

Tentative Rulings for May 14, 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.

23CECG02097 *Matthew Stevens v. Delray Tire & Retreading, Inc.* is continued to Thursday, June 25, 2026, at 3:30 p.m. in Department 403.

25CECG03657 *Mayra Aguirre v. General Motors, LLC* is continued to Thursday, June 25, 2026, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 501

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Tentative Ruling

Re: ***Wheeler v. Spane et al.***
Superior Court Case No. 25CECG02378

Hearing Date: May 14, 2026 (Dept. 501)

Motion: by Plaintiffs to Compel Further Discovery Responses From
Defendants Mike and Holly MacNeill

Tentative Ruling:

To grant the motion to compel further responses from Mike and Holly MacNeill to Responses to Requests for Production of Documents, Set One; Form Interrogatories, Set One; Special Interrogatories, Set One; and Request For Admissions, Set One. To impose in the amount of \$4,225 in sanctions against Mike and Holly MacNeill. The MacNeills shall provide further verified responses without objection (except as noted below), produce all responsive documents and pay sanctions to plaintiffs' counsel within 30 days of service of the order by the clerk.

If oral argument is timely requested, such argument will be entertained on Tuesday, May 26, 2026, at 3:30 p.m. in Department 501.

Explanation:

Plaintiffs move to compel further responses from Mike and Holly MacNeill ("MacNeills") to Form Interrogatories, Set One, Request for Admission, Set One, Special Interrogatories, Set One, and Request for Production of Documents, Set One.

The MacNeills' opposition deadline was May 1, 2026. (Code Civ. Proc., § 1005, subd. (b) [opposition papers due nine court days before the hearing].) The opposition papers were not filed on May 5, leaving plaintiffs less than 48 hours to file their reply to what is essentially four motions. The court will disregard the late-filed opposition. (See Cal. Rules of Court, rule 3.1300(d) [the court may refuse to consider a late filed paper]; *Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 261-262 [affirming a trial court acted within its discretion by refusing to consider defendants' late-filed opposition papers and made no attempt to seek leave to file a late opposition or demonstrate good cause for having failed to adhere to the applicable deadline].)

The burden is on the responding party to justify any objection or failure fully to answer the discovery. (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-221; *Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255.) With no opposition, there is no justification for the objections. Having reviewed the discovery requests and responses, it is apparent that the MacNeills have been unreasonably obstructionist in refusing to provide responses to straightforward discovery requests. As an example of the unreasonableness of the MacNeills' objections, they refused to admit or deny that the own or live in the property located at 2762 Loyola Avenue. (RFA Nos. 1, 2.)

For the reasons stated in the moving papers, the motion is granted in full, though the MacNeills will not be required to provide privileged communications between them and their attorneys. (Evid. Code, § 954.) However, information is not privileged simply because it was conveyed to counsel. All other information requested must be provided. The MacNeills must provide further verified responses omitting all objections but attorney-client privilege if it is applicable.

It is a misuse of the discovery process to fail to respond or submit to an authorized method of discovery. (Code Civ. Proc., § 2023.010, subd. (d).) The court intends to impose reasonable sanctions to compensate plaintiffs for the reasonable attorneys' fees incurred in bringing the motion (see *Kravitz v. Superior Court* (2001) 91 Cal.App.4th 1015, 1021) in the amount of \$4,225. (See Christofferson Decl., ¶ 16.)

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 5/11/2026.
(Judge's initials) (Date)

