

Tentative Rulings for October 2, 2025
Department 501

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.*

25CECG01438 *Mitsubishi HC Capital America, Inc. v. Bahadur Singh*

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

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

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Tentative Ruling

Re: **Quarles v. Cox, M.D., et al.**
Superior Court Case No. 24CECG02848

Hearing Date: October 2, 2025 (Dept. 501)

Motion: by Defendant to Compel Further Responses to Discovery

Tentative Ruling:

To deny the motion to compel further responses of plaintiff Anthony Quarles to Special Interrogatories, Set Two, as moot in light of the verified supplemental responses served September 18, 2025.

To impose monetary sanctions in favor of defendant and against plaintiff Anthony Quarles. (Code Civ. Proc. §§ 2023.010, subd. (h), 2030.300, subd. (d).) Plaintiff is ordered to pay \$917.50 in sanctions to La Follette, Johnson, DeHaas, Fesler & Ames law firm, within 30 days of the clerk's service of the minute order.

Explanation:

Defendant David Wells, M.D., moves to compel plaintiff Anthony Quarles to provide further responses to special interrogatories, set two, interrogatory nos. 37 and 38 regarding what treatment plaintiff received from the defendant doctor he contends fell below the standard of care. Defendant asserts plaintiff's responses failed to differentiate claims against Dr. Wells from those against the other doctors included in this medical malpractice action. Defendant requests sanctions totaling \$1,407.50 based on plaintiff having made evasive responses to discovery. (Code Civ. Proc. § 2023.010, subd. (f).)

In opposition, plaintiff has presented evidence that verified, supplemental responses to the discovery requests at issue were served on September 18, 2025. (Ross Decl., ¶ 4, Ex. A.) The court notes that the further responses mis-numbered as responses to special interrogatories one and two, rather than thirty-seven and thirty-eight.

In light of the evidence of further verified responses having been served, the motion to compel further responses is moot.

Following the service of a further response, the court has discretion to award sanctions under the Discovery Act. (Cal. Rules of Court, rule 3.1348(a).) Here, the court notes plaintiff did not participate in the Pretrial Discovery Conference procedure set forth in the local rules and has not set forth substantial justification for the failure to provide a further response before defendant was required to file the motion at bench. Accordingly, the court finds sanctions should be awarded in favor of defendant and against plaintiff in the amount of \$917.50, reflecting the time to prepare the moving papers and the filing fee.

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: DTT **on** 9/29/2025.
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***Hoskins v. Crescent View South Inc.***
Superior Court Case No. 25CECG00970

Hearing Date: October 2, 2025 (Dept. 501)

Motion: by Plaintiff to Compel Responses to Form Interrogatories – General (Set One), Form Interrogatories – Employment Law (Set One), and Demand for Production of Documents (Set One), and for Sanctions

Tentative Ruling:

To deny the motions to compel discovery responses as moot, as verified responses have been served. (Code Civ. Proc., §§ 2030.290, 2031.300.) To award plaintiff Lindsey Hoskins sanctions in the sum of \$1,530, to be paid by defendant Crescent View, Inc., to plaintiff's counsel within 30 days of service of the order by the clerk. (Code Civ. Proc., §§ 2023.030, subd. (d), 2030.290, subd. (c), 2031.310, subd. (d).)

Explanation:

The discovery at issue was served on plaintiff on 4/9/2025. After being granted two extensions of time to respond, responses were due by 6/30/2025, but were not served until 9/19/2025, well after the motions to compel were filed. Defense counsel implies that the responses were served late because he switched law firms and there was a delay in transferring client files.

Whether a particular response does resolve satisfactorily the issues raised by a motion is a matter best determined by the trial court in the exercise of its discretion, based on the circumstances of the case. In many cases involving untimely responses, the propounding party will take the motion off calendar or narrow its scope to the issue of sanctions. If the propounding party proceeds with the motion, however, the trial court has the discretion to rule on the motion. The trial court might **[1]** compel responses without objection if it finds no legally valid responses have been provided to one or more interrogatories; **[2]** it might deny the motion to compel responses as essentially unnecessary, in whole or in part, and just impose sanctions; **[3]** it might treat the motion as one under section 2030.300 and either determine that further answers are required, [fn omitted] or order the propounding party to "meet and confer" (§ 2030.300, subd. (b)) and file a separate statement (Cal. Rules of Court, rule 3.1020(a)(2), (c)); or **[4]** it might take the motion off calendar, thereby requiring the propounding party to file a motion under section 2030.300.

(*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 409.)

Plaintiff concedes that the motions to compel are moot in light of defendant's service of responses. The court notes, however, that defendant does not have the right to include objections in any responses. Objections are waived due to the failure to respond in time. Relief from waiver can only be obtained on motion made by defendant. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).)

Because the responses were only served after the motions to compel were filed, reasonable sanctions of \$1,530 should be imposed. (Code Civ. Proc., §§ 2023.030, subd. (d), 2030.290, subd. (c), 2031.310, subd. (d).) The court notes that the sanctions sought by plaintiff's counsel are not reasonable. It was not necessary to file separate motions for the two sets of interrogatories – they could have been combined in a single motion. All three motions are largely identical, and the claimed billing rate of \$675 is excessive. The court will award 1.5 hour for the two interrogatories motions (they are duplicative), 1.5 hour for the document demands motion, and 1.5 hours for the three replies (they're all largely duplicative) for a total of \$1,350, plus \$180 for filing fees.

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: DTT **on** 9/29/2025 .
(Judge's initials) (Date)

(03)

Tentative Ruling

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

Hearing Date: October 2, 2025 (Dept. 501)

Motion: by Defendant Rodriguez to Strike Plaintiff's Claim for
Punitive Damages

Tentative Ruling:

To continue the hearing on the motion to strike to November 13, 2025, at 3:30 p.m. in Department 501. To order defense counsel to meet and confer with plaintiff's counsel in person, by phone, or by videoconference as required under Code of Civil Procedure section 435.5. To order defense counsel to file a supplemental declaration describing his further meet and confer efforts by the close of business on November 6, 2025.

Explanation:

Code of Civil Procedure section 435.5 states that, "[b]efore filing a motion to strike pursuant to this chapter, the moving party shall meet and confer **in person, by telephone, or by video conference** with the party who filed the pleading that is subject to the motion to strike for the purpose of determining if an agreement can be reached that resolves the objections to be raised in the motion to strike." (Code Civ. Proc., § 435.5, subd. (a), emphasis added.)

"As part of the meet and confer process, the moving party shall identify all of the specific allegations that it believes are subject to being stricken and identify with legal support the basis of the deficiencies. The party who filed the pleading shall provide legal support for its position that the pleading is legally sufficient, or, in the alternative, how the pleading could be amended to cure any legal insufficiency." (Code Civ. Proc., § 435.5, subd. (a)(1).)

"The moving party shall file and serve with the motion to strike a declaration stating either of the following: (A) The means by which the moving party met and conferred with the party who filed the pleading subject to the motion to strike, and that the parties did not reach an agreement resolving the objections raised by the motion to strike. (B) That the party who filed the pleading subject to the motion to strike failed to respond to the meet and confer request of the moving party or otherwise failed to meet and confer in good faith." (Code Civ. Proc., § 435.5, subd. (a)(3)(A), (B), paragraph breaks omitted.)

However, "[a] determination by the court that the meet and confer process was insufficient shall not be grounds to grant or deny the motion to strike." (Code Civ. Proc., § 435.5, subd. (a)(4).)

Here, defense counsel sent a single letter to plaintiff's counsel on July 17, 2025, which demanded that plaintiff remove her punitive damage prayer from the Complaint,

but did not explain the legal basis for his request or cite to any legal authorities other than Civil Code section 3294 and Code of Civil Procedure section 436, subdivision (a). (Exh. B to Sciacca Decl.) Thus, defense counsel did not meet and confer in the manner required by section 435.5, since he did not contact plaintiff's counsel in person, by phone, or by videoconference. The meet and confer letter was also insufficient to meet the requirements of the statute, as it contained no legal discussion of the alleged deficiencies of the complaint. In addition, defense counsel only gave plaintiff's counsel two court days to respond to the letter, which further indicates a lack of a good faith attempt to resolve the dispute before filing the motion.

However, under section 435.5, subdivision (a)(4), the court cannot deny a motion to strike simply because the moving party failed to meet and confer. Thus, rather than denying the motion to strike for failure to adequately meet and confer, the court intends to continue the matter until November 13, 2025, and order the parties to meet and confer in person, by phone, or by videoconference as required by the statute. If the parties do not resolve their dispute through the meet and confer process, defense counsel shall file a supplemental declaration prior to the continued hearing date, describing the further meet and confer efforts.

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: DTT **on** 9/29/2025.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Santos v. Palogix International Limited***
Superior Court Case No. 24CECG03568

Hearing Date: October 2, 2025 (Dept. 501)

Motion: by Defendants for Leave to File a Cross-Complaint

Tentative Ruling:

To grant. Defendants are to file the proposed cross-complaint within 15 days of the clerk's service of the minute order.

Explanation:

Defendants seek leave to file a cross-complaint against Plaintiff Olman Santos, DJT Transport, Inc. ("DJT"), and J Delgadillo Trucking, Inc. ("JDT") for negligence, apportionment, and indemnity. Code of Civil Procedure section 426.50 allows a party to move for leave to file a cross-complaint where failure to file such was by "oversight, inadvertence, mistake, neglect, or other cause." It articulates: "The court, after notice to the adverse party, shall grant, upon such terms as may be just to the parties, leave to amend the pleading, or to file the cross-complaint, to assert such cause if the party who failed to plead the cause of action acted in good faith." (Ibid.) Such leave "shall be liberally construed to avoid forfeiture of causes of action." (Ibid.) Once a trial date has been set, leave of court is required prior to filing a cross-complaint. (Code Civ. Proc., § 428.50.) "Leave may be granted in the interest of justice at any time during the course of the action." (Code Civ. Proc., § 428.50, subd. (c).)

Plaintiff argues that defendants have not acted in good faith because they delayed seeking leave to file their cross-complaint. Liberality "requires that a strong showing of bad faith be made in order to support a denial of the right to file a cross-complaint." (*Sidney v. Superior Court* (1988) 198 Cal.App.3d 710, 718, quoting *Foot's Transfer & Storage Co. v. Superior Court* (1980) 114 Cal.App.3d 897, 902.) The preference is to allow the parties their day in court. (Ibid.)

Here, defendants filed their Answer on December 13, 2024, and filed this motion seven months later on July 30, 2025. On January 13, 2025, they served discovery on plaintiff. (Von Esch Decl., ¶ 11.) Plaintiff provided his response on March 11, 2025. (Ibid.) Meanwhile, defendants served a records subpoena on JDT on February 10, 2025. (Ibid.) A response was received on May 21, 2025. (Ibid.) Defendants assert that the discovery responses identified plaintiff's employer as DJT, but also stated that he was self-employed. (Id. at ¶ 12 and Exh. 2.) Defendants sought clarification by way of contracts and other records, but have been unable to discern the relationship between plaintiff, DJT, and JDT. (Ibid.) As such, they are moving for leave to file a cross-complaint against plaintiff, DJT, and JDT while recognizing that clarification is still needed. (Id. at ¶ 13.) Defendants also note that no depositions have been taken in this matter and discovery is still being exchanged. (Id. at ¶ 14.)

Plaintiff argues that defendants knew this information at the time of the incident, knew of his claim when the action was commenced, and should have filed a cross-complaint at the same time the Answer was filed. At a minimum, plaintiff argues that enough was known when his responses were served on March 11, 2025, to file this cross-complaint. However, defendants have asserted that they are still unsure of the relationship between plaintiff, JDT, and DJT, and how these relationships inform the incident alleged in plaintiff's Complaint. As such, it does appear that defendants have acted in good faith. Additionally, defendants have noted that discovery is still being exchanged, depositions have not been taken, and plaintiff's medical examination has not occurred. (Luu Decl., ¶¶ 6-11, Exh. 1.) The court grants the motion for leave to file a cross-complaint.

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: DTT **on** 9/30/2025.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Marsh v. Service Employees International Union, Local 2015***
Superior Court Case No. 25CECG02038/COMPLEX

Hearing Date: October 2, 2025 (Dept. 501)

Motion: by Defendant Service Employees International Union, Local 2015 on Demurrer to First Amended Complaint

Tentative Ruling:

To sustain, without leave to amend. (Code Civ. Proc., § 430.10, subd. (a).) Defendant Service Employees International Union, Local 2015, is directed to submit a proposed judgment within five days of service of the order by the clerk.

Explanation:

On July 31, 2025, plaintiffs Shirley Marsh, Laura Lozano, Tuan Vu, Sonia Castro, Carlos Chevez, Chaquan May, Esther Escarga, Tabish Zaman, Toni Pipkin, Valerie Taylor, Alexia Alston, Iurik Tovmasian, Masai Burnett, Alicia Williams, and Karen Morrow (collectively "plaintiffs") filed a First Amended Complaint ("FAC") on behalf of themselves and all other similarly situated, against defendant Service Employees International Union, Local 2015 ("defendant"). The Complaint states a single cause of action for violation of the unfair competition laws of Business and Professions Code section 17200. Defendant demurs to the FAC

In determining a demurrer, the court assumes the truth of the facts alleged in the complaint and the reasonable inferences that may be drawn from those facts. (*Miklosy v. Regents of Univ. of Cal.* (2008) 44 Cal.4th 876, 883.) On demurrer, the court must determine if the factual allegations of the complaint are adequate to state a cause of action under any legal theory. (*Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 103.)

On a demurrer a court's function is limited to testing the legal sufficiency of the complaint. A demurrer is simply not the appropriate procedure for determining the truth of disputed facts. (*Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114.) It is error to sustain a demurrer where plaintiff "has stated a cause of action under any possible legal theory. In assessing the sufficiency of a demurrer, all material facts pleaded in the complaint and those which arise by reasonable implication are deemed true." (*Bush v. California Conservation Corps* (1982) 136 Cal.App.3d 194, 200.)

Defendant demurs on the grounds of jurisdiction. Defendant submits that this court lacks subject matter jurisdiction as to the claim asserted. Defendant contends that the matters of this action are primarily one of employee labor relations with public employees, rendering the action to the exclusive jurisdiction of the Public Employees Relations Board ("PERB").

A complaint alleging a violation of rules and regulations adopted by a public agency with an employee organization are, in the first instance, the exclusive jurisdiction of PERB. (Gov. Code, § 3500 *et seq.*; *id.*, § 3509, subd. (b)(1). Here, the material allegation is that, without permission or authorization, or through fraudulent means, defendant took money in the form of union dues directly from plaintiffs' paychecks. (FAC, ¶ 2.) Secondary to that, the FAC alleges that defendant threatened plaintiffs during orientation for their in-home health provider jobs that if plaintiffs did not join, they would lose their benefits. (*Id.*, ¶ 4.) The FAC alleges that the proposed class be defined as "[a]ll public employees in California who were represented by [defendant] in collective bargaining and were injured by [defendant]'s unfair business practices scheme to take dues from those public employees' wages without their consent." (*Id.*, ¶ 186.)

From the above, it appears that the allegations critical to the action arise out of a dispute by public employees, with an employee organization and its collective bargaining. As defendant suggests, the crux of the action implicates either or both of the following: that public employees have a right to refuse to join or participate in the activities of the employee organization (Gov. Code, § 3502); or that, as a matter of unfair competition, union representatives breached a duty to fairly represent all bargaining unit workers regardless of their membership status (*Paulsen v. Loc. No. 856 of the Int'l Bhd. of Teamsters* (2011) 193 Cal.App.4th 823, 830-831). In either scenario, it appears that Government Code section 3509, subdivision (b)(1), applies and PERB has exclusive initial jurisdiction of the matter. None of the exceptions apply from the allegations of the FAC. (Gov. Code, § 3509, subd. (b)(1) [excepting issues of unlawful strikes and consequences thereof].) No opposition was filed. Accordingly, the demurrer is sustained, without leave to amend.

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: DTT **on** 9/30/2025.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: ***In re Marialy Giselle Guerrero***
Superior Court Case No. 25CECG02180

Hearing Date: October 2, 2025 (Dept. 501)

Motion: Expedited Petition to Approve Compromise of Minor's Claim

Tentative Ruling:

To grant. The proposed Order will be signed. No appearances are necessary.

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: DTT on 10/1/2025.
(Judge's initials) (Date)