

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

10/25/2019 at 01:21:00 PM

Clerk of the Superior Court
By Treva Cutts, Deputy Clerk

1 BRIGGS LAW CORPORATION [FILE: 1939.00]
2 Cory J. Briggs (State Bar no. 176284)
3 Nora Pasin (State Bar no. 315730)
4 99 East "C" Street, Suite 111
5 Upland, CA 91786
6 Telephone: 909-949-7115

7 Attorneys for Plaintiff Christopher Williams

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

11 CHRISTOPHER WILLIAMS,

12 Plaintiff,

13 vs.

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

16 Defendants.

CASE NO. 37-2018-00023369-CU-PO-CTL

**NOTICE OF RULING ON MOTION TO
COMPEL DEPOSITION ATTENDANCE
OF MATT MENDOZA**

Action Filed: March 1, 2017
Department: C-68 (Whitney)

Hearing Date: October 25, 2019
Hearing Time: 10:30 a.m.

17
18 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS:**

19 PLEASE TAKE NOTICE that the Motion to Compel Deposition Attendance of Matt Mendoza
20 filed by Plaintiff Christopher Williams came on regularly for hearing at the time/date noted in the
21 caption above. The appearances were noted in the Court's minutes. At the hearing, the Court confirmed
22 and modified its Tentative Ruling, granting the motion to compel and removing the award of sanctions.

23 A copy of the Tentative Ruling is attached hereto as Attachment 1.

24 Date: October 25, 2019.

Respectfully submitted,

BRIGGS LAW CORPORATION

25
26
27 By: 
Nora Pasin

28 Attorneys for Plaintiff Christopher Williams

Attachment 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
HALL OF JUSTICE
TENTATIVE RULINGS - October 24, 2019

EVENT DATE: 10/25/2019 EVENT TIME: 10:30:00 AM DEPT.: C-68

JUDICIAL OFFICER: Richard S. Whitney

CASE NO.: 37-2018-00023369-CU-PO-CTL

CASE TITLE: CHRISTOPHER WILLIAMS VS DAVID ARAMBULA [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Other

EVENT TYPE: Discovery Hearing

CAUSAL DOCUMENT/DATE FILED:

TENTATIVE RULING: Plaintiff's Motion to Compel Deposition Attendance of Matt Mendoza is GRANTED.

"The general rule in California and federal court is that agency heads and other top governmental executives are not subject to deposition absent compelling reasons." (*Westly v. Superior Court* (2004) 125 Cal.App.4th 907, 911.) "An exception to the rule exists *only* when the official has direct personal factual information pertaining to material issues in the action and the deposing party shows the information to be gained from the deposition is not available through any other source." (*Id.*)

Plaintiff declares "several people have informed me that Mr. Arambula discussed the attack with Matt Mendoza, a member of the Lemon Grove City Council, outside of any official City meeting and outside the presence of any lawyers." (Decl. Plaintiff, ¶ 2.) Plaintiff also declares "[o]ne of those persons was an employee of the City who observed Mr. Arambula discussing the attack with Mr. Mendoza." (Decl. Plaintiff, ¶ 2.) The City argues this means others have the knowledge Plaintiff seeks. However, it is unclear what the exact amount of the conversation these people heard was. Plaintiff did not declare that other people were privy to the entire conversation. Thus, it appears Mr. Mendoza has direct knowledge of Defendant's conversation about the alleged attack and there is nothing before the Court to indicate the entirety of the information may be obtained from an alternative source. Further, only Mr. Mendoza may testify to where he chooses to conduct City business, which could bolster Plaintiff's argument that the City regularly conducts City business at private premises.

The motion is granted. Plaintiff is awarded \$1,500 in sanctions.

PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786

3. On October 25, 2019, I served an original copy a true and correct copy of the following documents: Notice of Ruling on Motion to Compel Deposition Attendance of Matt Mendoza

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of Upland, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of the State of California that the foregoing is true and correct.

Date: October 25, 2019

Signature: Ruth Flores

SERVICE LIST

Christopher Williams vs. Lemon Grove
Superior Court of the State of California Case No. 37-2018-00023369-CU-PO-CTL

Kimberly S. Oberrecht
Nathaniel J. Michels
HORTON, OBERRECHT, KIRKPATRICK
& MARTHA
101 W. Broadway, Suite 600
San Diego, California 92101
Telephone: (619) 232-1183
koberrecht@hortonfirm.com

*Attorneys for Defendant CITY OF LEMON
GROVE*

Jessica Heppenstall, Esq.
Emily M. Straub, Esq.
TYSON & MENDES
5661 La Jolla Boulevard
La Jolla, CA 92037
Telephone: (858) 459-4400
jheppenstall@tysonmendes.com
estraub@tysonmendes.com

Attorneys for Defendant DAVID ARAMBULA