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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

DANA LEE ORCUTT,

Petitioner,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

ALEXANDER PINTO,

Real Party in Interest.

E061844

(Super.Ct.No. RIC1309053)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate/prohibition. Sunshine S. Sykes, Judge. Petition granted in part and denied in part.

Lewis Brisbois Bisgaard & Smith, John S. Lowenthal, Mathew L. Walker; Greines, Martin, Stein & Richland, Robert A. Olson, Cynthia E. Tobisman, and David E. Hackett, for Petitioner.

No appearance for Respondent.

No appearance for Real Party in Interest.

In this matter we have reviewed the petition and solicited a response from real party in interest. No response having been received, and based on our own analysis, the petition for writ of mandate is granted in part. Further, due to the lack of response, we deem this case appropriate for the issuance of a peremptory writ in the first instance.

(Palma v. U.S. Industrial Fasteners, Inc. (1984) 36 Cal.3d 171, 178.)

We agree with petitioner that interrogatory 20.8, which asks her to “State how the INCIDENT occurred” touches upon her Fifth Amendment rights and she was entitled to an order that the interrogatory not be answered. Accordingly, the petition is granted in this respect.

DISPOSITION

Let a peremptory writ of mandate issue, directing the Superior Court of Riverside County to vacate its order directing petitioner to answer interrogatory 20.8 and denying real party in interest’s motion to compel as to that interrogatory only. In all other respects the petition is denied.

Petitioner is directed to prepare and have the peremptory writ of mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties. In the interest of justice, petitioner shall bear her own costs.

The previously ordered stay of the discovery order is lifted.

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MILLER
J.

We concur:

McKINSTER
Acting P. J.

CODRINGTON
J.