

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF VENTURA

Tentative Ruling

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**2024CUBC031403: PENNY L LENNEMANN WHIGHAM vs FORD MOTOR  
COMPANY, et al.**

**04/15/2026 in Department 44**

**Motion to Compel Plaintiff Penny L. Lennemann Whigham's Deposition and Request for  
Monetary Sanctions Against Plaintiff and Stratigic Legal Practices APC Jointly and  
Severally in the Amount of \$1,760.00**

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 Penny L. Lennemann Whigham's Deposition and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$1,760

**Tentative Ruling:**

Defendant Ford Motor Company's Motion to Compel Plaintiff Penny L. Lennemann Whigham's Deposition and Request for Monetary Sanctions Against Plaintiff and Strategic Legal Practices, APC, Jointly and Severally in the Amount of \$1,760 is GRANTED.

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Factual Background

Plaintiff's deposition was first noticed for March 14, 2025, in a notice served on December 16, 2024. (Pisciotta Decl., ¶ 3, Exhs. A-B.) On March 11, 2025, Plaintiff objected to the notice. (Id., ¶ 4, Exh. C.) Defendant then noticed Plaintiff's deposition for October 21, 2025 (notice served August 26, 2025); December 4, 2025 (notice served October 22, 2025); and January 7, 2026 (notice served December 4, 2025). In each instance, the date was unilaterally chosen by Defendant's counsel and Plaintiff objected on that basis. (Id., ¶¶ 5-9, Exhs. D-K.) Plaintiff's counsel thereafter agreed to produce Plaintiff on February 11, 2026, and the deposition was noticed for that date via a notice served on December 19, 2025. (Id., ¶ 10, Exhs. L-M). Plaintiff's counsel cancelled the February 11, 2026, deposition due to a scheduling conflict. (Id., ¶ 11, Exh. N.)

Plaintiff's counsel does not dispute the timeline and instead focuses on the fact that on March 16, 2026, Plaintiff's counsel offered to produce Plaintiff on April 22, 2026. Defendant's counsel has not responded to that offer. Plaintiff's counsel asserts that Plaintiff was always willing to be deposed and since December 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. (Pisciotta Decl., Exhs. B, E, H, K.) Without communication, Plaintiff's counsel simply objected to the first four dates at the last minute. Finally, the last date was agreed to by Plaintiff's counsel. (Pisciotta Decl., Exh. L.) Because trial is imminent, and because good cause for the order has been shown, the Court grants the motion to ensure that Plaintiff appears. (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 December of 2025, then cancelled the deposition scheduled for February 11, 2026, a date Plaintiff's counsel offered. 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 does not award the entire requested amount, however. Plaintiff's counsel offers no explanation for the basis of the amount, which appears to be comprised of a flat \$500, plus \$60 for the filing fee, plus \$1,200 for a certificate of nonappearance that Defendant expects to be billed. The invoice for the certificate of nonappearance was not provided. Accordingly, the Court orders Plaintiff

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and/or her counsel of record, Strategic Legal Practices, to pay sanctions of \$560 within ten calendar days. If the certificate of nonappearance is produced at the hearing, the Court will review it and consider award the amount specified therein.

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