PARTIES/ATTORNEYS

Plaintiff	Nidia Chavez	Benjamin Drake, Esq. Jason S. Cohen, Esq. Tomas Ross, Esq. Drake Law Firm
Defendant	Reyes Coca-Cola Bottling L.L.C.	Traci S. Lagasse, Esq. Kristina M. Pfeifer, Esq. Lagasse Branch Bell + Kinkead LLP

TENTATIVE RULING

Defendant's request for judicial notice is granted. For all the reasons discussed below, the motion is denied.

On September 30, 2021, plaintiff Nidia Chavez (plaintiff) filed a complaint against defendants Walmart, Inc., Reyes Coca-Cola Bottling, LLC, and The Martin Brower Company, LLC for general negligence and premises liability. Plaintiff alleges that on October 5, 2019, while on property located at 701 West Central Avenue, Lompoc (owned, operated, managed, maintained, inspected, repaired, planned and possessed by defendants), plaintiff slipped and fell as a result of defendants' negligence, causing severe injuries.

On May 21, 2025, defendant Reyes Coca-Cola Bottling, LLC filed a motion to compel plaintiff's further responses to requests for admission. In support of its motion, defendant submitted several exhibits attached to attorney Kristina Pfeifer's declaration that revealed plaintiff's Social Security Number (Pfeifer Decl., Exh. D); driver's license number (Pfeifer Decl., Exhs. A, C), her birth date (Pfeifer Decl., Exhs. A, B) and her address (Pfeifer Decl., Exhs. A, C). Upon plaintiff's objection raised in opposition to the motion, and prior to the hearing on the motion, defendant submitted a proposed order sealing all documents filed in support of the motion, which the court signed. At the July 2, 2025, hearing, the court ordered defendant to submit redacted versions of the documents that contained this information, which has been done. The court denied sanctions for the disclosure, observing the appropriate procedure would be a noticed motion.[1]

[1] For this reason, defendants' argument that the motion is an untimely motion for reconsideration must be rejected.

On September 19, 2025, plaintiff filed a motion for monetary sanctions for abuse of discovery and breach of confidential information requesting total sanctions in the amount of $12,310.00, consisting of $2,310 in attorney's fees for bringing the motion and $10,000 for the disclosure. Opposition has been filed. No reply was filed as of this writing. All papers have been considered. Defendant's request for judicial notice is granted.

Plaintiff identified several procedural mechanisms on which she bases her request for sanctions: Code of Civil Procedure[2] sections 128.5, 128.7, 2023.010, and 2023.030. Sections 128.5 and 128.7 do "not apply to disclosures and discovery requests, responses, objections, and motions." (§ 128.5, subd. (e); 128.7, subd. (g).) The court will thus focus on whether Civil Discovery Act authorizes these sanctions.

The Civil Discovery Act (the Act) (§ 2016.010 et seq.) authorizes sanctions for forms of discovery "misuse" including "[e]mploying a discovery method in a manner or to an extent that causes unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." (§ 2023.010, subd. (c).) Available remedies include "ordering that one engaging in the misuse of the discovery process, or any attorney advising that conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. . . If a monetary sanction is authorized by any provision of this title, the court shall impose that sanction unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. (§ 2023.030, subd. (a).) These provisions provide a trial court independent authority to impose monetary sanctions when confronted with discovery misconduct not addressed by other statutory sanctions provisions. (*City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, 61–63.) In other words, "[a] court may invoke its independent authority to impose sanctions under sections 2023.010 and 2023.030 ... when confronted with an unusual form of discovery abuse, or a pattern of abuse, not already addressed by a relevant sanctions provision." (*PricewaterhouseCoopers*, at p. 74.)

"Obviously, the trial court has some discretion in determining what constitutes 'annoyance, embarrassment, or oppression.' [Citation.]" (*Singer v.. Superior Court* (1960) 54 Cal.2d 318, 327.) It is "hardly a novel concept" that attorneys must treat confidential information sensitively, even in discovery. (*Gomez v. Vernon* (9th Cir.2001) 255 F.3d 1118, 1131–1135. Cf., e.g., *Richards v. Superior Court* (1978) 86 Cal.App.3d 265, 272 [litigant who is compelled to reveal financial information in discovery is presumptively entitled to protective order]; *In re Marriage of Candiotti* (1995) 34 Cal.App.4th 718, 724, 40 Cal.Rptr.2d 299 [protective order properly restricts dissemination of past driving record and other personal information obtained in discovery].) Indeed, California Rules of Court, rule 1.201 provides: "To protect personal privacy and other legitimate

---

[2] All future references are to the Code of Civil Procedure unless otherwise indicated.

interests, parties and their attorneys must not include, or must redact where inclusion is necessary, the following identifiers from all pleadings and other papers filed in the court's public file, whether filed in paper or electronic form, unless otherwise provided by law or ordered by the court: [¶] (1) Social security numbers. If an individual's social security number is required in a pleading or other paper filed in the public file, only the last four digits of that number may be used." There is thus sufficient basis for finding that including the unredacted Social Security number qualifies as "annoyance" or "oppression."

However, that does not end the inquiry. The court must also consider whether "the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." (§ 2023.030, subd. (a).) Here, it is apparent that the disclosure is inadvertent. Plaintiff's social security number appears several times throughout the exhibits and in all but one spot, it was redacted or presented in conformance with Rule 1.201. In addition, defendant requested and obtained an order to seal the documents promptly upon objection from plaintiff. Thus, the number remained in the public file only from the date the motion was filed on May 21, 2025, until the court ordered the documents sealed on June 20, 2025. These circumstance weigh in favor of finding a sanction would be unjust.

Moreover, plaintiff requests a sanction of $10,000 for the violation. The code permits imposition of "reasonable expenses" associated with the misuse. Plaintiff has made no effort to support the request for $10,000. She argues that it is well known that criminals monitor public websites attempting to locate private information; that dark web sales of such private information is very common and damaging emotionally and financially to people who fall victim to such circumstances; and worries about potential financial attacks. She has not, however, quantified any basis supporting the request for $10,000 as sanction or provided any evidence on the point.

Plaintiff's arguments that the following rules were breached fare no better. California Rules of Court 8.83 is only applicable to appeals from the superior court or original proceedings in the Courts of Appeal (see Calif. Rules of Court, rule 8.4); the Third Appellate District Court of Appeal local rule 5(f) is only applicable to the Third District Court of Appeal (see Local Rules & Orders | Third Appellate District | District Courts of Appeal, last accessed 10/25/25); the State Bar Rules of Procedure are intended to "facilitate and govern proceedings conducted through the State Bar Court and otherwise" (see State Bar Ct. Rules of Proc., Preface). As none apply to this proceeding, the court will consider them no further.[3]

[3] As such, plaintiff has presented no authority for the proposition that defendants violated her confidentiality when they made public her address and driver's license number in the first instance.

Finally, plaintiff argues that defendants violated Civil Code section 1798.85 subdivision (a)(1), which prohibits a person from publicly posting or publicly displaying in any manner an individual's social security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public. Because the court finds the failure to redact to be inadvertent, it also finds that there was no intent to communicate the information to the general public.

The motion is denied.

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See Remote Appearance (Zoom) Information | Superior Court of California | County of Santa Barbara.)