

**Tentative Rulings for December 11, 2024**  
**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)**

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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 503**

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(03)

**Tentative Ruling**

Re: **City of Reedley v. Tellez**  
Case No. 22CECG02492

Hearing Date: December 11, 2024 (Dept. 503)

Motion: Receiver's Motion to Approve Rehabilitation Plan, to Approve Sale of Property, and for Instructions on Receiver's Payment of the City of Reedley's Interim Cost Demand

**Tentative Ruling:**

To grant the receiver's motion to approve his rehabilitation plan for the property, to approve the sale of the property to Jesus Vasquez or his assignee free of liens and encumbrances, and for instructions to pay the City of Reedley's interim cost demand, in the amount of \$22,728.04.

**Explanation:**

Under Health and Safety Code section 17980.7, subdivision (c)(4),

Any receiver appointed pursuant to this section shall have all of the following powers and duties in the order of priority listed in this paragraph, unless the court otherwise permits:

- (A) To take full and complete control of the substandard property.
- (B) To manage the substandard building and pay expenses of the operation of the substandard building and real property upon which the building is located, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the real property.
- (C) To secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the conditions cited in the notice of violation.
- (D) To enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the notice of violation.

Also, "The prevailing party in an action pursuant to this section shall be entitled to reasonable attorney's fees and court costs as may be fixed by the court." (Health & Saf. Code, § 17980.7, subd. (c)(11).)

Here, the court has already granted an order which provides that the receiver has the power "[t]o prepare a plan for rehabilitation of the Subject Property to remedy the conditions giving rise to the appointment of the Receiver, and any other conditions which require remediation as may be discovered by the Receiver during inspections of the Property ('Rehabilitation Plan and Cost Estimate') and to seek this Court's approval of said plan. Following Court approval of the Rehabilitation Plan and the Cost Estimate, to rehabilitate the Subject Property consistent with said plan submitted to the Court, to put



(36)

**Tentative Ruling**

Re: **A.G., et al. v. Anglican Diocese of San Joaquin, et al.**  
Superior Court Case No. 21CECG01100

Hearing Date: December 11, 2024 (Dept. 503)

Motions (x3): by Defendant Anglican Diocese of San Joaquin for an Order Compelling Plaintiff M.S.'s Responses to 1) Form Interrogatories, Set Two; 2) Special Interrogatories, Set Two; 3) Request for Production of Documents, Set Two; and for Monetary Sanctions

**Tentative Ruling:**

To grant and to award monetary sanctions in the total amount of \$780 against plaintiff M.S., payable within 20 days of the date of this order, with the time to run from the service of this minute order by the clerk.

Plaintiff M.S. shall serve verified responses without objections, to defendant Anglican Diocese of San Joaquin's Form Interrogatories, Set Two, Special Interrogatories, Set Two, and Request for Production of Documents, Set Two, no later than 10 court days from the date of this order, with the time to run from the service of this minute order by the clerk.

**Explanation:**

This is a continuation from the November 14, 2024 hearing on defendant Anglican Diocese of San Joaquin's motions to compel plaintiff M.S.'s responses to discovery propounded on June 13, 2024. The moving party has filed a supplemental declaration indicating that the moving papers were properly served by mail to plaintiff M.S.

**Interrogatories and Document Production**

Plaintiff M.S. has had ample time to respond to the discovery propounded by defendant Anglican Diocese of San Joaquin, and she has not done so. Failing to respond to discovery within the 30-day time limit waives objections to the discovery, including claims of privilege and work product protection. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a); see *Leach v. Sup.Ct. (Markum)* (1980) 111 Cal.App.3d 902, 905-906.)

**Monetary 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) [interrogatories], 2031.300, subd. (c) [document demands].) No opposition was filed, so no facts were presented to warrant finding sanctions unjust. The court finds it reasonable to allow only \$600 for the preparation of the



