Tentative Rulings for July 15, 2026
Department 503

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.*

20CECG01971 *Skouti v. Buttonwillow Warehouse Co., Inc. et al*. **(Dept. 503)**

23CECG03466 *Giumarra Brothers Fruit Co. v. Mora* **(Dept. 503)**

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

25CECG04990 *Pursell v. FRTO, LLC* **is continued to Wednesday, August 26, 2026, 3:30 p.m. in Department 503.**

25CECG05174 *Alvarez v. Midfirst Bank* **is continued to Thursday, July 16, 2026, at 3:30 p.m. in Department 503.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(20) **Tentative Ruling**

Re: ***Lucas v. SW Ingredients Holdings, LLC, et al.***
Superior Court Case No. 21CECG01943
Consolidated with
Magallan v. SW Ingredients Holdings, LLC, et al.
Superior Court Case No. 21CECG03840

Hearing Date: July 15, 2026 (Dept. 503)

Motion: Report by Plaintiffs Pursuant to Code of Civil Procedure Section 384, Subdivision (b)

Tentative Ruling:

To approve the report by the class settlement administrator. To direct class counsel to submit an updated amended order granting final approval of the settlement and entering judgment which accounts for the disposition of all funds. The proposed judgment shall be submitted on or before July 24, 2026.

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: **JS** **on** **7/14/2026** .
(Judge's initials) (Date)

(20) **Tentative Ruling**

Re: ***Hatcher v. the Estate of Steven Meunier***
Superior Court Case No. 21CECG01638

Hearing Date: July 15, 2026 (Dept. 503)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

Plaintiff has not submitted admissible evidence of the damages sustained and sought. The court is required to render default judgment only "for that relief … as appears by the evidence to be just." (Code Civ. Proc., § 585, subd. (b).) Therefore, it is up to plaintiff to "prove up" the right to relief, by introducing sufficient evidence to support plaintiff's claim. Without such evidence, the court may refuse to grant a default judgment for any amount, notwithstanding defendant's default. (*Taliaferro v. Hoogs* (1963) 219 Cal.App.2d 559; *Holloway v. Quetel* (2015) 242 Cal.App.4th 1425, 1434-1435 [trial court did not err in refusing to enter default judgment for pro per plaintiff who failed to submit appropriate supporting documentation].) Prima facie evidence of damages is required. (*Kim v. Westmoore Partners, Inc.* (2011) 201 Cal.App.4th 267, 288.) The facts stated in the declaration shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto." (Code Civ. Proc., § 585, subd. (d).)

When special damages for personal injury are proved, general damages are presumed, although the plaintiff need not prove special damages to recover general damages. (*Hilliard v. A. H. Robins Co.* (1983) 148 Cal.App.3d 374, 412.) Damages recovered for pain and suffering compensate the injured person for all the physical, mental, and emotional suffering and distress that attend on and follow a bodily injury. (See CACI 3905A.) The trier of fact must place a monetary value on pain and suffering, and an appellate court cannot measure the validity of an award by making comparisons with other cases. (*Rodriguez v. McDonnell Douglas Corp.* (1978) 87 Cal.App.3d 626, 655.)

Plaintiff seeks $6,779.61 in special damages, yet submits no evidence of these damages. Assuming these are medical expenses, documentary proof must be submitted in admissible form.

"The amount of general damages awarded is usually correlated to the special damages proved." (*Jones v. Interstate Recovery Serv.* (1984) 160 Cal. App. 3d 925, 928.) If plaintiff sustained $6,779.61 in special damages, $150,000 in general damages would seem to be excessive, especially where there is no indication that plaintiff experienced any physical injury, pain or suffering as a result of the accident.

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: JS on 7/14/2026 .
(Judge's initials) (Date)

(47) **Tentative Ruling**

Re: ***April Guevara v. General Motors LLC***
Superior Court Case No. 25CECG01184

Hearing Date: July 15, 2026 (Dept. 503)

Motion: Plaintiff, April Guevara's Motion for Payment of Attorney Fees and Reimbursement of Costs and Expenses

Tentative Ruling:

To grant the motion for attorney fees and costs in the amount of $17,367.61. Payment shall be made by defendant General Motors, LLC to Zand Law, APC., within 30 days of the clerk's service of this minute order.

Explanation:

Plaintiff, April Guevara's ("Guevara" or "plaintiff") counsel Zand Law, APC. ("Counsel" or "Zand Law") seeks $22,179.87 in fees and costs including (1) $19,245.00 in lodestar fees, including anticipated hours; (2) an additional $2,934.87 in incurred costs and expenses, against General Motors, LLC ("defendant" or "GM.")

Right to Recovery Attorney Fee's

An award of attorney fees is proper when authorized by contract, statute, or law. (Code Civ. Proc. §§ 1032, subd. (b),1033.5, subd. (a)(10).) Here, the Song-Beverly Act authorizes a buyer "to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action." (Civ. Code, § 1794, subd. (d).)

Amount of Attorney's Fee's

A buyer prevailing under the Song-Beverly Act may recover "reasonable" attorney fees and costs as determined by the Court. (Civ. Code § 1794, subd. (d).) "The burden is on the party seeking attorney fees to prove that the fees it seeks are reasonable." (*Gonzalez v. Santa Clara County Dept. of Social Services* (2017) 9 Cal.App.5th 162, 169.) In determining a reasonable fee award, the Court begins with the lodestar method of calculation, i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate. (*Karton v. Ari Design & Construction, Inc.* (2021) 61 Cal.App.5th 734, 744; *PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095–1096.)

Here, plaintiff's counsel seeks to recover $17,685 in in lodestar fees for 39.3 hours of work, billed at the following rates:

	Title	Rate Per Hour	Total Hours	Total Amount Billed
David Bijan Zand	Attorney	$450	39.3	$17,685
TOTAL		-		$17,685

Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type" (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1133, "*Ketchum*".) Ordinarily, '"the value of an attorney's time . . . is reflected in his normal billing rate."' (*Mandel v. Lackner* (1979) 92 Cal.App.3d 747, 761.)

Where a party is seeking out-of-town rates, he or she is required to make a "sufficient showing…that hiring local counsel was impractical." (*Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1244.) The rates for plaintiff's counsel are commensurate with Central California's going rates for comparable consumer litigators. Plaintiff's counsel rates are: $450 for David Bijan Zand (lawyer specializing in the Song-Beverly Consumer Warranty Act, with over 75 representative cases in lemon law). (Zand Decl., ¶1.) Plaintiff's Counsel has demonstrated his rates are commensurate with those of the Central Valley. (Zand Decl., Ex. B.) Furthermore, GM did not oppose.

Hours Expended

"'In challenging attorney fees as excessive because too many hours of work are claimed, it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence. General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.' " (*Lunada Biomedical v. Nunez* (2014) 230 Cal.App.4th 459, 488, citing *Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn*. (2008) 163 Cal.App.4th 550, 564.) The court will exercise its discretion in determining if the Plaintiff's attorney fees request is reasonable by considering the following factors: the nature of litigation, its difficulty, the amount involved, the skill required in handling the matter, the attention given, the success or failure, and the resulting judgment. (*Melnyk v. Robledo* (1976) 64 Cal.App.3d 618, 623.)

Plaintiff's counsel recorded 39.3 hours of attorney time. This figure does not include 3.5 anticipated hours, that are addressed below.

GM points to many activities as being overbilled, noting that plaintiff's counsel relied on templates and forms in preparing the complaints and discovery responses, as well pointing out that some of the time was purely clerical. (GM Opposition, pgs. 4:22-6:18.) The Court reviewed the entries to which GM objects and finds some of the fees to be above the accepted norm. For instance, the Court reduced Zand's time in drafting a templated complaint. The Court also found some of Zand's efforts clerical, pertaining some of the tasks recorded by Zand were for scheduling, such as Zand billing 1.9 hours pertaining to the "Vehicle Surrender Coordination & Disbursement of Settlement Funds." The Court further reduced some of Zand's time for the Case Management Conference recorded on October 14 and 21, 2025 as excessive. Accordingly, the Court reduced attorney time to 28.75 hours.

Anticipated Hours

Additional Time Opposing this Motion

In general, a party is entitled to all fees reasonably incurred, including the fees for time expended in obtaining a reasonable fee award. (*Serrano v. Unruh* (1982) 32 Cal.3d 621, 631; *McKenzie v. Ford Motor Co.* (2015) 238 Cal.App.4th 695, 703 ['The fees incurred in preparing a motion for fees are properly includable in the award'].) This may reasonably include reasonable anticipated time in connection with preparing a reply to the opposition and attending the hearing, which would not have been incurred at the time of the filing of the notice of motion, and the fees will not be disallowed on the ground they are anticipated fees.

Plaintiff's counsel expected to spend 3.5 hours, in connection with (1) reviewing Defendant's Opposition to Plaintiff's Motion; (2) preparing the Reply brief to Defendant's Opposition; and (3) attending the hearing on Plaintiff's Motion. (Zand Decl., ¶6.)

The Court finds the anticipated time of 3.5 hours reasonable.

Costs

Plaintiffs include a request for an award of costs in the amount of $2,934.87. Civil Code section 1794, subdivision (d) provides that a plaintiff may recover "the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action." As *Warren v. Kia Motors America, Inc.* (2018) 30 Cal.App.5th 24, 42 explained, "[T]he Legislature intended the phrase 'costs and expenses' to cover items not included in 'the detailed statutory definition of "costs" ' set forth in Code of Civil Procedure section 1033.5." (*Warren v. Kia Motors America, Inc.* (2018) 30 Cal.App.5th 24, 42.)

Defendant opposes these expenses in the amount of $1,616.64 on the grounds that plaintiff cannot substantiate them because he did not file a verified memorandum of costs. (GM's Opposition, pg. 7:4-73-4.)

Although plaintiff did not file a verified memorandum of costs under rule 3.1700(a)(1), attorney Zand's sworn supplemental declaration provides that the expenses incurred plaintiff's counsel was $2,855.11, which is less than the original claimed amount of $2,934.87. (Zand's Supplemental Decl., Ex. B.) Zand's supplemental declaration further substantiates these costs. The items appear reasonable, especially given the fixed fees for court costs, and electronic filings. The court awards $2,855.11 in 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: JS on 7/14/2026 .
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: ***Pardis Orchards, LP v. Nor-Cal Pump & Well Drilling, Inc., et al.***
Superior Court Case No. 23CECG01183

Hearing Date: July 15, 2026 (Dept. 503)

Motion: by Defendant Western Farm Management, LLC for an Order Determining Good Faith of Settlement

Tentative Ruling:

To take the matter 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: JS on 7/14/2026 .
(Judge's initials) (Date)

(48)

<u>Tentative Ruling</u>

Re: ***French v. Boyajian***
Superior Court Case No. 22CECG01923

Hearing Date: July 15, 2026 (Dept. 503)

Motion: By Plaintiff for Terminating Sanctions

Tentative Ruling:

To deny. (Code Civ. Proc., §§ 2030.290, subd. (c), and 2031.300 subd. (c).)

Explanation:

Section 2023.010 defines "misuses of the discovery process" as including, "failing to respond or submit to an authorized method of discovery" and "disobeying a court order to provide discovery." (Code Civ. Proc. § 2030.010, subds. (d) & (g).) Section 2023.030 states, in relevant part:

> To the extent authorized by the chapter governing any particular discovery method or any other provision of this title, the court, after notice to any affected party, person, or attorney, and after opportunity for hearing, may impose the following sanctions against anyone engaging in conduct that is a misuse of the discovery process:
>
> * * *
>
> (d) The court may impose a terminating sanction by one of the following orders:
>
> (1) An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process.

(Code Civ. Proc. § 2023.030, subd. (d)(1).)

Accordingly, terminating sanctions must be authorized by a specific discovery statute; they are not available merely because they are an option listed in Code of Civil Procedure section 2023.030. In the case at bench, plaintiff moves pursuant to Code of Civil Procedure sections 2030.290, subdivision (c), and 2031.300 subdivision (c).

The failure to respond to interrogatories is controlled by Code of Civil Procedure section 2030.290, subdivision (c). That section provides that if a party unsuccessfully makes or opposes a motion to compel a response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust, the court "shall" impose monetary sanctions. It is only when a party disobeys an order compelling responses that a terminating sanction is called for.

> If a party then fails to obey an order compelling answers, the court may make 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., § 2030.290, subd. (c).)

A party's failure to obey an order to respond to requests for production of documents is also subject to "the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010)." (Code Civ. Proc. § 2031.300, subd. (c).)

Courts generally follow a policy of imposing the least drastic sanction required to obtain discovery or enforce discovery orders, because the imposition of terminating sanctions is a drastic consequence, one that should not lightly be imposed, or requested. (*Lopez v. Watchtower Bible & Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566, 604.)

Appellate courts have generally held that before imposing a terminating sanction, trial courts should usually grant lesser sanctions first. (Weil, Brown, Edmon & Karnow, *California Practice Guide: Civil Procedure Before Trial* (The Rutter Group 2026) § 8:2235.) However this is not an "inflexible" policy, and it is not an abuse of discretion to issue terminating sanctions on the first request, where circumstances justify it (e.g. where the violation is egregious or the party is using failure to respond as a delaying tactic). (*Id*. at § 8:2236; *New Albertsons, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1403, 1433.)

Sanctions are supposed to further a legitimate purpose under the Discovery Act, i.e., 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. Sanctions should not constitute a "windfall" to the requesting party; the choice of sanctions should not give that party more than would have been obtained had the discovery been answered. (Weil, Brown, Edmon & Karnow, *supra*, § 8:2212.) "The sanctions the court may impose are such as are suitable and necessary to enable the party seeking discovery to obtain the objects of the discovery he seeks but the court may not impose sanctions which are designed not to accomplish the objects of the discovery but to impose punishment. [Citations.]" (*Caryl Richards, Inc. v. Superior Court In and For Los Angeles County* (1961) 188 Cal.App.2d 300, 304.) Where there is no showing that the requested discovery has any legitimate purpose, an order of terminating sanctions for failing to respond would be punitive rather than remedial. (*Morgan v. Ransom* (1979) 95 Cal.App.3d 664, 669-670.)

Here, defendant William Scott Boyajian ("Defendant") was ordered on May 19, 2025, to provide initial responses to interrogatories and requests for production and pay monetary sanctions to plaintiff's counsel. Defendant failed to serve responses as ordered by the court.

Plaintiff Michael French ("Plaintiff") does not argue how Defendant's failure to obey the court's May 19, 2026 order to provide discovery responses has prejudiced his ability to prepare for the forthcoming trial on August 10, 2026. Without more, the court cannot determine whether an order for terminating sanctions is necessary and appropriate over other remedial sanctions. Thus, the requested terminating sanction would be punitive rather than remedial. (*Morgan v. Ransom* (1979) 95 Cal.App.3d 664, 669-670.) For the forgoing reasons, Plaintiff's motion for terminating sanctions is denied.

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: JS on 7/14/2026 .
(Judge's initials) (Date)