

Tentative Rulings for March 4, 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)

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.

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Tentative Ruling

Re: ***Delafuente v. Osornio, et al.***
Superior Court Case No. 25CECG01341

Hearing Date: March 4, 2026 (Dept. 403)

Motions: Defendants' Motion to Strike Plaintiff's First Amended Complaint

If oral argument is timely requested, it will be entertained on Thursday, March 12, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

The Court grants defendants' motion to strike plaintiffs' First Amended Complaint with leave to amend. Plaintiff must file and serve an amended complaint, if any, within 20 days, which shall run from service by the clerk of the minute order. New language must be set in **boldface** type and underlined.

Explanation:

Plaintiff's First Amended Complaint again seeks punitive damages against Defendant Stratas Foods ("Stratas") based on alleged misconduct by various supervisors, leads, and managers. Plaintiff's additions to his First Amended Complaint list the job duties for: Ozzie Garcia ("Garcia"), Ginny Johnson ("Johnson"), Cindy Gunter ("Gunter"), Daniel Renteria ("Renteria"), and Gabriel Pinon ("Pinon"). (See FAC ¶ 19, 22, 23, 26, 32)

Defendants, Stratas, Alexandra Osornio ("Osornio") and Cory Patrick ("Patrick") (collectively "defendants") make the motion to strike the claim and prayer for punitive damages and the allegations set forth in Paragraphs 54, 55, 67, 78, 87, 100, 111, 120, 126, 134, 141, 150, 155, 167, and 177 of plaintiff's First Amended Complaint and paragraph 4 of plaintiff's prayer for relief without leave to amend on the basis that plaintiff's prayer for punitive damages against defendants as pled is not supported by law.

The court may, upon a motion ... or at any time in its discretion, and upon terms it deems proper: (a) [s]trike out any irrelevant, false, or improper matter inserted in any pleading[;]... [and/or] (b) [s]trike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court." (Code of Civ. Pro., § 436.) An "irrelevant matter," or "immaterial allegation," means: (1) an allegation that is not essential to the statement of a claim or defense; (2) an allegation that is neither pertinent to nor supported by an otherwise sufficient claim or defense; or (3) a demand for judgment requesting relief not supported by the allegations of the complaint or cross-complaint. (Code of Civ. Pro., § 431.10(b).)

A plaintiff may seek punitive damages only "where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice." (Civil Code, § 3294(a).) "In order to survive a motion to strike an allegation of punitive damages, the ultimate facts showing an entitlement to such relief must be pled by a plaintiff." (*Clauson v. Superior Court* (1998) 67 Cal. App. 4th 1253, 1255 [internal citations omitted].) "In passing on the correctness of a ruling on a motion to strike, judges read allegations of a pleading subject to a motion to strike as a whole, all parts in their context, and assume their truth." (*Id.*) Furthermore, there is a heightened pleading requirement regarding a claim for punitive damages. (*Smith v. Superior Court* (1992) 10 Cal.App.4th 1033, 1041-1042.).

In the case of a corporation acting through its employees or agents, punitive damages will not lie unless (1) an officer, director, or managing agent of the corporate employer is guilty of malice, oppression, or fraud; (2) an officer, director, or managing agent of the corporate employer authorized or ratified the wrongful conduct for which punitive damages are awarded, or (3) an officer, director, or managing agent of the corporate employer had advance knowledge of the unfitness of an employee but nevertheless chose to hire him or her. (Civil Code, § 3294(b).) "Managing agent" under Civil Code section 3294, subdivision (b) means "only those corporate employees who exercise substantial independent authority and judgment in their corporate decision making so that their decisions ultimately determine corporate policy." (*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 566-67.)

In *White*, the California Supreme Court looked at the totality of the circumstances to determine what a managing agent was. The California Supreme Court held that the zone manager was in fact a managing agent, not just based on the ability to hire and fire employees, but to influence corporate policy at a macro level rather than a micro level. (*White, Ibid.*, 21 Cal.4th at 577.)

The issue is whether the First Amended Complaint sufficiently alleges that Garcia, Johnson, Gunter, Renteria, and Pinon were "managing agents" that could influence Stratas' firm-wide policy. Although the Court appreciates plaintiff's argument that it complied with the Court's September 18, 2025 Order by adding job descriptions to the above individuals (Plaintiff Opposition papers, pg. 2, Ins. 14- 24), the Order gave guideposts of what the Court was looking for. As a preliminary, the Original Complaint was devoid of any job descriptions. Merely adding job descriptions is not enough, but is the right first step in the determination of whether plaintiff can allege that any of the above individuals were "managing agents" for purposes of Civil Code section 3294, subdivision (b).

In the most simplistic terms, how do these employees affect corporate policy? A single manager in a nationwide grocery store chain, that has a certain degree of control over his inventory and personnel, will most likely not be a "managing agent," as those decisions are localized, even if he could make some input at a global level. If that same manager had the same duties for a grocery store, and that grocery store stood alone, and was not part of global chain, then that manager's decisions would most likely rise to that of a "managing agent." What changed was the scope of how far that single manager's decisions reached with respect to a corporation.

The First Amended Complaint alleges how Garcia's job duties are integral to that single plant. It does not describe how Garcia's activities rise to that of a "managing agent" for Stratas. (FAC., ¶ 19.) The same can be said about Gunter (FAC., ¶ 23.) and Johnson, even if Johnson "communicat[ed] with corporate regarding daily operations." (FAC., ¶ 22.) Renteria's additional job description has him "**enforcing** compliance with all safety, food and environmental rules, regulations and policies." (FAC., ¶ 22, emphasis added.) "Enforcement" is not coming up with policy.

Finally, the First Amended Complaint comprehensively describes Pinon's Human Resources duties on a general level, but are devoid of any description of how his duties affect Stratas at the macro level rather than at a single plant location.

Plaintiff's analogy to *King v. U.S. Bank National Assn.* (2020) 53 Cal.App.5th 675, as modified on denial of reh'g. (Aug. 24, 2020) with respect to Pinon is easily distinguishable as the Human Resources Generalist in *King* oversaw a division comprised of 600 employees in 24 states, she was responsible for investigating breaches of employer's code of ethics, and there was no evidence suggesting her ability to perform such investigations was limited, so jury could have reasonably inferred she had authority and discretion to interpret and apply investigative policies as she saw fit, such that her decisions determined corporate policy. (*King, supra*, 52 Cal.App.5th at 713-14.)

Accordingly, defendants' motion to strike is granted.


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.)

Leave to amend 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:  on 3-3-26 .

(Judge's initials)

(Date)

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Tentative Ruling

Re: **Corral v. Webull Financial**
Superior Court Case No. 24CECG01122

Hearing Date: March 4, 2026 (Dept. 403)

Motion: (1) by Plaintiff to Compel Production and Issue Sanctions
(2) by Plaintiff to Compel Discovery
(3) by Plaintiff to Show Good Cause
(4) by Plaintiff for Protective Order

Tentative Ruling:

To deny plaintiff Michael Corral's four motions.

Oral argument on this matter is continued to March 26, 2026, at 3:30 in Dept. 403 so that the plaintiff may be present for oral argument via Zoom.

Explanation:

Motion to Compel Production and Issue Sanctions

Plaintiff is seeking to compel an unnamed party or nonparty to produce unspecified documents and makes reference to the court's October 27, 2025 ruling on defendant's motion for judgment on the pleadings. The court is unable to determine what relief is sought by this motion. Moreover, to the extent plaintiff is moving to compel responses to any requests for production from any party or non-party, there is no evidence of request having been served or the moving papers served on the party to be compelled. (Code Civ. Proc., § 1005, subd. (b), 1010 [notice of motion must be served on parties]; Cal. Rules of Court, rule 3.1346 [service of notice of motion to compel on nonparty].)

As a result, the court intends to deny the motion to compel and issue sanctions, without prejudice.

Motion to Compel Discovery

Plaintiff appear to be seeking an order compelling compliance with a subpoena that was previously denied in the court's December 18, 2025 order.

“When a subpoenaed nonparty fails to appear for a deposition or produce documents that were properly requested, the party who subpoenaed the witness may move to compel compliance with the subpoena.” (*Sears, Roebuck & Co. v. National Union Fire Ins. Co. of Pittsburgh* (2005) 131 Cal.App.4th 1342, 1351) However, a written notice and all moving papers supporting a motion to compel the production of

