

Tentative Rulings for May 21, 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.

24CECG02622 *Zenith Insurance Company v. Jose Valencia* is continued to Thursday, July 2, 2026, at 3:30 p.m. in Department 502.

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Tentative Rulings for Department 403

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(03)

Tentative Ruling

Re: **Williams v. Afarian**
Case No. 24CECG04901

Hearing Date: May 21, 2026 (Dept. 403)

Motion: Defendant Fresno Community Hospital's Motions to Compel Initial Responses to Discovery from Plaintiffs Barbara Aliane Williams and Vicki La Chon Cole and Request for Monetary Sanctions

Tentative Ruling:

To grant defendant Fresno Community Hospital's motions to compel plaintiffs Barbara Aliane Williams and Vicki La Chon Cole to provide initial responses without objections to defendant's form interrogatories, special interrogatories, and requests for production, set one. To grant defendant's request for sanctions against plaintiffs, in the amount of \$525 against each plaintiff.

Plaintiffs shall serve their verified responses without objections within ten days of the date of service of this order. Plaintiffs shall pay sanctions within 30 days of the date of service of this order.

If oral argument is timely requested, it will be entertained on Thursday, May 28, 2026, at 3:30 p.m. in Department 403.

Explanation:

Plaintiffs have failed to respond to any of the discovery requests of defendant Fresno Community Hospital and Medical Center, dba Community Regional Medical Center (CRMC), despite the passage of more than a year since the requests were served. All extensions of time have now expired and plaintiffs' counsel has withdrawn from representing plaintiffs, yet plaintiffs have still failed to serve any responses to any of the requests. Therefore, plaintiffs are subject to being ordered to provide initial responses to the discovery, without objections. (Code Civ. Proc., §§ 2030.290; 2031.300.)

The court will also grant the defendant's request for sanctions against plaintiffs, as sanctions are mandatory where a party fails to respond to discovery and the failure to respond is unjustified. (Code Civ. Proc., § 2030.290, subd. (c); 2031.300, subd. (c).) Here, plaintiffs have not made any attempt to show that their failure to respond was justified, or that other circumstances would make imposition of sanctions unjust. The requested amount of sanctions is also reasonable. Therefore, the court intends to grant sanctions of \$525 against each plaintiff and in favor of defendant CRMC.

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

(03)

Tentative Ruling

Re: **Harry v. WinCo Holdings, Inc.**
Case No. 24CECG00482

Hearing Date: May 21, 2026 (Dept. 403)

Motion: Plaintiff's Motions to Compel Further Responses to Form Interrogatories and Requests for Production, and for Monetary Sanctions

Tentative Ruling:

To deny plaintiff's motions to compel further responses to form interrogatories and requests for production and the request for monetary sanctions, as the motions were not timely served and filed. (Code Civ. Proc., §§ 2030.300, subd. (c); 2031.310, subd. (c).)

If oral argument is timely requested, it will be entertained on Thursday, May 28, 2026, at 3:30 p.m. in Department 403.

Explanation:

Under Code of Civil Procedure section 2031.310, subdivision (c), "Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the demanding party and the responding party have agreed in writing, the demanding party waives any right to compel a further response to the demand." Section 2030.300 contains an identical 45-day time limit for bringing motions to compel further responses to interrogatories. (Code Civ. Proc., § 2030.300, subd. (c).)

The 45-day deadline to bring a motion to compel is mandatory. The court has no jurisdiction to grant a motion brought after the deadline has run, and such an untimely motion must be denied. (*Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 137; *Vidal Sassoon, Inc. v. Superior Court* (1983) 147 Cal.App.3d 683.)

Here, defendant served its responses to the discovery requests on November 2, 2025. The parties then agreed to a number of extensions of time to bring motions to compel while they met and conferred, with the final extension expiring on February 9, 2025. The parties were ultimately unable to resolve their dispute, and plaintiff filed her request for a pretrial discovery conference on February 9, 2026, the same day the deadline to bring the motions expired.

The filing of the request for pretrial discovery conference tolled the deadline to bring a motion to compel until the court ruled on the request. (Fresno Sup. Ct. Local Rules, Rule 2.1.17 G.) The court denied the request and granted leave to file the motions to compel on February 23, 2026. The court noted that the deadline was tolled for the time that the request had been pending, which the court calculated to be 14 days. The court's order was served electronically on February 23, 2026. Thus, plaintiff had until February 25, 2026 in which to file and serve the motions to compel.

