

James Inlow v. Sierra Vista Regional Medical Center, 16CV-0264

Hearing: Defendant's Motion to Compel Discovery Responses

Date: November 16, 2017

James and Barbara Inlow bring this medical malpractice action against Sierra Vista Regional Medical Center (Sierra Vista) and Elijah Wogu, D.O. (Dr. Wogu).

On January 26, 2017, Sierra Vista propounded a set of form interrogatories on James Inlow (Inlow) and a request for statement of damages and requests for production of documents on both James and Barbara Inlow (collectively Plaintiffs). Despite multiple attempts to meet and confer to obtain the discovery responses, Plaintiffs still have not provided responses. Sierra Vista moves to compel the responses and seeks monetary sanctions in the amount of \$665.¹ Plaintiffs fail to oppose the motion.

Pursuant to CCP §§2030.290 and 2031.300, Sierra Vista makes a prima facie showing that it is entitled to compel Inlow's answers to the form interrogatories and Plaintiffs' responses to the requests for production of documents. Likewise, pursuant to CCP §425.11, Plaintiffs must serve a responsive statement to the request for statement of damages. Plaintiffs' lack of opposition is construed as an admission that the motion is meritorious. (Weil & Brown, *California Pract. Guide, Civil Pro. Before Trial*, §9:105.10)

The motion to compel is granted. Inlow shall provide without objection written answers to the form interrogatories within 20 days from service of notice of the order. Also, Plaintiffs shall provide without objections responses to the requests for production of documents and shall also produce all responsive documents and serve a response to the statement of damages, all within 20 days from service of notice of the order. Monetary sanctions in the amount of \$665 are awarded in favor of Sierra Vista and against Plaintiffs and are to be paid 30 days from service of notice of the order.

¹ Dr. Wogu filed a notice of joinder in the motion, but it is unclear how Dr. Wogu has standing to compel discovery responses owed to Sierra Vista.