

Tentative Rulings for September 23, 2025
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.

22CECG03931	<i>Cartozian Air Conditioning & Heating, Inc. v. John Gonzalez</i> is continued to Tuesday, October 7, 2025, at 3:30 p.m. in Department 403.
24CECG00562	<i>Raynaldo Hernandez v. Chenwi Ambe, Medical Doctor</i> is continued to Thursday, September 25, 2025, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 403

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Tentative Ruling

Re:

Olawale Olatunde v Ajit Bains

Superior Court Case No. 23CECG03961

Hearing Date:

September 23, 2025 (Dept. 403)

Motion:

By Plaintiffs Compelling Defendant, B&B Haulers Inc., to serve verifications to their supplemental responses to Plaintiffs' Requests for: Production of Documents, Set One; Production of Documents, Set Two; Supplemental Interrogatory, Set One; and production of Defendant's vehicle for inspection

**If oral argument is timely requested, it will be entertained on
Tuesday, October 7, 2025, at 3:30 p.m. in Department 403.**

Tentative Ruling:

Motion is moot, except to grant reasonable sanctions in the sum of \$2,640 against Defendant B&B Haulers Inc. in favor of plaintiffs, to be paid to plaintiffs' counsel within 30 days of service of the minute order by the clerk.

Explanation

Defendant has provided responses to the aforementioned requests.

The court may award sanctions against a party that fails to provide discovery responses. (Code Civ. Proc. § 2023.010(d), (h).) 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(c).) Where responding party provided the requested discovery after the motion to compel was filed, the court is authorized to award sanctions. (Cal. Rules of Court, rule 3.1348(a).)

Reasonable sanctions are warranted under Code of Civil Procedure, sections 2023.030(a) and (c). Plaintiffs' requests for sanctions in connection with the motions is granted. The court finds it reasonable to award sanctions for eight hours of attorney time preparing largely-identical motions at counsel's hourly rate of \$300, as well as filing fees, totaling \$2,640.

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:

Img

(Judge's initials)

on

9-22-25

(Date)

(35)

Tentative Ruling

Re: **Aspire General Insurance Company v. Benavente et al.**
Superior Court Case No. 25CECG01201

Hearing Date: September 23, 2025 (Dept. 403)

Motions:

(1) By Petitioner Aspire General Insurance Company for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Respondent Yaneth Benavente, and Request for Sanctions;

(2) By Petitioner Aspire General Insurance Company for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Respondent Briana Lopez, and Request for Sanctions;

Tentative Ruling:

To deny, without prejudice.

**If oral argument is timely requested, it will be entertained on
Tuesday, October 7, 2025, at 3:30 p.m. in Department 403.**

Explanation:

On March 12, 2025, petitioner Aspire General Insurance Company ("Petitioner") filed the instant action for assignment of a case number. By virtue of filing the petition, Petitioner obtained a case number. Petitioner now seeks to compel responses to discovery from respondents Yaneth Benavente and Briana Lopez (together "Respondents") pursuant to Insurance Code section 11580.2, subdivision (f).

The court has no indication of jurisdiction over the respondents. (Code Civ. Proc., § 410.50.) There are no proofs of service of summons to convey jurisdiction, nor are there any general appearances by either of Respondents. Accordingly, the motions are denied, without prejudice.

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: Img **on** 9-22-25.
(Judge's initials) (Date)