, when coupled with form interrogatory 17.1, they become duplicative of much of the information to be disclosed in response to the remaining form interrogatories. Therefore, in lieu of ordering DeCastro to serve further responses to more than 30 requests for admission and 30 special interrogatories the Court is inclined to order DeCastro to serve a verified response that identifies the "initial disclosures" that are required to be disclosed under Code of Civil Procedure section 2016.090 for cases filed after January 1, 2024. Similarly, Pierattini's request for production of documents that are linked to the special interrogatories that exceed 30 may be excessive and rendered moot by DeCastro complying with CCP 2016.090 subd (a) (1)(b) and responding to the form interrogatories.
3. Regarding Pierattini's motion to compel Decastro's appearance at his deposition, DeCastro is ordered to file a notice of change of address that discloses his purported out of state residence, not just mailing address, within 10 days. DeCastro may seek to file that notice with his residence address redacted from the public filing by making the appropriate motion to seal that notice under California rules of Court 2.551.
4. The hearing on Pierattini's motions to compel further responses to the requests for admission, special interrogatories and production of documents, and to compel DeCastro's deposition are continued to May 2, 2024 at 8:30.