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8

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
08/10/2023 at 09:03:00 PM
Clerk of the Superior Court
By Bernabe Montijo, Deputy Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN DIEGO - HALL OF JUSTICE COURTHOUSE**

11 GRECIA FIGUEROA,

12 Plaintiff(s),

13 v.

14 NATHAN FLETCHER, an individual; SAN
DIEGO METROPOLITAN TRANSIT
15 SYSTEM, a California public agency; and,
DOES 1-20, Inclusive,

16 Defendant(s).
17
18
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CASE NO.: 37-2023-00012828-CU-OE-CTL
[Unlimited Jurisdiction]

*Assigned for all purposes to the Honorable
Matthew C. Braner, Dept. C-60*

**DEFENDANT NATHAN FLETCHER'S
NOTICE OF MOTION AND MOTION TO
COMPEL PLAINTIFF'S RESPONSE TO
REQUEST FOR PRODUCTION OF
DOCUMENTS, SET ONE**

DATE: October 27, 2023
TIME: 9:00 a.m.

Complaint Filed: March 28, 2023
Trial Date: Not Set

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21 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

22 NOTICE IS HEREBY GIVEN that on October 27, 2023, at 9:00 a.m., or as soon
23 thereafter as the matter may be heard, in Courtroom C-69 of the above-entitled Court, located at
24 330 W. Broadway, San Diego, California 92101, Defendant Nathan Fletcher (hereinafter
25 "Defendant") will and hereby does, move for an order pursuant to California Code of Civil
26 Procedure section 2031.320 compelling Plaintiff Grecia Figueroa ("Plaintiff") to provide
27 substantive responses and all responsive documents to Defendant's Request for Production of
28 Documents, Set One.

1 Defendant will further move this Court for an order imposing monetary sanctions against
2 Plaintiff and her counsel, pursuant to California Code of Civil Procedure section 2031.320(b), in
3 favor of Defendant in the amount of \$10,720.00, representing the reasonable attorneys' fees and
4 costs associated with filing this motion.

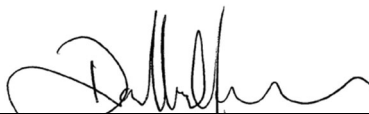
5 This motion is made on the grounds that Plaintiff failed to serve Code-compliant
6 responses or produce any documents in response to Defendant Nathan Fletcher's Requests for
7 Production of Documents, Set One, despite her verified representation that she would "produce
8 responsive, non-privileged documents/things presently in [her] possession, custody, or control to
9 the extent such documents/things are relevant to this action." Mr. Fletcher has a right to
10 discovery, and the Court should grant his motion to compel discovery responses because
11 Plaintiff's failure to respond to discovery is without substantial justification.

12 This motion is based on this notice, the Memorandum of Points and Authorities attached
13 hereto, the Separate Statement, the Declaration of Danielle Hultenius Moore, all papers
14 previously filed in this matter, and on such other and further evidence which may be presented
15 at the time of the hearing.

16
17 DATE: August 10, 2023

FISHER & PHILLIPS LLP

18
19 By:



20 _____
Danielle Hultenius Moore
Stephanie Reynolds
Sean L. McKaveney
Attorneys for Defendant,
Nathan Fletcher

PROOF OF SERVICE
(CCP §§1013(a) and 2015.5)

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of San Diego with the law offices of Fisher & Phillips LLP and its business address is 4747 Executive Drive, Suite 1000, San Diego, California, 92121.

On August 10, 2023, I served the following document(s) **DEFENDANT NATHAN FLETCHER'S NOTICE OF MOTION AND MOTION TO COMPEL PLAINTIFF'S RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE** on the person(s) listed below by placing the original a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Zachary S. Schumacher (SBN 286898) SCHUMACHER PC 1901 1st Avenue, First Floor San Diego, California 92101	E: zach@schumacher-law.com T: 619-344-0800 <i>Co-Counsel for Plaintiff, Grecia Figueroa</i>
Jessica K. Pride (SBN 249212) Dante T. Pride (SBN 262362) Zachary Freire-Aviña (SBN 325460) THE PRIDE LAW FIRM 2831 Camino del Rio South, Suite 104 San Diego, California 92108	E: jpride@pridelawfirm.com E: dpride@pridelawfirm.com E: zfa@pridelawfirm.com CC: swhite@pridelawfirm.com aclark@pridelawfirm.com ; borozco@pridelawfirm.com T: 619-516-8166 F: 619-785-3414 <i>Co-Counsel for Plaintiff, Grecia Figueroa</i>
Janice P. Brown (SBN 114433) Corrin M. Phillip (SBN 310353) Kelsie E. Russell (SBN 346629) MEYERS NAVE RIBACK SILVER & WILSON 600 B Street, Suite 1650 San Diego, California 92101	E: jbrown@meyersnave.com E: cphillip@meyersnave.com E: krussell@meyersnave.com CC: ewilliams@meyersnave.com T: 619-330-1700 F: 619-330-1701 <i>Counsel for Defendant, San Diego Metropolitan Transit System</i>

[by ELECTRONIC SERVICE] - Pursuant to Code of Civil Procedure section 1010.6 (effective January 1, 2023), I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed August 10, 2023, at San Diego, California.

Amanda Funkhouser
By:

Print Name
Signature