

1 Los Angeles Pro Per Lawsuit Litigation Court Forms Paralegal Service
2 468 N. Crescent Drive, Suite 338
3 Beverly Hills, CA 90210
4 (310) 944-2055

5
6
7 Plaintiff, In Pro Per

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, WEST DISTRICT

10 SMART USER OF LEGAL DOCUMENT)
11 ASSISTANT SERVICES;)

12 Plaintiff,

) Case No.: 99999999999

) Assigned for All Purposes to
13 Santa Monica Courthouse, Dept. D
14 Hon. J. Diana M. Wheatley

15 v.

16 DEAD BEAT WHO DOESN'T PAY BACK)
17 LOANS,)

18 Defendant.

) **NOTICE OF MOTION AND MOTION FOR**
19 **ORDER ESTABLISHING ADMISSIONS AND**
20 **FOR SANCTIONS AGAINST DEFENDANT**
21 **AND/OR HER ATTORNEY OF RECORD IN**
22 **THE AMOUNT OF \$540.00; MEMORANDUM**
23 **IN SUPORT; DECLARATION OF SMART**
24 **USER OF LEGAL DOCUMENT ASSISTANT**
25 **SERVICES; [PROPOSED] ORDER**

) DATE: January 5, 2010
26 TIME: 8:30
27 DEPT: "D"

28 **TO EACH PARTY AND TO THE COUNSEL OF RECORD FOR EACH PARTY:**

YOU ARE HEREBY NOTIFIED THAT on January 5, 2010, at 8:30 a.m. in Department
"D" of this Court located at 1725 Main Street, Santa Monica, CA 90401-3299, plaintiff USING
LOS ANGELES PARALEGAL SERVICE will move the Court for an order that the truth of each
matter specified and the genuineness of each document specified in the Requests for
Admission served on defendant DEAD BEAT WHO DOESN'T PAY BACK LOANS on

1 September 21, 2009 be deemed admitted and conclusively established for all purposes in this
2 action.

3 A copy of the Requests for Admission is attached as Exhibit "1". A copy of the
4 Requests for Admission of Genuineness of Documents is attached as Exhibit "2".

5 Plaintiff will also move the Court for an order that defendant and/or her attorney of
6 record pay to the moving party the sum of \$540.00 in sanctions for reasonable costs and
7 attorneys fees incurred by plaintiff to file this motion.

8 This motion is made on the ground that the Requests for Admission and Request for
9 Genuineness of Documents are relevant to the subject matter of the action, and that plaintiff
10 has not served a timely response. The motion will be based upon this notice, the attached
11 memorandum in support and declaration, and the records and files in this action.

12 Dated: November 19, 2009

13 _____
14 SMART USER OF
15 LEGAL DOCUMENT ASSISTANT SERVICES
16 Plaintiff In Pro Per
17
18
19
20
21
22
23
24
25
26

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4 Plaintiff BEVERLY HILLS PARALEGAL loaned defendant JOHNSON \$10,000 to
5 refinance her home. The loan was arranged by plaintiff's daughter Shanda Johnson.
6 Defendant failed to repay the loan and plaintiff has brought this lawsuit to recover her money
7 loaned.

8 By this motion plaintiff seeks an Order from this Court deeming that defendant admits
9 the truth of each matter specified in the Requests for Admissions (EXHIBIT "1") and Request
10 for Genuineness of Documents (EXHIBIT "2") served on defendant on September 21, 2009.
11 Plaintiff sent defendant a meet and confer letter on November 16, 2009. (EXHIBIT "3").
12 Plaintiff's responses were due on or before October 26, 2009. To date, plaintiff has not
13 served a response to either of the requests.

14 Plaintiff respectfully requests that this Court grant the requested relief and order that
15 defendant admit the truth of each matter and document specified in Plaintiff's Request for
16 Admissions and Plaintiff's request for Admission of Genuineness of Documents as they are
17 relevant to the subject matter at issue and were served in compliance with the Code of Civil
18 Procedure.

19 Plaintiff additionally requests that this Court impose a monetary sanction against
20 defendant and/or her attorney in the amount of \$540.00 on the grounds that Defendant failed
21 to respond to an authorized method of discovery and her conduct in impeding discovery is
22 without substantial justification and constitutes a misuse of the discovery process.

23 **II. DEFENDANT'S FAILURE TO PROVIDE RESPONSES TO**
24 **PLAINTIFFS REQUESTS FOR ADMISSION ENTITLES**
25 **PLAINTIFF TO AN ORDER DEEMING THE MATTERS**
26 **ADMITTED**

1 Plaintiff is entitled to an order admitting the truth of the matters specified in Plaintiff's
2 Requests for Admission and Request for Admission of Genuineness of Documents pursuant
3 to Code of Civil Procedure §2033.280 which provides in relevant part:

4 "If a party to whom requests for admission are directed fails
5 to serve a timely response, the following rules apply: (a) The
6 party to whom the requests for admission are directed
7 waives any objection to the requests, including one based on
8 privilege or on the protection for work product under Chapter
9 4 (commencing with Section 2018.010) (b) The
10 requesting party may move for an order that the
11 genuineness of any documents and the truth of any matters
12 specified in the requests be deemed admitted, as well as for
13 a monetary sanction under Chapter 7 (commencing with
14 Section 2023.010)."

15 Plaintiff's Requests for Admission and Request for Admission of Genuineness of
16 Documents were propounded in compliance with Code of Civil Procedure. Defendant did
17 not respond or object to Plaintiff's Requests for Admission and Request for Admission of
18 Genuineness of Documents and Plaintiff has been unable to obtain the requested
19 responses without court intervention.

20 In order to properly prepare this matter for trial, it is necessary for Plaintiff to obtain
21 the information sought by Plaintiff's Requests for Admission and Request for Admission of
22 Genuineness of Documents. Accordingly, Plaintiff requests that this Court order: (1) that the
23 truth of any matter specified in the requests be deemed admitted, (2) that the genuineness
24 of any documents specified in the requests be deemed admitted and (3) imposing monetary
25 sanctions against Defendant.

26 **III. AN ORDER IMPOSING MONETARY SANCTIONS IS MANDATORY AS**
27 **DEFENDANT HAS NOT PROVIDED RESPONSES TO PLAINTIFF'S**
28 **REQUEST FOR ADMISSIONS**

1 Code of Civil Procedure § 2033.280 (c) provides: “It is mandatory that the court
2 impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the
3 party or attorney, or both, whose failure to serve a timely response to requests for admission
4 necessitated this motion.” Additionally, Code of Civil Procedure § 2023.010 authorizes the
5 imposition of sanctions where a party has misused the discovery process, which includes
6 “[f]ailing to respond or to submit to an authorized method of discovery.” Code of Civil
7 Procedure § 2023.010 (d).
8

9 Service of requests for admission authorized by Code of Civil Procedure § 2033 *et*
10 *seq.* obligates a party to provide a timely response. Thus, this Court is mandated to impose
11 monetary sanctions against Defendant for the failure to provide a timely response to the
12 requests for admission at issue. Code of Civil Procedure § 2033.280. Defendant’s conduct
13 in this regard is a blatant misuse of the discovery process and merits sanctions in the
14 amount of \$540.00 because plaintiff will be using a contract attorney to specially appear for
15 her on the hearing of this motion only.
16

17 **IV. CONCLUSION**

18 For the foregoing reasons, Plaintiff SMART USER OF LEGAL DOCUMENT
19 ASSISTANT SERVICES respectfully requests that this Court issue an Order deeming that
20 Defendant admits the truth of each matter specified in the Requests for Admission and
21 Requests for Admission of Genuineness of Documents Propounded to Defendant DEAD
22 BEAT WHO DOESN’T PAY BACK LOANS by Plaintiff served on September 21, 2009 and
23 impose monetary sanctions against Defendant in the amount of \$540.00 payable within ten
24 days.
25

26 Dated: November 19, 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SMART USER OF
LEGAL DOCUMENT ASSISTANT SERVICES
Plaintiff In Pro Per

1 **DECLARATION OF SMART USER OF LEGAL DOCUMENT ASSISTANT SERVICES**

2 I, SMART USER OF LEGAL DOCUMENT ASSISTANT SERVICES, declare as follows:

- 3 1. I am over the age of eighteen years and the plaintiff in this lawsuit.
- 4 2. I seek an order from this Court deeming that Defendant admits the truth of each matter
- 5 specified in the Requests for Admission Propounded to Defendant on September 21,
- 6 2009. (EXHIBIT 1)
- 7
- 8 3. I also seek an order from this Court deeming that Defendant admits the genuineness of
- 9 each document specified in the Requests for Admission of Genuineness of Documents
- 10 Propounded to Defendant on September 21, 2009. (EXHIBIT 2)
- 11 4. Before filing this motion I sent a meet and confer letter to Defendant requesting that
- 12 she respond to the above-referenced discovery requests. (EXHIBIT 3)
- 13
- 14 5. I loaned plaintiff \$10,000 to refinance her home through plaintiff's daughter, Shanda
- 15 Johnson, who was the liaison for entire transaction.
- 16 6. Plaintiff has failed to re-pay the loan.
- 17 7. I have and will incur reasonable costs and attorneys fees of \$540.00 in bringing this
- 18 motion and paying contract attorney Joe Contractor to attend the hearing. These
- 19 expenses are as follows:
- 20 a. My contract attorney spent one (1) hour assisting and advising me in drafting,
- 21 revising and finalizing this motion and will spend one (1) hour traveling to court and
- 22 attending the hearing on this motion. Mr. Contractor's hourly rate is \$250.00 per hour
- 23 for a total of \$500.00 in attorney's fees I will have incurred.
- 24 b. I incurred \$40.00 in Court fees for the filing of this motion.
- 25
- 26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

c. Therefore my total reasonable costs and fees incurred to remedy defendant's failure to respond to the discovery requests is \$540.00

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

Executed on November 19, 2009

SMART USER OF LEGAL DOCUMENT
ASSISTANT SERVICES, Declarant