Tentative Rulings for January 27, 2026
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.

25CECG01005 ***Umpqua Bank v. N.S. Farms, Inc.*** **is continued to Tuesday, February 10, 2026, at 3:30 p.m. in Department 503.**

25CECG01144 ***Umpqua Bank v. Susan Sran*** **is continued to Tuesday, February 10, 2026, at 3:30 p.m. in Department 503.**

25CECG01276 ***Umpqua Bank v. Susan Sran*** **is continued to Tuesday, February 10, 2026, at 3:30 p.m. in Department 503.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

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(03)

Tentative Ruling

Re: ***Porfirio v. Industrias Vinicas, Inc.***
Case No. 24CECG00663

Hearing Date: January 27, 2026 (Dept. 503)

Motion: Plaintiff's Motion for Relief from Order Deeming Matters in Requests for Admission to be Admitted

Tentative Ruling:

To deny plaintiff's motion for relief from the court's order deeming the matters in the requests for admission to be admitted.

Explanation:

"The court may permit withdrawal or amendment of an admission only if it determines that the admission was the result of mistake, inadvertence, or excusable neglect, and that the party who obtained the admission will not be substantially prejudiced in maintaining that party's action or defense on the merits." (Code Civ. Proc., § 2033.300, subd. (b).)

"The statutory language "mistake, inadvertence, or excusable neglect" (§ 2033.300, subd. (b)) is identical to some of the language used in section 473, subdivision (b)." (*New Albertsons, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1403, 1418.) "*Elston* stated that a motion for relief under section 473 is committed to the discretion of the trial court, '[h]owever, the trial court's discretion is not unlimited and must be "'exercised in conformity with the spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice.'"' *Elston* stated further, 'because the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default [citations].'" (*Id*. at p. 1419, quoting *Elston v. City of Turlock* (1985) 38 Cal.3d 227, 231-232.)

In the present case, plaintiff seeks relief from the court's November 6, 2025 order deeming him to have admitted the truth of the matters in the requests for admissions (RFAs) after he failed to respond to them in a timely manner. He claims that his failure to respond was due to mistake or excusable neglect, and that defendant has not been substantially prejudiced by the delay in responding. He does not deny that he was served with the RFAs, and in fact he admits that he was served in September of 2025. (Porfirio decl., ¶ 6.) He instead alleges that his attorney withdrew from the representation in July of 2025, and that he was representing himself in *pro per* at the time the requests were served on him. (*Id*. at ¶¶ 4, 6.) He notes that the defendant served him with 178 requests for admissions, which he claims was an excessive amount of RFAs for a relatively simple case. (*Id*. at ¶ 6.) He was overwhelmed by the sheer number of requests, and he did not understand that he had to deny each one individually. (*Ibid*.) He claims that his failure to answer was completely inadvertent and was caused by his unfamiliarity with the procedural rules. (*Ibid*.) He claims that he did not research the effect of the court's

ruling until November of 2025, after the order deeming the RFAs admitted had been granted. (*Id*. at ¶ 7.) He then began immediately drafting substantive responses. (*Ibid*.) He then served his responses on November 28, 2025. (*Id*. at ¶ 8.) He also paid the money sanctions ordered by the court. (*Id*. at ¶ 14.) In other words, plaintiff claims that his status as a *pro per* litigant and his unfamiliarity with the Code of Civil Procedure, as well as the sheer number of requests defendant served on him, made it difficult for him to respond to the RFAs.

However, plaintiff has not shown that his failure to respond to the RFAs was the result of mistake, inadvertence, or excusable neglect. First, while plaintiff claims that his failure to respond was due to his status as a *pro per* litigant, a party is not exempt from the rules regarding responding to requests for admissions simply because they are representing themselves in the litigation. (*Stover v. Bruntz* (2017) 12 Cal.App.5th 19, 31.) "A party who chooses to act as his or her own attorney ' "is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.'"' 'Thus, as is the case with attorneys, pro. per. litigants must follow correct rules of procedure.' [Defendant], then, was not entitled to disregard the rules for timely responding to discovery and she was not immune from the consequences of a failure to do so. Nor was she entitled to submit belated responses to the request for admissions without first moving the court to have the deemed admissions withdrawn, which she failed to do." (*Ibid,* citations omitted.)

"*Rappleyea* referred to the policy in favor of deciding cases on their merits that must inform decisions whether to grant relief from default and observed that where there are doubts they should be resolved in favor of granting relief. But *Rappleyea* did not indicate courts should myopically focus on that policy alone and grant relief in every case or that courts should be unceasingly lenient with careless litigants. On the contrary, our high court warned that it was not suggesting litigants, even self-represented litigants, could ignore the rules and then ask for leniency. '[W]e make clear that mere self-representation is not a ground for exceptionally lenient treatment. Except when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo attorney representation.' The court recognized countervailing considerations counseling against such 'exceptionally lenient treatment.' 'A doctrine generally requiring or permitting exceptional treatment of parties who represent themselves would lead to a quagmire in the trial courts, and would be unfair to the other parties to litigation.' (*McClain v. Kissler* (2019) 39 Cal.App.5th 399, 415–416, quoting *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 980, 984-985.)

"When a default is the result of one party flouting these rules or failing to exercise diligence to ascertain what the law requires of them, trial courts are not required to, and indeed should not, grant that party relief from default. As the California benchbook states, '[w]hen the court finds the alleged mistake of law is the result of professional incompetence based upon erroneous advice, general ignorance of the law, lack of knowledge of the rules, unjustifiable negligence in the discovery or research of the law, laxness or indifference, relief will normally be denied.'" (*McClain v. Kissler*, *supra*, at p. 424, citation omitted.)

Here, plaintiff claims that he is not an attorney, that he was unfamiliar with the rules of civil procedure and the implications of failing to respond to RFAs, and that he was overwhelmed by the number of requests that defendant served on him. However, despite his unrepresented status, he was still able to send a meet and confer letter to

defense counsel regarding his deposition notice. Also, he was later able to draft and serve verified responses to the RFAs, although the responses were served after the court granted the motion to deem the RFAs admitted. Thus, he was clearly able to read and understand the requests and to provide responses to them, albeit after he had already been deemed to have admitted the matters in the requests. In addition, he served responses to the form interrogatories and requests for production of documents that defendant had served on him while he was still in *pro per*. He also filed and served a late opposition and request for continuance of the motion to deem the RFAs admitted, which again indicates that he was able to draft, serve, and file legal documents despite being unrepresented. Later, while still unrepresented, he filed a declaration with the court, in which he asked the court to vacate its order deeming the RFAs admitted, which further shows that he knew how to draft and file legal documents.

In addition, plaintiff's claim that he was unaware of the implications of failing to respond to the RFAs is not credible in light of the fact that defendant had served him with the motion to deem the RFAs admitted on October 10, 2025, and the notice of motion clearly stated that defendant was seeking an order deeming him to have admitted the matters in the RFAs due to his failure to respond. The notice of motion also set forth the court's tentative ruling procedure, including the requirements for requesting oral argument. Plaintiff clearly received the notice of motion, as he filed a late opposition and request for a continuance of the hearing date. Nevertheless, plaintiff did not request oral argument after the court issued its tentative ruling indicating that it intended to grant the motion unless plaintiff served code-compliant responses before the hearing. Nor did plaintiff serve any responses before the hearing. Instead, as noted above, he filed a late opposition and request for a continuance of the hearing. Thus, he was clearly on notice of the fact that defendant was seeking an order deeming him to have admitted the truth of the matters in the RFAs, and his claim that he was unaware of the implications of failing to respond is not believable.

The fact that plaintiff was able to file an opposition and request for a continuance, as well as his later service of responses to the RFAs and other written discovery while he was still in *pro per*, indicates that he was familiar with court procedures and was capable for drafting legal documents. As a result, his claim to have been unfamiliar with court procedures and unable to draft responses to the RFAs is not credible. It appears that plaintiff was in fact able to draft, serve, and file legal documents, and that he could have served responses to the RFAs by the time of the hearing. The fact that he did not do so appears to have been either a conscious decision, or at least inexcusable neglect, rather than the result of mistake, inadvertence, or excusable neglect.

While plaintiff argues that defendant has not shown that it would suffer any substantial prejudice if relief from the order is granted, it is plaintiff's burden when moving for relief from the deemed admissions to show both that the admissions were the result of mistake, inadvertence, or excusable neglect, and that defendant will not suffer substantial prejudice if relief is granted. (Code Civ. Proc., § 2033.300, subd. (b).) Here, plaintiff has not shown that the order for deemed admissions was the result of mistake, inadvertence, or excusable neglect, so the court does not have to reach the issue of whether defendant will be substantially prejudiced if relief is granted. Instead, it intends to deny the motion for relief from the deemed admissions.

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 1/22/2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Umpqua Bank v. Sran Family Orchards, Inc.***
Superior Court Case No. 25CECG00844

Hearing Date: January 27, 2026 (Dept. 503)

Motion: 1) Receiver's Motion for Determination of Producer Liens and Approval for Payment Thereon
2) Plaintiff's Motion for Leave to Amend

Tentative Ruling:

To continue the Receiver's motion for determination of producer liens to Thursday, February 19, 2026 at 3:30 p.m. in Department 503. No additional pleadings should be filed with regard to this motion.

To grant Plaintiff's motion for leave to amend. Plaintiff is granted 10 days' leave to file the First Amended Complaint, which will run from service by the clerk of the minute order. New allegations/language must be set in **boldface** type. The Answers filed by all defendants to Plaintiff's original complaint shall be deemed to be Answers to Plaintiff's amended complaint.

Explanation:

Plaintiff seeks leave to amend the complaint to reflect that Plaintiff Umpqua Bank has changed its name to Columbia Bank. Motions for leave to amend the pleadings are directed to the sound discretion of the judge. (Code Civ. Proc., § 473, subd. (a)(1); see also Code Civ. Proc., § 576.) Leave of court to amend is usually granted liberally and judicial policy favors resolution of all disputed matters between the parties in the same lawsuit. (*Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 939; *Howard v. County of San Diego* (2010) 184 Cal.App.4th 1422, 1428.) Where a motion to amend is timely made and will not prejudice the other party, it would be error for the court to refuse. (*Morgan v. Superior Court of Cal. In and For Los Angeles County* (1959) 172 Cal.App.2d 527, 530.) No opposition was filed, so no facts were presented to warrant denial of Plaintiff's motion for leave to amend.

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 1/23/2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re:	***Molina v. Skyview Memorial Lawn, Inc.*** Superior Court Case No. 23CECG02285
Hearing Date:	January 27, 2026 (Dept. 503)
Motion:	By Plaintiff Alfredo Molina for Relief from Judgment and to Tax Costs

Tentative Ruling:

To grant Plaintiff's motion for relief from judgment and allow Plaintiff to proceed with a motion to tax costs.

To grant in part and tax costs of Defendant Skyview Memorial Lawn, Inc. in the sum of $1,571.10. Defendant's recoverable costs are reduced to $116,700.20. (Code Civ. Proc., § 1033.5.)

Defendant is to prepare and file an amended judgment consistent with this ruling within seven days of the clerk's service of the minute order.

Explanation:

Relief from Judgment

Plaintiff seeks to set aside the judgment entered by the Court on July 28, 2025 pursuant to the discretionary relief afforded under Code of Civil Procedure section 473, subdivision (b). The court is empowered to relieve a party "upon any terms as may be just … from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief … shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." (Code Civ. Proc., § 473, subd. (b).) Policy strongly favors trial and disposition on the merits and doubts in the application of Code of Civil Procedure section 473 must be resolved in favor of the party seeking relief. (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 [superseded by statute on other grounds]; *Fasuyi v. Permatex, Inc*. (2008) 167 Cal.App.4th 681, 696.) Where the party seeking relief seeks such relief promptly and no prejudice will result to the opposing party, "very slight evidence will be required to justify a court in setting aside the default." (*Elston v. City of Turlock, supra*, 38 Cal.3d 227, 233.)

Plaintiff argues that he is entitled to relief under the discretionary provision of the statute because his failure to file an objection to Defendant's memorandum of costs was the result of inadvertence, mistake, and excusable neglect. Plaintiff's counsel asserts a calendaring error resulted in the failure to file the objection.

Here, the motion is timely made. The judgment at issue was entered July 28, 2025 and the motion for relief was filed less than three months later on October 1, 2025. Thus,

the Court should consider whether counsel's neglect was excusable. Here, the court considers whether "'a reasonably prudent person under the same or similar circumstances' might have made the same error." (*Bettencourt v. Los Rios Community College Dist.* (1986) 42 Cal.3d 270, 276, quoting *Ebersol v. Cowan* (1983) 35 Cal.3d 427, 435.) Courts have found relief was warranted where transitions at law firms contributed to mistakes, particularly where the law firm has few attorneys. (*Contreras v. Blue Cross of California* (1988) 199 Cal.App.3d 945, 951; *Carli v. Superior Court* (1984) 152 Cal.App.3d 1095, 1099.) Here, a calendaring error occurred in conjunction with a reduction in staff. The Court finds this mistake to be excusable. Additionally, Defendant will suffer no prejudice in having the Court determine Defendant's costs on the merits here. As such, the Court grants Plaintiff's motion for relief.

Tax Costs

Under Code of Civil Procedure section 1032, subdivision (b), "a prevailing party" is entitled as a matter of right to recover costs in any proceeding. Here, a verdict was returned in favor of Plaintiff following a jury trial in the amount of $200,000. (Amended Judgment, September 26, 2025.) Defendant had served an offer to compromise pursuant to Code of Civil Procedure section 998 which exceeded the amount awarded by the jury. (Ibid.) As a result, the Court entered judgment indicating Plaintiff would recover the difference between the jury verdict and the costs recovered by Defendant. (Ibid.) Defendant submitted a memorandum of costs in the amount of $118,271.30, which Plaintiff failed to oppose. As such, the Court entered judgment awarding Plaintiff $81,728.70 and granting all of the asserted costs to Defendant in its memorandum of costs. (Ibid.) The Court has granted Plaintiff relief from the failure to object to the memorandum of costs and now addresses Plaintiff's motion to tax costs.

Items of allowable costs are set forth in Code of Civil Procedure section 1033.5, subdivision (a), and disallowed costs are set forth in subdivision (b). Items not expressly mentioned in the statute "upon application may be allowed or denied in the court's discretion." (Code Civ. Proc., § 1033.5, subd. (c)(4).) All allowable costs must be reasonably necessary to the conduct of the litigation rather than merely convenient or beneficial to its preparation, and they must be reasonable in amount and actually incurred. (Code Civ. Proc., § 1033.5, subd. (c)(1), (2) and (3).) A cost that is not compulsory under section 1033.5(a) or specifically prescribed under section 1033.5(b), still may be recoverable, subject to the court's discretion under section 1033.5(c) as to reasonable and necessary costs. (See *El Dorado Meat15 Co. v. Yosemite Meat and Locker Service, Inc.* (2007) 150 Cal.App.4th 612, 616.)

The party seeking to tax costs bears the burden of showing that the requested costs were unreasonable or unnecessary. (*Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 131.) Once the party seeking to tax costs demonstrates that the costs are not permitted under statute, not reasonably necessary to the conduct of the litigation, or not reasonable in amount, the burden shifts to the party claiming those costs to establish that they are proper. (*Ladas v. California State Auto. Assn.* (1993) 19 Cal.App.4th 761, 774.)

Item 2—Jury Fees

Defendant's memorandum of costs seeks $1,244.58 in jury fees. Jury fees are recoverable pursuant to Code of Civil Procedure section 1033.5, subdivision (a)(1). Plaintiff seeks to tax or strike this amount, arguing that if such fees were incurred in preparation for voir dire, these are not recoverable pursuant to Code of Civil Procedure section 1033.5, subdivision (b)(4). Defendant counters that the jury fees sought here are solely for the fees incurred based on the jury statement and includes the receipts for these. (Pinkley Decl., ¶ 4 and Exh. 6.) Defendant has provided documentation demonstrating its portion of the jury fees. The Court will not tax costs for the jury fees.

Item 4—Deposition Costs

Defendant's memorandum of costs seeks $8,004.27 in deposition costs. Deposition costs are recoverable pursuant to Code of Civil Procedure section 1033.5, subdivision (a)(3). Plaintiff seeks to strike or tax this amount, arguing that Defendant would only be entitled to deposition costs incurred after the offer to compromise on April 9, 2025. Defendant counters that these costs were incurred after April 9, 2025 and has provided invoices for these. (Pinkley Decl., ¶ 5 and Exh. 7.) Notably, Exhibit 7 does not evidence counsel's travel costs in the amount of $1,571.10. Plaintiff asserts that the depositions were conducted remotely. As such, the Court will tax $1,571.10 in costs here.

Item 8—Witness Fees

Defendant's memorandum of costs seeks $46,610 in witness fees. Code of Civil Procedure section 998 provides for expert witness fees incurred where an offer of compromise is made by a defendant, not accepted, and then a plaintiff fails to obtain a more favorable judgment. (Code Civ. Proc., § 998, subd. (c).) The trial court has discretion to award these costs where they were reasonably necessary for the preparation of trial. (*Adams v. Ford Motor Co*. (2011) 199 Cal.App.4th 1475, 1487-1488.) Here, the Court finds that Dr. Hoddick and Dr. Sabatino provided significant testimony at trial. Dr. Deroee was the treating doctor and provided necessary testimony. The Court also finds that Defendant has sufficiently addressed the necessity of assistance from Enos Forensics and Dorajane Grummer. (Pinkley Decl., ¶ 6 and Exh. 8.) Defendant has provided invoices establishing the amounts of these witness' fees. (Ibid.) As such, the Court will not tax costs for the witness fees.

Item 11—Court Reporter Fees

Defendant's memorandum of costs seeks $12,919.53 in court reporter fees. Code of Civil Procedure section 1033.5, subdivision (a)(11) provides that court reporter fees "as established by statute" are recoverable costs. Government Code section 68086 allows parties to retain a court reporter where one is not provided by the court and for fees associated with retaining a court reporter can be recoverable by the prevailing party. (Gov. Code, § 68086, subd. (d)(2).) Plaintiff argues that the parties had an agreement to share this cost. Where the parties have an agreement to share court reporter fees and do not provide for recovery of such by a prevailing party, the court should tax these costs. (*Anthony v. Li* (2020) 47 Cal.App.5th 816, 824-825.) However, to evidence this, Plaintiff provided a one-sided email stating Plaintiff's desire to share the costs for trial "tech" and the court reporter. (Motion, Exh. 4.) As such, Plaintiff has not demonstrated that there was an agreement to share this cost. The Court will not tax this cost.

Item 13—Models and Exhibits

Defendant's memorandum of costs seeks $2,969.80 in fees for models, enlargements, and photocopies of exhibits. Fees associated with models, enlargement of exhibits, and photocopies of exhibits are recoverable. (Code Civ. Proc., § 1033.5, subd. (a)(13).) Plaintiff argues that the parties agreed to share these costs. However, Plaintiff's evidence is the same one-sided email provided to evidence the agreement regarding court reporter fees. (Motion, Exh. 4.) Defendant has provided invoices demonstrating the expenses incurred related to models and exhibits. (Pinkley Decl., ¶ 8 and Exh. 9.) The Court will not tax this cost.

Item 15—"Other" Fees

Defendant's memorandum of costs seeks $45,934.52 in other fees. The court has discretion to allow recovery of costs not listed in Code of Civil Procedure section 1033.5, subdivision (a). (Code Civ. Proc., § 1033.5, subd. (c)(4).) Defendant clarifies that these expenses include travel and technical support for trial presentation expenses.

Plaintiff argues the travel expenses should not be Plaintiff's burden because Defendant elected to have out of town counsel represent it. Here, Plaintiff has not cited any legal authority for the specific position that expenses related to travel for trial by out of town counsel are not authorized. Rather, Plaintiff generally argues the court lacks discretion to award costs not statutorily authorized. (*Ladas v. California State Auto. Assn.*, *supra*,19 Cal.App.4th at p. 774.) Here, counsel was not local and therefore incurred expenses in order to attend trial. Defendant has provided invoices documenting these expenses. (Pinkley Decl., ¶ 9 and Exh. 10.) Plaintiff has not shown that these were not reasonable or necessary. The Court will not tax these costs.

Plaintiff argues that the technical support fees are excessively high. Technology has become prevalent in the courtroom. (*Bender v. County of Los Angeles* (2013) 217 Cal.App.4th 968, 991.) When technology enhances advocacy it can be found to be reasonably necessary to the litigation. (*Ibid*.) Here, the Court finds that the trial technology enhanced defense counsel's advocacy and was reasonably necessary. The Court will not tax this cost.

Total

As the Court is only taxing $1,571.10 in costs here, Defendant's total recoverable costs are $116,700.20.

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 1/23/2026.
(Judge's initials) (Date)