**Tentative Rulings for November 10, 2026**
**Department 501**

**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.)**

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**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.***

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**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 Rulings begin at the next page)**

# Tentative Rulings for Department 501

Begin at the next page

(20)

**Tentative Ruling**

Re: ***Pascual Lujan v. Gusmer Enterprises, Inc.***
Superior Court Case No. 24CECG00166

Hearing Date: November 10, 2026 (Dept. 501)

Motion: Plaintiff's Motion for Preliminary Approval of Class Action Settlement

**Tentative Ruling:**

To deny without prejudice.

**Explanation:**

*Certification of Class for Settlement*

Settlements preceding class certification are scrutinized more carefully to make sure that absent class members' rights are adequately protected, although there is less scrutiny of manageability issues. (*Wershba v. Apple Computer, Inc*. (2001) 91 Cal.App.4th 224, 240; see *Dunk v. Ford Motor Co*. (1996) 48 Cal.App.4th 1794, 1803, fn. 9, 19.a) The trial court has a "fiduciary responsibility" as the guardian of the absentee class members' rights to decide whether to approve a settlement of a class action. (*Luckey v. Superior Court* (2014) 228 Cal.App.4th 81, 95.)

A precertification settlement may stipulate that a defined class be conditionally certified for settlement purposes. The court may make an order approving or denying certification of a provisional settlement class after the preliminary settlement hearing. (Cal. Rules of Court, rule 3.769(d).) Before the court may approve the settlement, however, the settlement class must satisfy the normal prerequisites for a class action. (*Amchem Products, Inc. v. Windsor* (1997) 521 US 591, 625-627.)

"Class certification requires proof (1) of a sufficiently numerous, ascertainable class, (2) of a well-defined community of interest, and (3) that certification will provide substantial benefits to litigants and the courts, i.e., that proceeding as a class is superior to other methods. In turn, the community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (*In re Tobacco II Cases* (2009) 46 Cal.4th 298, 313.)

Plaintiffs bear the burden of establishing the propriety of class treatment *with admissible evidence*. (*Richmond v. Dart Industries, Inc*. (1981) 29 Cal.3d 462, 470 [trial court's ruling on certification supported by substantial evidence generally not disturbed on appeal]; *Lockheed Martin Corp. v. Superior Court* (2004) 29 Cal.4th 1096, 1107-1108 [plaintiff's burden to produce substantial evidence].)

Plaintiff has submitted admissible evidence there are an estimated 111 class members identifiable through defendant's business records. (Blanchard Decl., ¶ 17; Barnett Decl., ¶ 6.).) This is sufficient to establish numerosity and ascertainability.

Under the community of interest requirement, the class representative must be able to represent the class adequately. (*Caro v. Procter & Gamble* (1993) 18 Cal.App.4th 644, 669.) "[I]t has never been the law in California that the class representative must have identical interests with the class members . . . The focus of the typicality requirement entails inquiry as to whether the plaintiff's individual circumstances are markedly different or whether the legal theory upon which the claims are based differ from that upon which the claims of the other class members will be based." (*Classen v. Weller* (1983) 145 Cal.App.3d 27, 46.)

Usually, in wage and hour class actions, the distinctive feature that permits class certification is that the employees have the same job title or perform similar jobs, and the employer treats all in that discrete group in the same allegedly unlawful fashion. In *Brinker Restaurant v. Superior Court* (2012) 53 Cal.4th 1004, 1017, "no evidence of common policies or means of proof was supplied, and the trial court therefore erred in certifying a subclass."

Plaintiff in his declaration submits sufficient evidence of typicality and community of interest by showing that he experienced the same policies and practices resulting in alleged wage and hour violations as the rest of the putative class.

The adequacy of representation component of the community of interest requirement for class certification comes into play when the party opposing certification brings forth evidence indicating widespread antagonism to the class suit. " 'The adequacy inquiry … serves to uncover conflicts of interest between named parties and the class they seek to represent.' [Citation.] '… To assure "adequate" representation, the class representative's personal claim must not be inconsistent with the claims of other members of the class. [Citation.]' [Citation.]" (*J.P. Morgan & Co., Inc. v. Superior Court* (2003) 113 Cal.App.4th 195, 212.)

"[T]he adequacy inquiry should focus on the abilities of the class representative's counsel and the existence of conflicts between the representative and other class members." (*Caro v. Procter & Gamble Co.* (1993) 18 Cal.App.4th 644, 669.) This consideration is satisfied, as counsel has substantial class action experience.

*Settlement Approval*

"[I]n the final analysis it is the Court that bears the responsibility to ensure that the recovery represents a reasonable compromise, given the magnitude and apparent merit of the claims being released, discounted by the risks and expenses of attempting to establish and collect on those claims by pursuing litigation. The court has a fiduciary responsibility as guardians of the rights of the absentee class members when deciding whether to approve a settlement agreement." (*Kullar v. Foot Locker Retail, Inc*. (2008) 168 Cal.App.4th 116, 129.) "[T]o protect the interests of absent class members, the court must independently and objectively analyze the evidence and circumstances before it in order to determine whether the settlement is in the best interests of those whose claims

will be extinguished … [therefore] the factual record must be before the … court must be sufficiently developed." (*Id.* at p. 130.)

*Clark v. America Residential Services* (2009) 175 Cal.App.4th 785 vacated approval of a class settlement coupled with class certification, an award of $25,000 each to two named plaintiffs, and more. The problem was that the plaintiffs presented "no evidence regarding the likelihood of success on any of the 10 causes of action, or the number of unpaid overtime hours estimated to have been worked by the class, or the average hourly rate of pay, or the number of meal periods and rest periods missed, or the value of minimum wage violations, and so on." (*Id*. at p. 793.)

The gross settlement is $295,000. With this submission plaintiff makes an adequate showing regarding the value of the claims asserted in this action. Following receipt and analysis of informal discovery from defendant, counsel estimates defendant's maximum potential exposure to be approximately $2,925,278 (including PAGA penalties), assuming the litigation was successful at trial on all claims at issue and every employee had a violation for each claim on every shift worked. (Blanchard Decl., ¶ 28.) Counsel provides valuations for each of the claims asserted in the complaint, and the valuations are supported by a declaration data analysis expert Bennett Berger. Counsel also provides a lengthier discussion of the risks associated with each claim, including discussion of defendant's defenses and arguments, and the rationale behind the reductions and settlement allocation, resulting in an adjusted estimated liability of $292,527.80. (Blanchard Decl., ¶¶ 29-41.) This is sufficient for the court to conclude that the settlement is fair and reasonable.

Plaintiff's counsel seek $98,333 in attorneys' fees, which is 1/3 of the total gross settlement, plus costs of up to $20,000. One-third is within the range of fees that have been approved by other courts in class actions, which frequently approve fees based on a percentage of the common fund. (*City & County of San Francisco v. Sweet* (1995) 12 Cal.4th 105, 110-11; *Quinn v. State* (1975) 15 Cal.3d 162, 168; see also *Apple Computer, Inc. v. Superior Court* (2005) 126 Cal.App.4th 1253, 1270; *Lealao v. Beneficial California, Inc.* (2000) 82 Cal.App.4th 19, 26.)

While it is true that courts have found fee awards based on a percentage of the common fund are reasonable, the California Supreme Court has also found that the trial court has discretion to conduct a lodestar "cross-check" to double check the reasonableness of the requested fees. (*Laffitte v. Robert Half Intern. Inc*. (2016) 1 Cal.5th 480, 503-504 [although class counsel may obtain fees based on a percentage of the class settlement, courts may also perform a lodestar cross-check to ensure that the fees are reasonable in light of the number of hours worked and the attorneys' reasonable hourly rates].)

The court prefers to do a lodestar analysis as a cross-check on the reasonableness of the fees. Counsel provides information indicating that the lodestar to date is $103,585, based on 196.2 hours spend at hourly rates ranging from $450 to $600. (See Blanchard Decl., ¶¶ 44, 46, Exh. 5.) Since this is within the range of what is typically awarded, it can be preliminarily approved. Updated information shall be submitted with the motion for final approval.

Counsel also shows that thus far $17,392.73 in actual litigation costs and expenses have been incurred to date. (Blanchard Decl., ¶ 47, Exh. 6.) The costs award can also be preliminarily approved.

The motion seeks preliminary approval of $7,500 enhancement payment to plaintiff. The court will preliminarily approve an enhancement award, but will likely award less on final approval. If the representative is willing to accept $5,000 the court will approve this amount.

The court will also approve the $5,250 to be paid to settlement administrator ILYM Group, Inc., which provided the lowest of three bids obtained by the parties.

The only remaining issue is the failure to provide a copy of the class notice to the court. The court needs to review that before granting preliminary approval.

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: KCK on 11/06/26 .**
(Judge's initials) (Date)

(20)

**Tentative Ruling**

Re: ***Nancy Gonzalez v. City of Fresno***
Superior Court Case No. 26CU01071

Hearing Date: November 10, 2026 (Dept. 501)

Motion: Expedited Petitions to Compromise Claim of Minor

**Tentative Ruling:**

To grant and sign the proposed orders. No appearance 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: _____KCK_____ on ___11/06/26_____.**
(Judge's initials) (Date)

(36)

**Tentative Ruling**

Re: ***Serina Derickson v. Pacific Gas & Electric Company***
Superior Court Case No. 25CECG04556

Hearing Date: November 10, 2026 (Dept. 501)

Motion: Petition to Compromise Claims of Minors

**Tentative Ruling:**

To deny without prejudice. In the event that oral argument is requested minor is excused from appearing.

**Explanation:**

Costs in the context of a compromise petition are not limited to those allowed by Code of Civil Procedure section 1033.5. Instead, costs are primarily based on the fee agreement between a client and his attorney. Even so, Probate Code section 3601 specifies that in addition to approving the settlement itself, the court must approve *reasonable* costs and expenses to be paid out of the settlement proceeds. Notwithstanding any provision in the fee agreement, costs are dependent upon the approving court determining that the costs are reasonable.

Counsel fails to provide any explanation for its expenses. Therefore, there is insufficient information for the court to determine whether the costs sought, the total amount of $7,089.84 to be split between the two minor claimants is reasonable.

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: KCK on 11/06/26.**
(Judge's initials) (Date)

(46)

**Tentative Ruling**

Re: ***Jesus Suarez v. Jim Enterprises Auto Sales, Inc.***
Superior Court Case No. 26CU00311

Hearing Date: November 10, 2026 (Dept. 501)

Motion: by Plaintiff to Compel Initial Discovery Responses

**Tentative Ruling:**

The motion to compel initial responses to special interrogatories is taken off calendar, as no moving papers were filed.

To grant the motions to compel initial responses to form interrogatories and request for production of documents, against defendant The Guarantee Company of North America USA. Within ten (10) days of service of the order by the clerk, defendant shall serve verified responses, without objections, to Form Interrogatories, Set One; and Request for Production, Set One; and produce all documents responsive to the request for production.

To grant monetary sanctions against the defendant The Guarantee Company of North America USA, in, in favor of plaintiff Jesus Suarez, for defendant's failure to provide timely verified responses to the propounded discovery. Sanctions are in the amount of $645.00, and are to be paid within 30 calendar days from the date of service of the minute order by the clerk.

**Explanation:**

*Responses to Interrogatories and Request for Production of Documents*

Within 30 days of service of interrogatories, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2030.260.) Within 30 days of service of a demand for inspection, the party to whom the demands are directed shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2031.260.) A party that fails to serve a timely response to a discovery request waives "any objection" to the request. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).) The propounding party may move for an order compelling a party to respond to the discovery request. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).)

On June 8, 2026, plaintiff Jesus Suarez propounded sets of discovery requests on defendant The Guarantee Company of North America USA. (Chavez Decls., ¶ 3, see Exhs. A, B.) Defendant was given an extension to respond by September 28, 2026. (Id., ¶ 7.) To date, plaintiff has received no response to the form interrogatories and request for production propounded on defendant. (Id., ¶¶ 11, 12.) Neither has defendant filed opposition to these motions to offer any substantial justification for the delay in response.

Accordingly, an order compelling defendant The Guarantee Company of North America USA to provide initial, verified responses is warranted. (Code Civ. Proc., §§ 2030.290, subd. (b); 2031.300, subd. (b).) All objections are waived. (Id., §§ 2030.290, subd. (a); 2031.300, subd. (a).)

*Sanctions*

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (Code Civ. Proc., §§ 2030.290, subd. (c); 2031.300, subd. (c).) Here, defendant did not file opposition to these motions to offer any substantial justification that would render sanctions unjust.

The court is inclined to reduce the amount of sanctions to $525.00, at a rate of $350.00/hour for 1.5 hours of work. Plaintiff filed these motions that were straightforward and virtually identical, warranting a reduction in the amount of time spent drafting them. No opposition was filed, thus no reply or appearance at hearing are necessary. There is no meet and confer requirement for this type of motion. Plaintiff may also recover the $60.00 in filing fees for each motion, totaling $120.00 in filing fees. Sanctions are awarded in favor of plaintiff, in the total amount of $645.00.

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: KCK on 11/06/26.**
(Judge's initials) (Date)

(46)

**Tentative Ruling**

Re: ***Samantha Perez v. Ali Alnajar***
Superior Court Case No. 24CECG03606

Hearing Date: November 10, 2026 (Dept. 501)

Motion: to Quash Third-Party Deposition Subpoenas

**Tentative Ruling:**

To deny defendant's motion to the extent that he seeks to quash the business records subpoenas in their entirety. To grant defendant's alternative motion for a protective order modifying the subpoenas.

**Explanation:**

Defendant Ali Alnajar ("defendant"), by and through his Guardian Ad Litem Hamzah Alnajar, moves the court for an order quashing the deposition subpoenas for production of business records issued by plaintiff Samantha Perez ("plaintiff") to (1) Community Neuroscience Institute – Fresno, and (2) Community Regional Medical Center. Defendant argues that the records are irrelevant, the subpoenas invade physician-patient privilege and constitutional medical privacy, and the subpoenas are overbroad.

The subpoenas seek:

> from Community Regional Medical Center
> The medical records for Mr. Ali Fateh Mosleh Alnajar, Date of Birth 09/05/2000 From 01/01/2021 through 05/20/2026. Including all medical reports and brain scans such as CT scam [*sic*] and MRI imaging, and blood tests.
>
> from Community Neuroscience Institute – Fresno
> The medical records for Mr. Ali Fateh Mosleh Alnajar, Date of Birth 09/05/2000 From 01/01/2021 through 05/20/2026. Including all MoCa and Mini Mental Examinations, reports/finding of Dr. Shawn H. Babur, MD, brain scans such as CT scam [*sic*] and MRI imaging, and blood tests.
>
> (Jacquez Decl., ¶ 2, Exh. A.)

Protection of informational privacy is the state Constitution's right of privacy's central concern. (*Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 35.) The party asserting a privacy right must establish a legally protected privacy interest and a threatened intrusion that is serious. (*Id.* at pp. 35-37.) The party seeking information may raise in response whatever legitimate and important countervailing interest disclosure serves, while the party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. (*Id.* at pp. 37-40.)

In accordance with the liberal policies underlying the discovery procedures, doubts as to relevance should generally be resolved in favor of permitting discovery. (*Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173.) However, "if the information sought to be elicited relates to matters of little or no practical benefit to the party seeking disclosure, a timely objection on the grounds that the question asked is not relevant to the subject matter in the pending action and not reasonably calculated to lead to admissible evidence should be sustained by a trial judge." (*Covell v. Superior Court* (1984) 159 Cal.App.3d 39, 42-43.) The more serious the invasion, the more substantial the showing of the need for the discovery that will be required before disclosure will be permitted. (*SCC Acquisitions, Inc. v. Superior Court* (2015) 243 Cal.App.4th 741, 755.)

Here, defendant argues that the medical records sought are protected by the state Constitution and are intrusive as overbroad. The patient-physician privilege creates a zone of privacy whose purpose are (1) to preclude the humiliation of the patient that might follow disclosure of ailments and (2) to encourage the patient's full disclosure to the physician all of the information necessary for effective diagnosis and treatment of the patient. (Evid. Code § 990 et seq.; *Board of Medical Quality Assurance v. Gherardini* (1979) 93 Cal.App.3d 669, 678-679, *overruled on other grounds by Williams v. Superior Court* (2017) 3 Cal.5th 531.) Thus, medical records fall within the protected ambit of the state Constitution right to privacy. (*Board of Medical Quality Assurance v. Gherardini*, *supra* 93 Cal.App.3d at p. 679.) Even absent a statutory privilege, the constitutional privilege would be held to operate. (*Davis v. Superior Court* (1992) 7 Cal.App.4th 1008, 1014.) Thus, the medical records sought are a legally protected privacy interest.

Plaintiff argues that the records are relevant to this litigation because defendant is refusing to be deposed, citing a traumatic brain injury suffered in the underlying incident, but retaining his right to testify at trial. Further, plaintiff intends to see punitive damages for defendant's alleged intoxication at the time of the incident.

Defendant objects to the subpoenas, contending that his medical condition has not been placed not at issue. However, defendant's refusal to sit for deposition on the basis of his medical condition and mental capacity, while retaining his right to testify at trial (Galardi Decl., ¶¶ 4-5), does place his condition at issue, at least to the extent that it relates to his ability to testify. He further has not identified a serious intrusion of his privacy by the records sought, only making privacy arguments generally. (*Hill v. National Collegiate Athletic Assn., supra,* 7 Cal.4th at pp. 35-37.) Here, plaintiff's need for discovery, which is being denied on the basis of defendant's medical condition, outweighs defendant's generalized privacy interests.

The court is inclined to deny the motion to quash, to the extent that defendant seeks to quash the business records subpoenas in their entirety. However, as requested in the alternative, the subpoenas may be modified and a protective order issued. The incident causing the purported traumatic brain injury occurred on October 8, 2022. (First Am. Compl., ¶ 28.) The subpoenas shall be limited to records dating back to this date.

Defendant requests a protective order, and the proposed limitations are not opposed by plaintiff. Defendant requests a protective order (a) narrowing to specific,

relevant conditions, dates, and providers; (b) exclusion of mental-health psychotherapy notes and privileged communications; (c) redaction of highly sensitive information; (d) Attorneys' Eyes Only designation; (e) production to the Court for in camera review first, or to a neutral deposition officer for privilege screening; and (f) use restrictions and return/destruction after litigation.

Therefore, the court intends to deny the motion to quash, to the extent that defendant seeks to quash the business records subpoenas in their entirety, but to grant in the alternative a modification of the subpoenas and grant the protective order as requested.

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: KCK on 11/09/26.**
(Judge's initials) (Date)

(37)

**Tentative Ruling**

Re: ***Rozanne Hernandez v. State Center Community College District***
Superior Court Case No. 25CECG00846

Hearing Date: November 10, 2026 (Dept. 501)

Motion: By Plaintiff to Compel Deposition Testimony of Dr. Robert Frost and Production of Documents

**Tentative Ruling:**

To grant. Defendant Dr. Robert Frost shall appear for resumption of his deposition and answer questions concerning his March 2026 administrative leave within 30 days of service of the minute order by the clerk.

Defendant shall also serve code-compliant further responses to Requests for Production Numbers 3, 42, 43, 44, and 45 to the Notices of Taking Deposition of Dr. Robert Frost within 30 days of service of the minute order by the clerk.

**Explanation:**

Code of Civil Procedure section 2025.480, subdivision (a) provides a mechanism to compel further answers to questions or production of documents in a deposition. Parties are able to seek discovery of any relevant, not privileged matter which is admissible in evidence or reasonably calculated to lead to discovery of admissible evidence. (Code Civ. Proc., § 2017.010.)

*Deposition Testimony*

During his deposition, defendant Dr. Frost was instructed not to answer questions regarding an administrative leave beginning after this lawsuit was filed. Defendant asserts the information is irrelevant and subject to constitutional privacy.

For the purposes of discovery, information is relevant where it may "reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement." (*Stewart v. Colonial Western Agency, Inc*. (2001) 87 Cal.App.4th 1006, 1013, disapproved on other grounds by *Maniago v. Desert Cardiology Consultants' Medical Group, Inc*. (2026) 20 Cal.5th 91.) The admissibility of the information "is not the test" and where the information is not privileged, it is discoverable if it may "reasonably lead to admissible evidence." (*Ibid*.) "These rules are applied liberally in favor of discovery." (*Ibid*.) Irrelevance alone is not grounds for counsel to instruct a deponent not to answer. (*Id*. at p. 1014.)

There are procedures that counsel can follow where questions seek information which is not privileged, but for which counsel objects. (Code Civ. Proc., §§ 2025.460; 2025.470.) Where the objecting party does not suspend a deposition in order to pursue a motion or protective order, "the deposition shall proceed subject to the objection." (Code Civ. Proc., § 2025.460, subd. (b).) Courts have interpreted this language to mean

that counsel should not instruct the deponent not to answer unless counsel is also suspending the deposition to pursue a motion or protective order. (*Stewart v. Colonial Western Agency, Inc*., *supra*, 87 Cal.App.4th at p. 1014.)

Here, counsel did not follow these procedures. Rather, counsel merely instructed the deponent not to answer.

Further, where a party asserts a privacy right, that party "must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious." (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 552.) If the party is able to establish these, then the party seeking the information may raise any "legitimate and important countervailing interests" served by disclosure. (*Ibid*.) The party seeking protection can then "identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy." (*Ibid*.) The court then balances the "competing considerations". (*Ibid*.)

Defendant asserts he has a privacy interest in his personnel file, specifically as it relates to a 2026 administrative leave. Defendant argues there is a long held understanding that personnel files of non-party employees are subject to constitutional privacy. However, Dr. Frost is not a non-party employee. He is a named defendant and it is his conduct which largely gives rise to the complaint. While defendant has demonstrated a protected privacy interest and a threatened intrusion, he has failed to demonstrate a reasonable expectation of privacy in the given circumstances. Instead, defendant asserts the information is irrelevant because the administrative leave began after the events alleged in the complaint.

Again, irrelevance is not grounds for instructing a deponent not to answer. Further, even if defendant had met his initial burden pursuant to *Williams*, plaintiff has raised a legitimate and countervailing interest. Namely, information is sought regarding a named defendant's current administrative leave from the workplace also named in the complaint.

Defendant has not presented any feasible alternatives or protective measures. However, plaintiff notes that there is a protective order in place and defendant could utilize the protective order.

Defendant is ordered to respond to the questions raised in his deposition about his current administrative leave for which he was instructed not to answer. The testimony may be designated confidential pursuant to the parties' March 25, 2026 Protective Order.

*Production of Documents*

Defendant also objects to the production of documents relating to his personnel file and current administrative leave. Where a party seeks production of documents, the party must show good cause for such production. (Code Civ. Proc., § 2025.450, subd. (b).) Here, in addition to presenting a legitimate interest in the production, plaintiff also notes that defendant previously agreed to provide Dr. Frost's personnel file, but is now refusing to provide documents added since the prior production. Plaintiff has demonstrated good cause for seeking these documents. Defendant is to produce code-

compliant responses to Requests for Production Numbers 3, 42, 43, 44, and 45 to the Notices of Taking Deposition of Defendant Dr. Frost. The responses may be designated confidential pursuant to the parties' March 25, 2026 Protective 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: KCK on 11/09/26.**
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Marcos Martinez v. Farm Labor Service of Central Cal, Inc.***
Superior Court Case No. 23CECG04585

Hearing Date: November 10, 2026 (Dept. 501)

Motion: Motion to Amend

**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: KCK on 11/09/26.**
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Julie Kerkochian v. Flooring Liquidators, Inc.***
Superior Court Case No. 25CECG01195

Hearing Date: November 10, 2026 (Dept. 501)

Motion: Bifurcate

**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: KCK on 11/09/26.**
(Judge's initials) (Date)