

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

**TENTATIVE RULINGS**

EVENT DATE: 11/21/2019                      EVENT TIME: 08:20:00 AM                      DEPT.: 20  
JUDICIAL OFFICER: Matthew P. Guasco

CASE NUM: 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  
CAUSAL DOCUMENT/DATE FILED: Motion to Quash, 10/23/2019

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Notice Regarding Courtroom 20 Law & Motion Procedures: The law and motion calendar in Courtroom 20 before Judge Matthew P. Guasco starts promptly at 8:30 a.m. Ex parte applications will be heard at the same time as matters on the law and motion calendar. Parties appearing by Court Call must check in with the Judicial Assistant by 8:20 a.m. No notice of intent to appear is required. Parties wishing to submit on the tentative decision must so notify the Court by e-mail at [Courtroom20@ventura.courts.ca.gov](mailto:Courtroom20@ventura.courts.ca.gov) or by fax to Judge Guasco's secretary, Claudine Nesbitt at (805) 477-5892. **Do not call in lieu of sending an e-mail or fax.** If a party submits on the tentative decision without appearing, but another party appears, the hearing will be conducted in the absence of the non-appearing party. Effective February 13, 2018, all cases assigned to Courtroom 20 are assigned for all purposes to Judge Guasco.

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The following is the Court's tentative decision concerning the motion of plaintiff, Cynthia Vicki Weiss ("plaintiff") to quash or limit deposition subpoenas served by defendant, City of Oxnard ("defendant"):

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 injury, July 21, 2018."

(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 arising from any reported history of falls or loss of balance for the period July 21, 2008, through and including the date of the incident, July 21, 2018."

(3) The motion to quash is granted to the extent of any documents beyond those identified in sections (1) and (2) 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

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with the Code of Civil Procedure and the California Rules of Court. A copy of this tentative decision (if adopted as the Court's ruling) may be attached to and incorporated by reference in any such notice and proposed order in lieu of copying same verbatim in the body of the document.