

Appendix A

1 James C. Butterly , State Bar No. 56665
2 Elizabeth A. Culley, State Bar No. 258250
3 ANDRE, MORRIS & BUTTERY
4 A Professional Law Corporation
5 2739 Santa Maria Way, Third Floor
6 Post Office Box 1430
7 Santa Maria, CA 93456-1430
8 Telephone: (805) 937-1400
9 Facsimile: (805) 937-1444
jbuttery@amblaw.com

10 Attorneys for Participant, Ike M. Iqbal

11 **Electronically
FILED: 3/10/2022
San Luis Obispo Superior Court
By: Rincon, Dolores**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN LUIS OBISPO, SAN LUIS OBISPO**

14 In Re: The Matter of Estate of Sukhjinder
15 Singh,

16 Deceased.

17 Case No. 19PR-0348

18 **PROPOSED ORDER AFTER HEARING
19 ON IKE M. IQBAL'S MOTION FOR AN
20 ORDER THAT MATTERS IN REQUESTS
21 FOR ADMISSION BE DEEMED
22 ADMITTED; OR IN THE ALTERNATIVE
23 FOR AN ORDER COMPELLING NIKI
24 HAMIDI'S RESPONSE TO REQUESTS
25 FOR ADMISSION AND FORM
26 INTERROGATORY 17.1; AND FOR
27 MONETARY SANCTIONS**

28 Date: March 9, 2022
Time: 9:00 a.m.
Dept.: 9
Assigned To: Hon. Tana L. Coates
Complaint Filed: October 17, 2019
Trial Date: Not set

Participant Ike M. Iqbal's Motion for an Order that Matters in Requests for Admission be Deemed Admitted; or in the Alternative for an Order Compelling Niki Hamidi's Response to Requests for Admission and Form Interrogatory 17.1; and for Monetary Sanctions ("Motion"), came on regularly for hearing on March 9, 2022 at 9:00 a.m. in Department 9 of the above-entitled court, the Honorable Tana L. Coates, judge, presiding.

James C. Butterly of Andre, Morris & Butterly appeared on behalf of Participant Ike M. Iqbal ("Iqbal"). Jude Egan of Egan Law appeared on behalf of Petitioner Marisol Cueva. Objector and Participant Niki Hamidi, in *propria persona*, made no appearance.

1 Iqbal's counsel submitted on the tentative ruling. The Court, having considered the
2 records, pleadings and file materials herein, as well as the moving papers and the objection filed
3 by Niki Hamidi, made the following orders:

4 1. The Court adopts its tentative ruling, a true and correct copy of which is attached
5 hereto as Exhibit "A".

6 2. Iqbal's Motion is granted;

7 3. The Court deems all of the Requests for Admission that Ike Iqbal served on Niki
8 Hamidi on June 24, 2021 admitted for her failure and refusal to respond to them;

9 4. The Court awards sanctions in favor of Iqbal and against Niki Hamidi in the
10 amount of \$6,500. Hamidi shall pay \$6,500 to Andre, Morris & Buttery by April 1, 2022.

11 2. Petitioner Niki Hamidi's objection filed at 10:18 p.m. on March 7, 2022 is
12 untimely and the Court does not accept it.

13
14 IT IS SO ORDERED.

15
16 DATED: 3/10/2022



17 TANA Z. COATES
18 JUDGE OF THE SUPERIOR COURT

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28

EXHIBIT A

3

EXHIBIT 1

FILED

Estate of Sukhjinder Singh, 19PR-0348

Hearing: Motion to Deem Requests for Admission Admitted

Date: March 9, 2022

MAR 09 2022 *[Signature]*

SAN LUIS OBISPO SUPERIOR COURT
BY *[Signature]*
C. Smith, Deputy Clerk

First Petition for Probate: On October 17, 2019, Marisol Cueva (Cueva) filed a petition for appointment as the personal representative of the estate of Sukhjinder Singh (Decedent). Decedent's ex-wife, Niki Hamidi, also known as Nayereh Singh (Hamidi), objected to the petition. Cueva filed a second amended petition to administer the estate on September 22, 2020. Hamidi filed another objection in response and also filed a creditor's claim.¹

Second Petition for Probate: On December 8, 2020, Ike Iqbal, trustee of Decedent's trust (Trustee), filed a competing petition for appointment as the personal representative of Decedent's estate. The petition reports the probate estate has no assets (presumably, they are all held by Decedent's trust) and that the sole beneficiary of Decedent's trust is his sister, Maninder Kuar. In support of his petition, the Trustee submitted Decedent's pour-over will directing all estate assets be transferred to his trust and nominating the Trustee as executor of any probate estate.² Hamidi filed an objection to the Trustee's petition for probate, and also filed a will contest (on September 21, 2021) contesting admission of the pour-over will.

Third Petition for Probate: On January 15, 2021, Hamidi filed a competing petition for probate (which she amended that same day). The petition seeks admission of the same pour-over will submitted with the Trustee's petition for probate (and to which Hamidi later contested). The Trustee objected to Hamidi's petition.

Procedurally, the Trustee's petition for probate is ready to proceed; Cueva's petition for probate was denied without prejudice (Min. Order, 06/15/21); and the Court has requested that Hamidi either dismiss her petition or amend it to reflect her subsequent contest of Decedent's pour-over will (Min. Order, 10/05/21). (See also Order After Hearing, 10/08/21.) The probate petitions are scheduled for a Trial Setting Conference on March 29, 2022.

Currently on calendar is the Trustee's motion to deem requests for admission, set one (RFAs) admitted, or in the alternative, to compel Hamidi to respond to the RFAs and accompanying form interrogatory 17.1. The Trustee notes that should the RFAs be deemed admitted, a response to form interrogatory 17.1 would be unnecessary.

The Trustee served the RFAs and form interrogatories on Hamidi on June 24, 2021. Responses were due on July 29, 2021. Hamidi has not yet served responses. The Trustee reports that Hamidi

¹ In the interim, Cueva filed a Petition to Establish Parental Relationship on March 5, 2020. Ike Iqbal, trustee of Decedent's trust, filed a response to the petition; and Hamidi filed an objection to the petition.

² Decedent's wife, Anita Singh, who survived him was nominated as the successor executor should the Trustee be unable to serve.

instead filed two documents: (1) Objection to Interrogatory Letter on July 23, 2021 (First Objection) and (2) Objection and Response to Interrogatory Letter on July 26, 2021 (Second Objection).

In the first objection, Hamidi states the RFAs are “overbroad and unduly burdensome, irrelevant, repetitive, and frivolous questions that [the Trustee] already knows the answers to [] because I have already answered and provided evidence as exhibits throughout my filings as a petition with my creditor claim petitions and objections with this probate court.” (First Obj., p. 1, ll. 22-26.) The First Objection also alleges the propounded discovery constitutes undue harassment. The Second Objection is similar in tone, and likewise alleges the information requested in the discovery is available in court documents filed in various other actions (e.g., related family and child support proceedings). Neither objection is code compliant. (Code Civ. Proc., §§ 2030.210 et seq. [interrogatories], 2033.210 et seq. [RFAs].)

The Court finds the First and Second Objections are not appropriate discovery responses, and as such, Hamidi has failed to respond to the RFAs.

On March 1, 2022, Hamidi filed a late opposition to the motion reiterating that the information sought by the RFAs may be found in other court filings. It is clear from her opposition that she has not served formal discovery responses.

Under Code of Civil Procedure section 2033.280 a party may move for an order deeming the RFAs admitted, and the genuineness of the documents established if the party to whom they are directed has failed to serve a timely response. Subdivision (c) of section 2033.280 provides that “[t]he court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220.”

The Trustee has made the requisite showing and Hamidi has not served code compliant responses. The motion to deem the RFAs admitted is granted.

Finally, the Trustee seeks sanctions of \$11,639.05 against Hamidi in connection with this motion, the preceding attempts at informal resolution, and the related discovery conference in August 2021. The request includes an estimated four (4) hours by attorney Elizabeth Culley and one (1) hour of paralegal time in connection with reviewing an opposition and reply. The Court reduces that amount to 1.5 hours of attorney time (a reduction of \$962.50). In addition, the request includes two (2) hours of time for attorney James Butterly to prepare for and attend the hearing on this matter. The Court awards half an hour, resulting in a further reduction of \$652.50 (for a total of \$9,536.55).

Moreover, while monetary sanctions are mandatory (Code Civ. Proc., § 2033.280(c)), they must also be reasonable (Code Civ. Proc., § 2033.030(a)). Approximately \$10,000 in connection with a motion to deem RFAs admitted, even in light of the informal discovery conference, appears high. The Court therefore awards sanctions of \$6,500. Hamidi is to pay that amount by April 1, 2022.

Appendix B

Filed 11/17/22 Estate of Singh CA2/6

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX**

**Estate of SUKHJINDER
SINGH, Deceased.**

**2d Civil No. B319677
(Super. Ct. No. 19PR-0348)
(San Luis Obispo County)**

MARISOL CUEVA,

Petitioner,

v.

NIKI HAMIDI,

**Objector, Claimant and
Appellant;**

**IKE M. IQBAL, as Trustee,
etc.,**

Objector and Respondent.

Appellant Niki Hamidi appeals from an order granting Respondent Ike M. Iqbal's request for discovery sanctions against

her pursuant to Code of Civil Procedure¹ section 2033.280, subdivision (c). We affirm.

FACTUAL AND PROCEDURAL HISTORY

Sukhjinder Singh died in 2016. Marisol Cueva filed a petition to administer the estate. Hamidi, who is Singh's ex-wife, objected to the petition and filed a creditor's claim against the estate on behalf of herself and her daughter. Hamidi also filed a petition to administer the estate.

Iqbal is trustee of Singh's trust. Iqbal filed a competing petition to administer the estate. Hamidi objected to the petition.

In June 2021, Iqbal served Hamidi requests for admission. A month later, Hamidi filed two "objections" with the trial court, objecting to the requests as "[overbroad] and unduly burdensome, irrelevant, repetitive, and frivolous questions that [Iqbal] already knows the answers to." She did not answer any of the requests for admission.

In August 2021, Iqbal filed a formal request for a discovery conference, after receiving no response from Hamidi for an informal conference. After the trial court set a date, Hamidi filed a declaration in which she asked the court to dismiss the discovery conference because it "would be a waste of time to have a premature conference hearing." Hamidi did not appear at the discovery conference.

In February 2022, Iqbal moved for an order that the requests for admission be deemed admitted. Iqbal also requested monetary sanctions.

¹ Further unspecified statutory references are to the Code of Civil Procedure.

appeal, whether factual or procedural, must be supported by a citation to the record.” (*Lona v. Citibank, N.A.* (2011) 202 Cal.App.4th 89, 96-97, fn. 2; see Cal. Rules of Court, rule 8.204(a)(1)(C).) “The claimed existence of facts that are not supported by citations to pages in the appellate record, or not appropriately supported by citations, cannot be considered by this court.” (*Mueller v. County of Los Angeles* (2009) 176 Cal.App.4th 809, 816, fn. 5.) Because factual assertions in Hamidi’s briefs are not supported by appropriate reference to the record, we may disregard them. (*Ibid.*; *Lueras v. BAC Home Loans Servicing, LP* (2013) 221 Cal.App.4th 49, 60.)

Moreover, Hamidi fails to affirmatively demonstrate error. An appellant bears the burden of affirmatively demonstrating error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) “Whether legal or factual, no error warrants reversal unless the appellant can show injury from the error.” (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 286.) “[T]o demonstrate error, an appellant must supply the reviewing court with some cogent argument supported by legal analysis.” (*Id.* at pp. 286-287.) “[W]e may disregard conclusory arguments that are not supported by pertinent legal authority or fail to disclose the reasoning by which the appellant reached the conclusions [they] want[] us to adopt.” (*Id.* at p. 287.)

Here, Hamidi’s briefs fail to include cogent legal arguments, legal analysis, and pertinent legal authority. Thus, we may disregard her arguments. (See *People v. Freeman* (1994) 8 Cal.4th 450, 482, fn. 2 [“To the extent [a party] perfunctorily asserts other claims without development . . . , they are not properly made, and are rejected on that basis”].) She also raises arguments and matters not relating to the sanctions order from

A month later, Hamidi filed a late opposition to Iqbal's motion, interposing the same objections to the requests for admission. She asserted that the requests for admission sought "equally and easily accessed information . . . recorded and filed since 1992 to current in the same Superior Court of San Luis Obispo Family court division next to this probate court. [Counsel] can go to the clerk and access it very easily no need for discovery"

Hamidi did not appear at the hearing on the motion. The trial court granted Iqbal's motion and deemed "all of the Requests for Admissions . . . admitted for her failure and refusal to respond to them." It found Hamidi's objections were "not appropriate discovery responses, and as such, Hamidi has failed to respond to the RFAs." The court also noted that based on Hamidi's late opposition to the motion "reiterating that the information sought by the RFAs may be found in other court filings[, i]t is clear from her opposition that she has not served formal discovery responses."

The court awarded \$6,500 in discovery sanctions in favor of Iqbal. Iqbal's counsel originally sought approximately \$11,600 in sanctions, but the court deducted several hours and reduced the award to approximately \$9,500. And because it still found this amount "high," the court further reduced the sanction amount to \$6,500, stating, "while monetary sanctions are *mandatory* . . . , they must also be *reasonable*."

DISCUSSION

Noncompliant briefs

As Iqbal points out in his brief, Hamidi's opening brief does not contain a single citation to the record. "Each and every statement in a brief regarding matters that are in the record on

court's action was arbitrary or capricious. (*Van v. LanguageLine Solutions* (2017) 8 Cal.App.5th 73, 80.) The judgment is presumed correct, and we defer to the trial court's factual findings and credibility determinations if they are supported by substantial evidence. (*Tucker v. Pacific Bell Mobile Services* (2010) 186 Cal.App.4th 1548, 1562.)

Here, the trial court did not abuse its discretion in awarding mandatory monetary sanctions against Hamidi. As required by section 2033.280, subdivision (c), the trial court imposed these sanctions as a result of Hamidi's failure to serve responses to Iqbal's requests for admission. Hamidi's "objections" to the requests did not comply with section 2033.210 et seq. She submitted general objections to the entire requests for admission, stating that the requests were "[overbroad], and unduly burdensome, irrelevant, repetitive and frivolous questions that [Iqbal] already knows the answers to." Hamidi's objections were not complete and straightforward, and she did not admit, deny, or state that she lacked sufficient information or knowledge, as required by section 2033.220. Moreover, substantial evidence supports the court's finding of Hamidi's failure and refusal to respond. As the trial court recognized, Hamidi's late opposition in which she stated that the information sought "may be found in other court filings" demonstrated her refusal to respond to the requests for admission. Thus, the trial court properly deemed the requests for admission admitted and appropriately imposed monetary sanctions.

Moreover, there was no abuse of discretion in setting the award amount. A trial court has "broad discretion" in setting the amount of monetary sanctions. (*Cornerstone Realty Advisors, LLC v. Summit Healthcare REIT, Inc.* (2020) 56 Cal.App.5th 771,

which she appealed. We disregard matters or arguments outside the scope of this appeal. (See *Unilogic, Inc. v. Burroughs Corp.* (1992) 10 Cal.App.4th 612, 625.)

We are mindful that Hamidi appears in pro per, but that does not entitle her to special treatment. (See *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.) “A litigant has a right to act as [her] own attorney [citation] ‘but, in so doing, should be restricted to the same rules of evidence and procedure as is required of those qualified to practice law before our courts; otherwise, ignorance is unjustly rewarded.’ [Citations.]” (*Doran v. Dreyer* (1956) 143 Cal.App.2d 289, 290.)

Despite these deficiencies in Hamidi’s briefs, we nonetheless review the challenge to the sanction order on the merits.

Sanction order

Code of Civil Procedure section 2033.280 provides: “If a party to whom requests for admission are directed fails to serve a timely response, the following rules apply: [¶] . . . [¶] (b) The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction . . . [¶] (c) The court *shall* make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. It is *mandatory* that the court impose a monetary sanction . . . on the party . . . whose failure to serve a timely response to requests for admission necessitated this motion.” (Emphasis added.) We review an order imposing a discovery sanction for abuse of discretion and reverse only if the

789.) “The test for abuse of discretion is whether the trial court’s decision exceeded the bounds of reason.” (*Ibid.*) Here, the court calculated the number of hours Iqbal’s attorneys spent on reviewing and preparing for the motion and reduced the requested amount to what it believed was “reasonable.” Hamidi does not demonstrate that the court “exceeded the bounds of reason” when setting this amount.

Iqbal requests that this court instruct the trial court to revise its sanction award to reflect the attorney’s fees incurred in opposing this appeal. We decline to do so, but note that our decision does not preclude Iqbal from later seeking these attorney’s fees from the trial court.

DISPOSITION

The sanction order is affirmed. Respondent shall recover costs on appeal.

NOT TO BE PUBLISHED.

BALTODANO, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Plaintiff, Carrie L. Smith, Tana L. Coates, Judge and Respondent, (178)
Defendant, Andre, Morris & Buttery, James C. Buttery and Niki Hamidi,
Superior Court County of San Luis Obispo

Plaintiff, Carrie L. Smith, Tana L. Coates, Judge and Respondent, (178)
Defendant, Andre, Morris & Buttery, James C. Buttery and Niki Hamidi, in pro. per., for Objector; Claimant and
Appellant.

Defendant, Andre, Morris & Buttery and James C. Buttery for Objector
and Respondent.

NOTIFICATION

Plaintiff, Carrie L. Smith, Tana L. Coates, Judge and Respondent, (178)

Defendant, Andre, Morris & Buttery

Defendant, James C. Buttery

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Appendix D



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CODE OF CIVIL PROCEDURE - CCP

PART 4. MISCELLANEOUS PROVISIONS [1855 - 2107] (*Heading of Part 4 amended by Stats. 1965, Ch. 299.*)

TITLE 4. CIVIL DISCOVERY ACT [2016.010 - 2036.050] (*Title 4 added by Stats. 2004, Ch. 182, Sec. 23.*)

CHAPTER 2. Scope of Discovery [2017.010 - 2017.320] (*Chapter 2 added by Stats. 2004, Ch. 182, Sec. 23.*)

ARTICLE 1. General Provisions [2017.010 - 2017.020] (*Article 1 added by Stats. 2004, Ch. 182, Sec. 23.*)

2017.010. Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action. Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.

(Amended by Stats. 2012, Ch. 72, Sec. 8. (SB 1574) Effective January 1, 2013.)

2017.020. (a) The court shall limit the scope of discovery if it determines that the burden, expense, or intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence. The court may make this determination pursuant to a motion for protective order by a party or other affected person. This motion shall be accompanied by a meet and confer declaration under Section 2016.040.

(b) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(c) (1) Notwithstanding subdivision (b), or any other section of this title, absent exceptional circumstances, the court shall not impose sanctions on a party or any attorney of a party for failure to provide electronically stored information that has been lost, damaged, altered, or overwritten as the result of the routine, good faith operation of an electronic information system.

(2) This subdivision shall not be construed to alter any obligation to preserve discoverable information.

(Amended by Stats. 2012, Ch. 72, Sec. 9. (SB 1574) Effective January 1, 2013.)



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CODE OF CIVIL PROCEDURE - CCP

PART 4. MISCELLANEOUS PROVISIONS [1855 - 2107] (*Heading of Part 4 amended by Stats. 1965, Ch. 299.*)

TITLE 4. CIVIL DISCOVERY ACT [2016.010 - 2036.050] (*Title 4 added by Stats. 2004, Ch. 182, Sec. 23.*)

CHAPTER 7. Sanctions [2023.010 - 2023.050] (*Chapter 7 added by Stats. 2004, Ch. 182, Sec. 23.*)

2023.010. Misuses of the discovery process include, but are not limited to, the following:

- (a) Persisting, over objection and without substantial justification, in an attempt to obtain information or materials that are outside the scope of permissible discovery.
- (b) Using a discovery method in a manner that does not comply with its specified procedures.
- (c) Employing a discovery method in a manner or to an extent that causes unwarranted annoyance, embarrassment, or oppression, or undue burden and expense.
- (d) Failing to respond or to submit to an authorized method of discovery.
- (e) Making, without substantial justification, an unmeritorious objection to discovery.
- (f) Making an evasive response to discovery.
- (g) Disobeying a court order to provide discovery.
- (h) Making or opposing, unsuccessfully and without substantial justification, a motion to compel or to limit discovery.
- (i) Failing to confer in person, by telephone, or by letter with an opposing party or attorney in a reasonable and good faith attempt to resolve informally any dispute concerning discovery, if the section governing a particular discovery motion requires the filing of a declaration stating facts showing that an attempt at informal resolution has been made.

(Added by Stats. 2004, Ch. 182, Sec. 23. Effective January 1, 2005. Operative July 1, 2005, by Sec. 64 of Ch. 182.)

2023.020. Notwithstanding the outcome of the particular discovery motion, the court shall impose a monetary sanction ordering that any party or attorney who fails to confer as required pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct.

(Added by Stats. 2004, Ch. 182, Sec. 23. Effective January 1, 2005. Operative July 1, 2005, by Sec. 64 of Ch. 182.)

2023.030. To the extent authorized by the chapter governing any particular discovery method or any other provision of this title, the court, after notice to any affected party, person, or attorney, and after opportunity for hearing, may impose the following sanctions against anyone engaging in conduct that is a misuse of the discovery process:

(a) The court may impose a monetary sanction ordering that one engaging in the misuse of the discovery process, or any attorney advising that conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct. The court may also impose this sanction on one unsuccessfully asserting that another has engaged in the misuse of the discovery process, or on any attorney who advised that assertion, or on both. If a monetary sanction is authorized by any provision of this title, the court shall impose that sanction unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(b) The court may impose an issue sanction ordering that designated facts shall be taken as established in the action in accordance with the claim of the party adversely affected by the misuse of the discovery process. The court may also impose an issue sanction by an order prohibiting any party engaging in the misuse of the discovery process from supporting or opposing designated claims or defenses.

(c) The court may impose an evidence sanction by an order prohibiting any party engaging in the misuse of the discovery process from introducing designated matters in evidence.

(d) The court may impose a terminating sanction by one of the following orders:

(1) An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process.

(2) An order staying further proceedings by that party until an order for discovery is obeyed.

(3) An order dismissing the action, or any part of the action, of that party.

(4) An order rendering a judgment by default against that party.

(e) The court may impose a contempt sanction by an order treating the misuse of the discovery process as a contempt of court.

(f) (1) Notwithstanding subdivision (a), or any other section of this title, absent exceptional circumstances, the court shall not impose sanctions on a party or any attorney of a party for failure to provide electronically stored information that has been lost, damaged, altered, or overwritten as the result of the routine, good faith operation of an electronic information system.

(2) This subdivision shall not be construed to alter any obligation to preserve discoverable information.

(Amended by Stats. 2012, Ch. 72, Sec. 19. (SB 1574) Effective January 1, 2013.)

2023.040. A request for a sanction shall, in the notice of motion, identify every person, party, and attorney against whom the sanction is sought, and specify the type of sanction sought. The notice of motion shall be supported by a memorandum of points and authorities, and accompanied by a declaration setting forth facts supporting the amount of any monetary sanction sought.

(Added by Stats. 2004, Ch. 182, Sec. 23. Effective January 1, 2005. Operative July 1, 2005, by Sec. 64 of Ch. 182.)

2023.050. (a) Notwithstanding any other law, and in addition to any other sanctions imposed pursuant to this chapter, a court shall impose a two hundred and fifty dollar (\$250) sanction, payable to the requesting party, upon a party, person, or attorney if, upon reviewing a request for a sanction made pursuant to Section 2023.040, the court finds any of the following:

(1) The party, person, or attorney did not respond in good faith to a request for the production of documents made pursuant to Section 2020.010, 2020.410, 2020.510, or 2025.210, or to an inspection demand made pursuant to Section 2031.010.

(2) The party, person, or attorney produced requested documents within seven days before the court was scheduled to hear a motion to compel production of the records pursuant to Section 2025.450, 2025.480, or 2031.320 that is filed by the requesting party as a result of the other party, person, or attorney's failure to respond in good faith.

(3) The party, person, or attorney failed to confer in person, by telephone, letter, or other means of communication in writing, as defined in Section 250 of the Evidence Code, with the party or attorney requesting the documents in a reasonable and good faith attempt to resolve informally any dispute concerning the request.

(b) Notwithstanding paragraph (3) of subdivision (o) of Section 6068 of the Business and Professions Code, the court may, in its discretion, require an attorney who is sanctioned pursuant to subdivision (a) to report the sanction, in writing, to the State Bar within 30 days of the imposition of the sanction.

(c) The court may excuse the imposition of the sanction required by subdivision (a) if the court makes written findings that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(d) Sanctions pursuant to this section shall be imposed only after notice to the party, person, or attorney against whom the sanction is proposed to be imposed and opportunity for that party, person, or attorney to be heard.

(e) For purposes of this section, there is a rebuttable presumption that a natural person acted in good faith if that person was not represented by an attorney in the action at the time the conduct that is sanctionable under subdivision (a) occurred. This presumption may only be overcome by clear and convincing evidence.

(Added by Stats. 2019, Ch. 836, Sec. 2. (SB 17) Effective January 1, 2020.)

Appendix C

SUPREME COURT
FILED

Court of Appeal, Second Appellate District, Division Six - No. B319677

FEB 15 2023

Jorge Navarrete Clerk

S277458

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

Estate of ESTATE OF SUKHJINDER SINGH, Deceased.

MARISOL CUEVA, Petitioner,

v.

NIKI HAMIDI, Objector and Appellant;

IKE M. IQBAL, as Trustee, etc., Objector and Respondent.

The petition for review is denied.

GUERRERO
Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**