

**SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**Department 3**

**Honorable Panteha E. Saban, Presiding**

191 North First Street, San Jose, CA 95113

Telephone: (408) 882-2160

**March 20, 2026**

**9:02 A.M.**

**RECORDING COURT PROCEEDINGS IS PROHIBITED**

**ORAL ARGUMENT**

*If you are contesting the tentative ruling then by 4 PM today you must notify:*

- (1) The Court by calling **(408) 808-6856**, and
- (2) The other side by phone or email that you will appear at the hearing to contest the tentative.

*If you fail to notify the court and opposing side by 4 PM then no oral argument will be heard and the tentative ruling becomes the final ruling. (C.R.C. 3.1308(a)(1) & Local Rule 8.E.)*

**APPEARANCES**

**The Court encourages in-person appearances for all matters.**

**The Court discourages remote appearances.**

**The Court forbids phone-only appearances.**

For necessary virtual appearances, you **must use video** and follow **Civil Local Rule 5**.

To access the courtroom, click or copy and paste this link into your internet browser and scroll to

Department 3: <https://santaclara.courts.ca.gov/online-services/remote-hearings>

When using UDC you must *separately register for each case* in which you appear remotely. If you find UDC too cumbersome, *then please come to D3 in person.*

Proposed Orders filed by counsel after the hearing must include the Judicial Council Form EFS-020

Proposed Order Cover Sheet.

**9:02**

**Line 1 & 2**

Case Name: Ray Chen v. RAY BING, INC., a California Corporation, BING LU, DAVID CAI,

Case No.: 22CV409006

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF SANTA CLARA**

Plaintiff, Ray Chen (“Plaintiff”) moves to compel Defendants Bing Lu and David Cai (“Defendants”) to provide Code-Compliant responses to Post Judgment Special Interrogatories (Set One) No. 1, 3, 5, 13, 17 through 20 and 24, and served on Defendants on February 10, 2025, and for sanctions (the “Motion”).

The Motion came on for hearing on March 20, 2026, at 9:00 AM in Department 3. After reviewing all the papers and the record, and giving counsel for all parties the full and fair opportunity to be heard, the Court finds and rules as follows.

**I. Background**

On or about October 9, 2025, Plaintiff Chen served Post-Judgment Special Interrogatories, Set One, on Defendant Bing Lu and Davis Cai. (Declaration of Harry I. Price, Esq. ¶2; Ex. A.) Defendant Lu’s responses were due on November 10, 2025. On November 13, 2025, Plaintiff’s counsel emailed Defendants’ counsel advising that the responses were overdue. Defendants’ counsel confirmed receipt on November 15, 2025. (Price Decl. ¶3; Ex. B.) After further meet-and-confer efforts regarding this dispute and a pending motion to appoint a receiver, the parties stipulated that Defendants’ counsel would accept service of the Post-Judgment Special Interrogatories, Set One, and that responses would be due on January 9, 2026. (Price Decl. ¶4; Ex. C.) On January 9, 2026, Lu served unverified responses by email, stating that a verification would follow. A single verification was served by email on January 12, 2026, from Lu, but not from co-defendant David Cai. Plaintiff contends that Defendant Lu and Defendant Cai’s responses remain deficient and that they lack substantive information and rely on boilerplate, meritless objections. (Price Decl. ¶5; Exs. D, E.) Plaintiff contends that Defendants Lu and Cai failed

to provide a complete response to Post-Judgment Special Interrogatories No. 1, 3, 5, 13, 17 through 20 and 24.

## **II. Legal Standard & Analysis**

Discovery is generally permitted “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.” (Code Civ. Pro. § 2017.010.) Everything that is relevant to the subject matter is presumed to be discoverable. (*Id.*) The Discovery Act further declares “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.” (Code Civ. Pro. § 2017.020(a); *Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385.) The California Supreme Court teaches in *Greyhound* that the judge exercising discretion to limit discovery should construe disputed facts liberally in favor of discovery; reject objections such as hearsay that only apply at trial; permit fishing expeditions (within limits), avoid extending limitations on discovery, such as privileges; and, whenever possible, impose only partial limitations rather than denying discovery entirely. (*Greyhound Corp. v. Superior Court* (1961) 56 C.2d 355, 383-385; *see also Tylor v. Superior Court* (1997) 55 Cal.App.4<sup>th</sup> 1379, 1386.)

The Motion is well supported by the law and facts. A party responding to interrogatories must respond in writing, under oath separately to each interrogatory with an answer that contains the information sought, an exercise of the party’s option to produce writings from which the answer can be determined, or an objection to the interrogatory. (Code Civ. Pro. §2030.210(a).) The responding party must make a reasonable, good faith effort to obtain information to provide a response and generally may not respond to the interrogatory by simply stating it cannot respond. (*Sinaiiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4<sup>th</sup> 390, 406; Code Civ. Pro. §2030.210(c).)

Although these foundational discovery principles are familiar to any litigator, Defendants’ current positions make it necessary to restate them. The liability issues in this matter are no longer open to debate. The Court has entered judgment in Plaintiff’s favor, and that judgment is final and enforceable.

This phase of the case is limited to post-judgment discovery. Its purpose is to identify assets and gather information relevant to satisfying the judgment. It is not an opportunity to revisit the merits, relitigate defenses, or reargue issues that have already been decided. The only questions now concern enforcement, not liability. Once judgment has been entered, the judgment creditor has a statutory right to conduct discovery to identify and locate assets to satisfy the judgment. Plaintiff is exercising that right here. The scope of permissible post-judgment discovery is broad and is designed to ensure that a prevailing party can enforce the Court's order.

Defendant may not refuse to participate in discovery, selectively respond, or interpose unsupported objections based on a personal belief that the case should not have resulted in judgment. Nor may Defendant avoid providing complete responses by conducting only a cursory inquiry. A responding party must undertake a reasonable investigation and provide full, straightforward answers based on all information reasonably available. Disagreement with the outcome of the case does not excuse compliance with the discovery statutes or with the Court's judgment.

Defendants have not served responses that comply with the Code to Post-Judgment Special Interrogatories Nos. 1, 3, 5, 13, 17 through 20, and 24. The responses provided are incomplete and do not meet the statutory requirements governing post-judgment discovery. A party may not evade its obligations at this stage through partial answers, unsupported objections, or nonresponsive statements. The Code requires full, straightforward responses to each interrogatory.

In addition, Defendant Cai has failed to serve verified responses. Verification is not a technical formality; it is an essential component of a proper interrogatory response. Without a verification, the responses are ineffective and tantamount to no responses at all. Accordingly, Defendants remain out of compliance with their post-judgment discovery obligations.

Plaintiff's motion to compel supplemental responses to special interrogatories is GRANTED.

### **III. CONCLUSION**

With respect to sanctions under C.C.P. § 2023.030(a), Plaintiff submits that his hourly rate is \$650 and that he has expended 4 hours preparing this motion. He further anticipates spending an additional 2 hours preparing for and appearing at the hearing. Plaintiff also

represents that he has incurred \$60 in costs. Based on those figures, he seeks a total of \$4,610 in attorney's fees and costs associated with bringing this motion. (Price Decl., ¶ 10.) The Court finds the requested hourly rate reasonable and consistent with rates charged for comparable work. The time reported for preparing the motion also appears appropriate given the issues presented. At this stage, however, the Court is inclined to award \$2,600, reflecting the time actually spent and incurred to date.

The Court reserves the authority to increase the sanctions award to include additional reasonable fees incurred in preparing for and arguing the motion, should those amounts in fact be incurred.

Accordingly, the **Court ORDERS the following:**

1) By 10 AM on March 31, 2026, Defendants will produce to Plaintiff Code-Compliant substantive Responses with verification to:

a) Special Interrogatories (Set One), Nos. 1, 3, 5, 13, 17 through 20 and 24 , which were served on Defendant on October 9, 2025.

2) By 10 AM on March 31, 2026, as a sanction, Defendants will pay Plaintiff \$2600.00 for Plaintiff's reasonable attorneys' fees and costs incurred in bringing the Motion.

Defendants are further put on NOTICE that if he fails to comply with this ORDER by 10 AM on March 31, 2026, then Defendants may well be subject to further escalating sanctions, including additional sanctions.

**IT IS SO ORDERED.**

Date: March 20, 2026

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Hon. Panteha E. Saban  
Superior Court of the State of California,  
County of Santa Clara