

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/20/26 TIME: 1:30 P.M. DEPT: A CASE NO: CIV2102919

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: SHIYING JIN ET AL.

vs.

DEFENDANT: BUCK INSTITUTE FOR
RESEARCH ON AGING

NATURE OF PROCEEDINGS: MOTION – SEVER/BIRURCATE

RULING

The motion of Defendants the Buck Institute for Research on Aging (“the Buck Institute”) and Eric Verdin’s (“Verdin,” together with the Buck Institute, “Defendants”) to bifurcate is **GRANTED**. (Civ. Code, § 3295, subd. (d).)

Background

This is an employment discrimination case alleging mistreatment of employees at the Buck Institute, a nonprofit research institute in Novato. Plaintiffs Shiyang Jin and Lei Lei (“Plaintiffs”), a married couple, allege that they were both hired as research scientists by the Buck Institute’s Center for Female Reproductive Longevity and Equality in the summer of 2019. (Second Amended Complaint (“SAC”), ¶¶ 13-17.) Plaintiffs are both of Chinese origin. (*Id.* at ¶¶ 11-12.) They allege that the Buck Institute and Verdin, its CEO, harassed, discriminated against, and ultimately fired Plaintiffs because they are Asian and in retaliation for Plaintiffs’ reporting alleged legal violations.

Before the Court is Defendants’ motion to bifurcate. Defendants seek to have the issue of punitive damages tried separately from the liability phase of the case.

Legal Standard

Civil Code, section 3294 governs punitive damages in “action[s] for the breach of an obligation not arising from contract[.]” (Civ. Code, § 3294, subd. (a).) Such damages are available “where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice[.]” (*Ibid.*; see also Civ. Code, § 3294, subd. (c) [defining “oppression,” “fraud,” and “malice”].) Civil Code, section 3295 provides for the bifurcation of punitive damages from the liability phase of a trial: “The court shall, on application of any defendant, preclude the

admission of evidence of that defendant's profits or financial condition until after the trier of fact returns a verdict for plaintiff awarding actual damages and finds that a defendant is guilty of malice, oppression, or fraud in accordance with Section 3294." (Civ. Code, § 3295, subd. (d).) This provision "requires a court, upon application of any defendant, to bifurcate a trial so that the trier of fact is not presented with evidence of the defendant's wealth and profits until after the issues of liability, compensatory damages, and malice, oppression, or fraud have been resolved against the defendant." (*Torres v. Automobile Club of So. California* (1997) 15 Cal.4th 771, 777-778.) Section 3295(d) is designed to preclude the introduction of evidence from which jurors might conclude that they should find the defendant liable and/or impose punitive damages on the basis that the defendant is obviously able to pay. (See *Las Palmas Associates v. Las Palmas Center Associates* (1991) 235 Cal.App.3d 1220, 1241 ["On its face, subdivision (d) is a codification of the presumption that evidence of a defendant's wealth can induce factfinders to abandon their objectivity and return a verdict based on passion and prejudice."]; *Torres, supra*, 15 Cal.4th 771, 777-778 [bifurcation under Section 3295(d) "minimizes potential prejudice by preventing jurors from learning of a defendant's 'deep pockets' before they determine [the] threshold issues"].)

Discussion

Plaintiffs do not oppose the motion to the extent it merely requests that the liability phase be bifurcated from the punitive damages phase. They take issue, however, with the scope of the ruling Defendants request.

Defendants seek to bar Plaintiffs from referring, during the liability phase of the case, to "donor funding, grants, governmental funding, philanthropic gifts, institutional resources" or "other similar financial information." (Defs.' Proposed Order, ¶ 2.) Civil Code, section 3295, subdivision (d) does not extend this far, as it is limited to "evidence of [the] defendant's profits or financial condition[.]" (Civ. Code, § 3295, subd. (d).) The order Defendants request would prevent Plaintiffs from introducing evidence bearing on how Plaintiffs affected the Buck Institute's relationships with donors. This would hinder Plaintiffs' case, as Defendants have suggested that one of the legitimate and legal bases for their firing Plaintiff Lei was that her behavior was creating complications with a particular donor. (Molineaux Dec., Ex. A, 130:9-22; Ex. C.)

The Court's order granting bifurcation under Section 3295 shall prohibit Plaintiffs from eliciting evidence of the Buck Institute's profits and financial condition during the liability phase of the bifurcated proceeding, but it does not extend further. If Defendants believe Plaintiffs' attempts to elicit evidence relating to donor politics at the Buck Institute unfairly place the Buck Institute's financial condition before the jury during the liability phase, Defendants may object during trial and/or request a limiting instruction.

Plaintiffs ask that the Section 3295(d) evidentiary restriction be worded in a party-neutral fashion so that it will operate in both directions. They want an order that would prevent either side from introducing evidence or argument regarding Defendants' financial status or ability to pay, so that, for example, Defendants cannot argue at the first stage of the bifurcated proceeding "that Buck operates on constrained grant funding, that a judgment would come out of research dollars, or that its resources are limited." (Opposition, pp. 7-8.) The Court agrees that this will be

irrelevant at the first stage. The bifurcation order shall be phrased in the party-neutral way Plaintiffs request. Defendants do not oppose this.

Defendants request that the Court's order prohibit Plaintiffs and their counsel from "stat[ing], suggest[ing], request[ing], or argu[ing] for any specific dollar amount of punitive damages during any phase of trial" "[p]ursuant to Civil Code section 3295(e)." (Defs.' Proposed Order, ¶ 5.) Civil Code, section 3295, subdivision (e) prohibits any "claim for exemplary damages" from "stat[ing] an amount or amounts." (Civ. Code, § 3295, subd. (e).) This provision governs what a plaintiff may plead in a complaint, not what a plaintiff may do at trial. The material in Paragraph 5 of Defendants' proposed order shall not appear in the Court's bifurcation order.

Plaintiffs take issue with Paragraph 6 of Defendants' proposed bifurcation order, which merely reads, "If the jury reaches the findings described in Paragraph 3 above, the Court shall conduct such further proceedings concerning punitive damages as may then be appropriate." (Defs.' Proposed Order, ¶ 6.) Plaintiffs prefer that the order expressly track Civil Code, section 3295, subdivision (d) in its description of what will happen if the jury finds Defendants liable and also finds that they acted with oppression, fraud, or malice. (See Civ. Code, § 3295, subd. (d) ["Evidence of profit and financial condition shall be presented to the same trier of fact that found for the plaintiff and found one or more defendants guilty of malice, oppression, or fraud."].) This objection is overwrought. Defendants' proposed order already tracks the statute by providing that if the jury finds both liability and oppression, fraud, or malice, "the Court shall conduct such further proceedings concerning punitive damages as may then be appropriate." (Defs.' Proposed Order, ¶ 6.) The proceedings "appropriate" under the circumstances described are those prescribed by law in Section 3295(d). There is nothing wrong with Defendants' proposed Paragraph 6.

The motion to bifurcate is granted. Plaintiffs are to prepare the order consistent with this ruling.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

The Zoom appearance information for October, 2026 is as follows:

<https://marin-courts-ca-qov.zoomgov.com/j/1605267272?pwd=908CbP6TV2mhCAyai1nzo6lyz2dKaw.1>

Meeting ID: 160 526 7272

Passcode: 026935

If you are unable to join by video, you may join by telephone by calling (669) 254-5252 and using the above-provided passcode. Zoom appearance information may also be found on the Court's website: <https://www.marin.courts.ca.gov>

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/20/26 TIME: 1:30 P.M. DEPT: A CASE NO. CV0004255

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: PAUL G. REA, ET AL

vs.

DEFENDANT: PACIFIC GAS AND
ELECTRIC COMPANY, ET AL

NATURE OF PROCEEDINGS: 1) MOTION – COMPEL - DISCOVERY FACILITATOR PROGRAM
2) MOTION – COMPEL - DISCOVERY FACILITATOR PROGRAM

RULING

Plaintiffs’ motion to compel further responses from Defendant Core Tree Care (“Core Tree”) is **GRANTED in part and denied in part** as set forth below. Plaintiffs’ request for sanctions in the amount of \$2,500 against Core Tree is **GRANTED**.

For Plaintiffs’ motion to compel further responses from Pacific Gas & Electric Company (“PG&E”), **the parties should be prepared to discuss at the hearing the timeliness of Plaintiffs’ motion.** The evidence presented to the Court at this time is insufficient to allow the Court to make a determination as to timeliness. If the Court concludes that the motion is untimely, it will deny Plaintiffs’ motion against PG&E in its entirety as well as Plaintiffs’ request for sanctions. If the Court finds the motion is timely, it is inclined to grant the motion as to Special Interrogatory No. 49, deny the motion as to Requests for Production Nos. 14, 15, 26 and 27 and Form Interrogatory No. 12.6, deny the request for an evidence preclusion order, grant Plaintiffs’ request for sanctions in the amount of \$1,800, and deny PG&E’s request for sanctions, as set forth below.

I. Allegations in Plaintiffs’ Complaint

On October 16, 2024, Plaintiffs Paul G. Rea and Joette J. Scratow filed their Complaint against PG&E and Core Tree. Plaintiffs allege that they own real property at 5 Herbing Lane in Kentfield (“the Property”), where they have lived for decades. (Complaint, ¶¶ 2, 10.) For some time, pursuant to an easement granted to PG&E, PG&E has maintained an electric power pole, crossbar, and overhead utility lines at 118 Briar Road, which adjoins the Property. (*Id.*, ¶ 14.) Historically, those fixtures did not encroach on the Property. (*Ibid.*) In September 2023, Core Tree came onto the Property without notice and attempted to remove certain trees. (*Id.*, ¶ 15.) Plaintiffs advised them, verbally and in writing, that the trees were not on 118 Briar Road,

PG&E did not have easement rights over the Property, and the trees should not be removed. (*Id.*, ¶ 16.) In October 2023, PG&E installed a new power pole at 118 Briar Road. (*Id.*, ¶ 17.) The new pole, the crossbar on it, and certain PG&E utility lines now allegedly encroach on the Property. (*Id.*, ¶ 17.) When Plaintiffs objected to the encroachment, PG&E asserted that it had an unrecorded 1972 easement over the Property. (*Id.*, ¶ 19.) This was the first Plaintiffs had heard of that easement and they objected to its enforceability. (*Ibid.*)

In January 2024, Core Tree again visited the Property and attempted to remove trees. (*Id.*, ¶ 21.) Plaintiffs contacted PG&E and demanded that no tree work be performed until the dispute over the encroachment easement issue was resolved. (*Ibid.*) PG&E repeatedly assured Plaintiffs that it had instructed that no tree work be performed until the parties resolved the dispute. (*Id.*, ¶¶ 21-23, 25.)

In June 2024, PG&E informed Plaintiffs that it intended to make certain changes to the electrical fixtures on 118 Briar Road to remedy the encroachment onto Plaintiffs' property. (*Id.*, ¶¶ 26-27.) Plaintiffs advised PG&E that they would be out of town between July 24 and August 13, 2024, so PG&E should not visit the property to make plans for the work during that period. (*Id.*, ¶ 27.) During that period, Core Tree, acting on behalf of PG&E, came onto the Property without notice, removed the trees, and heavily pruned a grove of bay trees. (*Id.*, ¶ 28.) Core Tree was fully aware that the foliage it cut was on the Property and of the directive from PG&E that no work was to be done on the Property until the dispute was resolved but nevertheless cut the trees down "out of spite[.]" (*Id.*, ¶¶ 28, 39.)

Plaintiffs assert causes of action for trespass, violation of Civil Code Section 3346, violation of Civil Code Section 733, willful or negligent injury to real property, injunctive relief, and declaratory relief.

II. Plaintiffs' Motion to Compel against Core Tree

A. Scope of Plaintiffs' Motion

On September 1, 2026, Plaintiffs filed a Notice stating that certain issues in their motion against Core Tree have been resolved. The remaining discovery responses in dispute are Requests for Production of Documents Nos. 1, 9, 10, 17, and 19, Special Interrogatory Nos. 3, 5, 8, 10, 13, 15, 24, 26, 31, 33, 35, 36, 41, 43, and 44, and Form Interrogatory No. 12.1

B. Waiver

Core Tree has waived objections to the written discovery by failing to serve timely responses. While Core Tree states in its Opposition that it seeks relief from waiver under Code of Civil Procedure Sections 2030.290(a), 2031.300(a), and 2033.280(a), these sections allow the Court to relieve a party from waiver "on motion". (See also Edmon & Karnow, Cal. Prac. Guide Civ. Pro. Before Trial (June 2026) § 8:1033 ["A noticed motion for relief from waiver is required. (I.e., such relief cannot be granted ex parte, or where the only motion pending is a motion to compel"].) Core Tree has not filed any motion for relief from waiver.

C. Requests for Production of Documents

1. Nos. 1, 9 and 17

Core Tree is compelled to provide a further response to these requests, without objections. Core Tree's statement of compliance is otherwise sufficient under Code of Civil Procedure Section 2031.220. Plaintiffs' argument that they do not believe Core Tree's representation (made in other correspondence) that no responsive documents exist is not a proper argument for this motion. First, this representation is not actually included in Core Tree's response. Second, Core Tree's response complies with the Code with respect to statements of compliance so there is nothing else for the Court to compel. Third, Core Tree has offered to provide a declaration describing its search for responsive documents which should satisfy Plaintiffs' concerns regarding the veracity or thoroughness of Core Tree's responses.

2. No. 10

Core Tree is compelled to provide a further response to this request, without objections, that complies with Code of Civil Procedure Section 2031.230: "A representation of inability to comply with the particular demand for inspection, copying, testing, or sampling shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. This statement shall also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party. The statement shall set forth the name and address of any natural person or organization known or believed by that party to have possession, custody, or control of that item or category of item."

3. No. 19

Core Tree is compelled to provide a further response to this request without objections. Core Tree's response otherwise complies with Section 2031.230.

D. Special Interrogatories

1. Nos. 3, 5, 8, 10, 13, 15, 24, 26, 31, 33, 36, 41 and 43

Core Tree states in its Response to Plaintiffs' Separate Statement that it will provide supplemental responses to identify the name of individual people with knowledge or documents, but it will not provide its employees' home addresses or personal phone numbers. Core Tree states that it will work with Plaintiffs to make those employees available for deposition.

The motion is granted in part as to these interrogatories. Core Tree is compelled to provide further responses identifying the names of all individuals within Core Tree's knowledge - including from Core Tree, PG&E, or otherwise - who have knowledge of facts or have documents. (See Code Civ. Proc. § 2017.010 ["Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter . . ."]; *Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249-1250 ["Central to the discovery process is the identification of potential witnesses. 'The disclosure of the names and addresses of potential witnesses is a

routine and essential part of pretrial discovery”] [citation omitted].) If the individuals are current Core Tree employees, Core Tree is not required to provide their personal contact information but must work with Plaintiffs to make those individuals available for deposition or trial. If the individuals are former employees or not affiliated with Core Tree, Core Tree must provide their last known contact information to the extent it is available.

2. No. 35

Special Interrogatory No. 35 provides: “If YOUR answer to the preceding interrogatory is in the affirmative, please state all facts upon which YOU base this contention, including without limitation, the name, address, and telephone number of each and every PERSON notified of the REMOVAL, date, time and means of the notification.” The preceding interrogatory asked: “Identify every DOCUMENT that Core Tree Care generated, received, or transmitted in connection with the September 21–28, 2023, vegetation management work at 118 Briar Rd. or at the SUBJECT PROPERTY.” Core Tree’s response to No. 35 states: “Responding Party obtained the consent of the owner of 118 Briar for the vegetation removal.”

The Court will not compel a further response as Interrogatory No. 34 did not require an affirmative or negative answer, making Interrogatory No. 35 vague and ambiguous.

3. No. 44

Special Interrogatory No. 44 provides: “IDENTIFY every PERSON with authority to establish or modify policies and procedures to be observed by CORE TREE CARE, INC. in performing Vegetation Management.” Core Tree responded: “John Hernandez”.

Core Tree states in its Response to Plaintiffs’ Separate Statement that it will provide a supplemental response to identify any other individuals with authority but will not provide Mr. Hernandez’s home address or phone number. Core Tree states that it will make Mr. Hernandez available for a deposition.

The motion is granted in part. Core Tree is compelled to provide a further response identifying the names of all individuals with authority to establish or modify policies and procedures. Core Tree is not required to provide contact information for current employees but must provide last known contact information for former employees or individuals not employed by Core Tree, to the extent available.

E. Form Interrogatory 12.1

Form Interrogatory No. 12.1 provides: “State the name, ADDRESS, and telephone number of each individual: (a) who witnessed the INCIDENT or the events occurring immediately before or after the INCIDENT; (b) who made any statement at the scene of the INCIDENT; (c) who heard any statements made about the INCIDENT by any individual at the scene; (d) who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge of the INCIDENT (except for expert witnesses covered by Code of Civil Procedure § 2034).” Core Tree responded: “Responding Party is informed and believes that the following persons have knowledge of the subject incident: (a) Norberto Salgado, Isain Lugo Barrera, De Paz Luis, Jesus Sanchez. (b)

Unknown. (c) Unknown. (d) Norberto Salgado, Isain Lugo Barrera, De Paz Luis, Jesus Sanchez.”

The motion is granted in part as to Interrogatory No. 21. Core Tree is not required to provide contact information to the extent the four individuals are current employees but must make those individuals available for deposition or trial. If the individuals are former employees, Core Tree must provide the last known contact information to the extent it is available. Core Tree must also supplement its response to subsections (b) and (c) to state that it has made a reasonable and good faith inquiry under Section 2030.220(c).

F. Sanctions

Plaintiffs’ request for sanctions in the amount of \$2,500 is granted. (Code Civ. Proc. §§ 2023.010; 2023.030; 2030.300(d); 2031.300(d).)

II. Plaintiffs’ Motion to Compel against PG&E

A. Scope of Plaintiffs’ Motion

On October 9, 2026, Plaintiffs filed a Notice stating that the issues in their motion to compel against PG&E have been narrowed. The remaining requests in dispute are Request for Production of Documents Nos. 14, 15, 26 and 27 and a privilege log for those requests, Special Interrogatory No. 49, and Form Interrogatory 12.6. Plaintiffs also ask that the Court impose sanctions against PG&E and order that PG&E cannot offer certain evidence.

On October 6, 2026, PG&E served verified supplemental responses to the four document requests and Special Interrogatory No. 12.6.

B. Timeliness

PG&E argues that Plaintiffs’ motion is untimely because PG&E served its verified responses on March 17, 2025 but Plaintiffs did not file their motion until April 13, 2026, well past the 45 day deadline. (Declaration of Albert E. Cordova filed April 15, 2026, ¶15 [“PG&E served initial responses on March 17, 2025”]; Code Civ. Proc. §§ 2030.300(c) and 2031.310(c).)

PG&E submits the declaration of its counsel Peter Messrobian, who states that in May 2025, PG&E agreed to a deadline of June 30, 2025 for Plaintiffs to file a motion to compel further production of documents only. Specifically, as reflected in Exhibit 8 of his declaration, Mr. Messrobian stated in May 2025: “We agree to a deadline of June 30, 2025 for Plaintiffs to file a motion to compel the further production of documents called for by PG&E’s responses to Plaintiff’s request for production of documents served on April 17, 2025, in particular the responses to Plaintiff’s request nos. 1-7, 11-16, and 18-27. We will not extend the deadline to file a motion to compel further verified written responses to any of the four sets of discovery propounded by Plaintiffs.” Paragraph 10 of Mr. Messrobian’s declaration states that “The parties mediated on June 5, 2025 and agreed to stay discovery while PG&E pursued an easement that might resolve the alleged encroachment. Plaintiffs unilaterally revoked the stay on March 26, 2026 and demanded production by April 10, 2026.”

Plaintiffs argue that the parties agreed that Plaintiffs could bring their motion to compel by May 10, 2026. To support this argument, Plaintiffs cite to paragraph 3 and Exhibit Q of their counsel's Reply declaration. Exhibit Q is an email from PG&E's counsel Mark Hancock dated April 8, 2026 which states: "As for a motion to compel, I'm not sure what your deadline to file that is, but we agree that that can be set at May 10. Is that acceptable?"

While the documentation does not clearly show that the parties agreed to a May 10, 2026 deadline for the filing of a motion to compel, it does appear that the parties agreed to a stay in or around June 2025 followed by a proposed new motion to compel deadline. The parties should be prepared to further discuss this issue at the hearing. If it appears to the Court that no agreement was reached, Plaintiffs' motion is untimely and the Court will deny it in its entirety. If an agreement was reached and Plaintiffs filed their motion by the agreed-upon deadline, the Court intends to rule as set forth below.

C. Document Requests

1. Nos. 14 and 15

RFP No. 14 requests "All DOCUMENTS that CONCERN, encompass, reflect or relate to the specific factors and considerations taken into account in connection with the INSTALLATION of a new utility pole at 118 Briar Road, Kentfield, California on or about October 18, 2023 including but not limited to: the decision to perform the installation; the implementation of that decision; and the design, size and location of the INSTALLATION." RFP No. 15 requests "All DOCUMENTS that CONCERN, encompass, reflect or relate to COMMUNICATIONS at any time with any PERSON including but not limited to Plaintiffs, owners of adjoining properties, employees, officers, directors, agents, contractors, subcontractors, vendors of PACIFIC GAS AND ELECTRIC reflecting or relating to the installation of a utility pole at 118 Briar Road, Kentfield, California on or about October 18, 2023." PG&E's original response to both requests stated: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E will produce construction records for the installation of the new pole at 118 Briar Road in Kentfield in 2023."

PG&E's supplemental response to No. 14 states: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E has produced all of the records in its possession, custody, and control regarding the installation of the new pole at 118 Briar Road in Kentfield in 2023. Those records explain the decision to replace the pole at PG&E00451 ("Replace deteriorated pole ..."), PG&E00457 ("Replace Deteriorated Pole"), PG&E00458 (damage is described as "Woodpecker Damage" and the crossarm is described as "Broken/Damaged"), and PG&E00449 ("Woodpecker damage to pole"). The implementation of the decision to replace the pole is described throughout the records at PG&E00285-PG&E00307 and PG&E00449-PG&E00491. The design, size, and

location of the new pole are provided in the construction sketch as PG&E00457 and some of this information is also found in other locations (e.g. PG&E00452, PG&E00471)."

PG&E's supplemental response to No. 15 states: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E has produced all of the records in its possession, custody, and control regarding the installation of the new pole at 118 Briar Road in Kentfield in 2023. Those records include comments at PG&E00459-PG&E0462 which may, in part, consist of or reflect internal communications regarding the project."

PG&E's supplemental responses adequately respond to Nos. 14 and 15 and no further responses will be compelled.

2. Nos. 26 and 27

RFP No. 26 requests "All DOCUMENTS that CONCERN, encompass, reflect or relate to the utility pole, cross arm, and EDOH running to and from the utility pole at 118 Briar Road, Kentfield, California prior to October 18, 2023." PG&E original response stated: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E will produce inspection and construction records." PG&E's supplemental response states: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E has produced all of the records in its possession, custody, and control regarding the pole at 118 Briar Road in Kentfield, and the crossarm, and conductors attached to that pole, as it existed before October 18, 2023 (the "old pole"). The 1972 construction record produced at PG&E00493-PG&E00494 shows the old pole and the conductors attached to it. The original construction records for the old pole have not been located and PG&E does not know if they have been lost or destroyed. The Pole Detail Report produced at PG&E00393 provides information about the old pole, although the installation date of 1972 may be incorrect. The inspection records produced at PG&E00380-PG&E00384 and PG&E00385-PG&E00390 provide information about the old pole."

RFP No. 27 requests "All DOCUMENTS that CONCERN, encompass, reflect or relate to actual or contemplated modification to, support of or replacement of the high tension utility pole, cross arm, or EDOH at 118 Briar Road, Kentfield, California on or following October 18, 2023."

PG&E's original response stated: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound, unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E will produce construction records." PG&E's supplemental response states: "PG&E objects to this request on the grounds that it is vague, ambiguous, compound,

unduly overbroad, not reasonably specific, and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege and protection. Subject to and without waiving these objections, PG&E responds as follows: PG&E produced the only responsive proposed design in its possession, custody, and control at PG&E00536. The information specific to the subject pole is in the box labeled ‘Location 2.’”

PG&E’s supplemental responses adequately respond to Nos. 26 and 27 and no further responses will be compelled.

3. Privilege log

PG&E’s counsel represents that a privilege log has been provided. (Declaration of Mark Hancock filed October 13, 2026, ¶20.)

D. Special Interrogatory No. 49

Interrogatory No. 49 states: “Do YOU contend that YOU gave the owner at 118 Briar Road prior notice of the REMOVAL?” PG&E’s original response stated: “PG&E objects that the trial court lacks subject matter jurisdiction over Plaintiff’s complaint that PG&E cut more trees than necessary to provide for the safe and reliable delivery of electricity for the protection of the public, workers, and the environment, and therefore Plaintiff’s service of discovery is burdensome and an improper use of the Discovery Act. (See *Sarale v. PG&E* (2010) 189 Cal.App.4th 225, 237-243.) PG&E objects to this interrogatory on the grounds that it is vague, ambiguous, unduly burdensome, compound, overbroad, and premature. PG&E responds as follows: PG&E is reviewing its records to determine whether notice was provided.”

PG&E’s supplemental response states: “PG&E objects that the trial court lacks subject matter jurisdiction over Plaintiff’s complaint that PG&E cut more trees than necessary to provide for the safe and reliable delivery of electricity for the protection of the public, workers, and the environment, and therefore Plaintiff’s service of discovery is burdensome and an improper use of the Discovery Act. (See *Sarale v. PG&E* (2010) 189 Cal.App.4th 225, 237-243.) PG&E objects to this interrogatory on the grounds that it is vague, ambiguous, unduly burdensome, compound, overbroad and premature. Subject to and without waiving these objections, PG&E responds as follows: PG&E has not located any records which show that notice was provided to the owner or occupant of 118 Briar regarding the removal of trees on August 8, 2024.”

PG&E is compelled to provide a supplemental response to this interrogatory that actually answers the question asked and complies with the requirements of Section 2030.220(c).

E. Form Interrogatory No. 12.6

Interrogatory No. 12.6 states: “Was a report made by any PERSON concerning the INCIDENT? If so, state: (a) the name, title, identification number, and employer of the PERSON who made the report; (b) the date and type of report made; (c) the name, ADDRESS, and telephone number of the PERSON for whom the report was made; and (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the report.” PG&E’s original response stated: “PG&E objects to this interrogatory to the extent it seeks information protected

by the attorney-client privilege, the work product doctrine, Code of Civil Procedure sections 2034.010, et seq., and other applicable privileges and protections. PG&E objects to the term “report” as vague and ambiguous. PG&E objects to this interrogatory on the grounds that it is vague, ambiguous, unduly burdensome, overbroad, and compound. PG&E objects to this interrogatory on the grounds that the phrase “concerning the INCIDENT” is vague and ambiguous. PG&E objects to this interrogatory to the extent that it seeks confidential and proprietary information. Subject to and without waiving these objections, PG&E responds: Yes. The report identified below is protected by the attorney work product doctrine and attorney-client privilege and will not be produced by PG&E. (a) David Kendall, who is employed by PG&E. (b) Easement Conflict Survey Report. (c) PG&E's Law Department. (d) PG&E.”

PG&E’s response is adequate and no further response will be compelled.

F. Evidence Preclusion Order

The Court denies this request as it was not made in Plaintiffs’ moving papers and is not an appropriate subject for a motion to compel. Plaintiffs may file a motion in limine to the extent they still seek this relief.

G. Sanctions

Plaintiffs’ request for sanctions in the amount of \$1,800 is granted. (Code Civ. Proc. §§ 2023.010; 2023.030; 2030.300(d); 2031.300(d).) PG&E’s request for sanctions is denied.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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Meeting ID: 160 526 7272

Passcode: 026935

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/20/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0004757

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: HILLARY WHITMAN

vs.

DEFENDANT: SUPER73, INC.

NATURE OF PROCEEDINGS: 1) MOTION - COMPEL - DISCOVERY FACILITATOR PROGRAM
2) MOTION - SEAL
3) MOTION - COMPEL ANSWERS TO INTERROGATORIES - DISCOVERY FACILITATOR PROGRAM

RULING

1. The application of Defendant Super73, Inc. ("Super73") to file under seal documents related to Plaintiffs' motion for class certification is **DENIED without prejudice**. Defendant's showing is insufficient to support the specific factual findings required to seal records. (Cal. Rules of Court, rule 2.550 subd. (d).) Defendant may reapply for sealing based on a further showing for each document that identifies the specific information claimed to be entitled to protection, the specific nature of the harm threatened by disclosure, and an explanation as why no less restrictive means (such as redaction) exists to protect the claimed overriding interest.
2. The motion of Super73 to compel further compliance with a deposition subpoena for the production of business records served on non-party E-Bike Access ("EBA") is **DENIED**, subject to EBA serving a verified statement of compliance and a privilege log as to any document withheld on privilege or work-product grounds.

Discussion Regarding Discovery Motion

Request No. 1 — Documents "proposing this litigation against Super73"

A narrower scope of discovery is available from a non-party. Defendant has not articulated specific facts showing that responsive materials are relevant or reasonably calculated to lead to the discovery of admissible evidence. In addition, the Court cannot compel the production of documents that do not exist and Super73 has offered no evidence that EBA possesses responsive

documents that it has withheld. The motion as to this request is denied subject to EBA serving a verified statement of compliance.

Requests Nos. 2, 3, 4, 5, and 6 — Communications with Whitman, Hedlund, Anapol Weiss, Derek Howard, and Roy Manukyan

These requests seek documents and communications relating to Plaintiffs Hillary Whitman and John Hedlund, and Plaintiffs' counsel Anapol Weiss, Derek Howard, and Roy Manukyan. EBA responded to each that it has no responsive documents. Super73 contends that Robert Mittelstaedt sent emails to Plaintiffs and their counsel from a personal Gmail account he also uses for EBA work, that those emails bear an EBA signature or logo, and that they are therefore EBA communications. EBA responds that Mittelstaedt serves as counsel for Plaintiffs, that the communications at issue were made in his capacity as an attorney, and that they are protected by the attorney-client privilege and the work-product doctrine.

The capacity in which a communication is made, not the email account through which it is transmitted, determines whether the attorney-client privilege applies. Where the dominant purpose of the relationship between Mittelstaedt and Plaintiffs (or their counsel of record) is that of attorney and client, the resulting communications are privileged and their discovery is barred regardless of whether the communications also include nonprivileged information. A communication made in that capacity "does not lose its privileged character for the sole reason that it is communicated by electronic means." (Evid. Code, § 917.) Thus, the use of an account for dual-purposes (personal and professional) is not determinative. Communications that Mittelstaedt in fact made in his non-legal, organizational capacity as an EBA officer would not be shielded from discovery. EBA may not withhold its own responsive, non-privileged organizational records on the ground that Mittelstaedt is also a lawyer.

In any event, the Court cannot order the production of documents that do not exist and EBA represents that it has no responsive documents other than communications made by Mittelstaedt in his capacity as counsel. Super73 has submitted no evidence to the contrary.

Accordingly, the motion is denied as to Requests Nos. 2 through 6. However, the Court does order EBA to serve (1) a verified statement confirming a diligent search and the absence of responsive documents held in its organizational capacity, and (2) a privilege log as to any responsive document withheld on privilege or work-product grounds.

Request No. 7 — Documents "Relating To the Action"

Request No. 7 seeks "All Documents and Communications with or Relating To the Action." EBA objects that the request is overbroad, unduly burdensome, cumulative, and not reasonably calculated to lead to the discovery of admissible evidence, and that it is duplicative of Requests Nos. 2 and 3.

A demand for all documents “relating to the Action” is not described with the reasonable particularity required of a non-party subpoena. Defendants contention that the documents “may contain evidence relevant to the credibility of Plaintiff and other witnesses” and “may contain opposing-party statements admissible under Evidence Code section 1220 and is too general to support the production of every document within so broad a category. To the extent the request seeks communications with Plaintiffs, it duplicates Requests Nos. 2 and 3. To the extent it seeks Mittelstaedt’s communications as counsel, those communications are privileged. The motion as to this request is denied.

Requests Nos. 8 and 9 — Payments and Financial Contributions

Request No. 8 seeks documents relating to any payments EBA or its members made to Hillary Whitman, John Hedlund, Anapol Weiss, Derek Howard, or Roy Manukyan. Request No. 9 seeks documents sufficient to show all financial contributions EBA or its members made to the litigation of the action since January 2024. EBA responded to each that it has no responsive documents because no such payments or contributions were ever made.

A categorical representation that no responsive documents exist because the underlying transactions never occurred is a complete response to a document request. The Court cannot compel the production of documents that do not exist. Super73’s contention that EBA’s response reflects a lack of good faith is not supported by any evidence that responsive documents exist. EBA shall serve the verified statement confirming its diligent search and the absence of responsive documents.

Sanctions

All requests for monetary sanctions are denied. Each party shall bear its own costs and fees incurred on the motion.

Further Order regarding Compliance

Within 20 days of the date of this Order EBA shall serve on Super73 a verified statement, signed under penalty of perjury by a person with knowledge, that: (a) describes the diligent search EBA conducted for documents responsive to each of Requests Nos. 1 through 9; and (b) confirms, as to each request to which EBA has responded that it has no responsive documents, that EBA possesses no responsive documents in its organizational capacity after that search — separate and apart from any communications made by Robert Mittelstaedt in his capacity as counsel for Plaintiffs.

Within 20 days of the date of this Order, to the extent EBA withholds any document responsive to Requests Nos. 2 through 7 on the ground of the attorney-client privilege or the work-product doctrine, EBA shall serve a privilege log consistent with Code of Civil Procedure section 2031.240(c)(1).

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/20/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0006394

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: CLOVER SONOMA
FARMS

vs.

DEFENDANT: PINK OWL COFFEE, A
PARTNERSHIP, ET AL.

NATURE OF PROCEEDINGS: 1) MOTION – OTHER: DEPOSIT ACCOUNT EXEMPTION
2) CLAIM OF EXEMPTION HEARING – WAGE GARNISHMENT
3) CLAIM OF EXEMPTION HEARING – WAGE GARNISHMENT

RULING

In this proceeding, the Judgment Debtor (“Debtor”) has filed a claim of exemption and she therefore bears the burden of proof. (Code Civ. Proc., § 703.580 subd. (b).)

The Debtor has the right to an automatic deposit account exemption of **\$2,325**. (Code Civ. Proc., § 704.220.) However, this exemption is calculated per debtor not per account (Code Civ. Proc., § 704.220 subd. (e)(1)). Since there is more than one account at issue, the Judgment Creditor is entitled to an order determining upon which account to apply the automatic exemption. The Court has no information regarding the balances of these various accounts.

Because the Debtor bears the burden of proof, it is her obligation to present sufficient financial records to the Court to enable it to determine which account should be exempted. Failure to do so will result in the denial of the claim of exemption. Nor has Debtor presented sufficient information to justify an exemption for paid earnings or social security benefits. Absent production of such financial information, these claims for exemption are denied.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/20/26 TIME: 1:30 P.M. DEPT: A CASE NO: CV0010177

PRESIDING: HON. STEPHEN P. FRECCERO

REPORTER:

CLERK:

PLAINTIFF: BRIAN ARELLANES, ET AL	
vs.	
DEFENDANT: MARIN MATTERS LLC, ET AL	

NATURE OF PROCEEDINGS: MOTION – ANTI-SLAPP 425.16

RULING

Appearances required.

All parties must comply with Marin County Superior Court Local Rules, Rule 2.10(B) to contest the tentative decision. Parties who request oral argument are required to appear in person or remotely by ZOOM. Regardless of whether a party requests oral argument in accordance with Rule 2.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 2.11.

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