

---

**PARTIES/ATTORNEYS**

|           |                      |                                                                                                                                      |
|-----------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiff | Sergio Flores        | Joseph Kaufman, Esq.                                                                                                                 |
| Defendant | General Motors, Inc. | Lewis Brisbois Bisgaard<br>& Smith LLP<br>Brian Curtis Vanderhoof<br>Brian S. Whitemore<br><br>Dykema Gossett LLP<br>Todd Gale, Esq. |

---

**TENTATIVE RULING**

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](#).)

---

On or about September 3, 2019, plaintiff Sergio Flores purchased a new 2019 Chevrolet Silverado. The subject vehicle has suffered from defects related to the brake system, premature brake wear, alternator cable, seatbelt pretensioner, check engine light, BSCM, engine, transmission, valve body, and other defects. As a result of these issues, Plaintiff delivered the subject vehicle to an authorized GM service and repair facility on numerous occasions. Frustrated with the vehicle's problems, Plaintiff asked GM for a repurchase. GM refused. Plaintiff filed his complaint on January 21, 2025, alleging a violation of the Song-Beverly Consumer Warranty Act.

**1. Motion: Entry of Protective Order**

Code of Civil Procedure section 871.26 subdivision (h) requires a manufacturer to produce certain documents, including the following: (12) its “warranty policies and procedures manuals” and (15) the “manufacturer's written statement of policies and procedures used to evaluate customer requests for restitution or replacement pursuant to “Lemon Law” claims” if “a pre-suit restitution or replacement request is made.” The court will refer to these as the “disputed categories.”

On April 11, 2025, defendant filed a motion for a protective order governing the use and dissemination of the materials within the disputed categories. Specifically, it sought an order limiting their dissemination outside the action.

On May 28, 2025, the court denied the request for a protective order on the following bases: (1) the statutory scheme which requires disclosure did not include a protective order indicating these categories are to be used in the instant litigation only; (2) defendant has not provided good cause for varying from the statutory scheme; and (3) assuming for the sake of argument a protective order is appropriate, defendant's evidence on the issue of confidentiality is perfunctory at best. (See May 30, 2025 Notice of Ruling.)

## 2. Motions to Compel Compliance

Apparently, no production occurred because on July 1, 2025, plaintiff filed two motions to compel compliance: (1) Motion to Enforce Code of Civil Procedure section 871.26 (h) [initial production of documents in the disputed categories]; and (2) Motion to Enforce Code of Civil Procedure section 871.26 (c) [deposition of person most qualified on manufacturer's behalf].

The court ordered the PMQ to appear for deposition within 45 days. Because it was advised there was a pending appeal from the Los Angeles Superior Court challenging its order denying a protective order for the disputed categories, this court, in an abundance of caution, ordered that no testimony on or production of documents related to the disputed categories need be given pending a ruling from the appellate court. (See September 4, 2025 Notice of Ruling, ¶ 2.) The court continued the motion to September 10, 2025, at 8:30 a.m. and ordered defendant to advise this court of the status of the pending appeal, including whether the Los Angeles Superior Court has vacated its order or any other procedural change in the action, as it is available.

On September 10, 2025, the court ordered: "All previous orders shall remain in place. Defendant's counsel shall file an update on the Los Angeles Superior Court case and incorporate it into their Case Management Statement by November 25, 2025. [¶] The case is continued to December 2, 2025, at 8:30 a.m. in Department SM1 for Case Management Conference; Motion: Compel Deposition of Defendant; Motion: Enforce & Compel Defendant to Produce within 15 Days its Warranty Policies and Procedure."

## 3. Current Hearing

The matter is on calendar for an update on the Los Angeles Superior Court case. According to the Second Appellate District case management system and GM's November 25, 2025 Case Management Statement, the appeal was deemed moot on

November 18, 2025, after the Los Angeles Superior Court vacated its order denying petitioner's motions for a protective order issued May 21, 2025. It appears that the Los Angeles Superior Court granted the manufacturer the opportunity to file a new motion for protective order.

([https://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=2&doc\\_id=3134051&doc\\_no=B347010&request\\_token=NiIwLSEnTkg%2BW1BdSCNNWEhIQFQ6USxXJyMuRztTMCAGcg%3D%3D](https://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=2&doc_id=3134051&doc_no=B347010&request_token=NiIwLSEnTkg%2BW1BdSCNNWEhIQFQ6USxXJyMuRztTMCAGcg%3D%3D), last accessed 11/24/25; see also [Superior Court of Los Angeles](#) online case access for *Jimenez v. General Motors*, Case No. 25STCV01261, last accessed on 11/26/25.)<sup>1</sup>

According to GM's Case Management Statement, it also intends to file a renewed motion for protective order "consistent with the appellate court's guidance." GM "respectfully requests that this Court also allow GM to renew its Motion for Protective Order so that it may be considered on the merits." No such motion has been filed as of November 26, 2025, nor has GM provided the court with any authority to reconsider its previous ruling.

To that end, the court acknowledges that the Court of Appeal's alternative writ, stated the Los Angeles Superior Court "clearly erred in ruling that it had no authority to issue a protective order with regard to the initial automatic disclosures required under Code of Civil Procedure section 871.26" (see *General Motors, LLC v. Superior Court*, 2nd District, Case No. B347010, alternative writ issued 8/6/25). However, no written opinion was issued. Those observations thus carry no precedential value. (See *Kowis v. Howard* (1992) 3 Cal.4th 888, 891—"We conclude that the denial of writ petition does not establish law of the case unless the denial is accompanied by a written opinion following the issue of an alternative writ.")

In any event, this court recognized the possibility that it had authority to issue a protective order and concluded that, on the merits, defendant's evidence was insufficient to justify issuance. (May 30, 2025 Notice of Ruling.)

This court's May 28, 2025, order remains operative. The court terminates its order alleviating the defendant from producing the disputed documents or testifying on subjects related to the disputed documents. The deposition of GM's PMQ has not yet been scheduled despite the court's order, which GM concedes in its CMC statement. This is the subject of a Motion for Evidentiary Sanctions, set to be heard on December 24, 2025.

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](#)

---

<sup>1</sup> In *Jimenez v. General Motors* (Case No. 25STCV01261), *plaintiff* filed an ex parte application requesting the court comply with the alternative writ. That application was granted on November 17, 2025. The Los Angeles Superior Court granted the application and allowed "the moving party" to file a new motion for a protective order.

[Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara.](#))