

Tentative Rulings for December 9, 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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(46)

Tentative Ruling

Re: **Frank Cruz v. Oscar Bibiano**
Superior Court Case No. 24CECG03603

Hearing Date: December 9, 2025 (Dept. 503)

Motion: by Defendant Oscar Bibiano for an Order Compelling Plaintiff Frank Cruz's Further Responses to Form Interrogatories, Set One, and for Monetary Sanctions

Tentative Ruling:

To grant defendant Oscar Bibiano's motion to compel further responses from plaintiff Frank Cruz to Form Interrogatories, Set One. Plaintiff Frank Cruz shall provide further code-compliant, verified responses to form interrogatories nos. 2.1(c), 2.3(d), 2.6, 2.7(c) & (d), 2.8(b) & (d), 12.6(b), 15.1, 50.4, 50.5, and 50.6. All further responses shall be served on defendant within 15 days from the date of service of the order by the clerk.

To impose monetary sanctions in the amount of \$535.00 in favor of defendant Oscar Bibiano and against plaintiff Frank Cruz. Plaintiff Frank Cruz is ordered to pay \$535.00 in sanctions to Proper Defense Law Corporation within 30 days of the clerk's service of the minute order.

Explanation:

Defendant Oscar Bibiano ("defendant") moves for an order that plaintiff Frank Cruz ("plaintiff") provide further verified responses to Form Interrogatories, Set One. The responses at issue were served on September 4, 2025. (Vecchiarelli Decl., ¶ 8, Ex. B.) Defendant identified two primary deficiencies with plaintiff's responses and sought further responses from plaintiff to address those deficiencies. Despite meet and confer efforts,¹ amended responses have not been served. (*Id.*, ¶¶ 10-20.)

Request Nos. 2.1(c), 2.3(d), 2.6, 2.7(c) & (d), 2.8(b) & (d), 12.6(b), 15.1

Code of Civil Procedure section 2030.210, subdivision (a) states that "[t]he party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory by any of the following: (1) [a]n answer containing the information sought to be discovered; (2) [a]n exercise of the party's option to produce writings; or (3) [a]n objection to the particular interrogatory." (Code Civ. Proc., § 2030.210 subd. (a)(1)-(3).) "Each answer...in the response shall bear the same identifying number or letter and be in the same sequence as the corresponding interrogatory." (*Id.*, § 2030.210 subd. (c).)

¹ Pursuant to the court's ruling on September 11, 2025, the court waived the pretrial discovery conference requirement for further motions to compel in this matter. Thus, defendant is excused from Fresno Superior Court local rule 2.1.17.

Each answer in the response must be “as complete and straightforward as the information reasonably available to the responding party permits. If an interrogatory cannot be answered completely, it shall be answered to the extent possible.” (Code Civ. Proc., § 2030.220, subd. (a), (b).) “Where the question is specific and explicit, an answer which supplies only a portion of the information sought is wholly insufficient. Likewise, a party may not provide deftly worded conclusionary answers designed to evade a series of explicit questions.” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783.)

Plaintiff's responses are incomplete and fail to fully provide the information sought by the interrogatories. Some responses are unanswered/left blank, while others, such as responses to nos. 2.8(b) & (d) and 12.6, fail to completely respond to the interrogatories with information that is reasonably available or ascertainably by plaintiff. In addition, various responses are made with incorrect corresponding section identifiers. As plaintiff has failed to provide complete and straightforward responses as required by Code of Civil Procedure sections 2030.210 and 2030.220, a further response is ordered to request nos. 2.1(c), 2.3(d), 2.6, 2.7(c) & (d), 2.8(b) & (d), 12.6(b), and 15.1.

Request Nos. 50.4, 50.5, 50.6

Plaintiff improperly responded to the interrogatories with objections, as the court ordered him to provide “responses to Form Interrogatories, Set One...without objection” on July 31, 2025. Even had objections been proper, when the responding party answers with objections and a motion to compel is filed, the burden is on the objecting party to establish whatever facts are necessary to justify the objection. (*Coy v. Superior Court* (1962) 58 Cal.2d 210, 220-221; *Fairmont Ins. Co. v. Superior Court* (2000) 22 Cal.4th 245, 255.)

Plaintiff was ordered to provide substantive objection-free responses to the interrogatories, which he failed to do. He also failed to file any opposition to this motion justifying his objections to the interrogatories. Therefore, a further response is ordered to request nos. 50.4, 50.5, and 50.6.

Sanctions

Defendant seeks a total of \$1,859.90 in sanctions in connection with the motion at bench. Defendant's counsel attests to a total of 7.5 hours of attorney time spent preparing the moving papers and filing fees of \$60.00 with an additional cost of \$24.95 assessed by its attorney service. (*Vecchiarelli Decl.*, ¶¶ 22-23.) The court recognizes the time expended in preparing the separate statement, however the deficiencies were largely identical and deal with straightforward issues of code compliance. The court finds it reasonable to award sanctions in the reduced amount of \$535.00.

