

Tentative Rulings for June 18, 2026
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)

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.

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Tentative Rulings for Department 502

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(03)

Tentative Ruling

Re: **Rodriguez v. Nazarikangarlu**
Case No. 18CECG03131

Hearing Date: June 18, 2026 (Dept. 502)

Motion: Plaintiff's Motion to Continue Pending Action in the Name of Decedent's Successor in Interest

If oral argument is timely requested, it will be entertained on Thursday, June 25, 2026, at 3:30 p.m. in Department 502.

Tentative Ruling:

To grant plaintiff's motion to continue the action in the name of decedent's successor in interest, Paulean Macias. (Code Civ. Proc., §§ 377.31, 377.32.) To take the October 12, 2026 trial date off calendar. To calendar a trial setting conference on October 12, 2026 at 3:30 p.m. in Department 502.

Explanation:

"Except as otherwise provided by statute, a cause of action for or against a person is not lost by reason of the person's death, but survives subject to the applicable limitations period." (Code Civ. Proc., § 377.20, subd. (a).) Also, "A pending action or proceeding does not abate by the death of a party if the cause of action survives." (Code Civ. Proc., § 377.21.)

However, in order to prosecute the causes of action, another person must be substituted into the action in place of the deceased plaintiff. "On motion after the death of a person who commenced an action or proceeding, the court shall allow a pending action or proceeding that does not abate to be continued by the decedent's personal representative or, if none, by the decedent's successor in interest." (Code Civ. Proc., § 377.31.) "For the purposes of this chapter, 'decedent's successor in interest' means the beneficiary of the decedent's estate or other successor in interest who succeeds to a cause of action or to a particular item of the property that is the subject of a cause of action." (Code Civ. Proc., § 377.11.)

Under Code of Civil Procedure section 377.32,

(a) The person who seeks to commence an action or proceeding or to continue a pending action or proceeding as the decedent's successor in interest under this article, shall execute and file an affidavit or a declaration under penalty of perjury under the laws of this state stating all of the following:

- (1) The decedent's name.
- (2) The date and place of the decedent's death.

(3) "No proceeding is now pending in California for administration of the decedent's estate."

(4) If the decedent's estate was administered, a copy of the final order showing the distribution of the decedent's cause of action to the successor in interest.

(5) Either of the following, as appropriate, with facts in support thereof:

(A) "The affiant or declarant is the decedent's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and succeeds to the decedent's interest in the action or proceeding."

(B) "The affiant or declarant is authorized to act on behalf of the decedent's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) with respect to the decedent's interest in the action or proceeding."

(6) "No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action or proceeding."

(7) "The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

...

(c) A certified copy of the decedent's death certificate shall be attached to the affidavit or declaration. (Code Civ. Proc. 377.32.)

"Because a trial cannot proceed without adverse parties, judgment cannot be given for or against a decedent, or for or against the decedent's personal representative, until the personal representative has been made a party by substitution." (4 Witkin, Cal. Procedure, Pleading (5th ed. 2008) § 259, p. 334.)

Here, plaintiff died on October 10, 2025. Therefore, while her pending case may continue, a successor in interest must be appointed to prosecute the case in place of the decedent plaintiff. Plaintiff's successor in interest, Paulean Macias, has complied with the requirements of section 377.32 by submitting a declaration that provides the information required under the statute as well as a certified copy of plaintiff's death certificate. Therefore, the court intends to grant the motion to allow the action to continue to be prosecuted by the decedent's successor in interest.

Finally, the court intends to vacate the trial date of October 12, 2026 and set a date to discuss setting a new trial date. As defendant Dr. Dhawan states, the case has been substantially delayed due to the appeal, plaintiff's death, and the need to bring the motion to substitute a successor in interest to continue prosecuting the case. Therefore, it does not appear that the case is ready to go to trial in October. Instead, the court will vacate the trial date and calendar a trial setting conference to discuss setting a new trial date.

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

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Tentative Ruling

Re: ***Perry-Lara v. Bhandal***
Superior Court Case No. 23CECG04312

Hearing Date: June 18, 2026 (Dept. 502)

Motion: By Defendants for Terminating Sanctions

If oral argument is timely requested, it will be entertained on Thursday, June 25, 2026, at 3:30 p.m. in Department 502.

Tentative Ruling:

To grant the request for terminating sanctions. (Code Civ. Proc., § 2030.290, subd. (c).) To strike plaintiff's complaint and dismiss the action against defendants Jagrup Singh Bhandal and JGB Properties, Inc., doing business as Abby Arco. Defendants shall submit a proposed judgment consistent with the Court's order within 10 days.

Explanation:

Once a motion to compel discovery is granted, continued failure to comply may support a request for more severe sanctions. 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. For failure to obey the court's discovery orders, the court may:

"[M]ake those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010). In lieu of or in addition to that sanction, the court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010)..."

(Code Civ. Proc. §§ 2025.450, subd. (d) [depositions]; 2030.290, subd. (c) [interrogatories]; and 2031.300, subd. (c) [production demands].)

On June 4, 2025, defendants propounded discovery on plaintiff. Following a meet and confer correspondence, an extension was granted to July 23, 2025 for the responses. None were provided. On December 10, 2025, the Court ordered plaintiff to respond to the discovery and pay \$320 in sanctions. Plaintiff has failed to do either nor has she opposed this motion.

There is evidence that plaintiff has engaged in misuse of the discovery process. Lesser sanctions have proven ineffective in compelling plaintiff to comply with the discovery requests. There is no indication that any more time or any lesser sanction will result in plaintiff responding to the outstanding discovery or complying with the prior court

(03)

Tentative Ruling

Re: ***Arredondo v. Saint Agnes Medical Center***
Case No. 25CECG04529

Hearing Date: June 18, 2026 (Dept. 502)

Motion: Plaintiff's Motions to Compel Further Responses to Special Interrogatories (Set One), Requests for Production (Set One), and Requests for Admission (Set One), and for Sanctions

If oral argument is timely requested, it will be entertained on Thursday, June 25, 2026, at 3:30 p.m. in Department 502.

Tentative Ruling:

To deny plaintiff's motions to compel further responses to discovery, and her request for monetary sanctions against defendant. (Code Civ. Proc., §§ 2030.300; 2031.310; 2033.290.)

Explanation:

The court intends to deny plaintiff's motions to compel further responses, as well as the request for sanctions. Plaintiff did not obtain leave of court before filing her motions to compel further responses, so the court will not hear their merits.

Under Fresno Superior Court Local Rules, rule 2.1.17 A, "No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied **and permission to file the motion is granted via court order...**" (Emphasis added.) The rule applies to motions to compel further responses.

Here, plaintiff filed a request for a pretrial discovery conference with the court, and the court denied the request on February 9, 2026 for failure to adequately meet and confer on the dispute. (See Minute Order dated February 9, 2026.) However, the court did not expressly grant leave to file the motions to compel. The box that would allow plaintiff to file her motions was left blank. (*Ibid.*) Therefore, plaintiff did not receive permission from the court to bring her motions to compel further responses, and the motions are not properly before the court. As a result, the court will not hear the merits of the motions. Instead, the court intends to deny the motions for failure to obtain leave to file them.

The court will also deny plaintiff's request for monetary sanctions, as plaintiff has not prevailed on the underlying motions to compel so there is no basis for a sanctions order. In addition, even if the motions had been granted, the court would still deny the request for sanctions because plaintiff is in *pro per*, and thus she is not entitled to recover attorney's fees for her work done on the motions. (*Trope v. Katz* (1995) 11 Cal.4th 274, 292.) At most, if plaintiff had prevailed on her motions, she could recover her actual court

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Tentative Ruling

Re: **Barboza v. Home Depot U.S.A., Inc.**
Superior Court Case No. 25CECG00742

Hearing Date: June 18, 2026 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

**If oral argument is timely requested, it will be entertained on
Thursday, June 25, 2026, at 3:30 p.m. in Department 502.**


Tentative Ruling:

To grant the petition and sign the proposed orders. No appearances necessary.

The court sets a status conference for Thursday, September 17, 2026, at 3:30 p.m., in Department 502, for confirmation of deposit of claimant's funds into the blocked account. If petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come off calendar.

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:  on 6-17-26 .

(Judge's initials)

(Date)