

Proposed Tentative

For purposes of a motion to compel initial responses, all that need be shown is that the discovery was properly served, that the time to respond has expired, and that no response of any kind has been served. (Code of Civil Procedure¹ section 2030.290). No separate statement is required. Responses are due within 30 days after service of the discovery. (§ 2030.260(a)).

Failure to serve a timely response waives any objection, including those based on privilege or on the work product doctrine. (Section 2030.290(a)). Thus, objections are waived.

If the party properly asks for monetary sanctions, the court “shall” impose a monetary sanction against the losing party “who unsuccessfully makes or opposes a motion to compel a response” unless the court finds that party acted “with substantial justification” or other circumstances render imposition of the sanction “unjust.” (Section 2030.290(c)). “The failure to file a written opposition or to appear at a hearing or the voluntary provision of discovery shall **not** be deemed an admission that the motion was proper or that sanctions should be awarded.” (CRC, rule 3.1348(b).)

Here, the request for sanctions was properly noticed and identified against whom the sanction is sought. Thus, sanctions are awarded in the amount of \$1205.00 payable to plaintiff counsel, Mario Juarez. Sanctions to be paid within 30 days after service of order.

No appearance at the hearing is required. Oral argument is permitted only if a party notifies all other parties and the court by 4:00 p.m. on the court day before the hearing of the party's intention to appear. (Local Rule 1301.) If such intention to appear is given, appearance by Zoom Videoconference is authorized and does not require the filing of the Judicial Council form RA-010, Notice of Remote Appearance. [Remote Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara](#)

¹ All further references are to the Code of Civil Procedure unless indicated otherwise.