

ASSIGNMENT MOTION TO COMPEL

Based on the facts in assignment #5, please prepare a motion to compel. This will include preparing the notice of motion; motion with the memorandum of points and authorities; a declaration.

Again, the background of the case is as follows:

Our client, Ms. Mary Phillips, worked for ABC Communications for 5 years as a system analyst. She was recently terminated by her employer. No reason was given to Ms. Phillips why she was termination. However, Ms. Phillips believes she was terminated in retaliation for requesting reasonable accommodations for her disability. Ms. Phillips is in a wheel chair as a result from a car accident 10 years ago. She requested a new work station which was lower in height and which would have provided her with easier access for her wheel chair. She also requested a wider ramp from the parking lot into the office building owned by ABC Communications.

A complaint was filed and served on the defendant, ABC Communications. The defendant timely filed their answer.

Case number C12345
Superior Court of California,
County of Orange, Central Justice Center.

To help facilitate the motion, I have set forth a brief statement of facts.

STATEMENT OF FACTS

The plaintiff filed a complaint for wrongful employment termination against ABC Communications. The Summons and Complaint was served on the defendant who thereafter timely filed an answer.

Plaintiff, through their attorney of record, propounded Special Interrogatories on defendant. The initial trial date is set in three months.

Defendant responded to the Special Interrogatories with objections. Plaintiff's attorney attempted to resolve the discovery dispute by contacting defendant's counsel by telephone on three different occasions immediately after receiving the responses. All telephone contact was memorialized in writing to defendant's counsel, including outlining the specific reasons why the Special Interrogatories are relevant to the issues in the action. To date, defendant's counsel has not responded to any of the telephone calls or letters.

The following is a list of the special interrogatories that was propounded and defendant's responses:

1. **What were plaintiff's job duties?** (Interrogatory number 9, page 3). Defendant responded as follows: **Objection – the question calls for information not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.** (Response to Interrogatory Number 9, page 4).
2. **Since plaintiff's date of hire and until the termination of her employment, did plaintiff receive any increases in pay?** (Interrogatory Number 10, page 3). Defendant responded as follows: Objection – the question calls for information not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence. (Response to Interrogatory Number 10, page 4).
3. Since plaintiff's date of hire and until the termination of her employment did **the plaintiff ever receive a bonus?** (Interrogatory Number 11, page 3). Defendant responded as follows: **Objection – the question calls for information not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence.** (Response to Interrogatory Number 11, page 4).
4. **Since plaintiff's date of hire and until the termination of her employment, was the plaintiff ever promoted?** (Interrogatory Number 12, page 3). Defendant responded as follows: Objection – the question calls for information not relevant to the subject matter of this action and not calculated to lead to the discovery of admissible evidence. (Response to Interrogatory Number 12, page 4).

The date, time, and department will be inserted by the court clerk at the time the motion is filed. You should only prepare an attorney declaration. The plaintiff's declaration is not necessary. Make sure the declaration references the Special Interrogatories and responses as exhibits. Reference any and all other exhibits you believe are relevant. I will attach the relevant exhibits you reference in the declaration after you complete the entire motion.

This motion must be filed within the court within the next three weeks or 45 days will have passed since receiving defendant's responses.

It will be to your advantage to review the California Code of Civil Procedure on Interrogatories beginning with Section 2030.010

You will need to analyze and use the following statutes in your motion. However, you are not limited to these statutes. You can research other statutes and/or case law that you believe is relevant and supports the motion to compel:

CCP § 2024.020
CCP § 2030.030
CCP § 2030.300
CCP § 2024.020

CCP § 2023.010
CCP § 2023.030
CCP § 128