

Tentative Rulings for June 18, 2024
Department 502

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.

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Tentative Ruling

Re: **Norma Sarmiento Aguilar v. Filberto Perez**
Superior Court Case No. 23CECG01805

Hearing Date: June 18, 2024 (Dept. 502)

Motion: by Plaintiff Norma Angelica Sarmiento Aguilar for Orders Compelling Defendant Filberto Agavo Perez to Provide Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; Demand for Production of Documents, Set One; Deeming Matters in Requests for Admissions Admitted, Set One; and Imposing Monetary Sanctions.

Tentative Ruling:

To grant plaintiff Norma Angelica Sarmiento Aguilar's motions to compel initial responses to form and special interrogatories, and request for production. Within 20 days of service of this order by the clerk, defendant Filberto Agavo Perez shall serve objection-free responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Production, Set One.

To grant plaintiff Norma Angelica Sarmiento Aguilar's motion to deem matters admitted unless defendant serves, before the hearing, proposed responses to the requests for admissions that is in substantial compliance with Code of Civil Procedure section 2033.220. (Code Civ. Proc., § 2033.280, subd. (c).)

To grant sanctions against defendant Filberto Agavo Perez and his counsel, Martinez, Dieterich & Zarcone Legal Group, jointly and severally, in the amount of \$1,140.00, to be paid within 20 calendar days from the date of service of the minute order by the clerk.

Explanation:

Plaintiff served discovery requests on defendant via electronic mail on October 26, 2023, consisting of (1) Form Interrogatories, Set One; (2) Special Interrogatories, Set One; (3) Demand for Production, Set One, and (4) Request for Admissions. Responses were due within 32 days after service, and should have been received by November 29, 2023. (Code Civ. Proc. §§ 2030.260, 2031.260, 2033.280, 1010.6(a)(3)(B).) Defendant did not provide responses to plaintiff and did not file opposition to these motions. Therefore, the motions are granted.

Defendant's failure to provide responses to plaintiff's propounded discovery subjects him to sanctions. (Code Civ. Proc. § 2023.010, subd. (d).) The court may award sanctions in favor of a party who files a motion to compel discovery, even if no opposition to the motion was filed. (Cal. Rules of Court, rule 3.1348(a).) Thus, defendant is entitled to monetary sanctions.

