SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEPARTMENT 16

TENTATIVE RULING

DR. IMAN SADEGHI, Plaintiff vs. PINSCREEN, INC., DR. HAO LI, YEN-CHUN CHEN, LIWEN HU, HAN-WEI KUNG, Defendants	Case No.: BC709376 [Tentative] Order on Motion to Compel Further Responses to Form Interrogatories and for Sanctions Hearing Date: April 4, 2019

TO PLAINTIFF DR. IMAN SADEGHI AND HIS ATTORNEYS OF RECORD AND DEFENDANTS PINSCREEN, INC., DR. HAO LI, YEN-CHUN CHEN, LIWEN HU, HAN-WEI KUNG AND THEIR ATTORNEYS OF RECORD:

Plaintiff filed this action alleging defendants Pinscreen and Li fraudulently induced him to accept employment with Pinscreen. Plaintiff discovered while working that Pinscreen was engaged in illegal practices, but was assured there would be no public misrepresentations. Pinscreen made public misrepresentations and terminated plaintiff, battering him and invading his privacy.

Plaintiff moves to compel further responses to form interrogatories from Dr. Li and for sanctions against Dr. Li and his attorney.

Motion to Compel Further Responses to Form Interrogatories

The motion is taken off calendar as moot as supplemental responses were served.

Sanctions

Where satisfactory responses have been served after the filing of motions to compel, courts nonetheless may award sanctions. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007)148 Cal. App. 4th 390, 409.)

Defendant argues he had substantial justification for bringing the motion, as there is a demurrer pending which will establish that plaintiff cannot state a cause of action. The right to discovery does not depend on the status of the pleadings, including where a complaint is vulnerable to a demurrer. (*Mattco Forge, Inc. v. Arthur Young & Co.* (1990) 223 Cal.App.3d 1429, 1436.) "In pursuing such discovery, the strength or weakness of the plaintiff's individual claim is immaterial...." (*Williams v. Sup. Ct.* (2017) 3 Cal.5th 531, 551.) That defendant believes his demurrer will be successful against every cause of action is not a ground to refuse to provide substantive discovery responses.

Defendant also argues that plaintiff did not include the code section authorizing sanctions in the notice of motion. It is referenced, Code of Civil Procedure section 2023.010. Sanctions of $3867.50 are awarded against defendant Dr. Hao Li and his attorney Benjamin Davidson.

[It is so ordered.]

Dated: April 4, 2019

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Hon. Lia Martin
Judge of the Superior Court