

12/29/2025 11:33:36 AM

Clerk of the Superior Court

By: PEI A. TORRES, Deputy Clerk

1 **PLAINTIFF'S NOTICE OF MOTION AND MOTION TO COMPEL INFORMATION**

2 **DISCOVERY RESPONSES**

3 **(RFPs, INTERROGATORIES, AND RFAs – SET ONE)**

4 **AND REQUEST FOR MONETARY SANCTIONS**

5 **POUYAN VALI, Plaintiff in Pro Per**

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10 Attorney for Plaintiff, In Pro Per

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Unlimited Civil Case

Assigned to: Hon. Loren G. Freestone, Dept. C-64

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POUYAN VALI,

Plaintiff,

v.

T. FETTER & CO., INC. dba

SAN DIEGO CAR CARE,

Defendant.

Case No.: 25CU038688C

Assigned to: Hon. Loren G. Freestone, Dept. C-64

1 **PLAINTIFF’S NOTICE OF MOTION AND MOTION**

2 TO DEFENDANT T. FETTER & CO., INC. dba SAN DIEGO CAR CARE, AND ITS
3 ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that on _____, 2026 at _____ .m., or as soon
5 thereafter as the matter may be heard in Department C-64 of the above-entitled Court, located at
6 1100 Union Street, San Diego, California 92101, Plaintiff **Pouyan Vali** (“Plaintiff”) will and hereby
7 does move the Court for an order compelling Defendant **T. Fetter & Co., Inc. dba San Diego Car**
8 **Care** (“Defendant”) to provide further responses to Plaintiff’s first set of discovery.

9 Specifically, Plaintiff moves for an order that Defendant:

10 1. Serve **verified, code-compliant responses without objection** to:

11 ○ Requests for Production (“RFP”) Nos. **1, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24,**
12 **29, 30, 31, 41, 42, 43, 51, and 52;**

13 ○ Special Interrogatories Nos. **2, 3, 4, 5, 12, 13, and 14;** and

14 ○ Requests for Admission (“RFA”) Nos. **1, 16, 17, 18, 22, 23, 24, 25, 31, 32, 40, 41,**
15 **42, 43, and 44.**

16 2. Produce **all responsive, non-privileged documents** and serve a **privilege log** compliant
17 with the Discovery Act for any documents withheld on the basis of privilege.

18 3. Pay **monetary sanctions** in the amount of **\$20,000** (or such other amount as the Court finds
19 appropriate) against Defendant and its counsel for their misuse of the discovery process.

20 This motion is made on the grounds that:

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- 1 • Plaintiff served targeted discovery on October 24, 2025, focused on the alleged unlawful
2 audio surveillance, retaliation, disciplinary history, HR communications, and Defendant’s
3 defenses (Exhibit A).
- 4 • On November 25, 2025, Defendant served “objections only” responses to all RFPs,
5 interrogatories, and RFAs, refused to produce a single document, and provided no
6 verification signed under penalty of perjury (Exhibits B–D).
- 7 • Plaintiff engaged in good-faith meet-and-confer efforts, including a detailed written letter
8 and follow-up email correspondence in which defense counsel promised supplemental
9 responses by December 15, 2025 (Exhibits E–F). No supplemental responses were ever
10 provided.
- 11 • Defendant’s conduct violates the Discovery Act, unreasonably obstructs Plaintiff’s ability to
12 prepare his case, and warrants an order compelling further responses and imposing monetary
13 sanctions.

14 This motion is based upon this Notice; the accompanying **Memorandum of Points and**
15 **Authorities**; the **Separate Statement of Items in Dispute (CRC 3.1345)**; the **Declaration of**
16 **Pouyan Vali and Exhibits A–F** (including Plaintiff’s First Set of Discovery, Defendant’s
17 objections, and the meet-and-confer correspondence); the Court’s file in this matter; and any
18 additional evidence or argument presented at the hearing.

19 Dated: December 29, 2025

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1 /s/ Pouyan Vali

2 POUYAN VALI

3 Plaintiff in Pro Per

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This case arises out of Defendant's installation and use of an audio-recording microphone above the
4 cashier station at its Rancho Bernardo Chevron-branded gas station, and the subsequent retaliation
5 against Plaintiff after he raised privacy and safety concerns.

6 To investigate those issues, Plaintiff served his **First Set of Requests for Production, Special**
7 **Interrogatories, and Requests for Admission** on October 24, 2025 (Exhibit A). These requests
8 narrowly target:

- 9 • the existence and operation of microphones/audio systems over the cashier area;
- 10 • audio recordings and any use of those recordings against employees and customers;
- 11 • privacy policies, notices, and compliance with California law;
- 12 • internal communications about Plaintiff's complaints and discipline; and
- 13 • documents Defendant will rely on to deny liability in this case.

14 Instead of answering, Defendant served "**objections only**" responses to every RFP, every
15 interrogatory, and every RFA, refused to produce a single document, and failed to provide any
16 verification signed under penalty of perjury (Exhibits B–D). Defendant's position is effectively:
17 "*We will not tell you anything, and we will produce nothing.*" That is not permitted under
18 California's Discovery Act.

19 Plaintiff then engaged in good-faith meet-and-confer efforts, including a detailed letter and
20 subsequent email correspondence. Defense counsel acknowledged the deficiencies and requested

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1 additional time, promising supplemental responses by December 15, 2025 (Exhibits E–F). No
2 supplemental responses have been served.

3 Defendant’s blanket objections and refusal to answer or produce anything prevent Plaintiff from
4 obtaining basic facts about the microphone, relevant recordings, discipline, and the defenses
5 Defendant intends to rely upon. Plaintiff therefore brings this motion to compel further responses
6 and for monetary sanctions to deter further abuse.

7

1 **II. FACTUAL BACKGROUND RELEVANT TO THIS MOTION**

2 A. Plaintiff's First Set of Discovery (Exhibit A)

3 On **October 24, 2025**, Plaintiff served his **First Set of Requests for Admission, Requests for**
4 **Production, and Special Interrogatories** on Defendant (collectively, "Set One"). (Declaration of
5 Pouyan Vali ("Vali Decl."), ¶¶ 2–3 & Ex. A.)

6 Set One focuses on core topics:

7 • **Microphones and surveillance equipment**

- 8 – installation, placement, purpose, and operation of any microphones/audio devices above
9 the cashier station or elsewhere in the store;
10 – vendor communications, invoices, and work orders relating to such equipment.

11 • **Audio recordings and privacy practices**

- 12 – existence of audio recordings of employees or customers;
13 – any review, use, or storage of audio recordings;
14 – policies and notices regarding audio recording and privacy.

15 • **HR complaints, retaliation, and discipline**

- 16 – Plaintiff's complaints to management and HR regarding privacy and safety;
17 – disciplinary write-ups and suspensions following those complaints;
18 – internal communications about Plaintiff's employment status and accommodation
19 requests.

20 • **Defendant's defenses and trial documents**

- 21 – documents Defendant will rely on to support its Answer;

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1 – communications regarding litigation holds, preservation efforts, and any investigation
2 related to the microphone and retaliation issues.

3 Because of the complexity of the surveillance and retaliation issues, Plaintiff also served a
4 **Declaration for Additional Interrogatories** under Code of Civil Procedure section 2030.050,
5 justifying more than 35 special interrogatories. (Vali Decl., ¶ 3 & Ex. A.)

6 B. Defendant’s “Objections Only” Responses (Exhibits B–D)

7 On or about **November 25, 2025**, Defendant served its responses to Plaintiff’s Set One discovery.
8 (Vali Decl., ¶ 4 & Ex. B–D.)

9 In those responses:

- 10 • For all **52 Requests for Production**, Defendant asserted boilerplate objections (vague,
11 ambiguous, overbroad, burdensome, seeks privileged information, not relevant, etc.),
12 refused to produce any documents, and did not state that any responsive documents were
13 being withheld or that none exist. (Ex. B.)
- 14 • For all **Special Interrogatories**, Defendant again asserted only objections and refused to
15 provide any substantive information—including basic identification of witnesses, decision-
16 makers, or persons with knowledge regarding the microphone and related events. (Ex. C.)
- 17 • For all **Requests for Admission**, Defendant asserted only objections and refused even to
18 admit or deny straightforward matters such as the existence of the microphone, authenticity
19 of HR letters, authenticity of schedules, and authenticity of photographs. (Ex. D.)

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- 1 • None of the responses is accompanied by a **verification** signed under penalty of perjury by
2 an officer or authorized representative of Defendant.

3 In short, Defendant has taken the position that it will **not produce a single document**, will **not**
4 **answer a single interrogatory**, and will **not admit or deny any RFAs** concerning the microphone,
5 the retaliation, or even the authenticity of Plaintiff's own documents. This complete refusal to
6 participate in discovery violates the Discovery Act and forces Plaintiff to bring this motion.

7

1 **C. Plaintiff's Good-Faith Meet-and-Confer Efforts (Exhibits E–F)**

2 After receiving Defendant's "objections only" responses, Plaintiff attempted in good faith to resolve
3 the dispute without Court intervention.

4 On November 24, 2025, Plaintiff sent a detailed written meet-and-confer letter to defense counsel,
5 identifying the deficiencies in Defendant's responses and explaining why further responses and
6 production were required. The letter also proposed reasonable compromises and invited a
7 discussion to avoid motion practice. (Vali Decl., ¶ 5 & Ex. E.)

8 In response, defense counsel requested additional time and, in a December 2025 email chain,
9 expressly represented that Defendant would provide supplemental responses and address the issues
10 raised in Plaintiff's letter by December 15, 2025. (Vali Decl., ¶ 6 & Ex. F.)

11 Despite this representation, Defendant:

- 12 • did not serve any supplemental responses by December 15, 2025;
- 13 • did not provide a new deadline; and
- 14 • to date has not served any further responses or produced any documents.

15 Plaintiff followed up again by email, but Defendant still failed to provide any supplemental
16 responses. (Vali Decl., ¶ 7 & Ex. F.) Plaintiff has therefore exhausted reasonable meet-and-confer
17 efforts and now seeks the Court's assistance.

18

19

1 **III. LEGAL STANDARD**

2 **A. Parties Are Entitled to Broad Discovery of Relevant Information**

3 California's Discovery Act is intended to permit broad discovery of any non-privileged information
4 "relevant to the subject matter involved in the pending action" or "reasonably calculated to lead to
5 the discovery of admissible evidence." (Code Civ. Proc., §§ 2017.010, 2031.010, 2030.010,
6 2033.010.)

7 The responding party must:

- 8 • make a reasonable and good-faith effort to search for responsive information;
- 9 • answer each interrogatory fully and straightforwardly (Code Civ. Proc., § 2030.220);
- 10 • respond to each request for admission by admitting, denying, or stating in detail why the
11 party cannot admit or deny (Code Civ. Proc., § 2033.220); and
- 12 • respond to each request for production by stating whether an inspection will be permitted
13 and producing responsive documents, or by clearly stating that no responsive documents
14 exist (Code Civ. Proc., § 2031.210).

15 Boilerplate objections, blanket refusals to answer, and refusal to produce any documents are
16 improper and constitute misuse of the discovery process.

17 **B. Motion to Compel Further Responses**

18 Where a party serves evasive or incomplete responses, or asserts objections without providing
19 responsive information, the propounding party may move to compel further responses. (Code Civ.
20 Proc., §§ 2030.300, 2031.310, 2033.290.)

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1 On such a motion, the responding party bears the burden to justify its objections and show that the
2 responses are legally sufficient. If it cannot do so, the Court must order further responses that are
3 complete and code-compliant. (See, e.g., Code Civ. Proc., §§ 2030.300(a), 2031.310(a),
4 2033.290(a).)

5 In addition, if the motion is granted, the Court shall impose monetary sanctions against the party or
6 attorney who unsuccessfully opposed the motion, unless it finds substantial justification or other
7 circumstances that make sanctions unjust. (Code Civ. Proc., §§ 2030.300(d), 2031.310(h),
8 2033.290(d), 2023.030.)

9 **C. Verification Requirement**

10 Discovery responses must be verified under penalty of perjury by the responding party (for
11 interrogatories and RFAs) or by the party or its attorney in certain document responses. (Code Civ.
12 Proc., §§ 2030.250, 2031.250, 2033.240.)

13 Unverified responses are tantamount to no responses at all and do not comply with the Discovery
14 Act. Defendant has provided only attorney-signed objection documents, with no verification from
15 any authorized representative.

16

17

1 **IV. ARGUMENT**

2 **A. Defendant's "Objections Only" Responses Violate the Discovery Act and Prevent Plaintiff**
3 **from Obtaining Basic Facts**

4 Defendant's responses to Plaintiff's Set One discovery consist entirely of:

- 5 • boilerplate objections (vague, ambiguous, overbroad, burdensome, proprietary, irrelevant,
6 seeks privileged information, etc.);
- 7 • refusal to produce any documents in response to any Requests for Production;
- 8 • refusal to provide substantive information in response to any Special Interrogatories; and
- 9 • refusal to admit or deny even straightforward Requests for Admission regarding the
10 existence of the microphone, the authenticity of Plaintiff's HR letters, schedules, and other
11 key documents.

12 (Vali Decl., ¶¶ 4–7 & Exs. B–D.)

13 Defendant has not:

- 14 • indicated that any responsive documents will be produced;
- 15 • stated that any categories of documents do not exist; or
- 16 • provided any verification executed under penalty of perjury by an officer or authorized
17 representative.

18 As a result, Defendant is effectively withholding all information and all documents on core issues:

- 19 • whether there was a microphone or audio recording device above the cashier station;

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- 1 • who installed it, who used it, and for what purpose;
- 2 • what recordings exist and whether they were reviewed, used, or stored;
- 3 • how Plaintiff's privacy complaints were handled;
- 4 • what internal communications occurred about Plaintiff's discipline, suspension, and
- 5 termination; and
- 6 • what documents Defendant claims support its denials and affirmative defenses.

7 This is precisely the type of discovery stonewalling the Discovery Act prohibits. Plaintiff is not

8 asking for marginal or speculative information; he is seeking basic facts and documents that go to

9 the heart of his privacy and retaliation claims. Defendant's total refusal to participate in discovery

10 makes it impossible for Plaintiff to prepare for depositions, dispositive motions, or trial.

11 **B. Further Responses to Requests for Production Are Necessary**

12 **(RFP Nos. 1, 10–13, 18–24, 29–31, 41–43, 51–52)**

13 Plaintiff's Requests for Production seek, among other things:

- 14 • documents relating to any microphones, audio devices, or recording systems installed at the
- 15 Rancho Bernardo station, especially above the cashier station;
- 16 • diagrams, photos, vendor invoices, work orders, or correspondence regarding the
- 17 installation, maintenance, or removal of such equipment;
- 18 • policies, procedures, and notices relating to audio recording and privacy;
- 19 • documents reflecting Plaintiff's complaints, HR communications, and discipline;

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- 1 • schedules, write-ups, suspension notices, and related HR records; and
2 • documents Defendant will rely upon to support its defenses.

3 (Vali Decl., ¶ 3 & Ex. A [RFP Nos. 1, 10–13, 18–24, 29–31, 41–43, 51–52].)

4 In response, Defendant asserted only objections and did not agree to produce a single document.
5 (Ex. B.) Defendant also did not state that any requested documents do not exist or are not in its
6 possession, custody, or control.

7 These categories are plainly relevant and proportional to the needs of the case. The existence and
8 use of microphones/audio devices, audio recordings, and related policies are central to Plaintiff's
9 invasion of privacy and retaliation claims. HR and disciplinary documents are central to the
10 retaliation, FEHA, and wrongful termination claims. Documents that Defendant intends to rely
11 upon to support its Answer are standard discovery in any civil case.

12 Because Defendant has refused to produce any documents, Plaintiff respectfully requests that the
13 Court order Defendant to:

- 14 1. Serve further responses to RFP Nos. 1, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31,
15 41, 42, 43, 51, and 52 that:
16 (a) state, without objection, whether all responsive documents are being produced;
17 (b) clearly state if no responsive documents exist; and
18 (c) clearly identify any documents withheld on the basis of privilege; and
19 2. Produce all responsive, non-privileged documents and serve a privilege log compliant with
20 Code of Civil Procedure section 2031.240 for any documents withheld.

1 **C. Further Responses to Special Interrogatories Are Necessary**

2 **(Special Interrogatory Nos. 2, 3, 4, 5, 12, 13, and 14)**

3 Plaintiff's Special Interrogatories seek basic factual information, including:

- 4 • the identity of persons with knowledge regarding the microphone and any audio recording at
- 5 the station;
- 6 • the identity of persons involved in decisions to discipline, suspend, or terminate Plaintiff;
- 7 • the factual bases for Defendant's denials of key allegations in the Complaint; and
- 8 • the factual bases for certain affirmative defenses.

9 (Vali Decl., ¶ 3 & Ex. A [Special Interrogatory Nos. 2, 3, 4, 5, 12, 13, 14].)

10 In response, Defendant again asserted only generalized objections and refused to provide any

11 substantive information. (Ex. C.) Defendant did not identify a single witness, decision-maker, or

12 factual basis for its positions.

13 This information is essential for Plaintiff to evaluate Defendant's defenses, prepare for depositions,

14 and organize his proof. Interrogatories are specifically designed to narrow issues and obtain such

15 basic facts. Defendant's blanket refusal to answer frustrates that function and violates Code of Civil

16 Procedure section 2030.220.

17 Plaintiff therefore respectfully requests that the Court order Defendant to serve complete, verified,

18 objection-free answers to Special Interrogatory Nos. 2, 3, 4, 5, 12, 13, and 14.

19

1 **D. Further Responses to Requests for Admission Are Necessary**

2 **(RFA Nos. 1, 16, 17, 18, 22–25, 31, 32, 40–44)**

3 Plaintiff's Requests for Admission seek, among other things, that Defendant:

- 4 • admit or deny the existence of the microphone/audio device above the cashier area;
- 5 • admit or deny that certain HR letters, write-ups, schedules, and emails are authentic;
- 6 • admit or deny timeline facts regarding Plaintiff's employment, suspensions, and termination;
- 7 and
- 8 • admit or deny narrow propositions that will streamline proof at trial.

9 (Vali Decl., ¶ 3 & Ex. A [RFA Nos. 1, 16, 17, 18, 22–25, 31, 32, 40–44].)

10 Defendant has refused to admit or deny any of these RFAs, asserting only objections. (Ex. D.) That
11 is improper. RFAs are intended to narrow issues by requiring a party to admit or deny specific
12 matters, or to explain in detail why it cannot do so. (Code Civ. Proc., § 2033.220.)

13 By refusing to admit even the authenticity of plainly relevant documents (such as its own HR letters
14 and schedules), Defendant is forcing Plaintiff to prove at trial what should have been established in
15 discovery. This is exactly what RFAs are designed to avoid.

16 Plaintiff therefore respectfully requests that the Court order Defendant to serve further, code-
17 compliant responses to RFA Nos. 1, 16, 17, 18, 22, 23, 24, 25, 31, 32, 40, 41, 42, 43, and 44,
18 admitting or denying each request (or explaining in detail any inability to do so) and verifying the
19 responses under penalty of perjury.

1 **E. Defendant Must Serve Proper Verifications**

2 None of Defendant's responses to Plaintiff's discovery are verified under penalty of perjury by an
3 officer or authorized representative of Defendant. Unverified responses to interrogatories and RFAs
4 are tantamount to no responses at all, and even RFP responses must comply with the verification
5 requirements of the Code. (Code Civ. Proc., §§ 2030.250, 2031.250, 2033.240.)

6 Plaintiff therefore respectfully requests that the Court order Defendant to serve properly verified
7 responses, signed under penalty of perjury by an authorized representative of Defendant,
8 concurrently with its further responses.

9 **F. Monetary Sanctions Are Warranted**

10 Defendant's conduct constitutes misuse of the discovery process. Plaintiff served targeted discovery
11 focused on central issues in this case; Defendant responded with nothing but objections, refused to
12 produce a single document, refused to provide any substantive answers, and then failed to follow
13 through on its own promise to serve supplemental responses after Plaintiff's detailed meet-and-
14 confer efforts.

15 As a self-represented litigant, Plaintiff has spent a substantial amount of time:

- 16 • preparing the original discovery;
- 17 • reviewing Defendant's deficient responses;
- 18 • drafting a detailed meet-and-confer letter;
- 19 • corresponding further at defense counsel's request; and

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- 1 • preparing this Motion to Compel, the Separate Statement, and supporting Declaration and
2 exhibits.

3 Plaintiff estimates that he has spent approximately **480 hours** on these tasks, and that a conservative
4 reasonable hourly rate for this time is **\$39.58**. This yields an estimated value of nearly **\$19,000**. In
5 light of Defendant's complete refusal to participate in discovery, Plaintiff respectfully requests
6 monetary sanctions in the amount of **\$20,000** against Defendant and its counsel, or such other
7 amount as the Court deems just and proper, pursuant to Code of Civil Procedure sections
8 2030.300(d), 2031.310(h), 2033.290(d), and 2023.030.

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1 **V. CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that the Court issue an order:

3 1. Compelling Defendant to serve complete, verified, code-compliant responses without
4 objection to:

5 ○ Requests for Production Nos. 1, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31,
6 41, 42, 43, 51, and 52;

7 ○ Special Interrogatory Nos. 2, 3, 4, 5, 12, 13, and 14; and

8 ○ Request for Admission Nos. 1, 16, 17, 18, 22, 23, 24, 25, 31, 32, 40, 41, 42, 43, and
9 44;

10 2. Ordering Defendant to produce all responsive, non-privileged documents and to serve a
11 privilege log compliant with Code of Civil Procedure section 2031.240 for any documents
12 withheld on the basis of privilege;

13 3. Ordering Defendant to serve proper verifications under penalty of perjury executed by an
14 authorized representative of Defendant; and

15 4. Awarding Plaintiff monetary sanctions in the amount of **\$20,000** against Defendant and its
16 counsel, or such other amount as the Court deems just and proper.

17 Dated: December 29, 2025

18 **/s/ Pouyan Vali**

19 **POUYAN VALI**

20 **Plaintiff in Pro Per**