

Tentative Rulings for February 18, 2026
Department 503

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

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| 23CECG04403 | <i>Rigoberto Villa v. Progressive Casualty Insurance Company</i> is continued to Thursday, February 26, 2026, at 3:30 p.m. in Department 503. |
| 25CECG01193 | <i>Harjap Sekhon v. Lithia Motors Support Services, Inc.</i> is continued to Thursday, March 26, 2026, at 3:30 p.m. in Department 503. |
| 25CECG02153 | <i>Jessica Hermosillo v. Valley Pride Ag Company, Inc.</i> is continued to Thursday, March 26, 2026, at 3:30 p.m. in Department 503. |

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Tentative Rulings for Department 503

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(20)

Tentative Ruling

Re: **Resendiz v. Marquez, M.D.**
Superior Court Case No. 24CECG03092

Hearing Date: February 18, 2026 (Dept. 503)

Motion: By Defendants Camilla Marquez, M.D., and Lisa Golik, M.D.,
For Judgment on the Pleadings (Joinders by Gopal Gade,
M.D., Simeon Smith, M.D., and Saint Agnes Medical Centers)

Tentative Ruling:

To grant judgment on the pleadings only as to defendant Camilla Marquez, M.D..
To deny as to all other defendants. Within seven days of service of the order by the clerk,
Dr. Marquez shall submit a proposed judgment dismissing the action as to her.

Explanation:

This is a medical malpractice action alleging birth injury to minor plaintiff Kaleb Resendiz. The baby's mother and father, Alyssa Aleman and Alexander Resendiz, assert derivative claims based on the alleged injuries to the child. The action was dismissed as to baby and mother, leaving the father Alexander the only remaining plaintiff. Alexander is a plaintiff only to the cause of action for negligent infliction of emotional distress ("NIED"), asserting a bystander claim under *Thing v. La Chusa* (1989) 48 Cal.3d 644.

In order to maintain a claim on a "bystander theory," the plaintiff must be (1) closely related to the injury victim, (2) be present at the scene of the injury-producing event and aware that it is causing harm, and (3) suffer emotional distress beyond what would be anticipated in a disinterested witness. (*Thing v. La Chusa* (1989) 48 Cal.3d 644, 647.)

The basis for a cause of action against Dr. Marquez is unclear. The Complaint only alleges that Alyssa presented at Dr. Marquez' office on 10/11/2023 for her last prenatal appointment. There is no allegation of any inadequate care or breach of duty by Dr. Marquez, who was only involved in Alyssa's prenatal care and not in the subject delivery. It is unclear what claim any plaintiff had against Dr. Marquez, much less Alexander, whose only claim is a bystander claim. The Complaint simply fails to state a cause of action against Dr. Marquez.

Dr. Golik, joined by the remaining defendants, contends that Alexander has no standing to assert a claim as a matter of law because the injured person, Kaleb, is no longer a party to the action. Dr. Golik cites to *Thornton v. Luce* (1962) 209 Cal.App.2d 542, 551, for the proposition that, "While the dismissal of an injured plaintiff does not necessarily terminate the entire action if a co-plaintiff can independently establish standing, if a co-plaintiff's standing is derivative of the dismissed plaintiffs' claims, the co-plaintiff may also lack independent standing." The court does not see the case standing for this proposition, or any proposition relevant to this motion. The case concerned contribution among joint tortfeasors, some of whom were dismissed, and the ability to proceed

(03)

Tentative Ruling

Re: ***Alba-Uribe v. County of Fresno***
Case No. 25CECG03353

Hearing Date: February 18, 2026 (Dept. 503)

Motion: Defendants County of Fresno and Malgorzata Trexler's
Demurrer and Motion to Strike Portions of Complaint

Tentative Ruling:

To sustain the demurrer as to the first, second, fourth, fifth, sixth, seventh, and eighth causes of action as to Trexler. To deny leave to amend the first, second, fourth, fifth, sixth, seventh, and eighth causes of action as to defendant Trexler.

To sustain the demurrer to the second, fourth, and eighth causes of action as to the County. To overrule the demurrer to the seventh cause of action against the County. To grant leave to amend with regard to the second and fourth causes of action as to the County, but to deny leave to amend the eighth cause of action.

To grant the motion to strike in its entirety. To deny leave to amend the stricken allegations.

Plaintiff shall serve and file her first amended complaint within 10 days of the date of service of this order. All new allegations shall be in **boldface**.

Explanation:

Demurrer to First, Second, Fourth, Fifth, Sixth, and Seventh Causes of Action as to Trexler: First, to the extent that defendant Trexler has demurred to the first, second, fourth, fifth, sixth, and seventh causes of action, plaintiff has conceded that these causes of action are not properly alleged against Trexler and she has offered to dismiss them. However, she has not actually dismissed them yet. Therefore, the court intends to sustain the demurrer to the first, second, fourth, fifth, sixth, and seventh causes of action as to defendant Trexler. The court will deny leave to amend the claims against Trexler, as plaintiff has not explained how the claims could be amended to state a valid claim against Trexler.

Demurrer to Fifth Cause of Action as to the County: Plaintiff has also offered to dismiss her fifth cause of action against the County, so the court intends to sustain the demurrer to the fifth cause of action as to the County. Again, plaintiff does not explain how she can amend her fifth cause of action to state a valid claim, so the court will deny leave to amend the fifth cause of action with regard to the County.

Second Cause of Action as to the County: Next, the court intends to sustain the demurrer to the second cause of action for disability discrimination against the County, as plaintiff has not alleged any facts showing that she is actually disabled and that she was discriminated against based on her disability. Under Government Code section

12926, subdivisions (j) and (m), a person is “disabled” when they have a mental or physiological condition that limits a major life activity.

Here, plaintiff alleges in conclusory fashion that she has been disabled within the meaning of Government Code section 12926 since at least July of 2024 “as stated in paragraphs 9 to 57” of the complaint. (Complaint, ¶ 66.) However, none of the cited paragraphs of the complaint actually alleges that plaintiff suffers from any disability. She alleges that she went out on medical leave on two occasions after suffering various severe and persistent symptoms, including “anxiety, panic attacks, stress, and headaches” and “tremors, difficulty eating and stomach issues, and heart palpitations.” (Complaint, ¶¶ 39, 57.) However, she does not allege any facts showing that her symptoms were so severe and serious as to constitute a disability because they limited a major life activity. While plaintiff has alleged that she had serious and persisting symptoms, it is unclear that they were severe enough to constitute a disability. Therefore, plaintiff has not adequately alleged her claim for disability discrimination, as she has not alleged facts showing that she actually suffers from a disability.

Defendants also contend that plaintiff has not alleged facts showing that she suffered an adverse employment action as a result of her alleged disability. “An ‘adverse employment action,’ which is a critical component of a retaliation claim, requires a ‘substantial adverse change in the terms and conditions of the plaintiff’s employment.’ “[A] mere offensive utterance or ... a pattern of social slights by either the employer or coemployees cannot properly be viewed as materially affecting the terms, conditions, or privileges of employment for purposes of [the FEHA]....” ‘However, a series of alleged discriminatory acts must be considered collectively rather than individually in determining whether the overall employment action is adverse [citations] and, in the end, the determination of whether there was an adverse employment action is made on a case-by-case basis, in light of the objective evidence.’” (*Holmes v. Petrovich Development Co., LLC* (2011) 191 Cal.App.4th 1047, 1063, citations omitted.)

“ ‘[A] mere oral or written criticism of an employee ... does not meet the definition of an adverse employment action under the FEHA.’ A statutory claim for retaliation may be predicated on an unfavorable evaluation only where the “employer wrongfully uses the negative evaluation to substantially and materially change the terms and conditions of employment....” (*Pinero v. Specialty Restaurants Corp.* (2005) 130 Cal.App.4th 635, 646, citations omitted.)

“As the First Circuit observed in *Blackie*, ‘[w]ork places are rarely idyllic retreats, and the mere fact that an employee is displeased by an employer’s act or omission does not elevate that act or omission to the level of a materially adverse employment action.’ (*Ibid.*) If every minor change in working conditions or trivial action were a materially adverse action then any ‘action that an irritable, chip-on-the-shoulder employee did not like would form the basis of a discrimination suit.’” (*Thomas v. Department of Corrections* (2000) 77 Cal.App.4th 507, 511, citation omitted.)

Here, plaintiff has alleged that Trexler retaliated against her after she returned from medical leave by accusing her of making errors, stating that her medical leave caused hardship to the department, stating that plaintiff’s errors had caused customer complaints, and demanding to see her personal procedural guidelines, which plaintiff did not have and never had. (Complaint, ¶ 41.) Trexler was rude and condescending to her. (*Ibid.*) The discrepancies that Trexler accused plaintiff of creating were very minor,

about one penny, and Reeves considered them to be nothing more than a rounding error. (*Id.* at ¶ 45.)

Plaintiff also alleges that her work laptop went missing, and she made a report about it and conducted her own investigation into the disappearance. (*Id.* at ¶¶ 48-53.) She believed that Jackson might have used keys to get into plaintiff's locked cabinet to take the laptop. (*Id.* at ¶¶ 50-53.) She told Trexler about her suspicions. (*Id.* at ¶ 53.) Trexler forwarded her email to Melissa Cregan, who told plaintiff that the laptop had been reassigned and that she regretted not telling plaintiff about the reassignment directly. (*Ibid.*) Cregan also reprimanded plaintiff for conducting her own investigation rather than referring the matter to Trexler. (*Ibid.*) Plaintiff states that this accusation made no sense, since she had contacted Trexler about the matter first. (*Ibid.*)

Trexler also gave her a counseling memo about sending an inappropriate email to OA staff, which plaintiff contends was a friendly reminder to staff and not inappropriate. (*Id.* at ¶ 54.) Trexler also expressed concerns about plaintiff's "unprofessional conduct", namely lingering by a safe outside of Trexler's office door. (*Ibid.*) Trexler stated that plaintiff's standing by her door "creates an appearance of unprofessional behavior." (*Ibid.*) Plaintiff went on a second medical leave about a month later, and she has not returned to work since that time. (*Id.* at ¶ 57.)

However, none of these allegations shows that plaintiff suffered an adverse employment action that would support her discrimination claim. She does not allege that she was fired, demoted, or suffered any loss of pay or benefits. Nor does she allege that Trexler or any other County supervisor did anything else to materially alter the terms and conditions of her employment. In fact, she admits that she still has her job, and that she has not lost any pay or benefits or been demoted from her position. The fact that Trexler gave her a written counseling memo and warnings and spoke rudely to her does not by itself support a claim for disability discrimination, as such actions are a normal part of the supervisor-employee relationship. Also, plaintiff has not alleged any facts showing that any adverse action that she suffered was connected to her disability, as opposed to being caused by some other factor. Therefore, plaintiff has not sufficiently alleged that she suffered an adverse action as a result of her alleged disability.

Consequently, the court intends to sustain the demurrer to the second cause of action. However, the court will grant leave to amend the claim, as plaintiff may be able to allege more facts to show that she is disabled and suffered an adverse employment action as a result of the disability.

Fourth Cause of Action: Defendants also demur to the fourth cause of action, which attempts to state a claim for retaliation in violation of the California Family Rights Act (CFRA). Defendants contend that plaintiff's claim is insufficiently alleged because it does not allege that plaintiff took CFRA leave, or that she suffered an adverse employment action as a result of taking the CFRA leave.

Under Government Code section 12945.2, subdivision (a), "It shall be an unlawful employment practice for any employer, as defined in paragraph (4) of subdivision (b), to refuse to grant a request by any employee with more than 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period or who meets the requirements of subdivision (r), to take up to a total of 12 workweeks in any 12-month period for family care and medical leave."

“ It shall be an unlawful employment practice for an employer to refuse to hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of any of the following: (1) An individual's exercise of the right to family care and medical leave provided by subdivision (a).” (Gov. Code, § 12945.2, subd. (k), para. break omitted.)

“[T]he elements [of a CFRA retaliation claim are] as follows: ‘(1) the defendant was an employer covered by CFRA; (2) the plaintiff was an employee eligible to take CFRA leave; (3) the plaintiff exercised her right to take leave for a qualifying CFRA purpose; and (4) the plaintiff suffered an adverse employment action, such as termination, fine, or suspension, because of her exercise of her right to CFRA leave.’” (*Faust v. California Portland Cement Co.* (2007) 150 Cal.App.4th 864, 885, citations omitted.)

Here, plaintiff alleges that she took “medical leave” on two occasions. The first occasion was from July 15, 2024 to September 23, 2024. (Complaint, ¶¶ 39, 40.) She took the first leave due to having symptoms of anxiety, stress, panic attacks, and headaches. (*Id.* at ¶ 29.) She alleges that Trexler and others harassed and discriminated against her after she returned from leave, including nitpicking her work, accusing her of being unprofessional and making minor errors, and sending inappropriate emails. (*Id.* at ¶¶ 41-53.) Trexler also stated that her medical leave caused hardship in the department, and he was upset that she took medical leave. (*Id.* at ¶ 41.) Trexler gave her a counseling memo about her allegedly inappropriate behavior of lingering outside Trexler's office door. (*Id.* at ¶ 54.) She went out on a second medical leave on January 15, 2025, and she has not returned to work since that time. (*Id.* at ¶ 57.) She suffered anxiety, panic attacks, stress, headaches, tremors, difficulty eating, stomach issues, and heart palpitations. (*Ibid.*) She had also obtained a doctor's certification in October of 2024, stating that she might need to take FMLA leave due to her anxiety and stress. (*Id.* at ¶ 46.) Trexler was aware of the fact that she might take FMLA leave. (*Id.* at ¶ 47.)

Again, these allegations are not sufficient to state a claim. Plaintiff has alleged that she took medical leave, which is sufficient to invoke CFRA's protection. However, she has not alleged any facts showing that she suffered any adverse employment action as a result of taking the leave. She does not allege that she was fired because she took medical leave, or that she lost pay or benefits, or suffered some other material change in her terms and conditions of employment. She does allege that Trexler criticized her work, called her unprofessional, and gave her a written counseling memo. However, she does not allege that these actions led to any loss of pay, a demotion, or any other material change to her job conditions. Therefore, she has not alleged a sufficient claim for CFRA retaliation. As a result, the court intends to sustain the demurrer to the fourth cause of action, with leave to amend.

Seventh Cause of Action: Defendants also demur to the seventh cause of action for retaliation in violation of Labor Code section 1102.5. They contend that the section 1102.5 claim is duplicative of the first cause off action, which alleges retaliation in violation of FEHA. They contend that, since the two claims are based on the same facts, namely that plaintiff was retaliated against for participating in the investigation of Trexler and Jackson, therefore the two causes of action are duplicative and the seventh cause of action should be dismissed as unnecessary.

Where two causes of action are duplicative of each other, the court may sustain a demurrer to the duplicative claim. (*Palm Springs Villas II Homeowners Assn., Inc. v. Parth* (2016) 248 Cal.App.4th 268, 290.)

Here, however, plaintiff has shown that her section 1102.5 claim is not duplicative of her FEHA retaliation claim. Proving up the section 1102.5 claim will involve different burdens of proof, and will not require a showing that defendant's adverse actions were motivated by pretext. (*Lawson v. PPG Architectural Finishes, Inc.* (2022) 15 Cal.5th 703, 712-716 [holding that *McDonnell Douglas* test does not apply to section 1102.5 claims and employee may prevail if they show retaliation was a contributing factor to the adverse employment action without having to also show the purportedly legitimate reason for the action was pretextual].) Thus, a section 1102.5 claim has substantial procedural differences to a FEHA retaliation claim, and the court will not dismiss either claim for being duplicative of each other. Instead, the court intends to overrule the demurrer to the seventh cause of action against the County.

Eighth Cause of Action: Finally, defendants demur to the eighth cause of action, which attempts to state a claim against both defendants under Labor Code section 98.6. The County contends that section 98.6 does not apply to a public entity as it does not expressly state that it applies to public entities, so plaintiff has not and cannot state a claim against it. Also, Trexler contends that she cannot be held liable for retaliation in her individual capacity under section 98.6.

“A traditional rule of statutory construction” relevant here “is that, absent express words to the contrary, governmental agencies are not included within the general words of a statute.” (*Stone v. Alameda Health System* (2024) 16 Cal.5th 1040, 1053, citation omitted.) “Multiple decisions have applied the rule to interpretations of the Labor Code. In at least one instance, the Legislature has done so as well. We quoted a Senate committee report on this subject in *Campbell v. Regents of University of California* (2005) 35 Cal.4th 311, 25 Cal.Rptr.3d 320, 106 P.3d 976 when discussing a bill extending whistleblower protection to public employees. After noting the silence of existing whistleblower laws on their applicability to public employment, the report explained: “Generally, ... provisions of the Labor Code apply only to employees in the private sector unless they are specifically made applicable to public employees.”” (*Ibid*, citations omitted.)

Under Labor Code section 98.6, “A person shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action against any employee or applicant for employment because the employee or applicant engaged in any conduct delineated in this chapter, including the conduct described in subdivision (k) of Section 96, and Chapter 5 (commencing with Section 1101) of Part 3 of Division 2, or because the employee or applicant for employment has filed a bona fide complaint or claim or instituted or caused to be instituted any proceeding under or relating to their rights that are under the jurisdiction of the Labor Commissioner, made a written or oral complaint that they are owed unpaid wages, or because the employee has initiated any action or notice pursuant to Section 2699, or has testified or is about to testify in a proceeding pursuant to that section, or because of the exercise by the employee or applicant for employment on behalf of themselves or others of any rights afforded them.” (Lab. Code, § 98.6, subd. (a), emphasis added.)

Thus, section 98.6 does not expressly state that it applies to government entities. Under the holding of *Stone*, the reference to “any person” is not enough to include a government entity as an employer. The general presumption is that government entities are not liable under statutes unless they are specifically included in the statutory language. (*Stone, supra*, at p. 1053.) Here, since section 98.6 does not expressly state

that it applies to public entities like counties, the County cannot be sued under the statute.

Plaintiff argues that section 98.6 does incorporate the provisions of other Labor Code sections, including section 1106. Plaintiff points out that section 1106 defines an “employee” to include “any individual employed by... any county.” However, while section 1106 does define an “employee” to include any individual employed by a county, this does not necessarily mean that section 98.6 imposes liability against a county. Section 1106 does not state that an “employer” means a public entity like a county. If the legislature had intended to have section 98.6 apply to public entities like counties, it could have expressly stated as much in the language of the statute. Since it did not do so, the court intends to find that section 98.6 does not apply to the County. As a result, it will sustain the demurrer to the eighth cause of action as to the County, without leave to amend.

The court will also sustain the demurrer to the eighth cause of action as to defendant Trexler. Defendant points out that federal district courts have dismissed claims against individual employees under Labor Code section 1102.5, and contends that the same reasoning applies to claims under section 98.6. (*Mewawalla v. Middleman* (N.D. Cal. 2022) 601 F.Supp.3d 574, 608: “A California court has not spoken on the express issue of whether a supervisor can be liable under California Labor Code Section 1102.5. However, most district courts that have addressed the issue have held that section 1102.5 does not impose individual liability on supervisors.”); *Toranto v. Jaffurs* (S.D. Cal. 2018) 297 F.Supp.3d 1073, 1105 [same]; *United States ex rel. Lupo v. Quality Assurance Services, Inc.* (S.D. Cal. 2017) 242 F.Supp.3d 1020, 1030 [same].)

Plaintiff argues that the language of section 1102.5 permits suits for whistleblower retaliation against any “employer, or any person acting on behalf of the employer”, which thus permits a suit against an individual supervisor or employee. Therefore, plaintiff concludes that she can state a claim against Trexler as an individual under section 98.6 as well.

However, plaintiff has not cited to any cases or other authorities holding that an employee can state a valid claim under section 1102.5 against a supervisor or individual employee. As discussed in the federal District Court cases cited by defendant, no California court has ruled on the issue of whether section 1102.5 allows a plaintiff to state a claim against an individual employees or supervisors. (*Mewawalla v. Middleman, supra*, 601 F.Supp.3d at p. 608; *Toranto v. Jaffurs, supra*, 297 F.Supp.3d at p. 1105; *United States ex rel. Lupo v. Quality Assurance Services, Inc., supra*, 242 F.Supp.3d at p. 1030.) Those cases also found that the 2014 amendment to section 1102.5 did not expand the statute to allow individuals to be sued. (*Ibid.*)

The same reasoning applies to section 98.6, which also does not expressly allow an individual supervisor or employee to be sued for retaliation. Section 98.6 only imposes criminal and civil penalties against “an employer” not the individual supervisor or employee. (See Labor Code, § 98.6, subd. (b)(2), (3).) Since section 98.6 does not apply by its terms to individual employees or supervisors, the court finds that plaintiff has not stated a valid claim against Trexler for violation of section 98.6. Nor can she do so, as the statute does not permit an individual to be sued for retaliation. As a result, the court intends to sustain the demurrer to the eighth cause of action, without leave to amend.

Motion to Strike: Defendants move to strike the following allegations:

1. Page 11, line 11: "harassing, discriminatory, and"
2. Page 12, lines 3-4: "harassing" and "retaliatory"
3. Page 13, line 2: "age, race"
4. Page 13, line 2: "resisting or reporting misconduct"
5. Page 13, line 14: "Other full time **tenured instructors** who were not Hispanic, over the age of 40, disabled and/or who had not participated in a workplace investigation were treated significantly better than Plaintiff." (Emphasis added.)
6. Page 13, lines 17-18: "Any reasonable person would have felt SCCCD's misconduct created an intimidating, hostile, and/or offensive working environment."

Defendants contend that these allegations are improper, irrelevant, and/or false, and therefore they should be stricken from the complaint. Plaintiff concedes that most of these allegations are irrelevant or improper, and therefore should be stricken. In particular, plaintiff agrees that all of the allegations listed in defendants' motion should be stricken, with the exception of the references to her age and race on page 13, lines 2 and 14. She contends that she has properly alleged these facts to support her allegation that she is a member of a protected class for the purpose of her FEHA harassment claim.

Since plaintiff has conceded that most of the challenged allegations are improper or irrelevant and should be stricken, the court will grant the motion to strike with regard to these allegations. Specifically, the court will strike the following allegations:

1. Page 11, line 11: "harassing, discriminatory, and"
2. Page 12, lines 3-4: "harassing" and "retaliatory"
4. Page 13, line 2: "resisting or reporting misconduct"
5. Page 13, line 14: "full-time tenured instructors"
6. Page 13, lines 17: "SCCCD's"

Plaintiff contends that she has properly alleged that she is Hispanic and over the age of 40, which supports her claim for FEHA discrimination, so the motion to strike should not be granted with regard to the references to her age and race. However, she has not alleged any claims based on her age or race in her complaint, so the allegations regarding her age and race appear to be irrelevant and improper. As a result, the court intends to grant the motion to strike the allegations regarding her age and race from page 13, lines 2 and 14. Finally, the court intends to deny leave to amend with regard to the stricken allegations, as plaintiff has not shown how the allegations are necessary to support any of her claims.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order

(47)

Tentative Ruling

Re: **Veronica Medina Gonzalez Cordoba vs Amanda Barragan**
Superior Court Case No. 25CECG00733

Hearing Date: February 18, 2026 (Dept. 503)

Motion: Defendants Amanda Barragan and Manual Diaz move for Summary Judgment or Summary Adjudication

Tentative Ruling:

To grant summary judgment in favor of defendants Amanda Barragan and Manual Diaz. The court directs defendants to submit to this court, within 10 days of service of the minute order, a proposed judgment consistent with the court's summary judgment order.

Explanation:

Defendants Amanda Barragan ("Barragan") and Manual Diaz ("Diaz") (collectively "moving defendants") move for an order granting summary judgment, or in the alternative, summary adjudication, against plaintiff Veronica Medina Gonzalez Cordoba ("Cordoba"). Moving defendants assert that Cordoba cannot establish any of the essential elements of her three negligence-based causes of action - "Motor Vehicle," "General Negligence," and "Other - OWNER OF VEHICLE NEGLIGENCE ALSO TO BLAME ALLOWING DEF. 1 TO USE VEHICLE." (First Amended Complaint, ¶110.)

Cordoba's three causes of action arise from a motor vehicle accident that occurred at an unstated time and place. (See FAC.)

Code of Civil Procedure section 437c, subdivision (c) provides that summary judgment "shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." A defendant moving for summary judgment has the initial burden of presenting evidence that a cause of action lacks merit because the plaintiff cannot establish an element of the cause of action or there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 853.) If the defendant satisfies this initial burden, the burden shifts to the plaintiff to present evidence demonstrating there is a triable issue of material fact. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar*, at p. 850.)

"A party is bound by admissions made in the course of discovery and, on motion for summary judgment, no further evidence of the matters so deemed admitted is required." (*Hejmadi v. Amfac, Inc.* (1988) 202 Cal.App.3d 525, 553.) A defendant moving for summary judgment "may show through factually devoid discovery responses that the plaintiff does not possess and cannot reasonably obtain needed evidence." (*Collin v. CalPortland Co.* (2014) 228 Cal.App.4th 582, 587.) "Matters that are admitted or deemed admitted through RFA [Requests for Admission] discovery devices are conclusively

