
PARTIES/ATTORNEYS

Pacific Claims Management v. JG Garcia Trucking et al.
Case No. 24CV02874

Plaintiff	Pacific Claims Management	Rosengarten & Associates Ronald D. Rosengarten Jennifer A. Nohavandi
Defendants ¹	Jose Alfredo Parra Jesus Garcia Cisneros dba Garcia Trucking M&M Labor	Ford, Walker, Haggerty & Behar Robert L. Reisinger Cornelio Dilag

Ramirez v. Jose Alfredo Parra et al.
Case No. 24CV03803
Complaint

Plaintiffs	Steven Ramirez, Miriam Ramirez, and Erik Ramirez	Karns & Karns, LLP Darren T. McBratney
Defendants	J. Garcia Trucking Inc.	No appearance.
Defendants	Jose Alfredo Parra Jesus Garcia Cisneros dba Garcia Trucking M&M Labor	Ford, Walker, Haggerty & Behar Robert L. Reisinger Cornelio Dilag
Defendants	Grimmway Enterprises dba Grimmway Farms Pastor Medrano	Horton, Oberrecht & Kirkpatrick Kimberly S. Oberrecht Dawn C. Nelms

Cross-Complaint #1

¹ JG Garcia Trucking, Inc and J. Garcia Trucking, LLC were dismissed on 2/6/25.

Cross-Complainants	Grimmway Enterprises dba Grimmway Farms Pastor Medrano	Horton, Oberrecht & Kirkpatrick Kimberly S. Oberrecht Dawn C. Nelms
Cross-Defendants	Jesus Garcia Cisneros dba Garcia Trucking M&M Labor Jose Alfredo Parra	Ford, Walker, Haggerty & Behar Robert L. Reisinger Cornelio Dilag

Cross-Complaint #2

Cross-Complainants	M&M Labor	Ford, Walker, Haggerty & Behar Robert L. Reisinger Cornelio Dilag
Cross-Defendants	Grimmway Enterprises dba Grimmway Farms Pastor Medrano	Horton, Oberrecht & Kirkpatrick Kimberly S. Oberrecht Dawn C. Nelms

Cross-Complaint #3

Cross-Complainants	Jose Alfredo Parra Jesus Garcia Cisneros dba Garcia Trucking	Ford, Walker, Haggerty & Behar Robert L. Reisinger Cornelio Dilag
Cross-Defendants	Grimmway Enterprises dba Grimmway Farms Pastor Medrano	Horton, Oberrecht & Kirkpatrick Kimberly S. Oberrecht Dawn C. Nelms

TENTATIVE RULING

For all the reasons discussed below, the stay as requested by defendant is denied. However, the parties should be prepared to discuss whether other less restrictive remedies should be implemented.

Factual Background

This lawsuit arises from an agricultural accident that occurred at a Grimmway Farms' property located in Cuyama, California on September 20, 2023. Decedent Rosa Sanchez, an employee of Grimmway Farms through farm labor contractor Esparza Enterprises, was struck and killed when defendant Jose Alfredo Parra, an employee of defendant M&M Labor, Inc. ("M&M Labor"), who was driving a truck owned by defendant J. Garcia Trucking, Inc. ("Garcia Trucking"), reversed through a field, striking her. She died as a result of the accident. A Grimmway Farms' supervisor, defendant Pastor Medrano, shared onsite oversight of the harvesting activities at the Cuyama site and was allegedly aware that Parra had been a careless, reckless, and negligent driver on prior occasions while performing his duties.

Procedural Background

On May 21, 2024, Pacific Claims Management filed a complaint for reimbursement of workers' compensation expenditures on behalf of Ernesto Serna Perez Jr. and Nayeli Flores Gonzalez, who witnessed the accident and sustained stress and psychological injuries as a result. It alleges two causes of action against defendants Jose Alfredo Parra, Jesus Garcia Cisneros dba Garcia Trucking, and M&M Labor: (1) negligence; and (2) negligent entrustment. (Case No. 24CV02874.)

On July 8, 2024, decedent's children filed a wrongful death and survival action against defendants J. Garcia Trucking Inc., Jose Alfredo Parra, Jesus Garcia Cisneros dba Garcia Trucking, M&M Labor, Grimmway Enterprises dba Grimmway Farms, and Pastor Medrano. (Case No. 24CV03803.) Three cross-complaints were filed, as listed above.

On April 8, 2025, the court ordered that Case Nos. 24CV02874 and 24CV03803 be consolidated for all purposes and designated Case No. 24CV02874 to be the lead case.

On Calendar

Grimmway Enterprises dba Grimmway Farms, and Pastor Medrano (Grimmway Defendants) move for an order staying proceedings or alternatively for a protective order staying discovery as to the Grimmway Farms Defendants until the investigation of the Cal/OSHA Bureau of Investigations has been formerly closed or otherwise until the criminal aspect of this matter has been concluded.

Legal Background

1. The Statutory Scheme for Workplace Safety Violations

In 1973, the California Legislature enacted the California Occupational Safety and Health Act (Lab. Code, § 6300 et seq.; the Act) for the purpose of ensuring healthful working conditions for California employees. The Cal/OSH Act is administered by the Division of Occupational Safety and Health (the “Division”). The Act specifically gives the Division “the power, jurisdiction, and supervision over every employment and place of employment in this state, which is necessary to adequately enforce and administer all laws and lawful standards and orders, or special orders requiring such employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee in such employment or place of employment.” (Lab. Code, § 6307.) The Act also requires the Division to “investigate the causes of any employment accident that is fatal to one or more employees or that results in a serious injury or illness, or a serious exposure, unless it determines that an investigation is unnecessary ... [and to] establish guidelines for determining the circumstances under which an investigation of these accidents and exposures is unnecessary.” (Lab. Code, § 6313, subd. (a).)

Labor Code section 6317 requires the Division to issue a citation to an employer in any case where it “believes that an employer has violated Section 25910 of the Health and Safety Code or any standard, rule, order, or regulation established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code, or any standard, rule, order, or regulation established pursuant to this part....” (Lab. Code, § 6317.) Labor Code section 6317 also specifically empowers the Division to “impose a civil penalty against an employer as specified in Chapter 4 (commencing with Section 6423) of this part.” If the Division issues a citation or a notice of civil penalty, it is required, within a reasonable time, to notify the employer by certified mail of the citation, and of the employer's right to contest the citation. The employer may then appeal the citation, or the “notice of civil penalty” to the “appeals board.” (Lab. Code, § 6319, subd. (b).)

The involvement of the Cal/OSHA Bureau of Investigations (BOI) signifies a shift from administrative enforcement to potential criminal investigation and prosecution. (See Cal. Code Regs., tit. 8, § 344.51.) The BOI “is responsible for directing accident investigations involving violations ... in which there is a serious injury to five or more employees, death, or request for prosecution by a division

representative. The [BOI] shall review inspection reports involving a serious violation where there have been serious injuries to one to four employees or a serious exposure, and may investigate those cases in which the [BOI] finds criminal violations may have occurred.” (Lab. Code, § 6315.) Moreover, “[i]n any case where the [BOI] is required to conduct an investigation, and in which there is a serious injury or death, the results of the investigation shall be referred in a timely manner by the bureau to the appropriate prosecuting authority having jurisdiction for appropriate action, unless the [BOI] determines that there is legally insufficient evidence of a violation of the law.” (Lab. Code, § 6315, subd. (g).)

Labor Code section 6425, subdivision (a), expressly provides for criminal prosecution of “[a]ny employer and any employee having direction, management, control, or custody of any employment, place of employment, or of any other employee, who willfully violates any occupational safety or health standard, order, or special order, or Section 25910 of the Health and Safety Code, and that violation caused death to any employee, or caused permanent or prolonged impairment of the body of any employee....”

2. Law Related to Stays Pending Criminal Prosecution

A party to a civil case who is also exposed to criminal liability may “invoke[] his privilege against self-incrimination during discovery in civil litigation.” (*Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 304-305; see U.S. Const. Amend. 5 (“No person ... shall be compelled in any criminal case to be a witness against himself”); Evid. Code, § 940 (“To the extent that such privilege exists under the Constitution of the United States or the State of California, a person has a privilege to refuse to disclose any matter that may tend to incriminate him.”).) Such a party may request a stay of the civil proceedings pending disposition of his criminal case or expiration of the applicable statute of limitations. (See *Bains v. Moores* (2009) 172 Cal.App.4th 445, 482; *Fuller*, at pp. 302-304.)

The privilege against self-incrimination is one of constitutional magnitude, although a party to parallel civil and criminal proceedings does not have a constitutional right to stay the civil matter in order to preserve the privilege. (*People v. Coleman* (1975) 13 Cal.3d 867, 884-885; *Avant! Corp. v. Superior Court* (2000) 79 Cal.App.4th 876, 882, 885; see also *Keating v. Office of Thrift Supervision* (9th Cir. 1995) 45 F.3d 322, 324 [cited favorably in *Avant!*]). A party in a civil proceeding, therefore, may be required either to waive the privilege or accept the civil consequences of silence if he or she does exercise it. (*Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 306.) Courts have acknowledged a defendant who is sued is confronted with a “dilemma” when parallel civil and criminal proceedings occur, and consequently, will balance the interests of all parties and court when fashioning the appropriate remedy. (*Ibid*; see also *Pacers, Inc. v. Superior Court, supra*, at 690 [“Where . . . a defendant’s silence is

constitutionally guaranteed, the court should weigh the parties' competing interests with a view toward accommodating the interests of both parties”].)

An example may be helpful. In *Avant! Corp. v. Superior Court* (2000) 79 Cal.App.4th 876, a corporate defendant in a civil action sought a stay for the pendency of a related criminal proceeding in which the corporation, as well as several of its current or former employees, were defendants. The trial court denied the request. The appellate court affirmed. The court noted: “The Constitution does not require a stay of civil proceedings pending the outcome of criminal proceedings. A court, however, has the discretion to stay civil proceedings, postpone civil discovery, or impose protective orders and conditions when the interests of justice seem to require such action, sometimes at the request of the prosecution, ... sometimes at the request of the defense.” (*Avant!* *supra*, at 886 [cleaned up].) The factors relevant in this inquiry are as follows: (1) the interest of the plaintiff in proceeding expeditiously with this litigation or any particular aspect of it, and the potential prejudice to plaintiff if there is delay; (2) the burden which any particular aspect of the proceedings may impose on defendants; (3) the convenience of the court in the management of its cases, and the efficient use of judicial resources; (4) the interests of persons not parties to the civil litigation; and (5) the interests of the public in pending civil and criminal litigation. (*Avant!*, *supra*, at p. 885.)

With regard to the defendant corporation's interests, the *Avant!* court noted that the corporation itself did not have any Fifth Amendment interests to protect, and therefore no burden resulted.² The court further rejected Avant's assertion that the threatened infringement on its employees' privileges against self-incrimination were a burden to Avant, “except only to the extent that its employees' assertion of the privilege may affect Avant's ability to respond truthfully to the requests for admission and interrogatory.” In any event, it found any such burden diminished by the trial court order limiting the scope of plaintiffs' discovery requests to non-privileged information. (*Id.* at pp. 886–887.)

With regard to the interest of the party opposing the stay, the court stated: “[T]here is hardly a question of the interest of [the party opposing the stay] in proceeding expeditiously with this litigation or any particular aspect of it,” and observed that granting a stay “would increase the danger of prejudice resulting from the loss of evidence, including the inability of witnesses to recall specific facts, or the possible death of a party.” (*Avant!*, *supra*, at 887.) The *Avant!* court continued, “Clearly, denial of the stay motion promotes the convenience of the court in the management of its cases. (*Id.* at 888.) Finally, the court noted that denial of the request for a stay promoted the public's interest's in maintaining “a system that encourages individuals to come to court for the settlement of their

² The court observed that the corporation had an obligation to “appoint an agent who could, without fear of self-incrimination, furnish such requested information as was available to the corporation.” (*Avant!*, *supra*, at 884.)

disputes.” (*Id.* at p. 889.) In the end, the defendant’s interests did not outweigh the other factors.

“Courts recognize the dilemma faced by a defendant who must choose between defending the civil litigation by providing testimony that may be incriminating on the one hand, and losing the case by asserting the constitutional right and remaining silent, on the other hand. [Citation.]” (*Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 306.) “Where … a defendant’s silence is constitutionally guaranteed, the court should weigh the parties’ competing interests with a view toward accommodating the interests of both parties, if possible.” (*Pacers, Inc. v. Superior Court* (1984) 162 Cal.App.3d 686, 690.)

“Courts that are confronted with a civil defendant who is exposed to criminal prosecution arising from the same facts weigh the parties’ competing interests with a view toward accommodating the interests of both parties, if possible. Courts have broad discretion in controlling the course of discovery. Hence, in a discovery dispute, such as this one, the trial court must exercise its discretion in assessing and balancing “the nature and substantiality of the injustices claimed” on all sides. Historically, courts have devised a number of procedures designed to accommodate the specific circumstances of the case. One accommodation is to stay the civil proceeding until disposition of the related criminal prosecution. Another possibility is to allow the civil defendant to invoke the privilege against self-incrimination, even if doing so may limit the defendant’s ability to put on a defense. Other accommodations have included conferring an immunity on the party invoking the privilege, or precluding a litigant who claims the constitutional privilege against self-incrimination in discovery from waiving the privilege and testifying at trial to matters upon which the privilege had been asserted. Each of these procedural tools is devised based on the circumstances of the particular case. The alleviation of tension between constitutional rights has been treated as within the province of a court’s discretion in seeking to assure the sound administration of justice.” (*Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 307–308 [cleaned up].)

Analysis

In the wrongful death action, it is alleged that the death is “due in pertinent part to GRIMMWAY’s failure to implement good and accepted agricultural/farming industry safety practices . . . to avoid vehicle/machinery -related hazards.” (Complaint, ¶ 1.) In addition, the complaint alleges that “Defendant MEDRANO was the supervising employee from Defendant GRIMMWAY, who owned, controlled, maintained, managed, operated and used the SUBJECT LOCATION. Defendant MEDRANO and Defendant EMPLOYERS and DOES 1 through 50, inclusive, knew or had reason to know and or were on notice that Defendant PARRA was not fit for driving carefully at the SUBJECT LOCATION. That Defendant MEDRANO and Defendant EMPLOYERS and DOES 1 through 50, inclusive, knew that Defendant

PARRA was a careless, reckless, and negligent driver on prior occasions at the SUBJECT LOCATION while performing his duties." (Complaint, ¶ 22.) According to plaintiffs, prior to this accident, several of decedent's coworkers had complained to Medrano that defendant Parra was a reckless and unsafe driver. (Opposition, p. 3, ll. 3-12.)

David Donnell, attorney for Grimmway Enterprises for the Cal/OSHA proceedings, reports that Cal/OSHA issued administrative citations to Grimmway Farms, which have been appealed. (Donnell Decl., ¶ 2.)³ The BOI is engaged in an investigation into the death of Rosa Sanchez for the purposes of determining whether criminal prosecution is appropriate. The BOI investigation resulted in a stay of the citation appeal proceeding. (Donnell Decl., ¶ 3.) As of November 11, 2025, "it is my understanding that the Cal/OSHA Bureau of Investigations investigation has not concluded; and the case has been formally designated: 'BOI Status.'" (Donnell Decl., ¶ 4.)⁴ Donnel reports that the wrongful death plaintiffs have propounded extensive discovery and have noticed the depositions of Grimmway Farms' person(s) most qualified on a number of topics, as well as the deposition of Pastor Medrano. (See Donnell Decl., ¶ 5.)

Attorney McBratney, counsel for the wrongful death plaintiffs, confirms that plaintiffs have served extensive discovery on Grimmway Enterprises, Inc. dba Grimmway Farms, including form interrogatories (five sets), requests for production of documents (four sets), special interrogatories (three sets), and requests for admission, now five (5) sets, and in particular, set one (1), to which Grimmway provided verified responses. The verification was signed under penalty of perjury by Grimmway's Director of Corporate Security, John Badoud. On October 22, 2025, Mr. Badoud was deposed as a designated Grimmway Person Most Qualified (PMQ) on a myriad of topics, including the September 20, 2023, incident causing Ms. Sanchez' death, Grimmway's accident investigation and policies, Grimmway's vehicle safety policies, the OSHA investigation into Ms. Sanchez' death and other things. Mr. Badoud did not plead the Fifth Amendment. Neither did Grimmway Farms' other two deposed PMQs, including Adriana Perez and Dagoberto Pardo. (McBratney Decl., ¶ 3.) Moreover, Grimmway Farms, via verified response, has unequivocally denied having any such knowledge that Ms. Sanchez's co-farm workers, or anyone, complained to Mr. Medrano about Mr. Parra's unsafe driving. What is more, Grimmway denies ever taking any action against M&M Labor or Mr. Parra to stop/prevent any unsafe driving, because it never received any complaints for which

³ No detail as to the basis for the citations was given.

⁴ To be clear, there is currently no pending criminal prosecution. Moreover, it's unclear whether the BOI will conclude there is legally sufficient evidence of a violation of the law, thus necessitating a referral to prosecuting authorities. Thus, this motion is, to some extent, based on speculation. A stay is not automatically warranted because a defendant in a civil action faces potential criminal prosecution. (*Fuller*, at p. 284 ["... [A]ppellant's opposition . . . [is] based on the assumption that so long as defendant in a civil trial faces potential criminal prosecution arising out of the same basic facts as those involved in civil case, protection of appellant's constitutional privilege against self-incrimination automatically precludes [the lawsuit]. That assumption is mistaken[.]"].)

it would be admittedly required to take action. (*Id.*, ¶ 4.) From this is it clear that defendants, despite the request for stay, have engaged in substantial discovery efforts.

Based on plaintiffs' report of the discovery already obtained from Grimmway Farms, as well as the status of the investigations at issue, the court concludes that the requested stay is both potentially premature and too expansive in impact. It is premature because the court has no idea whether criminal proceedings will be initiated at all against anyone. It is too expansive in the first instance because there has been no discovery from defendant and employee Medrano, who reportedly exercised his Fifth Amendment right when an interview was requested by Cal/OSHA (Reply, p. 2, ll. 10-11). Therefore, this motion is largely aimed at precluding that line of inquiry. At the same time, Grimmway Farms candidly admits "Medrano's testimony is significant to Grimmway Farms' defense in this matter, and it will be prejudiced if the case proceeds without his participation (particularly given Grimmway Farms' vicarious liability for its employee's conduct)." (Reply, p. 2, ll. 14-17.) It also argues, without specificity, "Further, the depositions of additional PMQ witnesses or other employees could also potentially require a Fifth Amendment instruction." (Reply, p. 2, ll. 17-18.)

With this in mind, the court turns to the factors identified in *Avant!* and other cases, and like *Avant!*, concludes that the interests of the plaintiffs opposing the stay, the court, and the public all favor denial of a stay.

In identifying the burden which any particular aspect of the proceedings may impose on it, Grimmway acknowledges that it, as a corporate entity, does not have a 5th Amendment privilege to protect, but notes its corporate officers and employees do. Consequently, "[a]ny individual who could offer information regarding what Plaintiffs broadly allege in this case that the Grimmway Farms Defendants' failure 'to implement good and accepted agricultural/farming industry safety practices to avoid vehicle/machinery-related hazards...' caused the death of the Decedent risks supplying prosecutors with statements that might later be used to support felony charges." (Motion, p. 5, ll. 7-11.) And conversely, "invoking the privilege would deprive the Grimmway Farms Defendants of critical testimony needed to defend themselves in this action." (Motion, p. 5, ll. 12-13.)

While the court understands the risks in the general sense, it rejects the argument that such risk justifies the stay requested. The fact that Grimmway Farms has already provided written and oral testimony is proof that the breadth of the stay is unwarranted. Courts have approved the use of less restrictive remedies, as detailed in *Fisher*, and plaintiffs suggest the following: Question-by-question privilege assertions; Protective order limiting discovery into specific topics; In-camera review; Staged depositions; PMQ limited to nonincriminating categories; and written discovery regarding purely corporate policies. The court will consider

making such limiting orders, and the parties are directed to be prepared to discuss such specific orders at the hearing. However, the stay, in the form it is requested, will be 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](#).)