



Superior Court of California County of San Benito

Tentative Decisions for July 24, 2024

Courtroom #1: Judge J. Omar Rodriguez

10:30 a.m.

PR-23-00018 In re Tarek Yasin

The Court has read and considered the Investigator's Review Report and adopts its recommendations. The conservatorship shall remain in place without modification. The Court will schedule a review in two (2) years. The Conservators shall file amended Letters of Conservatorship reflecting that Nadia Yasin, Aziz Yasin and Khader Yasin were appointed as co-conservators.

PR-23-00096 In re Estate of Audon Casas Sanchez Jr.

The court has read and considered the Status Report filed by the Petitioner. The matter is continued to November 20, 2024 at 10:30 a.m.

3:30 p.m.

CU-23-00211 Mendoza Tapia v. True Leaf Farms, LLC

Plaintiff's Motion to Quash is DENIED.

A party is entitled to discover the contentions of the opposing party in regard to the facts and in regard to possible issues in the case. (Cal. Civ. Proc. §2030.010(b).) "Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved

Page 1 of 4

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any objections or concerns.**

in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence.” (Cal. Civ. Proc. §2017.010.) An individual’s medical records are protected by the constitutional right to privacy as well as physician/patient privilege and psychotherapist/patient privilege. (Cal. Const. Art 1 1; Cal. Ev. §§992, 994, 1012, 1014; see also *Britt v. Sup. Ct.* (1978) 20 Cal.3d 844.) “The party asserting a privacy right must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious. The party seeking information may raise in response whatever legitimate and important countervailing interests disclosure serves, while the party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. A court must then balance these competing considerations.” (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 552, citing *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 35.)

When a plaintiff puts their health and physical condition at issue, the privacy and privileges that normally attach to such sensitive information are "substantially lowered by the very nature of the action." (*Heller v. Norcal Mutual Ins. Co.* (1994) 8 Cal.4th 30, 43.) The Court must "balance the public need against the weight of the privacy right" and only serious invasions of privacy will bar discovery. (*Crab Addison, Inc. v. Superior Court* (2008) 169 Cal.App.4th 958, 966.) When activities within the zone of privacy are directly relevant to the cause of action, and when disclosure of these activities is essential to the resolution of the lawsuit, then the trial court may compel disclosure of the activities (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 859; *Olympic Club v. Superior Court* (1991) 229 Cal.App.3d 358, 363–364.)

Defendant’s requests for documents and records attached to the subpoenas do not violate Plaintiff’s privacy rights, the physician-client privilege, nor Plaintiff’s financial privacy as the requests are narrowly confined to the facts, contentions, and damages Plaintiff himself has put into issue which include Plaintiff’s medical condition, emotional distress and financial damages. Although Plaintiff’s argues that the relevant medical issues are limited to Plaintiff’s diabetes, elbow pain and back pain, the First Amended Complaint describes additional physical and emotional issues that include headaches, other physical symptoms due

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to anxiety, and “physical disabilities and conditions, including but not limited to ongoing back pain and elbow pain.” (See FAC ¶¶37, 40-43, and 50.) The expansive language in Plaintiff’s complaint expands the subject matter well beyond Plaintiff’s alleged diabetes, elbow pain and back pain. Defendants are entitled to medical records that relate to his absences from work, including for “illnesses” and “other conditions”. As to the issue of emotional distress, Defendants have the right to prior medical records regarding these allegations to be able to determine if Plaintiff suffered from any of the alleged symptoms prior to his employment in April 2020 and whether the alleged conduct by Defendants caused these symptoms.

Additionally, Disclosure of information that would otherwise violate the right of privacy is constitutionally permissible when it is limited by a properly fashioned protective order (*Olympic Club v. Superior Court* (1991) 229 Cal.App.3d 358, 364–365; *Richards v. Superior Court* (1978) 86 Cal.App.3d 265, 273.) The parties have entered into a Stipulated Protective Order, the terms of which would provide certain safeguards for Plaintiff’s medical and psychological records as confidential and restrict the dissemination as well as providing Plaintiff an opportunity to review the documents and have them marked as “confidential.”

CU-24-00124 Petition of Alyssa Mackenzie Berkowitz

The petition is APPROVED as requested.

PR-22-00108 Conservatorship of Steven E. Breneman

The Request for Compensation submitted by Counsel for Steven Breneman, Jeremy Liem, is GRANTED as requested. Compensation shall be charged against the estate of the conservatee.

PR-24-00056 Estate of Sylvia Steele

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.

The matter is set for hearing on January 29, 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