Tentative Rulings for July 13, 2026
Department PS2

To request oral argument, you must notify Judicial Secretary Carol Delfosse-Kidd at (760) 904-5722 and inform all other counsel no later than 4:30 p.m.

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at Riverside Superior Court-Tentative Rulings.. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department PS2 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

COUNSEL AND SELF-REPRESENTED PARTIES ARE ENCOURAGED TO APPEAR AT ANY LAW AND MOTION DEPARTMENT TELEPHONICALLY WHEN REQUESTING ORAL ARGUMENTS.

For information and instructions on remote appearances via **ZOOM**, visit the court's website at Riverside Superior Court-Remote Appearances

You may also make a Telephonic Appearance: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252, 1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: 161 644 5616

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.

1.

CASE #	CASE NAME	HEARING NAME
CVPS2500832	MELENDREZ VS UNITED GROUND EXPRESS, INC.	MOTION TO COMPEL FURTHER DISCOVERY RESPONSES TO SPECIAL INTERROGATORIES, SET ONE BY UNITED GROUND EXPRESS, INC.

Tentative Ruling: Granted.

Responding party is ordered to serve verified further responses to Special Interrogatories, Set One, No. 10-11, within 30 days of service of notice. Responding party is further ordered to pay attorney's fees and costs to moving party in the amount of $1,525.00 within 30 days of service of notice.

Prevailing party ordered to give notice pursuant to CCP §1019.5.

This is an employment discrimination case. Plaintiff Angelique Melendrez suffers from leukemia, which is a disability that affects major life activities. On October 30, 2023, United Ground Express, Inc. ("Defendant") and United Airlines, Inc. (collectively "United"). Plaintiff alleges that during the application process, she informed United and its human resources ("HR") agent, Defendant Kevin Tomas ("Tomas"), about her disability and need for accommodation. Plaintiff was required to obtain an Employee Status Form ("ESF") from her doctor. On November 14, 2023, Plaintiff provided the complete ESF, which included restrictions of not lifting more than 45 pounds, a maximum of four hours standing, and a maximum of six hours walking, kneeling, squatting, or crawling. At the end of November, Plaintiff was called into a meeting with Tomas, Defendant Donald Miller ("Miller") and other supervisors, at which time she was told that United could not permanently accommodate her restrictions. Plaintiff received a revised ESF from her oncologist with limited, temporary restriction. She began training on December 3, 2023 but was told to stay back from training on December 6. On December 7, 2023, Miller told her via text message that United would not move forward with her employment with any restrictions in place.

The operative Complaint asserts 10 causes of action:

1. Discrimination in Violation of FEHA
2. Hostile Work Environment in Violation of FEHA
3. Retaliation in Violation of FEHA
4. Failure to Provide Reasonable Accommodation in Violation of FEHA
5. Failure to Engage in the Interactive Process
6. Failure to Prevent Discrimination
7. Wrongful Termination in Violation of Public Policy
8. Intentional Infliction of Emotional Distress
9. Whistleblower Retaliation
10. Negligent Hiring, Supervision and Retention

Trial is currently set for February 5, 2027.

Defendant now moves to compel further code-compliant responses from Defendant to Plaintiff's Special Interrogatories (SROGs) Nos. 10-11, which seeks information regarding all medical care Plaintiff sought and medical providers who Plaintiff sought care from. Defendant argues Plaintiff placed her physical and emotional condition at issue. Defendant disclosed that Plaintiff provided only objections to Nos. 10-11 even after serving supplemental responses on February 6, 2026. (Cervantes Decl., ¶¶4, 7.) Although Plaintiff repeatedly represented that she would provide supplemental responses, she failed to do so to date. (*Id.* at ¶¶14, 16, 19-20.) Through meet and

confer efforts, Defendant narrowed the scope of Nox. 10-11 to two years before Plaintiff's employment. (*Id.* at ¶13.) Defendant asserts good cause exists and requests sanctions in the amount of $4,108 against Plaintiff and her counsel of record.

In opposition, Plaintiff points out that pursuant to a meet and confer conference call on December 11, 2025, it was agreed that Defendant was to propose a limitation to SROG Nos. 10-11 so that Plaintiff could provide further responses but failed to do so to date. (Gilanians Decl., ¶¶5, 13.) Plaintiff contends Defendant fails to establish good cause, and Plaintiff's filing of this lawsuit has not waived her constitutional right to privacy.

<u>Motion to Compel Further Response(s)</u>

A motion to compel further response "shall be accompanied by a meet and confer declaration under Section 2016.040." (Code Civ. Proc., §§ 2030.300, subd. (b)(1) [interrogatories], 2031.310, subd. (b)(2) [request for production], and 2016.040.) A meet and confer declaration "shall state facts showing a reasonable and good faith attempt, either **in person, by telephone, or by videoconference**, to informally resolve each issue presented by the motion." (Code Civ. Proc., § 2016.040, subd. (a), emphasis added.) The meet and confer requirement "is designed to encourage the parties to work out their differences informally so as to avoid the necessity for a formal order." (*Townsend v. Superior Court* (1998) 61 Cal.App.4th 1431, 1435.) It requires "a serious effort at negotiation and informal resolution," including attempts by counsel "to talk the matter over, compare their views, consult, and deliberate." (*Id.* at 1438-1439.) The parties complied. (Cervantes Decl., ¶¶6-19.)

A party may file a motion compelling a further response to interrogatories if it finds that the responses are inadequate, incomplete, or evasive, or an objection in the response is without merit or too general. (Code Civ. Proc., § 2030.300, subd. (a).)

If a timely motion to compel has been filed, the burden is on the responding party to justify any objection or failure fully to answer the discovery requests. (*Coy v. Sup. Ct.* (1962) 58 Cal.2d 210, 220–21; *Fairmont Ins. Co. v. Sup. Ct.* (2000) 22 Cal.4th 245, 255.) "Each answer in a response to interrogatories shall be as complete and straightforward as the information reasonably available to the permits," (Code Civ. Proc., § 2030.220, subd. (a).) "If an interrogatory cannot be answered completely, it shall be answered to the extent possible." (*Id.* at § 2030.220, subd. (b).) "If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information…" (*Id.* at § 2030.220, subd. (c).) The burden is on responding party to justify any objection or failure to provide a complete response. (*Fairmont Ins. Co., supra,* 22 Cal.4th at 255.)

A motion for order to compel further responses must be served within 45 days of service of verified responses, plus the additional time if not personally served. (Code Civ. Proc., §§ 2030.300, subd. (c), 1010.6, subd. (a)(4); 1013.) If the responses are objections only, they are treated as verified responses with respect to the 45-day limit, but if the responses are a combination of both unverified responses and objections then the 45-day period does not start as the statute setting forth the time limit requires verification of hybrid responses. (*Gold & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 131, 136.)

Defendant timely filed this motion by the agreed upon deadline of April 17, 2027. (Cervantes Decl., ¶19, Exh. 6.)

<u>SROG No. 10</u> asks Plaintiff to describe all medical care that Plaintiff sought for any physical illness, condition of any kind. No. 11 asks Plaintiff to identify any and all persons with whom

Plaintiff consulted or who have diagnosed or treated Plaintiff for any mental or emotional condition.

Based on the evidence presented, on December 11, 2025, Defendant agreed to narrow the scope of the requests. (Gilanians Decl., ¶5, Exh. 4; Cervantes Decl., ¶13.). Contrary to Plaintiff's claim, Defendant in fact narrowed the scope of the requests to two years prior to Plaintiff's employment date. (Cervantes Decl., ¶13.) Indeed, Plaintiff emailed Defendant on March 16, 2026 stating she hoped to have supplemental production by March 20, 2026. (*Id.*, Exh. 5.) On March 24, 2026, Plaintiff informed Defendant via email that she had "[n]o intention of withholding" the medical records, but that it was a slow process to get everything. (*Ibid.*)

Plaintiff objected to both SROGs based on vague and ambiguous, unduly burdensome, the information is equally available to the propounding party, oppression, overbroad, failure to state sufficient particularity as to items sought, attorney work product doctrine, attorney client privilege, harassing, cumulative, and privacy.

Plaintiff's overbroad, vague, ambiguous, failure to state sufficient particularity, harassing, cumulative and oppressive objections lack merit because Defendant limited the scope to two years prior to Plaintiff's employment.

As to Plaintiff's objections based on privilege or attorney work product, the objecting party must provide "sufficient factual information" to enable other parties to evaluate the merits of the claim. (Code Civ. Proc., § 2031.240, subd. (c)(1).) The person claiming protection under the attorney work product doctrine bears the burden of proving the preliminary facts to show the doctrine applies. (*League of California Cities v. Superior Court* (2015) 241 Cal.App.4th 976, 993.) The party asserting the privilege must make a "Preliminary foundational showing that answering the interrogatory would reveal the attorney's tactics, impressions or evaluation of the case or would result in opposing counsel taking undue advantage of the attorney's industry or efforts." (*Coito v. Superior Court* (2012) 54 Cal.4th 480, 502.) Plaintiff failed to do so here.

A party may waive the privacy right because of discovery. The scope of discovery is broad, and doubts concerning the permissibility of discovery are generally resolved in favor of allowing discovery. (Code Civ. Proc., § 2017.010; *Advanced Modular Sputtering, Inc. v. Superior Court* (2005) 132 Cal.App.4th 826, 836; *Glenfed Development Corp. v. Superior Court* (1997) 53 Cal.App.4th 1113, 1119.) This includes questions of relevancy. (*Mercury Interactive Corp. v. Klein* (20007) 158 Cal.App.4th 60, 98.) This is because the purpose of statutes establishing the expansive scope of discovery is to eliminate surprise at trial, to educate parties concerning their claims and defenses so as to encourage settlements and to expedite and facilitate trial, and to minimize opportunities for fabrication and forgetfulness. (*Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1249.) Given the liberal application of the discovery rules, "'fishing expeditions are permissible in some cases.' [Citations.]" (*Stewart v. Colonial Western Agency, Inc.* (2001) 87 Cal.App.4th 1006, 1013.)

However, the scope of discovery is limited. "The court shall limit the scope of discovery if it determines that the burden, expense or intrusiveness of that discovery clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence." (Code Civ. Proc., § 2017.020, subd. (a).) Even where information may be highly relevant and non-privileged, it may still be shielded from discovery if its disclosure would impair a person's inalienable right of privacy as guaranteed by both the United States and California Constitution. (*Britt v. Superior Court (San Diego Unified Port District)* (1978) 20 Cal.3d 844, 855-856; *Pioneer Electronics (USA), Inc. v. Superior Court* (2007) 40 Cal.4th 360, 370.)

This privilege is not absolute. In each case, the court must carefully balance the right of privacy against the need for discovery; in some cases, a simple balancing test is sufficient while, in others, a compelling interest must be shown. (*Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 34-35 ("*Hill*").)

Under the *Hill* factors, the *Hill* court found an individual has a privacy interest in his medical treatment and medical information. (*Hill, supra,*7 Cal.4th at 52; see also *Davis v. Superior Court (Jeannette Williams)* (1992) 7 Cal.App.4th 1008, 1019 ["It has been held that a person's medical profile is an area of privacy which cannot be compromised except upon good cause:]; *Heda v. Superior Court (Gladys Davis)* (1990) 225 Cal.App.3d 525, 527 ["The zone of privacy created by [the Constitution] extends to the details of a patient's medical history"].) Though an individual has the right to preclude the general disclosure of his medical files and records, **a party waives any privacy interest as to the claims asserted**. (*Vinson v. Superior Court (Peralta Community College District* (1987) 43 Cal.3d 833, 842 ["[A]n implicit waiver of a party's constitutional rights encompasses [] discovery directly relevant to the plaintiff's claim and essential to the fair resolution of the lawsuit"]; *Britt, supra,* 20 Cal.3d at 859-864 [information shall be directly relevant to a cause of action nor defense]; *In re Lifschutz* (1970) 2 Cal.3d 415, 435 ["The patient thus is not obligated to sacrifice all privacy to seek redress for a specific mental or emotional injury; the scope of the inquiry permitted depends upon the nature of the injuries which the patient-litigant himself has brought before the court"].)

Here, Plaintiff placed her medical condition and related treatment at issue and the records are directly relevant. Plaintiff alleges in her complaint that she suffers from a disability and medical condition, leukemia. (Compl., ¶11.) Plaintiff alleges her oncologist placed the following restrictions on her employment: no lifting more than 45 pounds, a maximum of four hours standing, and a maximum of six hours walking, kneeling, squatting, or crawling. (*Id.* ¶14c.) She was ultimately terminated based on the restrictions and now seeks economic, non-economic, and emotional distress damages arising from her alleged wrongful termination. (*Id.* ¶¶14g, Prayer.) Thus, the requested discovery is directly relevant to Plaintiff's claims that include discrimination, harassment, retaliation, and failure to accommodate. Accordingly, because Plaintiff placed her medical condition and limitations at issue, there is a compelling need for Defendant to obtain the records.

Considering the sensitive and confidential nature of Plaintiff's medical records, the documents produced can be subject to a protective order that the parties can prepare. (See Code Civ. Proc., § 1987.1, subd. (a).)

Based on the foregoing, the Court grants the motion and limit the SROG requests to two years prior to Plaintiff's employment.

<u>Sanctions</u>

If the party properly asks for monetary sanctions, the court "shall" impose a monetary sanction against the losing party unless it finds the losing party "acted with substantial justification" or other circumstances make imposition of the sanction "unjust." (Code Civ Proc., §§ 2025.450, subd. (g)(1), 2025.480, subd. (j).)

Plaintiff failed to demonstrate she acted with substantial justification given she continually assured Defendant medical records would be provided after Defendant narrowed the scope of the SROGs to two years prior to Plaintiff's employment.

Defendant seeks $4,108 in monetary sanctions based on work done by attorney Cervantes ($305/hr x [5.5 hours on the motion & 3 hours reviewing the opposition, drafting the reply, and appearing at hearing]), partner Kegan Andeskie ($402/hr x 1 hour reviewing the motion), and partner Micaela Banach ($557/hr x 2 hours reviewing the motion). Andeskie's and Banach's review of the motion is duplicative work. Moreover, the hours spent on this standard discovery motion appears to be excessive. Thus, the Court awards a total of $1,525 in monetary sanctions based on Cevantes's hourly rate and 5 hours of total work.

2.

CASE #	CASE NAME	HEARING NAME
CVPS2507697	LOPEZ CUENCA VS MENDEZ	MOTION TO CONSOLIDATE ON COMPLAINT FOR AUTO (OVER $35,000) OF REFUGIO LOPEZ CUENCA BY HECTOR MENDEZ

Tentative Ruling: Granted.

No opposition filed in either subject matter.

Lead case will be CVPS2507697 and CVPS2507111 will be consolidated.

Moving party to provide notice pursuant to CCP 1019.5.

3.

CASE #	CASE NAME	HEARING NAME
CVPS2602579	MISSION HILLS VILLAS HOMEOWNERS ASSOCIATION II, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION VS PERANIO	MOTION FOR PRELIMINARY INJUNCTION BY MISSION HILLS VILLAS HOMEOWNERS ASSOCIATION II, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION

Tentative Ruling: Denied without prejudice.

Defendants are either default eligible, have not filed their responsive pleading, or have not been served. Moving party may seek a T.R.O., but preliminary injunction will not be granted as it would result in partially enforceable order against only one defendant.

Moving party to provide notice pursuant to CCP 1019.5.