

**Tentative Rulings for June 6, 2023**  
**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)**

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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.*

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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 begin at the next page)

## **Tentative Rulings for Department 502**

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**Tentative Ruling**

Re: ***Gloria Maravilla v. The Estate of Ofer Sendowski***  
Superior Court Case No. 21CECG00836

Hearing Date: June 6, 2023 (Dept. 502)

Motion: Defendant The Estate of Ofer Sendowski's Motions for Orders Compelling Plaintiffs Gloria Maravilla, Maria Muratilla De Maravilla, Ruben Maravilla Ochoa, Refugio Maravilla, and Isaac Antonio Perez Maravilla's Responses to Form Interrogatories, Special Interrogatories, and Demand for Production, and for Monetary Sanctions

**Tentative Ruling:**

To grant and to award monetary sanctions in the total amount of \$1,075.00 against plaintiffs Gloria Maravilla, Maria Muratilla De Maravilla, Ruben Maravilla Ochoa, Refugio Maravilla, and Isaac Antonio Perez Maravilla (by and through his guardian ad litem, Gloria Maravilla), jointly and severally, payable within 20 days of the date of this order, with the time to run from the service of this minute order by the clerk.

Plaintiffs Gloria Maravilla, Maria Muratilla De Maravilla, Ruben Maravilla Ochoa, Refugio Maravilla, and Isaac Antonio Perez Maravilla (by and through his guardian ad litem, Gloria Maravilla) shall serve verified responses without objections, to defendant's Form Interrogatories (Set One), Special Interrogatories (Set One), and Demand for Production (Set One), no later than 20 days from the date of this order, with the time to run from the service of this minute order by the clerk.

**Explanation:**

Interrogatories and Document Production

Plaintiffs have had ample time to respond to the discovery propounded by defendant, and none have done so. Failing to respond to discovery within the 30-day time limit waives objections to the discovery, including claims of privilege and work product protection. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a); see *Leach v. Sup.Ct. (Markum)* (1980) 111 Cal.App.3d 902, 905-906.)

Monetary Sanctions

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (Code Civ. Proc., §§ 2030.290, subd. (c) [interrogatories], 2031.300, subd. (c) [document demands].) No opposition was filed, so no facts were presented to warrant finding sanctions unjust. The sanction amount awarded does not include the time for responding to an opposition and for appearing at the hearing, as this proved unnecessary. The sanction amount represents one hour for preparation of the moving papers at the hourly

rate of \$175.00, as indicated in the declaration of defendant's counsel, Katherine N. Smith, and the cost of filing these motions.

Therefore, the total amount of sanctions awarded is \$1,075.00 (\$175.00 for preparation of the moving papers and \$900.00 for the costs).

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: KCK on 06/01/23  
(Judge's initials) (Date)

(29)

### Tentative Ruling

Re: **Emilio Alvarez v. Maria Urias**  
Superior Court Case No. 21CECG03675

Hearing Date: June 6, 2023 (Dept. 502)

Motion: Petition to Approve Compromise of Disputed Claim of Minor

### Tentative Ruling:

To grant. Order signed. No appearances necessary.

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: KCK on 06/05/23.  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Kuldeep Dhaliwal v. Joginder Singh, M.D.***  
Superior Court Case No. 21CECG02225

Hearing Date: June 6, 2023 (Dept. 502)

Motion: By Plaintiffs to Appoint Receiver

**Tentative Ruling:**

To grant and appoint Thorton Davidson as receiver.

**Explanation:**

A receiver may be appointed by the court in which an action or proceeding is pending between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff and where it is shown that the property or fund is in danger of being lost, removed, or materially injured. (Code Civ. Proc., § 564, subd. (b)(1).) A receiver may also be appointed in all other cases where necessary to preserve the property or rights of any party. (Code Civ. Proc., § 564, subd. (b)(9).)

The appointment of a receiver rests in the sound discretion of the court. (*Alhambra-Shumway Mines, Inc. v. Alhambra Gold Mine Corp.* (1953) 116 Cal.App.2d 869, 873.) Because the remedy of receivership is drastic in character, if there is any other remedy, less severe in its results, which will adequately protect the rights of the party, the property may remain in the hands of the owners. (*Ibid.*) However, the existence of other remedies alone does not preclude the appointment of a receiver. (*Sibert v. Shaver* (1952) 113 Cal.App.2d 19, 21.) The moving party seeking a receiver must demonstrate: a joint interest in the property; that the property is in danger of being lost, removed, or materially injured; and that the moving party's right to possession is probable. (*Alhambra-Shumway, supra*, 116 Cal.App.2d at p. 873.)

Here, there is no dispute of a joint venture, I-5 Jayne Partners, LLC ("I5JP"). Nor is there a dispute that plaintiffs own approximately 30 percent of the property of the joint venture, and therefore have a right to possession. The only dispute is whether the property is in danger of being lost, removed, or materially injured, sufficiently stated to warrant the imposition of a receiver.

Plaintiffs Kuldeep Dhaliwal and Harbans Dhaliwal ("plaintiffs") submit a number of events. First, plaintiffs demanded an accounting in 2015. (Dhaliwal Decl., ¶ 5.) Defendants Joginder Singh and Mandeep Singh ("defendants") argue that the age of the demand does not support the instant motion. The court agrees with defendants.

Plaintiffs submit that since July 2021, defendant Joginder Singh began paying himself \$6,000 per month as management pay without authorization. (Dhaliwal Decl., ¶ 8; Plaintiffs' Evidence in Support, Exs. 4, 5.) Though defendants argue that plaintiffs have done the same in the past, the issue remains that unauthorized expenses appear to be ongoing.

Based on the above, the court finds that plaintiffs have sufficiently demonstrated that I5JP is in danger of being materially injured. Defendants' opposition reinforces the conclusion that the management and operation of I5JP, in the hands of either plaintiffs or defendants, is contentious and risks further deterioration while the parties attempt to resolve the present disputes.

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.

Issued By: KCK on 06/05/23.  
(Judge's initials) (Date)

2 Plaintiffs' Objections to Declaration of Joginder Singh are overruled, except as to Objection No. 5, which is sustained for hearsay.