

*Look v. Penovatz*

We customarily act on the belief that reimbursements, once we find an applicable statute, are automatic. We are also aware that “no good deed goes unpunished.” Let’s take a Look.

Good Samaritan William Look was cohabiting with the mother of a minor child who lived with the two of them. He contributed to the child’s living expenses at the same time that the child’s father paid child support to the mother pursuant to an existing court order. William eventually brought an order seeking reimbursement under Family Code section 3950 for funds he expended while his live-in girlfriend’s son lived in his household. The Court of Appeal affirmed a trial court order that under the circumstances in this case, the trial court properly found that the child’s father did not neglect to provide for his minor child, and the trial court did not abuse its discretion in determining that William was not entitled to reimbursement under section 3950. The court’s reasoning and rationale rested on existing case law indicating that a third party does not have a right to reimbursement where the parent from whom he or she is seeking reimbursement is paying child support pursuant to a court order.

During proceedings in the trial court, William filed a motion to compel financial information from the child’s father, who was paying child support pursuant to the court order. William’s motion to compel further interrogatory responses seeking detailed financial information from the child’s father was denied, and affirmed, on the grounds that the father had a right of privacy with respect to the requested financial information, and William had failed to demonstrate that the information sought was directly relevant to a claim or defense essential to fair resolution of the lawsuit and was not available through less intrusive means. In the face of an objection based on privacy grounds, the party seeking discovery of the information must show that the information is directly relevant to a cause of action or defense such that disclosure is essential to the fair resolution of the lawsuit. Given the court’s determination that William was not entitled to reimbursement based on father’s payment of child support pursuant to the outstanding order, the request for financial information was not relevant to the claim nor essential to the fair resolution of the issues in dispute.

As future questions arise with respect to claims for reimbursement, and discovery disputes involving objections based on the right of privacy, this case warrants a closer Look.

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