

CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT,
DIVISION THREE

Tedesco v. White

No. G061197, California Court of Appeal, Fourth Appellate District, Division Three

SUMMARY

The California Court of Appeal affirmed a \$6,000 discovery sanctions order against appellant Debra Wear, holding the underlying document subpoena was overly broad, oppressive, and a misuse of discovery. The court limited its review to the sanctions order under Code of Civil Procedure section 901.4(a)(12), rejecting Wear's attempt to use the appeal to collaterally attack the validity of a conservatorship or challenge the nonappealable order quashing the subpoena. The opinion addresses the balancing of financial privacy rights against discovery needs and the abuse of discretion standard for reviewing discovery sanctions.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division Three
WRITING FOR THE COURT	Goethals; O'Leary; Sanchez
JURISDICTION	California
DOCKET	G061197
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order imposing monetary sanctions for discovery abuse
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Debra Wear v. Laura K. White, as Co-trustee, Julie M. Bas, Sandra L. Kay, David M. Wilson

TOPICS

- discovery dispute
- sanctions
- civil procedure
- appellate procedure
- trusts

PRACTICE AREAS

- Civil Procedure
- Trusts and Estates
- Discovery

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in imposing \$6,000 in monetary sanctions against appellant and her counsel for issuing an oppressive subpoena that constituted a misuse of discovery.

HOLDINGS

1. The trial court did not abuse its discretion in awarding \$6,000 in monetary sanctions because the subpoena was oppressive and a misuse of discovery.

KEY QUOTATIONS

“Wear effectively admits that her goal in propounding the subpoena—however flawed her justification—was to obtain and examine all of Tedesco's financial records, for the specific purpose of conducting an expeditionary search for unidentified financial misconduct. That is a misuse of the discovery process; by itself it justifies the award of monetary sanctions.” (at 14)

FACTUAL BACKGROUND

This case arises from disputes over amendments to Thomas Tedesco's living trust. Wear, a beneficiary under a purported 2020 amendment, served a broad document subpoena on Parker Mills, the law firm that had previously represented Tedesco's conservator, Wilson. The subpoena sought all records relating to Tedesco or his assets without temporal limitation. The trial court quashed the subpoena as overbroad and an unreasonable intrusion on Tedesco's privacy, and imposed \$6,000 in sanctions for oppression and misuse of discovery.

PROCEDURAL HISTORY

The trial court quashed a document subpoena served by appellant Debra Wear on Parker Mills, LLP, and imposed \$6,000 in sanctions against Wear and her counsel. Wear appealed, challenging both the quashing order and a subsequent order denying an application to distribute trust funds. The appellate court dismissed the appeal from the subsequent order for lack of standing and limited review to the sanctions order.

DISPOSITION

affirmed

CASES CITED

- Doe v. United States Swimming, Inc. (2011) 200 Cal.App.4th 1424
- Department of Forestry & Fire Protection v. Howell (2017) 18 Cal.App.5th 154
- Presbyterian Camp & Conference Center, Inc. v. Superior Court (2021) 12 Cal.5th 493
- Williams v. Superior Court (2017) 3 Cal.5th 531
- In re Marriage of Arceneaux (1990) 51 Cal.3d 1130
- Keyes v. Bowen (2010) 189 Cal.App.4th 647
- Tedesco v. White (June 15, 2022, G059883) [nonpub.opn.]

CITED IN

- Tedesco v. White, Tedesco v. White, 96 Cal.App.5th 1090, 1097 (2023)

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