

**Superior Court of the State of California  
County of Orange**

**Hon. ANDRE MANSSOURIAN**

**TENTATIVE RULINGS FOR DEPARTMENT C12 – (657) 622-5212**

Court will make every effort to post tentative rulings at approximately 3:00pm the court day before the date the motion is to be heard.

If the parties agree to submit on the Court’s tentative ruling, please call Department C12 directly to inform the court that **all** parties submit on the Court’s tentative ruling.

Reminder: Court does NOT provide court reporters.

No filings or briefs of any kind will be accepted after the tentative ruling is posted.

Parties are welcome to be present in court for the law and motion calendar or appear by Zoom. To make an appearance via Zoom please click the following link. If you are unable to login, please call the department for an alternative arrangement. <https://www.occourts.org/civil-remote-hearings>.

**Date: April 18, 2025**

#	Case Name	Tentative
<b>1.</b>	<b>Sheikh vs. Walmart, Inc.</b>  <b>25-01457208</b>	<b>Motion to Be Relieved as Counsel of Record</b>  Attorney Salar Hendizadeh, Esq., and Downtown LA Law Group’s motion to be relieved as counsel of record for Plaintiff Zain-ul-Abideen Sheikh is GRANTED, effective upon the filing of the proof of service of the signed order upon the client.  Moving counsel shall, within 5 days, provide the court with an updated proposed order that lists the newly continued CMC date and time of 7/17/2025 at 9:30 a.m. to be listed in ¶ 7.a. of the order.  Moving counsel shall give notice.

2.	<b>Green Flag Compliance vs. KC2 Group</b>  <b>23-01315404</b>	<b>Motion to Compel Production</b>  <b>OFF CALENDAR- DISMISSED 3/27/25</b>
3.	<b>Estrada vs. General Motors, LLC</b>  <b>24-01424735</b>	<b>Motion to Compel Production</b>  <b>OFF CALENDAR – Motion was continued to 7-11-25</b>
4.	<b>Protack vs. Montejo</b>  <b>24-01434462</b>	<b>Motion to Compel</b>  Plaintiff Michael D. Protack’s motion to compel discovery responses is <b>CONTINUED to June 13, 2025, at 9:30 a.m. in Department C12.</b>  As Defendants have filed a notice of motion under Code of Civil Procedure (“CCP”) section 425.16, all discovery proceedings (including discovery motions) are automatically stayed until the notice of entry of the order ruling on that motion. (CCP § 425.16, subd. (g); see also <i>Britts v. Super. Ct.</i> (2006) 145 Cal.App.4th 1112, 1129.)  The court has read and considered the document Plaintiff filed on 4/10/2025 at ROA #40. The court construes this document as a reply brief in support of Plaintiff’s motion to compel discovery responses at ROA #20. To the extent Plaintiff wishes to seek an order from the court permitting specified discovery to be conducted for good cause shown under CCP section 425.16(g), Plaintiff must file a properly noticed motion as required by that section.  Litigants who choose to represent themselves must be treated in the same manner as represented parties and must follow correct rules of procedure. ( <i>Nwosu v. Uba</i> (2004) 122 Cal.App.4th 1229, 1247-1248.) Plaintiff is encouraged to review all applicable portions of the Code of Civil Procedure, Evidence Code, California Rules of Court, and Orange County Superior Court Local Rules and procedures, including but not limited to Code of Civil Procedure section 1010, California Rules of Court rule 3.1112 et seq., and this Court’s Unlimited Civil Courtroom Schedule & Requirements.  Defendants shall give notice.

<p>5. <b>Santana vs. General Motors, LLC</b></p> <p><b>23-01342122</b></p>	<p><b>Motion to Compel Deposition (Oral or Written)</b></p> <p>Plaintiff Melesio Sanchez Santana’s Motion to Compel the Deposition of Defendant General Motors, LLC’s Person Most Qualified is GRANTED. (Code Civ. Proc., § 2025.450.)</p> <p>Defendant is ORDERED to designate a person most qualified to testify as to each of topics 1-20 identified in Exhibit A of Plaintiff’s Amended Notice of Deposition of the Person Most Qualified for General Motors, LLC, dated 11/22/2024, and to make that person available for a deposition on a mutually agreeable date no later than 4/28/2025.</p> <p>Plaintiff has substantially complied with any meet and confer requirement. (See ROA #39 [Wood Decl.] ¶¶ 10-18, Exhs. 2-7; see also <i>Obergon v. Super. Ct.</i> (1998) 67 Cal.App.4th 424, 433-434 [inadequate meet and confer warrants denial of discovery only in egregious cases].) Defendant failed to respond to Plaintiff’s multiple requests for a mutually convenient date for the deposition, despite agreeing to produce a PMQ for deposition on examination topic nos. 1-5, 7, 10, and 20.</p> <p>Defendant’s objections the remaining examination topics are without merit. (See Code Civ. Proc., § 2017.010 [broad scope of discovery]; <i>Lopez v. Watchtower Bible &amp; Tract Society of New York, Inc.</i> (2016) 246 Cal.App.4th 566, 591 [relevance for purposes of discovery]; see also <i>Bowser v. Ford Motor Co.</i> (2022) 78 Cal.App.5th 587, 615-617 [manufacturer internal documents show its state of mind and knowledge of alleged defects]; <i>Donlen v. Ford Motor Co.</i> (2013) 217 Cal.App.4th 138, 143-144, 153 [relevance of evidence similar problems in other vehicles]; <i>Johnson v. Ford Motor Co.</i> (2005) 35 Cal.4th 1191, 1200, 1204, 1213 [manufacturer policies and procedures may show a willful failure to comply].) The court has also already overruled Defendants’ same objections with respect to Plaintiff’s Motion to Compel Further Responses to Requests for Production of Documents, Set One. (See ROA #63.)</p> <p>Defendant’s confidentiality and trade secret objections are also already addressed by the parties’ stipulated protective order, which the court signed and entered on 8/9/2024 (ROA #26).</p> <p>Plaintiff was not required to file a separate statement under California Rules of Court (CRC), rule 3.1345 because this motion seeks to compel only Defendant’s attendance at its deposition, which is not one of the types of motions for which a separate statement is required. (CRC 3.1345(a).)</p>
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		<p>Plaintiff shall give notice.</p>
<p>6.</p>	<p><b>Nichols vs. Dareshoori</b>  <b>24-01399599</b></p>	<p><b>1. Motion to Compel Answers to Special Interrogatories</b> <b>2. Motion to Compel Production</b></p> <p><u>Motion to Compel Further Responses to Special Interrogatories.</u></p> <p>Defendant Amir Dareshoori’s motion to compel Plaintiff Delano Nichols to provide further responses to Special Interrogatories, Set One, is GRANTED in part and DENIED in part. (Code Civ. Proc., § 2030.300 [authorizing motion].)</p> <p>The motion is GRANTED as to further responses. Plaintiff Delano Nichols shall provide full, complete, and verified responses to Special Interrogatories, Set One, Special Interrogatory Nos. 1-4, 9-10, 11-37, 40, 48-49, without objection, within 15 days. Plaintiff has not substantiated his objections and/or failure to fully respond to these Interrogatories, as is his burden. (<i>Coy v. Superior Court</i> (1961) 58 Cal.2d 210, 220-221; <i>Fairmont Ins. Co. v. Superior Court</i> (2000) 22 Cal.4th 245, 255; <i>Williams v. Superior Court</i> (2017) 3 Cal.5th 531, 541-542.)</p> <p>Both parties’ sanctions requests are DENIED.</p> <p>Moving party shall give notice.</p> <p><u>Motion to Compel Further Responses to Requests for Production.</u></p> <p>Defendant Amir Dareshoori’s motion to compel Plaintiff Delano Nichols to provide further responses to Requests for Production, Set One, Request No. 15, is DENIED. (Code Civ. Proc., § 2031.310 [authorizing motion].) Moving party fails to show good cause for production of any and all records of medical treatment by plaintiff for the past seven years, without any other limitations, as sought by Request No. 15. (Code Civ. Proc., § 2031.310, subd. (b)(1) [moving party’s burden to show good cause]; <i>Calcor Space Facility, Inc. v. Superior Court</i> (1997) 53 Cal.App.4th 216, 223-224 [evidence necessary to show good cause]; <i>Britt v. Superior Court</i> (1978) 20 Cal.3d 844, 864, citing <i>In re Lifschutz</i> (1970) 2 Cal.3d 415 [“plaintiffs are not obligated to sacrifice all privacy to seek redress for a specific [physical,] mental or emotional injury; while they may not withhold information which relates to any physical or mental condition which they have put in issue by</p>

		<p>bringing this lawsuit, they are entitled to retain the confidentiality of all unrelated medical or psychotherapeutic treatment they may have undergone in the past;” internal quotation marks omitted]; see also <i>Williams v. Superior Court</i> (2017) 3 Cal.5th 531, 552 [factors, balancing test].)</p> <p>Both parties’ sanctions requests are DENIED.</p> <p>Moving party shall give notice.</p>
7.	<p><b>Gombu, LLC vs. Do Builder and Design, Inc.</b></p> <p><b>23-01367281</b></p>	<p><b>1. Motion to Compel Answers to Form Interrogatories</b>  <b>2. Motion to Compel Production</b></p> <p>Plaintiff Gombu, LLC’s motion to compel responses to its first sets of construction form interrogatories and requests for production is GRANTED. (See Code Civ. Proc., §§ 2030.290, 2033.280.)</p> <p>Defendant Do Builder and Design, Inc. is ORDERED to serve verified responses without objections to plaintiff’s first set of construction form interrogatories and first set of requests for production, including the production of any and all responsive documents, <b>within 14 days</b>.</p> <p>Sanctions are GRANTED in the amount of \$1,646.46 in favor of plaintiff and against defendant Do Builder and Design, Inc., payable <b>within 30 days</b>.</p> <p>Plaintiff shall give notice.</p>
8.	<p><b>Robles vs. FCA US LLC</b></p> <p><b>23-01344410</b></p>	<p><b>1. Motion - Other</b>  <b>2. Motion to Compel Deposition (Oral or Written)</b></p> <p><b>OFF CALENDAR- TRANSFERRED OUT OF COUNTY</b></p>
9.	<p><b>Beijing Luode Property Management Co., Ltd. vs. Qin</b></p> <p><b>20-01151826</b></p>	<p><b>1. Motion to Compel Compliance with Discovery Order</b>  <b>2. Motion to Quash Service of Summons</b></p> <p>Cross-complainants Han Qin and Fan Yang’s motion for terminating sanctions is <b>CONTINUED to May 30, 2025, at 9:30 a.m. in Department C12.</b></p> <p>Specially appearing cross-defendants Beijing Zhongtai Chuangying Enterprise Management Co., Ltd., Kunsheng Enterprise Management Co., Ltd., Zhang Yi, Xie Zizheng, and</p>

Qiu Xiaojian's motion to quash service of summons for lack of personal jurisdiction is **CONTINUED to May 30, 2025, at 9:30 a.m. in Department C12.**

The court hereby GIVES NOTICE TO ALL PARTIES of its intent to consider both the motion for terminating sanctions and motion to quash service of summons, including all the evidence submitted with respect to the same, interchangeably at the time of the continued hearing.

**Specially appearing cross-defendants Kunsheng Enterprise Management Co., Ltd. (Kunsheng), Beijing Zhongtai Chuangying Enterprise Management Co., Ltd. (Zhongtai), Qiu Xiaojian (Xiaojian), and Xie Zizheng (Zizheng) are ORDERED TO SHOW CAUSE why the court should not impose an issue sanction establishing personal jurisdiction over them in lieu of a terminating sanction based on their willful failure to comply with the court's 8/13/24 and 1/29/25 jurisdictional discovery orders.** (See *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee* (1982) 102. S.Ct. 2099, 2101, 2106-2108; Code Civ. Proc., § 2023.030; *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 787-788 [willful failure to comply]; see also *Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967, 991-992 [discovery sanctions should be appropriate to the dereliction, and should not exceed that which is required to protect the interests of the party entitled to but denied discovery].)

**Each party may submit a brief of no more than five (5) pages, excluding declarations and other evidence, responding to the order to show cause above, by no later than Friday 4/25/25. The court will not consider late-filed papers beyond this deadline.**

Kunsheng has willfully failed to comply with the court's 8/13/24 and 1/29/25 discovery orders by failing to serve verified responses to the subject special interrogatories to date. (See *Deyo, supra*, 84 Cal.App.3d at pp. 787-788 [willful failure to comply means a "conscious or intentional failure to act, as distinguished from accidental or involuntary noncompliance"; "Lack of diligence may be deemed willful in the sense that the party understood his obligation, had the ability to comply, and failed to comply."]; *Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636 [a response that is not verified is tantamount to no response at all]; 8/13/24 Order; 1/29/25 Minute Order; see also 4/7/25 Comp. of Exhibits (COE) at Ex. 11 [unverified responses to special interrogatories]; 4/14/25 Wei Decl. ¶¶ 3, 5 [showing Kunsheng has

the ability to verify its discovery responses]; 4/16/25 Oberle Surreply Decl. at Ex. 2 [same]; see also 1/2/25 Stip. & Order [confirming cross-defendants' knowledge of the 8/13/24 discovery order]; 1/30/25 Notice of Ruling [giving notice of the 1/29/25 order].)

Xiaojian and Zizheng have willfully failed to comply with the court's 8/13/24 and 1/29/25 discovery orders by failing to serve full and complete responses to the subject special interrogatories. Their further responses to the subject interrogatories are woefully evasive and incomplete.

For example, cross-complainants' special interrogatory No. 8 to Xiaojian and Zizheng asked each of them to "[d]escribe [his] role in enforcing the subject loan and guarantee" from the time period of 11/30/18 to 12/21/20. (1/16/25 Reply at Exs. B, D; see 8/13/24 Order, p. 4; see also Wei Decl. ¶ 2 [confirming service of the subject responses on 1/10/25]; 4/7/25 Oberle Decl. ¶ 23.) Xiaojian and Zizheng responded: "I was a member of the committee responsible for the Subject Loan and Guarantee. In said corporate capacity, I approved various action request[s] through the office automation system in relates [*sic*] to Zhongtai Chuangying's retaining law firms in China regarding the enforcement actions in China and retaining law firm in U.S. [*sic*] regarding the enforcement actions in U.S." (1/16/25 Reply at Exs. B, D; see 4/14/25 Wei Decl. ¶ 2; 4/7/25 Oberle Decl. ¶ 23.)

These responses are exceedingly vague, evasive, and incomplete. Cross-defendants were required to respond to the interrogatory "as complete and straightforward as the information reasonably available the responding party permits." (Code Civ. Proc., § 2030.220, subd. (a).) "Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions." (*Deyo, supra*, 84 Cal.App.3d at p. 783.) "A party may not deliberately misconstrue a question for the purpose of supplying an evasive answer. [Citation.] Indeed, where the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response." (*Id.* at p. 784.)

Here, Xiaojian's and Zizheng's responses do not specify their roles in enforcing the subject loan and guarantee. Instead, it vaguely states that each was some sort of "member" of an unidentified "committee responsible for the Subject Loan and

Guarantee,” and that in “said” unidentified “corporate capacity” for an unidentified corporation/entity, they “approved various action requests” through an unspecified “office automation system,” regarding Zhongtai’s retention of an unidentified law firm somewhere in United States to bring “enforcements actions in the U.S.” on the subject loan and guarantee. (1/16/25 Reply at Exs. B, D.) Their responses deliberately avoid identifying what their roles and positions were, what “corporate capacity” they were purportedly acting in, what corporation(s)/entity(ies) they were acting on behalf of, what “committee was responsible for the Subject Loan and Guarantee,” the specific “action request[s]” they approved, and when they approved said requests. Their responses also deliberately avoid referring to Luode’s complaint filed in California seeking to enforce the subject loan and guarantee, despite its obvious and explicitly stated relevance here (8/13/24 Order, p. 3), and instead broadly and vaguely refer to “enforcement actions in the U.S.”

Xiaojian’s and Zizheng’s responses to this interrogatory are further vague and incomplete considering their responses to special interrogatory No. 6, which state that they “did not hold any title or ha[ve] any responsibility within the Alter Ego Entities,” including Zhongtai (the lender on the subject loan and guarantee), Luode (the lender’s assignee), and “any individual or entity acting on their behalf.” (1/16/25 Reply at Exs. B, D [Xiaojian and Zizheng responses to special interrogatories at pp. 2, 4, defining “Alter Ego Entities” and responding to special interrogatory No. 6].) If Xiaojian and Zizheng did not have any responsibility at Zhongtai, Luode, or “any individual or entity acting on their behalf” (*ibid.*)—it remains wholly uncertain as to how or why someone else other than the lender, its assignee, or “any individual or entity acting on their behalf,” was “responsible for the Subject Loan and Guarantee,” and who the unidentified “committee” and/or unidentified corporation(s)/entity(ies) “responsible” for said loan and guarantee were, or how they had the authority to approve/deny Zhongtai’s requests to retain counsel to bring an enforcement action in the U.S. with respect to the same. (See *id.* at Exs. B, D [responses to special interrogatory No. 8].)

The court has already twice ordered Xiaojian and Zizheng to provide further responses to these special interrogatories without objections on 8/13/24 and 1/29/25, and expressly ordered them to provide “full” and “complete” responses to the same the second time around. (8/13/24 Order; 1/29/25 Minute Order.) Cross-defendants have now had more than eight months to comply with

the 8/13/24 order, and almost three months to comply with the 1/29/25 order, and have continued to fail to do so.

Zhongtai has willfully failed to comply with the court’s 8/13/24 and 1/29/25 discovery orders by providing evasive and incomplete responses to the subject special interrogatories and requests for production.

For example, special interrogatory No. 4 to Zhongtai asked it to “[d]escribe [its] role in enforcing the subject loan and guarantee” from the time period of 11/30/18 to 12/21/20. (4/7/25 COE at Ex. 13; see 8/13/24 Order, p. 4.) Zhongtai responded that it was the original lender on the subject loan and guarantee, and that Zhongtai assigned its rights in the loan and guarantee to plaintiff Beijing Luode Property Management Co., Ltd. (Luode) for RMB 1,322,829,119.37 (which is more than \$180 million) on 4/27/20. (4/7/25 COE at Ex. 13.) Zhongtai also stated that Luode had not paid this amount in full, and that “[a]fter the aforementioned assignment, [Zhongtai] played no role in enforcing the Subject Loan and Guarantee.” (4/7/25 COE at Ex. 13 [responses to special interrogatory Nos. 4, 6].)

This does not fully respond to the call of the question. The relevant time period is 11/30/18 to 12/21/20. (8/13/24 Order, p. 4.) Zhongtai did not assign the subject loan and guarantee until 4/27/20, and Xiaojian’s and Zizheng’s responses show that during the same time period, Zhongtai requested and was granted approval to retain counsel in the U.S. to bring an enforcement action on the subject loan and guarantee in the U.S. (1/16/25 Reply at Exs. B, D; see also Wei Decl. ¶ 2; 4/7/25 Oberle Decl. ¶ 23.) Zhongtai’s response fails to make any mention of its role as it relates to these enforcement efforts.

Zhongtai’s 4/10/25 further responses to the subject requests for production, which are the only responses to the requests for production that it has verified to date, are also evasive and incomplete, as many of its responses continue to fail to state that “all” responsive documents have been produced. (See 4/7/25 COE at Exs. 14-15 [both unverified]; 4/16/25 Oberle Surreply Decl. ¶ 6, Ex. 1.) The responses also state that additional responsive documents “will be produced” and suggest that they are still forthcoming, but Zhongtai was required to produce “[a]ll responses, documents, and verifications” by no later than 2/28/25. (1/29/25 Minute Order.) Its persistent and continued failure to provide full and complete, code-compliant responses to the subject

		<p>requests for production prejudices cross-complainants' ability to properly oppose its pending motion to quash service of summons.</p> <p>As stated above, motions are <b>CONTINUED to May 30, 2025, at 9:30 a.m. in Department C12.</b></p> <p>Court orders clerk to give notice.</p>
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