POINTS AND AUTHORITIES

Previously, the Court denied the Defendant's motion for summary adjudication of Caesar's claims for punitive damages. (Brutus Decl. ¶1.) Caesar served the Defendants with timely notices to produce financial records at trial. (Brutus Decl. ¶2.) The Defendants responded with boilerplate objections. None of the Defendants produced any financial records. (Brutus Decl. ¶3.) This motion seeks to compel the Defendants to produce these records, and pay sanctions to Caesar of $1,000.

1. Caesar is entitled to the financial records under Civil Code § 3295.

Because this is a punitive damages case, Caesar is entitled to subpoena documents "to be available at the trial for the purpose of establishing the profits or financial condition" of the Defendants. Cal. Civ. Code § 3295(c).

Caesar has a right to these records even without showing that there is a "substantial probability that [he] will prevail." *Id.* That's the rule for pretrial discovery of financial records, but not for records to be brought to trial. *Id.*

2. Caesar needs the financial records because they are evidence of the Defendants' financial condition and relevant to the second phase of trial.

If the jury finds any of the Defendants liable for punitive damages, the jury may then consider "[e]vidence of profit and financial condition" of those defendants to determine the amount of punitive damages. Cal. Civ. Code §§ 3294(a), 3295(d).

Furthermore, the Defendants were ordered to stand trial on punitive damages. (Brutus Decl. ¶4.) If the jury returns an initial verdict for punitive damages, Caesar will need these financial records to prove the amount of punitive damages. The Defendants cannot circumvent the trial by withholding evidence that the jury must consider. Cal. Civ. Code §§ 3295(d).