

TENTATIVE RULINGS

****This Calendar will be heard by Judge Benson****

1. 22CV01821 CHAMBERS, PATRICIA V. NEWBERN, MICHAEL ET AL

EVENT: Defendant Clayanna Newbern's Motion to Object and Quash Production of Business Tax Returns

The Court finds that the Motion as it relates to the Deposition Subpoena for Production of Business Records to the Internal Revenue Service is unopposed, the Subpoena was untimely pursuant to Code of Civil Procedure §2024.020, and the documents requested therein are overbroad. The Motion is therefore granted in this regard and the Deposition Subpoena for Production of Business Records to the Internal Revenue Service is quashed.

In regard to the Notice to Appear at Trial, the Court finds no authority to support Plaintiff's position that a previously served (and untimely) Notice to Appear at Trial follows a new trial date. However, even if the Court accepts it as timely, if timely objections are filed, which is the case here, the burden is on the requesting party to file a noticed motion for production of the items sought, accompanied by a showing of good cause and materiality to the issues in the case. Code of Civil Procedure §1987(c). Plaintiff has failed to follow the procedural requirements for compelling the requested documents and the Motion is granted on that basis.

The Court also notes that although it is true that Defendant was asked at her deposition about the interest rate on the loan and whether or not she claimed the interest on her taxes (although that portion of the deposition testimony was not included in the Exhibits attached to the Opposition), simply being asked a question at deposition does not make the information relevant. The Court concludes that Defendant's tax returns are not directly relevant to the issue presented in this case and ordering production of the documents would violate Defendant's privacy protections. The Motion is thus granted on that basis as well.

Defendant shall submit a form of order consistent with this ruling within two weeks.

2. 23MH00538 CHICO POLICE DEPARTMENT V. HAWTHORNE, MICHAEL

EVENT: Request for Entry of Default on Petition Seeking Judicial Determination

The Petition is granted. The Court will sign the form of order submitted by counsel and the Case Management Conference set for June 5, 2024 is vacated.

3. 24CV00301 IN RE: DORNAN, KIMBERLY ANN

EVENT: Petition for Change of Name

If proper proof of publication is submitted at or before the hearing, the Petition will be granted.