

**Tentative Rulings for March 17, 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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| 26CECG00562 | <i>Richard Bustamante Magana v. Allstate Property Casualty</i> is continued to Thursday, March 19, 2026, at 3:30 p.m. in Department 403.       |
| 26CECG00802 | <i>In Re: Auvrey Joy Ward &amp; Brendon Nathen Ward Jr</i> is continued to Thursday, March 19, 2026, at 3:30 p.m. in Department 403.           |
| 23CECG03241 | <i>Jamie Childers v. Fresno Community Hospital and Medical Center</i> is continued to Tuesday, April 14, 2026, at 3:30 p.m. in Department 403. |

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(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 403**

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(46)

**Tentative Ruling**

Re: **Marcee Huckabay v. Michael Huckabay**  
Superior Court Case No. 24CECG05410

Hearing Date: March 17, 2026 (Dept. 403)

Motion: by Defendant Karen Huckabay to Compel Initial Responses to (1) Form Interrogatories—General, Set One; (2) Special Interrogatories, Set One; and (3) Request for Production, Set One; and for an Order to Deem Request for Admissions, Set One, as Admitted by Plaintiff Marcee Huckabay; and for Monetary Sanctions

**If oral argument is timely requested, it will be entertained on Thursday, March 19, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To grant each of the motions to compel initial responses to form and special interrogatories, and request for production of documents. Within ten (10) days of service of the order by the clerk, plaintiff Marcee Huckabay shall serve verified responses, without objections, to Form Interrogatories—General, Set One; Special Interrogatories, Set One; and Request for Production, Set One; and produce all documents responsive to the Request for Production.

To grant the motion seeking an order deeming the truth of matters specified in the Request for Admissions, Set One established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against plaintiff Marcee Huckabay **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To impose monetary sanctions in the total amount of \$1,180.00 against plaintiff Marcee Huckabay, in favor of defendant Karen Huckabay. Within thirty (30) days of service of the order by the clerk, plaintiff Marcee Huckabay shall pay sanctions to defendant Karen Huckabay's counsel.

**Explanation:**

*Initial Responses to Interrogatories and Request for Production*

Within 30 days of service of interrogatories, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2030.260.) Within 30 days of service of a demand for inspection, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2031.260.) A party that fails to serve a timely response to a discovery request waives "any objection" to the request. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).) The propounding

party may move for an order compelling a party to respond to the discovery request. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).)

To date, defendant Karen Huckabay ("defendant") has received no response to the interrogatories and request for production propounded on plaintiff Marcee Huckabay ("plaintiff"). (Voronin Decls., ¶ 7.) Accordingly, an order compelling plaintiff to provide initial, verified responses is warranted. (Code Civ. Proc. § 2030.290, subd. (b), 2031.300 subd. (b).) All objections are waived. (*Id.*, §§ 2030.290, subd. (a), 2031.300, subd. (a).)

### *Deemed Admissions*

Where a party fails to timely respond to a propounding party's request for admissions, objections are waived and the court must grant the propounding party's motion requesting that matters be deemed admitted, unless it finds that the party to whom the requests were directed has served, prior to the hearing on the motion, a proposed response that is substantially in compliance with Code of Civil Procedure section 2033.220. (Code Civ. Proc. § 2033.280; see also *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 778.) "Substantial compliance" means compliance with respect to "every reasonable objective of the statute." (*Id.* at p. 779, internal quotation marks and citation omitted.)

Defendant served her Request for Admission, Set One, on plaintiff on November 7, 2025. (Voronin Decl., ¶ 3.) Defendant offered plaintiff a courtesy extension to respond by December 23, 2025. (*Id.*, ¶ 6.) Plaintiff had not responded by the time this motion was filed. (*Id.*, ¶ 7.) On January 9, 2026, defendant filed and served the present motion seeking an order that the truth of any matter specified in the Request for Admission, Set One, be deemed admitted pursuant to Code of Civil Procedure section 2033.280, subdivision (b). No verified responses have been served since the filing of the motion.

The motion seeking an order deeming the truth of matters specified in Request for Admissions, Set One as established, will be granted pursuant to Code of Civil Procedure section 2033.280, subdivision (b) unless responses in substantial conformity with Code of Civil Procedure section 2033.220 are served prior to the hearing.

### *Monetary Sanctions*

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (Code Civ. Proc., §§ 2030.290 subd. (c), 2031.300, subd. (c).)

The court finds no circumstances that would render the mandatory sanctions unjust. Defendant was entitled to propound the discovery at issue. (Code Civ. Proc., § 2030.020, subd. (b); 2031.020, subd. (b); 2033.020, subd. (b).) Plaintiff thereafter was obligated to provide timely, verified responses, or seek other timely relief. As plaintiff did neither, defendant's motions, and request for sanctions, are appropriate.

Defendant seeks sanctions in the amount of \$4,188.00, calculated at \$1,047.00 per motion. However, the amount of sanctions may be reduced as the motions are



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**Tentative Ruling**

Re: ***Diaz v. Sun-Maid Growers of California***  
Superior Court Case No. 18CECG04501

Hearing Date: March 17, 2026 (Dept. 403)

Motion: Plaintiff's Motion for Final Approval of Class Action Settlement

**Tentative Ruling:**

To continue the hearing April 28, 2026 at 3:30 p.m. in Department 403. Within nine court days of the continued hearing plaintiff's counsel shall file a declaration addressing the issues discussed below.

**If oral argument is timely requested, it will be entertained on  
Thursday, March 19, 2026, at 3:30 p.m. in Department 403.**

**Explanation:**

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules of Court, rule 3.769(g).) "The trial court has broad discretion to determine whether a class action settlement is fair. It should consider factors such as the strength of plaintiffs' case; the risk, expense, complexity and likely duration of further litigation; the risk of maintaining class action status through trial; the amount offered in settlement; the extent of discovery completed and the stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement." (*Reed v. United Teachers Los Angeles* (2012) 208 Cal.App.4th 322, 336.)

The court has already considered these factors and found the settlement to be fair and reasonable.

The court's primary concern in granting final approval has been the efforts by plaintiff's counsel and the settlement administrator to obtain addresses and social security numbers of the putative class in order to give notice and send the class members payments. Counsel and the administrator have detailed their efforts since this issue came to light. It does not appear that anything more can be done to obtain this information. (See Crist and Mitzner Declarations.) As many class members as possible have been given notice and will receive settlement payments.

That leaves the issues of allocation of the settlement to attorney fees, costs, settlement administration, and incentive payment to plaintiff.

As a general rule, the lodestar method is the primary method for calculating the amount of class counsel's attorney's fees; however, the percentage-of-the benefit approach may be proper when there is a common fund. In some cases, it may be appropriate, when the monetary value of the class benefit can be determined with a reasonable degree of certainty, such as this one, for the judge to cross-check or adjust

the lodestar amount in comparison to a percentage of the common fund to ensure that the fee awarded is reasonable and within the range of fees freely negotiated in the legal marketplace in comparable litigation. (See *Laffitte v. Robert Half Int'l, Inc.* (2016) 1 Cal.5th 480, 488–497; *Roos v. Honewell Int'l, Inc.* (2015) 241 Cal.App.4th 1472, 1490–1494; *In re Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 557.)

The lodestar analysis is based on a “careful compilation of the time spent and reasonable hourly compensation of each attorney . . . involved in the presentation of the case.” (*Serrano v. Priest (Serrano III)* (1977) 20 Cal.3d 25, 48.) As our Supreme Court has repeatedly made clear, the lodestar consists of “the number of hours *reasonably expended* multiplied by the *reasonable* hourly rate. . . .” (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095, italics added; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1134.)

Reasonable hourly compensation is the “hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type” (*Ketchum v. Moses, supra*, 24 Cal.4th at p. 1133, emphasis added.)

As of 10/1/2024 when final approval was first requested, the lodestar came to \$1,566,110, using the claimed billing rates for the various attorneys and employees that worked on the matter. While these billing rates are somewhat high, the billing rates claimed will be approved in order to compensate counsel for the contingent nature of the representation and risk of not being paid.

Class counsel asks the court to utilize a \$700 blended hourly rate. The court does not see any justification for using a high blended hourly rate in this case, which would have the result of shifting hundreds of thousands of dollars from the class members to class counsel. Moreover, a substantial number of hours for which counsel seeks compensation were worked by non-attorney personnel, including law clerks, litigation support staff and paralegals. No justification is proffered for compensating class counsel for work done by non-attorney staff at such exorbitant rates. As the court explained in the tentative ruling for the 10/1/2024 hearing, the court will approve an allocation of \$1,566,110 to attorneys' fees as of that date.

Class counsel claims to have spent an additional 501.85 hours on the case since 10/1/2024, primarily addressing issues with addresses and social security numbers. This time claimed is excessive, and the court is inclined to augment the lodestar by about half that time. Prior to the continued hearing date, counsel is to provide a breakdown of time spent post-10/1/2024 by biller. At the continued hearing date the court will decide on how many additional hours will be awarded.

As of 10/1/2024, counsel claimed actual litigation costs of \$223,348.67. Counsel claims about an additional \$50,000 in costs since that time. (Crist Decl., Exh. F.) Included in the costs breakdown is \$49,223.78 in interest to be paid to counsel. The court requests that counsel provide authorities for this as a compensable item of costs, and explanation of how the interest is calculated. The costs claimed include tens of thousands of dollars paid to the settlement administrator. The court seeks clarification that the total administration expense will not exceed the \$35,000 stipulated in the settlement

