

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2025CUBC037975: MARIO RODRIGUEZ vs GENERAL MOTORS, LLC

07/15/2026 in Department 44

**Motion to Compel Defendants Further Responses to Request for Production of Documents;
Motion to Compel Further Responses to Special Interrogatories**

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 3:00 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 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.

MOTIONS:

- 1) Plaintiff Mario Rodriguez (“Plaintiff”) Motion to Compel defendant General Motors, LLC (“Defendant”) Further Responses to Special Interrogatories Nos. 14, & 38-43. (“SI Motion”)
- 2) Plaintiff’s Motion to Compel Defendant’s Further Responses to Requests for Production of Documents Nos. 1, 3, 9, 17, 37-54 & 62 (“RPD Motion”)

Tentative Ruling:

This lawsuit arises out of Plaintiff’s purchase of a 2022 Chevrolet Colorado on or about March 5, 2023, which vehicle Plaintiff alleges suffers from a defective engine that was not remedied by Defendant. Plaintiff filed suit on February 6, 2025, and filed the operative first amended complaint (“FAC”) on March 7, 2025. The FAC alleges two causes of action under the Song-Beverly Consumer Warranty Act for breaches of the express and implied warranties, a third cause of action for fraudulent concealment, and a fourth cause of action for violation of the Consumer Legal Remedies Act.

Defendant opted into the procedures applicable to Song-Beverly Act cases filed after January 2025 under Code of Civil procedure § 871 et seq. Here, the parties participated in early mediation on September 4, 2025 following an exchange of information mandated by Code of Civil Procedure section 871.26.

Thereafter, on September 16, 2025, Plaintiff propounded Requests for Production of Documents and Special Interrogatories on September 16, 2025. Defendant served unverified discovery responses on October 16, 2025, and subsequently served verifications in support of the responses on November 18, 2025 via email.

Plaintiff sent Defendant a meet and confer letter on October 20, 2025, and again on October 27, 2025. Defendant responded on October 31, 2025, asserting that its responses were proper and pointing to its compliance with document production under Code of Civil Procedure section 871.26. Plaintiff made an additional attempt to meet and confer with Defendant on January 5th and 6th, which efforts were not responded to by Defendant.

On January 6, 2026, 48 days after Defendant served the verification by email, Plaintiff filed the SI Motion and RPD Motion, and the motions were set for hearing on July 14, 2026. Defendant opposed the motions on July 1, 2026, asserting that Plaintiff did not meet and confer in good faith, that it exceeded its obligations to meet its discovery obligations, and asking the Court to sustain its objections. Defendant did not object on the basis that the motions were not timely filed, and Plaintiff did not provide representation or evidence that the parties had agreed in writing to extend the deadline for filing the motions.

Motions to compel further responses to special interrogatories and requests for production of documents must be made within 45 days of service of the verified response. Where, as here, unverified responses are served prior to the time verifications are provided, the 45-day clock starts running from the date of service of the verifications. (Code Civ. Proc. §§ 2030.300, subd. (c) & 2031.310, subd. (c).) See *Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 135-36.) The 45-day deadline may be extended depending on the method of service; by two days in the case of electronic service. (*Golf & Pro Shop, Inv. v. Superior Court, supra*, 84 Cal.App.5th at p. 137, citing Code Civ. Proc. 2030.300, subd. (c), 1010.6, subd. (a)(4)(B).) And, if the last day to perform an act or complete any act falls on a Saturday, Sunday or holiday, the deadline is extended until the next court day closer to the trial date. Parties may extend the 45-day limit by written stipulation under Code of Civil Procedure section 2030.300, subdivision (c) and 2031.310 subdivision (c). The opposing party does not waive the objection for failure to raise the timeliness issue in the opposition, (*Sexton v. Superior Court* (1997) 58 Cal.4th 1403, 1410. Once the objection is raised, however, the Court is without jurisdiction to decide the motion. (Code Civ. Proc. §§ 2030.300, subd. (c) & 2031.310, subd. (c); *Guzman v. General Motors* (1984) 154 Cal.App.3d 771, 789.)

Here, Defendant's verifications to the discovery responses were served by email on November 18, 2025. The 45th day from service of the verifications was Friday, January 2, which deadline was extended by two days by email service to Sunday, January 4 per Code of Civil Procedure, section 1010.6(a)(4)(B), and then to the next court day closer to the trial date, Monday, January 5, 2026 by Code of Civil Procedure, section 2106.060. Plaintiff, however, did not file the motions until January 6, 2026 – one day after the deadline. Accordingly, the Court will inquire of

counsel at the hearing whether the parties have a written stipulation to extend the deadline, and if not, the parties' respective positions with respect to the timeliness of this motion before the Court will consider the discovery motions on their substance.