

Tentative Rulings for December 12, 2024
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.*

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

(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,

