Tentative Rulings for March 24, 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.

_____

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(37)

Tentative Ruling

Re: ***Pico v. Vitro Flat Glass, LLC***
Superior Court Case No. 22CECG02995

Hearing Date: March 24, 2026 (Dept. 403)

Motion: Plaintiffs' Motion for Final Approval of Class Action Settlement

If oral argument is timely requested, it will be entertained on Thursday, March 26, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To continue to Tuesday, April 14, 2026 at 3:30 p.m. in Department 403 for the settlement administrator to provide a supplemental declaration. The supplemental declaration is to be filed no later than April 7, 2026.

Explanation:

The settlement administrator has provided a declaration by Nick Castro detailing the settlement administrator's efforts to provide notice to the class and the anticipated payments to be made. Castro indicates that no requests for exclusion were made, no objections were made, and there were no disputes as to the settlement at the time of the declaration. (Castro Decl., ¶¶ 11-13.) This information is premature. The deadline for such was March 2, 2026. The declaration was signed March 2, 2026 and the motion itself was filed the following day on March 3, 2026. The court is continuing this matter so that the settlement administrator can provide a supplemental declaration addressing whether any requests for exclusion, objections, or disputes were made after the declaration was signed on March 2, 2026.

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 (Judge's initials) on 3-23-26 (Date).

(47)

Tentative Ruling

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

Hearing Date: March 24, 2026 (Dept. 403)

Motion: by Defendant Michael 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 26, 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 Michael Huckabay. Within thirty (30) days of service of the order by the clerk, plaintiff Marcee Huckabay shall pay sanctions to defendant Michael 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 Michael 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

straightforward, without issue, and arising from the same set of facts. The motions are virtually identical. Further, defendant has not needed to spend time on the anticipated opposition, reply, and hearing. The court finds it reasonable to allow for 2 hours of preparation for all four motions, calculated at counsel's hourly rate of $470.00 per hour, and to allow for recovery of the four motion filing fees. Accordingly, monetary sanctions will be imposed in the total amount of $1,180.00 against plaintiff Marcee Huckabay.

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 3-23-26.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: ***Estela Verduzco Flores v. Adrian Vannorsdall***
Case No. 25CECG01461

Hearing Date: March 24, 2026 (Dept. 403)

Motion: Plaintiffs' Motion for Trial Preference

If oral argument is timely requested, it will be entertained on Thursday, March 26, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To grant trial preference to plaintiffs Cleotilde Jiminez and Jose Angel Flores.

To sever the claims of plaintiff Estela Verduzco Flores from plaintiffs Cleotilde Jiminez and Jose Angel Flores. The Clerk of the Court is hereby directed to take such action as is necessary to sever the claims of Jose Angel Flores such that they shall have a separate trial date.

Explanation:

This case arises from an automobile accident that occurred on April 20, 2023. Plaintiffs filed a motion seeking trial preference under Code of Civil Procedure section 36, subdivision (a) on the grounds that plaintiffs Cleotilde Jimenez ("Jiminez") and Jose Angel Flores ("JA Flores") are over the age of 70 and are suffering from health conditions that warrant an expedited trial date.

Defendants United Parcel Service, Inc., and Adrian Lee Vannorsdall ("Defendants") do not oppose the motion granting trial preference for Jiminez and JA Flores. However, defendants requests the court to exercise its discretion to separate the trials of Jiminez and JA Flores from the third plaintiff, Estela Verduzco Flores ("EV Flores") under Code of Civil Procedure section 1048, subdivision (b).

Code of Civil Procedure section 1048, subdivision (b), provides the Court with broad authority to separate trials in order to avoid prejudice:

> The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action, including a cause of action asserted in a cross-complaint, or of any separate issue or of any number of causes of action or issues, preserving the right of trial by jury required by the Constitution or a statute of this state or of the United States.

Under these circumstances, defendants argue in their opposition papers that separating trials between the three plaintiffs would avoid prejudice where: the majority of the medical treatment, claimed injuries, and related damages alleged in this case pertain to EV Flores, and not JA Flores and Jiminez; EV Flores is the only plaintiff claiming ongoing and potential future medical treatment allegedly related to the subject incident; and EV Flores was involved in a subsequent motor vehicle accident on July 23, 2024, requiring additional discovery. Accordingly, defendants argue they require additional discovery with respect to EV Flores.

Plaintiffs in their reply do not dispute the above assertions provided by defendants, but rather argue that it would not be judicially economical to sever trials where the same witnesses would be called in both trials and all three of plaintiffs' claims arose from a single traffic accident.

Under these circumstances, severing EV Flores' claims from Jiminez and JA Flores would avoid prejudice given EV Flores' alleged injuries were comparatively greater than the other two plaintiffs, and that EV Flores was involved in a subsequent motor vehicle accident. Severing claims would allow defendants to properly evaluate and litigate EV Flores' separate and more complex claims.

Accordingly, the Court grants trial preference to Jiminez and JA Flores, and severs EV Flores's claims from the other two plaintiffs.

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 3-23-26.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***Theresa Den Hartog v. State of California Department of Transportation***
Superior Court Case No. 25CECG04219

Hearing Date: March 24, 2026 (Dept. 403)

Motion: Petition for Leave to File Action

If oral argument is timely requested, it will be entertained on Thursday, March 26, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To deny the petition.

Explanation:

Petitioners Theresa Den Hartog; Paul and Christen Morris; Honey in the Rock, Inc. dba Morris Honey; Manuel L. and Adelia M. Soares; Justin L. Rowell; Edwin Squire; and Danell Custom Harvesting, LLC ("Petitioners") are petitioning for leave to file an action against State of California Department of Transportation ("Respondent" or Caltrans") pursuant to Government Code section 946.6.

Legal Standard

"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…not later than six months after the accrual of the cause of action." (Gov. Code, § 911.2.) If a required claim is not presented within the six-month period, a written application may be made to the public entity for leave to present that claim. (*Id*., § 911.4, subd. (a).) The application for late filing must be presented within a year after the accrual of the cause of action. (*Id*., § 911.4, subd. (b).)

"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 therefor 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[.]" (Code Civ. Proc., § 945.4.) "The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time … and was denied or deemed denied pursuant to Section 911.6 and that … [t]he failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4." (*Id*., § 946.6.) Petitioner has the burden of proving the grounds for relief by a preponderance of the evidence. (*Rodriguez v. County of Los Angeles* (1985) 171 Cal.App.3d 171, 175.)

Timeliness of Claims and Late Claim Applications

Petitioners submit that their causes of action did not accrue until they received the Cal Fire Investigative Report in March 2025 (somewhere between March 13 and March 15), which identified Caltrans as the cause of the fire. Respondent submits that the causes of action accrued on September 3, 2024, the date the fire started that allegedly damaged the Petitioners' properties. "For the purpose of computing the time limits prescribed by Sections 911.2, 911.4, 945.6, and 946.6, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto if there were no requirement that a claim be presented to and be acted upon by the public entity before an action could be commenced thereon." (Gov. Code, § 901.) Respondent has established that Petitioners were aware of the possibility of Caltrans' involvement in causing the property damage. Petitioners have not demonstrated that any suspicions as to the cause of injury must be confirmed with certainty prior to a cause of action accruing. The court is inclined to find that the cause of action accrued on the date of injury, which here is the date the fire started, September 3, 2024.

Petitioners submit that they presented late claim applications against Caltrans after receiving the Cal Fire Investigative Report – however, Petitioners do not identify the dates these claims were submitted. Each declaration filed in support of this petition merely states that the declarant petitioner submitted a government claim to Caltrans, without stating when the applications were made. (See Petitioner Declarations generally.[1]) However, even without the precise date the applications to present late claims were submitted, the parties do not appear to dispute that the applications for the majority of the Petitioners were received by Caltrans within the one-year deadline.

"Filing a late-claim application within one year after the accrual of a cause of action is a jurisdictional prerequisite to a claim-relief petition." (*Munoz v. State of California* (1995) 33 Cal.App.4th 1767, 1779.) If a late claim is not filed or filed late, "the court is without jurisdiction to grant relief under Government Code section 946.6." (*Ibid.*) Respondent attests that while it located late claim applications for the majority of the Petitioners, it did not locate a submitted application for Petitioner Edwin Squire. (Gelis Decl. in Support of Opp., ¶ 2, see Gellis Decl. in Support of Sur-Reply, ¶ 2.) As Petitioner has not provided contrary evidence nor even alleged a date of submission, the Petition as to Edwin Squire, Trustee of the John E. Squire 1996 Trust U/T/D August 26, 1996 is denied on the basis that no application for late claim was filed within the one-year period.

Uncertainty about Liability Is Not Surprise or Excusable Neglect

The basis of Petitioners' applications for late claim presentation is that Petitioners did not receive a copy of the Cal Fire Investigative Report until March 2025, more than six months after the fire occurred. Petitioners argue that receiving the report identifying Caltrans as a cause of the fire constitutes surprise or excusable neglect, because they "did not [know] who to submit a claim to, or even if one was necessary." (Memo. ISO Petn., 6:5-6.)

[1] The Declaration of Justin L. Rowell filed on September 11, 2025 is disregarded, as it is unsigned.

However, this argument fails for a couple reasons. First, the evidence submitted by Respondent (and not disputed by Petitioners) in the form of deposition excerpts demonstrates that the Petitioners had considered the possibility of Caltrans' involvement, as Petitioners were aware of Caltrans working in the area where the fire started at the time of the incident. It would not have constituted surprise to have any suspicions or consideration of Caltrans' involvement confirmed by the report.

Second, "mistake of law based solely on ignorance of the six-month claim requirement is not enough." (*Munoz v. State of California* (1995) 33 Cal.App.4th 1767, 1778.) "[A] petitioner may not successfully argue excusable neglect when he or she fails to take any action in pursuit of the claim with, the six-month period. The claimant must, at a minimum, make a diligent effort to obtain legal counsel within six months after the accrual of the cause of action. Once retained, it is the responsibility of legal counsel to diligently pursue the pertinent facts of the cause of action to identify possible defendants. (*Id*., at pp. 1778–1779.) Petitioners did not hire counsel until after the Cal Fire Investigative Report was received. (See Respondent's Compendium of Separately Bound Evidence, Petitioners' Deposition Transcripts generally.) Only Petitioner Paul Morris states he "briefly talked with one [lawyer] in November [of 2024]." (*Id*., Exh. 7, Morris Depo., 23:9-11.) However, no lawyer was retained until after receiving the report. (*Id*., Exh. 7, Morris Depo., 23:18-22.)

Reasonably Prudent Person Standard

"Relief on grounds of mistake, inadvertence, surprise or excusable neglect is available only on a showing that the claimant's failure to timely present a claim was reasonable when tested by the objective 'reasonably prudent person' standard. The definition of excusable neglect is defined as 'neglect that might have been the act or omission of a reasonably prudent person under the same or similar circumstances.' " (*Department of Water & Power v. Superior Court* (2000) 82 Cal.App.4th 1288, 1293.)

Petitioners argue they were diligent in pursing the Cal Fire Investigative Report, but this alone does not sufficiently establish diligence in pursing their claims. In the circumstances, it would have been reasonable to retain counsel immediately to assist in the pursuit of one's potential claims. The alleged property damage attributed to the fire was immediate and known, and a reasonable person would have acted promptly to pursue some kind of relief, even without knowing all of the details of the cause of injury.

"A claimant is required to show that within the statutory time period he " 'did not know or have reason to know' " that a government entity is involved. (*Department of Water & Power v. Superior Court*, *supra*, 82 Cal.App.4th at p. 1294.) The Petitioners were at least aware of Caltrans' presence at the site of the fire. It is reasonable to consider (and it appears Petitioners did consider) that Caltrans may have been involved. "When there is a readily available source of information from which *the potential liability* of a government entity may be discovered, a failure to use that source is deemed inexcusable." (*Ibid*.) Had counsel been expeditiously retained, it is reasonable that in the course of his or her due diligence, the potential liability of Caltrans would have been addressed and the claims preserved. The court is not convinced that the Petitioners acted as a reasonably prudent person in the same circumstances would have in pursing their claims against Caltrans.

Based on the foregoing, the court intends to deny the Petition as to all Petitioners.

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 3-23-26.
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: ***Magana v. Allstate Property Casualty***
Superior Court Case No. 26CECG00562

Hearing Date: March 24, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

If oral argument is timely requested, it will be entertained on Thursday, March 26, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To grant the petition of Charlie, and sign the proposed orders. No appearances necessary.

The court sets a status conference for Wednesday, June 17, 2026, at 3:30 p.m., in Department 403, for confirmation that claimant's funds have been disposed of as set forth in the petition. If petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356), at least five court days before the hearing, the status conference will come off calendar.

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 3-23-26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Zuniga v. Community Medical Centers***
Superior Court Case No. 24CECG05341/COMPLEX

Hearing Date: March 24, 2026 (Dept. 403)

Motion: (1) By Plaintiff Luis Ernesto Zuniga to Compel Further Responses to Special Interrogatories, Set One, and Request for Sanctions; (2) By Plaintiff Luis Ernesto Zuniga to Compel Further Responses to Request for Production, Set One, and Request for Sanctions

If oral argument is timely requested, it will be entertained on Thursday, March 26, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To deny the motion to compel further responses to Special Interrogatories, Set One in its entirety.

To deny the motion to compel further responses to Request for Production, Set One, in its entirety.

To deny the request for sanctions, in its entirety.

Explanation:

Further Responses

Plaintiff Luis Ernesto Zuniga ("Plaintiff") seeks to compel further responses to discovery propounded on defendant Community Hospitals of Central California dba Community Medical Centers ("Defendant").

Plaintiff seeks to compel further responses to Special Interrogatories, Set One, Nos. 1, 19, 25, 40, 41, 42, and 43.

There is no dispute that the substance of Special Interrogatories No. 1 seeks identification of class members. Defendant has objected, among other bases, on privacy and offered to follow the procedure laid out in *Belaire-West Landscape, Inc. v. Superior Court* ((2007) 149 Cal.App.4th 554 ["*Belaire-West*"]). Plaintiff submits that this is inappropriate.

In *Pioneer Electronics (USA), Inc. v. Superior Court* ((2007) 40 Cal.4th 360 ["*Pioneer*"]), the California Supreme Court held that disclosure of the names and contact information of potential class members to plaintiff's counsel in a consumer class action suit alleging that Pioneer sold defective DVD players was not a serious invasion of privacy, in part because the consumers had been given notice and an opportunity to opt out of the disclosure. The Supreme Court found that "[c]ontact information regarding the

identity of potential class members is generally discoverable, so that the lead plaintiff may learn the names of other persons who might assist in prosecuting the case. Such disclosure involves no revelation of personal or business secrets, intimate activities, or similar private information, and threatens no undue intrusion into one's personal life, such as mass-marketing efforts or unsolicited sales pitches. Moreover, the order in this case imposed important limitations, requiring written notice of the proposed disclosure to all complaining Pioneer customers, *giving them the opportunity to object to the release of their own personal identifying information*. Under these circumstances, the court's order involved no serious invasion of privacy." (*Id.* at p. 373, citations omitted, italics added.) "For all the foregoing reasons, we think the trial court properly evaluated the alternatives, balanced the competing interests, and permitted disclosure of contact information regarding Pioneer's complaining *customers unless, following proper notice to them, they registered a written objection.* These customers had no reasonable expectation of any greater degree of privacy, and no serious invasion of their privacy interests would be threatened by requiring them affirmatively to object to disclosure." (*Id.* at pp. 374–375, italics added.)

The same year that *Pioneer* was decided, the Second District Court of Appeal held in *Belaire-West* that plaintiff's counsel in a wage and hour class action could obtain the names and contact information of the defendant's current and former employees, provided that the employees were given notice and an opportunity to opt out of the disclosure.

"With its ruling, the trial court implicitly found that that no serious invasion of privacy would result from the release of the names, last known addresses, and last known telephone numbers of current and former employees as long as the disclosure was limited to the named plaintiffs in a putative class action filed against their employer *following a written notice to each employee giving them the opportunity to object to the disclosure of that information.* That implicit finding is reasonable and supported by the facts." (*Belaire-West*, *supra*, 149 Cal.App.4th at p. 561.) "Disclosure of the contact information *with an opt-out notice* would not appear to unduly compromise either informational privacy or autonomy privacy in light of the opportunity to object to the disclosure, as the court specifically found that there was no evidence of any actual or threatened misuse of the information." (*Id.* at p. 562, italics added.)

"As the *Pioneer* court pointed out, the identity of potential members of a class is usually discoverable, and the disclosure of this contact information is neither unduly personal nor overly intrusive. Here, as in *Pioneer,* the court's order imposed vital limits, *requiring written notice of the proposed disclosure to all current and former employees and providing them with the opportunity to object to the release of their contact information to plaintiffs*. Just as in *Pioneer,* the court's order here involved no serious invasion of privacy." (*Belaire-West*, *supra*, 149 Cal.App.4th at p. 562., citation omitted, italics added.)

Ten years later, the California Supreme Court in *Williams v. Superior Court* ((2017) 3 Cal.5th 531 ["*Williams*"]) confirmed that the identities of other employees in wage and hour class actions and PAGA actions are generally subject to discovery, but that the trial court may require the parties to give the employees notice and an opportunity to opt out of the disclosure. "We recognize that in a particular case there may be special reason

to limit or postpone a representative plaintiff's access to contact information for those he or she seeks to represent, but the default position is that such information is within the proper scope of discovery, an essential first step to prosecution of any representative action." (*Id.* at p. 544.) However, the *Williams* court also approved of the procedure set forth in *Belaire-West,* requiring giving notice and an opportunity to opt out to the employees whose identities were going to be disclosed. "The *Belaire-West* trial court was correct to order disclosure, *subject to employees being given notice of the action, assurance they were under no obligation to talk to the plaintiffs' counsel, and an opportunity to opt out of disclosure by returning an enclosed postcard*." (*Id.* at p. 553, italics added.) "Courts subsequent to *Belaire-West* have uniformly applied the same analysis to reach the same conclusion: In wage and hour collective actions, fellow employees would not be expected to want to conceal their contact information from plaintiffs asserting employment law violations, the state policies in favor of effective enforcement of these laws weigh on the side of disclosure, and any residual privacy concerns can be protected by issuing so-called *Belaire-West* notices affording notice and an opportunity to opt out from disclosure." (*Id.*, citations omitted.) "As in *Pioneer Electronics*, there is no justification for concluding disclosure of contact information, after affording affected individuals the opportunity to opt out, would entail a serious invasion of privacy." (*Id.* at p. 555, citation omitted.)

Thus, the general rule is that the identities and contact information of employees in a wage and hour class action are discoverable, but also that the trial court may require the parties to give the employees notice and an opportunity to opt out of the disclosure under the procedure set forth in *Belaire-West*. However, while plaintiff's counsel in a class action is allowed to conduct discovery into the potential class members and to contact them, this does not mean that the class members do not have any privacy interest in keeping their names and contact information private, or that they have no right to object to the disclosure of their private contact information to plaintiff's counsel. As discussed in *Pioneer*, *Belaire-West*, and *Williams*, potential class members still retain a right of privacy in their names and contact information, and the best way to accommodate their privacy rights while also allowing the plaintiff the ability to discover their identities is to give them advance notice and an opportunity to opt out of the disclosure. (*Williams, supra*, at pp. 553-555.) Plaintiff suggests no reason as to why the *Belaire-West* procedure should not be followed. Rather, on reply, it appears that Plaintiff is prepared to follow the procedures set forth by *Belaire-West*.

For the above reasons, the motion is denied as to Special Interrogatories No. 1.[1] As Special Interrogatories Nos. 19 and 25 rely on the defined term of "class members", these interrogatories would also be premature. The motion is denied as to Special

[1] Defendant raises in its opposition a presupposition that of the nearly 20,000 employees identified as potentially responsive, all but 169 of them are subject to arbitration agreements. To the extent that such conditions may exist, they are not within the scope of the motions presently before the court. Defendant did not seek a protective order limiting the nature and scope of the discovery in question. The court will not expand the scope of the hearings duly noticed. The court notes only that nothing has yet established Defendant's position that the overwhelming majority of putative class members are subject to terms incompatible with the present action. Accordingly, the *Belaire-West* procedures will apply to all putatively claimed class members.

Interrogatories Nos. 19 and 25. The parties are directed to continue to meet and confer on providing notice to Defendant's employees pursuant to *Belaire-West*.

As to Special Interrogatories No. 40, this interrogatory seeks information pertaining to Plaintiff's direct supervisors.[2] Defendant responded accordingly with a list of individuals and their job titles. Defendant otherwise objected on the grounds of privacy. Plaintiff contends that the response is insufficient because "identify" was previously defined to include name, address, home and mobile telephone numbers, email address, position of employment, department worked in, duties, responsibilities, locations worked at, and date of hire and date of termination.

Any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action if the matter itself is admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter. (*Ibid.*) A party may use interrogatories to request the identity and location of those with knowledge of discoverable matters. (*Id.*, § 2030.010.)

As a litigant, plaintiff is entitled to demand answers to its interrogatories, as a matter of right, and without a prior showing, unless defendant objects and shows cause why the questions are not within the purview of discovery. (*West Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 422.) The burden of justifying any objection or failure to respond remains with the party resisting an interrogatory. (*Coy v. Superior Court* (162) 58 Cal.2d 210, 220-221.)

As noted above, Defendant objected on the grounds of privacy. While discovery is broad, the right to discovery is not absolute. The California Constitution protects the individual's reasonable expectation of privacy against a serious invasion. (*Pioneer*, *supra*, 40 Cal.4th at p. 370.) A reasonable expectation of privacy is an objective entitlement founded on broadly based and widely accepted community norms. (*Hill v. Nat'l Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 37.) The invasion of privacy must be serious in nature, scope, and actual or potential impact to constitute an egregious breach of social norms. (*Ibid.*) Trivial invasions afford no protection. (*Ibid.*) If the invasion is serious, the invasion must be measured against legitimate and important competing interests. (*Id.* at p. 38.) If the intrusion is limited and confidential information is carefully shielded from disclosure except to those who have a legitimate need to know, privacy concerns are assuaged. (*Ibid.*)

Current and former employees unquestionably have a legitimate expectation of privacy of their addresses and telephone numbers. (*Planned Parenthood Golden Gate v. Superior Court* (2000) 83 Cal.App.4th 347, 359, *disapproved on other grounds by Williams*, *supra*, 3 Cal.5th 531.) Plaintiff submits that the information is relevant. Plaintiff submits no other competing interests to balance in favor of disclosure. Plaintiff only suggests that business contact information is not private. If that limitation was intended,

[2] Defendant opposes on a threshold issue of insufficient meet and confer. Defendant previously submitted this issue in its Opposition to Request for Pretrial Discovery Conference. Subsequent to the filing of that Opposition, the court granted leave to Plaintiff to file the present motions. The court declines to revisit the issue.

the interrogatories as written are not so constrained. The motion is denied as to Special Interrogatories No. 40.

As to Special Interrogatories No. 41, this seeks identification of all persons and entities that had the right to exercise control over persons performing work for Defendant in California during the class period. Defendant's objection as to ambiguity is sustained as to the phrase "right to exercise control." Plaintiff clarifies in his separate statement that this term is intended to identify who directed, supervised, or had authority over the day-to-day work, pay practices, and break policies. If these be the identifying factors that Plaintiff seeks, the interrogatory does not clearly state any of these characteristics. Moreover, Defendant's objection as to privacy is additionally sustained for the reasons indicated above regarding the defined term "identify". The motion as to Special Interrogatories No. 41 is denied.

As to Special Interrogatories Nos. 42 and 43, these seeks identification of all persons and entities which had an ownership interest in Defendant during the class period, and Defendant's executives, owners, board of directors, and/or officers. Defendant's objection on the grounds of privacy is sustained. As above, "identify" is broadly defined as to implicate issues of privacy, as noted above. As Plaintiff fails to identifying sufficient competing interests as to the information sought, the motion is denied as to Special Interrogatories Nos. 42, and 43.

In sum, the motion to compel further responses to Special Interrogatories, Set One is denied in its entirety.[3]

Plaintiff additionally seeks to compel further responses to Request for Production, Set One, Nos. 2-19, 20-38, 40, 45-54, 57, and 58. The moving papers do not make clear whether Defendant produced documents as indicated in its responses that were predicated on objections. Each response submitted in Plaintiff's separate statement indicates and identifies production that is responsive to the request. Defendant in opposition suggests in an unsigned declaration that 891 pages were produced. This is not competent evidence. (*See* Cal. Rules of Ct., rule 2.257(b).) It remains unclear from Plaintiff's reply brief whether Plaintiff concedes that documents were produced. Accordingly, it is unclear whether any production made subject to the objections asserted impermissibly limited the production. Arguments forwarded by Plaintiff as to the sufficiency or completeness of the response are likewise unable to be evaluated where Plaintiff does not articulate perceived deficiencies in the production itself. Because the court is unable to ascertain whether further responses are warranted, regardless of whether objections stand, the motion is denied as to Request for Production, Set One in its entirety. The court will not issue advisory rulings where there is no corresponding relief. The court notes only that the general dispute over the definition of "class members" remains valid until the *Belaire-West* procedures as indicated above are concluded.

Sanctions

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust."

[3] The court issues no rulings as to Plaintiff's Evidentiary Objections, which were not material to the disposition.

(Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c).) Here, the papers demonstrate the parties' tendency to talk past the other. Plaintiff fails to clearly and succinctly identify material issues with the responses at issue. Similarly, Defendant opposes on grounds that are clearly meant for a protective order or otherwise require findings that exceed the scope of these motions. The court finds that the circumstances render the imposition of sanctions in favor of either party unjust. The request for sanctions is denied.

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 3-23-26.
(Judge's initials) (Date)