

Miles Sundher v. The Graduate Restaurants, Inc., John Preston Hallvik, Brennan Rutanheningham 16CV-0478

Re: Motions to Compel Further Responses to Form Interrogatories

Date: February 15, 2018

Plaintiff Miles Sundher (“Sundher”) filed this action against defendants the Graduate Restaurants, Inc. (the “Graduate”), John Preston Hallvik and Brennan Rutanheningham. The action arises out of an alleged incident involving the use of physical force by security guards employed by the Graduate at the Graduate’s restaurant.

On July 24, 2017, Sundher served the Graduate with discovery, including form interrogatories and special interrogatories. After Sundher granted the Graduate an extension of time to answer, on September 18, 2017, the Graduate served its responses to form interrogatories.

The parties have made several attempts to informally resolve disputed issues regarding the Graduate’s discovery responses and many, but not all of the issues were resolved. As part of their meet and confer efforts, counsel for the Graduate granted Sundher an extension of time to file a motion to compel responses to and through January 8, 2017. On that date, Sundher filed a motion to compel a further response to form interrogatory 15.1 pursuant to Code of Civil Procedure section 2030.300. Sundher submitted a separate statement in support of her motion and a declaration regarding the parties’ meet and confer efforts. The Graduate does not oppose the motion.

Form interrogatory no. 15.1 asks the responding party to identify each denial of a material allegation and each special or affirmative defense in their pleadings and state all facts upon which the denial or defense is based, identify all persons with knowledge of the fact and identify all documents in support. The Graduate fails to provide any substantive response, arguing instead, without any legal authority provided, that it is not for them to assert facts justifying a general denial, and that because they have not completed their investigation they are unable to respond.

A responding party is required to provide an answer that is as complete and straightforward as the information reasonably available to the responding party permits, and if it cannot be answered completely, it must be answered to the extent possible. (Code Civ. Proc., § 2030.220.) The Graduate must have had some information upon which it based its denial and affirmative defenses. Moreover, it has been two years since the alleged incident, which is ample time to investigate. The Graduate was required to provide a substantive response to this interrogatory.

The motion to compel is granted. The Graduate shall provide a supplemental response to form interrogatory no. 15 within 20 days from the date of the order.