

Tentative Rulings for April 16, 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.

23CECG00936 *Ariel Reyes v. Mad Duck Brewing LLC* is continued to Thursday, April 30, 2026, at 3:30 p.m. in Department 502.

25CECG01250 *Nicole Rodriguez Jimenez v. Camilla Marquez, Medical Doctor* is continued to Thursday, April 30, 2026, at 3:30 p.m. in Department 502.

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Tentative Rulings for Department 502

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Tentative Ruling

Re: **City of Fresno v. Westfield Investments & Associates, LLC et al.**
Superior Court Case No. 24CECG05285

Hearing Date: April 16, 2026 (Dept. 502)

Motion: By Defendant Westfield Investment & Associates, LLC on
Application for Withdrawal of Probable Compensation

Tentative Ruling:

To grant. Order signed. No appearances necessary.

Explanation:

Defendant Westfield Investments & Associates, LLC ("Defendant") seeks an order to withdraw amounts deposited in connection with the present action pursuant to Code of Civil Procedure section 1255.210 *et seq.* Among other requirements, no withdrawal may be ordered until 20 days after service on the plaintiff of a copy of the application, or until the time for which all objections has expired, whichever is later. (Code Civ. Proc., § 1255.230, subd. (a).) Here, plaintiff City of Fresno ("Plaintiff") was served with the application on February 6, 2026 by electronic transmission. More than 20 days has passed.

Plaintiff submitted a conditional opposition. Plaintiff does not materially contest Defendant's application to withdraw. Rather, Plaintiff submits that notice was not provided to a defendant in this action, Bank of the Sierra ("Sierra"). Sierra has not appeared in this action.

Within the 20-day period, the plaintiff may file objections to withdrawal on, among other things, other parties to the proceeding are known or believed to have interests in the property. (Code Civ. Proc., § 1255.230, subd. (b)(1).) The court construes Plaintiff's conditional opposition as stating an objection on the grounds that Sierra is a known party with an interest in the property. Plaintiff attempts to comply with its obligation to serve Sierra with notice. (*Id.*, § 1255.230, subd. (c).) The notice however is defective, and does not apprise the interested party of a 10-day period from service to object. (*Ibid.*) Defendant does not otherwise cure the defect as allowed by statute. (*Id.* ["The applicant may serve parties whom the plaintiff has been unable to serve."])

Plaintiff's conditional opposition was noted. (*Id.* ["The plaintiff shall remain liable to parties having an interest of record who are not so served but, if such liability is enforced, the plaintiff shall be subrogated to the rights of such parties under Section 1255.280."]) The matter was continued from March 10, 2026 to afford Plaintiff an opportunity to cure the defective notice.

On March 26, 2026, Defendant submitted a supplemental filing. Based on the above, Defendant elected to cure the defect, and contacted Sierra regarding the pending matter. (Code Civ. Proc., § 1255.230, subd. (c).) Defendant submits that Sierra

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Tentative Ruling

Re: **Matthew Lieb vs Elizabeth Flores**
Superior Court Case No. 24CECG02305

Hearing Date: April 16, 2026 (Dept. 502)

Motion: By Plaintiff to Compel Responses to Form Interrogatories, Set One

Tentative Ruling:

To find the motion to compel moot, except to grant reasonable sanctions in the sum of \$660 against Defendant Elizabeth Flores, in favor of plaintiffs, to be paid to plaintiffs' counsel, John P. Sciacca of Powers Miller, within 30 days of service of the minute order by the clerk.

Explanation:

On December 15, 2025, plaintiff, Matthew Lieb ("Lieb" or plaintiff") served defendant Elizabeth Flores ("Flores" or "defendant") with Form Interrogatories, Set One by E-Service. (Mark Peacock Declaration, ¶ 2.) Defendant's responses were due on January 16, 2026, which plaintiff did not receive. (Peacock Decl., ¶¶ 3-4.)

However, only one member of the firm was emailed the discovery, and no other members of the staff were emailed. Additionally, Plaintiff's proof of service was out of date, including a member of Defense Counsel's staff that had retired in June of 2025. Defense counsel requested an extension to respond which plaintiff's counsel did not grant. Defense counsel served proper responses on Plaintiff's counsel on January 23, 2026. (Flores' Opposition papers, pg. 2, Ins. 9-19.)

Accordingly, the motion to compel responses to form interrogatories, set one, is moot.

Code of Civil Procedure section 2030.290, subdivision (c) provides that "[t]he court shall impose a monetary sanction under Chapter 7 (commencing with Code of Civil Procedure section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

Defendant's counsel urges that sanctions would be inappropriate because "[t]he proof of service listed four people that it was allegedly served on. However, of those members, one had not worked at the firm for 6 months before the discovery was served, and one was no longer assigned to the case." (Flores' Opposition papers, pgs. 23, Ins. 28, 1-6.)

Nevertheless, it should be pointed out that one of the emails listed is jps@powersmiller.com, which is the email of John P. Sciacca, defendant's counsel of

