

Tentative Rulings for February 26, 2026
Department 502

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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Tentative Ruling

Re: **City of Parlier v. Sarbat Bhala, Inc., et al.**
Superior Court Case No. 24CECG05090

Hearing Date: February 26, 2026 (Dept. 502)

Motion: by Plaintiff for Summary Adjudication

Tentative Ruling:

To deny plaintiff City of Parlier's motion for summary adjudication of Issues 1, 2 and 3.

Explanation:

Summary adjudication is the proper mechanism for challenging a particular, "cause of action, an affirmative defense, a claim for punitive damages, or an issue of duty." (*Paramount Petroleum Corp. v. Superior Court* (2014) 227 Cal.App.4th 226, 242.) Furthermore, "[a] motion for summary adjudication shall be granted only if it completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty." (Code of Civ. Proc., § 437c subd. (f)(1); see also *Catalano v. Superior Court* (2000) 82 Cal.App.4th 91, 97 [piecemeal adjudication prohibited].)

"Summary adjudication is a severe remedy and should be used with caution" (*Everett v. Superior Court* (2002) 104 Cal.App.4th 388, 392.) Any doubts as to whether a triable issue of material fact exist are to be resolved in favor of the party opposing summary judgment/adjudication. (*Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 562; see also *See's Candy Shops, Inc. v. Superior Court* (2012) 210 Cal.App.4th 889, 900 ["Summary adjudication is a drastic remedy and any doubts about the propriety of summary adjudication must be resolved in favor of the party opposing the motion."].)

The motion at bench seeks summary adjudication of the following issues:

- (1) Plaintiff is entitled to judgment as a matter of law as to the first cause of action for breach of contract because they have performed all obligations under the contract but defendant has failed to complete its obligations under the contract.
- (2) Plaintiff is entitled to judgment as a matter of law as to the fourth cause of action for quiet title because title to the property remains in defendant's name due to a misnomer.
- (3) Plaintiff is entitled to judgment as a matter of law as to the fifth cause of action for specific performance because defendant has received the benefit of the contract but refuses to execute a deed for legal title to transfer to plaintiff as required by the contract.

(03)

Tentative Ruling

Re: **Ramzan v. Attique**
Case No. 25CECG00560

Hearing Date: February 26, 2026 (Dept. 502)

Motion: Plaintiff's Motion to Compel Defendant's Deposition and for Sanctions

Tentative Ruling:

To grant plaintiff's motion to compel defendant Muhammad Attique's deposition. To grant monetary sanctions of \$1,635 against defendant. To order defendant to appear for his next noticed deposition and to answer all properly asked deposition questions. Defendant shall pay sanctions within thirty days of the date of service of this order. Any further failure by defendant to appear for his deposition may result in the imposition of additional sanctions.

Explanation:

Under Code of Civil Procedure section 2025.450, subdivision (a), "If, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document, electronically stored information, or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent's attendance and testimony, and the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice."

Also, under section 2025.450, subdivision (g), "If a motion under subdivision (a) is granted, the court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) in favor of the party who noticed the deposition and against the deponent or the party with whom the deponent is affiliated, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

In the present case, plaintiff has served defendant Attique with three separate deposition notices and deposition subpoenas setting defendant's deposition on three separate dates in September, October, and November of 2025. Defendant did not serve formal objections to the subpoenas or deposition notices. Instead, defendant simply failed to appear for his deposition. Plaintiff's counsel has contacted defendant about the nonappearances, and defendant has stated that he will not appear unless the court intervenes. Defendant has also failed to file opposition to the motion to compel, despite being personally served with the motion. Therefore, the court intends to grant the motion

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Tentative Ruling

Re: **Nicole Rodriguez Jimenez v. Camilla Marquez**
Superior Court Case No. 25CECG01250

Hearing Date: February 26, 2026 (Dept. 502)

Motion: by Defendant Saint Agnes Medical Center to Compel Responses to:
(1) Form Interrogatories, Set One
(2) Special Interrogatories, Set One
(3) Request for Production of Documents, Set One, and
(4) Request for Statement of Damages

Tentative Ruling:

To grant defendant Saint Agnes Medical Center's motion to compel plaintiffs Nicole Rodriguez Jimenez and Jose Rodriguez Jimenez to provide verified responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Request for Production of Documents, Set One. (Code Civ. Proc., §§ 2030.290, subd. (b); 2031.300, subd. (b).) Plaintiffs are ordered to serve complete verified responses to the discovery set forth above, without objection, within 15 days of the clerk's service of the minute order.

To grant defendant's motion to compel plaintiffs to serve a statement of damages. (Code Civ. Proc., § 425.11, subd. (b).) Plaintiffs are ordered to serve the responsive statement within 15 days of the clerk's service of the minute order.

To impose monetary sanctions in favor of defendant Saint Agnes Medical Center and against plaintiffs Nicole Rodriguez Jimenez and Jose Rodriguez Jimenez. (Code Civ. Proc., §§ 2023.010, subd. (d), 2030.290, subd. (c), 2031.300, subd. (c).) Plaintiffs are ordered to pay \$1,072.50 in sanctions to counsel for defendant, McCormick, Barstow, Sheppard, Wayte & Carruth, LLP, within 30 days of the clerk's service of the minute order.

Explanation:

Motions to Compel Responses to Discovery and Request for Statement of Damages

A party that fails to serve a timely response to a discovery request waives "any objection" to the request. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).) The propounding party may move for an order compelling a party to respond to the discovery request. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).)

Where a party fails to timely respond to a defendant's request for a statement of the amount of damages being sought, the defendant may petition the court for an order that the responsive statement be served. (Code Civ. Proc., § 425.11, subd. (b).)

In the case at bench, defendant Saint Agnes Medical Center ("defendant") has served Form Interrogatories, Set One; Special Interrogatories, Set One; Requests for

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Tentative Ruling

Re: ***Flight Level Aviation, LLC, a Nevada LLC v. Justin Zaklan***
Superior Court Case No. 24CECG05099

Hearing Date: February 26, 2026 (Dept. 502)

Motion: by Cross-Defendant Blue Skies Aviation & Logistics, LLC for
Attorney's Fees

Tentative Ruling:

To continue the matter to Tuesday, April 7, 2026 at 3:30 p.m. in Department 502. Counsel for Cross-Defendant Blue Skies Aviation & Logistics is to file and serve a supplemental declaration regarding billing attributable to Cross-Defendant Blue Skies Aviation & Logistics no later than March 9, 2026. Cross-Complainant Flight Level Aviation California may file and serve a response challenging any particular billing no later than March 18, 2026.

As a reminder, the court will be transitioning to a new case management system effective April 1, 2026. From March 2, 2026 through March 31, 2026, the court will only be accepting paper filings for civil matters.

Explanation:

Cross-Defendant Blue Skies Aviation & Logistics, LLC ("Blue Skies") seeks attorney's fees pursuant to Civil Code 1717 following judgment in its favor entered on October 6, 2025. Cross-Complainant Flight Level Aviation California ("FLAC") does not dispute Blue Skies' status as a prevailing party or authority for attorney's fees pursuant to Civil Code section 1717.

Counsel for Blue Skies represents multiple parties in this litigation and seeks apportionment of the total billing in the litigation thus far. The court does not find this to be appropriate. Courts have declined to a force separate billing where "liability issues are so interrelated that it would have been impossible to separate them into claims for which attorney fees are properly awarded and claims for which they are not." (*Akins v. Enterprise Rent-A-Car Co. of San Francisco* (2000) 79 Cal.App.4th 1127, 1133.) Also, "[a]pportionment is not required when the claims for relief are so intertwined that it would be impracticable, if not impossible, to separate the attorney's time into compensable and noncompensable units." (*Dane-Elec Corp., USA v. Bodokh* (2019) 35 Cal.App.5th 761, 771-772.) Here, the issue is not of mixed causes of action for which only some have a potential award of attorney's fees, but rather, mixed representation of multiple parties with differing potential liabilities, as was demonstrated in the court's ruling on the demurrer. (See Minute Order, September 5, 2025.) While the facts here involve the same transaction, it is apparent that the litigation is not equally weighted between the multiple parties represented by counsel. For example, as FLAC notes, significant discovery was exchanged during the time period for which attorney's fees are sought which did not involve Blue Skies. (Wynkoop Decl., ¶¶ 3-4.) The court is not inclined to award attorney's

