<u>Tentative Rulings for December 12, 2024</u> <u>Department 403</u>

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 403

Begin at the next page

(24)

Tentative Ruling

Re: Torres v. Garcin

Superior Court Case No. 23CECG02183

Hearing Date: December 12, 2024 (Dept. 403)

Motion: Petitions (3) to Approve Compromise of Disputed Claim of

Minors

Tentative Ruling:

To grant. Orders signed, with modifications as noted in the explanation below. No appearances necessary.

The court sets a status conference on Thursday, March 13, 2025, at 3:30 p.m. in Department 403 for confirmation of deposit of the minors' funds into separate blocked accounts. If Petitioner files the forms for 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.

Explanation:

Anthem Insurance and Saint Agnes Medical Center were given notice of the Second Amended Petitions. The court is willing to grant the request orders regarding the disputed medical charges.

Each Order Approving Compromise (Form MC-351) was revised (i.e., filled in) at Items 1 (judicial officer), 9a (name of bank for blocked account and amount), and 9b(2) (provisions for blocked account and release on 18th birthday).

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	12/10/2024	
-	(Judge's initials)		(Date)	_

(27)

<u>Tentative Ruling</u>

Re: N&L Logistics, Inc. v. Pombo Automotive, Inc.

Superior Court Case No. 24CECG01464

Hearing Date: December 12, 2024 (Dept. 403)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

Plaintiff is reminded that applications for default judgment on declarations pursuant to Code of Civil Procedure section 585, subdivision (d) is the preferred procedure in Fresno County. (See Superior Court of Fresno County Local Rules, rule 2.1.14.) When submitting a matter for default judgment on declarations, the party must comply with California Rules of Court, rule 3.1800, and submit the required material together as a single packet. (*Ibid.*) Default packets should be filed with the Clerk's Office at least ten court days before the hearing. (*Ibid.*)

Pursuant to California Rules of Court, rule 3.1312 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.

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Issued By: _	JS	on	12/10/2024	
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(27)

Tentative Ruling

Re: Victor Vargas v. Manuel Hernandez Romero

Superior Court Case No. 23CECG04934

Hearing Date: December 12, 2024 (Dept. 403)

Motion(s): (1) by Defendant/Cross Complainant Joel Armendariz for the

Genuineness of Documents and Truth of Matters Specified in Plaintiff's Request for Admissions, Sets One and Two, be Deemed Admitted; Compel Responses to Demand for Production, Set One; Compel Answers to Special Interrogatories, Set One; Compel Answers to Form

Interrogatories, Sets One and Two; Monetary Sanctions

(2) by Cross-Defendants/Cross-Complainants Elena Stefanopoulos and Luis Alberto Lopez-Tamayo for the Genuineness of Documents and Truth of Matters Specified in Plaintiff's Request for Admissions; to Compel Responses to Demand for Production, Set One; Compel Answers to Form and Special Interrogatories, Set One, and Monetary Sanctions

Tentative Ruling:

To grant. (Code Civ. Proc., §§ 2030.290, 2031.300.) Within 20 days of service of the order by the clerk, plaintiff Victor Vargas shall serve objection-free responses to the Interrogatories and Requests for Production of Documents and produce all responsive documents.

The matters specified in moving parties' Requests for Admission are deemed admitted, unless plaintiff Victor Vargas serves, before the hearing, a proposed response to the requests for admission that is in substantial compliance with Code of Civil Procedure section 2033,220.

To award sanctions against plaintiff Victor Vargas in the amount of \$900.00 to each moving parties' counsel (\$1,800 total), to be paid within 20 calendar days of the date of this order, with the time to run from the service of this minute order by the clerk. (Code Civ. Proc., §2030.290, subd. (c); Code Civ. Proc., §2031.300, subd. (c).)

Explanation:

According to the supporting declarations and attached exhibits, each of the motions demonstrate that the subject discovery was served on plaintiff. Yet, no responses were ever received and no oppositions have been filed. Furthermore, although plaintiff filed various declarations on December 9, it is unclear whether those declarations are intended to serve as oppositions to the motions or responses to the subject discovery requests. Accordingly, defendant's motion to deem admitted the request for admission,

set one, must be granted. (Code of Civ. Proc., § 2033.280; see also *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 778.) Similarly, the motion to compel responses to the interrogatories and request for production are also granted. (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (b).)

Monetary 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) and 2031.300, subd. (c).) Since no discernible opposition has been filed, the court does not so find. The court finds that the reasonable amount of attorney fees to award as sanctions on these simple and uncontested motions is \$900, per moving party (\$1,800 total), compensating for the time expended to prepare and file the materially identical motions.

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 Ruli	ing			
Issued By:	JS	on	12/10/2024	
,	(Judge's initials)		(Date)	