

Tentative Rulings for May 29, 2025
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.

24CECG02635	<i>GPP II, LLC v. Central Valley Community Sports Foundation</i> is continued to Thursday, June 12, 2025 at 3:30 pm in Department 503
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Tentative Rulings for Department 503

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(27)

Tentative Ruling

Re: ***Cecilia Contreras v. MB Cambridge Investment, LLC***
Superior Court Case No. 22CECG01553

Hearing Date: May 29, 2025 (Dept. 503)

Motion: Application to Appear Pro Hac Vice

Tentative Ruling:

To grant.

Explanation:

The application of Florida attorney Jessica P. Sears appears to comply with the requirements set forth by the State Bar of California and rule 9.40 of the California Rules of Court. In addition, from the court's record it appears no opposition has been filed. Therefore, the application is granted.

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: JS on 5/27/2025.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: **J. L. v. David Blancas**
Superior Court Case No. 14CECG00396

Hearing Date: May 29, 2025 (Dept. 503)

Motion: Applications of (1) Kenneth Abarno, and (2) Greg Gutzler to
Appear *Pro Hac Vice* on Behalf of Plaintiff

Tentative Ruling:

To deny, without prejudice.

Explanation:

It appears from the record that instead of following customary procedure, applying counsel prevailed upon this court to set hearings on these applications via ex parte applications on May 1, 2025. However, neither application includes a proof of service, nor do they provide evidence of payment of the **\$500** fee required of each application to the State Bar. Accordingly, both applications are denied. (Cal. Rules of Court, rule 9.40.)

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: JS **on** 5/27/2025.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: **Krishan Prasad Verma v. Helen Saulsbury**
Superior Court Case No. 24CECG00443

Hearing Date: May 29, 2025 (Dept. 503)

Motion: by Plaintiff Krishan Prasad Verma for Orders Compelling Defendant Sharon Elaine Ross to Provide Initial Verified Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; Requests for Production of Documents, Set One; and Deeming Matters Admitted in Requests for Admissions, Set One.

Tentative Ruling:

To continue these motions to Thursday, June 12, 2025, at 3:30 p.m. in Department 503. Plaintiff must file proofs of service for the propounded discovery by Wednesday, June 4, 2025 at 5:00 p.m.

Explanation:

Unverified Responses Tantamount to No Responses at All

If the responses are ones that require verification (i.e. substantive responses with or without objections), the lack thereof is tantamount to no responses at all. (*Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636.) Plaintiff Krishan Prasad Verma ("plaintiff") states that the responses and amended responses received from defendant Sharon Elaine Ross ("defendant") were not accompanied by any verifications. (Pombo Decl., ¶ 10, see also Exh. E.) Defendant substantively responded to the form and special interrogatories and the requests for admissions. As such, her responses are ones requiring verification, which were not provided. Defendant's responses are tantamount to no response at all. Defendant did not respond to the requests for production of documents. Therefore, the present motion is to compel initial objection-free and verified responses from defendant.

Legal Standard

A propounding party may move for an order compelling response to its propounded interrogatories and/or demand. (Code Civ. Proc., §§ 2030.290, 2031.300.) For a motion to compel initial responses, no meet and confer is required. All that needs to be shown is that a set of interrogatories was properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. (*Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905-906.) Timely and verified responses are due from the party on which discovery is propounded within 30 days after service, plus additional days for service. (Code Civ. Proc. §§ 2030.260, 2031.260, 1013.) Failing to respond to discovery within the 30-day time limit waives objections to the

discovery, including claims of privilege and work product protection. (Code Civ. Proc., §§ 2030.290 subd. (a), 2031.300 subd. (a).)

If a party fails to serve a timely response to requests for admission propounded upon that party, the requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction. (Code Civ. Proc., § 2033.280, subd. (b).) Objections are waived including those based on privilege and work product. (*Id.*, subd. (a).) The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. (*Id.*, subd. (c).)

Application

Here, plaintiff states that on November 4, 2025, defendant Sharon Elaine Ross was served with: (1) Form Interrogatories, Set One; (2) Special Interrogatories, Set One; (3) Requests for Production of Documents, Set One; and (4) Requests for Admission, Set One. (Pombo Decl., ¶ 2.) Plaintiff provides copies of these discovery requests as Exhibits A-D, but does not include proofs of service of these discovery requests. The court is considering these requests as having no responses at all. Plaintiff needs to demonstrate that the requests were properly served on the opposing party, that the time to respond has expired, and that no response of any kind has been served. (*Leach v. Superior Court*, *supra*, 111 Cal.App.3d at pp. 905-906.) Plaintiff has not met the first element. As the discovery requests were attached without any proofs of service, the court will continue the hearing on these motions rather than outright deny them, in order to allow plaintiff time to demonstrate proper service of the propounded discovery.

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: JS **on** 5/27/2025.
(Judge's initials) (Date)