

Tentative Rulings for August 28, 2025
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.

25CECG01640	<i>Arvest Bank v. Mazen Alhindi</i> is continued to Wednesday, September 24, 2025, 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

(35)

Tentative Ruling

Re: ***Crouch v. Saint Agnes Medical Center***
Superior Court Case No. 22CECG03349

Hearing Date: August 28, 2025 (Dept. 503)

Motion: By Plaintiff Kathryn Crouch to Seal Portions of the First
Consolidated Class Action Complaint

**If oral argument is timely requested, it will be entertained on
Tuesday, September 2, 2025, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To grant and seal portions of the First Consolidated Class Action Complaint. The clerk is directed to file under order of seal, to remain sealed under further court order, the documents conditionally lodged on June 30, 2025.

Explanation:

"A record must not be filed under seal without a court order. The court must not permit a record to be filed under seal based solely on the agreement or stipulation of the parties." (Cal. Rules of Ct., rule 2.551(a).) Further, the court must make certain express findings in order to seal records. Specifically, the court must find that the facts establish:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest. (Cal. Rules of Ct., rule 2.550(d).)

Plaintiff Kathryn Crouch ("Plaintiff") seeks to file under seal, portions of paragraph 37 of the First Consolidated Class Action Complaint ("FAC"). Plaintiff submits that the information is subject to privacy laws of this state, and particularly as it relates to certain medical conditions or concerns.

The court has reviewed the portion of the FAC submitted for an order sealing those portions. Plaintiff sufficiently identifies the specific information entitled to protection from public disclosure constituting an overriding interest that overcomes the right of public access to the record, namely the types of medical services sought, that are not the direct subject of the present litigation. Plaintiff sufficiently argues the harm threatened by disclosure, namely the unnecessary exposure of private medical information if not sealed. Plaintiff sufficiently argues that the proposed sealing is narrowly tailored, affecting only the medical information sought to remain private. Based on the moving papers and lack

(37)

Tentative Ruling

Re: **Jesse Cobain v. Walmart, Inc.**
Superior Court Case No. 23CECG04440

Hearing Date: August 28, 2025 (Dept. 503)

Motion: By Defendant for Terminating Sanctions

**If oral argument is timely requested, it will be entertained on
Tuesday, September 2, 2025, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To grant the motion for terminating sanctions in favor of Defendant Walmart, Inc. and against Plaintiff Jesse Cobain. Defendant is directed to submit to this court, within seven days of the date of service by the clerk of this order, a proposed judgment dismissing this action.

Explanation:

Once a motion to compel discovery is granted, continued failure to comply may support a request for more severe sanctions. Code of Civil Procedure section 2023.010, subdivision (g), makes "[d]isobeying a court order to provide discovery" a "misuse of the discovery process," but sanctions are only authorized to the extent permitted by each discovery procedure. For failure to obey the court's discovery orders or to appear at a noticed deposition, the court may:

"[M]ake 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. §§ 2025.450, subd. (d) [depositions]; 2030.290, subd. (c) [interrogatories]; and 2031.300, subd. (c) [production demands].) Factors relevant to determining which sanction is appropriate include:

1. The time which has elapsed since the discovery was served;
2. Whether the party received extensions of time to answer;
3. The amount of discovery propounded;
4. The importance of the discovery sought;
5. Whether the party failing to answer acted in good faith and with reasonable diligence (i.e. whether he or she was aware of the duty to furnish the requested information and had the ability to do so);
6. Whether answers were supplied that were evasive or incomplete;
7. The amount of unanswered discovery remaining;

6

(46)

Tentative Ruling

Re: ***Dakota Enterprises Inc. v. Thomas Gromis***
Superior Court Case No. 24CECG05534

Hearing Date: August 28, 2025 (Dept. 503)

Motion: Demurrer to Complaint

**If oral argument is timely requested, it will be entertained on
Tuesday, September 2, 2025, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To order the motion off calendar, for defendants' failure to meet and confer.
(Code Civ. Proc., § 430.41 subd. (a).)

Explanation:

Defendants High Sierra Analytics, Inc. and Thomas Gromis ("defendants") demur to the complaint filed by plaintiffs Dakota Enterprises, Inc. and Marina Point Capital, Inc. ("plaintiffs").

Before filing a demurrer, the demurring party must meet and confer in person, by telephone, or by video conference with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer. (Code Civ. Proc., § 430.41.) The demurring party must file a declaration stating either that a meet and confer was held without a resolution, or that the party subject to demurrer failed to respond or otherwise meet and confer in good faith. (*Id.*, subd. (a)(3).)

The hearing on this motion was continued to allow defendants an opportunity to sufficiently meet and confer in compliance with Code. Pursuant to the court's tentative ruling on July 17, 2025, defendants were ordered to meet and confer with plaintiffs and file a supplemental declaration detailing their efforts if the dispute was not resolved following meet and confer. No supplemental declaration was filed by defendants.

The failure to sufficiently meet and confer is not grounds to overrule or sustain a demurrer. (Code Civ. Proc., § 430.41 (a)(4).) The motion is therefore ordered off calendar for defendants' failure to comply with the meet and confer requirement set forth in Code of Civil Procedure section 430.41 subd. (a).

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

