



# Superior Court of California County of San Benito

## Tentative Decisions for November 20, 2024

**Courtroom #1: Judge J. Omar Rodriguez**

**10:30 a.m.**

### CU-23-00018 Petition of Yuliana and Salvador Hernandez

The Petition is APPROVED as requested.

### CU-24-00101 Avila v. General Motors, LLC

Plaintiff's Motion to Compel Further Responses and Documents to Plaintiff's Request for Production of Documents, Set No. 1 is GRANTED. Defendant is ordered to produce, no later than January 3, 2025, all of the following: supplemental responses to Plaintiff's Request for Production of Documents, Set One, Nos. 16, 19, 20, 21, 22, 25, 26, 27, 39 and 51, and the documents corresponding to these responses. Plaintiff's request to waive Defendant's objections is denied. Plaintiff's objections are all overruled.

The Case Management Conference is continued to January 27, 2025 at 10:30 a.m.

Relevancy in the context of discovery is broadly construed, but to counterbalance the broad definition of relevancy found at California Code of Civil Procedure section 2017.010, the court has broad discretion to limit the scope of discovery. The legislature sought to remove the gamesmanship from trial preparation by assisting the parties in obtaining the facts and evidence necessary to reach an expeditious resolution to their disputes. (*Greyhound Corp. v. Sup. Ct.* (1961) 56 Cal. 3rd 355, 376.) While admissibility is not the benchmark for

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**\*\*Please contact Judicial Courtroom Assistant, Wendy Guerrero, at  
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any objections or concerns.**

discoverability, the information sought must have a reasonable possibility to lead to the discovery of admissible evidence or be helpful in preparing for trial. (*Digital Music News, LLC. v. Sup. Ct.* (2014) 226 Cal. App. 4<sup>th</sup> 216, 224.) In determining relevance, the court must look to the allegations of the pleadings. (*John B. v. Sup. Ct.* (2006) 38 Cal. 4<sup>th</sup> 1177, 1185.) The rules posed by the legislature thus favor discoverability, and conflicts should generally be resolved in favor of permitting discovery (*Williams v. Sup. Ct.* (2017) 3 Cal. 5<sup>th</sup> 531, 542.)

The scope of permissible discovery at issue includes documents concerning similar defects experienced by other customers. (*Donlen v. Ford Motor Co.* (2013) 217 Cal.App.4<sup>th</sup> 138, 143-144, 153 (evidence of special service bulletins issued before Plaintiff bought his truck and evidence of similar transmission problems in other trucks were relevant and admissible); *Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4<sup>th</sup> 967, 973, 978-979, 986 (documents of warranty complaints, service histories, and employee records concerning the subject defect in all affected vehicles and the company's responses and instructions re: cure were discoverable and relevant to issue of Defendant's good faith treatment of the problem)).

Plaintiff alleged that Plaintiff's vehicle suffered from a variety of defects, including defects to the vehicle's electrical system, engine, infotainment system, braking system and transmission. Plaintiff seeks a civil penalty pursuant to Civil Code section 1794, subdivisions (c) or (e), which authorizes penalties if the buyer establishes that the failure to comply was willful. The discovery requests are relevant to the issue of whether Defendant acted willfully when it allegedly violated the Beverly-Song Act. The requests propounded by Plaintiff were not overbroad as Plaintiff limited the requests to vehicles of the same make, same model and same year as the subject vehicle in this suit.

#### **PR-23-00004 In re the Estate of Rafael Valdez**

The Petition is APPROVED as requested. Bond is waived. Lucia Areias is appointed as referee. Full authority is granted to administer the estate under the Independent Administration of Estates Act. Petitioner is to file an Inventory and Appraisal within four months of issuance of letters (Prob. Code section 8800(b)) and either a petition for an order for final distribution of the estate or a report of status of administration within the timeframe set out in Probate Code section 12200.

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The matter is set for hearing on May 19, 2025 at 10:30 a.m. for status of estate or final account and distribution. No appearances at the hearing will be required if the court determines that administration of the estate is timely proceeding, or good cause is shown why more time is required.

**PR-23-00090 In re the Estate of Ronald Baptist**

The Petition for Waiver of Account and for Final Distribution is APPROVED as requested.

**PR-23-00096 In the Matter of Audon Casas Sanchez Jr.**

The Petition for Final Approval of Final Distribution is APPROVED.

**3:30 p.m.**

**CU-24-00059 Mitchell & Danoff Law Firm, Inc. v. Hoffman**

The hearing are on the Demurrer is continued to January 13, 2025 at 10:30 a.m. Plaintiff/Cross-Defendant is required to file separate Demurrers, and moving papers in support thereof, to the First Amended Complaint and First Amended Cross-Complaint.

The hearing on the Motion for Issue Sanctions and/or Order to Compel Responses to Interrogatories is also continued to January 13, 2025 at 10:30 a.m.

The Case Management Conference is also continued to January 13, 2025 at 10:30 a.m.

Defendant's Motion for Leave, which was calendared to be heard on January 15, 2025 will now be heard on January 13, 2025 at 10:30 a.m.

**CU-24-00230 Avina, et al. v. State of California Department of Transportation, et al.**

The Case Management Conference is continued to December 18, 2024 at 3:30 p.m.

**PR-24-00097 Estate of Janice Fern Trebino**

The Petition is APPROVED as requested. Bond is waived. Lucia Areias is appointed as referee. Full authority is granted to executor of the estate under the Independent Administration of Estates Act. Petitioner is to file an Inventory and Appraisal within four months of issuance of letters (Prob. Code section 8800(b)) and either a petition for an order for final distribution of the estate or a report of status of administration within the timeframe set out in Probate Code section 12200.

The matter is set for hearing on May 19, 2025 at 10:30 a.m. for status of estate or final account and distribution. No appearances at the hearing will be required if the court determines that administration of the estate is timely proceeding, or good cause is shown why more time is required.

**END OF TENTATIVE DECISIONS**