

**Tentative Rulings for August 14, 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: ***Sifuentes v. Fresno Community Hospital and Medical Center***  
Superior Court Case No. 21CECG01742

Hearing Date: August 14, 2025 (Dept. 403)

Motion: Defendant Nancy Parks, M.D.'s Motions to Compel Responses to Form Interrogatories, Special Interrogatories, and Requests for Production of Documents, and Motion for Sanctions

**Tentative Ruling:**

To deny the motions to compel discovery responses, as verified responses have been served. (Code Civ. Proc., §§ 2030.290, 2031.300.) To award defendant Nancy Parks, M.D. sanctions in the sum of \$990, to be paid by plaintiff's attorney Henry Nunez to defendant's counsel within 30 days of service of the order by the clerk. (Code Civ. Proc., §§ 2023.030, subd. (d), 2030.290, subd. (c), 2031.310, subd. (d).)

**Explanation:**

The discovery at issue was served on plaintiff on 3/21/2025. Responses were due by 4/23/25, but were not served until 7/29/25, almost a month after the motions to compel were filed. Plaintiff's counsel explains that it was his inability to prepare the responses that were the cause of the late responses.

Whether a particular response does resolve satisfactorily the issues raised by a motion is a matter best determined by the trial court in the exercise of its discretion, based on the circumstances of the case. In many cases involving untimely responses, the propounding party will take the motion off calendar or narrow its scope to the issue of sanctions. If the propounding party proceeds with the motion, however, the trial court has the discretion to rule on the motion. The trial court might **[1]** compel responses without objection if it finds no legally valid responses have been provided to one or more interrogatories; **[2]** it might deny the motion to compel responses as essentially unnecessary, in whole or in part, and just impose sanctions; **[3]** it might treat the motion as one under section 2030.300 and either determine that further answers are required, [fn omitted] or order the propounding party to "meet and confer" (§ 2030.300, subd. (b)) and file a separate statement (Cal. Rules of Court, rule 3.1020(a)(2), (c)); or **[4]** it might take the motion off calendar, thereby requiring the propounding party to file a motion under section 2030.300.

(*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409.)

Defendant does not contend that the responses are not legally valid. Because the responses were only served after the motions to compel were filed, reasonable sanctions of \$990 should be imposed. (Code Civ. Proc., §§ 2023.030, subd. (d), 2030.290, subd. (c), 2031.310, subd. (d).) The court notes that the sanctions sought by Parks' counsel are not

reasonable. It was not necessary to file separate motions for the form and special interrogatories – they could have been combined in a single motion. Nor was it necessary to file a separate motion for sanctions – requests for sanctions are commonly included in the motions to compel. Moreover, Parks' counsel also represents defendant Leigh O'Banion, M.D., who filed similar motions to compel in January of 2023. With those motions as a starting point, it should not take more than 1.5 hours to prepare each motion. Accordingly, the court will award 1.5 hours each for two motions to compel, plus the \$240 in filing fees.

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** 8-13-25.  
(Judge's initials) (Date)

(20)

**Tentative Ruling**

Re: ***In re: Peachtree Settlement Funding, LLC***  
Superior Court Case No. 25CECG01622

Hearing Date: August 14, 2025 (Dept. 403)

Motion: by Petitioner Peachtree Settlement Funding, LLC for Approval  
of Transfer of Payment Rights

**Tentative Ruling:**

To grant.

**Explanation:**

The Structured Settlement Protection Act governs transfers of structured settlement payments to factoring companies for immediate cash payments. (See Ins. Code, §§ 10134 et seq.) The Act's purpose is to "protect structured settlement payees from exploitation by factoring companies." (*RSL Funding, LLC v. Alford* (2015) 239 Cal.App.4th 741, 745.) The Act provides that a transfer of structured settlement payment rights is void unless the following conditions are met:

- 1) The transfer is fair and reasonable, and in the payee's best interest, taking into account the welfare and support of the payee's dependents (Ins. Code, § 10137, subd. (a)); and
- 2) The transfer complies with the requirements of the Act, will not contravene other applicable law, and the judge has reviewed and approved the transfer (Ins. Code, § 10137, subd. (b); Ins. Code, § 10139.5.).

To determine what is fair and reasonable, and in the payee's best interest, the court is to consider the totality of the circumstances and the factors listed in Insurance Code section 10139.5, subdivision (b), including the purpose of the transfer and the payee's financial and economic situation. (Ins. Code, § 10139.5.)

The court does not believe the transfer is the best idea, given the high effective interest rate that payee would incur in selling the upcoming annuity payments, as explained in the June 25, 2025 tentative ruling. However, plaintiff has a business plan that he has put a good deal of thought into, and insists that it will be in his best interests to obtain the payout as soon as possible, despite the costs articulated by the court. Accordingly, the court finds, based on payee's articulated plan and reasons for the transfer, that the transfer of the annuity payment rights is fair and reasonable, and in payee's best interest.

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



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**Tentative Ruling**

Re: **Nivninder Kaur v. Gurmeet Rai**  
Superior Court Case No. 22CECG00332

Hearing Date: August 14, 2025 (Dept. 403)

Motion: by Defendant for Leave to File Cross-Complaint

**Tentative Ruling:**

To grant defendant Gurmeet Singh Rai's motion for leave to file a cross-complaint. The Cross-complaint shall be filed and served within 10 days of the clerk's service of this minute order.

**Explanation:**

Leave to file a cross-complaint is liberally granted, especially where the new facts arise from the same underlying transaction or occurrence and no specific prejudice is identified by an opposing party. (*Silver Organizations Ltd. v. Frank* (1990) 217 Cal.App.3d 94, 98–99; *Landis v. Superior Court of Los Angeles County* (1965) 232 Cal.App.2d 548, 557; *ZF Micro Devices, Inc. v. TAT Capital Partners, Ltd.* (2016) 5 Cal.App.5th 69, 82-83; See *Landis v. Superior Court of Los Angeles County* (1965) 232 Cal.App.2d 548, 557 [even Rules of Court deviations did not “mandate” denial, emphasis added].)

Here, despite plaintiff's vehement opposition, no specific prejudice is identified other than circumstances ordinarily encountered in litigation. Furthermore, although plaintiff contends defendant's claims are time barred, those contentions are better tested in a pleadings challenge such as a demurrer. (See *Kittredge Sports Co. v. Superior Court* (1989) 213 Cal.App.3d 1045, 1048.)

Therefore, the motion 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: Img on 8-13-25.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: **Jaso v. General Motors, LLC**  
Superior Court Case No. 21CECG00721

Hearing Date: August 14, 2025 (Dept. 403)

Motion: By Defendant General Motors, LLC for Summary Judgment

**Tentative Ruling:**

To grant. Defendant General Motors, LLC is directed to submit a proposed judgment within five days of service of the order by the clerk.

**Explanation:**

Plaintiff Lashawn Jaso ("Plaintiff") filed the instant action regarding certain alleged breaches of warranty attached to her purchase of a used vehicle. The First Amended Complaint ("FAC") states two causes of action against defendant General Motors, LLC ("Defendant"): (1) breach of implied warranty of merchantability under the Song-Beverly Consumer Warranty Act; and (2) breach of express warranty under the Song-Beverly Consumer Warranty Act. Defendant now seeks summary judgment of the FAC.

A trial court shall grant summary judgment where there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc. §437c(c); *Schacter v. Citigroup* (2009) 47 Cal.4th 610, 618.) The issue to be determined by the trial court in consideration of a motion for summary judgment is whether or not any facts have been presented which give rise to a triable issue, and not to pass upon or determine the true facts in the case. (*Petersen v. City of Vallejo* (1968) 259 Cal.App.2d 757, 775.)

The moving party bears the initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he or she carries this burden, the burden shifts to plaintiff to make a prima facie showing of the existence of a triable issue. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849.) A defendant has met his burden of showing that a cause of action has no merit if he has shown that one or more elements of the cause of action cannot be established, or that there is a complete defense to that cause of action. (*Ibid.*) Once the defendant has met that burden, the burden shifts to the plaintiff to show a triable issue of one or more material facts exists as to the cause of action or a defense thereto. (*Ibid.*)

Defendant submits that there are no triable issues of material fact as the FAC because she did not purchase the vehicle as new. (*Rodriguez v. FCA US, LLC* (2022) 77 Cal.App.5th 209 ["*Rodriguez*"], *affd.* (2024) 17 Cal.5th 189.) Specifically, Plaintiff did not, as part of her purchase, obtain a new or full warranty; Plaintiff obtained the balance of the original warranty. (Defendant's Undisputed Material Fact No. 9-14.) Accordingly, under *Rodriguez*, the Song-Beverly Consumer Warranty Act does not apply. (*Rodriguez, supra*, 77 Cal.App.5th at p. 225.) The court finds that Defendant satisfies its burden as the



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.

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