

Tentative Rulings for July 3, 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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(03)

Tentative Ruling

Re: ***Sella v. Acco Engineered Systems, Inc.***
Case No. 23CECG05158

Hearing Date: July 3, 2025 (Dept. 501)

Motion: by Plaintiff to Compel Further Responses to Request for
Production of Documents, Set Two, and Request for Sanctions

Tentative Ruling:

To grant plaintiff's motion to compel further responses to request for production of documents, set two, number 50. To deny the motion to compel a further response to request numbers 51 and 52. To deny plaintiff's request for sanctions against defendant. Defendant shall serve further responses to request number 50 within ten days of the date of service of this order.

Explanation:

Plaintiff moves to compel further responses to requests for production, set two, numbers 50, 51 and 52.

Request No. 50 seeks "All daily reports prepared by PLAINTIFF for the period of April 1, 2023, through June 30, 2023." Defendant responded with various objections, including vagueness, overbreadth, and relevance. Defendant contends that the request is vague and overbroad because plaintiff has not defined the phrase "daily reports" and thus defendant has no way of knowing which documents are responsive to the request. Defendant also contends that plaintiff has not shown that the reports are relevant or likely to lead to the discovery of admissible evidence related to his claims. Therefore, defendant has refused to produce any documents responsive to the request.

However, plaintiff has explained in his motion that he was required to file daily reports about his work to his supervisor, Phil Onatanian. Plaintiff also explains that the reports are relevant to show his essential job functions, which are relevant to his disability discrimination and denial of reasonable accommodation claims. Also, plaintiff states that he reported illegal conduct by his supervisor in the daily reports, as well as in emails to management. Therefore, plaintiff has shown that his daily reports are relevant to the subject matter of his claims or reasonably likely to lead to the discovery of admissible evidence, as they contain information about his job duties, and they would also tend to support his claim that he was retaliated against because he made reports about his supervisor's allegedly illegal activities.

In addition, while defendant claims that it does not know what the term "daily reports" means in this context, plaintiff he stated that he was required to file daily reports to his supervisor, so defendant clearly knew what he means when he refers to "daily reports." Plaintiff's job description also contains numerous references to "daily reports", which supports plaintiff's contention that defendant knows what a "daily report" is.

(Exhibit 5 to Suppl. Decl. of Hines.) Therefore, the court intends to order defendant to provide a further response with regard to Request No. 50.

Request No. 51 seeks “All DOCUMENTS prepared by Phil Onatanian regarding, referring, or relating to PLAINTIFF.” Defendant contends that the request is too vague and overbroad for it to reasonably respond to, as well as potentially requiring the production of thousands of irrelevant documents that merely tangentially refer or relate to plaintiff.

It does appear that the request is overbroad and vague since it would require production of documents that “relate” or “refer” to plaintiff, regardless of whether they have any bearing on his claims. The request would potentially require the production of a large number of irrelevant documents that might refer to or relate to plaintiff simply because he happened to have worked on a project, regardless of whether they are related to his claims. The request is also not limited in any way as to time, so it could potentially require production of documents from any time from plaintiff’s hiring until his firing, even though he did not start making complaints about his supervisor or claiming a disability until April 2023, about two months before he was terminated. Thus, the request is vague and overbroad, as well as seeking documents that are not related to the subject matter of the action and are not likely to lead to the discovery of admissible evidence. As a result, the court intends to deny the motion to compel with regard to Request No. 51.

Request No. 52 seeks “All emails prepared by Phil Onatanian regarding, referring, or relating to PLAINTIFF.” Defendant contends that the request is too vague and overbroad for it to reasonably respond to, as well as potentially requiring the production of thousands of irrelevant emails that merely tangentially refer or relate to plaintiff. Also, defendant contends that it would be unduly burdensome to have to search the electronic database for all emails that might merely relate to or refer to plaintiff, regardless of whether they contain any information relevant to his claims. However, defendant states that it will produce about 200 pages of emails that refer to or relate to plaintiff, once the court signs and enters the protective order that the parties have stipulated to.

The court has now signed the protective order. Therefore, since defendant has now agreed to produce emails that are responsive to the request, and since the court has already entered the protective order, the court intends to find that the motion is moot with regard to Request No. 52, and it will deny the motion with regard to that request.

Sanctions: Finally, the court intends to deny the request for sanctions against defendant. While plaintiff has been partially successful in compelling further responses to one of the disputed requests, the motion will be denied with regard to the other two requests. Also, defendant’s objections were not entirely without merit, as some of plaintiff’s requests were vague, overbroad, and sought irrelevant information. Therefore, under the circumstances, sanctions against defendant are not justified.

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)

(41)

Tentative Ruling

Re: **Robin Benites v. FCA US, LLC**
Superior Court Case No. 24CECG03858

Hearing Date: July 3, 2025 (Dept. 501)

Motion: Defendant's Demurrer to First Amended Complaint

Tentative Ruling:

To continue the hearing to Tuesday, August 5, 2025, at 3:30 p.m., in Department 501, in order to allow the parties to meet and confer in person, by telephone, or by video conference, *as required*. If this resolves the issues, defendant shall call the court to take the demurrer off calendar. If this does not resolve the issues, counsel for defendant *shall* file a declaration no later than July 22, 2025, stating, *with detail*, the efforts made.

Explanation:

Code of Civil Procedure section 430.41 makes it clear that the parties must meet and confer "in person, by telephone, or by video conference." (*Id.*, subd. (a).) A demurring defendant is not excused from this requirement unless the defendant shows that the plaintiff failed to respond to the meet-and-confer request or otherwise failed to meet and confer in good faith. (*Id.*, subd. (a)(3)(B).) While counsel indicates she sent a meet-and-confer letter, this does not comply with the requirement that the parties meet and confer in person, by telephone, or by video conference. The parties must engage in good faith to meet and confer, as set forth in the statute. The court's normal practice in such instances is to take the motion off calendar, subject to being re-calendared once the parties have met and conferred. However, given the current congestion in the court's calendar, the court will instead continue the hearing to allow the parties to meet and confer, and only if efforts are unsuccessful will it rule on the merits. Plaintiff is reminded to provide a copy of the first amended complaint with the new language set in **boldface** type to defendant and to the court.

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 6/30/2025.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Hall v. Fresno Unified School District Employee Health Care Plan***

Superior Court Case No. 20CECG00607

Hearing Date: July 3, 2025 (Dept. 501)

Motion: by Defendant Fresno Unified School District Employee Health Care Plan for an Order Compelling Further Responses to Request for Production, Set Two; and Request for Sanctions

Tentative Ruling:

To deny the motion to compel further responses as moot.

To grant the request for sanctions and impose monetary sanctions in the amount of \$7,050.00 against plaintiff Worldwide Aircraft Services, Inc., in favor of defendant Fresno Unified School District Employee Health Care Plan. Within thirty (30) days of service of the order by the clerk, plaintiff Worldwide Aircraft Services, Inc. shall pay sanctions to Defendant Fresno Unified School District Employee Health Care Plan's counsel.

Explanation:

On September 18, 2024, defendant Fresno Unified School District Employee Health Care Plan ("defendant") served a Request for Production of Documents, Set Two on plaintiff Worldwide Aircraft Services, Inc. ("plaintiff"). (Patel Decl., ¶ 3.) On November 1, 2024, defendant served responses. (*Ibid.*) Following meet and confer efforts by the parties, on December 2, 2024, defendant filed a request for a Pretrial Discovery Conference ("PDC"). The request was granted. On January 10, 2025, the parties attended the PDC. Plaintiff affirmed at the PDC that it would supplement the discovery responses at issue. (*Id.*, ¶ 10 and Ex. I.) The matter was continued to January 24, 2025. On January 24, 2025, the parties *again* met for PDC, and plaintiff was *again* directed to supplement its responses as previously indicated and to prepare a cross-reference master list of produced documents. (*Id.*, ¶ 12, and Ex. K.) The matter was continued to February 28, 2025. On February 13, 2025, plaintiff served supplemental responses. (*Id.*, ¶ 13, and Ex. L.) On February 28, 2025, the parties *again* met for PDC, and plaintiff was *again* directed to prepare and provide a revised and complete bates stamp number cross reference master list, to be produced by March 10, 2025. (*Id.*, ¶ 17, and Ex. O.) On March 7, 2025, plaintiff indicated continuing efforts to produce records discussed at PDC. (*Id.*, ¶ 19, and Ex. Q.) On March 21, 2025, the parties *again* met for PDC, and plaintiff was directed to provide discussed 2016 and 2017 flight records. (*Id.*, ¶ 20, and Ex. R.) On April 25, 2025, the parties *again* met for PDC, wherein counsel for plaintiff reported only just having received production from his client, and it would take approximately 80 hours to review. (*Id.*, ¶ 21.) The court declined any further PDC hearings, and authorized the present motion. (*Id.*, and Ex. S.)

On May 23, 2025, it appears that plaintiff has provided supplemental responses with production, and later a privilege log. (Klein Decl., ¶¶ 2-4.) Accordingly, the motion to compel further responses is mooted. Further responses have been served. Any purported deficiencies in the responses are the subject of a separate challenge. The motion is denied.

Sanctions

Monetary sanctions are sufficient to compel disclosure so that the party seeking the discovery can prepare their case, and secondarily to compensate the requesting party for the expenses incurred in enforcing discovery. (*Ghanooni v. Super Shuttle* (1993) 20 Cal.App.4th 256, 262.) 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).)

The supplemental responses, production, and privilege log came at the cost of filing the present motion. The court finds no circumstances that would render the mandatory sanctions unjust. The court accepts the rate of \$470 per hour but imposes sanctions in the reduced amount of \$7,050 in favor of defendant, and against plaintiff.

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 7/2/2025.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Iler v. Fresno Community Hospital and Medical Center***
Superior Court Case No. 23CECG03097

Hearing Date: July 3, 2025 (Dept. 501)

Motions: (1) by Plaintiff Henry Justin Iler for Relief from Sanctions
(2) by Plaintiff Henry Justin Iler to Deem Admissions and
Compel Further Responses to Request for Admissions, Set Two

Tentative Ruling:

To deny the motion for relief from sanctions. (Code Civ. Proc. § 473, subd. (b).)

To deny the motion to compel further responses to Request for Admissions, Set Two.

Explanation:

Relief from Sanctions

On March 19, 2025, this court imposed mandatory monetary sanctions on plaintiff Henry Justin Iler ("plaintiff") on a motion by defendant Fresno Community Hospital and Medical Center ("defendant") to compel further responses to interrogatories. Plaintiff now seeks relief from the imposition of sanctions under Code of Civil Procedure section 473, subdivision (b). Code of Civil Procedure section 473, subdivision (b), provides, in pertinent part:

The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken.

Plaintiff submits that relief is warranted under mistake or excusable neglect. "A mistake of fact is when a person understands the facts to be other than they are; a mistake of law is when a person knows the facts as they really are but has a mistaken belief as to the legal consequences of those facts. Inadvertence is defined as lack of heedfulness or attentiveness, inattention, fault from negligence. Inadvertence in the abstract is no plea on which to vacate a default. . . The 'excusable neglect' referred to in the section is that neglect which might have been the act of a reasonably prudent person under the same circumstances." (*Hodge Sheet Metal Products v. Palm Springs Riviera Hotel* (1961) 189 Cal.App.2d 653, 656-657.)

Plaintiff's declaration does not sufficiently show mistake or excusable neglect to warrant relief. Plaintiff suggests that the basis of defendant's prior motion was due to plaintiff's responses being improperly formatted. Plaintiff submits that the sanctions were imposed on a procedural oversight, rather than on the merits. However, the March 19, 2025, order found, among other things, that the responses plaintiff provided to the disputed interrogatories consisted of objections as to relevance, which the court considered and overruled. The evidence submitted in support of the underlying motion showed that plaintiff intended not to respond to the interrogatory based on the objection of relevance. Nothing in the underlying order suggests that procedural oversights, or formatting issues were the basis of the imposition of sanctions.

Plaintiff further submits that he did not act with willful disobedience. The court acknowledges plaintiff's statement. However, there is no requirement that misuse of the discovery process be willful to impose a mandatory monetary sanction. (*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1286.)

Finally, plaintiff submits that installment payments should be allowed. It appears that defendant has been amenable to that request. (Canepa Decl., ¶ 13.) The court declines to intervene on this issue at this juncture.¹

Based on the above, the motion for relief from monetary sanctions is denied.

Deemed Admissions/Compel Further Responses

Plaintiff's moving papers indicate a request to deem requests for admissions as admitted under Code of Civil Procedure section 2033.280. Deemed admissions are appropriate where a party to whom requests for admissions fails to serve a timely response. (Code Civ. Proc. § 2033.280.) However, the evidence submitted shows that defendant served a timely response. (Iler Decl., ¶¶ 2, 3.) Accordingly, relief under Code of Civil Procedure section 2033.280 is not appropriate.

The moving papers further seek to challenge the objections raised, and to find that the responses are insufficient, under Code of Civil Procedure 2033.290.

As defendant argues, plaintiff failed to obtain leave prior to filing the present motion. As the parties are aware, Fresno County Superior Court Local Rules, rule 2.1.17, requires that before filing, among other things, a motion under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request an informal Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference. The court finds that plaintiff has

¹ Plaintiff submits a citation without further comment that "[s]anctions that cause unjust hardship or are disproportionate may be vacated or modified." The moving papers cite to *Ellis v. Toshiba American Information Systems, Inc.* Upon review, the court is unable to locate the quote at the pincite provided, or in the opinion generally. (*Ellis v. Toshiba Am. Info. Sys., Inc.* (2013) 218 Cal.App.4th 853, 879.) The portion of the opinion in the pincite does discuss the matter of sanctions, without discussion as to amount in sanctions.

failed to sufficiently comply with Local Rules, rule 2.1.17. Accordingly, the balance of the motion is denied as filed without leave.

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** 7/2/2025.
(Judge's initials) (Date)