SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2026CUCO064227: VICTORIA OLONA vs ERIC MAYLING, et al.
09/21/2026 in Department 43
Motion to Quash Plaintiff's Deposition Subpoena for Production of Business Records to Bank of America, N.A.

The morning calendar in courtroom 43 will normally begin at 8:45. Please arrive for your hearing no later than 8:30 a.m. The door will be opened before the calendar is called.

The Court allows remote appearances by Zoom. Refer to the Courtroom 43 webpage for more information about remote appearances. For Zoom appearances, all counsel appearing by Zoom must register no later than 3:00 p.m. the court day before the hearing. If appearing by Zoom, log into the hearing no later than 8:30 a.m. The Court will transfer you to the meeting room when the calendar begins. Additional instructions can be found on the Court website. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name.

With respect to the tentative ruling below, no notice of intent to appear is required. If you wish to submit on the tentative ruling you can fax notice to Judge Coats's secretary, Ms. Brantner at 805-477-8790, stating that you submit on the tentative. Or you may email Courtroom43@ventura.courts.ca.gov with all counsel copied on the email. Do not call in lieu of sending a fax or email. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. If you are the moving party and do not advise the Court that you submit on the tentative, or you do not appear at the hearing, the Court may deny your motion irrespective of the tentative.

Unless stated otherwise at the hearing, if a formal order is required but not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

Motions:

1**.** Defendants’ Motion to Quash Plaintiff’s Subpoena for Production of Business Records to Bank of America, N.A.

2. Defendants’ Request to Strike Plaintiff’s Declaration in Opposition to Defendants’ Motion.

Tentative Ruling:

1. Defendants’ Motion to Quash Plaintiff’s Subpoena for Production of Business Records to Bank of America, N.A. is DENIED subject to limiting the scope to the period beginning when the parties commenced living together and to the issuance of an appropriate protective order. The Court approves the proposed protective order attached to Plaintiff’s opposition in Exhibit 9 and orders Plaintiff’s counsel to submit the order and obtain the Court’s signature prior to production of the records at issue herein.

2. Defendants' Request to Strike Plaintiff Olona's Declaration in Opposition to Defendants' Motion is GRANTED.

The Requests for Sanctions are DENIED.

Defense counsel is admonished for failing to comply with California Rules of Court 3.1113(f) requiring a Table of Contents, Table of Authorities and 3.1345(a)(5) requiring a Separate Statement to be filed with the motion.

Plaintiff is ordered to serve notice of the Court's ruling.

DISCUSSION

1. Applicable Law

"If a subpoena requires the attendance of a witness or the production of books, documents, electronically stored information, or other things before a court, or at the trial of an issue therein, or at the taking of a deposition, the court, upon motion reasonably made by any person described in subdivision (b), or upon the court's own motion after giving counsel notice and an opportunity to be heard, may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare, including protective orders. In addition, the court may make any other order as may be appropriate to protect the person from unreasonable or oppressive demands, including unreasonable violations of the right of privacy of the person." (Code Civ. Proc., § 1987.1, subd. (a).)

"Any consumer whose personal records are sought by a subpoena duces tecum and who is a party to the civil action in which this subpoena duces tecum is served may, prior to the date for production, bring a motion under Section 1987.1 to quash or modify the subpoena duces tecum . . . . " (Code Civ. Proc., § 1985.3. subd. (g).)

"In addition to serving this written objection, a party may also move for an order staying the taking of the deposition and quashing the deposition notice. This motion shall be accompanied by a meet and confer declaration under Section 2016.040. The taking of the deposition is stayed pending the determination of this motion." (Code Civ. Proc., § 2025.410, subd. (c).)

"Before, during, or after a deposition, any party, any deponent, or any other affected natural person or organization may promptly move for a protective order. The motion shall be accompanied by a meet and confer declaration under Section 2016.040." (Code Civ. Proc., § 2025.420, subd. (a).) "The court, for good cause shown, may make any order that justice requires to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense . . . ." (Code Civ. Proc., § 2025.420, subd. (b).)

"The court shall limit the scope of discovery if it determines that the burden, expense, or intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence. The court may make this determination pursuant to a motion for protective order by a party or other affected person. This motion shall be accompanied by a meet and confer declaration under Section 2016.040." (Code Civ. Proc., § 2017.020, subd. (a).)

"[T]he burden is on the party seeking the protective order to show good cause for whatever order is sought." (*Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255.

"The state Constitution expressly grants Californians a right of privacy. (Cal. Const., art. I, § 1.) Protection of informational privacy is the provision's central concern. (*Hill v. National Collegiate Athletic Assn*. (1994) 7 Cal.4th 1 [*Hill*], 35.) In *Hill*, we established a framework for evaluating potential invasions of privacy. The party asserting a privacy right must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious. (*Id.* at pp. 35-37.) The party seeking information may raise in response whatever legitimate and important countervailing interests disclosure serves, while the party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. A court must then balance these competing considerations. (*Id.* at pp. 37-40.)" (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 552.)

"[W]henever lesser interests are at stake, the more nuanced framework discussed above applies, with the strength of the countervailing interest sufficient to warrant disclosure of private information varying according to the strength of the privacy interest itself, the seriousness of the invasion, and the availability of alternatives and protective measures." (*Hill*, *supra*, 7 Cal.4th at 35-40.)

"Courts must . . . place the burden on the party asserting a privacy interest to establish its extent and the seriousness of the prospective invasion, and against that showing must weigh the countervailing interests the opposing party identifies, as *Hill* requires. What suffices to justify an invasion will [Citation] vary according to the context. Only obvious invasions of interests fundamental to personal autonomy must be supported by a compelling interest. [Citation.] To the extent prior cases require a party seeking discovery of private information to always establish a compelling interest or compelling need, without regard to the other considerations articulated in [*Hill*, *supra*] they are disapproved." (*Williams v. Superior Court*, *supra*, 3 Cal.5th at p. 556.)

Civil Code section 3295, subdivision (c), requires a court order to permit pretrial discovery regarding a defendant's profits or financial condition relative to a claim for punitive damages.

2. <u>Application</u>

Defendants have failed to meet their burden to establish that the information requested by the Bank of America subpoena would involve a significant invasion of privacy interests. In this case, the parties have been in a romantic, domestic, business, and parenting relationship spanning over 11 years. The records sought are time-limited to the duration of their relationship. The basis of the First Amended Complaint is, per the facts alleged by Plaintiff, that Defendant Mayling promised to share wealth generated during their relationship and repeatedly represented that the family residence and other assets were held or protected through the Castillo Vida Trust.

The records are reasonably sought because they may objectively establish account ownership, titling, trust funding, deposits, transfers, commingling, investment holdings, corporate receipts, and transactions among Defendant Mayling, the Trust, and Integrated Pay central to Plaintiff's claims.

Defendant's argument under Civil Code section 3295 is inapplicable because the records are not sought regarding a punitive damages claim. To the extent it might apply, the argument is moot as per the Court's order herein permitting such discovery.

Regarding the Motion to Strike, Plaintiff's Declaration was untimely and not considered by the Court. Rather, Plaintiff's counsel's declaration was referenced in and included with Plaintiff's Opposition and is sufficient to support Plaintiff opposition to Defendant's Motion to Quash. (See Lizarraga Decl., Plaintiff's Opp., pp. 18-22.)