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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
03/08/2019 at 04:54:00 PM
Clerk of the Superior Court
By Vanessa Bahena, Deputy Clerk

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN DIEGO – HALL OF JUSTICE
9

10 CHRISTOPHER WILLIAMS,

11 Plaintiff,

12 v.

13 DAVID ARAMBULA; CITY OF LEMON
14 GROVE; and DOES 1 through 1,000,

15 Defendants.
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} Case No. 37-2018-00023369-CU-PO-CTL
[Complaint Filed: May 11, 2018]

} Judge: Hon. Richard S. Whitney
Dept: C-68

} **MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANT DAVID ARAMBULA'S
MOTION TO COMPEL PLAINTIFF
CHRISTOPHER WILLIAMS TO
ANSWER DEPOSITION QUESTIONS
AND PRODUCE DOCUMENTS, AND
TO REQUEST RELIEF FROM THE
SEVEN-HOUR DEPOSITION RULE**

} *(Notice of Motion and Motion, Separate
Statement, Notice of Lodgment,
Declaration of Emily M. Straub, and
[Proposed] Order filed concurrently
herewith)*

} **Hearing**

} Date: June 14, 2019
Time: 10:30 a.m.
Dept: C-68

} Trial Date: December 13, 2019

1 **I. INTRODUCTION**

2 Plaintiff Christopher Williams failed to produce even one document in response to the
3 document requests accompanying his deposition notice. Moreover, during the course of Plaintiff's
4 deposition, his attorney repeatedly (and without merit) instructed Plaintiff not to answer various
5 questions. Despite Mr. Arambula's numerous meet and confer attempts, Plaintiff refuses to
6 informally resolve the matters in dispute, and without any legal or other good faith basis for doing
7 so. Mr. Arambula therefore moves this Court for an Order: (a) compelling Plaintiff to answer
8 deposition questions his counsel previously instructed him not to answer; (b) compelling Plaintiff to
9 produce documents in his possession, custody, and/or control that are responsive to the document
10 requests accompanying his deposition notice; and (3) granting Mr. Arambula relief from the seven-
11 hour deposition time limit under Code of Civil Procedure § 2025.290(a), necessary for him to
12 complete his deposition questioning of Plaintiff. Mr. Arambula further moves the Court for an Order
13 imposing monetary sanctions against Plaintiff and/or Briggs Law Corporation in the amount of
14 **\$2,500.**

15 **II. FACTUAL BACKGROUND**

16 **(A) Overview of Plaintiff's Claims**

17 This is a personal injury lawsuit arising out of a physical altercation between Plaintiff and
18 Mr. Arambula, Council Member for the City of Lemon Grove ("the City"). The altercation occurred
19 at Mr. Arambula's residence on July 15, 2017. Plaintiff claims the altercation followed a visit to
20 discuss Plaintiff's applications to open medical marijuana dispensaries in the City.

21 Plaintiff sued Mr. Arambula in his capacity as an individual and as a council member.
22 Plaintiff also sued the City. Plaintiff's Complaint advances the following causes of action against
23 both defendants: (1) assault and battery, (2) intentional infliction of emotional distress, and
24 (3) negligence. In Plaintiff's Complaint, he prays for unspecified special damages. (Plaintiff's
25 Complaint at 4:19, attached as Exhibit 1 to Notice of Lodgment.)

26 Throughout Plaintiff's discovery responses and deposition testimony, Plaintiff alleges (a) his
27 medical marijuana dispensary applications and appeals were wrongfully rejected as a result of the
28 physical altercation between himself and Mr. Arambula that is at issue in the litigation, and (b) he is

1 seeking to recover lost revenue he would have earned via his prospective medical marijuana
2 dispensary businesses had his applications and appeals not been wrongfully rejected. (Plaintiff's
3 Responses to Mr. Arambula's Form Interrogatories at Nos. 8.1., 8.2, 9.1, attached as Exhibit 4 to
4 Notice of Lodgment; Plaintiff's Supplemental Responses to Mr. Arambula's Form Interrogatories
5 at No. 8.2, attached as Exhibit 6 to Notice of Lodgment; Plaintiff's Responses to Mr. Arambula's
6 Special Interrogatories at Nos. 9, 10, attached as Exhibit 5 to Notice of Lodgment; excerpts of
7 Plaintiff's deposition testimony ("Plaintiff Depo") at: 274:18-25, 275:1-25, 276:1-25, 277:1-8 and
8 12-25, 278:1-25, 279:1-9, 330:6-12 and 21-25, 331:1-25, 332:1-16, 336:12-25, attached as Exhibit
9 14 to Notice of Lodgment.)

10 **(B) Plaintiff's Deposition**

11 Mr. Arambula noticed Plaintiff's deposition for January 8, 2019. (Fourth Amended Notice
12 of Plaintiff's Deposition attached as Exhibit 7 to Notice of Lodgment.) The deposition notice
13 contains 26 categories of document requests. (*Id.*) Plaintiff served untimely objections to the
14 document requests via regular mail on January 3, 2019. (Plaintiff's objections and corresponding e-
15 mail exchange attached as Exhibit 8 to Notice of Lodgment.)

16 Plaintiff's deposition went forward on January 8, 2019, starting over 40 minutes late due
17 Plaintiff's delayed arrival. (Declaration of Emily M. Straub ("Straub Decl.") at ¶¶ 12, 13.) Plaintiff
18 did not produce any documents in response to the categories of document requests accompanying
19 his deposition notice. (*Id.* at ¶ 14.) It took at least one full hour of deposition time to go over each of
20 the 26 categories of document requests with Plaintiff, in order to determine whether he has
21 responsive documents in his possession, custody, and/or control. (*Id.* at ¶¶ 22, 24.)

22 During the course of Plaintiff's deposition, Plaintiff's counsel improperly instructed Plaintiff
23 not to answer questions on numerous occasions, and asserted various accompanying objections that
24 lack merit. (Straub Decl. at ¶ 15.) Mr. Arambula is unable to calculate the amount of total deposition
25 time Plaintiff's counsel spent instructing his client not to answer questions and asserting associated
26 objections, but believes such time to be significant. (*Id.* at ¶¶ 22, 25.) Only the most important
27 deposition questions that remain unanswered are addressed herein.
28

1 Given the above-referenced impediments and delays to Plaintiff's deposition examination,
2 Mr. Arambula and the City proposed Plaintiff stipulate to waive the seven-hour deposition rule since
3 it was evident both defense counsel would not be capable of completing their questioning of Plaintiff
4 within seven hours. (Straub Decl. at ¶ 16.) Plaintiff declined this proposal (*Id.* at ¶ 17.) The
5 deposition concluded at approximately 5:00 p.m. after six (6) hours and 14 minutes of deposition
6 questioning time, however, the deposition was by no means complete. (*Id.* at ¶¶ 18, 23.) The City
7 did not begin questioning the witness at that time given the availability of counsel and court reporter
8 personnel that evening. (*Id.* at ¶ 19.) The City reserved its right to question Plaintiff at a later date.
9 (*Id.* at ¶ 20.) Mr. Arambula reserved his right to further question Plaintiff in light of the issues in
10 dispute. (*Id.* at ¶ 21.)

11 **(C) Meet and Confer Efforts**

12 Mr. Arambula served Plaintiff with a meet and confer letter on February 6, 2019, via
13 overnight mail, which: (a) discusses the deposition questions Plaintiff's counsel improperly
14 instructed Plaintiff not to answer, (b) addresses Plaintiff's failure to produce documents responsive
15 to the document requests accompanying his deposition notice, (c) renews the request for Plaintiff to
16 stipulate to waive the seven-hour deposition rule so Mr. Arambula and the City can complete our
17 questioning of Plaintiff, and (d) requests a second volume of Plaintiff's deposition occur by February
18 27, 2019, providing three-weeks' time to arrange for same to occur. (February 6, 2019 letter from
19 counsel for Mr. Arambula to counsel for Plaintiff, attached as Exhibit 9 to Notice of Lodgment.)

20 On February 18, 2019, counsel for all parties attended and participated in the deposition of
21 third-party witness, Manuel Ortiz. As of that date, Plaintiff had not yet made any attempt to respond
22 to Mr. Arambula's meet and confer letter served nearly two weeks prior. (Straub Decl. at ¶ 28.)
23 While at the site of Mr. Ortiz's deposition, all counsel met and conferred regarding the issues in
24 dispute in Mr. Arambula's meet and confer letter, as well as the City's meet and confer letter,
25 wherein the City requests Plaintiff allow additional time necessary for the City to question Plaintiff.
26 (*Id.* at ¶ 29.) Plaintiff's counsel indicated he would allow his client to answer some of the questions
27 at issue in Mr. Arambula's meet and confer letter but not others, yet could not provide any specifics
28 other than that he would require a court order before allowing Plaintiff to testify as to the names of

1 his two daughters. Plaintiff's counsel indicated he would provide a written response to the meet and
2 confer letter detailing the specifics of his position, but refused to provide an extension of time for
3 Mr. Arambula to file the instant motion, so as to allow sufficient time to hopefully resolve the matters
4 in dispute and do away with the need to prepare a motion. (*Id.* at ¶¶ 30, 32.) Plaintiff's counsel
5 otherwise indicated he would be willing to allow for additional time for the defendants to complete
6 questioning Plaintiff, but would not agree to another full day of deposition. (*Id.* at ¶ 31.)

7 During the course of the same meet and confer meeting, Mr. Arambula's counsel made clear
8 Mr. Arambula would need to seek Court intervention soon if all matters in dispute could not be
9 resolved, because Plaintiff's counsel would not agree to an extension of time beyond the March 8,
10 2019 statutory deadline for Mr. Arambula to file a motion to compel. Mr. Arambula's counsel
11 (a) re-conveyed Mr. Arambula's position that Mr. Arambula has a right to discover information and
12 documents concerning the subject marijuana dispensary applications and prospective medical
13 marijuana dispensary businesses, because these topics speak squarely to Plaintiff's damage claims,
14 and (b) reminded counsel of Plaintiff's written discovery responses and deposition testimony where
15 Plaintiff alleges he lost income because his dispensary applications and appeals were wrongfully
16 denied as a result of the physical altercation between himself and Mr. Arambula. Plaintiff's counsel
17 took the position Mr. Arambula's demand for answers to deposition questions and documents
18 bearing on this damages topic is moot because the Court's ruling on the City's Motion for Summary
19 Judgment "takes care of the damages claim." Plaintiff's counsel nevertheless refused to stipulate to
20 waive Plaintiff's claim for lost monies from his prospective medical marijuana dispensaries
21 necessary to resolve the discovery dispute and do away with the need for a motion to compel. (*Id.*
22 at ¶ 34.)

23 On February 28, 2019, just over three (3) weeks since Mr. Arambula served his meet and
24 confer letter, he was still awaiting a written response from Plaintiff. Mr. Arambula's counsel e-
25 mailed Plaintiff's counsel in a third attempt to meet and confer with Plaintiff's counsel even though
26 the deadline to complete a second volume of Plaintiff's deposition, as set forth in Mr. Arambula's
27 letter, expired on February 27, 2019. (February 28, 2019 e-mail from counsel for Mr. Arambula to
28 counsel for Plaintiff, attached as Exhibit 10 to Notice of Lodgment.) In that e-mail Mr. Arambula's

1 counsel again raised the proposed stipulation for Plaintiff to waive his damage claims for lost
2 earnings arising out of his prospective medical marijuana dispensary businesses, so as to do away
3 with the need to: (a) compel answers to the deposition questions at issue; (b) compel Plaintiff to
4 produce documents bearing on his claim for lost earnings from the prospective medical marijuana
5 dispensary businesses, Plaintiff's applications for medical marijuana dispensary permits, and
6 Plaintiff's appeals of determinations concerning his applications; and (c) otherwise question Plaintiff
7 about his prospective medical marijuana dispensary businesses and related matters. Added to this
8 proposal was (a) Mr. Arambula's agreement to waive his right to compel Plaintiff to testify as to the
9 names of his two daughters if Plaintiff would agree to not call his daughters as witnesses during
10 trial; and (b) the requirement that all parties agree to waive the seven-hour deposition rule to ensure
11 the City could complete its questioning of Plaintiff and Mr. Arambula could conduct follow-up
12 questioning if deemed necessary. (*Id.*) Plaintiff's counsel was notified that, given the impending
13 deadline to file a motion to compel, a stipulation and proposed order would need to be finalized and
14 filed (if at all) by that coming Monday, five days away. Plaintiff's counsel was further notified Mr.
15 Arambula would seek sanctions if forced to prepare and file a motion to compel. As of the date of
16 this motion, Plaintiff's counsel has not responded to the e-mail proposal of February 28, 2019.

17 The next day, on March 1, 2019, counsel for all parties engaged in separate meet and confer
18 e-mail exchanges, during which time Mr. Arambula's counsel reminded Plaintiff's counsel (a) the
19 parties still needed Plaintiff's position on the stipulation proposal, and (b) the stipulation, if any,
20 would need to be finalized for filing on Monday, March 4, 2019. (March 1, 2019 e-mail exchange
21 attached as Exhibit 11 to Notice of Lodgment.) As of the date of this motion, Plaintiff's counsel has
22 not has not responded to this e-mail chain with any position or comment on Mr. Arambula's
23 stipulation proposal. (Straub Decl. at ¶ 39.)

24 On Monday, March 4, 2019, Mr. Arambula's counsel e-mailed Plaintiff's counsel with a
25 final request for Plaintiff's position on the stipulation, as well as a request for a two-week extension
26 of time to file a motion to compel to allow for sufficient time to prepare, meet-and-confer about, and
27 finalize a stipulation in lieu of a motion. (March 4, 2019 e-mail from Mr. Arambula's counsel to
28

1 Plaintiff's counsel, attached as Exhibit 12 to Notice of Lodgment.) As of the date of this motion,
2 Plaintiff's counsel has not has not responded to this e-mail.

3 On March 7, 2019, counsel for the City e-mailed a proposed stipulation with many similar
4 terms to the abbreviated stipulation terms Mr. Arambula's counsel previously proposed to all
5 counsel. Plaintiff's counsel responded he would not agree to waive damage claims arising out of the
6 alleged delayed operation of his prospective medical marijuana dispensaries. Mr. Arambula's
7 counsel indicated there could be no stipulation because it would not resolve all issues in dispute
8 which must now be addressed via formal motion. (March 7, 2019 e-mail exchange and draft
9 stipulation attached as Exhibit 13 to Notice of Lodgment.)

10 As of the date of this declaration, Plaintiff's counsel has not provided any position or
11 comment on Mr. Arambula's proposed stipulation. (Straub Decl. at ¶ 43.) As of the date of this
12 declaration, the issues in dispute have not otherwise been resolved. (*Id.* at ¶ 44.)

13 **III. AUTHORITY FOR MOTION**

14 A motion to compel is authorized where a deponent fails to answer deposition questions
15 and/or produce documents at his deposition. (Code Civ. Proc. § 2025.480, subd. (a).) The motion
16 must be filed within 60 days after the deposition record is complete, and must be accompanied by a
17 meet and confer declaration demonstrating a reasonable and good faith effort to resolve the matters
18 in dispute. (Code Civ. Proc. §§ 2016.040, 2025.480, subd. (b).)

19 **IV. AN ORDER COMPELLING PLAINTIFF TO ANSWER THE DEPOSITION**

20 **QUESTIONS AT ISSUE IS WARRANTED**

21 During the course of Plaintiff's deposition, Plaintiff's counsel improperly instructed his
22 client to not answer the following questions:

- 23 • Whether Plaintiff possesses documents responsive to numerous of the document
24 requests accompanying his deposition notice;
- 25 • What the names of Plaintiff's two daughters are;
- 26 • What the nature of Plaintiff's interest is in the medical cannabis business and in
27 opening medical marijuana dispensaries in the City;

- 1 • Whether Plaintiff has a business plan model in place for any of the four medical
- 2 marijuana dispensaries for which he has submitted applications with the City;
- 3 • Whether Plaintiff has a budget for any of the four medical marijuana dispensaries for
- 4 which he has submitted applications with the City; and
- 5 • The identities of the individuals with specialized knowledge who Plaintiff testified
- 6 he hired to prepare plans and satisfy the City's requirements in conjunction with one of his
- 7 medical marijuana dispensary applications.

8 Plaintiff's counsel instructed Plaintiff not to answer the above questions on the grounds the
9 questions seek information that is (1) outside the scope of discovery, and/or (2) protected by the
10 right to privacy. This is improper as a matter of law. First, counsel is not permitted to instruct a
11 witness not to answer a question on any ground other than privilege. (*Stewart v. Colonial Western*
12 *Agency, Inc.* (2001) 87 Cal.App.4th 1006, 1014-1015.) Second, the information sought in the
13 referenced inquiries is unquestionably within the ambit of permissible discovery. The scope of
14 permissible discovery is:

15 [A]ny matter, not privileged, that is relevant to the subject matter involved in
16 the pending action or to the determination of any motion made in that action,
17 if the matter either is itself admissible in evidence or appears reasonably
18 calculated to lead to the discovery of admissible evidence. Discovery may
19 relate to the claim or defense of the party seeking discovery or of any other
20 party to the action. Discovery may be obtained of the identity and location of
21 persons having knowledge of any discoverable matter, as well as of the
22 existence, description, nature, custody, condition, and location of any
23 document, electronically stored information, tangible thing, or land or other
24 property.

(Code Civ. Proc. § 2017.010.)

23 Whether Plaintiff has responsive documents in his possession and/or has knowledge of
24 whether he has produced responsive documents in the past is by no means privileged. (*Hernandez*
25 *v. Sup. Ct.* (2003) 112 Cal.App.4th 285, 293.) Neither are the identities of Plaintiff's children or the
26 individuals he retained to help him satisfy the medical marijuana dispensary application
27 requirements. (Code Civ. Proc. § 2017.010; *Puerto v. Sup. Ct.* (2008) 158 Cal.App.4th 1242, 1249-
28 1250.) Plaintiff's children would clearly have knowledge of discoverable information bearing on

1 Plaintiff's damage claims. Plaintiff testified to various ways in which the physical altercation
2 between himself and Mr. Arambula altered Plaintiff's ability to participate in activities with his
3 children, and otherwise affected his relationship with his children. Additionally, Plaintiff's children
4 live with Plaintiff and otherwise bear witness to the daily impact the alleged injuries and recovery
5 process have on Plaintiff. Furthermore, individuals who provided services to fulfill Plaintiff's
6 application requirements would unquestionably have discoverable information concerning the
7 content and adequacy of those applications. Such information would be relevant to Plaintiff's claim
8 his applications were denied as a result of retaliation from the subject physical altercation, and not
9 some other reason.

10 Additionally, information concerning the existence and content of business plan models and
11 budgets for the four medical marijuana dispensaries Plaintiff applied for are discoverable. So is
12 information as simple as Plaintiff's interest in operating such business. This information is directly
13 relevant to Plaintiff's damage claims. Indeed, Plaintiff repeatedly contends throughout his discovery
14 responses and deposition testimony that (a) his medical marijuana dispensary applications and
15 appeals were wrongfully rejected as a result of the physical altercation between himself and Mr.
16 Arambula that is at issue in the litigation, and (b) he is seeking to recover lost revenue he would
17 have earned via his prospective medical marijuana dispensary businesses had his applications and
18 appeals not been wrongfully rejected. (Plaintiff's Responses to Mr. Arambula's Form Interrogatories
19 at Nos. 8.1., 8.2, 9.1, attached as Exhibit 4 to Notice of Lodgment; Plaintiff's Supplemental
20 Responses to Mr. Arambula's Form Interrogatories at No. 8.2, attached as Exhibit 6 to Notice of
21 Lodgment; Plaintiff's Responses to Mr. Arambula's Special Interrogatories at Nos. 9, 10, attached
22 as Exhibit 5 to Notice of Lodgment; Plaintiff's Depo at: 274:18-25, 275:1-25, 276:1-25, 277:1-8 and
23 12-25, 278:1-25, 279:1-9, 330:6-12 and 21-25, 331:1-25, 332:1-16, 336:12-25, attached as Exhibit
24 14 to Notice of Lodgment.) As such, Plaintiff places the projected business plans and finances of his
25 four prospective dispensaries at issue, thereby waiving any privilege in this regard. (*See, e.g.,*
26 *Weingarten v. Sup. Ct.* (2002) 102 Cal.App.4th 268, 274.)

27 For all of the above reasons, good cause exists to compel Plaintiff to answer the deposition
28 questions at issue, which are addressed at length in the accompanying Separate Statement.

1 **V. AN ORDER COMPELLING PLAINTIFF TO PRODUCE THE DOCUMENTS AT**
2 **ISSUE IS WARRANTED**

3 Plaintiff had a statutory obligation to produce documents responsive to Mr. Arambula's
4 document requests at the time of his deposition. (Code Civ. Proc. § 2025.280.) Plaintiff failed to
5 produce even one document at the time of his deposition. Prior to the deposition, Plaintiff untimely
6 served objections to the document requests. (Plaintiff Objections, attached as Exhibit 8 to Notice of
7 Lodgment.) Plaintiff effectively waived the right to assert those objections. (Code Civ. Proc. §§
8 1010.6, 1013, 2025.410, subd. (a).) Notwithstanding, Plaintiff's objections lack merit. Mr. Arambula
9 has the right to discover documents responsive to each of the document request categories identified
10 in his Separate Statement. Good cause exists to compel Plaintiff to produce responsive documents
11 in his possession, custody, and control, for the reasons discussed at length in the Separate Statement.

12 **VI. AN ORDER GRANTING ADDITIONAL DEPOSITION TIME IS WARRANTED**

13 Generally speaking, there is a seven-hour time limit for depositions of party witnesses in
14 non-complex civil litigation (Code Civ. Proc., § 2025.290, subd. (a).) That being said, the law
15 expressly provides: "[T]he court shall allow additional time . . . if needed to fairly examine the
16 deponent or if the deponent, another person, or any other circumstance impedes or delays the
17 examination." (*Id.*)

18 Here, as discussed at length, *supra*, in Section II(B) of this brief, Mr. Arambula was forced,
19 at no fault of his own, to endure countless impediments and delays in examining Plaintiff. Good
20 cause therefore exists for the Court to grant Mr. Arambula additional time to complete his
21 questioning of Plaintiff during a second volume of deposition bearing on the questions and document
22 requests at issue in this motion, as well as related questioning concerning these topics and any
23 follow-up questioning. (Code Civ. Proc. § 2025.290; *Certainfeed Corp. v. Sup. Ct.* (2014) 222
24 Cal.App.4th 1053, 1061.)

25 **VII. MONETARY SANCTIONS SHOULD BE AWARDED**

26 A party misuses the discovery process by, for example: (1) "[f]ailing to respond to or to
27 submit to an authorized method of discovery"; (2) "[m]aking, without substantial justification, an
28 unmeritorious objection to discovery"; (3) "[m]aking opposing, unsuccessfully and without

1 substantial justification, a motion to compel or to limit discovery; and (4) “failing to confer in person,
2 by telephone, or by letter with an opposing party or attorney in a reasonable and good faith attempt
3 to resolve informally any dispute concerning discovery, if the section governing a particular
4 discovery motion requires the filing of a declaration stating facts showing that an attempt at informal
5 resolution has been made.” (Code Civ. Proc. § 2023.010, subs. (d), (e), (h), (j).) Each of these
6 examples amounts to sanctionable conduct. (Code Civ. Proc., §§ 2023.010, 2023.030.) The
7 prevailing party on a motion to compel is otherwise entitled to monetary sanctions unless the Court
8 finds “the one subject to the sanction acted with substantial justification or that other circumstances
9 make the imposition of the sanction unjust.” (Code Civ. Proc., § 2025.480, subd. (j).)

10 Here, Plaintiff and/or his counsel unquestionably abused the discovery process by:
11 (a) counsel repeatedly instructing Plaintiff not to answer questions without legal justification to do
12 so; (b) Plaintiff failing to produce any documents in response to the document requests
13 accompanying Plaintiff’s deposition notice; (c) counsel’s repeated and unwarranted delays and/or
14 refusals to respond to meet and confer attempts in good faith; (d) counsel’s refusal to provide
15 extensions of time to allow for additional time to meet and confer and not otherwise force Mr.
16 Arambula to prepare a motion; (e) wasting Mr. Arambula’s time and resources in forcing him to file
17 a motion to compel; and (f) wasting the Court’s time and resources in being forced to address the
18 instant motion. Good cause exists to grant Mr. Arambula’s request for sanctions on each of these
19 grounds. Provided the Court grants Mr. Arambula’s motion, Mr. Arambula would otherwise be
20 entitled to monetary sanctions as the prevailing party. Mr. Arambula requests the Court order
21 Plaintiff and/or Briggs Law Corporation to pay **\$2,500** in monetary sanctions.

22 **VI. CONCLUSION**

23 Mr. Arambula respectfully requests that the Court grant his motion for the foregoing reasons.
24

25 Dated: March 8, 2019

TYSON & MENDES LLP

26 By: 
27 _____

SUSAN L. OLIVER

EMILY M. STRAUB

28 Attorneys for Defendant DAVID ARAMBULA