

Tentative Rulings for March 4, 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.*

25CECG04676 *In re Savannah Chapman*

22CECG02818 *Stellar Solar, Inc. v. Amazing Energy Partners, Inc.* (for Dept. 501)

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

25CECG01016 *Marvin Gonzalez Colindres v. American Honda Motor CO., INC.* is continued to Wednesday, April 8, 2026, at 3:30 p.m. in Department 502.

25CECG01586 *Philip Marin v. Estate of Vera Lee Dyes* is continued to Wednesday, April 8, 2026, at 3:30 p.m. in Department 502.

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Tentative Ruling

Re: ***Fair v. American Honda Motor Company, Inc.***
Superior Court Case No. 23CECG02755

Hearing Date: March 4, 2026 (Dept. 502)

Motion: by Plaintiffs to Compel Testimony and to Produce Documents
from Person Most Knowledgeable of Defendant

by Plaintiffs to Compel Deposition and Further Responses to
Request for Production of Documents from Phil McDaniel

Tentative Ruling:

To grant plaintiffs' motion to compel testimony from person most knowledgeable for defendant American Honda Motor Company, Inc. and to grant plaintiff's motion to compel further responses to request for production of documents served with Amended Notice of Deposition.

To grant plaintiff's motion to compel testimony from Phil McDaniel and to grant plaintiff's motion to compel further responses to request for production of documents served with the deposition notice as to request nos. 2-4, 6-8, with limitations explained below. To deny the motion to compel further responses to request for production nos. 5 and 10.

Explanation:

"If the deponent named is not a natural person, the deposition notice shall describe with reasonable particularity the matters on which examination is requested. In that event, the deponent shall designate and produce at the deposition those of its officers, directors, managing agents, employees, or agents who are most qualified to testify on its behalf as to those matters to the extent of any information known or reasonably available to the deponent." (Code Civ. Proc., § 2025.230.)

"The person or persons designated by the entity must testify 'to the extent of any information known or *reasonably available* to the deponent [entity].' Thus, the person designated must inform himself or herself as to the information known to the entity." (Weil & Brown, Cal. Prac. Guide: Civ. Proc. Before Trial (2023) ¶ 8:473, citation omitted, emphasis in original.) "Moreover, when a request for *documents* is made, the witness or someone in authority 'is expected to make an inquiry of *everyone* who might be holding responsive documents or everyone who knows where such documents might be held.'" (*Ibid*, citation omitted, emphasis in original.)

"As one treatise explains, '[t]he purpose of this provision is to eliminate the problem of trying to find out who in the corporate hierarchy has the information the examiner is

seeking. E.g., in a product liability suit, who in the engineering department designed the defective part?’ The authors of the treatise explain that ‘[u]nder former law, the entity was required only to designate “one or more” officers or employees to testify on its behalf. This permitted considerable “buck-passing” and “I don’t know” answers at deposition.’ Under the current law, ‘[i]f the subject matter of the questioning is clearly stated, the burden is on the entity, not the examiner, to produce the right witnesses. And, if the particular officer or employee designated lacks personal knowledge of all the information sought, he or she is supposed to find out from those who do!’” (*Maldonado v. Superior Court* (2002) 94 Cal.App.4th 1390, 1395–1396, citations omitted.)

The Court of Appeal in *Maldonado* found that the corporation had not complied with its obligation to produce a knowledgeable witness to testify as its PMK because the witness had no real knowledge of the categories listed in the deposition notices. (*Id.* at p. 1396.) The *Maldonado* court also stated that “[w]e are particularly concerned about the fact that the witnesses appeared at depositions at which document requests were made with no documents in their possession and no knowledge of whether or not documents responsive to the requests existed anywhere in the company’s files. Certainly, no single person is expected to be familiar with the total contents of a corporation’s files. When a request for documents is made, however, the witness or someone in authority is expected to make an inquiry of everyone who might be holding responsive documents or everyone who knows where such documents might be held. We are sympathetic to the fact that ICG’s counsel was handicapped by the loss of personnel and the pending bankruptcy proceedings. But that did not justify appearing at the depositions without documents that were readily available, such as Boria’s personnel file or the current footprint map, with no explanation as to whether other responsive documents existed or when they would be produced.” (*Ibid.*) Thus, the *Maldonado* court held that the trial court erred in denying the motion to compel the depositions of defendant’s PMK witnesses. “ICG should have been ordered to bring their witnesses back to the depositions with the documents requested and with proof that the witnesses had undertaken some effort to familiarize themselves with the areas of their supposed ‘knowledge.’” (*Id.* at p. 1397.) On the other hand, a corporation is not required to produce any of its *former* officers, directors, managing agents or employees even if they are far more knowledgeable about the matters specified in the deposition notice than its current staff. (*Id.* at p. 1398.)

Here, plaintiffs served deposition notices for defendant American Honda Motor Company, Inc.’s persons most knowledgeable in 22 categories, along with a request to produce 47 categories of documents. Defendant objected to the matters for examination as well as the document requests, but also designated a PMK, Delmy Rosales Garcia, for all matters of examination. Ms. Garcia’s deposition proceeded on August 29, 2025.

Plaintiffs’ primary contention is that Ms. Garcia was truly knowledgeable about the topics for which she were designated “persons most knowledgeable” in the deposition notice, as she is employed as a mediation specialist for defendant and no personal knowledge or understanding of the technical documents regarding the defendant’s investigation into the alleged defect in plaintiffs’ vehicle. The court has reviewed the deposition transcript and agrees that while Ms. Garcia was adequately prepared and competently testified regarding defendant’s policies and practices regarding repurchase requests she was not able to answer substantive questions regarding the

technical documents. Although she testified that she reviewed the documents in preparation for the deposition she frequently answered “I don't know” when questioned regarding the contents of the Technical Service Bulletins and Quality Improvement Sheets produced by defendant in response to the deposition notice. Therefore, defendant has not complied with its obligation to produce knowledgeable witnesses pursuant to section 2025.230. (*Maldonado, supra*, at p. 1396-1396.)

The court finds that plaintiffs are entitled to an order compelling defendant to produce PMK witnesses pursuant to the deposition notice. Rather than move to compel pursuant to the previous deposition notice, plaintiffs have served an amended notice of deposition of defendant's PMK regarding categories of examination that would fall under the original deposition notice's more general category requesting a PMK as to defendant's knowledge of the cause and fixes of the alleged electrical defect in plaintiffs' vehicle. (Rivero Decl., Ex. 6, Deposition Notice, Category No. 20; Ex. 9, Amended PMK Deposition Notice.) The categories in the amended notice that are the subject of this motion to compel include defendant's investigation or analysis of and customer complaints regarding cracking, popping or static noises from the audio system, MOST ring break, specified Technical Service Bulletins and Quality Improvement Sheets and databases available relating to this analysis and investigation. (*Id.*, Ex. 9, Amended PMK Deposition Notice, Ex. A, Matters for Examination Nos. 1, 2, 4, 5, 7-9, 12-14, 16, 17.)

In its opposition, defendant argues the motion should be denied because they have already deposed its employee who testified “as competently as possible” to questions regarding the contents of the technical documents produced but she was unable to provide expert analysis. Defendant additionally argues the additional discovery sought is not necessary to prove the plaintiff's entitlement to repurchase or defendant's liability for civil penalties and any additional information sought would be provided in expert discovery. However, as discussed above, it became apparent during the deposition that Ms. Garcia was unable to answer substantive questions regarding technical documents related to the alleged defect produced for the deposition. Plaintiffs have sufficiently demonstrated that the matters for examination are relevant to the subject of what defendant knew of the alleged defect, when it knew this information, and whether it knew there was no repair for the alleged defect.

Therefore, the court intends to grant the motion to compel the deposition of defendant's PMK with respect to the Amended Notice of Deposition as to matters for examination nos. 1, 2, 4, 5, 7-9, 12-14, 16, and 17 and requests for production nos. 2, 3, 5, 8, 9, 11, and 12.

Plaintiffs additionally move to compel the deposition of Phil McDaniel, an agent or employee of defendant who is identified as an author of certain documents provided during discovery. Plaintiffs argue the testimony is relevant to establish defendant was aware that the symptoms experienced by plaintiffs' vehicle were common in the 2022 Honda Pilot, that defendant could not repair the defect, and that defendant knew the defect was not repaired prior to the commencement of the lawsuit for purposes of civil penalties.

In opposition, defendant argues the motion should be denied because any testimony from McDaniel is cumulative of the PMK testimony already obtained from Ms. Garcia and an unnecessary examination of the cause of the defect which specifically does not need to be proven by plaintiff to prevail on their claims. Defendant additionally

