

Tentative Rulings for March 13, 2025
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)

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.*

25CECG00452 *In re J.G. Wentworth Originations, LLC*
*** Please refer to the tentative ruling posted below. ***

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 403

Begin at the next page

(03)

Tentative Ruling

Re: **Cruz v. Singh**
Case No. 24CECG04612

Hearing Date: March 13, 2025 (Dept. 403)

Motion: Defendants' Motion to Compel Plaintiff's Mental Examination

Tentative Ruling:

To deny defendants' motion to compel plaintiff's mental examination and the request for monetary sanctions against plaintiff and his counsel, without prejudice.

Explanation:

Under the Fresno Superior Court Local Rules, rule 2.1.17,

No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied and permission to file the motion is granted via court order or the discovery dispute has not been resolved as a result of the Conference and permission to file the motion is expressly granted. This rule shall not apply the following:


1. Motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410;
2. Motions to compel initial responses to interrogatories, requests for production and requests for admissions;
3. Motions to quash or compel compliance regarding a subpoena served on a nonparty; and
4. Motions to compel compliance with initial disclosures.

Here, defendants have brought a motion to compel plaintiff's mental examination under Code of Civil Procedure section 2032.310, *et seq.*, which is one of the motions falling under the requirements of Rule 2.1.17. The motion does not fall into any of the exceptions listed the rule. Therefore, defendants had to file a request for a pretrial discovery conference regarding the dispute and obtain a court order allowing them to file their motion to compel before they could file their motion. Defendants have not made any attempt to satisfy the requirements of Rule 2.1.17.

Therefore, the court intends to deny the motion to compel and request for monetary sanctions for failure to comply with Rule 2.1.17 without reaching the merits of the issues raised by the motion. However, the denial will be without prejudice, as defendants may still bring their motion if they first comply with Rule 2.1.17.

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:  **on** **3-7-25** .

(Judge's initials)

(Date)

(37)

Tentative Ruling

Re: ***Corporate America Lending, Inc. v. Compeer Financial, ACA***
Superior Court Case No. 24CECG02156

Hearing Date: March 13, 2025 (Dept. 403)

Motion: By Defendant to Consolidate with Case Number
24CECG03803

Tentative Ruling:


The matter is stayed.

Explanation:

On October 16, 2024, this matter was stayed pending arbitration proceedings in Blue Earth County, Minnesota. On February 26, 2025, Fresno Superior Court Case Number 24CECG03803 was also stayed pending arbitration proceedings in Blue Earth County, Minnesota. No party has requested the Court lift the respective stays in order to consolidate these matters. The Court will not be making any orders at this time regarding consolidation.

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:  **on** 3-11-25 .

(Judge's initials)

(Date)

(46)

Tentative Ruling

Re: ***In re: J.G. Wentworth Originations, LLC***
Superior Court Case No. 25CECG00452

Hearing Date: March 13, 2025 (Dept. 403)

Motion: Petition for Approval of Transfer of Payment Rights

Tentative Ruling:

To deny. (Ins. Code, § 10139.5.)

Explanation:

The Structured Settlement Protection Act governs transfers of structured settlement payments to factoring companies for immediate cash payments. (See Ins. Code, §§ 10134 et seq.) The Act's purpose is to "protect structured settlement payees from exploitation by factoring companies." (*RSL Funding, LLC v. Alford* (2015) 239 Cal.App.4th 741, 745.) The Act provides that a transfer of structured settlement payment rights is void unless the following conditions are met:

- 1) The transfer is fair and reasonable, and in the payee's best interest, taking into account the welfare and support of the payee's dependents (Ins. Code, § 10137, subd. (a)); and
- 2) The transfer complies with the requirements of the Act, will not contravene other applicable law, and the judge has reviewed and approved the transfer (Ins. Code, § 10137, subd. (b); Ins. Code, § 10139.5.).

To determine what is fair and reasonable, and in the payee's best interest, the court is to consider the totality of the circumstances and the factors listed in Insurance Code section 10139.5, subd. (b), including the purpose of the transfer and the payee's financial and economic situation. (Ins. Code, § 10139.5.)

Here, the court is not satisfied that this transfer is fair and in the payee's best interests. While payee Lue Vang has indicated that she has been advised by independent counsel, the court remains concerned whether this is the only or most beneficial means by which she can obtain funds in her current economic situation. The papers filed do not make it clear that Ms. Vang fully understands the effects of this transfer, nor is the court satisfied that it is in her best interests.

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: _____ **on** _____
(Judge's initials) (Date)