

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 15

**23STCV17189**

**FREDERICK H. SMALLEY, III vs 3M COMPANY, et al.**

February 5, 2025

9:00 AM

**RECEIVED**

Judge: Honorable Timothy Patrick Dillon

Judicial Assistant: K. Sandoval

Courtroom Assistant: M. Torres

CSR: Alexander T. Joko/ CSR #12272

ERM: None

Deputy Sheriff: None

**Feb 07 2025**

S.C. SUPREME COURT

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

Other Appearance Notes: Plaintiff's counsel: Leonard Sandoval (X); Defense counsel: Shelley K. Tinkoff; Ryan Kujawski; and Amanda Bini (X);

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**NATURE OF PROCEEDINGS:** Hearing on Motion to Quash Service of Summons for Specially Appearing Defendant Asbestos Corporation Limited (Smalley-23STCV17189); Hearing on Motion to Compel Defendant Asbestos Corporation Limited to Produce a Corporate Representative for Deposition on Jurisdictional Issues for Plaintiffs (Smalley-23STCV17189); Hearing on Motion - Other for Issue, Evidentiary and Monetary Sanctions in the Amount of \$9,500.00 Against Defendant Asbestos Corporation Limited for Failure to Comply with the Court's October 30,2024 Order on Behalf of Plaintiffs (Smalley-23STCV17189);

Matters are called for hearing.

The Hearing on Motion to Quash Service of Summons for Specially Appearing Defendant Asbestos Corporation Limited (Smalley-23STCV17189) scheduled for 02/05/2025 is 'Held' for case 23STCV17189.

The Hearing on Motion to Compel Defendant Asbestos Corporation Limited to Produce a Corporate Representative for Deposition on Jurisdictional Issues for Plaintiffs (Smalley-23STCV17189) scheduled for 02/05/2025 is 'Held' for case 23STCV17189.

The Hearing on Motion - Other for Issue, Evidentiary and Monetary Sanctions in the Amount of \$9,500.00 Against Defendant Asbestos Corporation Limited for Failure to Comply with the Court's October 30,2024 Order on Behalf of Plaintiffs (Smalley-23STCV17189) scheduled for 02/05/2025 is 'Held' for case 23STCV17189.

The Court issues an oral Tentative Ruling on all matters. Counsel argue and submit.

The Court places the matter under submission and LATER rules as follows:

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By the order dated June 12, 2024, this court allowed Plaintiffs to conduct targeted and focused jurisdictional discovery from Defendant Asbestos Corporation Limited. In connection with Defendant's jurisdictional motion and the related discovery, the court held an informal discovery conference on August 28, 2024. By order dated October 30, 2024, after conducting a hearing on October 22 and rejecting Defendant's arguments based on the Quebec statute and its other objections, the court granted in part Plaintiffs' motion to compel and ordered: "As to request no. 2, Defendant shall produce its records sufficient to show annual sales of asbestos to Johns Manville, Celotex, Owens Illinois, Pittsburg Corning, U.S. Gypsum, H.K. Porter, Inland Manufacturing, Worldbestos, Grizzly Manufacturing, Raybestos Manhattan, Prestite, Garlock, Garlock Packing, National Gypsum, and Tallman-McKlusky in California during the period 1960 through 1986. [¶] The time period for request nos. 4 and 6 is 1960 to 1986. These requests are so modified and are enforceable. [¶] Within 20 days, Defendant shall produce its responsive documents in response to these requests and a code compliant verified response to the document requests as modified in this order. Defendant's motion to quash is continued to January 7, 2025 at 9 a.m. Plaintiffs are ordered to give notice."

Defendant has substantially not complied. As reflected in the second supplemental declaration of Leonard Sandoval (Plaintiffs' counsel) filed on December 19, Defendant served a document response on November 19, 2024 and a further document response on December 17, 2024. Defendant's responses are full of boiler-plate objections and evasive language. The responses are not close to being code-compliant. At this late date, the responses are not verified. At this point, the court concludes that Defendant is willfully and intentionally violating the October 30 order. Defendant is refusing to engage in discovery. Defendant has no intention of complying with the court's order. Defendant has not sought any relief from the October 30 order. Defendant is also refusing to mitigate its material and willful violations of the October 30 order. Defendant offers no excuse or justification for continuing to assert objections that the court has overruled. Plaintiffs are being substantially prejudiced by being denied appropriate and legitimate information from Defendant that Plaintiffs need and to which they are entitled.

Under these circumstances, the court denies Defendant's motion to quash. Defendant shall answer the complaint within 10 days. Plaintiffs' motion to compel is taken off calendar as moot in light of the denial of Defendant's motion to quash. The court also awards monetary sanctions in the amount of \$1,000 against Defendant and its counsel jointly and severally. The sanctions are payable to Plaintiffs' counsel within 10 days. Throughout, Defendant has acted unreasonably and without substantial justification. The court denies without prejudice all other relief sought by Plaintiffs in their motion for sanctions.

Plaintiffs are ordered to give notice of this order and are electronically advised to do so.

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A copy of this minute order will append to the following coordinated case under JCCP4674:  
23STCV17189.