Tentative Rulings for October 29, 2026
Department 502

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.

25CECG03351 ***Wheeler v. Lester*** **is continued to Thursday, December 17, 2026, at 3:30 p.m. in Department 502.**

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(46)

Tentative Ruling

Re: ***Jason Williams v. Manuel Hagop Afarian, M.D.***
Superior Court Case No. 24CECG04901

Hearing Date: October 29, 2026 (Dept. 503)

Motion: for Terminating Sanctions and Additional Monetary Sanctions

Tentative Ruling:

To grant defendant Fresno Community Hospital and Medical Center dba Community Regional Medical Center's motion for terminating sanctions.

Plaintiffs are further ordered to pay additional monetary sanctions to defendant Fresno Community Hospital and Medical Center dba Community Regional Medical Center in the amount of $660.00, payable within 20 calendar days of the date of this order, with the time to run from the service of this minute order.

Explanation:

Defendant Fresno Community Hospital and Medical Center dba Community Regional Medical Center ("CRMC" or "defendant") moves for terminating sanctions as a result of plaintiffs' violation of the discovery orders issued on May 20, 2026 and May 21, 2026. Defendant submits that plaintiffs have willfully failed to pay the imposed monetary sanctions, and failed to provide the ordered responses to discovery.

Code of Civil Procedure section 2023.010, subdivision (g) makes "[d]isobeying a court order to provide discovery" a "misuse of the discovery process," but sanctions are only authorized to the extent permitted by each discovery procedure. Sanctions for failure to comply with a court order are allowed only where the failure was willful. (*Biles v. Exxon Mobil Corp.* (2004) 124 Cal.App.4th 1315, 1327.) If there has been a willful failure to comply with a discovery order, the court may strike out the offending party's pleadings or parts thereof, stay further proceedings by that party until the order is obeyed, dismiss that party's action, or render default judgment against that party. (Code Civ. Proc. § 2023.030, subd. (d).)

Plaintiffs have failed to pay court-ordered monetary sanctions. (Canepa Decl., ¶ 9.) Generally, no terminating sanctions will be ordered for failure to pay monetary sanctions. Sanctions should not constitute a "windfall" to the requesting party, giving the moving party more than would have been obtained had the discovery been answered. (*Caryl Richards, Inc. v. Superior Court In and For Los Angeles County* (1961) Cal.App.2d 300, 305.) Terminating sanctions for a party's nonpayment of the monetary sanctions would constitute a windfall to the moving party, which is not the goal of discovery sanctions. (*Caryl Richards, Inc. v. Superior Court In and For Los Angeles County, supra,* 188 Cal.App.2d at p. 302; *Rutledge v. Hewlett-Packard Company* (2015) 238 Cal.App.4th 1164, 1194.) Orders for monetary sanctions are enforceable as money judgments.

If a party fails to obey an order compelling answers or response, "the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction[.]" (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c).) "The court may impose a terminating sanction by […] An order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process[,] … [or] An order dismissing the action, or any part of the action, of that party." (*Id*., § 2023.030, subd. (d).)

On May 20, 2026 and May 21, 2026, the court ordered plaintiffs to serve verified, objection-free responses to defendant's propounded interrogatories and request for production of documents. (Canepa Decl., ¶ 8.) To date, plaintiffs have failed to provide any responses to the propounded discovery. (Id., ¶ 9.) Defendant submits that plaintiffs' failure to engage in the discovery process has been willful, as they have "failed to respond to discovery requests, ignored multiple extensions, ignored written correspondence, necessitated motions to compel, [and] ignored the Court's orders compelling responses without objections[.]" (*Id*., ¶ 12.) Additionally, plaintiffs failed to oppose this motion.

Approximately five months have now passed since the court's orders, and responses have not been served. (Canepa Decl., ¶¶ 9-10.) It appears that plaintiffs are willfully refusing to comply with the court's order compelling them to answer the discovery requests. It does not appear likely that any lesser sanctions would be effective to obtain compliance, as plaintiffs are failing to demonstrate an interest in responding to discovery or otherwise participating in the action. Accordingly, the court intends to grant the motion for terminating sanctions.

Additional monetary sanctions may be imposed for a party's failure to obey an order compelling responses. (Code Civ. Proc., §§ 2030.290 subd. (c), 2031.300 subd. (c).) The court reduces the amount of requested sanctions to $660.00.

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: lmg on 10-27-26.
(Judge's initials) (Date)