

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA**

MINUTE ORDER

DATE: 11/21/2019

TIME: 08:20:00 AM

DEPT: 20

JUDICIAL OFFICER PRESIDING: Matthew P. Guasco

CLERK: Miriam Hernandez

REPORTER/ERM: None

CASE NO: **56-2019-00530510-CU-PO-VTA**

CASE TITLE: **Weiss vs. City of Oxnard**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: Motion To Quash or limit deposition subpoenas

MOVING PARTY: Cynthia Vicki Weiss

CAUSAL DOCUMENT/DATE FILED: Motion to Quash or Limit Deposition Subpoenas; Memorandum of Points and Authorities; Declaration of Nicolette Paullin in Support thereof; Request for Monetary Sanctions, 10/23/2019

APPEARANCES

Nicolette Paulin, specially appearing for counsel EARL S. SCHURMER, present for Plaintiff(s).

Mark J McLoughlin, counsel, present for Defendant(s).

At 08:50 a.m., court convenes in this matter with all parties present as previously indicated.

Counsel have received and read the court's written tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

The Court's tentative is adopted as the Court's ruling, as modified.

The Court GRANTS the motion to quash/limit the deposition subpoenas for production of medical records at issue IN PART and DENIES the motion IN PART as follows:

(1) The motion to limit is granted to the extent of the limitation preliminarily agreed upon by the parties during their meet and confer: production shall be limited to "any and all medical records concerning any and all injuries or treatment to plaintiff related to her face, left shoulder, right shoulder, abdominal contusions, right hip, left hip, neck, cervical spine, mid back, thoracic spine, low back, lumbar spine, eyes and teeth for a period to cover July 21, 2008, through and including the date of production."

(2) The motion to quash is granted in part and denied in part as to the proposed inclusion of medical records "related to balance and falling." This is an unworkably vague, overbroad and ambiguous direction to the deponent. On the other hand, medical records concerning actual reports or complaints of patient falls or balance problems, and any treatment of injuries related thereto could have discovery relevance in a slip and fall personal injury action. Accordingly, the Court grants the motion to limit these additional categories of records as follows: "any and all records reflecting or concerning treatment of the plaintiff for injuries, conditions, or other complaints arising from any reported history of falls or loss of balance for the period July 21, 2008, through and including the date of production."

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(3) The motion to quash is granted to the extent of any documents beyond those identified in sections (1) and (3) above.

The Court DENIES plaintiff's request for monetary sanctions. The Court finds that the parties had a good faith dispute concerning the scope of the deposition subpoenas, that both parties acted with substantial justification, and that it would be unjust to impose sanctions under the circumstances.

Counsel for plaintiff shall serve and file a notice of ruling and proposed order consistent with the above and in conformity with the Code of Civil Procedure and the California Rules of Court.