

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

Complex Law and Motion/CMC Calendar

HONORABLE JEFFREY R. FINIGAN

Department 24

400 County Center, Redwood City

Courtroom 2F

Friday, July 26, 2024 at 2:00 PM

IF YOU INTEND TO APPEAR ON ANY CASE ON THIS CALENDAR, YOU MUST DO THE FOLLOWING:

1. EMAIL [Dept24@Sanmateocourt.org](mailto:Dept24@Sanmateocourt.org) BEFORE 4:00 P.M. CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING OR;
2. CALL (650) 261-5124 BEFORE 4:00 P.M. WITH THE CASE NAME, NUMBER, AND THE NAME OF THE PARTY CONTESTING.
3. GIVE NOTICE BEFORE 4:00 P.M. TO ALL PARTIES OF YOUR INTENT TO APPEAR PURSUANT TO CALIFORNIA RULES OF COURT 3.1308 (A) (1) .

Failure to comply with 1 or 2, and 3 will result in no oral presentation.

At this time, personal appearances are allowed but not required. Parties may appear via Zoom. Advance authorization is not required for remote appearances. Mute your line until your case is called. RECORDING OF A COURT PROCEEDING IS PROHIBITED.

**Zoom Video Information:**

<https://sanmateocourt.zoomgov.com/>

Meeting ID: 160 195 4264

Password: 738358

**Please note: Zoom Meeting can be joined directly from Judge Finigan's page on the court's website.**

**TO ASSIST THE COURT REPORTER, the parties are ORDERED** to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

---

Case	Title / Nature of Case
------	------------------------

---

2:00

19-CIV-06457      HENG ZHANG VS BRENDON FARRELL

HENG ZHANG  
BRENDON FARRELL

STEVEN S. LEYDIKER  
PRO SE

---

MOTION FOR DEFENDANT AND CROSS-COMPLAINANT BREN FARRELL'S MOTION TO CONTINUE TRIAL AND DISCOVERY DEADLINES, AND INCREASE THE NUMBER OF TRIAL DAYS

**TENTATIVE RULING:**

Defendant Brendon Farrell's Motion to Continue Trial and Increase Trial Days (Motion) is **DENIED**.

The reason for the denial is simple: the Court does not find, based on the Motion and record before it, that Defendant has made "an affirmative showing of good cause requiring the continuance." (CRC Rule 1332(c).) The Complaint was filed on October 31, 2019; this case is almost 5 years old. Defendant's Motion fails to justify his delays in obtaining the discovery he allegedly needs. More importantly, Defendant offers woefully inadequate details regarding what the discovery is or why it is material.

Critically, neither the Motion nor the Opposition contain a summary of the facts underlying this matter. A look at those facts, as set forth in the operative pleadings, i.e. the Second Amended Complaint (SAC) and Second Amended Cross-Complaint (SAXC), show that this is a fairly straightforward case. In essence, the SAC lays out a factual scenario where the Defendant allegedly befriended Plaintiff, began a romantic relationship with her, and then from late 2016 through late 2018 coerced Plaintiff through various promises Defendant never intended to keep into transferring money to Defendant on 21 occasions totaling approximately \$670,000.00. Plaintiff allegedly demanded her money back and Defendant thereafter entered into two or three contracts with Plaintiff acknowledging his debt and setting forth terms of repayment. Plaintiff further alleges Defendant only repaid \$85,000.00. In contrast, the SAXC alleges that Plaintiff's lawsuit amounts to extortion because Defendant ended the parties' romantic relationship and that all of the money Plaintiff gave to Defendant constituted gifts or payments for various professional services rendered. Both sides reference the existence of approximately 25,000 email communications between them during the relevant time period.

The Court does not discount the seriousness of the allegations. Nevertheless, just because allegations are serious does not mean that discovery and trial have no limits. Defendant makes the following claims: (1) there are an additional 40 – 50 third party depositions to take; (2) that trial will take 4 weeks; and (3) that there will be approximately 175 witnesses at trial. (Motion at pp. 7 and 9.) This scenario is outrageously unrealistic and demonstrates a lack of focus and

---

organization. The Court understands there are likely to be voluminous exhibits related to communications between the parties and financial records related to the financial transactions between them. However, at its core, this case will come down to whether the jury believes the Plaintiff or the Defendant ... and presenting that evidence will not require anywhere near 4 weeks or 175 witnesses. Defendant has offered no coherent explanation justifying such a lengthy trial or calling more than even ten witnesses, much less 175. Plaintiff objects to the Motion and states, among reasons for the objection, that Plaintiff stands to suffer prejudice from the delay in the form of continued costs of discovery. (Opposition at p. 6.)

The level of animosity in the pleadings/submissions from both sides, to include the current Motion as well as prior pleadings and IDC submissions, is alarming and will not be tolerated at trial. In the Court's view this inability to work together in a professional and cordial manner is a main contributing factor to the pace of this litigation. Further, and more substantively, Defendant's Motion consists of vague and conclusory allegations regarding discovery abuses by Plaintiff. Defendant offers inadequate specifics regarding: (1) exactly what discovery does Defendant still need to conduct; (2) why is that aforementioned discovery necessary; (3) why hasn't that discovery been conducted already, given that this matter is almost 5 years old; and (4) why can't that discovery be accomplished prior to trial. Similarly, Defendant "anticipates that there will be substantial expert discovery still to be taken." (Motion at p. 9.) Defendant fails to provide any detail regarding what expert discovery is necessary in this case.

Defendant repeatedly claims this case is "highly complex." (e.g. Reply at p. 8.) Although the case was designated "complex," many of the reasons in support of that request no longer exist, e.g. the need to file challenges to the pleadings, motions for summary adjudication, and review the 28,000 emails referred to in the First Amended Complaint (FAC). (See Certificate Re Complex Case Designation filed 2.28.20.) Again, in the Court's view, the parties have delayed and waited too long to conduct the perceived necessary discovery and such delay, almost five years into the case, will not be rewarded with a continuance of the trial. Even though trial is still three months away, Defendant admits that "[i]t will likely be impossible for Plaintiff and Defendant to sort out their numerous discovery disputes." (Reply at p. 9.) The Court agrees ... the parties do not get along at all and building more time into the case will do nothing more than add six more months of discovery disagreements. No one seems to disagree regarding the content of the emails or that they were sent or that the money was transferred. The overriding issue will be ... and has been since the inception of this case ... whether the jury believes the Plaintiff or Defendant regarding the meaning of the emails and the reasons for the monetary transfers. Defendant has not set forth any good cause justifying another 6-month delay to get ready for that trial.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of

---

---

proposed orders.

---

