Tentative Rulings for October 22, 2026
Department 503

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, the remote appearance will be conducted through Zoom. 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.

25CECG04914 ***Honarchian v. Sinclair Properties I, LLC*** **is continued to Thursday, December 10, 2026, at 3:30 p.m. in Department 503.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(20)

Tentative Ruling

Re: ***Rodriguez v. Rodriguez et al.***
Superior Court Case No. 25CECG05903

Hearing Date: October 22, 2026 (Dept. 503)

Motion: By Plaintiffs for Interlocutory Judgment and Appointment of Referee

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 503.

Tentative Ruling:

To grant and sign the proposed order.

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 10/21/2026.
(Judge's initials) (Date)

(36)

Tentative Ruling

Re:	***Stovall v. Land-Garzon, Inc., et al.*** Superior Court Case No. 25CECG00049
Hearing Date:	October 22, 2026 (Dept. 503)
Motions (x2):	by Defendant Oscar Garzon to Compel Further Deposition and Further Responses to Requests for Production of Documents from Non-Party Deponent Dr. Ali Najafi of Neurosurgical Associates Medical Group, Inc.'s Person Most Qualified by Defendant Oscar Garzon for Leave to Conduct Second Medical Examination of Plaintiff Chad Stovall

Tentative Ruling:

To deny the motions without prejudice. (Code Civ. Proc., §§ 2025.450, subd. (b); 2032.310, subd. (a).)

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 503.

Explanation:

Motion to Compel Further Deposition and Responses

Timeliness of the Motion

A motion to compel a deponent's answer to any question or to produce any document "shall be made no later than 60 days after the completion of the record of the deposition, and shall be accompanied by a meet and confer declaration. . ." (Code Civ. Proc., § 2025.450, subd. (b).)

Here, the parties agree that the deposition record was completed on December 30, 2025. Therefore, defendant's deadline to file the motion to compel the non-party deponent's further deposition and to produce further documents was on March 2, 2026.[1] Although defendant contends that it filed a request for pretrial discovery conference on March 2, 2026, the court's record reflects that the request for pretrial discovery conference was filed on March 3, 2026 and the motion was filed on April 9, 2026. Accordingly, absent any evidence showing otherwise, the motion is untimely.

[1] The court calculates the 60th day to be Saturday, February 28, 2026. Since that day was a Saturday, the actual last day to file was rolled over to Monday, March 2, 2026.

Even if defendant's request for pretrial discovery conference was filed on March 3, 2026, the motion would still be untimely. Under Fresno Superior Court Local Rule 2.1.17, filing a request for pretrial discovery conference tolls the running of the deadline to bring a motion to compel further responses until the court rules on the request. (Fresno Sup. Ct. Local Rules, rule 2.1.17 G.) However, the California Rule of Court that allowed trial courts to toll the running of the deadline to file a motion to compel has now expired, so the Fresno courts no longer have the authority to toll the running of the deadline. As a result, the filing of the pretrial discovery conference request did not toll the running of the time to bring the motion to compel here.

Moreover, even if the filing of the pretrial discovery conference request had tolled the running of the deadline, the motions to compel would still be untimely. Assuming *arguendo* that defendant filed the request on March 2, 2026, on the last day the motion to compel would have been considered timely, the court issued its order denying the request for pretrial discovery conference on March 26, 2026. The clerk's certificate of mailing/electronic service shows that the order was served electronically on March 30, 2026. Accounting for the court's observance of Farmworkers Day on Tuesday, March 31, 2026 and the two court days' extension of time for electronic service of the March 26, 2026 Order, the last day to file the motion was on Thursday, April 2, 2026.

To the extent that defendant argues that the parties agreed to extend the deadline to file the motion until one-week after the court's deadline to issue a minute order on the request for pretrial discovery conference, the parties do not present any authority allowing for such extension.

Notably, Code of Civil Procedure section 2025.480 contains no provision allowing an extension of time to file by stipulation comparable to, for example, Code of Civil Procedure section 2031.310, which governs motions to compel further responses to requests for inspection or production. Code of Civil Procedure section 2031.310 provides that a notice of motion to compel further responses must be served within 45 days after the responses in question, or any supplemental responses, were served, unless the parties "have agreed in writing" to extend the time. (*Id*., at subd. (c).) "[I]f a statute on a particular subject omits a particular provision, inclusion of that provision in another related statute indicates an intent the provision is not applicable to the statute from which it was omitted. [Citation.]" (*In re Calhoun* (2004) 121 Cal.App.4th 1315, 1346, citations omitted.)

Moreover, the motion would be untimely even if the court were to accept the stipulated extension of time. "If the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the request for pretrial conference shall be deemed denied with permission to file the motion expressly granted." (Fresno Sup. Ct. Local Rules, rule 2.1.17 F.) Fifteen court days after March 2, 2026, defendant's purported filing date of the request for pretrial discovery conference would have been April 23, 2026. One-week following the court's deadline to issue a minute order on the request for pretrial discovery conference would have been on Monday, March 30, 2026. Assuming the request for pretrial conference was filed on March 3, 2026, which is the date of filing according to the court's record, and accounting for Farmworkers Day on March 31, 2026, the deadline would have been on Wednesday, April 1, 2026.

Accordingly, the motion is untimely.

Personal Service Required for Non-Party

"A written notice and all moving papers supporting a motion to compel an answer to a deposition question or to compel production of a document or tangible thing from a nonparty deponent must be personally served on the nonparty deponent unless the nonparty deponent agrees to accept service by mail or electronic service at an address or electronic service address specified on the deposition record." (Cal. Rules of Court, rule 3.1346.)

The moving papers were served by electronic service. Although an opposition by non-party Neurosurgical Associates Medical Group, Inc. ("NAMC") is filed, NAMC specifically indicates that the opposition is filed *without waiving* proper notice. Defendant argues that NAMC agreed to accept service by electronic service during meet and confer efforts and NAMC's appearance at the informal discovery conference impliedly waives the personal service requirement. However, the rule of court specifies that the nonparty deponent must agree to "accept service by mail or electronic service at an address or electronic service address specified on the deposition record." (Cal. Rules of Court, rule 3.1346.) There is no evidence that the deposition record specifies any electronic service address.

Therefore, the motion to compel further deposition and further responses from non-party deponent Dr. Ali Najafi of Neurosurgical Associates Medical Group, Inc.'s person most qualified is denied.

Motion for Second Physical Medical Examination

"If any party desires to obtain discovery by a physical examination other than that described in Article 2 (commencing with Section 2032.210), or by a mental examination, the party shall obtain leave of court." (Code Civ. Proc., § 2032.310, subd. (a).) "An order granting a physical or mental examination shall specify the person or persons who may perform the examination, as well as the time, place, manner, diagnostic tests and procedures, conditions, scope, and nature of the examination." (Code Civ. Proc., § 2032.320, subd. (d).)

A court order for physical or mental examination must be based on a showing of good cause. (Code Civ. Proc., § 2032.320, subd. (a).) This generally requires a showing both of: relevancy to the subject matter; and specific facts justifying discovery: i.e., allegations showing the need for the information sought and lack of means for obtaining it elsewhere. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 840.)

"Nowhere does the Legislature specifically limit the number of available examinations, either mental or physical. The authoritative discovery commentators agree that multiple defense examinations are permitted on the necessary showing of good cause." (*Shapira v. Superior Court* (1990) 224 Cal.App.3d 1249, 1255, internal citations omitted.) "The commentators further agree that multiple examinations should not be ordered routinely; the good cause requirement will check the potential harassment of plaintiffs by repetitive examinations." (*Ibid.*)

Here, it is undisputed that plaintiff alleges injuries resulting from a motor vehicle accident, including cervical and lumbar spinal pain. (Taggard Decl., ¶ 4.) It is further undisputed that defendant has already had one medical expert, neurologist Dr. Harvey L. Edmonds, MD, FAAN, examine plaintiff on November 14, 2025. (Opp., Ex. 1.) Defendant argues that a second independent medical examination is necessary, because Dr. Edmonds was a neurologist who was not qualified to render an opinion with regard to plaintiff's alleged spinal injuries and any surgical interventions plaintiff has undergone. Specifically, defendant seeks a "physical and neurosurgical examination of motor, sensory and neurological systems of the spinal region." (Ntc. Of Mtn., 6:6-8.) Defendant further contends that Dr. Edmonds' examination was limited to plaintiff's cranial region. Although defendant indicates that he became aware of plaintiff's injuries to the cervical and lumbar spine region from plaintiff's responses to from interrogatories, defendant does not indicate whether he discovered this information prior to or after the first medical examination was performed. (Portillo Decl., ¶ 3.)

Plaintiff argues that defendant has failed to establish good cause for a second medical examination, because Dr. Edmonds' examination was comprehensive and the scope included plaintiff's neck, lower back and spinal injuries. In support, plaintiff relies on defendant's first demand for independent medical examination[2], served on October 8, 2025, noticing Dr. Edmonds' examination of plaintiff on November 14, 2025, which in relevant part, provides as follows:

> The manner, scope, conditions and nature of this examination encompasses a *physical and neurosurgical examination* of Plaintiff with respect to Plaintiff's injuries claimed in this lawsuit. The examination shall include, but is not limited to, the taking of a complete medical history, an evaluation of movements and range of motion of *Plaintiff's cervical and lumbar spine*, as well as, Plaintiff's response in reaction to standard neurological tests, including but not limited to Plaintiff's ability to walk on toes and heels, squat, bend over to touch the toes, rotate the back and head to the left and right, examination of Plaintiff's motor strength, sensation, and deep tendon reflexes in upper and lower extremities, assessment of *Plaintiff's upper and lower extremity symptoms and function in the cervical and lumbar spine*, and other standard neurological tests to evaluate plaintiff's nervous system.

(Opp., Ex 1, emphasis added.)

Defendant failed to articulate that there is good cause to require plaintiff to submit to a second independent medical examination. Plaintiff placed both his cranial and spinal injuries at issue in his discovery responses to form interrogatories. (Portillo Decl., ¶ 3.) Although it is unknown when these discovery responses were served, as evidenced by defendant's first demand for an independent medical examination, defendant had knowledge of plaintiff's various injuries prior to his first demand. (Opp., Ex. 1.) It is further noted that plaintiff's spinal injuries were within the scope of defendant's first demand. (*Ibid*.) Thus, despite knowing that these injuries were in controversy and including such

[2] Although the parties dispute the scope of Dr. Edmonds' examination as depicted in his report following the examination, the court does not opine on the contents of the expert's report.

injuries within the scope of his demand for independent medical examination, defendant selected a physician who was unable to opine as to plaintiff's spinal injuries. Defendant had every opportunity to obtain the information sought, i.e., by retaining an expert who was capable of addressing both types of injuries, but did not do so. This is notably different from the facts in *Shapira v Superior Court* (1990) 224 Cal.App.3d 1249, where the plaintiff alleged neurological damage to her organic brain matter, but after various examinations, the result was conflicting expert opinion as to whether her disabilities were of organic or psychological origin. There, the defendants were not placed on notice of plaintiff's potential psychological injuries until after the examinations occurred. (*Id.* at pp. 1251-1253.)

Defendant further argues for the first time on reply, that plaintiff recently underwent spinal cord stimulator surgery on or about August 21, 2026. Defendant argues that since plaintiff recently underwent this surgery, the examination of any impacts from such surgery would not have been possible for examination in 2025, during the first independent medical examination. However, defendant has not explained, with specificity, why a physical examination of plaintiff in order to review the effects of surgery is necessary, especially where defendant did not become aware of plaintiff's surgery until *after* it made repeated attempts to compel plaintiff to submit to a second physical examination.

Accordingly, the motion for leave to conduct a second independent medical examination is denied.

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 10/21/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Yellow Brick Road, Inc. v. Watson et al.***
Superior Court Case No. 23CECG00594

Hearing Date: October 22, 2026 (Dept. 503)

Motion: Default

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 503.

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: JS on 10/21/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re:	***Miramontes v. Singh et al.*** Superior Court Case No. 23CECG03443
Hearing Date:	October 22, 2026 (Dept. 503)
Motion:	(1) By Defendant Security Paving Company, Inc. for Summary Judgment; (2) By Defendant Sue Colvin dba Sioux Transportation, Inc. for Summary Judgment; (3) By Plaintiffs Rosaura Miranmontes, Rafael Miramontes, Destiny Angeles Miramontes, and Mayra Vanessa Valdez for Summary Adjudication on the Issue of Defendant Sioux Transportation, Inc's Duty and Second, Third, Fourth, Fifth, and Thirteenth Affirmative Defenses; (4) By Defendant Schreiber Foods, Inc. for Summary Judgment; (5) By Plaintiffs Rosaura Miranmontes, Rafael Miramontes, Destiny Angeles Miramontes, and Mayra Vanessa Valdez for Summary Adjudication on the Issue of Defendant Screiber Foods, Inc.'s Second, Fourth, Sixth, and Ninth Affirmative Defenses;

Tentative Ruling:

To continue defendant Security Paving Company, Inc.'s motion for summary judgment to Thursday, December 10, 2026, 3:30 p.m. in Department 503.

To continue defendant Sue Colvin dba Sioux Transportation, Inc.'s motion for summary judgment and plaintiffs Rosaura Miranmontes, Rafael Miramontes, Destiny Angeles Miramontes, and Mayra Vanessa Valdez's motion for summary adjudication against defendant Sioux Transportation, Inc. to Thursday, December 17, 2026, 3:30 p.m. in Department 503.

To continue defendant Schreiber Foods, Inc. motion for summary judgment and plaintiffs Rosaura Miranmontes, Rafael Miramontes, Destiny Angeles Miramontes, and Mayra Vanessa Valdez's motion for summary adjudication against defendant Schreiber Foods, Inc. to Wednesday, December 30, 2026, 3:30 p.m. in Department 503.

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 503.

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 10/21/2026.
(Judge's initials) (Date)