

**Tentative Rulings for May 29, 2025**  
**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)**

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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.*

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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 Rulings begin at the next page)

## **Tentative Rulings for Department 403**

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(20)

**Tentative Ruling**

Re: ***Jane Roe 2 v. Riverdale Assembly of God Church, Inc., et al.***  
Superior Court Case No. 22CECG01108

Hearing Date: May 29, 2025 (Dept. 403)

Motion: By Defendant The Southern California District Council of the  
Assemblies of God ("SCDC") for Summary Judgment or, in the  
alternative, Summary Adjudication

By Defendant The General Council of the Assemblies of God  
("GCAC") for Summary Judgment or, in the alternative,  
Summary Adjudication

**Tentative Ruling:**

To grant plaintiffs' requests for continuance requests of both motions. (Code Civ. Proc., § 437c, subd. (h).) The two motions are continued to Thursday, September 4, 2025, at 3:30 p.m. in Department 403. The opposition and reply due dates shall run from the new hearing date. *The opposing and reply briefs shall comply with all procedural requirements specified in the Rules of Court, including page limits.*

To overrule SCDC's objections to the declaration of Brian Forsythe.

**Explanation:**

In considering motions for summary judgment/adjudication, the court is guided by the principle that such motions are "drastic measure[s] which deprive[] the losing party of trial on the merits." [Citations.] (*Bahl v. Bank of America* (2001) 89 Cal.App.4th 389, 395.) Consequently, "[i]f it appears from the affidavits submitted in opposition to a motion for summary judgment or summary adjudication, or both, that facts essential to justify opposition may exist but cannot, for reasons stated, be presented, the court shall deny the motion, order a continuance to permit affidavits to be obtained or discovery to be had, or make any other order as may be just." (Code Civ. Proc., § 437c, subd. (h), emphasis added.)

Where "discovery is incomplete, the motion for summary judgment should not be granted." (*Krantz v. BT Visual Images, LLC* (2001) 89 Cal.App.4th 164, 174; see also *Insalaco v. Hope Lutheran Church of West Contra Costa County* (2020) 49 Cal.App.5th 506, 519 ["an affidavit demonstrating that facts essential to justify opposition may exist but have not been presented to the court because the party has not been diligent in searching for the facts through discovery, the court's discretion to deny a continuance is strictly limited."].)

Here, while the opposition and supporting declaration are overly verbose, containing much information and allegations not necessary to the request for continuance (including exceeding the 20-page limit for opposition brief, see CRC 3.1113(d)), the court finds that further continuance is warranted. Plaintiffs have


propounded extensive discovery on both moving parties, and contend that the discovery responses are deficient. It is unclear if motions to compel further responses will be forthcoming, but at present there appear to be discovery disputes that need to be resolved before the court can proceed to rule on the motions on the merits. The parties are advised that they will have to comply with Local Rule 2.1.17.

Plaintiffs' counsel is advised that the court will not grant further continuances to pursue discovery that has not already been initiated, such as depositions. Plaintiffs' counsel has had ample time, and one continuance already, to pursue discovery. The motions are continued again in order to provide time to work out discovery disputes for discovery that plaintiffs have already propounded.

The court notes that SCDC has objected to much of the declaration of plaintiff's counsel. These objections are overruled, as they do not comply with Cal. Rules of Court, rule 3.1354(b)(3), which requires that each objection quote or set forth the objectionable material. The failure to follow this rule renders the objections especially vague and uncertain, in that the conclusions for objections reference different paragraphs of the declaration at issue. For example, the conclusion of SCDC's objection to ¶ 12 states, "As such, Defendant SCDC respectfully asks the Court to disregard Mr. Forsythe's Declaration at ¶ 8." This happens repeatedly. The court will not guess at what is objected to or the grounds for objection.

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**     5-28-25    .

(Judge's initials)

(Date)