

Tentative Rulings for June 26, 2025
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.

23CECG05097	<i>Anthony Godines v. MVED, Inc.</i> is continued to Tuesday, September 9, 2025 at 3:30 p.m. in Department 501
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Tentative Rulings for Department 501

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(03)

Tentative Ruling

Re: ***Blasingame v. Blasingame***
Case No. 24CECG02127

Hearing Date: June 26, 2025 (Dept. 501)

Motion: by Defendant for Terminating, Evidence, or Issue
Sanctions

Tentative Ruling:

To deny the motion for terminating, evidence, or issue sanctions, without prejudice.

If oral argument is timely requested, such argument will be entertained on Friday, June 27, 2025, at 9:00 a.m. in Department 501.

Explanation:

Defendant alleges that plaintiffs have failed to serve verified responses to the discovery served on them by defendant, even after the court ordered them to do so. Therefore, defendant has moved for terminating sanctions dismissing plaintiffs' Complaint or, in the alternative, issue or evidence sanctions.

However, defendant has not submitted a signed declaration under penalty of perjury to support the motion. Defense counsel has filed her own declaration to support the motion, but it is unsigned. As a result, there is no admissible evidence showing that plaintiffs have not complied with the court's order compelling them to provide responses to the discovery requests within 20 days. (See Code Civ. Proc., § 2015.5, setting forth requirements for admissible declarations, including that they must be signed under penalty of perjury.) Declarations that do not comply with all of the requirements of section 2015.5 are not admissible evidence. (*Kulshrestha v. First Union Commercial Corp.* (2004) 33 Cal.4th 601, 609.)

Also, defense counsel did not sign the notice of motion, which is a violation of Code of Civil Procedure section 128.7, subdivision (a). "Every pleading, petition, written notice of motion, or other similar paper shall be signed by at least one attorney of record in the attorney's individual name... An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party." (Code Civ. Proc., § 128.7, subd. (a).) Thus, the motion is not properly before the court and is subject to being stricken.

Consequently, the court intends to deny the motion for lack of supporting evidence and failure to sign the notice of motion. The court will deny the motion without

prejudice, as it appears that defense counsel could easily cure the aforementioned defects.

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** 6/13/2025.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: **Correia v. The Board of Trustees of the California State University**
Superior Court Case No. 23CECG00658

Hearing Date: June 26, 2025 (Dept. 501)

Motion: by Plaintiff Calliope Correia for an Order Compelling Further Responses from Defendant The Board of Trustees of the California State University to First Request for Production of Documents; and Request for Sanctions

Tentative Ruling:

To continue the matter to August 7, 2025, 3:30 p.m. in Department 501. Supplemental briefing is authorized on this occasion only. Plaintiff Calliope Correia may file a supplemental brief on or before July 16, 2025, by 5:00 p.m. Defendant The Board of Trustees of the California State University may file a supplemental response on or before July 23, 2025, by 5:00 p.m.

If oral argument is timely requested, such argument will be entertained on Friday, June 27, 2025, at 9:00 a.m. in Department 501.

Explanation:

On a prior order to compel initial responses, defendant The Board of Trustees of the California State University ("defendant") was directed to serve responses to plaintiff Calliope Correia ("plaintiff") on her First Request for Production of Documents without objections, and to produce all documents responsive to the request. On July 31, 2024, defendant served initial responses with objections and produce some documents. On October 10, 2024, plaintiff requested a Pretrial Discovery Conference. On October 25, 2024, the court denied the request, and granted leave to file the instant motion. On November 12, 2024, plaintiff filed a motion to compel further responses. On January 16, 2025, the motion was denied as moot based on counsel's representations that amended responses were served after the filing of the motion. Following a procedural defect, on May 8, 2025, plaintiff filed the instant motion.

On what responses and regarding which requests for production, plaintiff does not clearly state in her moving papers. Plaintiff does not submit, *as required*, a separate statement identifying what she wishes to place at issue. (Cal. Rules of Ct., rule 3.1345(a)(3), (c).)

The parties acknowledge that defendant served amended responses on November 25, 2024. (E.g., Dimitre Decl., Ex. 19.) It appears generally uncontested that this motion is in regards to the amended responses served on November 25, 2024. Plaintiff suggests that some, or all, of her requests, sought classes of items that would have responsive documents predating 2019.

While the moving papers purport to attach the amended responses to this motion at Exhibit 19 to the declaration of Thomas Dimitire, a careful review of the identified exhibit, as well as all exhibits attached to the declaration, do not reveal any documents that are the amended responses. The amended responses do not appear to be in evidence. Whether the responses, as plaintiff suggests, unjustifiably limits the scope from the request, the court is unable to ascertain.

In spite of the above defects in the moving papers, defendant's opposition does not appear to contest some intent not to produce records predating 2019. (See Fields Decl., ¶¶ 11, 13.) Rather, defendant submits, among other things, that it has filed for a protective order regarding the same. The court notes that the motion on the protective order is set for hearing on August 7, 2025. Accordingly, this motion is continued to be heard concurrently with the motion for a protective order. Rather than speculate on what is at issue on this motion to compel, noting the long and contentious nature between the parties surrounding this discovery dispute, the court authorizes supplemental briefing *on this occasion only*. In the supplemental briefing, the parties are directed to specify, as required by the California Rules of Court, "all the information necessary to understand each discovery request and all the responses to it that are at issue" and identify what request, by number. (Cal. Rules of Ct., rule 3.1345(c), (d).)

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** 6/25/2025.
(Judge's initials) (Date)