

Tentative Rulings for February 19, 2026
Department 403

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.*

23CECG05021 *Gill v. Fresno Community Hospital and Medical Center* (Dept. 403)

25CECG03542 *Martinez-Flores v. Agrigator, Inc. et al.* (Dept. 403)

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

23CECG04411 *Evangelina Lozano v. Cen Cal Builders & Developers, Inc.* is continued to Thursday, March 12, 2026, at 3:30 p.m. in Department 403.

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Tentative Ruling

Re: ***Elijah Vartanian v. Isaias Ferrer***
Superior Court Case No. 24CECG03121

Hearing Date: February 19, 2026 (Dept. 403)

Motion: By Defendants to Compel Plaintiff's Mental Examination

Tentative Ruling:

To grant the motion to compel subject to the proposed protective order contained in plaintiff's opposition papers. The proposed protective order shall be submitted for the court's approval no later than noon on February 20, 2026.

Explanation:

"A defendant generally may obtain a mental examination of a plaintiff if the plaintiff has placed his or her mental condition in controversy." (*Randy's Trucking, Inc. v. Superior Court* (2023) 91 Cal.App.5th 818, 833, (*Randy's Trucking*)). Plaintiff here appears to concede the relevance of a mental exam and does not oppose appearing for the proposed examination (Opp. at p. 2:10), instead only disputing the absence of a provision permitting Dr. Filoteo's transmission of the "raw data" to plaintiff's counsel.

As the briefing demonstrates, *Randy's Trucking* is the leading authority on the disclosure of test materials, and simple assertions of generalized ethical concerns is insufficient where a proposed protective order is designed to ensure test security. (*Randy's Trucking, supra*, 91 Cal.App.5th at p. 839.) The Fifth's analysis in *Randy's Trucking* specifically included the same regulation asserted by defendant here (Cal. Code Regs., tit. 16, § 1396.3) and found that a carefully tailored protective order could safeguard the test security the regulation was drafted to protect. (*Ibid.*) Here, plaintiff presents a reasonable need for the materials ("to test the basis for Dr. Filoteo's opinions" [Opp. at p. 4:8) and the court notes the proposed protective order (see Hovhannisyanyan, Decl. Ex. C, ¶ 7) roughly approximates the material provisions of the protective order found sufficient in *Randy's Trucking*. (*Id.* at p. 828.)

Therefore, the court intends to grant the motion subject to the proposed protective order contained in plaintiff's opposition papers.

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 adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By:  on 2-17-26 .

(Judge's initials)

(Date)