

**Tentative Rulings for November 29, 2023**  
**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)**

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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.*

22CECG03223      *Valley Unique Electric, Inc. v. PCD, a California Corporation*  
(Department 403)

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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 403**

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(03)

**Tentative Ruling**

Re: ***Aminian v. City of Clovis***  
Superior Court Case No. 22CECG00624

Hearing Date: November 29, 2023 (Dept. 403)

Motion: Defendant City of Clovis' Motion to Compel Further Responses to Interrogatories and Request for Monetary Sanctions

**Tentative Ruling:**

To deny defendant City of Clovis' motion to compel further responses to form and special interrogatories in its entirety, as plaintiff has now served amended responses and the motion is therefore moot. To grant sanctions against plaintiff and his counsel for their willful refusal to provide full and complete responses to the interrogatories until after the City filed its motion to compel, in the amount of \$660. Plaintiff shall pay sanctions within 30 days of the date of service of this order.

**Explanation:**

The court intends to deny the City's motion to compel further responses to form and special interrogatories, as plaintiff served amended responses to the disputed interrogatories on November 6, 2023. (Bonakdar decl., ¶ 4.) Thus, the motion to compel is now moot.

While defendant has argued that the court should still grant the motion with regard to special interrogatory number 3, the City admits that plaintiff has now served an amended response to interrogatory number 3. The court cannot rule on the sufficiency of the amended response, which was not placed at issue in the initial moving papers and separate statement. The parties have not met and conferred about the amended responses or filed a request for pretrial discovery conference regarding the new responses. In effect, the service of the amended responses started the whole process over again, and defendant would need to meet and confer, file a new pretrial discovery conference request, receive leave of court to file a new motion, and then bring another motion as to the amended responses. Since defendant has not done so, the court cannot rule on the merits of the amended responses.

On the other hand, the court may still award sanctions against plaintiff and his counsel for their refusal to provide full and complete answers to the discovery requests prior to the filing of defendant's motion to compel. Here, plaintiff's counsel refused to provide full and complete responses until defendant brought its motion to compel, and only then served amended responses. Thus, the court intends to award sanctions against plaintiff and his counsel for their willful refusal to meet and confer, as well as their refusal and provide full complete responses to discovery until after defendant moved to compel further responses. However, the amount of sanctions requested by defendant is

excessive. The court will award a total of \$660 in sanctions based on three hours of attorney time billed at \$220 per hour.

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** 11/22/2023.  
(Judge's initials) (Date)

(24)

**Tentative Ruling**

Re: ***In re Amayah Perez Castaneda***  
Superior Court Case No. 23CECG04639

Hearing Date: November 29, 2023 (Dept. 403)

Motion: Petition to Approve Compromise of Disputed Claim of Minor

**Tentative Ruling:**

To grant. Orders signed, with the Order Approving Compromise revised as needed. No appearances necessary.

The court sets a status conference on Tuesday, February 27, 2024, at 3:30 p.m. in Department 403 for confirmation of deposit of the minor's funds into a blocked account. If Petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come 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: JS on 11/26/2023.  
(Judge's initials) (Date)