

Tentative Rulings for October 22, 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.

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Tentative Ruling

Re: ***Maria Cobian v. Go Behavioral, LLC***
Superior Court Case No. 23CECG04870

Hearing Date: October 22, 2025 (Dept. 503)

Motion: by Plaintiff to Compel Initial Responses to General Form Interrogatories, Employment Form Interrogatories, Special Interrogatories, and Requests for Production of Documents

Tentative Ruling:

To deny.

Explanation:

Plaintiff Maria Cobian ("plaintiff") moves to compel defendant Go Behavioral, LLC ("defendant") to provide initial verified responses to her propounded discovery. Plaintiff argues that because defendant served objection-only responses without verification, the lack thereof is tantamount to no responses at all.

It is appropriate for a party on whom discovery requests have been served to respond to the propounded discovery with either an answer or an objection. (Code Civ. Proc., §§ 2030.210 subd. (a), 2031.210.) A response with nothing other than objections does not need to be verified. (*Id.*, §§ 2030.250 subd. (a), 2031.250 subd. (a), *Blue Ridge Ins. Co. v. Superior Court* (1988) 202 Cal.App.3d 339, 344.) The principle that an unverified response is tantamount to no response at all applies only where a substantive response has been given. (See *Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 634, 636.)

Here, it is not in dispute that defendant served plaintiff with timely objection-only responses to the propounded discovery. (See Markey Decl., ¶ 2, Vecchiarelli Decl., ¶ 4.) As no substantive responses were provided, the responses did not need to be verified and counsel's signature alone was sufficient. Thus, initial responses have been provided, and the motions to compel initial responses are denied.

When the propounding party believes that any objections are without merit or are too general; that any representation of inability to comply is inadequate, incomplete, or evasive; or that any statement of compliance is incomplete, the appropriate motion is for an order compelling further responses to the demand. (Code Civ. Proc., §§ 2030.300 subd. (a), 2031.310 subd. (a).) Even if these motions were to be construed as motions to compel further responses, the motions must be denied.

Motions to compel further responses have deadlines and procedures distinct from a motion to compel initial responses. First, defendant argues that the motion is untimely, as it was brought more than 45 days after service of the responses to discovery. (Code Civ. Proc., §§ 2030.300 subd. (c), 2031.310 subd. (c).) The statutes only identify the 45-day time limit as applicable to service of *verified* responses, and there is no guidance as to

whether this time limit should also apply when objection-only responses are served. Other courts have declined to decide this issue. (See *Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 136 [“We can leave for another day the possibility of an ‘absurd result,’ as the trial court put it, if there is no time limit on a motion to compel involving (only) objections.”].) As these motions were not filed as motions to compel further responses, this issue was not fully or properly briefed by the parties and thus the court declines to make a decision as to whether these would have been timely motions to compel further responses.

Second, motions to compel further responses require a meet and confer declaration. (Code Civ. Proc., § 2030.300 subd. (b)(1).) The declaration must state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (*Id.*, § 2016.040.) Plaintiff identifies the “issue” as defendant’s failure to provide substantive or verified responses. (Reply, 2:12.) This is not one of the issues on which a motion to compel further responses may be based (see Code Civ. Proc., §§ 2030.300 subd. (a), 2031.310 subd. (b)(2)), and none of those reasons appear to have been discussed. Thus, plaintiff has not adequately complied with the meet and confer requirements for a motion to compel further responses. The declaration itself is deficient, as it does not comply with Code of Civil Procedure sections 2030.300 subdivision (b)(2) and 2031.310 subdivision (b)(2).

Third, Fresno Superior Court Local Rule 2.1.17 requires that prior to filing a motion to compel further responses, the moving party must request an informal Pretrial Discovery Conference (“PTDC”). Per the local rule, (1) the request must be denied *with* permission by court order to file the motion, or (2) express permission may be granted by the court to file the motion after a PTDC is held if the dispute is not resolved. (Super. Ct. Fresno County, Local Rules, rule 2.1.17.) Here, plaintiff filed a request for PTDC that was denied by the court on August 19, 2025 for insufficient meet and confer efforts.¹ The court’s order on the request for PTDC does *not* give plaintiff permission to file a motion to compel further responses. Thus, this threshold has not been met and a motion to compel further responses cannot be considered.

Due to these procedural defects, even if these motions were to be construed as motions to compel further responses, the motions must be denied. As defendant has made no request for monetary sanctions, no sanctions will be imposed.

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: JS **on** 10/20/2025.
(Judge’s initials) (Date)

¹ Defendant’s Requests for Judicial Notice Items 1 and 2 are granted to the extent they demonstrate that such records exist, but not for the truths of any of the matters asserted therefrom. Requested Item 3 is granted.

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Tentative Ruling

Re: ***Aicher v. AmGuard Insurance Company***
Superior Court Case No. 25CECG01023

Hearing Date: October 22, 2025 (Dept. 503)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny without prejudice. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders.

Explanation:

The petition indicates that *all* costs and attorney fees are being paid out of claimant's settlement funds (see pet., 13.b., last line [motion fees], 17.e.). As there are three petitioners, it would appear that claimant's share of costs and fees should be 1/3. The petition is therefore denied without prejudice.

Pursuant to California Rules of Court, rule 3.1312, and Code of Civil Procedure section 1019.5(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: JS on 10/21/2025.
(Judge's initials) (Date)