

Tentative Rulings for January 8, 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.

23CECG01808	<i>Rick Flake v. City of Fresno</i> is continued to Wednesday, January 21, 2026, at 3:30 p.m. in Department 502.
24CECG05090	<i>City of Parlier v. Sarbat Bhala, Inc.</i> is continued to Thursday, February 26, 2026, at 3:30 p.m. in Department 502.
23CECG01255	<i>Levy v. Sanchez Rodriguez, Jr.</i> , is continued to Tuesday, February 24, 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: ***Salazar v. Jauregui, et al.***
Superior Court Case No. 25CECG01665

Jauregui v. Salazar, et al.
Superior Court Case No. 25CECL03572

Hearing Date: January 8, 2026 (Dept. 502)

Motion: by Plaintiffs to Consolidate Actions

Tentative Ruling:

To grant, consolidating for all purposes Case No. 25CECG01665 with Case No. 25CECL03572, with Case No. 25CECG01665 being designated as the master file. The January 13, 2026 trial date in case. No. 25CECL03572 is vacated.

Explanation:

Plaintiffs Alfonso Salazar and Rocio Hernandez seek an order consolidating the unlawful detainer action, case number 25CECL03572, with the civil action, case number 25CECG01665, since otherwise the unlawful detainer action would proceed to trial before plaintiffs' claim to own title to the property could be decided, and could result in the forfeiture of plaintiffs' own property.

Given the summary nature of unlawful detainer proceedings, it is a rule of long standing that questions of title cannot be raised and litigated by cross-complaint or affirmative defense in an unlawful detainer case. (*Cheney v. Trauzettel* (1937) 9 Cal.2d 158, 159; *Martin-Bragg v. Moore* ("Martin-Bragg") (2013) 219 Cal.App.4th 367, 385 ["Ordinarily, issues respecting the title to the property cannot be adjudicated in an unlawful detainer action."].) However, where a civil action makes a claim of ownership concerning the property that is the subject of an unlawful detainer action, the additional issue is one of prejudice to the party making the ownership claim. In *Martin-Bragg*, the court held that in such situations the Civil Unlimited court has the power "to consolidate an unlawful detainer proceeding with a simultaneously pending action in which title to the property is in issue," because a "successful claim of title by the tenant would defeat the landlord's right to possession." (*Id.* at 385.)

Here, an unlawful detainer proceeding and an unlimited civil action concerning title to the subject property are simultaneously pending. As was clearly established in *Martin-Bragg*, in such instances, "the trial court in which the unlimited action is pending may stay the unlawful detainer action until the issue of title is resolved in the unlimited action, or it may consolidate the actions." (*Ibid.*)

To allow the trial of the unlawful detainer to go forward and potentially evict plaintiffs while their own action regarding ownership of the property is still pending is illustrative why the two actions *must* be consolidated. Should Plaintiffs' action succeed in

establishing their ownership rights to the property defendants' eviction action would be defeated. Thus, the cases are ordered consolidated for all purposes and the trial date of January 13, 2026 for case no. 25CECL03572 is vacated.

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: KCK on 01/05/26
(Judge's initials) (Date)

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Tentative Ruling

Re: **Lucy v. Cook**
Superior Court Case No. 24CECG05145

Hearing Date: January 8, 2026 (Dept. 502)

Motion: By Defendant for Issue, Evidence, Monetary and/or Terminating Sanctions

Tentative Ruling:

To grant defendant's motion for terminating sanctions. Defendant shall submit to the Court, within ten (10) days of this order, a proposed order dismissing, with prejudice, this action. No further monetary sanctions are ordered.

Explanation:

Noncompliance with compelled discovery justifies terminating sanctions. (See Code Civ. Proc., §§ 2023.010, subd. (d); 2023.030, subd. (d)(3).) This court is also guided by the principle that “[t]he sanctions the court may impose are such as are suitable and necessary to enable the party seeking discovery to obtain the objects of the discovery he seeks” (*Caryl Richards, Inc. v. Superior Court* (1961) 188 Cal.App.2d 300, 304.)

According to defendant's uncontroverted evidence plaintiff continues to fail to provide responses to multiple sets of discovery¹, and failed to pay sanctions, in plain disobedience of a court order to do so. In light of the evidence of intentional recalcitrance with statutorily authorized discovery and previous court orders, it appears that no lesser sanction would promote compliance and thus terminating sanctions are necessary and justified. The motion is therefore 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: KCK on 01/07/26
(Judge's initials) (Date)

¹ Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production of Documents, Set One.

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Tentative Ruling

Re: **Ortiz v. Cervantes**
Superior Court Case No. 24CECG02055

Hearing Date: January 8, 2026 (Dept. 502)

Motion: By Plaintiffs to Compel Defendant Barbie B Ranch LLC's Responses to Form Interrogatories-General (Set One), Form Interrogatories-Employment (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One), and for Monetary Sanctions

Tentative Ruling:

To grant Plaintiffs' motions to compel for Form Interrogatories-General (Set One), Form Interrogatories-Employment (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One). Defendant Barbie B Ranch LLC is ordered to serve verified responses, without objections, to Plaintiffs within 30 days of service of the minute order by the clerk.

To impose monetary sanctions in the total amount of \$1,650 against Defendant Barbie B Ranch LLC in favor of Plaintiffs. Monetary sanctions are ordered to be paid within 30 calendar days from the date of service of the minute order by the clerk.

Explanation:

Defendant has had sufficient time to respond to the discovery propounded by Plaintiffs, and has not done so. 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) [interrogatories]; Code Civ. Proc., § 2031.300, subd. (a) [production demands]; see *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.) Here, no responses have been received.

Where a party seeks monetary sanctions, the court "shall" impose such a sanction against the unsuccessful party, unless the court finds that party acted with substantial justification or other circumstances would render such sanctions as unjust. (Code Civ. Proc., § 2030.290, subd. (c).) The Court finds it reasonable to allow for a total of three hours for preparation of the substantially similar motions at a reduced hourly rate of \$550. Therefore, the amount in sanctions is \$1,650. In the event a hearing is necessary, the Court will consider the costs incurred as a result.

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: ***In re Joel Boonstra***
Superior Court Case No. 25CECG05786

Hearing Date: January 8, 2026 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition. Order Signed. No appearances necessary.

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: KCK on 01/07/26
(Judge's initials) (Date)

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Tentative Ruling

Re: **Castro v. Kia America, Inc., et al.**
Superior Court Case No. 24CECG05076

Hearing Date: January 8, 2026 (Dept. 502)

Motion: by Defendant Kia America Inc.'s Motion to Compel Plaintiff's Attendance at Deposition and Produce Documents

Tentative Ruling:

To deny without prejudice. (Fresno Sup. Ct. Local Rules, rule 2.1.17(A); Cal. Rules of Ct., rule 3.1345(a).)

Explanation:

Under Code of Civil Procedure section 2025.450, "If, after service of a deposition notice, a party to the action ... *without having served a valid objection* under Section 2025.410, fails to appear for examination, or to proceed with it, or to produce for inspection any document, electronically stored information, or tangible thing described in the deposition notice, the party giving the notice may move for an order compelling the deponent's attendance and testimony, and the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice." (Code Civ. Proc., § 2025.450, subd. (a), italics added.)

Under Local Rule 2.1.17, "Except for motions to compel the deposition of a duly noticed party or subpoenaed person(s) *who have not timely served an objection* pursuant to Code of Civil Procedure section 2025.410 or otherwise obtained the consent of all interested parties agreeing to the non-appearance of the party or person(s) at the deposition as noticed or subpoenaed, ... no motion under sections 2016.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request for a Conference has either been denied and permission to file the motion is expressly granted via court order or the discovery dispute has not been resolved as a consequence of such a conference and permission to file the motion is expressly granted after the conference." (Fresno Sup. Ct. Local Rules, rule 2.1.17(A), italics added.)

Also, "[a]ny motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion: [...] (4) To compel answers at a deposition; [and] (5) To compel or to quash the production of documents or tangible things at a deposition. (Cal. Rules of Court, rule 3.1345(a)(4)-(5).)

In the present case, the moving defendant served a deposition notice on October 16, 2023. (Freeman, Jr., Decl., ¶ 2, Ex. A.) On January 17, 2024, plaintiff served her

Since plaintiff served a timely objection to the deposition notice, the moving party was required to file a request for pretrial discovery conference and obtain leave of court before filing a motion to compel plaintiff's deposition. Also, the requisite separate statement was not filed. Therefore, the motion is procedurally defective and is denied without prejudice.

Tentative Ruling

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Tentative Ruling

Re: **Rodriguez Jimenez, et al. v. Marquez, M.D., et al.**
Superior Court Case No. 25CECG01250

Hearing Date: January 8, 2026 (Dept. 502)

Motions: Defendant Saint Agnes Medical Center's Motions to Compel Plaintiffs Nicole Rodriguez Jimenez and Jose Rodriguez Jimenez's Responses to Form Interrogatories, Set One, Special Interrogatories Set One, Request for Production, Set One, and Request for Statement of Damages

Tentative Ruling:

To continue the hearing to Thursday, February 26, 2026, at 3:30 p.m. in Department 502, and to require the moving party to pay \$240 for motion fees to the clerk (in addition to the \$240 for motion fees already paid) for the correct total motion fee of \$480 (8 motions x \$60 each). The additional filing fees must be paid on or before Thursday, February 19, 2026.

Explanation:

The uniform fee for filing a discovery motion is \$60. (Gov. Code, § 70617, subd. (a).) Here, although the moving party reserved four motions on the court's calendar, the court notes that, in actuality, there are eight motions contained in the moving papers—motions to compel two plaintiffs Nicole Rodriguez Jimenez's and Jose Rodriguez Jimenez's responses to four sets of discovery: form interrogatories, special interrogatories, document production, and statement of damages, respectively. Therefore, the correct total motion fee is \$480 (8 motions x \$60). In the event the additional filing fees are not paid, the court will only rule on the motions as to one plaintiff.

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: KCK on 01/07/26
(Judge's initials) (Date)

(03)

Tentative Ruling

Re: **Brooks v. City of Fresno**
Case No. 24CECG03056

Hearing Date: January 8, 2026 (Dept. 502)

Motion: Plaintiff's Motions to Compel Discovery of Peace Office
Personnel Records (*Pitchess*)

Tentative Ruling:

To grant plaintiff's motion to compel discovery of the documents relating to the Internal Affairs investigations against her. To grant in part and deny in part the motion to compel discovery of the personnel files and complaints against various peace officers. Specifically, the court intends to deny the motion to compel production of the personnel files and complaints as to Officer Martinez, Sergeant Wilson, Officer Williams, Officer Clark, Sergeant Ashworth, Sergeant Bunch, former Chief Balderama, Officer Jaramillo-Rodriguez, Detective Estrada, Sergeant Lloyd, Officer Dozier, Captain Alvarez, Officer Martinez, Officer Phelps, Officer Alvarez, Corporal Atkins, Officer Fortune, Sergeant Scheidt, Officer London, Sergeant Kim, Officer Renee (last name unknown), and Officer Tietjen. The court intends to grant the motion to produce the personnel records and complaints with regard to Officer Sepeda, Lieutenant Gray, Corporal Ogbowa, Officer Kasten, Sergeant Knapp, Sergeant Jackson, Corporal Vang, Officer Royal and Sergeant Brown.

Explanation:

Under Penal Code section 832.7, subdivision (a), "Peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code."

Also, under Evidence Code section 1043, subdivision (a), "In any case in which discovery or disclosure is sought of peace or custodial officer personnel records or records maintained pursuant to Section 832.5 of the Penal Code or information from those records, the party seeking the discovery or disclosure shall file a written motion with the appropriate court or administrative body upon written notice to the governmental agency which has custody and control of the records."

In addition, "The motion shall include all of the following: (1) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace or custodial officer whose records are sought, the governmental agency which has custody and control of the records, and the time and place at which the motion for discovery or disclosure shall be heard. (2) A description of the type of records or information sought. (3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency

identified has the records or information from the records.” (Evid. Code, § 1043, subd. (b), paragraph breaks omitted.)

“The affidavits may be on information and belief and need not be based on personal knowledge, but the information sought must be requested with sufficient specificity to preclude the possibility of a defendant’s simply casting about for any helpful information.” (*People v. Mooc* (2001) 26 Cal.4th 1216, 1226, internal citations omitted; see also *City of Santa Cruz v. Municipal Court* (1989) 49 Cal.3d 74.) However, “It is equally apparent that the statute, in calling for a description of the ‘type’ of records sought to be disclosed, does not require the affiant to prove the existence of particular records.” (*City of Santa Cruz, supra*, at p. 90.)

“If the trial court concludes the defendant has fulfilled these prerequisites and made a showing of good cause, the custodian of records should bring to court all documents ‘potentially relevant’ to the defendant’s motion. The trial court ‘shall examine the information in chambers’, ‘out of the presence and hearing of all persons except the person authorized [to possess the records] and such other persons [the custodian of records] is willing to have present’. Subject to statutory exceptions and limitations, discussed below, the trial court should then disclose to the defendant ‘such information [that] is relevant to the subject matter involved in the pending litigation.’” (*People v. Mooc, supra*, at p. 1226, internal citations omitted.)

“Documents clearly irrelevant to a defendant’s *Pitchess* request need not be presented to the trial court for in camera review. But if the custodian has any doubt whether a particular document is relevant, he or she should present it to the trial court.” (*Id.* at p. 1229.)

“A court reporter should be present to document the custodian’s statements, as well as any questions the trial court may wish to ask the custodian regarding the completeness of the record. [¶] The trial court should then make a record of what documents it examined before ruling on the *Pitchess* motion. Such a record will permit future appellate review. If the documents produced by the custodian are not voluminous, the court can photocopy them and place them in a confidential file. Alternatively, the court can prepare a list of the documents it considered, or simply state for the record what documents it examined. Without some record of the documents examined by the trial court, a party’s ability to obtain appellate review of the trial court’s decision, whether to disclose or not to disclose, would be nonexistent. Of course, to protect the officer’s privacy, the examination of documents and questioning of the custodian should be done in camera in accordance with the requirements of Evidence Code section 915, and the transcript of the in camera hearing and all copies of the documents should be sealed.” (*Ibid*, internal citations omitted.)

Once the court concludes that good cause exists for production, then an *in camera* review of the records is required to ensure that only relevant information is disclosed. The court must examine the records in chambers, and shall exclude from disclosure: (1) information consisting of complaints concerning conduct occurring more than five years before the event or transaction which is the subject of the litigation; (2) in any criminal proceeding, the conclusions of any officers investigating a complaint filed pursuant to Section 832.5 of the Penal Code [i.e., citizens’ complaints against police officers]; and (3) facts sought to be disclosed which are so remote as to make disclosure of little or no practical benefit. (Evid. Code § 1045, subd. (b).) Only information relevant

to the case, as determined by the *in camera* review, is discoverable. (*Davis v. City of Sacramento* (1994) 24 Cal.App.4th 393, 404.)

"To show good cause as required by section 1043, defense counsel's declaration in support of a *Pitchess* motion must propose a defense or defenses to the pending charges. The declaration must articulate how the discovery sought may lead to relevant evidence or may itself be admissible direct or impeachment evidence that would support those proposed defenses. These requirements ensure that only information 'potentially relevant' to the defense need be brought by the custodian of the officer's records to the court for its examination in chambers. [¶] Counsel's affidavit must also describe a factual scenario supporting the claimed officer misconduct. That factual scenario, depending on the circumstances of the case, may consist of a denial of the facts asserted in the police report." (*Warrick v. Superior Court* (2005) 35 Cal.4th 1011, 1024–1025, internal citations omitted.) In addition, the *Pitchess* procedures apply in both criminal and civil cases. (*Rosales v. City of Los Angeles* (2000) 82 Cal. App. 4th 419, 427.)

Also, "The court, '[u]pon motion seasonably made by the governmental agency which has custody or control of the records to be examined or by the officer whose records are sought', may make such orders 'which justice requires to protect the officer or agency from unnecessary annoyance, embarrassment or oppression'. The court shall also order that any peace officer records disclosed 'not be used for any purpose other than a court proceeding pursuant to applicable law.'" (*Id.* at p. 1227.)

Here, plaintiff seeks production of records related to the two Internal Affairs (IA) investigations of her that were pending at the time she resigned from her employment with defendant, as well as the personnel records of multiple officers who worked with her or investigated her, and any complaints of misconduct against various officers. With regard to the records relating to the IA investigations, plaintiff has presented a sufficient factual basis for a plausible scenario that the documents supporting the IA investigations would be relevant to her claims, as she has alleged that the IA investigations of her conduct were launched after she made complaints about sexual harassment and racial discrimination by other officers, and that the IA investigations were a form of retaliation against her. Any documents that were part of the IA investigations would thus be material to plaintiff's retaliation and constructive termination claims, as well as potentially supporting her claims that she was subjected to racial and sexual/gender harassment and discrimination.

Plaintiff is not required to provide evidence that the documents actually exist and support her claims, or that they will necessarily be relevant. She only needs to show through an affidavit on information and belief that the documents might contain information relevant to her claims. (Evidence Code, § 1043; *City of Santa Cruz, supra*, at pp. 90-93.) Also, to the extent that the City argues that plaintiff has not presented any evidence that the IA investigation was motivated by bias or a desire to retaliate against plaintiff, plaintiff's evidence shows that the investigations were initiated shortly after she made complaints about racial and sexual harassment and discrimination, which is sufficient to suggest that the investigations might have been intended to retaliate against her for filing the complaints. Therefore, the court intends to find that plaintiff has met her burden under section 1043, and that the City must produce the records related to the IA investigations of plaintiff to the court for *in camera* review.

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Tentative Ruling

Re: ***Brandy Ferris v. Lee Investment Company et al.***
Superior Court Case No. 23CECG03425

Hearing Date: January 8, 2026 (Dept. 502)

Motion: By Defendants Lee Investment Company, Lee Finance LLC,
and FML Management Corporation to Compel Depositions x9

Tentative Ruling:

The parties are directed to appear.

Explanation:

Defendants Lee Investment Company, Lee Finance LLC, and FML Management Corporation (together "Defendants") seek to compel the depositions of each of plaintiffs Wykeita Barnett, Vanessa Garcia, David Grayson, Timiya Lowe, Clarence Pennywell, Lilian Serato, Courtney Simmons, Stacey Towers, and David Wittle (together "Deponents").

Ordinarily, these motions would have been taken off calendar for failure to comply with Fresno County Superior Court Local Rules. Rule 2.1.17 requires that before filing, among other things, a motion under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request an informal Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference. Accordingly, motions to compel the deposition of a duly noticed party are exempt from Rule 2.1.17 only where timely objections have not been served. Here, objections were served, and therefore the motion is subject to Rule 2.1.17. However, in light of the evidence of the meet and confer efforts, the court retroactively finds, for this time only, that the disputes would not have benefitted from a Pretrial Discovery Conference. (E.g., Dickson Decl., ¶¶ 11, 12; *id.* ¶ 13 [indicating that past sanctions ordered by the court have not yet been paid].) The court proceeds.

Defendants seek relief under, among others, Code of Civil Procedure section 2025.450. Defendants submit that good cause is established because the matters sought are relevant to the subject matter of the action and material to the issues of litigation, and the Deponents are in any event plaintiffs in this action.

Deponents oppose solely on the basis that motions to compel attendance require the deposition to have occurred and inquiries made as to the nonappearance. However, the unrefuted evidence shows that in their objections to the deposition notices, Deponents indicated that they will not be made available for deposition on the date unilaterally set. (E.g., Dickson Decl., ¶ 10, and Ex. 4, Plaintiff's Responses to Defendant's Notice of Taking Deposition, thereto.) Further, counsel for Deponents indicated that he would not provide any dates. (*Id.*, ¶ 12.)

Sanctions were sought. Sanctions are mandatory unless the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. The court finds that Deponents did not act with substantial justification. Further, other circumstances justify the imposition of sanctions. The court intends to impose mandatory monetary sanctions against Deponents and their counsel of record, Jacob Partiyeli, jointly and severally, in the amount of \$2,380, inclusive of costs for nine motions, in favor of Defendants.

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.

Issued By: KCK on 01/07/26
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: ***Sarah Sanchez v. City of Fresno***
Superior Court Case No. 23CECG04266

Hearing Date: January 8, 2026 (Dept. 502)

Motion: (1) Seal

(2) Remove Confidentiality

Tentative Ruling:

These motions are taken off calendar as it does not appear from the court's record that moving papers were filed.

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: KCK **on** 01/07/26
(Judge's initials) (Date)