

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF VENTURA

Tentative Ruling

---

**2024CUBC028402: REMY MCCARTHY vs FORD MOTOR COMPANY, et al.**  
**04/15/2026 in Department 44**

**Motion to Compel Plaintiff Remy McCarthy's Deposition and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices APC Jointly and Severally in the Amount of \$2120.00**

Effective **January 5, 2026**, Judge Charmaine H. Buehner and all cases previously assigned to Department J4 at the Juvenile Justice Center in Oxnard transferred to Department 44, located at the Hall of Justice, 800 South Victoria Avenue, Ventura, California 93009.

**Department Rules.** Parties and counsel shall follow the Department 44 rules and Zoom protocols, available at <https://www2.ventura.courts.ca.gov/Courtroom/C44>.

**Remote Appearances.** The Court allows Zoom appearances as a courtesy to parties and counsel. The Court does not accommodate Court Call appearances. **You MUST register by 4:00 p.m. the court day before your hearing or you will be DENIED entry to the hearing:**

**ZOOM Registration Link:**

<https://ventura-courts-ca.zoom.us/meeting/register/iqN7uhQSQMuoqs-9TQXgEQ>

No advance notice is required to appear in person.

**Tentative Rulings.** Oral argument should address the tentative decision. To submit on the tentative decision, email [courtroom44@ventura.courts.ca.gov](mailto:courtroom44@ventura.courts.ca.gov) before 8:00 a.m. on the hearing date, copying all other parties, Use the subject line "SUBMISSION ON TENTATIVE", [Case Number], [Case Title] and [Party]. If not all parties submit, the hearing will proceed, and the tentative ruling may change.

The Court may adopt, modify or reject the tentative ruling after hearing. The tentative ruling has no legal effect unless and until adopted by the Court.

**Motion:** Defendant Ford Motor Company's Motion to Compel Plaintiff Remy McCarthy's Deposition and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$2,120 (*opposed*)

**Tentative Ruling:**

Defendant Ford Motor Company's Motion to Compel Plaintiff Remy McCarthy's Deposition and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$2,120 is GRANTED.

### Factual Background

Plaintiff's deposition was first noticed for March 31, 2025, in a notice served on December 5, 2024. (Maggio Decl., ¶ 3, Exhs. A-B.) On March 28, 2025, Plaintiff objected to the notice. (*Id.*, ¶ 4, Exh. C.) Defendant then noticed Plaintiff's deposition for October 9, 2025 (notice served August 19, 2025), and December 27, 2025 (notice served October 6, 2025). In each instance, the date was unilaterally chosen by Defendant's counsel and Plaintiff objected on that basis. (*Id.*, ¶¶ 5-7, Exhs. D-H.) Plaintiff's counsel thereafter agreed to produce Plaintiff on January 20, 2026, and the deposition was noticed for that date. (*Id.*, ¶¶ 8-9, Exhs. I-K). But Plaintiff's counsel cancelled the January 20, 2026, deposition at the last minute due to a scheduling conflict. (*Id.*, ¶ 10, Exhs. L-N.) Plaintiff's counsel then agreed to produce Plaintiff on February 24, 2026, and against Defendant served a notice. (*Id.*, ¶ 11, Exhs. O-P.) Plaintiff's counsel cancelled this deposition on February 13, 2026. (*Id.*, ¶ 12, Exh. Q.) Since January 1, 2026, Plaintiff's counsel has cancelled at least 80 confirmed depositions, which shows a pattern. (*Id.*, ¶ 13.)

Plaintiff's counsel does not dispute the timeline and instead focuses on the fact that his office is diligently working on trying to produce Plaintiff before April 30, 2026. Plaintiff's counsel asserts that Plaintiff was always willing to be deposed and since October of 2025 has been responsive and trying to schedule the deposition. But since December of 2025, Defendant's counsel has filed over 80 discovery motions to compel in cases it is currently litigation against Plaintiff's counsel, which has caused Plaintiff's counsel to continually adjust its schedule to accommodate many other depositions. Sanctions are not warranted under these facts. (Smith Decl., ¶¶ 1-9, Exhs. A-D.)

### Discussion

Defendant is entitled to take Plaintiff's deposition. (Code Civ. Proc., § 2025.010.) Service of a deposition notice is sufficient to compel appearance and testimony. (*Id.*, §§ 2025.240, 2025.280, subd. (a).) Even though the dates were unilaterally chosen by Defendant's counsel, when they were served, Defendant's counsel asked for alternative dates within 30 days if the specified date was not workable. (Maggio Decl., Exhs. B, E, G.) Finally, the last two dates were agreed to by Plaintiff's counsel. (Maggio Decl., ¶¶ 8, 11, Exhs. I, O.) Good cause for the order has been shown and the Court grants the motion. (Code Civ. Proc., § 2025.450, subd. (a).) Plaintiff is ordered to appear and testify within 20 calendar days.

The Court also grants the request for sanctions. Plaintiff's counsel made no effort to cooperate until October of 2025, then cancelled two depositions on the agreed-upon dates. Being too busy is not substantial justification for failure to produce Plaintiff for deposition for more than a year. (Code Civ. Proc., § 2025.450, subd. (g)(1); see also Code Civ. Proc., §§ 2023.010 [defining misuses of the discovery process], 2023.020 [providing for a court's authority to sanction parties for failing to meet and confer], 2023.030 [listing types of sanctions, including monetary, issue, evidentiary, and terminating sanctions].) The Court awards sanction in the amount requested, which appears to comprise \$500.05, a \$60 filing fee, and \$1,559.95 for a certificate of nonappearance. A copy of the invoice for the nonappearance is provided. (Maggio Decl., Exh.

R.) The Court orders Plaintiff and/or her counsel of record, Strategic Legal Practices, to pay sanctions of \$2,120 within ten calendar days.

Counsel for Defendant is ordered to give notice of the Court's ruling.