**Tentative Rulings for January 27, 2026**
**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

Begin at the next page

(20) **Tentative Ruling**

Re: ***Brar v. Chahal et al.***
Superior Court Case No. 21CECG02329

Hearing Date: January 27, 2026 (Dept. 403)

Motion: Three Motions by Defendants for Judgment on the Pleadings

**If oral argument is timely requested, it will be entertained on Thursday, January 29, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny all three motions. (Code Civ. Proc., § 438, subd. (e).)

**Explanation:**

The three motions for judgment on the pleadings are brought "pursuant to Code of Civil Procedure ('CCP') §§ 438 subdivisions (b)(1), (c)(1)(B)(ii), and (c)(2)(A) …" They are not brought as common law motions. "No motion may be made pursuant to this section if a pretrial conference order has been entered pursuant to Section 575, or within 30 days of the date the action is initially set for trial, whichever is later, unless the court otherwise permits." (Code Civ. Proc., § 438, subd. (e).) Trial was initially set for 9/29/25. The motions were filed on 10/13/25, with hearing initially set for 11/6/25. The court exercises its discretion to not permit the motions to be filed late.

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: lmg on 1-23-26 .**
(Judge's initials) (Date)

(03)

**Tentative Ruling**

Re: ***Zupancic v. Gold***
Case No. 24CECG04902

Hearing Date: January 27, 2026 (Dept. 403)

Motion: Plaintiff's Motion for Issue Sanctions, or in the Alternative, to Compel Further Responses to Requests for Admissions Related to Form Interrogatory 17.1

**If oral argument is timely requested, it will be entertained on Thursday, January 29, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny plaintiff's motion for issue sanctions against defendant. To deny the alternative motion to compel further responses to requests for admissions related to form interrogatory number 17.1.

**Explanation:**

Plaintiff has failed to show that issue sanctions are warranted here. Issue sanctions are generally only imposed for repeated willful failures to comply with discovery obligations, such as a willful refusal to comply with the court's orders compelling discovery. Here, plaintiff has not shown that defendant engaged in the type of willful refusal to comply with discovery that would warrant imposing issue sanctions.

Under Code of Civil Procedure section 2023.030, subdivision (b), "To the extent authorized by the chapter governing any particular discovery method or any other provision of this title, the court, after notice to any affected party, person, or attorney, and after opportunity for hearing, may impose the following sanctions against anyone engaging in conduct that is a misuse of the discovery process: … (b) The court may impose an issue sanction ordering that designated facts shall be taken as established in the action in accordance with the claim of the party adversely affected by the misuse of the discovery process. The court may also impose an issue sanction by an order prohibiting any party engaging in the misuse of the discovery process from supporting or opposing designated claims or defenses." (Code Civ. Proc., § 2023.030, subd. (b), paragraph break omitted.)

Also, Code of Civil Procedure section 2023.010(g) makes "[d]isobeying a court order to provide discovery" a "misuse of the discovery process," but sanctions are only authorized to the extent permitted by each discovery procedure. Once a motion to compel answers is granted, continued failure to respond or inadequate answers may result in more severe sanctions, including evidence, issue or terminating sanctions, or further monetary sanctions. (Code Civ. Proc. §§ 2030.290, subd. (c); 2031.300, subd. (c).)

Sanctions for failure to comply with a court order are allowed only where the failure was willful. (*R.S. Creative, Inc. v. Creative Cotton, Ltd*. (1999) 75 Cal.App.4th 486,

495; *Vallbona v. Springer* (1996) 43 Cal.App.4th 1525, 1545; *Biles v. Exxon Mobil Corp*. (2004) 124 Cal.App.4th 1315, 1327.) If there has been a willful failure to comply with a discovery order, the court may strike out the offending party's pleadings or parts thereof, stay further proceedings by that party until the order is obeyed, dismiss that party's action, or render default judgment against that party. (Code Civ. Proc. § 2023.030(d).)

"Discovery sanctions 'should be appropriate to the dereliction, and should not exceed that which is required to protect the interests of the party entitled to but denied discovery.'" (*Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.App.3d 481, 487.) "The 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 but the court may not impose sanctions which are designed not to accomplish the objects of the discovery but to impose punishment. [Citations.]" (*Caryl Richards, Inc. v. Superior Court* (1961) 188 Cal.App.2d 300, 304.)

Appellate courts have generally held that, before imposing a terminating sanction, trial courts should usually grant lesser sanctions first. "The discovery statutes thus 'evince an incremental approach to discovery sanctions, *starting* with monetary sanctions and *ending* with the ultimate sanction of termination.' Although in extreme cases a court has the authority to order a terminating sanction as a first measure, a terminating sanction should generally not be imposed until the court has attempted less severe alternatives and found them to be unsuccessful and/or the record clearly shows lesser sanctions would be ineffective." (*Lopez v. Watchtower Bible & Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566, 604–605, citations omitted, italics in original.)

In *Valbona v. Springer, supra*, the Court of Appeal found that the trail court properly imposed issue and terminating sanctions against the defendant even though the court had not previously imposed other, lesser sanctions. However, the defendant in that case, Dr. Springer, had engaged in egregious conduct that prevented plaintiffs from obtaining key documents before trial, including claiming that the documents sought by plaintiff had been stolen, and then trying to introduce some of the allegedly stolen documents at trial to defend himself. Under these unusual circumstances, the Court of Appeal found that Dr. Springer had engaged in a willful abuse of the discovery process, and that issue and evidence sanctions were proper despite the fact that no prior order compelling discovery had been imposed. (*Id*. at p. 1545-1546.)

In the present case, there have been no prior orders against defendant requiring her to provide responses to the requests for admissions. Nor is there any evidence that defendant has engaged in the type of willful abuse of the discovery process that would warrant imposing issue sanctions against her. In fact, defendant has served multiple responses and supplemental responses to the requests for admission. While plaintiff continues to maintain that the responses are evasive and incomplete, her remedy is to move to compel a further response to the requests, not to immediately move for an issue sanction before seeking any lesser sanctions or relief.

This is not a situation like *Valbona, supra*, where the plaintiffs had no other choice but to seek evidence and issue sanctions because the defendant claimed that the documents had been stolen, failed to produce the documents until trial, then tried to use the "stolen" documents to support his own defense. Here, plaintiff has not shown that defendant's alleged failure to provide adequate responses is so extreme and willful that it requires a severe sanction like an issue sanction, especially when she has the option to

move for further responses instead. In fact, she has also moved to compel further responses to the requests for admission. Therefore, the court intends to deny the motion for an issue sanction against defendant.

Next, the court will also deny the motion to compel defendant to provide further responses to the requests for admissions, as plaintiff has not met and conferred regarding the last set of supplemental responses served by defendant on August 17, 2025. Under Code of Civil Procedure section 2033.290, subdivision (b)(1), "A motion under subdivision (a) [to compel further responses to requests for admissions] shall be accompanied by a meet and confer declaration under Section 2016.040."

Here, plaintiff claims that she met and conferred with defendant on each of her prior responses, and that defendant refused to provide any further responses, thus requiring plaintiff to file a motion to compel further responses. However, according to the plaintiff's own evidence, defendant served a final set for supplemental responses on her on August 17, 2025. (Exhibit H to Zupancic decl.) Plaintiff has not provided any evidence that she met and conferred with defendant after receiving the last set of supplemental responses. Her last meet and confer letter was sent on August 6, 2025. (Exhibit A to Zupancic decl.) She then filed a request for pretrial discovery conference on August 18, 2025, and a second request on September 24, 2025. (Exhibit F to Zupancic decl.) Both requests were denied by the court. (Exhibit G to Zupancic decl.)

In the meantime, after the first request for pretrial discovery conference had been denied for lack of adequate meet and confer efforts, defendant sent plaintiff a letter on September 22, 2025, reminding her that defendant had served a supplemental set of responses to the requests on August 17, 2025, and enclosing copies of the requests. (Exhibit H to Zupancic decl.) Plaintiff has not shown that she made any further attempt to meet and confer regarding the August 17, 2025 responses.

Thus, plaintiff has not provided any evidence that she met and conferred regarding the final set of responses served by defendant. As a result, the court finds that plaintiff's motion is not properly before the court, as plaintiff did not meet and confer regarding the final set of supplemental responses. Therefore, the court intends to deny the motion to compel further responses to the requests for admissions for lack of adequate meet and confer efforts.

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: lmg on 1-23-26.**
(Judge's initials) (Date)

(03)

**Tentative Ruling**

Re: ***Cervantes v. Power Design Electric, Inc.***
Case No. 24CECG00202

Hearing Date: January 27, 2026 (Dept. 403)

Motion: Defendants' Motions to Compel Further Deposition Testimony and Further Production of Documents from Timothy Davis, M.D. and Person Most Knowledgeable for Source Healthcare, Inc.

**If oral argument is timely requested, it will be entertained on Thursday, January 29, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny defendants' motions to compel the further deposition testimony and further production of documents from Dr. Davis and the person most knowledgeable for Source Healthcare, Inc. To deny plaintiffs' request for sanctions against defendants.

**Explanation:**

Since defendants are seeking to compel the further depositions of Dr. Davis and the PMK for Source Healthcare, they needed to first file a request for pretrial discovery conference and obtain leave of court before filing their motions. Under Fresno Superior Court Local Rule 2.1.17 A, "No motion under sections 2017.010 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 has either been denied and permission to file the motion is granted via court order..." (Fresno Sup. Ct. Local Rules, Rule 2.1.17 A.) However, "This rule shall not apply the following: 1. 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…" (*Ibid*, paragraph break omitted, italics added.)

Here, defendants move to compel Dr. Davis' deposition based on several deposition notices that were served on June 20, 2025, August 5, 2025, and September 2, 2025. The deposition was finally set for September 22, 2025. However, plaintiffs objected to the final deposition notice on September 16, 2025. Thus, defendants were required to file a request for a pretrial discovery conference and obtain leave of court before filing their motions to compel. However, there is no evidence that they ever filed a request for pretrial discovery conference or obtained a court order allowing them to file their motions. Instead, they filed their motions to compel on October 7, 2025 without seeking leave of court. Therefore, their motions are procedurally defective and may be denied for this reason alone.

In addition, defense counsel did not adequately meet and confer before filing the motions to compel. "This motion [to compel answers or produce documents at

deposition] shall be made no later than 60 days after the completion of the record of the deposition, and shall be accompanied by a meet and confer declaration under Section 2016.040." (Code Civ. Proc., § 2025.480, subd. (b).)

Here, defense counsel has submitted a declaration regarding meet and confer efforts, but the declaration shows that counsel only made a perfunctory effort to meet and confer by sending a few brief emails that essentially demanded that Dr. Davis appear for a new deposition and answer her questions despite his and plaintiffs' objections. (Ortiz decl., Exhibit L.) She made no attempt to explain why the objections were invalid or why she was entitled to a further deposition, and essentially just threatened to bring a motion to compel the deposition if plaintiffs and Dr. Davis did not agree to have Dr. Davis attend the second deposition. Therefore, defense counsel has not met her burden of showing that she made a good faith effort to meet and confer, which is an additional reason to deny the motions.

Finally, the motion is defective because defendants did not file a separate statement of disputed questions and answers in support of the motions. Under Rule of Court 3.1345(a)(4), "Except as provided in (b), any 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…" Under Rule of Court 3.1345(b), "A separate statement is not required under the following circumstances: (1) When no response has been provided to the request for discovery; or (2) When a court has allowed the moving party to submit--in place of a separate statement--a concise outline of the discovery request and each response in dispute." (Paragraph breaks omitted.)

Here, Dr. Davis did appear at his deposition and he did provide some responses to defense counsel's questions. There is no court order allowing defendants to file a concise outline of the discovery request and each response in dispute in lieu of a separate statement. Therefore, defendants were required to file a separate statement in support of their motions to compel him to attend a further deposition. Since they did not file a separate statement, their motions are defective for this reason as well. As a result, the court intends to deny the motions to compel Dr. Davis to attend a further deposition.

Finally, the court intends to deny plaintiffs' request for monetary sanctions against defendants for the cost of opposing the motions to compel. Under Code of Civil Procedure section 2025.480, subdivision (j), "The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel an answer or production, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

Here, plaintiffs seek $1,750 in sanctions against defendants for the cost of opposition the motions, which they contend are frivolous and unjustified. However, plaintiffs' counsel has not submitted a declaration stating how much time she spent on opposing the motions or what her hourly rate is. Therefore, there is no evidentiary basis for the requested sanctions. While plaintiffs' counsel states in her points and authorities that she spent seven hours billed at $250 per hour to oppose the motion, her statements are not made under penalty of perjury and thus are not admissible evidence. Therefore,

the court intends to deny the request for sanctions against plaintiff as unsupported by any evidence.

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: lmg on 1-23-26.**
(Judge's initials) (Date)

(47) **Tentative Ruling**

Re: ***Georgia Ramos v. Clovis Unified School District***
Superior Court Case No. 25CECG04111

Hearing Date: January 27, 2026 (Dept. 403)

Motion: Defendant's Motion to Strike Plaintiff's Complaint

**If oral argument is timely requested, it will be entertained on Thursday, January 29, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

The Court grants defendant's motion to strike plaintiffs' complaint without leave to amend. Defendant's counsel shall submit a written order to the court consistent with this ruling and in compliance with California Rules of Court, Rule 3.1312, within 10 days of the minute order.

**Explanation:**

Any party, within the time allowed to respond to a pleading, may serve and file a motion to strike the whole pleading or any part thereof. (Code Civ. Proc., § 435, subd. (b)(1); Cal. Rules of Court, rule 3.1322, subd. (b).) On a motion to strike, the court may: (1) strike out any irrelevant, false, or improper matter inserted in any pleading; or (2) strike out all or any part of any pleading not drawn or filed in conformity with the laws of California, a court rule, or an order of the court. (Code Civ. Proc., § 436, subd. (a)-(b); Stafford v. Shultz (1954) 42 Cal.2d 767, 782.)

Defendant, Clovis Unified School District, ("Defendant"), moves to strike all four causes of action in plaintiff's Complaint based on plaintiff's failure to complete the government claims presentation requirement, as well as item 3 of plaintiff's prayer for relief pertaining to prejudgment interest.

*Government Claim Presentation Requirement*

Per the Government Claims Act, a party with a claim for money or damages against a public entity must present a written claim directly with that entity. (Gov. Code, § 905.) And under Government Code section 945.4, "no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented until a written claim has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board." (*Munoz v. State of Cal.* (1995) 33 Cal.App.4th 1767, 1776; *City of Ontario v. Superior Court* (1993) 12 Cal.App.4th 894.) Further, an action against a public employee is barred if an action against the employing public entity would be barred by the failure to satisfy the Government Claims Act. (Gov. Code, § 950.2.) The claim presentation requirement provides a public entity with an opportunity to evaluate the claim and decide whether to pay on the claim. (*Roberts v. County of Los Angeles* (2009) 175 Cal.App.4th 474.)

Accordingly, "[a] claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with Section 915) not later than six months after the accrual of the cause of action." (Gov. Code, § 911.2, subd. (a).) "When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present that claim." (Gov. Code, § 911.4.) "The board shall grant or deny the application within 45 days after it is presented to the board." (Gov. Code, § 911.6, subd. (a).)

Failure to allege facts demonstrating or excusing compliance with the claim presentation requirements subjects a claim against a public entity to a demurrer, or to motion for summary judgment, nonsuit, motion for judgment on the pleadings or motion to strike. (*Toscano v. County of Los Angeles,* (1979) 92 Cal.App.3d 775, 783.) "Moreover, a plaintiff need not allege strict compliance with the statutory claim presentation requirement. Courts have long recognized that a claim that fails to substantially comply with sections 910 and 910.2, may still be considered a 'claim as presented' if it puts the public entity on notice both that the claimant is attempting to file a valid claim and that litigation will result if the matter is not resolved." (*Id.* at p. 1245 [cleaned up].)

Plaintiff's complaint has four causes of action against defendant. The Court notes that the Complaint is devoid of any allegations relating to plaintiffs' compliance, substantial compliance, or excuses of failing to comply, with the claim presentation requirements, and thus the Court finds the Complaint on its face is subject to defendant's motion to strike. Second, plaintiff has not opposed this motion.

Consequently, the Court finds that the Complaint, on its face, fails to comply with the claim presentation requirements of the Government Claims Act.

*Prejudgment Interest*

In its complaint, plaintiff seeks pre-judgment interest against defendant. However, Civil Code section 3291 provides that a plaintiff cannot recover pre-judgment interest against a public entity.

*Leave to Amend*

Plaintiffs have the burden of showing in what manner the amended complaint could be amended and how the amendment would change the legal effect of the complaint, i.e., state a cause of action. (See *The Inland Oversight Committee v City of San Bernardino* (2018) 27 Cal.App.5th 771, 779; *PGA West Residential Assn., Inc. v Hulven Int'l, Inc*. (2017) 14 Cal.App.5th 156, 189.) The plaintiff must not only state the legal basis for the amendment, but also the factual allegations sufficient to state a cause of action or claim. (See *PGA West Residential Assn., Inc. v Hulven Int'l, Inc., supra*, 14 Cal.App.5th at p. 189.) Moreover, a plaintiff does not meet his or her burden by merely stating in the opposition to a demurrer or motion to strike that "if the Court finds the operative complaint deficient, plaintiff respectfully requests leave to amend." (See *Major Clients*

*Agency v Diemer* (1998) 67 Cal.App.4th 1116, 1133; *Graham v Bank of America* (2014) 226 Cal.App.4th 594, 618 [asserting an abstract right to amend does not satisfy the burden].)

Plaintiffs did not oppose the motion. Therefore, the Court grants defendant's motion to strike plaintiff's complaint without leave to amend.

Defendant's counsel shall submit a written order to the court consistent with this ruling and in compliance with California Rules of Court, Rule 3.1312, within 10 days of the minute order.

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: lmg on 1-23-26 .**
(Judge's initials) (Date)

(27)

**Tentative Ruling**

Re: ***Four Minor Grandchildren v. Punjab Trucks, Inc.***
Superior Court Case No. 25CECG05742

Hearing Date: January 27, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim (3x)

**If oral argument is timely requested, it will be entertained on Thursday, January 29, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny, without prejudice.

**Explanation:**

Preliminarily, the court notes that only *three* hearing dates were calendared – although there appears to be *four* children involved.

Only a parent or duly appointed guardian ad litem may compromise the claim of a minor. (Prob. Code, §§3500, 3600-3613; Code Civ. Proc., § 372; Cal. Rules of Court, rule 7.950.) Here, the court has denied petitioner Deborah Montez' requests for appointment as guardian ad litem for the four involved children. In those requests, Ms. Montez has held herself out as the children's paternal grandmother. Nevertheless, without parental or guardian ad litem status, Ms. Montez is ineligible to compromise the children's claims.

Assuming that petitioner can achieve guardian ad litem status by providing additional information, these applications are denied without prejudice.

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: lmg on 1-26-26.**
(Judge's initials) (Date)