

Tentative Rulings for June 1, 2023
Department 503

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.*

21CECG00132 *Alvarado v. Bijioux Luxe, LLC*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

21CECG00731 *Paul Denham v. K. Powell* is continued to Tuesday, June 27, 2023, at 3:30 p.m. in Department 503

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Tentative Ruling

Re: **S.C. v. County of Fresno**
Superior Court Case No. 22CECG03629

Hearing Date: ~~June 1, 2023~~ (Dept. 503) See below.

Motion: Demurrer to complaint by defendant County of Fresno

Tentative Ruling:

To continue the motion to Thursday, June 29, 2023, at 3:30 p.m. in Department 503, to allow the parties to submit further briefing. The following briefing schedule will apply: Defendant shall file its supplemental brief on or before June 13, 2023; plaintiff shall file his supplemental response on or before June 20, 2023. The supplemental briefs shall not exceed five pages in length.

Explanation:

The County of Fresno demurs to the complaint on several grounds, including a contention that the complaint is uncertain as to plaintiff's identity. Plaintiff cites *Starbucks Corp. v. Superior Court* (2008) 168 Cal.App.4th 1436 (*Starbucks*), wherein the court noted the "judicial use of 'Doe plaintiffs' to protect legitimate privacy rights has gained wide currency, particularly given the rapidity and ubiquity of disclosures over the World Wide Web." (*Id.* at p. 1452, fn. 7.) But in *Starbucks*, the court did not decide the appropriate standards or mechanisms for protective nondisclosure of identity in California, because the matter was not before the court. (*Ibid.*) The County acknowledges that plaintiffs may use pseudonyms in a variety of situations, including sexual assault cases, but argues that plaintiff fails to address whether this court permitted the anonymous filing.

The court requires further briefing on the necessary procedure for a plaintiff to proceed via pseudonym and the steps taken, if any, by S.C. to file his complaint and proceed anonymously. There is a recent opinion that provides pertinent guidance: *Department of Fair Employment and Housing v. Superior Court* (2022) 82 Cal.App.5th 105, 110-111 and footnote 1 (discussing motion to proceed under fictitious name and noting procedure to proceed anonymously). Neither party cited this recent case. Therefore, the parties should have an opportunity to direct their arguments to this case before the court rules on the merits.

Pursuant to California Rules of Court, rule 3.1312 and Code of Civil Procedure section 1019.5(a), no further written order is necessary. The minute order adopting this ruling will serve as the order of the court, and service by the clerk of the minute order will constitute notice of the order.

Tentative Ruling

Issued By: jyh on 5/31/23 .
(Judge's initials) (Date)