

Tentative Rulings for July 15, 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.

25CECG01451 *Aidwater LLC v. Arroyo, Jr.* is continued to Wednesday, August 6, 2026, 3:30 p.m. in Department 502.

23CECG00025 *Perez v. Perez* is continued to Wednesday, August 19, 2026, 3:30 p.m. in Department 502.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

Begin at the next page

(34)

Tentative Ruling

Re: **Lopez v. Selma Auto Mall, Inc., et al.**
Superior Court Case No. 25CECG01871

Hearing Date: July 15, 2026 (Dept. 502)

Motion: by Plaintiff for an Order Compelling Defendants Selma Auto Mall, Inc. and Visalia Motors, LLC's Further Responses to Form Interrogatories –General, Form Interrogatories – Employment, and Requests for Production of Documents

**If oral argument is timely requested, it will be entertained on
Thursday, July 16 2026, at 3:30 p.m. in Department 502.**

Tentative Ruling:

To grant Plaintiff's motions to compel further responses from Defendants Selma Auto Mall, Inc. and Visalia Motors, LLC to Requests for Production of Documents, Form Interrogatories – General, and Form Interrogatories - Employment.

Defendant Selma Auto Mall, Inc. shall provide further verified responses to request for production nos. 8, 9, 36, and 37 through 44. Defendant Selma Auto Mall, Inc. shall provide further verified responses to Form Interrogatories – General, interrogatory nos. 3.3, 12.4, 14.1, 50.1 and 50.2. Defendant Selma Auto Mall, Inc. shall provide further verified responses to Form Interrogatories – Employment, interrogatory nos. 201.5 and 201.6.

Defendant Visalia Motors, LLC shall provide further verified responses to request for production nos. 8, 9, 36, and 37 through 44. Defendant Visalia Motors, LLC shall provide further verified responses to Form Interrogatories – General, interrogatory nos. 3.3, 12.4, 14.1, 50.1 and 50.2. Defendant Visalia Motors, LLC shall provide further verified responses to Form Interrogatories – Employment, interrogatory nos. 201.5 and 201.6.

All further responses shall be served on plaintiff within 20 days from the date of service of the order by the clerk.

To impose monetary sanctions in the amount of \$1,800 in favor of plaintiff and against Defendant Visalia Motors, LLC. Defendant is ordered to pay \$1,800 in sanctions to Blackstone Law, APC within 30 days of the clerk's service of the minute order.

Explanation:

A motion to compel lies where the responses to the interrogatories or request for production are deemed improper by the propounding party, i.e., objections, evasive or incomplete answers. (Code Civ. Proc., § 2031.310.) A motion to compel further answers must be served within 45 days after the responses in question, or any supplemental responses were served. (Code Civ. Proc., § 2031.310, subd. (c).) The motion to compel must be accompanied by a declaration stating facts showing a "reasonable and good

faith attempt” to resolve informally the issues presented by the motion before filing the motion. (Code Civ. Proc., §§ 2016.040; 2031.310, subd. (b)(2).)

Plaintiff filed motions to compel further responses to defendants Selma Auto Mall, Inc. and Visalia Motors, LLC’s responses to form interrogatories – general and form interrogatories – employment and requests for production served May 29, 2025. After meeting and conferring, on January 12, 2026 plaintiff requested a pretrial discovery conference with the court regarding perceived deficiencies in the unverified responses which was not opposed by defendants. Defendants served verifications to their discovery responses on January 12, 2026. The court denied the request for a discovery conference and granted plaintiff permission to file her motions on February 27, 2026 and calculated the time to bring a motion to compel was tolled 46 days. Prior to the filing of plaintiff's motions, plaintiff continued meet and confer efforts and supplemental responses were promised but never served. Plaintiff proceeded to file the motions at bench on February 25, 2026, March 2, 2026 and March 3, 2026. The court finds the motions are timely served.

The responses at issue for Selma Auto Mall, Inc. and Visalia Motors, LLC are identical. As such the merits of the motions to compel further responses will be discussed for the defendants together.

Interrogatories

Each answer in the response must be “as complete and straightforward as the information reasonably available to the responding party permits. If an interrogatory cannot be answered completely, it shall be answered to the extent possible.” (Code Civ. Proc., § 2030.220, subd. (a), (b).) “Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions.” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.) Discovery requests are generally afforded liberal construction. (See Code of Civ. Proc., § 2017.010; *Williams v. Superior Court* (2017) 3 Cal.5th 531, 541.)

When the responding party answers with objections, and a motion to compel is filed, the burden is on the objecting party to establish whatever facts are necessary to justify the objection. (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-221; *Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255.)

Form Interrogatories - General

Form Interrogatory No. 3.3 inquires whether the responding party is a limited liability company and if so, requests the responding party provide its name stated in the current articles of organization, all other names used by the company, the date and place of the filing of its articles of incorporation, the address of its principal place of business, and affirm whether it is qualified to do business in California. Defendants responded, “yes” that each are a limited liability company and failed to respond to subparts (a) through (e). Defendants’ further response to all subparts of the interrogatory are required.

Form Interrogatory No. 12.4 requests information relating to any photographs, films, or videotape concerning the incident giving rise to plaintiff's complaint. Defendants

asserted objections with respect to the privacy of their proprietary business data and attorney-client privilege. As defendants failed to oppose the motions and establish the facts necessary to justify the objections they are overruled. Defendants responded subject to the objections by referring to their responses to requests for production and form interrogatories – employment “wherein all responsive and non-privileged information” has been produced. Defendants may not simply refer plaintiff to other documents; they must provide a full, complete and straightforward response to the interrogatories. “Answers must be complete and responsive. Thus, it is not proper to answer by stating, ‘See my deposition,’ ‘See my pleading,’ or ‘See the financial statement.’” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783-784.) Defendants’ further response to all subparts of the interrogatory are required.

Form Interrogatory No. 14.1 seeks information regarding defendants’ contentions as to whether any person involved in the incident giving rise to plaintiff’s complaint violated any statute, ordinance, or regulation and if so to identify the person and the statute, ordinance, or regulation violated. Defendants asserted objections with respect to the privacy of their proprietary business data and attorney-client privilege. As defendants failed to oppose the motions and establish the facts necessary to justify the objections they are overruled. Defendant responded subject to the objections that they do not have any responsive, non-privileged information in response to the interrogatory. Interrogatories may require a party to state his or her contentions as to either factual or legal issues. “An interrogatory is *not objectionable* because an answer ... relates to fact or the application of law to fact, or *would be based on ... legal theories ...*” (Code Civ. Proc., § 2030.010, subd. (b) (emphasis added).) Defendants’ response fails to indicate whether or not the party is making the contention and thus is not a straightforward response to the interrogatory. Defendants’ further responses are required.

Form Interrogatory Nos. 50.1 and 50.2 seek information regarding any contract or agreement alleged in the pleadings. Defendants asserted objections with respect to the privacy of their proprietary business data and attorney-client privilege. As defendants failed to oppose the motions and establish the facts necessary to justify the objections they are overruled. Defendants responded subject to the objections by referring to their responses to requests for production. Defendants may not simply refer plaintiff to other documents; they must provide a full, complete and straightforward response to the interrogatories. “Answers must be complete and responsive. Thus, it is not proper to answer by stating, ‘See my deposition,’ ‘See my pleading,’ or ‘See the financial statement.’” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783-784.) Defendants’ further response to all subparts of the interrogatory are required.

Form Interrogatories – Employment

Form Interrogatory Nos. 201.5 and 201.6 seek information regarding any person hired to replace the plaintiff following her termination or demotion. Defendants asserted objections with respect to the privacy of their proprietary business data and attorney-client privilege. As defendants failed to oppose the motions and establish the facts necessary to justify the objections they are overruled. Subject to their objections, defendant identify by name and job title an employee who replaced plaintiff but failed to respond to all subparts of the form interrogatories. Defendants’ further response to all subparts of the interrogatory are required.

Requests for Production of Documents

"The party to whom a demand for inspection ... has been directed shall respond separately to each item or category of item by any of the following: [¶] (1) A statement that the party will comply with the particular demand for inspection ... and any related activities. [¶] (2) A representation that the party lacks the ability to comply with the demand for inspection ... of a particular item or category of item. [¶] (3) An objection to the particular demand" (§ 2031.210, subd. (a).)

A response stating the party will comply in whole or in part with a demand shall so state and shall include a statement "that all documents or things in the demanded category that are in the possession, custody, or control of that party and to which no objection is being made will be included in the production." (Code Civ. Proc. § 2031.220.)

A response stating inability to comply with the demand shall include "[a] representation of inability to comply with the particular demand for inspection, copying, testing, or sampling shall affirm that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand." (Code Civ. Proc., § 2031.230.) Such a statement must "also specify whether the inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party." (Code Civ. Proc., § 2031.230.)

In addition, "[o]n receipt of a response to an inspection demand, the party demanding an inspection may move for an order compelling further response to the demand if the demanding party deems that [¶] (1) A statement of compliance with the demand is incomplete [¶] (2) A representation of inability to comply is inadequate, incomplete, or evasive [¶] (3) An objection in the response is without merit or too general. (Code Civ. Proc. § 2031.310, subd. (b)(3).)

A motion to compel must "set forth specific facts showing good cause justifying the discovery sought by the inspection demand." (Code Civ. Proc., § 2031.310, subd. (b)(1).) Absent a privilege issue or claim of attorney work product, that burden is met simply by a fact-specific showing of relevance. (*Glenfed Dev. Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1117.) If "good cause" is shown by the moving party, the burden is then on the responding party to justify any objections made to document disclosure. (*Kirkland v. Superior Court* (2002) 95 Cal.App.4th 92, 98.)

Declarations are generally used to show the requisite "good cause" for an order to compel inspection. The declarations must contain "specific facts" rather than mere conclusions. (*Fireman's Fund Ins. Co. v. Superior Court* (1991) 233 Cal.App.3d 1138, 1141.) Though the declaration in support of the motion makes no attempt to establish good cause, sufficient information is set forth in plaintiff's separate statement to proceed to the merits of the motion to compel.

In the motion at bench, plaintiff is primarily seeking further responses addressing the requirements set forth in Code of Civil Procedure sections 2031.210 through 2031.240.

Request for Production Nos. 8 and 9 seek the production of documents, namely job descriptions, for the person(s) identified in defendants' responses to Form Interrogatory No. 201.1 regarding the person(s) involved in the decision to terminate plaintiff. Defendants' response does not identify documents or include information that would otherwise comply with Code of Civil Procedure sections 2031.210-2031.230. Instead, the response names only a single person and indicates this person may be reached through counsel. Further responses as to defendants' ability to comply in whole or in part or their inability to comply with a given demand that are complete with respect to Code of Civil Procedure sections 2031.220, 2031.230, or 2031.240 are required. The requested documents are relevant to determining whether those persons involved in the decision to terminate plaintiff were managing agents for defendant(s).

Request for Production No. 36 seeks the insurance policies and declaration pages reflecting each policy that potentially applies to plaintiff's claims. Defendants' response identifies a Finance and Insurance Manager's Handbook and represents that defendants will "supplement the insurance policy in response to this request." The response fails to include a statement of compliance pursuant to Code of Civil Procedure sections 2031.220 and/or 2031.240, as applicable. A further statement of compliance is ordered.

Requests for Production Nos. 37 through 44 seek documents related to complaint or concerns by defendants' employees regarding mistreatment based on gender, disability, medical condition, or other health impairment, requests for medical leave by the company generally and with respect to specific named employees. Plaintiff moves for a further response as the defendants' statements of compliance fail to specify whether the "inability to comply is because the particular item or category has never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in the possession, custody, or control of the responding party." (Code Civ. Proc., § 2031.230.) The language used in defendants' responses indicates that the requested documents do not exist but this is not the equivalent of explaining whether they never existed, have been destroyed, or have been lost. A further statement of compliance is ordered.

Sanctions

Plaintiff seeks sanctions in connection with the motion to compel further responses from Visalia Motors, LLC to requests for production and form interrogatories – general. The declarations submitted request attorney fees for 2 hours of time in connection with preparing the motion to compel interrogatories responses and 4 hours to prepare the motion to compel further responses to requests for production, in addition to anticipated time to review the opposition, prepare a reply and appear at the hearing for total sanctions requested of \$5,850. (Bragg Decl. ISO Form Rogs, ¶ 10; Bragg Decl. ISO RFP, ¶ 11.) Counsel's hourly rate is \$450, which is high for the local community and the court declines to find it reasonable in this case. The court finds it reasonable to award sanctions in the reduced amount of \$1,800, representing 6 hours of attorney time at a rate of \$300 per hour.

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

