

Tentative Rulings for July 29, 2026
Department 403

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.

26CU00149	<i>Broadstreet, et al v. Wonder Valley Property Owners' Association, et al</i> is continued to Thursday, July 30, 2026, at 3:30 p.m. in Department 403.
25CECG05700	<i>Hughey v. Promesa Apartments</i> is continued to Wednesday, September 16, 2026, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 403

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(47)

Tentative Ruling

Re: ***Javier Tiscareno v. Volkswagen Group of America, Inc.***
Superior Court Case No. 24CECG02899

Hearing Date: July 29, 2026 (Dept. 403)

Motions: Plaintiff's Motion for Terminating and/or Evidentiary Sanctions

Tentative Ruling:

To deny plaintiff's Motion for Terminating and/or Evidentiary Sanctions

Explanation:

Plaintiff seeks terminating and/or evidentiary sanctions against defendant for noncompliance with its prior November 6, 2025 Court order.

On November 14, 2024, Defendant served its responses to Plaintiff's Request for Production of Documents, Set No. One ("RFP, Set No. One"). (Argent Decl., ¶ 3). On August 28, 2025, Plaintiff filed its Motion to Compel Further Responses and Documents to Plaintiff's Requests for Production of Documents, Set No. One ("Motion for Further Responses"). (*Id.*, ¶ 7.) On November 6, 2025, the Court granted Plaintiff's Motion for Further Responses and ordered further responses to requests Nos. 10, 16, 18, 19, 20, 33, and 58-66. The Court ordered verified supplemental responses within 10 days. (*Id.* ¶ 8, Ex. A.) Defendant served supplemental responses on November 12, 2025, and supplemental production on November 14 and November 18, 2025.

Plaintiff filed a motion to compel compliance, and the Court issued a tentative ruling on April 30, 2026. The April 30, 2026 tentative ruling states:

There is no statute that allows the court to issue an order to compel compliance with its previous order compelling further responses. In the context of a discovery dispute, the court's authority is limited to imposing additional sanctions, including evidence, issue, terminating and monetary sanctions. To the extent plaintiff seeks an order compelling defendant to comply with the court's prior order compelling defendant to provide further responses to the document requests, the motion is unsupported by any statutory authority and the court intends to deny it.

Further, to the extent plaintiff seeks an order imposing additional monetary sanctions for defendant's alleged failure to provide full and complete responses as previously ordered by the court, defendant has now served additional supplemental responses that comply with the court's order. (See Pratt decl., ¶ 5, and Ex. C to Pratt Decl.) Therefore,

further monetary sanctions are not appropriate here. As a result, the court intends to deny plaintiff's request for additional monetary sanctions against defendant, as defendant has now served supplemental responses as it was ordered to do.

(Argent Decl., ¶¶ 13-14, Ex. C, Emphasis added.)

Seeing how defendant has already complied with this Court's prior order dated November 6, 2025, and the Court already denied sanctions on this issue on April 30, 2026, the Court is inclined to once again deny both evidentiary and terminating sanctions.

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: SMC **on** July 27, 2026.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Jane Doe v. Michael Prueitt**
Superior Court Case No. 24CECG05207

Hearing Date: July 29, 2026 (Dept. 403)

Motions: Plaintiff's Motion to Compel Further Production of: Special Interrogatories, Nos., 12, 22, 23, 25; Production of Documents, No. 34; and Responses to Request for Admissions

Tentative Ruling:

To grant Plaintiff's motion to compel further responses from Lolo's Pub LLC, doing business as Bog House Pub to Special Interrogatories, Nos., 12, 22, 23, 25 and Production of Documents, No. 34. Lolo's Pub LLC, doing business as Bog House Pub, shall provide further verified responses without objection, to plaintiffs' counsel within 30 days of service of the order by the clerk.

To deny Plaintiff's motion to compel further responses to Request for Admissions.

To deny Plaintiff's request for sanctions.

Explanation:

Plaintiff Jane Doe ("Plaintiff") brings this motion to compel further responses to Special Interrogatories, Nos., 12, 22, 23, 25; Production of Documents, No. 34; and Responses to Request for Admissions, from defendant, Lolo's Pub LLC, doing business as Bog House Pub. ("defendant" and/or "Lolo's Pub.")

Standard to Compel Further Responses to Interrogatories and Requests for Production

A party may move for an order compelling further responses to interrogatories on the grounds that: (1) an answer to a particular interrogatory is evasive or incomplete; (2) an exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate; or (3) an objection to an interrogatory is without merit or too general. (Code Civ. Proc., § 2030.300, subd. (a).)

The Civil Procedure Code instructs the responding party that: "(a) Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the responding party permits. (b) If an interrogatory cannot be answered completely, it shall be answered to the extent possible. (c) If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party." (Code Civ. Proc., § 2030.220)

"Parties must state the truth, the whole truth, and nothing but the truth in answering written interrogatories." (*Scheiding v. Dinwiddie Const. Co.* (1999) 69 Cal.App.4th 64, 76; see Code Civ. Proc., § 2023.010, subd. (f) [making evasive response to discovery is misuse of discovery process].) Where the question is specific and explicit, it is improper to provide only a portion of the information sought or "deftly worded conclusionary answers designed to evade a series of explicit questions." (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.) "If a person cannot furnish details, he should set forth the efforts made to secure the information. He cannot plead ignorance to information which can be obtained from sources under his control." (*Id.* at p. 782.)

If a timely motion to compel has been filed, the burden is on the responding party to justify any objection or failure fully to answer the interrogatories. (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-221; *Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255.)

A party also may move for an order compelling further responses to requests for the production of documents on the grounds that: (1) a statement of compliance with the request is incomplete; (2) a representation of inability to comply is inadequate, incomplete, or evasive; or (3) an objection in the response is without merit or too general. (Code Civ. Proc., § 2031.310, subd. (a).)

Special Interrogatories

Here, plaintiff seeks to compel further responses to Special Interrogatories, Nos., 12, 22, 23, and 25.

Special Interrogatory 12

Special Interrogatory No. 12 seeks the personal contact information of the person who "set" defendant's policies and procedures to timely pay wages to employees.

The request to Special Interrogatory 12 is as follows:

SPECIAL INTERROGATORY NO. 12: IDENTIFY all PERSONS who set YOUR policies and procedures to timely pay wages to YOUR employees.

Plaintiff seeks information as to who "set" defendant's wage policies and procedures, as these pertain to plaintiff's wage and hour claims against defendants.

Defendant argues that the request is "not clear on whether it asks for the person who created the policies or procedures, enforced the policies or procedures, prepared the policies and procedures, etc.," and also could potentially violate third-party privacy rights. (Defendant's Opposition, pg. 3:22-24.) Defendant only defended three of its objections, abandoning the remainder.

Here, the Court agrees with plaintiff that the request is not vague or ambiguous. In general parlance, the plaintiff seeks the identity of the person who was responsible for adopting and approving the policy. A drafter of a policy is not the one who gets to

choose if the policy is set, and a person enforcing the policy does so only after the policy is set. These roles could nevertheless all be carried out by a single individual.

Furthermore, the request is relevant given that plaintiff has alleged wage and hour claims against defendants.

With respect to assertions about privacy, any such rights must be balanced against the need for the discovery. (See *Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1250–1251 (“*Puerto*”).) Special Interrogatory No. 12 seeks only the names of the individuals who set defendant’s wage and hour policies. (See *Puerto*, supra, 158 Cal.App.4th at p. 1254 [stating the contact information for potential witnesses is ‘basic civil discovery’ and ‘neither unduly personal nor overly intrusive,’ and that remains so regardless of the number of potential witnesses at issue.]

Accordingly, the Court grants plaintiff’s motion to compel further with respect to Special Interrogatory No. 12.

Special Interrogatories 22, 23, and 25

Special Interrogatories No. 22, 23, and 25 ask about “harassment training” by defendant and for identification of documents related to such training.

Plaintiff argues that defendant’s arguments are essentially baseless as “Plaintiff has alleged harassment claims under the FEHA [Fair Employment and Housing Act] for the sexual harassment she was repeatedly subjected to by Defendant and other employees, patrons, and for the hostile work environment she was forced to work in.” (Plaintiff’s Moving Papers, pg. 7:25-27.)

Defendant’s argument is centered on vagueness and ambiguity as defendant argues that “Plaintiff does not specify what constitutes “harassment training” for purposes of her Interrogatories. For instance, it remains unclear whether it seeks information about training that Defendant contends comply or satisfies any requirements under the Fair Employment and Housing Act, which has specific training requirements.” (Defendant’s Opposition Papers, 4:1-4.) It is important to note that defendant did not successfully defend objections not argued in its opposition papers.

Here, the Court agrees with plaintiff that the request is not vague or ambiguous. Plaintiff’s request is fairly straightforward with respect to harassment training. Defendant reads into the question whether the harassment training they might provide, complies with Fair Employment and Housing Act. That issue is not ripe at this stage of discovery.

Accordingly, the Court grants plaintiff’s motion to compel further with respect to Special Interrogatories, No. 22, 23 and 25.

Production of Documents

Here, plaintiff seeks to compel a further production for Production of Documents, No. 34. The request and response is as follows:

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 34: ALL DOCUMENTS RELATING TO or REFLECTING YOUR response to harassment claims made by PLAINTIFF.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS NO. 34: Responding Party incorporates its Preliminary Statement and General Objections above as though stated herein. Responding Party objects to this Request on the grounds that the term "claims" is vague and ambiguous, and this Request is vague and ambiguous as to time. Responding Party objects that this Request lacks foundation and assumes facts that Plaintiff made in harassment claims. Further objection is made that this Request seeks information protected by the attorney-client privilege and/or attorney work product doctrine.

Subject to and without waiving said objections, Responding Party responds that Plaintiff did not make a harassment claim.

(Yoosefian Decl., Ex. B)

Plaintiff makes this motion arguing that defendant's objections are without merit. For instance, "Defendant asserted [] the term "claims" was vague and ambiguous as to time. However, the term harassment claims refer to harassment claims made by Plaintiff during her employment ..." (Plaintiff's Moving Papers, pg. 7:9-11.) Furthermore, "Plaintiff has verbally complained and reported the sexual harassment she was subjected to during her employment to Defendant Michael Dean Puriett." (Plaintiff's Moving Papers, pg. 7:15-16.)

Defendant asserts that "[o]n July 25, 2025, Defendant responded that Plaintiff did not make any harassment claim. As such, there would be no documents. Defendant has properly responded to Request No. 34." (Defendant's Opposition, pg. 3:13-15.)

For purposes of Code of Civil Procedure section 2031.310, subdivisions (a)(1) and (2), the phrase "Plaintiff did not make a harassment claim" is incomplete as it does not definitively state there are no documents. Accordingly, plaintiff's motion to compel further productions to Request for Documents, No. 34 is granted.

Request for Admissions

Under Code of Civil Procedure section 2033.290, subdivision (a), parties may move for a further response for requests for admissions where an answer to the requests are evasive or incomplete or where an objection is without merit or too general.

Each response to a Request for Admission ("RFA") must contain either an answer or an objection to the particular RFA. (Code Civ. Proc., 2033.210, subd. (b).) Each answer "shall be as complete and straightforward as the information reasonably available to the responding party permits." (Code Civ. Proc., 2033.210, subd. (a).)

Here, plaintiff seeks to compel a further response for Request for Admissions, No. 3. The request and response is as follows:

REQUEST FOR ADMISSIONS NO. 3: Admit that YOU had the authority to control the start and end time of Plaintiff's work.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Responding Party incorporates its General Objections above as though fully set forth herein. Responding Party objects to this Request as vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible information. Responding Party further objects to this Request to the extent it calls for a legal or expert opinion from a lay witness.

(Yoosefian Decl., Ex. B)

Plaintiff argues that most of defendant's objections are baseless and should be compelled to provide a response. (Plaintiff's Moving Papers, pg. 7:6-15.) Defendant counters that the request itself is vague on its face, and that "[w]hile an employer can set the start and end time of a shift, an employee may come to work early late, and likewise leave early or late, with or without permission of the employer." (Defendant's Opposition, pg. 4:8-9.) Plaintiff's reply argues that "[t]he term 'authority to control' carries a commonly understood meaning and does not require further definition to permit a good-faith response. Defendant's response that employees can come and go at any time is evasive and nonresponsive." (Plaintiff's Reply, pg. 2:21-23.)

Under these circumstances, the Court agrees with defendant. The request is vague and ambiguous, and contrary to plaintiff's reply, "authority to control" is not commonly understood in the everyday vernacular, to set times of when an individual is supposed to work.

Accordingly, plaintiff's motion to compel further responses to Request for Admissions, No. 3 is denied.

Sanctions

Plaintiff seeks \$9,620.00 in sanctions against defendant with respect to all three motions.

The court must impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel further response to a demand, 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. (Code Civ. Proc., §§ 2030.300, subd. (d), 2031.310, subd. (h), and 2033.290, subd. (d).)

Under these circumstances, the Court declines to award sanctions. The Court finds that defendant acted with substantial justification, and made reasonable arguments in support of their position. No sanctions are appropriate.

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: SMC **on** July 27, 2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Calburton, Inc. v. Rojas et al.***
Superior Court Case No. 24CECG05608

Hearing Date: July 29, 2026 (Dept. 403)

Motion: (1) Motion to Appoint Receiver
(2) Motion to Disqualify Counsel

Tentative Ruling:

To take the motion to appoint receiver off calendar, as no moving papers have been filed.

To continue the motion to disqualify counsel to Tuesday, September 1, 2026, 3:30 p.m. in Department 403.

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: SMC on July 28, 2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: **Brown v. The Arc Fresno/Madera Counties**
Superior Court Case No. 26CECG00287/COMPLEX

Hearing Date: July 29, 2026 (Dept. 403)

Motion: Motion to Compel Arbitration

Tentative Ruling:

To continue to Tuesday, September 1, 2026, 3:30 p.m. in Department 403.

Explanation:

On May 28, 2026, the parties filed a stipulation for order which was entered as an order by the court on June 15, 2026. The order acknowledged the parties' intent to pursue private arbitration and granted leave for Plaintiff to file a proposed First Amended Representative Action Complaint. Upon the filing of the amended pleading, among other things, all dates on calendar would be vacated, and the matter would be stayed.

Plaintiff has yet to file the proposed pleading. Accordingly, these dates remain on calendar, and the action is not yet stayed. The matter is continued.

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: SMC on July 28, 2026
(Judge's initials) (Date)