

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 74

18STCV08781

ASHLEY PEREZ vs FCI LENDER SERVICES, INC, et al.

October 30, 2019

8:30 AM

Judge: Honorable Michelle Williams Court

CSR: None

Judicial Assistant: C. Guerrero

ERM: None

Courtroom Assistant: R. Cruz

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Penelope Bergman by Zareh A. Jaltorossian

For Defendant(s): Timothy Ryan by James T. Jackson and Andrew J. Mase

NATURE OF PROCEEDINGS: Hearing on Motion to Compel Further Discovery Responses;
Hearing on Motion to Compel Further Discovery Responses

The matter is called for hearing.

Counsel argue the tentative ruling which is adopted as the Order of the Court as follows:

The Motion to Compel Further Discovery Responses filed by Ashley Perez on 09/20/2019 is Granted. The Motion to Compel Further Discovery Responses filed by Ashley Perez on 09/20/2019 is Granted. Defendant FCI Lending Services, Inc. is ordered to serve verified, code compliant responses to requests 9, 10, 11, 12, 13, 14, 20, 21 and 26 within 30 days and to produce all responsive documents within 40 days. To the extent FCI Lending Services, Inc. claims a privilege or asserts a right to privacy over any of the responsive documents or information, it shall simultaneously serve a privilege log with the document production that, at a minimum, identifies each document for which a privilege or privacy right is claimed, its author, recipients, date of preparation, and the specific privilege or privacy right claimed. FCI Lending Services, Inc. shall also pay plaintiff sanctions in the amount of \$2860 within 30 days.

Defendant California TD Specialists is ordered to serve a verified, code compliant response to request number 10 within 20 days and to produce all responsive documents within 30 days. To the extent California TD Specialists claims a privilege or asserts a right to privacy over any of the responsive documents or information, it shall simultaneously serve a privilege log with the document production that, at a minimum, identifies each document for which a privilege or privacy right is claimed, its author, recipients, date of preparation, and the specific privilege or privacy right claimed. California TD Specialists shall also pay plaintiff sanctions in the amount of \$1460 within 30 days.

Defendant FCI Lending Services

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FCI argues the motion filed against it is untimely as the 45-day period is calculated from the date of the supplemental responses, but there were no supplemental responses to the requests at issue. FCI has provided no authority that supplemental responses extend the deadline only as to those requests to which supplemental responses were provided. Until the responses are received, a moving party cannot determine which responses will be supplemented. The motion is timely.

FCI also argues the meet and confer by plaintiff was insufficient. The court finds it was sufficient.

Request numbers 9, 10, 11, 12, 13, 14, 20 and 21 request documents relevant to the loan against the subject property and documents so that plaintiff can determine whether the servicing was handled properly. Further response is ordered.

Request number 26 asks for documents regarding civil actions, adversary proceedings, arbitrations or administrative proceedings. This does involve third-party privacy rights. Civil actions are public record, and there is no privacy rights as to filed documents. Arbitration proceedings are private. Other proceedings may be either. Even with civil actions, only filed documents are public. Communications between FCI and its attorney need not be produced.

The information sought is relevant to UCL and to punitive damages, as determining whether a pattern or practice exists.

The request is limited as to time and scope, and is not overbroad.

Further responses are ordered. To the extent Defendant FCI Lending Services claims a privilege or asserts a right to privacy over any of the responsive documents or information, it shall simultaneously serve a privilege log with the document production that, at a minimum, identifies each document for which a privilege or privacy right is claimed, its author, recipients, date of preparation, and the specific privilege or privacy right claimed. Plaintiff is awarded sanctions in the amount of \$2860.

California TD Specialists

For the reasons previously stated, this motion is timely and the meet and confer is adequate.

Further responses are ordered. To the extent Defendant California TD Specialists claims a privilege or asserts a right to privacy over any of the responsive documents or information, it shall simultaneously serve a privilege log with the document production that, at a minimum,

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Notice is waived.