

**DEPARTMENT TEN  
JUDGE MICHAEL MATTICE  
707-207-7310  
TENTATIVE RULINGS SCHEDULED FOR  
FRIDAY, DECEMBER 15, 2017**

**LOVE v. COSTCO WHOLESALE CORPORATION, et al.  
Case No. FCS044904**

Continued Hearing of Motion by Plaintiff to Vacate Tentative Ruling and to Set Aside Order that the Requests for Admissions Be Deemed Admitted

TENTATIVE RULING

On a motion to deem admitted requests for admission, the court should not grant the motion if prior to hearing the responding party has served a response in “substantial compliance with Section 2033.220”. C.C.P. §2033.280(b).

C.C.P. §2033.220 sets forth requirements for determining when a response is complete, and allows a party to admit, deny or explain why that party is unable to admit it after reasonable inquiry.

In addition, responses (other than those consisting only of objections) must be verified. C.C.P. §2033.240(a) [“The party to whom the requests for admission are directed shall sign the response under oath, unless the response contains only objections”].

Plaintiff’s late-served responses were in substantial compliance with these requirements. Verification language appears within the responses, at the start of the responses, and the responses comply with the requirements of C.C.P. §2033.220.

The court therefore vacates its earlier order deeming Plaintiff to have admitted the requests for admissions, and instead denies COSTCO’s motion for deemed admissions.

To the extent COSTCO believes that any particular response(s) was (were) evasive or incomplete, or that Plaintiff’s failure to admit any particular request(s) of substantial importance was (were) not made with reasonable ground to believe that Plaintiff would prevail on that (those) matter(s), this ruling is without prejudice to COSTCO filing a motion under C.C.P. §2033.290 to compel a further response (or responses), or after trial from filing a motion under C.C.P. §2033.420 to

recover the reasonable expenses it may incur to prove the truth of the matter(s), if that (those) matter(s) is (are) of substantial importance.

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**BARAONA, ET AL. v. J&J WORLDWIDE SERVS., INC., ET AL.**  
**Case No. FCS046789**

Motion for Preliminary Approval of Class Action Settlement

TENTATIVE RULING

Plaintiff's unopposed motion for preliminary approval of the class action settlement agreement is granted.