

Tentative Rulings for September 23, 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.

24CECG04981 *Damien Ruiz v. The County of Fresno* is continued to Wednesday, October 28, 2026, at 3:30 p.m. in Department 403.

25CECG01157 *Samuel Delgadillo v. Cynthia Pirnie* is continued to Wednesday, October 28, 2026, at 3:30 p.m. in Department 403.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(03)

Tentative Ruling

Re: **Chavez v. Rodriguez**
Case No. 25CECG02687

Hearing Date: September 23, 2026 (Dept. 403)

Motion: Plaintiff's Motions to Compel Defendant Rodriguez to Provide Initial Responses to Form Interrogatories and Requests for Production of Documents, to Deem Matters in Requests for Admissions to be Admitted, and for Sanctions

Tentative Ruling:

To grant plaintiff's motion to compel defendant Rodriguez to provide verified initial responses to form interrogatories and requests for production of documents, set one. To find that defendant has waived any objections to the interrogatories and requests for production. To order defendant to pay sanctions of \$120 to plaintiff. (Code Civ. Proc., §§ 2030.290; 2031.300.)

To deny plaintiff's motion for an order deeming defendant to have admitted the matters in the requests for admissions, as well as the request for sanctions in connection with the motion, as defendant was not required to verify his responses, which consisted solely of objections. The court also denies the motion to the extent it seeks an order finding that defendant waived all objections to the requests for admissions. (Code Civ. Proc., § 2033.280.)

Defendant shall pay sanctions within 30 days of the date of service of this order. Defendant shall serve verified responses without objections within 20 days of the date of service of this order.

Explanation:

First, to the extent that plaintiff seeks to deem defendant to have admitted the truth of the matters in the requests for admissions, the motion is improper and will be denied. Plaintiff claims that defendant's responses are unverified and thus are tantamount to no response at all. (*Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636; *Zorro Investment Co. v. Great Pacific Securities Corp.* (1977) 69 Cal.App.3d 907, 914.) Thus, plaintiff seeks an order finding that defendant has admitted the truth of the matters in the requests for admissions and waived all objections to the requests under Code of Civil Procedure section 2033.280.

However, while defendant did not serve verifications for the requests for admissions, his responses to the requests consisted solely of objections under the Fifth Amendment. (Exhibit D to Kalajian decl., Responses to Requests for Admissions.) Responses that consist solely of objections do not have to be verified. (Code Civ. Proc., § 2033.240, subd. (a).) Thus, failure to serve verifications to the responses was not tantamount to no response at all, and the court will not deem defendant to have

admitted the truth of the matters in the RFAs. Nor will the court deem defendant to have waived any objections. In fact, he has clearly raised objections based on the Fifth Amendment. As a result, the court intends to deny the motion with regard to the requests for admissions, as well as the request for sanctions in connection with the motion.

On the other hand, the court intends to grant the motions to compel defendant to provide initial responses with verifications to the form interrogatories and requests for production of documents. Defendant failed to provide verifications for his responses, which consist of a mix of objections and substantive responses. Thus, the responses are tantamount to no response at all, and the court will compel defendant to provide initial responses with verifications. (*Golf and Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 136 [holding that responses that consist of a mix of substantive responses and objections must be verified].)

The court also finds that defendant has waived all objections by failing to provide verified responses. (Code Civ. Proc., §§ 2031.300, subd. (a); 2030.290, subd. (a).) The court specifically notes that there has been no attempt up to the date of this tentative to provide even untimely verifications. While defendant contends that the court should not find that he waived his objections under the Fifth Amendment, the Discovery Act is clear that a responding party waives any objections to the requests when he fails to serve timely responses. (*Ibid.*) Here, defendant served only unverified responses, and his responses consisted of a mix of substantive information and objections. As a result, his responses were tantamount to no response at all. (*Appleton v. Superior Court, supra*, 206 Cal.App.3d at p. 636.) Thus, the court must find that defendant waived all of his objections by failing to verify his responses, even objections under the Fifth Amendment.

Finally, the court intends to grant plaintiff's request for sanctions against defendant for his failure to provide verified responses to the form interrogatories and requests for production. (Code Civ. Proc., §§ 2030.290, subd. (c); 2031.300.) Plaintiff seeks sanctions of \$180 based on filing fees for three motions to compel. However, the court intends to grant only two of the three motions, so the court will reduce the sanctions to \$120, or \$60 for each of the motions that was granted.

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 September 22, 2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: **Saunders v. Nunez**
Court Case No. 26CECG00828

Hearing Date: September 23, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested, the minor is excused from appearing.

Explanation:

There are errors and incomplete information with regards to the minor's medical expenses. In the petition, Number 12b indicates that petitioner paid \$165 and insurance paid \$769 toward the minor's medical care. Insufficient documentation is provided in the petition to support both the minor's medical expenses and this division of payment toward medical expenses. Further, the orders are inconsistent with these amounts. Number 8(3) indicates \$934 is sought to reimburse medical expenses, but below this indicates that Kaiser is to be reimbursed \$1,196.

Further, the court has concerns with \$250 of the requested costs. \$250 is sought as a file administration fee. Counsel's declaration refers to the retainer letter for this. However, the retainer letter describes this in two ways:

“If Bonakdar Law Firm have advanced costs toward the negotiation and settlement of client's claim and the costs have not been reimbursed, such sums will be repaid directly out of client's share of the recovery made in this matter. In your case a \$250 flat file set-up fee will be applied as a cost.”

(Attachment 17(a) at ¶ 6.)

“If client causes termination of the services of Bonakdar Law Firm prior to settlement, client will be charged a minimum administrative costs of \$250.00 in addition to all costs expended on his/her behalf. Client agrees that Bonakdar Law Firm will have a lien on any recovery for costs and reasonable attorney fees work performed or results obtained.”

(Attachment 17(a) at ¶ 16.)

The court reads these as providing for a way to reimburse counsel where no recovery is made or the client terminates services prior to settlement. Here, the petition seeks to recover identified costs, which the court would be inclined to approve, namely, the costs

for obtaining records from Kaiser Permanente and half of the filing and e-filing fees for the complaint. The court is not inclined to award a \$250 administrative file set-up fee. Further, even if the court were so inclined, there is no explanation for why this fee would not also be divided in half.

Pursuant to California Rules of Court, Rule 3.1312 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** September 22, 2026 .
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: ***Agustin Villatoro v. Joshua Johnson***
Superior Court Case No. 25CECG05170

Hearing Date: September 23, 2026 (Dept. 403)

Motion: Plaintiff's Motions to Compel Discovery of Peace Office
Personnel Records (*Pitchess*)

Tentative Ruling:

To grant plaintiff's motion to compel discovery of the documents relating to himself. To grant the motion to compel discovery of the personnel files and complaints relating to Commander Joshua Johnson.

Explanation:

Plaintiff Agustin Villatoro ("Villatoro" or "plaintiff") brought his complaint against defendant, City of Sanger, ("Sanger") and Joshua Johnson ("Johnson") (collectively "defendants") asserting claims for harassment, retaliation, discrimination, Public Safety Officers Procedural Bill of Rights Act ("POBRA"), and the failure to prevent harassment.

Villatoro brings the present motion seeking personnel records related to himself and his supervisor and alleged harasser, Commander Johnson. (All other record requests have been withdrawn.) (Reply Papers, pg. 2:3-4.):

1. PEACE OFFICER: AGUSTIN VILLATORO

All personnel records maintained by the City of Sanger relating to peace officer Agustin Villatoro, including but not limited to:

A. All records relating to Plaintiffs discipline, appraisal, performance evaluations, or adverse employment actions, including any investigations, notices of intent, or recommendations regarding medical separation or retirement.

B. All records relating to any complaints or investigations of complaints concerning Plaintiffs conduct.

C. All records relating to any complaints Plaintiff filed against members of the Department and/or City.

D. All records in Plaintiff's personnel file as defined in California Penal Code Section 832.8.

E. All records relating to any communications and/or notices made to the Peace Officer Standards and Training (POST) concerning Plaintiff.

2. PEACE OFFICER: COMMANDER JOSHUA JOHNSON

All personnel records maintained by the City of Sanger relating to peace officer Commander Joshua Johnson, including but not limited to:

F. All records relating to any complaints, investigations, or disciplinary actions alleging discrimination, retaliation, harassment, lying, falsification of records, sexual misconduct, criminal misconduct and abuse of power claims.

G. [Withdrawn]

H. All records relating to any complaints or investigations of complaints concerning Commander Johnson's mistreatment of subordinate employees.

I. All records relating to any sustained findings involving conduct constituting discrimination, retaliation, dishonesty, or violations of department policy.

J. All complaints naming Commander Johnson as a subject of misconduct and/or policy violations.

K. All records relating to any communications and/or notices made to the Peace Officer Standards and Training (POST) concerning Johnson.

(Moving Papers, pp. 14:7-15:9.)

With respect to the second category, the request for Johnson's performance evaluations is also withdrawn. (Reply Papers, pg. 2:4-5.) Plaintiff now requests in camera review of the following records maintained by Sanger concerning Johnson:

1. Plaintiff's harassment complaint against Johnson, all records of the investigation of that complaint, including the investigation conducted by JL Group, the findings of that investigation, and all records reflecting the City's response to it.

2. All other complaints, and records of any investigation of such complaints, alleging sexual harassment, sexual misconduct, discrimination, retaliation, or abuse of supervisory authority, together with records reflecting the City's response to each.

3. All records reflecting any sustained finding against Johnson involving harassment, discrimination, retaliation, dishonesty, or abuse of authority.

4. All records reflecting discipline imposed on Johnson, or a decision not to impose discipline, in connection with any complaint described above.

5. All records reflecting any complaint or finding of dishonesty by Johnson in connection with the reporting or investigation of misconduct.

6. All records reflecting harassment and discrimination training provided to Johnson, including records of his completion of that training.

7. All communications between the City and the Commission on Peace Officer Standards and Training concerning Johnson.

(Reply, pg. 5-22.)

Legal Standard

Evidence Code section 1043, subdivision (a) requires that a party seeking disclosure of police officer "personnel records" file a particular motion, a *Pitchess* motion. (Cf. *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.) "Personnel records" are defined as "primary records specific to each peace or custodial officer's employment, including evaluations, assignments, status changes, and imposed discipline." (Pen. Code, § 832.5, subd. (d)(1).) The *Pitchess* provisions "take precedence over the general discovery rules outlined in the Code of Civil Procedure." (*Davis v. City of Sacramento* (1994) 24 Cal.App.4th 393, 400.)

Evidence Code section 1043, subdivision (b) details what a *Pitchess* motion shall include: (1) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace or custodial officer whose records are sought, the governmental agency which has custody and control of the records, and the time and place at which the motion for discovery or disclosure shall be heard. (2) A description of the type of records or information sought. [And] (3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency identified has the records or information from the records.

"Section 1043 clearly requires a showing of 'good cause' for discovery in two general categories: (1) the 'materiality' of the information or records sought to the 'subject matter involved in the pending litigation,' and (2) a 'reasonable belief' that the governmental agency has the 'type' of information or records sought to be disclosed." (*Santa Cruz, supra*, 49 Cal.3d at p. 83.) Courts have described that as a "relatively low threshold" for discovery, but have also noted that section 1045's protective provisions offset that low threshold. (*Id.* at p. 83–84.)

"Under the statutory scheme, a party seeking discovery of a peace officer's personnel records must follow a two-step process. [Citation]." (*Haggerty v. Superior Court* (2004) 117 Cal.App.4th 1079, 1086; *Riske v. Superior Court* (2016) 6 Cal.App.5th 647, 656 ["This two-step process for discovery of peace officer personnel records balances the officer's strong privacy interests in his or her own personnel records with the needs of civil litigants and criminal defendants to obtain information material to their claim or defense"].)

"First, the party must file a written motion describing the type of records sought, supported by '[a]ffidavits showing good cause for the discovery ..., [i.e., the affidavits must] set[] forth the materiality [of the discovery] to the subject matter involved in the pending litigation and stat[e] upon reasonable belief that the governmental agency identified has the records or information from the records.' ([Evid. Code] § 1043, subd.

(b)(3).)" (*Haggerty, supra*, 117 Cal.App.4th at pp. 1085-86.; *Riske, supra*, 6 Cal.App.5th at p. 655 ["Good cause for discovery of peace officer personnel records under the statutory scheme exists when the party ... shows materiality ... and states upon 'reasonable' belief that the agency has the type of information sought"].)

"This initial burden is a 'relatively relaxed standard.' [Citation.]" (*Haggerty, supra*, 117 Cal.App.4th at p. 1086.) "Information is material if it "'will facilitate the ascertainment of the facts and a fair trial." [Citation.]' [Citations.]" (*Ibid.*; *Riske, supra*, 6 Cal.App.5th at p. 658 ["The critical limitation for purposes of the initial threshold determination is materiality, which, in this context, means the evidence sought is admissible or may lead to discovery of admissible evidence"].) "'[A] declaration by counsel on information and belief is sufficient to state facts to satisfy the 'materiality' component' [Citation.]" (*Haggerty, supra*, 117 Cal.App.4th at p. 1086.)

If the court finds good cause, then an in camera review of the records must be held. (*Slayton v. Sup.Ct.* (2006) 146 Cal.App.4th 55, 61.) After personally examining the records in camera, the trial court shall order disclosure of peace officer personnel records that are "relevant to the matter involved in the pending litigation." (Evid. Code, § 1045(a); *People v. Mooc* (2001) 26 Cal.4th 1216, 1226.) If disclosure is ordered, the court must also order that the disclosed information may not be used "for any purpose other than a court proceeding pursuant to applicable law." (Code Civ. Proc., § 1045 subd.(e); see *Alford v. Sup.Ct. (People)* (2003) 29 Cal.4th 1033, 1039-1040.)

Plaintiff's Own Records

With respect to Villatoro's own records, Sanger only objects to records pertaining to "All records relating to any complaints Plaintiff filed against members of the Department and/or City." (Opposition, pg. 14-22.) Sanger argues that:

Obviously, such complaints are not part of *Plaintiff's* personnel records, since they would not be used to evaluate *him*, but rather, would be part of the personnel records for the individual *against* whom he made those complaints. (See Pen. Code § 832.8 [defining peace officer personnel records to include complaints about the "manner in which [the officer] performed his or her duties."].)

(Opposition, pg. 5:16-19, emphasis NOT added.)

Complaints made by Villatoro against members of the Department and/or Sanger are not necessarily part of Villatoro's own personnel records. But *Pitchess* discovery procedures relate to relevant "personal information" of officers wherever it exists and however it is maintained by the employing entity. Here, complaints made by Villatoro against members of the Department and/or Sanger may be relevant in order for Villatoro to fairly present his claims for discrimination, retaliation, harassment, failure to prevent harassment, and POBRA violations under the Fair Employment and Housing Act.

Thus, the court finds that Plaintiff has demonstrated good cause for the production of records pertaining to documents that Villatoro categorized as records relating to Villatoro.

Joshua Johnson's Personnel Records

Villatoro contends that there is good cause to disclose the documents requested in the second category, with respect to Johnson. Plaintiff alleges that Johnson engaged in a pattern of sexual harassment directed at Villatoro, where Villatoro alleges Johnson sent Villatoro text messages containing sexually explicit content including references to sexual positions and genitalia. (Rutkowsli Decl., ¶18.) For example, Villatoro alleges Johnson sent Plaintiff a photograph of a blow-up doll wrapped in paper bearing the word "Ho" with a red ribbon over the groin region accompanied by the text "Did you get me for Secret Santa?" and that Johnson also sent Plaintiff a video of an individual defining a sexual term. (*Id.*) Villatoro argues that that all complaints pertaining to Johnson, and not just sexual harassment complaints, are pertinent, as Sanger had actual notice of Johnson's propensity for harassment, (Moving Papers, pg. 18:5-8), and are material with respect to claims that the City had actual knowledge of prior misconduct and failed to take adequate corrective action. (Moving Papers, pg. 18:21-23.) Furthermore, Villatoro claims that he was terminated based on an investigation Johnson initiated. (Moving Papers, pg. 18:25-26.)

Sanger in opposition, objects to records related to Johnson's conduct that do not involve Villatoro. (Opposition, 5:24-25.) Sanger's objections that documents not pertaining to Villatoro are non-permissible "me too" evidence, (Opposition, 6:2-28), or immaterial as those claims have nothing to do with Villatoro. (Opposition, 7:1-6.) Sanger did not object to other grounds.

Under these circumstances, the Court finds there is good cause for the discovery. An employer's knowledge is an element of a claim under Government Code section 12940, subdivision (k). An employer that received complaints about a supervisor and declined to act cannot establish that it took all reasonable steps to prevent that supervisor from harassing the next subordinate. Additionally, the records may be relevant to show whether the Department conducted a proper investigation. (See *Mendoza v. Western Medical Center Santa Ana* (2014) 222 Cal.App.4th 1334, 1344 ["The lack of a rigorous investigation by defendants is evidence suggesting that defendants did not value the discovery of the truth so much as a way to clean up the mess that was uncovered when [plaintiff] made his complaint"].) Furthermore, with respect to "me-too" evidence and admissibility, the standard is not whether the records in question would be admissible in court, as Sanger argues, but whether it "may lead to the discovery of admissible evidence. *Warrick v. Superior Court* (2005) 35 Cal.4th 1011, 1025-1026.

Thus, the court finds that Plaintiff has demonstrated good cause for the production of records pertaining to Johnson.

In Camera Review

The only individuals to be present at the in camera review to the extent the parties do not stipulate as noted above, are a court reporter, a custodian of records and the

attorney for Sanger (the party who holds the privilege as to the documents being produced), as well as any other person as the attorney for Sanger authorizes to be present.

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** September 22, 2026 .
(Judge's initials) (Date)

(03)

Tentative Ruling

Re: ***Spencer v. Community Hospitals of Central California***
Case No. 25CECG03557

Hearing Date: September 23, 2026 (Dept. 403)

Motion: Plaintiff's Motion to Appoint Arbitrator

Disclosure:

The Court discloses that, many years ago and prior to taking the bench, the Court represented Defendant in an unrelated matters. The Court does not believe the prior representation affects its ability to be fair and impartial in this matter.

Tentative Ruling:

To grant plaintiff's motion to appoint an arbitrator, in part. The court will order that each party separately submit a list of five potential arbitrators to the court within ten days of the date of this order. The court will then nominate five persons from the parties' lists. The parties will then select an arbitrator from the list within five days, or choose a different arbitrator if they can agree on one. If the parties fail to select an arbitrator within five days, the court will choose one for them. (Code Civ. Proc., § 1281.6.)

Explanation:

"If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator." (9 U.S.C.A. § 5.)

Likewise, under Code of Civil procedure section 1281.6, "If the arbitration agreement provides a method of appointing an arbitrator, that method shall be followed. ... In the absence of an agreed method, or if the agreed method fails or for any reason cannot be followed, ... the court, on petition of a party to the arbitration agreement, shall appoint the arbitrator."

"When a petition is made to the court to appoint a neutral arbitrator, the court shall nominate five persons from lists of persons supplied jointly by the parties to the arbitration or obtained from a governmental agency concerned with arbitration or private disinterested association concerned with arbitration. The parties to the agreement who seek arbitration and against whom arbitration is sought may within five

days of receipt of notice of the nominees from the court jointly select the arbitrator whether or not the arbitrator is among the nominees. If the parties fail to select an arbitrator within the five-day period, the court shall appoint the arbitrator from the nominees." (Code Civ. Proc., § 1281.6.)

"We define 'lapse,' for purposes of 9 U.S.C. § 5, to 'mean[] "a lapse in time in the naming of the" arbitrator or in the filling of a vacancy on a panel of arbitrators, or some other mechanical breakdown in the arbitrator selection process.'" (*BP Exploration Libya Ltd. v. ExxonMobil Libya Ltd.* (5th Cir. 2012) 689 F.3d 481, 491–492, citations omitted.)

In the present case, the arbitration agreement provides that "Arbitration will be conducted within the county in which the employee works for CMC or last worked for CMC unless all parties agree otherwise. The arbitrator shall be selected by mutual agreement or, if the parties cannot agree, either party may apply to an appropriate court to appoint a neutral arbitrator who shall act under this agreement with the same force and effect as if the parties had selected the arbitrator by mutual agreement. The arbitrator shall be a licensed attorney in the area or a retired federal or state judge." (Agreement, ¶ 5.)

It appears that there has been a "lapse" in the process for selecting an arbitrator, as the parties have been unable to agree on an arbitrator despite the passage of more than six months since the court ordered the case to be arbitrated, and despite the parties exchanging lists of multiple potential arbitrators. The parties also disagree on whether the arbitrator must be located in the Central Valley, or whether he or she may be based in Southern California or elsewhere.

Plaintiff contends that any potential arbitrator who is based in the Central Valley would likely have a conflict of interest, as they or their family or friends are likely to have some relationship with defendants, who are one of the largest healthcare providers in the Valley. Therefore, plaintiff asks that the court appoint one of her chosen arbitrators, as they are not located in the Valley and thus have no relationship with defendants that would create a conflict. On the other hand, defendants contend that there is no evidence that any of their candidates has an actual conflict that would preclude them from presiding over the case, and even if they potentially do have a conflict, such conflicts may be resolved through the usual procedures for dealing with judges or arbitrators with conflicts. Defendants contend that, since the arbitration must be held in Fresno County, it would be less costly and more efficient to appoint a Fresno-area judge to arbitrate the case.

The court agrees that plaintiff has failed to show that the potential arbitrators on defendants' list have conflicts that would disqualify them from hearing the case. While plaintiff contends that any arbitrator from Fresno County has a conflict because they or their families or friends are likely to have received medical services from defendants, she points to no evidence of any actual conflict that exists with defendants' arbitrators. She appears to be merely speculating that local judges would have a conflict because they or their family or friends may have received medical services from defendants at some time in the past. However, the fact that a judge or his or her family or friends might possibly have received medical services from defendants at some time does not automatically mean that they have a conflict of interest that precludes them from presiding over the case. Also, plaintiff has already chosen to litigate the case in Fresno, and if she had not been compelled to arbitration then a local Fresno Superior Court judge

would have heard the case. In fact, at least two Superior Court judges have already heard parts of the case. If plaintiff's logic were correct, than any judge in Fresno, or anywhere in the Central Valley for that matter, would have a conflict and would have to be disqualified. Yet plaintiff has not objected to a Fresno judge hearing the case before now.

Also, plaintiff points to no evidence of any specific conflict that any of the judges proposed by defendants might have. However, if plaintiff does have evidence of any such conflict, then she can raise it with the normal statutory procedures. As a result, the court intends to reject plaintiff's argument that no Fresno area judge may hear the matter.

However, it does appear that the parties have reached an impasse and are unable to agree on an arbitrator without court intervention. Therefore, the court intends to follow the procedure set forth in section 1281.6 and order the parties to submit lists of potential arbitrators to the court. The court will then nominate five persons from the lists. The parties may then jointly select an arbitrator from the court's list, or they may agree on a different arbitrator who is not on the list. If the parties fail to select an arbitrator within five days, then the court will select an arbitrator from the list of nominees. (Code Civ. Proc., § 1281.6.)

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** September 22, 2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Glover v. Guerrero et al.***
Superior Court Case No. 25CECG05407

Hearing Date: September 23, 2026 (Dept. 403)

Motion: By Defendant Maria Guerrero to Quash Service of Summons

Tentative Ruling:

To grant and quash the proof of service of summons, filed July 8, 2026, as to defendant Maria Guerrero.

Explanation:

Defendant Maria Guerrero ("Defendant") seeks to quash service of summons of the Complaint pursuant to Code of Civil Procedure section 418.10, subdivision (a)(1).

Code of Civil Procedure section 418.10, subdivision (a)(1) provides that a defendant, on or before the last day of his or her time to plead or within any further time that the court may for good cause allow, may serve and file a notice of motion to quash service of summons on the ground of lack of jurisdiction of the court over him or her. Generally, the court in which an action is pending has jurisdiction over a party from the time summons is served on her. (Code Civ. Proc., § 410.50, subd. (a).) Here, the proof of service of summons, filed July 8, 2026, shows personal service of summons on July 4, 2026 as to Defendant.

Whether a proof of service is void does not depend on evidence outside the face of the record. (*Trackman v. Kenney* (2010) 187 Cal.App.4th 175, 182.) If such a defect can be shown on the face of the proof of service, the burden falls to the plaintiff to demonstrate effective service. (*Dill v. Berquist Const. Co.* (1994) 24 Cal.App.4th 1426, 1441.) Without such a defect, the filing of a proof of service creates a rebuttable presumption that service was proper. (*Id.* at pp. 1441-1442.) There are no discernable defects on the face of the proofs of service. Accordingly, the proofs of service are presumptively valid.

Defendant submits that she does not reside at the address on the proof of service, at 7121 Street, Sanger, California, 93657, nor has did she reside at the address at the time of service. (Guerrero Decl., ¶ 4.) Moreover, Defendant submits that on the indicated date for service, she was 21 years old, not 65, as indicated in the proof of service. (*Id.*, ¶ 5.)

Based on the above, the proof of service of summons, which purported to effect personal service, is sufficiently rebutted. No opposition was filed. The motion is granted. The proof of service filed July 8, 2026 is quashed.

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** September 22, 2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Fazli v. Roohi et al.***
Superior Court Case No. 25CECG05108

Hearing Date: September 23, 2026 (Dept. 403)

Motion: Motion to Quash

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

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 September 22, 2026.
(Judge's initials) (Date)