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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF CONTRA COSTA

HELEN BUSCH

Plaintiff

vs.

PATRICIA LEONG

Defendants.

) Case No. MSC 15-00121

) DISCOVERY REFEREE'S
) RECOMMENDATIONS
) AND COURT'S ORDER

FILED
AUG 08 2016
STEPHEN J. HANCOCK, CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By: _____ Deputy Clerk
C. FORFANG

Jessica Braverman, Esq. was appointed by the Court on April 1, 2016 as the CCP 639 Discovery Referee to address all discovery disputes between the parties and to make recommendations to the Court. The Discovery Referee has reviewed all moving papers submitted by both sides, has held face to face hearings with both sides and makes the following recommendations to this Court .

The Discovery Referee reached out to counsel and attempted to set up face to face hearings to help the parties narrow and focus their discovery issues. While Plaintiff's counsel attended both face to face discovery hearings, Defense counsel sent a replacement attorney who was not an employee of Defense Counsel and did not know the full facts of the case. With the two face to face discovery hearings, Plaintiff counsel was ordered to respond to Defense counsel's requests for additional discovery. Plaintiff provided to Defense Counsel what he deemed as satisfactory discovery responses. However, Defendant failed to provide Plaintiff's request for discovery. When the Discovery Referee informed Defense Counsel that his client's responses were incomplete and inadequate, Defense Counsel stated the Discovery Referee was biased and asked her to recuse herself. The Discovery Referee is not biased or prejudiced and thus there is no basis for the recusal.

Order - 1

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It is the recommendation of the Discovery Referee this Court order Defendant to respond fully and completely to Plaintiff's outstanding discovery without further objections and to pay Plaintiff's counsel \$4,500 in sanctions for the over 15 hours Plaintiff's counsel attempted to meet and confer with Defense counsel, attended two discovery hearings and responded to emails and requests from the discovery referee. The fees of the Discovery Referee should be reallocated from half/half to 4 hours allocated to Plaintiff and the balance allocated to the Defendant.

The Defendant should be ordered to answer the following discovery propounded by Plaintiff which is outlined and highlighted in yellow in the attachment to this order.

DATED: August 8 2016



JESSICA BRAVERMAN, Discovery Referee

ORDER

The recommendations by the discovery referee are adopted, and, the following findings and orders are made:

IT IS ORDERED:

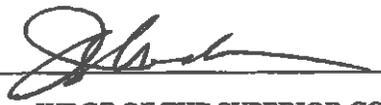
1. The Defendant's counsel did not personally appear or send another attorney knowledgeable about the case to either of the two scheduled face to face discovery hearings designed to work through the discovery issues; and failed to follow the discovery Referee's recommendations, orders and time lines to responding to the discovery in dispute;
2. Because Defense Counsel did not attend either of the two required discovery "hearings" and failed to follow the Discovery Referee's directive to fully and completely respond to the Plaintiff's discovery propounded, Defense Counsel is sanctioned \$4,500 to be paid to Plaintiff's Counsel within 30 days of the signing of this order;
3. In addition, the fees of the Discovery Referee are reallocated from half/half to 4 hours payable by Plaintiff and the balance payable by Defendant per her itemized invoice and will pay the

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invoice (as will Plaintiff's Counsel) within 20 days of the date of the discovery referee's invoice as outlined in the court's order appointing the discovery referee.

- 4. Defendant shall respond without objection within 10 days of the signing of this order to all of the requested discovery propounded by Plaintiff. Defendant shall respond to the discovery as outlined and addressed item by item in the Plaintiff's latest "meet and confer" letter outlining the deficiencies and articulating the additional information sought. Defendant shall not repeat or continue to repeat the same response which after several attempts are still incomplete and unanswered. See the highlighted sections to the attachment to this order.
- 5. The discovery referee shall stay involved in this case until all discovery disputes are resolved. Both counsel are ordered to engage professionally and to cooperate fully with the court appointed discovery referee until the discovery dispute(s) are fully resolved.
- 6. If satisfactory responses are not received by Plaintiff's counsel by the Defense counsel within 10 days after this order is signed, Plaintiff's counsel shall notify the discovery referee immediately and the referee will make further recommendations to this court for a further order which may include: striking defendant's affirmative defenses, or other appropriate sanctions until full and complete discovery responses are provided with a signed verification to Plaintiff.

DATED: August 8, 2016



 JUDGE OF THE SUPERIOR COURT