

Tentative Rulings for July 16, 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.*

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

22CECG03000 *Marlene Torres v. Robert L. Jensen & Associates* is continued to Thursday, August 27, 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

(47)

Tentative Ruling

Re: **Sandra Alvarez v. Midfirst Bank**
Superior Court Case No. 25CECG05174

Hearing Date: July 16, 2026 (Dept. 503)

Motion: By Plaintiff, Sandra Alvarez, Compelling Production of Trustee Sale Authority, Verification Materials, and QWR Responses

Tentative Ruling:

To deny.

Explanation:

Plaintiff, Sandra Alvarez, ("Alvarez" or "plaintiff") makes this motion to compel production of documents pertaining to the Trustee Sale Authority, Verification Materials, and QWR Responses. Alvarez's Notice of Motion provides that this motion is being made against "Quality Loan Service Corporation to produce documents establishing the authority relied upon to notice and conduct the trustee's sale of Plaintiff's property located at 751 S. Fairway Avenue, Fresno, California 93727 (APN 474-052-13)." Alvarez's moving papers then seeks production from numerous "defendants" without naming them.

A propounding party may move to compel an initial production of a document on the ground that the responding party failed to serve a timely response to its written discovery request. (Code Civ. Proc. § 2031.300, subd. (b).) To establish this ground, the propounding party must show (1) proper service of the discovery request on the responding party; (2) the deadline to respond to the demand has passed; (3) the responding party did not timely respond to the request; and (4) the responding party waived any objections to the discovery request. (O'Connor's California Practice, Civil Pretrial, Ch. 9-E § 3 (2022 ed.).) "The motion should be supported by a copy of ... the demand to produce and the proof of service." (*Ibid.*)

Here, Alvarez fails to present any documentation that she has complied with the above rules and procedures in order to compel production of the documents she seeks. Accordingly, the motion is denied.

Furthermore, self-representation is not a ground for lenient treatment and, as is the case with attorneys, a person who represents herself "must follow correct rules of procedure." *Nwosu v. Uba* (2004) 122 Cal. App.4th 1229, 1247.

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

(48)

Tentative Ruling

Re: ***Jordan v. Housing Authority of the City of Fresno et al.***
Superior Court Case No. 22CECG02640

Hearing Date: July 16, 2026 (Dept. 503)

Motion: By Defendant GSF Properties, Inc. for Order to Compel Plaintiff's Initial Responses to Form Interrogatories, to Deem Requests for Admission Admitted, and Compel Attendance at Deposition; Request for Sanctions

Tentative Ruling:

To grant defendant GSF Properties, Inc.'s motion to compel plaintiff Ralph Jordan to provide verified responses to Form Interrogatories, Set One. (Code Civ. Proc., § 2030.290, subd. (b).) Plaintiff Ralph Jordan is ordered to serve complete verified responses to the discovery set forth above, without objections, within 10 days of the clerk's service of the minute order.

To grant defendant GSF Properties, Inc.'s motion to deem requests for admissions admitted by plaintiff Ralph Jordan. The truth of the matters specified in the Request for Admissions, Set One, are to be deemed admitted **unless** plaintiffs serve, **before** the hearing, proposed responses to the requests for admission that are in substantial compliance with Code of Civil Procedure section 2033.220.

To impose monetary sanctions in favor of defendant GSF Properties, Inc. and against plaintiff Ralph Jordan. (Code Civ. Proc., §§ 2033.280, subd. (c), 2023.010, subd. (d), 2030.290, subd. (c).) Plaintiff is ordered to pay \$975.00 in sanctions to the Law Office of Ken Vierra, Jr., within 30 days of the clerk's service of the minute order.

To deny defendant GSF Properties, Inc.'s motion to compel plaintiff Ralph Jordan to appear at a deposition as noticed. (Code Civ. Proc., § 2025.450.)

Explanation:

Where a party fails to serve a timely response to interrogatories the propounding party may move for an order compelling response. (*Id.*, §§ 2030.290, subd. (b).) In the case of requests for admission, the propounding party may move for an order that the truth of any matters specified in the requests be deemed admitted. (Code Civ. Proc., § 2033.280, subd. (b).)

Where a party fails to timely respond to a propounding party's request for admissions, objections are waived and the court must grant the propounding party's motion requesting that matters be deemed admitted, unless it finds that the party to whom the requests were directed has served, prior to the hearing on the motion, a proposed response that is substantially in compliance with Code of Civil Procedure section 2033.220. (Code Civ. Proc. § 2033.280; see also *St. Mary v. Superior Court* (2014))

223 Cal.App.4th 762, 778 ("*St. Mary*").) "Substantial compliance" means compliance with respect to "every reasonable objective of the statute." (*Id.* at p. 779, internal quotation marks and citations omitted.)

There is relief available for the party who failed to timely respond. The responding party can move the court for relief from waiving objections by (1) serving responses in substantial compliance and (2) demonstrating that the failure to serve responses was the result of mistake, inadvertence or excusable neglect. (Code Civ. Proc., § 2033.280, subd. (a)(1) and (2).) By simply serving substantive responses to the requests for admission prior to the hearing date for this motion the court must deny the motion. (Code Civ. Proc., § 2033.280(c); see also *St. Mary*, *supra*, 223 Cal.App.4th at 776.)

In the case at bench, on March 11, 2026, defendant GSF Properties, Inc. ("Defendant") served Form Interrogatories, Set One, on plaintiff Ralph Jordan ("Plaintiff") by mail. Plaintiff was required to respond by April 14, 2026. Plaintiffs failed to timely serve verified responses. Therefore, Defendant is entitled to an order compelling Plaintiff to respond to the discovery at issue. (Code Civ. Proc., § 2030.290, subd. (b).) All objections are waived. (*Id.*, §§ 2030.290, subd. (a).)

Request for Admissions, Set One, was served by mail to Plaintiff on March 11, 2026. Plaintiff failed to serve responses. No opposition has been filed demonstrating any excusable reason for Plaintiff's failure to respond to the requests for admission. As such, the court intends to grant the motion unless responses to the requests are served before the hearing on the motion.

Motion to Compel Responses Sanctions:

The court must impose a monetary sanction against the party or attorney, or both, whose failure to respond necessitated the motion to deem matters admitted. (Code Civ. Proc., §2033.280, subd. (c).)

The notice for the motion to compel and the motion to have requests for admissions deemed admitted each include a request for sanctions for \$650.00, totaling \$1,300.00. Because the motion to compel is for initial responses, the court must order reasonable sanctions unless an exception applies. Defendant's attorney's fee rates appear to be reasonable, however the request is inclusive of attendance of the hearing for the instant motion, which has not occurred. Defendant is granted sanctions in the reduced amount of \$975.00 in regard to the motions to compel responses.

Motion to Compel Attendance at Deposition:

The service of a deposition notice under Code of Civil Procedure section 2025.240 is effective to require any deponent who is a party to the action to attend and to testify, as well as to produce any document, electronically stored information, or tangible thing for inspection and copying. (Code Civ. Proc., § 2025.280, subd. (a).) Code of Civil Procedure section 2025.450, subdivision (a), states in pertinent part:

If, after service of a deposition notice, a party to the action... without having served a valid objection under Section 2025.410, fails to appear for

examination, or to proceed with it... the party giving the notice may move for an order compelling the deponent's attendance and testimony....

Code of Civil Procedure section 2025.450, subdivision (b) states, in relevant part:

(2) The motion shall be accompanied by a meet and confer declaration under Section 2016.040, or, when the deponent fails to attend the deposition and produce the documents, electronically stored information, or things described in the deposition notice, by a declaration stating that the petitioner has contacted the deponent to inquire about the nonappearance.

Here, Defendant served a notice for deposition on Plaintiff scheduled for April 7, 2026. Plaintiff did not appear for the deposition as noticed, and a certificate of nonappearance was issued. However, Defendant did not meet their obligation to inquire about the Plaintiff's nonappearance under Code of Civil Procedure section 2025.450, subdivision (b)(2). Defendant argues that a meet and confer declaration is not required when the noticed party does not appear. However, while a meet and confer is not required where the deponent fails to attend the deposition and produce documents described in the deposition notice, the moving party is required to file a declaration stating that they contacted the deponent to inquire about their nonappearance. Defendant has failed to demonstrate that efforts were made contact Plaintiff to inquire why he did not appear at the noticed deposition. As such, Defendant's motion to compel attendance 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** 7/15/2026.
(Judge's initials) (Date)