

Tentative Rulings for October 8, 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.

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Tentative Ruling

Re: **Flurnoy v. Lithia JEF, Inc., et al.**
Superior Court Case No. 24CECG04462

Hearing Date: October 8, 2025 (Dept. 403)

Motion: by Plaintiff for an Order Compelling Deposition of Defendant
Lithia JEF, Inc.'s Person Most Knowledgeable

Tentative Ruling:

To take the motion off calendar. (Superior Court of Fresno County Local Rules, rule 2.1.17(A).)

Explanation:

Motion Filed Without Leave of Court

Fresno County Superior Court Local Rules, Rule 2.1.17 requires that **before filing**, *inter alia*, a motion to compel attendance at deposition to which objections are lodged, under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request an informal Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference. Forms for requesting the conference and opposing the request are available on the court's website. The moving party is referred to Rule 2.1.17 for further particulars.

Here, plaintiff Hailey Flurnoy failed to submit a request for an informal Pretrial Discovery Conference and obtain leave to file the instant motion to compel attendance on a deposition notice against which objections were lodged. (Raufy Decl., ¶¶ 6-7, and Ex. 6-7.) Plaintiff's request for Pretrial Discovery Conference sought **after** the motion was filed does not cure the defect. Accordingly, the motion will not be heard, and is ordered off calendar.

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 10-7-25.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: **HP Trans, Inc. v. Garha Transport, Inc.**
Superior Court Case No. 23CECG02302

Hearing Date: October 8, 2025 (Dept. 403)

Motion: By Plaintiff's Attorney to be Relieved as Counsel

Tentative Ruling:

To deny, without prejudice.

Explanation:

It does not appear from the court's record that counsel filed a proof of service of the motion. Similarly, the section on the declaration form addressing confirmation of the client's address is blank. Accordingly, this court exercises its discretion such that withdrawal is not granted at this time. (*Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1133 ["The determination whether to grant or deny a motion to withdraw as counsel lies within the sound discretion of the trial court."])

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 10-7-25
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: ***Patricia F. v. Westcare California, Inc.***
Superior Court Case No. 24CECG00632

Hearing Date: October 8, 2025 (Dept. 403)

Motion: Summary Judgment

Tentative Ruling:

This motion is taken off calendar as it does not appear from the court's record that moving papers were 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: Img on 10-7-25
(Judge's initials) (Date)