

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
GORDON D SCHABER COURTHOUSE**

MINUTE ORDER

DATE: 01/12/2011

TIME: 02:00:00 PM

DEPT: 53

JUDICIAL OFFICER PRESIDING: David Brown

CLERK: E. Brown

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **06AS00839**

CASE INIT.DATE: 03/02/2006

CASE TITLE: **Glenn Hagele vs. Brent Hanson**

CASE CATEGORY: Civil - Unlimited

EVENT ID/DOCUMENT ID: ,6163018

EVENT TYPE: Motion to Deem Matters Admitted - Civil Law and Motion

MOVING PARTY: Brent Hanson

CAUSAL DOCUMENT/DATE FILED: Motion - Other for order deeming admitted the genuiness of documents and truth of facts, 12/14/2010

APPEARANCES

Nature of Proceeding: Motion to Deem Matters Admitted

TENTATIVE RULING

Defendant's Motion to Deem Matters Admitted is unopposed and is granted.

Requests for Admission Nos. 1 - 51 (documents) and 52-79 (facts) are deemed admitted.

On August 18, 2010, the Court granted the motion to compel further responses to RFA Nos. 1-51, and ordered that RFA Nos.'s 52-79 would be deemed admitted unless plaintiff served responses in compliance with CCP 2033.220 before the hearing. Plaintiff thereafter served responses, however the responses were not compliant with the code. All responses were equivocal, improperly reserving the right to withdraw the response. The responses provided do not comply with CCP 2033.220, in violation of the court order. The requests are properly deemed admitted pursuant to CCP 2033.290(e).

The plaintiff's purported "notice of appeal" of the August 18 discovery order as well as other orders is rejected. The August 18 discovery order is not subject to appeal. The document filed by plaintiff on Dec. 28, entitled "Notice of Appeal" and the document filed by plaintiff on Dec.28, entitled "Notice of Automatic Stay..." have no legal effect, and do not affect this motion.

Sanctions are ordered to be paid by plaintiff to defendant in the reasonable amount of \$750 pursuant to CCP 2033.290(e).

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

COURT RULING

There being no request for oral argument, the Court affirmed the tentative ruling.

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