

Tentative Ruling

A party may move for an order deeming the RFAs admitted if the party to whom they are directed has failed to serve a timely response. (Code of Civil Procedure¹ § 2033.280(b).)

“The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220.” (§ 2033.280(c).)

Responses are due within 30 days after service of the discovery. (§2033.250(a).) Response time is extended by manner of service. (§ 2016.050). Service by mail extends the deadline by 5 calendar days (§ 1013(a)). Here, plaintiff served defendant with the RFAs by mail on or about October 31, 2023. No responses were received.

All moving and supporting papers have been served and filed at least 16 court days before the hearing. (§ 1005, subd. (b).) No opposition has been received.

“It is mandatory that the court impose a monetary sanction ... on a party ... whose failure to serve a timely response to the [RFAs] necessitated this motion.” (§ 2033.280(c).) Sanctions must be for only reasonable expenses. The court finds defendant’s request for sanctions in the amount of \$1,662.50 to be reasonable.

Proposed Ruling:

The matters specified in plaintiff’s Request for Admissions, Set One, are deemed admitted, unless defendant serves, before the hearing, a proposed response to the requests for admission, that is in substantial compliance with Code of Civil Procedure Section 2033.220.

Objections are waived.

Monetary sanctions in the amount of \$1,662.50 are ordered payable by defendant Fidel Lopez, payable no later than 30 court days from the date of this order, with the time to run from the service of this ruling by the moving party.

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.