

Tentative Rulings for March 26, 2026
Department 501

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.

18CECG00898 *Frank Alarcon, SR v. Chris Monroe* is continued to Thursday, May 7, 2026, at 3:30 p.m. in Department 501.

25CECG01812 *Lisa VanRyn v. Fresno Unified School District* is continued to Thursday, May 7, 2026, at 3:30 p.m. in Department 501.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

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(20)

Tentative Ruling

Re: **Cocola Broadcasting Companies, LLC v. My Central Valley, LLC**

Superior Court Case No. 24CECG02997

Hearing Date: March 26, 2026 (Dept. 501)

Motion (x6):

- (1) by My Central Valley, LLC, to Compel Further Responses from Scott Barbee to Request For Admission, Set One
- (2) by My Central Valley, LLC, to Compel Further Responses from Scott Barbee to Request for Production of Documents, Set One
- (3) by My Central Valley, LLC, to Compel Further Responses from Scott Barbee to Special Interrogatories, Set One
- (4) by My Central Valley, LLC, to Compel Further Responses from Sterling BGG, LLC to Request For Admission, Set One
- (5) by My Central Valley, LLC, to Compel Further Responses from Sterling BGG, LLC to Request for Production of Documents, Set One
- (6) by My Central Valley, LLC, to Compel Further Responses from Sterling BGG, LLC to Special Interrogatories, Set One

Tentative Ruling:

To deny all six motions.

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

My Central Valley, LLC, has filed six motions to compel further responses from Scott Barbee and Sterling BGG, LLC. Motions to compel further responses must be accompanied by a declaration showing “a reasonable and good faith attempt” to resolve the issues outside of court. (Code Civ. Proc., §§ 2016.040, 2030.300, subd. (b)(1), 2031.310, subd. (b)(2), 2033.290, subd. (b)(1).)

If you anticipate your negotiations with opposing counsel may extend beyond the 45-day period, *ask for an agreement at the outset*, extending the time for filing a motion to compel. If opposing counsel refuses, you know at the outset that you have 45 days—and *no more*—within which to act. If you wait until the end of the 45-day period to request such agreement, opposing counsel may refuse and it may then be difficult or impossible to get your motion filed in time.

(Weil & Brown, *Cal. Prac. Guide Civ. Pro. Before Trial* (TRG 2025) ¶ 8:1160.2.) “Making the first attempt to meet and confer shortly before the filing deadline may lead to a finding that there was no good faith attempt to resolve the issues informally.” (*Ibid.*, ¶ 8:1162.1.)

As My Central Valley recognized (Kahn Decl., Exh. 6), the deadline to file motions to compel was October 15, 2025. On October 13, 2025, at 3:40 pm, My Central Valley's attorney sent a meet and confer letter addressing deficiencies in the responses, and requesting an extension of time to file a motion so that the parties could have time to meet and confer. No extension of time was given, and no substantive response was provided to the meet and confer letter by the motion to compel deadline. On October 15, 2025, at 8:36 pm My Central Valley's attorney asked again for an extension of time following the court's ruling on the Pretrial Discovery Conference (“PDC”) Request, which was filed earlier that day at 3:21 pm. The October 21, 2025, order denying the PDC request, noted that the time to file the motions was tolled 6 days. The motions to compel were timely filed on October 27, 2025. However, no substantive meet and confer had occurred prior to the filing of the motions.

My Central Valley is the cause of the lack of substantive meet and confer. Sending a meet and confer letter concerning six sets of discovery just two days prior to the motion filing deadline is too last minute to receive a substantive response. While responding parties' counsel could have granted an extension of time so that there could be meet and confer, My Central Valley put itself in a difficult position by waiting until the last minute to meet and confer, leaving itself at the mercy of its opponents. The only reason an extension of time was needed in order to meet and confer was My Central Valley's attorney's delay in meeting and conferring until the end of the time to file a motion to compel. Any exigency was created by My Central Valley's delay. The meager last minute attempts to meet and confer were entirely unreasonable. Accordingly, the motions are all 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: DTT on 3/16/2026.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Veronica Mendez v. Tenaya Equipment, Inc.**
Superior Court Case No. 23CECG02800

Hearing Date: March 26, 2026 (Dept. 501)

Motion: by Plaintiff to Set Aside Dismissal Pursuant to Code of Civil Procedure Section 473, Subdivision (b)

Tentative Ruling:

To grant the request to set aside dismissal. The clerk is directed to put the case back at open status.

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

Plaintiff Veronica Mendez ("Mendez") seeks mandatory relief under Code of Civil Procedure section 473, subdivision (b), to set aside the dismissal entered on September 30, 2025.

Defendants Tenaya Equipment, Inc., Clean Cut Landscape, Inc., and Magdaleno Hernandez Cantoran ("defendants") filed a Notice of Entry of Judgment or Order on October 16, 2025. (Pickolick Decl., at ¶11.) Plaintiff's counsel was served with the Notice of Entry of Judgment on October 27, 2025. (Pickolick Decl., at ¶12.) Plaintiff's Code of Civil Procedure, section 473, subdivision (b), motion was filed on February 23, 2026.

The underlying Motion to Dismiss this Complaint with Terminating Sanctions was filed by defendants on August 14, 2025. That motion went unopposed. (Pickolick Decl., at ¶14.)

Code of Civil Procedure section 473, subdivision (b), provides that the court may relieve a party from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. It must be made within 6 months after the judgment, dismissal, order, or proceeding was taken. Relief may be based either on an "attorney affidavit of fault," in which event, relief is mandatory; or declarations or other evidence showing "mistake, inadvertence, surprise or excusable neglect," in which event relief is discretionary. (Code Civ. Proc., § 473, subd. (b).)

The party moving for relief on the basis of "mistake, inadvertence, surprise, or excusable neglect" must show specific facts demonstrating that one of these conditions was met. (*Hopkins & Carley v. Gens* (2011) 200 Cal.App.4th 1401, 1410.) The burden is on the moving party to show that the neglect was excusable: i.e., that the default could not have been avoided through the exercise of ordinary care. (*Jackson v. Bank of America*

(1983) 141 Cal.App.3d 55, 58.) Because the law strongly favors resolving cases on their merits, any doubts in applying Code of Civil Procedure, section 473, subdivision (b) should be resolved in favor of the party seeking relief. (*Parage v. Couedel* (1997) 60 Cal.App.4th 1037, 1042.) “Very slight evidence will be required to justify a court in setting aside the default.” (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233.)

Mandatory relief is available when “accompanied by an attorney’s sworn affidavit attesting to his or her mistake, inadvertence, surprise, or neglect.” (Code Civ. Proc., § 473, subd. (b).) The purpose of the attorney affidavit provision is to “relieve the innocent client of the burden of the attorney’s fault, to impose the burden on the erring attorney, and to avoid precipitating more litigation in the form of malpractice suits.” (*Hu v. Fang* (2002) 104 Cal.App.4th 61, 64.)

Mendez argues that relief is warranted under Code of Civil Procedure section 473, subdivision (b), for attorney mistake. Erica Figueroa, who is plaintiff’s paralegal, provides a declaration that Mendez had difficulty understanding discovery due to headaches, nausea, dizziness and overall physical discomfort, as well as understanding of the questions. (Figueroa Decl., ¶¶ 6-12.) Mendez’s plaintiff, Richard Ruiz, provides that he was at fault for not requesting an extension to file discovery responses. (Ruiz Decl., ¶18.) Ruiz further provides that the outstanding discovery was delivered to defendants on August 22, 2025 and August 28, 2025. (Ruiz Decl., ¶¶ 20-21.) Ruiz also takes blame for not attending the hearing pertaining to terminating sanctions due to attorney mistake. (Ruiz Decl., ¶¶ 30-31.) Ruiz also provides that all sanctions imposed on him have been paid to defendants’ counsel. (Ruiz Decl., ¶¶ 37-38.)

Defendants do not dispute the facts provided by Mendez. Defendants first argue that Mendez had 60 days to file this motion after Mendez’s counsel was served with the Notice of Entry of Judgment on October 27, 2025, pursuant to California Rules of Court, rule 8.104(a)(1)(B), and that the deadline to file was December 26, 2025. (Pickolick Decl., ¶14.)

California Rules of Court, rule 8.104(a)(1)(B), provides that “**[u]nless a statute or rules 8.108, 8.702, or 8.71 provides otherwise**, a notice of appeal must be filed on or before ... 60 days after the party filing the notice of appeal serves or is served by a party with a document entitled 'Notice of Entry' of judgment or a filed-endorsed copy of the judgment, accompanied by proof of service.” [Emphasis added.]

Under these circumstances, the operative statute is Code of Civil Procedure section 473, subdivision (b), which provides that the time to file a motion requesting mandatory relief pertaining to “dismissals,” is 6 months, rather than 60 days. Furthermore, *English v. IKON Business Solutions* (2001) 94 Cal.App.4th 130, is distinguishable, which pertained to a summary judgment motion rather than a dismissal, and that the plaintiff’s Code of Civil Procedure section 473, subdivision (b) motion for relief would have been timely if the plaintiff was seeking relief from a dismissal. (*Ibid.* at 136.)

Defendants further argue that mandatory relief under Code of Civil Procedure section 473, subdivision (b), to set aside dismissal is not warranted based on the analogous case, *Jerry’s Shell v. Equilon Enterprises, LLC* (2005) 134 Cal.App.4th 1058.

In *Jerry's Shell*, the plaintiffs brought a motion under Code of Civil Procedure section 473, subdivision (b), to set aside a dismissal after the trial court awarded terminating sanctions for a lengthy pattern of discovery abuse. The discovery abuse included failing to respond to discovery requests, failing to respond to a meet and confer letter about late responses, failing to oppose the defendant's motion to compel responses, failing to provide responses ordered by a discovery referee, failing to respond to a second motion to compel or to appear at the hearing, and finally serving incomplete responses with general objections prohibited by a discovery order. (*Jerry's Shell v. Equilon Enterprises, LLC, supra, (2005)* 134 Cal.App.4th at pp. 1062-1063.) After the trial court imposed terminating sanctions, the plaintiffs filed a motion to set aside the dismissal under section 473, subdivision (b). The Court of Appeal sustained the trial court's decision.

Though there are some parallels between the present case and *Jerry's Shell*, it should be noted that there are key differences that influenced the Court of Appeals decision, and that plaintiff's counsel's actions under these circumstances do not rise to the same levels of egregious conduct observed in *Jerry's Shell*.

First, in *Jerry's Shell*, the declaration submitted by counsel in support of a Code of Civil Procedure section 473, subdivision (b) motion was directly refuted by the defendants, who presented evidence that plaintiffs' counsel was attending hearings on dates she claimed she was hospitalized and that counsel claimed different hospitalization dates in a declaration in another case. (*Jerry's Shell, supra, (2005)* 134 Cal.App.4th at pgs. 1064-1066.) Second, the Court observed plaintiff's counsel deliberately engaging in "obstructionist tactics." (*Id.*, at 1073.) Third, the Court of Appeal further stated that "[w]hile calling [counsel's] practice a 'strategy' is perhaps too generous a term, there is no question that it resulted in the attorneys having considerable supplemental time to respond to discovery not available to practitioners who follow the rules, while generally risking nothing more severe than an order compelling responses that should have been provided months earlier or an issue sanction on a topic that might never have been proven at trial. When the ultimate sanction of dismissal inevitably reared its head, . . . counsel's obvious plan was to claim attorney fault and revive the claims through a section 473(b) motion for relief." (*Id.*, at 1073-1074.)

Those latter facts are not present under these circumstances, and it can hardly be said that Mendez's attorney under the present circumstances was deliberately trying to obstruct discovery when they provided discovery responses in August 2025, and where Mendez's attorney has not been accused of providing the Court refutable declarations.

Accordingly, based on Ruiz's and Figueroa's declarations, Mendez's motion to set aside dismissal pursuant to Code of Civil Procedure section 473, subdivision (b), due to excusable neglect, 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: DTT **on** 3/24/2026.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: ***Phyllis Bachant v. Joan Bachant***
Superior Court Case No. 22CECG03588

Hearing Date: March 26, 2026 (Dept. 501)

Motion: by Defendants to Dismiss the Action

Tentative Ruling:

The motion with respect to defendant WT Capital Lenders Service is moot.

To deny the motion to dismiss with respect to Joan Bachant.

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

Plaintiff Phyllis Bachant ("plaintiff") commenced this action by filing her Complaint on November 9, 2022. The Complaint named several defendants: Joan C. Bachant ("Joan"),¹ American Title, WT Capital Lenders Service ("WT Capital"), City of Fresno Code Enforcement, Fresno County Tax Collector, Coleman & Horowitz, Fresno County Recorder, Performance Property Management, Modern Woodsman, Nicholas Lucich, Jr., and Debra Berg.

Plaintiff dismissed several defendants on June 12, 2025, and filed a First Amended Complaint on June 12, 2025, which only named two defendants: Joan and WT Capital. Service on Joan was attempted in July 2025, but the proof of service was rejected by the court as being defective. (Defendants' Moving Papers at 2:4-6.)

WT Capital was served on January 12, 2026. That service was also noted as defective by the court. Joan Bachant was served on January 9, 2026. (Defendants' Moving Papers at 2:7-9.)

Defendants Joan and WT Capital filed this motion to dismiss pursuant to Code of Civil Procedure section 583.250 because the summons and complaint were not served on any defendant within three years after the action was commenced and a valid proof of service of summons was not filed within 60 days after service within the three-year period in accordance with Code of Civil Procedure section 583.210.

Under Code of Civil Procedure section 583.210, "[t]he summons and complaint shall be served upon a defendant within three years after the action is commenced against the defendant. For the purpose of this subdivision, an action is commenced at

¹ The court uses defendant's given name for clarity as she share the same last name as plaintiff. No disrespect is intended.

the time the complaint is filed. (Code Civ. Proc., § 583.210.) "If service is not made in an action within the time prescribed in this article: (1) The action shall not be further prosecuted and no further proceedings shall be held in the action. (2) The action shall be dismissed by the court on its own motion or on motion of any person interested in the action, whether named as a party or not, after notice to the parties." (Code Civ. Proc., § 583.250, subd. (a).) "The requirements of this article are mandatory and are not subject to extension, or exception except as expressly provided by statute." (Code Civ. Proc., § 583.250, subd. (b).)

Plaintiff does not oppose the motion with respect to WT Capital, and has dismissed WT Capital, per a stipulation with defendants' counsel. (Plaintiff's Opposition papers, pg. 2, FN2.)

Plaintiff opposes the motion with respect to Joan by analogizing her situation to *Gillette v. Burbank Community Hosp.* (1976) 56 Cal.App.3d 430. In *Gillette*, the original complaint was never served, and just before expiration of the three-year period under former Code of Civil Procedure section 581a, "plaintiff through a different attorney filed a 'first amended complaint' " which differed from the original only in its title and in the affixed name of the new attorney. (*Id.* at p. 432.)

Reversing a mandatory dismissal, the Court of Appeal held that service of the original summons rather than an amended one was valid, in part because the amended complaint could "be properly viewed as the original complaint, even though it bore a different title and named a different attorney as counsel for plaintiff." (*Gillette, supra.* 56 Cal.App.3d at p. 434.) The Court of Appeal concluded: "The title of a legal pleading is of less importance than the substance of the message it conveys.... Substance controls form, even in procedure." (*Ibid.*)

Plaintiff provides that on July 20, 2025, Joan was served with the original Summons and First Amended Complaint. (Gordon Decl., ¶16.) The original Summons listed all of the defendants in the original Complaint, most of whom the plaintiff had previously dismissed, and was not titled as a summons for the First Amended Complaint. (Gordon Decl., ¶18.) The proof of service was marked defective by the court for insufficiently identifying the documents served. (*Id.*)

Under these circumstances, the court agrees with plaintiff that mandatory dismissal is not warranted. Though there were defects in the Summons and proof of service of summons, the court agrees that under these circumstances, Bachant substantially complied with the service requirements, similar to *Gillette*.

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: DTT on 3/24/2026.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: **Bee Xiong v. Sidrah Khan, M.D.**
Superior Court Case No. 24CECG02797

Hearing Date: March 26, 2026 (Dept. 501)

Motion: by Defendant Sidrah Khan, M.D. for Summary Judgment

Tentative Ruling:

To grant defendant Sidrah Khan, M.D.'s Motion for Summary Judgment. (Code Civ. Proc., § 437c, subd. (c).)

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

Defendant Sidrah Khan, M.D. ("defendant" or "Dr. Khan") moves for summary judgment on the Complaint² filed by plaintiffs Bee Xiong, Kailan Ntxim Hlub Xiong, Lexie Kaozong Xiong, Emily Kaochia Xiong, Adelynn Hlici Xiong, and Autumn Ntshiab Nag Xiong ("plaintiffs") for medical malpractice. Defendant brings the motion on the grounds that there is no triable issue of material fact. (Code Civ. Proc., § 437c, subd. (c).)

Applicable Laws

As the moving party, defendant bears the initial burden of proof to show that plaintiffs cannot establish one or more elements of their cause of action or to show that there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2).) Only after the moving party has carried this burden of proof does the burden of proof shift to the other party to show that a triable issue of one or more material facts exists – and this must be shown via specific facts and not mere allegations. (*Ibid.*)

Where the moving party produces competent expert opinion declarations showing that there is no triable issue of fact on an essential element of the opposing party's claim (e.g. that a medical defendant's treatment fell within the applicable standard of care), the opposing party's burden is to produce competent expert opinion declarations to the contrary. (*Ochoa v. Pacific Gas & Elec. Co.* (1998) 61 Cal.App.4th 1480, 1487.)

In determining whether any triable issues of material fact exist, the court must strictly construe the moving papers and liberally construe the declarations of the party opposing summary judgment. (*Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 562.) Any doubts as to whether a triable issue of material fact exist are to be resolved in favor of the party opposing summary judgment. (*Ibid.*)

² Defendant's request for judicial notice of the Complaint is granted.

“Failure to file opposition including a separate statement of disputed material facts [...] ‘may constitute a sufficient ground, in the court’s discretion, for granting the motion.’” (*Cravens v. State Bd. of Education* (1997) 52 Cal.App.4th 253, 257, quoting Code Civ. Proc. § 437c, subd. (c).)

Defendant’s Motion for Summary Judgment

Defendant submits that the care and treatment provided to decedent by Dr. Khan was within the applicable standard of care, and that no act or omission by Dr. Khan was a substantial factor in causing decedent’s death.

In support of its motion for summary judgment, defendant provides the declaration of Melissa Nardi, DO (“Dr. Nardi”), a licensed board certified physician and surgeon who is currently an internal medicine hospitalist and medical director. (Nardi Decl., ¶¶ 1, 3.) Dr. Nardi opines that at all relevant times, Dr. Khan provided care and treatment to the decedent that falls within the applicable standard of care. (*Id.*, ¶ 11.) She further opines that to a reasonable degree of medical probability, nothing Dr. Khan did or failed to do was a substantial cause of the decedent’s death. (*Id.*, ¶ 13.)

Dr. Nardi is qualified to render these opinions. Her curriculum vitae is attached to her declaration. (Nardi Decl., ¶ 2, Exh. A.) She reviewed the decedent’s medical records from Community Regional Medical Center (“CRMC”), Kaweah Health Medical Center, and Kaweah Health Rehabilitation Hospital, along with decedent’s death certificate, when formulating her opinions. (*Id.*, ¶ 8.) The medical records from CRMC were certified under oath by the authorized custodian of records for CRMC, Kristy Barrios. (Stmt. of Evidence, Tab 2 [Evidence PDF Part 1, p. 28/812].) The medical records from the Kaweah Health groups were certified under oath by the authorized custodian of records for Kaweah Health, Gabriela Hernandez. (Stmt. of Evidence, Tab 2 [Evidence PDF Part 2, p. 255/646].)

Dr. Nardi’s expert opinion is sufficient to shift the burden to the plaintiffs as to the existence of a triable issue of fact. Plaintiffs, however, filed a statement of non-opposition whereby they do not oppose the motion for summary judgment. They did not file an opposing statement of material fact. Thus, plaintiffs seemingly affirm the merits of defendant Dr. Khan’s motion. (*Cravens v. State Bd. of Education, supra*, 52 Cal.App.4th at p. 257.)

For the foregoing reasons, the motion for summary judgment 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: DTT **on** 3/25/2026.
(Judge’s initials) (Date)

(46)

Tentative Ruling

Re: ***Helen Shergill-Barandalla v. Manco Abbott, Inc.***
Superior Court Case No. 22CECG02338

Hearing Date: March 26, 2026 (Dept. 501)

Motion: by Defendants for Terminating Sanctions and Monetary Sanctions

Tentative Ruling:

To grant defendants' Motion for Terminating Sanctions as to the Complaint filed by plaintiffs Balwinder Kaur and Helen Shergill-Barandalla on August 2, 2022. (Code Civ. Proc., § 2023.030, subd. (d).) The trial date set for April 13, 2026 is vacated, as is the date for the Trial Readiness Conference.

Plaintiffs Balwinder Kaur and Helen Shergill-Barandalla are ordered to pay additional monetary sanctions to counsel for defendants, in the amount of \$1,000.00 each, payable within 20 calendar days of the date of this order, with the time to run from the service of this minute order.

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

Defendants Manco Abbott, Inc. ("Manco"), Kerman Strauss LLC ("Strauss"), and Kerman Leeds and Ross LLC ("Leeds") (collectively "defendants") move for an order of terminating sanctions as to the Complaint³ filed by plaintiffs Balwinder Kaur and Helen Shergill-Barandalla ("plaintiffs"). Additionally, defendants seek monetary sanctions against both plaintiffs.

Applicable Laws

Code of Civil Procedure section 2023.010, subdivision (g) makes "[d]isobeying a court order to provide discovery" a "misuse of the discovery process," but sanctions are only authorized to the extent permitted by each discovery procedure. Sanctions for failure to comply with a court order are allowed only where the failure was willful. (*Biles v. Exxon Mobil Corp.* (2004) 124 Cal.App.4th 1315, 1327.) If there has been a willful failure to comply with a discovery order, the court may strike out the offending party's pleadings or parts thereof, stay further proceedings by that party until the order is obeyed, dismiss that party's action, or render default judgment against that party. (Code Civ. Proc. § 2023.030, subd. (d).)

³ Defendants' requests for judicial notice are granted to the extent they demonstrate that such records exist, but not for the truths of any of the matters asserted therefrom. (*Steed v. Dept. of Consumer Affairs* (2012) 204 Cal.App.4th 112, 120-121.)

Motion for Terminating Sanctions

Defendants move for terminating sanctions as a result of plaintiffs' violation of the discovery orders issued on January 3, 2024 and January 31, 2024. Defendants argue that plaintiffs willfully failed to pay the imposed monetary sanctions, and failed to provide the ordered responses to discovery.

Failure to Pay Monetary Sanctions

Plaintiffs have failed to pay court-ordered monetary sanctions. (Pimentel Decl., ¶ 35.) Generally, no terminating sanctions will be ordered for failure to pay monetary sanctions. Sanctions should not constitute a "windfall" to the requesting party, giving the moving party more than would have been obtained had the discovery been answered. (*Caryl Richards, Inc. v. Superior Court* (1961) 188 Cal.App.2d 300, 305.) Terminating sanctions for a party's nonpayment of the monetary sanctions would constitute a windfall to the moving party, which is not the goal of discovery sanctions. (*Caryl Richards, Inc. v. Superior Court In and For Los Angeles County* (1961) 188 Cal.App.2d 300, 302; *Rutledge v. Hewlett-Packard Company* (2015) 238 Cal.App.4th 1164, 1194.) Orders for monetary sanctions are enforceable as money judgments.

Failure to Respond to Interrogatories and Requests for Production of Documents

If a party fails to obey an order compelling answers or response, "the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction[.]" (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c).) "The court may impose a terminating sanction by [...] An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process." (*Id.*, § 2023.030, subd. (d).)

On January 3, 2024 and January 31, 2024, respectively, the court ordered each plaintiff to serve objection-free responses to defendants' propounded interrogatories and requests for production of documents. To date, plaintiffs have failed to provide any responses to the propounded discovery. (Pimentel Decl., ¶ 33.) Defendants submit that plaintiffs' failure to engage in the discovery process has been willful, detailing the efforts made by defendants to procure responses, settle the case, conduct depositions, and otherwise participate in the litigation; efforts that have not been reciprocated in-kind by plaintiffs. (See Pimentel Decl., generally.) Additionally, plaintiffs have failed to oppose this motion. With the trial date approaching, plaintiffs' failure to engage in the discovery process prejudices defendants.

It appears that plaintiffs are willfully refusing to comply with the court's orders compelling them to answer the discovery requests. It does not appear likely that any lesser sanctions would be effective to obtain compliance, as plaintiffs are failing to demonstrate an interest in responding to discovery or otherwise participating and in the action. Accordingly, the court intends to grant the motion for terminating sanctions.

Additional Monetary Sanctions

Once a motion to compel responses is granted, continued failure to respond may result in further monetary sanctions. (Code Civ. Proc., §§ 2030.290, subd. (c); 2031.300, subd. (c).)

Defendants seek additional monetary sanctions in the amount of \$9,835.00: \$4,917.50 against plaintiff Barandalla and \$4,917.50 against plaintiff Kaur. It is undisputed that plaintiffs did not timely provide responses to the propounded discovery as previously ordered by the court. Thus, bringing this motion was reasonable and within the defendants' rights. However, the amount of sanctions appears to be exceptionally high. The motion is straightforward and without opposition. It is a single motion brought against both plaintiffs. The court intends to grant monetary sanctions at the reduced amount of \$2,000.00, inclusive of the \$60.00 filing fee, with sanctions of \$1,000.00 imposed against each plaintiff.

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: DTT **on** 3/25/2026.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: **Susan Davis v. Hyundai Motor America**
Superior Court Case No. 23CECG04428

Hearing Date: March 26, 2026 (Dept. 501)

Motion: Application by Attorney Leona McFadden to Appear Pro Hac Vice

Tentative Ruling:

To grant.

If oral argument is timely requested, such argument will be entertained on Friday, March 27, 2026, at 9:00 a.m., in Department 501.

Explanation:

The application of Pennsylvania attorney Leona McFadden appears to comply with the requirements set forth by the State Bar of California and rule 9.40 of the California Rules of Court. In addition, from the court's record it appears no opposition has been filed. Therefore, the application 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: DTT on 3/25/2026.
(Judge's initials) (Date)