

**Tentative Rulings for April 23, 2025**  
**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)**

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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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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 502**

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(20)

### Tentative Ruling

Re: **Jaime Lopez v. Jorge Avalos**  
Superior Court Case No. 23CECG02269

Hearing Date: April 23, 2025 (Dept. 502)

Motion: by Plaintiff to Appoint Elisor

### Tentative Ruling:

To grant and appoint the clerk of the court to sign and execute escrow documents necessary to transfer the property to plaintiff.

**Explanation:**

The judgment entered on 7/11/24 provides that defendant "shall complete the sale transaction and transfer the Subject Property to Plaintiffs pursuant to the terms of the agreement entered into and signed by all parties on or about May 10, 2023. [¶] The Court will appoint an elisor to sign the necessary escrow documents to transfer the real property."

Plaintiff now moves for appointment of an elisor to complete escrow documents. The court has the authority to appoint an “elisor”—generally this is the clerk of the court—to sign deeds or other documents where a party refuses to do so. (See *Rayan v. Dykeman* (1990) 224 Cal.App.3d 1629, 1635 and *fn* 2 [finding authority for court's exercise of this power pursuant to Code Civ. Proc., § 128, subd (a)(4)]; see also *Blueberry Properties, LLC v. Chow* (2014) 230 Cal.App.4th 1017, 1021 [accord].) The court therefore appoints the clerk of the court to sign the documents for defendant.

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: KCK on 04/21/25  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Ali Shihadeh v. Maribel Sanchez***  
Superior Court Case No. 24CECG01536

Hearing Date: April 23, 2025 (Dept. 502)

Motions: (1) By Defendant Alberto Herrera for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One from Plaintiff Ali Judeh Shihadeh, and Request for Sanctions;  
(2) By Defendant Alberto Herrera for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One from Plaintiff Fauiz Musabeh, and Request for Sanctions;  
(3) By Defendant Alberto Herrera for an Order to Deem Requests for Admissions, Set One as Admitted by Plaintiff Ali Judeh Shihadeh, and Request for Sanctions; and  
(4) By Defendant Alberto Herrera for an Order to Deem Requests for Admissions, Set One as Admitted by Plaintiff Fauiz Musabeh, and Request for Sanctions

**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 Ali Judeh Shihadeh shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Inspection, Set One, and produce all documents responsive to the Demand for Inspection.

Within ten (10) days of service of the order by the clerk, plaintiff Fauiz Musabeh shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Inspection, Set One, and produce all documents responsive to the Demand for Inspection.

To deny each of the motions seeking an order deeming the truth of matters specified in the Requests for Admission, Set One, without prejudice.

To impose monetary sanctions in the total amount of \$380 against plaintiff Ali Judeh Shihadeh, in favor of defendant Alberto Herrera. Within thirty (30) days of service of the order by the clerk, plaintiff Ali Judeh Shihadeh shall pay sanctions to defendant Alberto Herrera's counsel.

To impose monetary sanctions in the total amount of \$380 against plaintiff Fauiz Musabeh, in favor of defendant Alberto Herrera. Within thirty (30) days of service of the

order by the clerk, plaintiff Fauiz Musabeh shall pay sanctions to defendant Alberto Herrera's counsel.

### **Explanation:**

On January 30, 2025, defendant Alberto Herrera ("Defendant") served the discovery at issue on each of plaintiffs Ali Judeh Shihadeh and Fauiz Musabeh (collectively "Plaintiffs"). (Reyes Decl., ¶ 4.)<sup>1</sup> As of the filing of the motions to compel, no responses have been served. (*Id.*, ¶ 6.) No opposition was filed.

#### *Initial Responses to Interrogatories and Inspection Demand*

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.) To date, Defendant has received no response to interrogatories and demands for inspection. Accordingly, an order compelling Plaintiffs to provide initial 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*

On March 19, 2025, Defendant filed and served a motion seeking an order that the truth of any matter specified in the requests be deemed admitted pursuant to Code of Civil Procedure section 2033.280, subdivision (b). Though Defendant submits a declaration in support of service of Request for Admissions, Set One, the moving papers do not attach the Request for Admissions, Set One. Accordingly, the court is unable to determine what would be the deemed admissions. The motion for deemed admissions is denied as to each of Plaintiffs, without prejudice.

#### *Sanctions*

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (*Id.*, §§ 2030.290, subd. (c), 2031.300, subd. (c), 2033.280, subd. (c).) As no opposition was filed, the court finds no circumstances that would render the mandatory sanctions unjust. The court finds counsel's rate of \$200 per hour reasonable, and imposes sanctions in the total amount of \$400 reflecting 2 hours of time and, as sought, \$60 in filing fees for the six meritorious motions, in favor of Defendant, and against Plaintiffs. Accordingly, monetary sanctions are imposed in the amount of \$380 against each of plaintiffs Ali Judeh Shihadeh and Fauiz Musabeh.

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<sup>1</sup> While references are made to attached exhibits, no exhibits were attached.

