TENTATIVE RULINGS

DEPT C28

Judge Thomas S. McConville

April 29, 2024 at 2:00 p.m.

Court Reporters: Official court reporters (i.e., court reporters employed by the Court) are **NOT** typically provided for law and motion matters in this department. If a party desires a record of a law and motion proceeding, it will be the party's responsibility to provide a court reporter. Parties must comply with the Court's policy on the use of privately retained court reporters which can be found at:

- Civil Court Reporter Pooling; and

- For additional information, please see the court's website at Court Reporter Interpreter Services for additional information regarding the availability of court reporters.

Tentative rulings: The court endeavors to post tentative rulings on the court's website in the morning, prior to the afternoon hearing. However, ongoing proceedings such as jury trials may prevent posting by that time. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted. The court will not entertain a request to continue a hearing or the filing of further documents once a tentative ruling has been posted.

Submitting on tentative rulings: If all counsel intend to submit on the tentative ruling and do not desire oral argument, please advise the Courtroom Clerk or Courtroom Attendant by calling (657) 622-5228. Please do not call the department unless all parties submit on the tentative ruling. If all sides submit on the tentative ruling and so advise the court, the tentative ruling shall become the court's final ruling and the prevailing party shall give notice of the ruling and prepare an order for the court's signature if appropriate under Cal. R. Ct. 3.1312.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

Appearances: Department C28 conducts non-evidentiary proceedings, such as law and motion hearings, remotely by Zoom videoconference pursuant to Code of Civil Procedure section 367.75 and Orange County Local Rule 375. Any party or attorney, however, may appear in person by coming to Department C28 at the Central Justice Center, located at 700 Civic Center Drive West in Santa Ana, California. All counsel and self-represented parties appearing in-person must check in with the courtroom clerk or courtroom attendant before the designated hearing time.

All counsel and self-represented parties appearing remotely must check-in online through the court's civil video appearance website at **https://www.occourts.org/media-relations/civil.html** before the designated hearing time. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room pending the start of their specific video hearing. Check-in instructions and instructional video are available at **https://www.occourts.org/media-relations/aci.html**. The Court's "Appearance Procedures and Information--Civil Unlimited and Complex" and "Guidelines for Remote Appearances" also are available at **https://www.occourts.org/media-relations/aci.html**. Those procedures and guidelines will be strictly enforced.

Public Access: The courtroom remains open for all evidentiary and non-evidentiary proceedings. Members of the media or public may obtain access to law and motion hearings in this department by either coming to the department at the designated hearing time or contacting the courtroom clerk at (657) 622-5228 to obtain login information. For remote appearances by the media or public, please contact the courtroom clerk 24 hours in advance so as not to interrupt the hearings.

Arguments: The court will allow arguments on the pending motions, but those arguments must not repeat arguments previously made in each parties' applicable briefs.

No filming, broadcasting, photography, or electronic recording is permitted of the video session pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.

#	Case Name	Tentative
50.	Sanchez v. Fineline Woodworking, Inc. 2023-01337363	Defendant Fineline Woodworking, Inc. dba Fineline Architectural Millwork's motion to compel plaintiff Benjamin Sanchez to arbitrate his claims in this action is DENIED. (Code Civ. Proc., § 1281.2.) Plaintiff's evidentiary objections to the Frisbie Declaration are SUSTAINED in part and OVERRULED in part, as follows: 1. Sustain: lacks foundation, lacks authentication, lacks personal knowledge. 2. Overruled. 3. Sustained as to portion reading "and which has a signature on it bearing Plaintiff's name" as lacking foundation, authentication, and personal knowledge. Overruled as to remainder. 4. Overruled. 5. Overruled. 6. Sustain: lacks foundation. Given the foregoing, moving defendant has not met its initial burden to show a written arbitration agreement exists that covers plaintiff's claims. (Code Civ. Proc., § 1281.2; Rosenthal v. Great Western Fin. Securities Corp. (1996) 14 Cal.4th 394, 413 ["Because the existence of the agreement is a statutory prerequisite to granting the petition, the petitioner bears the burden of proving its existence by a preponderance of the evidence"].) Further, even if moving party had initially presented admissible evidence showing a valid arbitration agreement, plaintiff has presented evidence challenging its authenticity, which defendants have not rebutted with admissible evidence establishing a valid arbitration agreement between the parties. (Gamboa v. Northeast Community Clinic (2021) 72 Cal.App.5th 158, 164-166 [three-step process re: evidence of arbitration agreement]; Sanchez Decl., ¶¶ 3-6, 9, 10.) Finally, the court finds that Nakamura Decl. in support of the Reply is insufficient to rebut plaintiff's express denial under oath that he signed the subject arbitration agreement. (Gamboa v. Northeast Community Clinic, supra at 164-166; Ruiz v. Moss

		Bros. Auto Group, Inc. (2014) 232 Cal.App.4th 836, 842 [court's discretion to consider all evidence in connection with motion to compel arbitration]; see also Karlsson v. Ford Motor Co. (2006) 140 Cal.App.4th 1202, 1216 [court's authority to consider reply evidence when submitted in rebuttal to points raised in the opposing papers].) Plaintiff shall give notice.
51.	Revoy v. Debest 2023-01344212	Defendants Tarek Buys Houses, LLC and Peter De Best's motion to compel plaintiff Jeffrey Revoy to submit his claims to binding contractual arbitration is GRANTED. Defendants have met their burden showing a valid and enforceable arbitration provision. Plaintiff has not met his now shifted burden showing by a preponderance of evidence a ground for denial of the requested arbitration. The arbitration provision is not so unconscionable as to be unenforceable. Further, as plaintiff admits in paragraph 3 of the complaint that defendant DeBest is the agent of Tarek Buys Houses, LLC, he may also enforce the arbitration against plaintiff. The court notes that there are other parties to the litigation (defendants Tarek El Moussa and Digital Foundation Group) who did not file a brief either agreeing or contesting their inclusion in the now-compelled arbitration. The court sets an order to show cause why the non-moving defendants should/should not be included in the arbitration proceeding; and assuming the court does not order the non-moving defendant[s] to arbitration, whether the entire action should be stayed pending the outcome of the now-compelled arbitration. Briefs (if any) to address the order to show cause shall be submitted by the defendants (both moving and non-moving) 15 days before the OSC. Brief (if any) by plaintiff shall be filed 9 days before the OSC. No additional briefing on this topic is authorized. This action is stayed pending the outcome of the OSC. The order to show cause will be heard on June 24, 2024 at 2:00 p.m. in Department C28.

		The case management conference is continued to the same date and time. Moving defendants shall give notice.
52.	Balboa Capital Corporation v. WROJ Logistics LLC 2023-01353140	Plaintiff, Balboa Capital Corporation's Motion to Strike Answer WROJ Logistics, LLC is DENIED without prejudice. A motion to strike tests the allegations in the body of the pleading, and those facts subject to judicial notice. (See Code Civ. Proc. § 437). There are no judicially noticed facts. Therefore, the court's analysis of the motion to strike relies solely on the face of the answer. Nothing in the answer demonstrates that defendant WROJ Logistics, LLC is not currently represented by legal counsel. On its own motion, the court sets an order to show cause hearing regarding why defendant WROJ Logistics, LLC's Answer should not be stricken based upon the answer being filed in violation of the rule against business entity's self-representation. See *Clean Air Transport Systems v. San Mateo County Transit Dist.* (1988) 198 Cal. App. 3d 576, 578-579. The hearing is set for June 3, 2024 at 2:00 p.m. in Department C28. Defendant's response is due not less than 9 court days before the hearing. The case management conference is also continued to that same date and time. Plaintiff shall give notice of this ruling.
53.	Castaneda v. Akjohston Group, LLC 2023-01340163	Defendant Austin Johnston's demurrer to Plaintiff Phillipp Aleksandar Castaneda's Complaint is SUSTAINED. **2nd Cause of Action – Failure to Take Reasonable Steps to Prevent Harassment, Discrimination, and Retaliation – Govt. Code § 12900, et seq.**

		Plaintiff's Opposition fails to address Defendant's demurrer to this cause of action. Plaintiff's failure to offer any reasoned argument or citation to authority effectively concedes the demurrer to this cause of action. (See, e.g. *Badie v. Bank of* America (1998) 67 Cal.App.4th, 779, 784-785; *Bernard v. Hartford Fire Ins. Co.* (1991) 226 Cal.App.3d 1203, 1205.) Even if Plaintiff's failure to oppose is overlooked, California law does not recognize personal liability of supervisors for a cause of action for failure to take reasonable steps to prevent harassment, discrimination, and retaliation. (See, e.g. *Fiol v. Doellstedt* (1996) 50 Cal.App.4th 1318, 1326 ["We are aware of no authority for the proposition that a supervisory employee is personally liable, as an aider and abettor of the wrongdoer, to a subordinate for failing to prevent the misconduct of another subordinate."].) On this basis, the demurrer to the second cause of action is sustained. **6th Cause of Action – Retaliation in Violation of Lab. Code § 1102.5** The elements of a cause of action for retaliation are (1) plaintiff engaged in a protected activity, (2) plaintiff was subject to an adverse employment action, and (3) there is a causal link between the two. (See, e.g., *Patten v. Grant Joint Union High School Dist.* (2005) 134 Cal.App.4th 1378, 1384.) Cal. Lab. Code § 1102.5 prohibits retaliation by "[a]n employer, or any person acting on behalf of the employer." This provision was amended in 2013 to add the "or any person acting on behalf of the employer" language. While Plaintiff asserts that a reading of the plain language of this provision leaves open the possibility for individual liability for violation of Cal. Lab. Code §1102.5, there is highly persuasive

		authority interpreting very similar language in a different statute and concluding that there is no personal liability. The California Supreme Court found no individual liability exists for discrimination under the FEHA despite the definition of employer including "any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly…" *Reno v. Baird* (1998) 18 Cal.4th 640, 645 [interpreting Cal. Govt. Code §12926, subd. (d)].) Additionally, the California Supreme Court has held that the broad definition of "person" in Cal. Govt. Code §12940, subd. (h) does not lead to "the conclusion that all persons who engage in prohibited retaliation are personally liable, not just the employer." (*Jones v. Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158, 1162.) *Jones* identifies statutory language which shows an intent to permit individual liability by pointing to Cal. Govt. Code §12940, subd. (j)(3), which provides: "An employee of an entity ... is personally liable for any harassment prohibited by this section that is perpetrated by the employee...." (*Id.*) Personal liability of supervisors for labor and employment causes of action is the exception rather than the norm. Here, not only is the Complaint totally deficient in terms of alleging facts that would justify imposition of personal liability upon Johnston, there is also no clear statutory or other legal basis for Johnston to be personally liable for this cause of action, no matter what facts are alleged. Accordingly, the demurrer to the sixth cause of action is sustained. **Leave to Amend**

		On demurrer, a court determines whether the complaint states facts sufficient to constitute a cause of action. If the court sustains the demurrer, it must decide whether to grant leave to amend. Leave to amend should be granted if there is a reasonable possibility that the defect can be cured by amendment. Plaintiffs have the burden of proving that there is a reasonable possibility that the defect can be cured by amendment. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) Here, it appears as though Plaintiff will not be able to cure the defects identified in the demurrer through amendment. However, California law strongly favors liberality in granting leave to amend, and Plaintiff has not yet been afforded an opportunity to amend. Accordingly, Plaintiff shall be granted leave to file and serve a first amended complaint within 10 days. Defendant shall give notice.
54.	Morgan v. City of Newport Beach 2023-01346644	Off calendar
55.	El Sayed v. Sandoval 2021-01198726	Defendant Jacquelin Sandoval's unopposed motion for terminating sanctions is GRANTED. (See Code Civ. Proc., §§ 2023.010, subds. (d), (g), 2023.030, 2030.290, subd. (c), 2031.300, subd. (c).) The court ORDERS plaintiff Nawal Chawak El Sayed's operative first amended complaint as alleged against Jacquelin Sandoval dismissed with prejudice. The court finds plaintiff has willfully failed to obey the discovery orders issued on 8/15/23, 11/6/23, and 11/27/23. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 787-788 [willfulness]; Vukmanovic Decl. ¶¶ 5-10, Exs. 4 [8/15/23 order, noting "all parties" have submitted on the tentative], 5 [11/6/23 order], 6 [11/27/23 order], 7 [email attaching orders]; ROA Nos. 201, 204.)

		Plaintiff's failure to provide responses to such basic, initial sets of discovery (see Vukmanovic Decl. ¶¶ 2-4, Exs. 1-3) (after being ordered by the court to do so) deprives Jacquelin Sandoval of the ability to properly investigate/evaluate plaintiff's claims and prepare a meaningful defense. Terminating sanctions are therefore in order. Jacquelin Sandoval shall serve and file a "proposed order and judgment of dismissal" for the court's signature, ordering plaintiff's first amended complaint as alleged against Jacquelin Sandoval dismissed with prejudice, within 10 days. Moving party shall give notice.
56.	Zaharias v. United Airlines, Inc. 2021-01200049	**Motion to Bifurcate** Defendant County of Orange's motion to bifurcate the liability phase of trial from the damages portion of the trial is DENIED. Plaintiff objects to the requested bifurcation. Plaintiff is not seeking punitive damages, and Moving Party offers no compelling reason which overcomes plaintiff's right to try the case in the manner he feels best supports his contentions. CCP 1048(b) provides: The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action, including a cause of action asserted in a cross-complaint, or of any separate issue or of any number of causes of action or issues, preserving the right of trial by jury required by the Constitution or a statute of this state or of the United States. "Granting or denying of a motion for separate trials lies within the trial court's sound discretion, and is subject to reversal on appeal only for clear abuse." (*Grappo v. Coventry Financial Corp.* (1991) 235 Cal.App.3d 496, 504.)

		CCP Section 598 is generally relied upon to try issues of liability before damages issues. It serves the salutary purpose of avoiding wasting time and money, and prevents possible prejudice to a defendant where a jury might look past liability to compensate a plaintiff through sympathy for his or her damages. Although it is generally left to the parties to present their cases in the manner they feel best supports their contentions, bifurcation, regulation and prioritization can be ordered if doing so will expedite/simplify things. However, if such an order results in duplication of effort, the order may be subject to reversal. (See *Bunch v. Hoffinger Industries, Inc.* (2004) 123 Cal.App.4th 1278, 1283.) "The major objective of bifurcated trials is to expedite and simplify the presentation of evidence." (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 888 [footnote omitted].) The typical bifurcation occurs where a party seeks to try the punitive damages after determination of the liability and compensatory damages phase. In cases where punitive damages are not involved and only compensatory damages are at issue, the bifurcation treatment can be slightly different, but it ultimately depends on the court's discretion. As stated above, bifurcation is generally considered appropriate when in promotes "the ends of justice and the economy and efficiency of handling the litigation." *Hillard v. A. H. Robins Co.* (1983) 148 Cal.App.3d 374. Although bifurcating liability from damages may be helpful to defendant, as defendant seems to feel it has no liability to plaintiff for his injuries, plaintiff objects to the suggested separate trials. It does not appear bifurcation would promote the ends of justice and the economy and efficiency of handling the litigation. The court finds there is minimal potential prejudice that the jury might look past liability to compensate

		plaintiff due to sympathy regarding harm allegedly suffered by plaintiff. Further, Moving Party has a pending motion for summary judgment (set to be heard May 6, 2024) on the issue of liability. Depending on the outcome of that motion, Moving Party may have its requested determination of liability well before trial. Moving Party shall give notice. **Motion for Leave to File a Cross-Complaint** Defendant County of Orange's unopposed motion for leave to file a cross-complaint is GRANTED. CCP 426.50 provides: A party who fails to plead a cause of action subject to the requirements of this article, whether through oversight, inadvertence, mistake, neglect, or other cause, may apply to the court for leave to amend his pleading, or to file a cross-complaint, to assert such cause at any time during the course of the action. The court, after notice to the adverse party, shall grant, upon such terms as may be just to the parties, leave to amend the pleading, or to file the cross-complaint, to assert such cause if the party who failed to plead the cause acted in good faith. This subdivision shall be liberally construed to avoid forfeiture of causes of action. A defendant in an action may file a cross-complaint against a person alleged to be liable thereon, whether or not such person is already a party to the action, if the cause(s) of action in the cross-complaint arises out of the same transaction, occurrence, or series of transactions or occurrences as the complaint, or asserts a claim, right, or interest in a controversy that is the subject of the complaint. (Code Civ. Proc., § 428.10, subd. (b).) Such a cross-complaint may be filed at any time before the court has set a trial date; thereafter, leave of court is required. (Id., § 428.50, subds. (b), (c).) The court may grant leave to file such cross-complaint in the interest of justice at any time

		during the course of the action. (Id., § 428.50, subd. (c).) The motion is unopposed. All the parties who have appeared in this case are not the proposed cross-defendants. Moving Party has explained the delay in bringing this motion for leave to file its indemnification cross-complaint. As Moving Party has attached a copy of the proposed pleading as exhibit "I" to the moving papers, it shall file another version of the cross-complaint with the clerk for the court's file. The proposed cross-complaint is deemed served upon all parties who have appeared herein. Moving Party shall give notice.
57.	Johns v. Shimano North America Holding, Inc. 2020-01176583	Hearing continued to July 8, 2024 at 2:00 pm in C28. Moving party shall give notice.
58.	Varon v. Miller 2021-01200470	Plaintiff Brett A. Varon's motion to tax costs is GRANTED in part, as follows. The court ORDERS defendant Shirley Miller's memorandum of costs taxed by the total sum of $14,340.33, consisting of the following amounts (in bold): • **$965** of the "witness deposition fee" for Michael Price, M.D. Plaintiff has properly objected to this cost as it is facially improper. (See *Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 131-132 (*Nelson*) [burden].) Defendant has failed to demonstrate she is entitled to expert witness fees; only the ordinary witness fee of $35 a day is recoverable. (See Code Civ. Proc., § 1033.5, subds. (a)(7), (b)(1); Gov. Code, § 68093.)

		• **$7,130** of the "witness deposition fee[s]" for Daniel Krauchuck, M.D. (See Code Civ. Proc., § 1033.5, subds. (a)(7), (b)(1); Gov. Code, § 68093; *Baker-Hoey v. Lockheed Martin Corp.* (2003) 111 Cal.App.4th 592, 598-602 (*Baker-Hoey*) [ordinary witness fees do not include a treating physician's expert fees incurred for the deposition].) • **$515** of the "witness deposition fee" for Jean-Pierre Khreich, D.C. (See Code Civ. Proc., § 1033.5, subds. (a)(7), (b)(1); Gov. Code, § 68093; *Baker-Hoe, supra,* 111 Cal.App.4th at pp. 598-602.) • **$1,465** of the "witness deposition fee" for Andrew Lim, M.D. (See Code Civ. Proc., § 1033.5, subds. (a)(7), (b)(1); Gov. Code, § 68093; *Baker-Hoe, supra,* 111 Cal.App.4th at pp. 598-602.) • **$3,265** of the "witness deposition fee" for Loujan Matin, D.C. (See Code Civ. Proc., § 1033.5, subds. (a)(7), (b)(1); Gov. Code, § 68093; *Baker-Hoe, supra,* 111 Cal.App.4th at pp. 598-602.) • **$250** in videographer cancellation fees for Dr. Lim's deposition. Plaintiff has properly objected to this cost as it is facially improper. (See *Nelson, supra,* 72 Cal.App.4th at pp. 131-132 [burden].) Nothing provides for videographer cancellation fees and it is entirely uncertain whether this cost was reasonably incurred or reasonably necessary to the conduct of the litigation without any further information. Defendant has failed to meet its shifted burden to demonstrate the cost is recoverable. (See Opp., in passim; ROA #s 226 & 234–Saldana Decls., in passim.) • **$750.33** of the costs requested under item 12 for photocopies of exhibits. Item 12 seeks a

		total of $1,718.68 in costs. Plaintiff has properly objected to all but $968.35 of these costs as they appear facially improper. (See Code Civ. Proc., § 1033.5, subd. (a)(13), (b)(3); see also ROA #226–Saldana Decl. ¶ 7, Ex. E [attached invoices].) While one of the invoices attached to defense counsel's declaration submitted in support of defendant's memorandum of costs shows that defendant incurred $968.35 to copy trial exhibits (see invoice #8282), the other invoices show she incurred the remaining $750.33 for motion in limine binders, unspecified trial "documents," and the like (see invoice #s 8289, 8762). (ROA #226–Saldana Decl. at Ex. E.) Only photocopy costs of exhibits are recoverable; other photocopy charges are prohibited. (Civ. Proc., § 1033.5, subd. (a)(13), (b)(3).) Defendant has failed to meet her shifted burden to demonstrate all these costs are recoverable. In support of the opposition, defense counsel newly declares defendant incurred the $1,718.68 in fees to photocopy all trial exhibits into two sets of trial binders (ROA #234–Saldana Decl. ¶ 4), but this directly conflicts with her earlier declaration submitted in support of the costs memorandum and the invoices attached thereto that show otherwise. (ROA #226–Saldana Decl. at Ex. E.) Defendant entirely fails to explain this discrepancy. The court finds that all of the other costs at issue were reasonably necessary to the conduct of the litigation and reasonable in amount. (See Code Civ. Proc., § 1033.5, subds. (a), (c); see also *Segal v. ASICS America Corp.* (2022) 12 Cal.5th 651, 657 [costs for unused photocopies of trial exhibits and demonstratives may be awarded in the court's discretion pursuant to section 1033.5(c)(4)]; *Green v. County of Riverside* (2015) 238 Cal.App.4th 1363, 1373-1374 [the court in its discretion may allow costs for the preparation and presentation of electronic evidence, including videos of deposition testimony, exhibits and excerpts from audio recordings, at trial]; *Naser v. Lakeridge Athletic Club* (2014) 227 Cal.App.4th 571, 577-578 [deposition subpoena costs recoverable under section 1033.5(a)(3)]; Saldana Decl. ¶ 5-7, Exs. C, D, E [invoice #8282]; ROA #s 184

		[8/3/23 minute order], 194 [8/8/23 minute order], #149 [joint witness list].) Defendant is awarded her remaining costs in the total amount of $26,629.15. Plaintiff shall give notice.
59.	Acosta v. EAN Holdings, LLC 2022-01282431	The motion by defendant Robert Timothy Alforque, specially appearing, to quash service of summons, is GRANTED. Moving Party has shown that service of summons was not performed at moving party's "dwelling house, usual place of abode, usual place of business, or usual mailing address." (CCP 415.20(b).) Moving party shall give notice.
60.	Hyundai Motor America v. Kim 2023-01354012	Before the Court are Defendants Cliff Kim and Genie Kim's Motions to Quash the Third Party Business Record Subpoenas. The motions are GRANTED in part, and DENIED in part, as described below. As an initial matter, Defendants' Motions are not accompanied by separate statements as required by California Rules of Court, Rule 3.1345, subd. (a)(5). Even if Defendants had complied with the requirements of Rule 3.1345, Defendants objections to the subpoena are not completely substantiated. With respect to Plaintiff's demand for production of tax returns, those demands have been withdrawn. (See ROA No. 152, Bitzer Decl. ¶ 7.) With respect to the remaining categories, Defendants correctly point out that these categories potentially call for production of Defendants' private financial information which is subject to protection under California Const. Art. 1, §1. However, this protection is not absolute. To determine whether a party may seek discovery of information protected by Calif. Const. Art. 1, §1, the

		Court is to balance the right of privacy against the need for discovery. The burden is on the party asserting the privacy interest to establish the extent of the privacy interest and the seriousness of its invasion, and the Court must then weigh that showing against the other party's need for the discovery in question. (See *Williams v. Superior Court* (2017) 3 Cal.5th 531, 557). Here, Defendants have argued that the information sought is subject to privacy and since there are other ways Plaintiff can prove its case at trial without resort to discovery into Defendant's private financial affairs, the privacy protection justifies quashing the subpoena. Plaintiff counters by arguing that financial discovery is necessary to prove its causes of action for conversion and violations of Cal. Pen. Code §496 because Plaintiff must trace the identifiable sums of money that had been converted and could be entitled to an equitable remedy such as a constructive trust in order to disgorge Defendants of any ill-gotten gains resulting from the theft and/or conversion of Plaintiff's property. The Court finds that the balance weighs in favor of permitting some of the discovery Plaintiff seeks. "Even where the balance weighs in favor of disclosure of private information, the scope of the disclosure will be narrowly circumscribed; such an invasion of the right of privacy must be drawn with narrow specificity and is permitted only to the extent necessary for a fair resolution of the lawsuit." (*Moskowitz v. Superior Court* (1982) 137 Cal.App.3d 313, 316.) (internal quotations omitted.) Therefore, the court GRANTS in part the motion to quash. The subpoenas shall be limited to requested documents that relate to income or other compensation received from Plaintiff. In all other respects, the motion to quash is DENIED. The subpoenaed party shall comply with this order within 30 days of receiving notice of this order.

		Plaintiff's request for judicial notice is granted as to the existence of the information in the court's file. Plaintiff's request for sanctions is DENIED. Prior to the hearing on these motions, the parties are ordered to meet and confer regarding the appointment of a discovery referee to address the now-pending 20-plus discovery motions. See *Taggares v. Superior Court (Mitchell)* (1998) 62 Cal. App. 4th 94; CCP 638, 639(a)(5). The court will address with the parties the appointment of a discovery referee at the scheduled hearing. Plaintiff shall give notice.
61.		
62.	Salorio v. Grover 2017-00959676	The unopposed motion of the Law Offices of Thomas F. Nowland to be relieved as counsel of record for Defendant Meenkashi Grover is GRANTED. Service on Defendant and counsel of the other Parties was proper, and all required forms were filed pursuant to California Rules of Court, Rule 3.1362. The dates in the proposed order filed with moving attorney's motion are stale. Moving attorney is to provide the court with an updated proposed order for the court's signature. The Order granting moving attorney's motion will take effect once moving attorney files a proof of service of the Order on Defendant Grover. Moving Attorney shall give notice.
