Proskauer

Unrepresented Party May Be Awarded Discovery Sanctions Even Without Proof Of Actual Expenses

September 22, 2026

Damak v. Superior Court, 121 Cal. App. 5th 792 (2026)

Self-represented litigant Aziz Damak sued his former employer for a variety of wage and hour and wrongful discharge claims. After defendants ignored multiple discovery requests and communications from Damak, he obtained orders compelling responses but was denied monetary sanctions because he had not shown actual out-of-pocket expenses. The Court of Appeal granted in part Damak's writ petition and ordered the trial court to consider Cal. Code Civ. Proc. § 2023.050, which may require a $1,000 sanction for specified failures involving document-production requests, regardless of whether the requesting party incurred compensable fees or costs. The court directed the trial court to reconsider whether the findings required for the mandatory sanction were satisfied and stressed counsel's professional obligation to communicate civilly and respond to discovery — as well as to refrain from making knowingly false statements of fact or law or to seek to mislead a judicial officer.

Related Professionals

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