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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

NEESHA BANSAL, Plaintiff and Appellant, v. TYRONE MITIANA et al., Defendants and Respondents.	E076041 (Super. Ct. No. CIVDS1832076) OPINION

APPEAL from the Superior Court of San Bernardino County. Wilfred J. Schneider, Jr., Judge. Affirmed.

Neesha Bansal, in pro. per., for Plaintiff and Appellant.

Ford, Walker, Haggerty & Behar and Edye A. Hill, for Defendants and Respondents.

I.

INTRODUCTION

Neesha Bansal, proceeding in pro. per. sued four people for injuries she sustained in a car accident. She appeals the trial court's order granting summary judgment against her. We affirm.

II.

FACTUAL AND PROCEDURAL BACKGROUND

Bansal got into a car accident with respondent Tyrone Mitaima. She later sued Mitaima, Lawrence Lopez, III, Lawrence Lopez, Jr., and Elizabeth Haro (collectively, Respondents) for negligence, general negligence, and negligent entrustment. Her causes of action generally alleged that Mitaima and respondents were negligent and that Lopez III, Lopez Jr., and Haro negligently entrusted a vehicle to Mitaima.

During discovery, respondents served requests for admission (RFAs) on Bansal. The RFAs asked Bansal to admit that each respondent was not negligent, did not cause her harm, and was not a substantial factor in causing the accident. They also asked Bansal to admit that respondents did not negligently entrust a vehicle to any other respondent, she was not injured in the accident, and that she negligently caused the accident.

Bansal did not timely respond to the RFAs. Despite respondents' attempts to obtain responses from her, Bansal never responded to the RFAs.

Respondents therefore moved to have the RFAs deemed admitted (Code Civ. Proc., § 2033.280, subds. (a)-(b)). Bansal did not oppose the motion and did not appear at the hearing on it. The trial court granted the motion and deemed Bansal to have admitted all of the RFAs.

Respondents then moved for summary judgment. They argued Bansal could not succeed on her claims because she was deemed to have admitted (among other things) that respondents owed her no duty, did not breach any duty to her, did not cause her any damages, and did not negligently entrust a vehicle to any other respondent. Bansal did not oppose the motion and did not appear at the hearing on the motion. The trial court granted respondents' motion and entered judgment in their favor. Bansal timely appealed.

III.

DISCUSSION

Bansal contends the trial court erroneously granted respondents' motion for summary judgment. We disagree.

If a party does not respond to properly served RFAs, the propounding party may move to have the RFAs "deemed admitted." (Code Civ. Proc., § 2033.280, subd. (b).) If the responding party does not respond to the RFAs before the hearing on the motion, the trial court *must* grant the motion and order the RFAs deemed admitted. (Code Civ. Proc. § 2033.280, subd. (c); *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 776.) Issues that are admitted or deemed admitted through RFAs are "conclusively established"

and cannot be contested with other evidence. (*St. Mary v. Superior Court*, *supra*, at pp. 775-776.) "'[A] deemed admitted order establishes, by judicial fiat, that a nonresponding party has responded to the requests by admitting the truth of all matters contained therein.'" (*Id.* at p. 776.)

To succeed on her negligence claims, Bansal had to prove that respondents owed her a duty of care, they breached that duty, and their breach caused her damages. (*Doe v. United States Youth Soccer Association, Inc.* (2017) 8 Cal.App.5th 1118, 1128.) To succeed on her negligent entrustment claim, Basal had to prove that Lopez III, Lopez Jr., and/or Haro (1) let Mitaima drive their vehicle (2) even though they knew or should have known that he was not competent to drive it and (3) his negligent driving caused her injury. (See *Lindstrom v. Hertz Corp.* (2000) 81 Cal.App.4th 644, 648.)

Because she was deemed to have admitted the RFAs, Bansal admitted "by judicial fiat" that respondents did not owe her a duty of care, were not negligent, did not cause her any injuries, did not negligently entrust a vehicle to one another. (*St. Mary v. Superior Court*, *supra*, 223 Cal.App.4th at p. 776.) Bansal also admitted that she negligently caused the accident with Mitaima and did not sustain any injuries from the accident.

Bansal therefore could not prove any of the necessary elements of her claims. As a result, the trial court properly granted respondents' motion for summary judgment. (See *City of San Diego v. Superior Court* (2006) 137 Cal.App.4th 21, 25.)

IV.

DISPOSITION

The judgment is affirmed. Respondents may recover their costs on appeal.

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CODRINGTON
Acting P. J.

We concur:

SLOUGH
J.

RAPHAEL
J.