

Tentative Rulings for July 14, 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.

21CECG03582 *Maria "Coco" Magallen v. Ron Chandler* is continued to Tuesday, July 28, 2026, at 3:30 p.m. in Department 502.

25CECG05321 *Angel McGee v. Community Hospitals of Central California* is continued to Tuesday, August 25, 2026, in Department 502.

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Tentative Rulings for Department 502

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Tentative Ruling

Re: **Amar Daroch v. FRGM LLC**
Superior Court Case No. 25CECG02282

Hearing Date: July 14, 2026 (Dept. 502)

Motion: By Plaintiff, Amar Daroch, Compelling the Deposition of Defendant General Motors LLC's Person Most Qualified, as well as Sanctions

**If oral argument is timely requested, it will be entertained on
Thursday, July 16 2026, at 3:30 p.m. in Department 502.**

Tentative Ruling:

The Court grants plaintiff, Amar Daroch's motion to compel the deposition of defendant General Motor, LLC's person most qualified. Defendant General Motors, LLC is ordered to produce its person most qualified for deposition within 30 days of the clerk's service of this minute order.

The Court grants plaintiff, Amar Daroch's request for mandatory sanctions in the sum of \$2,500 under Code of Civil Procedure section 871.26, subdivision (j)(2). Defendant Geeral Motors LLC is ordered to submit payment to plaintiff's counsel within 30 days of the clerk's service of this minute order.

The Court further grants plaintiff, Amar Daroch's request for sanctions of \$1,587.50 under Code of Civil Procedure section 2025.450, subdivision (g)(1). General Motors LLC is ordered to submit payment to plaintiff's counsel within 30 days of the clerk's service of this minute order.

Explanation:

Plaintiff, Amar Daroch, ("Daroch" or "plaintiff") makes the following motion to compel the deposition of defendant, General Motors LLC's ("GM" or "defendant") person most qualified ("PMQ") in accordance with Codes of Civil Procedure sections 871.26, 2023.010, 2023.030, and 2025.450. Daroch also seeks monetary sanctions.

On May 12, 2025, Daroch filed their Complaint. On July 18, 2025, GM served its Answer to Daroch's Complaint. (Chavez Decl., ¶¶ 2-3, Exs. 1-2.) Daroch confirmed he intended to proceed by serving a Notice of Taking Deposition of GM's PMQ on July 30, 2025, setting the deposition for September 2, 2025 (Chavez Decl., ¶6, Ex. 4.) The notice stated that the deposition was being taken pursuant to Code of Civil Procedure sections 871.26(c)(2) and 2025.010 et seq., and it identified the statutory topics for examination (*Id.*) GM did not serve any objection to the September 2, 2025 deposition. GM also did not produce a PMQ witness. As a result, Daroch took a statement of nonappearance. (Chavez Decl., ¶¶7-9, Ex. 5.)

On November 18, 2025, Daroch served an amended PMQ deposition notice. (Chavez Decl., ¶10, Ex. 6.) On December 10, 2025, Daroch again served an amended PMQ deposition notice. (Chavez Decl., ¶12, Ex. 8.)

On January 29, 2026, GM served objections to Daroch's second amended PMQ deposition notice, which had set the deposition for February 5, 2026. (Chavez Decl., ¶¶ 13-14, Ex. 9.) GM objected that the notice was "unilaterally issued" without consulting GM's counsel, asserted scope and privilege objections and stated it would produce a witness at a "mutually agreeable time and place." GM still did not provide any proposed dates. (Chavez Decl., ¶¶ 13-14, Ex. 9.)

Compel Deposition

Code of Civil Procedure section 2025.280 subdivision (a), provides that service of a deposition notice under Code of Civil Procedure section 2025.240 is effective to require any deponent who is a party to the action, or an officer, director, managing agent, or employee of a party, to attend, testify, and produce any document, electronically stored information, or tangible thing for inspection and copying.

A party may notice the deposition of employees by specifying their position or the subject matter "with reasonable particularity" and therefore need not identify the individual by name. (Code Civ. Proc., §§ 2025.010, 2025.230.) Such witnesses also have an obligation to obtain any requested information and documents "reasonably available," which includes making "an inquiry of everyone who might" possess it. (*Maldonado v. Sup.Ct.* (2002) 94 Cal.App.4th 1390, 1398.)

Code of Civil Procedure section 871.26 applies to civil actions seeking restitution or replacement of motor vehicle, timeline and procedures, and sanctions. Code of Civil Procedure section 871.26, subdivision (c) provides:

(c) Within 120 days after the filing of the answer or other responsive pleading, all parties have the right to conduct initial depositions, each not to exceed two hours, of the following deponents:

(1) The plaintiff.

(2) The defendant, and if the defendant is not a natural person, the person who is most qualified to testify on the defendant's behalf. This deposition shall be limited to the topics listed in subdivision (i).

First, Daroch timely sought to depose GM's PMQ, despite GM's arguments to the contrary. (GM's Opposition Papers, pg. 4:20-24.) GM answered the Complaint on July 18, 2025. On July 30, 2025, Daroch served a Notice of Taking Deposition of GM's Person Most Qualified, setting the deposition for September 2, 2025. (Chavez Decl., ¶ 6, Ex. 4.) The notice expressly invoked Code of Civil Procedure sections 871.26(c)(2) and 2025.010 et seq. and identified the statutory topics for examination. GM did not object to that deposition notice. (Chavez Decl., ¶ 7.) GM did not produce a witness. (Chavez Decl., ¶ 8.) As a result, Daroch was forced to take a statement of nonappearance. (Chavez Decl., ¶ 9, Ex. 5.) This all occurred within 120 days of GM's answer.

Second, GM's argument that Daroch failed to engage in any "meaningful meet and confer regarding this deposition between the statement of non-appearance on September 2 and November 18, when it served the first amended notice or at any time during the pendency of this case until filing of the instant motion," (GM's Opposition Papers, pg. 5:4-7), is irrelevant, as Code of Civil Procedure section 871.26 does not have any meet and confer requirements. Furthermore, Code of Civil Procedure section 2025.450, subdivision (a), authorizes a motion to compel when, after service of a deposition notice, a party-affiliated deponent fails to appear.

Third, GM's "unilateral notice" argument does not excuse its failure to produce a witness. Deposition notices are ordinarily served by the noticing party, and the Code does not permit a party to simply ignore a duly noticed deposition because it dislikes the selected date. Plaintiff did not refuse to coordinate. Plaintiff's July 30, 2025, email expressly advised GM: "Should the deposition date be unavailable, please provide alternate availability in compliance with deposition deadlines." (Chavez Decl., ¶ 6, Ex. 4.) GM did not provide alternate availability.

Finally, GM's argument that "Plaintiff served its initial notice for PMK deposition on GM completely ignoring GM's requests regarding a stipulated protective order regarding documents" (GM's Opposition Papers, pg. 4:25-26), are irrelevant as Code of Civil Procedure section 871.26 contains no requirement allowing a manufacturer to condition its statutory PMQ deposition obligation on the entry of a protective order.

Accordingly, Daroch's motion to compel GM's PMQ is granted. GM failed to object to the original Notice or to appear. Moreover, Daroch's notices all tracked Code of Civil Procedure section 871.26. Daroch also repeatedly gave GM new chances to cooperate or comply, and asked GM to provide alternative deposition dates and times.

Sanctions

Mandatory Sanctions

Plaintiff requests the Court impose monetary sanctions against defendant's counsel in the sum of \$2,500 pursuant to Code of Civil Procedure Section 871.26, subdivisions (c) and (j)(2).

Code of Civil Procedure Section 871.26, subdivision (j)(2) imposes mandatory sanctions in the amount of \$2,500 against a defense attorney, absent a showing of good cause, for failing to comply with the document production requirements as prescribed in Code of Civil Procedure Section 871.26, subdivision (c).

As discussed above, GM failed to comply with Code of Civil Procedure Section 871.26, subdivision (c). Here, GM's Opposition papers fail to demonstrate good cause. Accordingly, mandatory sanctions in the amount of \$2,500 are granted.

Monetary Sanctions

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Tentative Ruling

Re: **Lopez v. Neville**
Superior Court Case No. 25CECG05839

Hearing Date: July 14, 2026 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition to approve the compromised claim of minor Gabriella Lopez. (Code of Civil Proc., § 372; Probate Code, § 2504.) Petitioner is directed to file new proposed orders within five days of service of the order by the clerk. No appearances necessary.

To set a status conference for Tuesday, October 13, 2026, at 3:30 p.m. in Department 502, for confirmation of deposit of the funds into a blocked account. If the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356), is filed at least five court days before the hearing, the status conference will come off calendar.

If oral argument is timely requested, it will be entertained on Thursday, July 16 2026, at 3:30 p.m. in Department 502.

Explanation:

The spelling of minor's name appears to be inconsistent. Corrected proposed orders (MC-351 and MC-355) are requested.

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: Img on 7-13-26
(Judge's initials) (Date)

(48)

Tentative Ruling

Re: **Lopez v. Neville**
Superior Court Case No. 25CECG05839

Hearing Date: July 14, 2026 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition to approve the compromised claim of minor Sophia Lopez. (Code of Civil Proc., § 372; Probate Code, § 2504.) No appearances are necessary.

If oral argument is timely requested, it will be entertained on Thursday, July 16 2026, at 3:30 p.m. in Department 502.

Explanation

The petition appears to be sufficiently stated and the proposed court order approving the disposition of proceeds appears complete.

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: Img on 7-13-26
(Judge's initials) (Date)