

Proposed Tentative

The disproportionate use of judicial resources needed to resolve discovery disputes in the Song-Beverly Act context is well-documented. The court has decided to adopt the practices utilized by the Los Angeles and Orange County Superior Courts in an attempt to streamline the discovery disputes. Therefore, before the court assesses the merits of the present motion, the court orders the parties to engage in further meet and confer efforts to resolve or narrow the issues in the 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 Further 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. An internal analysis and/or investigation regarding the defects claimed by the 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 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 Bulletin 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 damage claimed by Plaintiff.

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

Because the parties also have a hearing January 23, 2025 to discuss the merits of defendant's motion to compel arbitration, the parties may discuss at that time any questions they may have with this order. Zoom appearances are authorized. The court will not entertain any request to avoid further meet and confer efforts. The parties should come prepared to discuss whether a protective order is necessary and, if so, whether one can be entered prior to or at the hearing. The court will not determine at this time whether plaintiff's request for monetary sanctions of \$3,160 is appropriate or not. The court will reserve that determination should any future discovery motion be necessary.

The matter will be continued to Thursday, April 24, 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 as detailed above, plaintiff can file a supplemental motion by Tuesday, April 1, 2025, by 5:00 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 Tuesday, April 15, 2025, by noon. No reply is authorized. If nothing has been filed by April 1, 2025, by 5:00 p.m., the court will take the matter off-calendar.

Zoom Meeting ID: 161 797 5412
Passcode: 8749009