

Motion to Compel Further Responses to Requests for Production of Documents

**PROPOSED TENTATIVE**

The disproportionate use of judicial resources needed to resolve discovery disputes in the Song Beverly Consumer Warranty Act context is well- documented. Therefore, before the court assesses the present motion, the court orders the parties to engage in further meet and confer efforts to resolve or narrow the issues in dispute. The following are the categories of documents the Court intends to compel the responding party to produce. The terms here should be defined in the same way as the terms are defined in plaintiff's Request for Production of Documents, Set One.

1. Purchase and/or lease contract concerning the subject vehicle.
2. Repair orders and invoices concerning the subject vehicle.
3. Communications with the dealer, factory representative and/or call center concerning the subject vehicle.
4. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
5. Any Warranty Policy and Procedure Manual published by defendant and provided to its authorized repair facilities, within the State of California, for the date the subject vehicle was purchased to the present.
6. Any internal analysis and/or investigation regarding the defects claimed by plaintiff in vehicles for the same year, make and model of the subject vehicle.
7. Documents that evidence any policy and/or procedure used to evaluate customer requests for repurchase pursuant to the Song-Beverly Consumer Warranty Act, from the date of the purchase to the present.
8. A list or compilation of customer complaints in Defendant's electronically stored information database that are substantially similar to the alleged defects claimed by Plaintiff in vehicles purchased in California for the same year, make, and model of the subject vehicle. A substantially similar customer complaint would be the same nature of reported symptom, malfunction, dashboard indicator light, or other manifestation of a repair problem as the description listed in any work order or repair order for the subject vehicle, other than routine or scheduled maintenance items. The list provided by Defendant may be in a chart or spreadsheet format and shall include the VIN, date of repair visit, dealership or other reporting location, and text of the other customers' reported complaint, but shall not include the other customers' names, addresses, phone numbers, e-mail addresses, or other personal identifying information.

9. Technical Service Bulletins and/or Recall Notices for vehicles purchased in California for the same year, make and model of the subject vehicle, whether mentioned in the repair history of the subject vehicle or not.
10. All receipts or other written evidence supporting any incidental or consequential damages claimed by Plaintiff.

The court expects each party to meet and confer in good faith, apply the court's directives to each of these requests, and to come to a mutually acceptable resolution as to what should be disclosed.

The parties are directed not to appear at the December 19, 2024 hearing (Zoom permitted). The parties should be prepared to discuss whether a protective order is necessary and if so, why one has not been entered into prior to this hearing.

This matter will be continued to March 20, 2025, in Department 4 at 8:30 a.m. If there remains a genuine dispute between the parties after a meaningful meet and confer effort pursuant to the above, plaintiff can file a supplemental motion by Monday, March 3, 2025, at 5 p.m., with a new separate statement if warranted. The supplemental motion must focus exclusively on any new dispute(s) between the parties. Opposition is to be filed no later than Wednesday, March 12, 2024, at noon. No reply is authorized. If nothing has been filed by March 3, 2025 at 5 p.m., the court will take this matter off-calendar.