



Superior Court of California County of San Benito

Tentative Decisions for September 23, 2026

Courtroom #1: Judge J. Omar Rodriguez

FL-10-00471 Bladow, Jacqueline vs. Bladow, Kevin

Respondent's Request for Order, filed August 24, 2026, to Compel Petitioner to Respond to Respondent's Special Interrogatories, Set One, and Request for Production of Documents, Set One, is GRANTED in part.

The Trial Setting and Review Hearings are continued to October 14, 2026 at 8:30 a.m.

The Motions are based on Petitioner's failure to serve any responses and/or produce any documents. Petitioner opposes the Motions on the ground that Petitioner provided responses, rendering the Motions moot. This Court will require a motion to compel further responses to satisfy the procedural requirements outlined in California Rule of Court 3.1345, such as a separate statement, in order for this Court to determine whether the responses are inadequate.

The Court GRANTS Respondent's request that the untimely response waives any objections. Petitioner requested an extension until August 23, 2026, to respond and failed to respond by the deadline.

As to Respondent's Motion as it pertains to attorney's fees, the Motion is GRANTED. The court shall impose monetary sanctions against a party, person or attorney who unsuccessfully makes or opposes a motion to compel, unless the court finds that a party acted with substantial justification or other circumstances that make the imposition of the sanction unjust. (Cal. Code of Civ. Proc. §§2030.290, 2031.300.) California Rules of Court Rule 3.1348 states "(t)he court may award sanctions under the Discovery Act in favor of a party

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any objections or concerns.**

who files a motion to compel discovery, even though...the requested discovery was provided to the moving party after the motion was filed.” A court can find that there is no substantial justification when a party served discovery responses on the night before the hearing on the discovery motion when the party failed for months to produce documents and discovery responses. (*Deck v. Developers Investment Co., Inc.* (2023) 89 Cal.App.5th 808, 831.) Even when it is highly disputed whether the last-minute production was full, “(i)t is enough that it was untimely in the extreme and only done once Plaintiff had incurred the cost of bringing a motion to compel.” (*Ibid.*)

Here, the Motions were filed on August 24, 2026, and served on August 26, 2026, which is the same day that the discovery responses were served. It does not appear that Petitioner responded to discovery in response to the Motions. Instead, Petitioner was under the mistaken belief that a lack of objection served as an agreement to a request to extend the discovery deadline.

FL-18-00446 DeSilva, Michelle vs. DeSilva, Damon

The status conference is continued to October 21, 2026, at 8:30 a.m. to be heard along with Petitioner’s Motion to Compel.

FL-25-00190 Marquez Gonzalez, Jorge vs. Loera Garcia, Alejandra

Respondent’s Request for Order to Set Aside Orders pursuant to California Code of Civil Procedure section 473(b) is DENIED.

The court has authority to set aside default and default judgment when the entry of the same was caused by the mistake, inadvertence, surprise, or neglect of a party. (Cal. Code Civ. Proc. §473(b).) Similarly, a default and default judgment may be set aside when it was caused by the mistake, inadvertence, surprise, or excusable neglect of the defendant or some other third party. The distinction is that the set aside of the default for the mistake, inadvertence, surprise, or neglect of an attorney is, upon proper declaration of the attorney, mandatory, whereas set side in the other instance is discretionary for the court. Additionally, a default and default judgment may be set aside when the default or default judgement is void. (Cal. Code Civ. Proc. v§473(d).)

Here, Respondent presents no evidence indicating any mistake, inadvertence, surprise or neglect. The request is made on the grounds that Respondent seeks another opportunity to litigate the orders made on September 2, 2026, under the belief that the orders are not in the best interest of the child. This is not a valid ground for relief under section 473(b). As a result, the request is denied.

FL-25-00193 Mendez, Nicole vs. Mendez, Joseph

Petitioner's August 12, 2026, Request for Order is DENIED without prejudice as Petitioner failed to serve the request on Respondent.

FL-25-00220 Garcia, Maribel vs. Casarez, Adrian

The hearing on Petitioner's June 1, 2026, Request for Order is continued to October 21, 2026. The parties are ordered to attend mediation on October 12, 2026 at 9:00 a.m. at the Self-Help Center. Respondent's previously failed to attend mediation and the parties still have not attended mediation.

FL-25-00275 Cruz de Barroso, Rosa vs. Dimas Barroso, Humberto.

Petitioner's August 26, 2026, Request for Order is DENIED without prejudice as Petitioner failed to serve the request on Respondent.

FL-26-00028 Gonzalez, Rodolfo Jr vs. Gonzalez, Valerie Ann

Petitioner's Request for Order seeking property division is GRANTED in part.

In light of the concerns of inadequate disclosures that both party has expressed, both parties are ordered to exchange updated and complete Preliminary Declarations of Disclosures and have them served within 60 calendar days.

A status conference will be held on December 9, 2026, at 8:30 a.m. to address whether the case is ready to be referred to a Settlement Conference or another trial setting.

Petitioner submitted a request to continue on September 22, 2026, requesting that the matter be continued to allow her to hire counsel. Her request is GRANTED. The September 23rd hearing is continued to October 28, 2026, at 8:30 a.m.

END OF TENTATIVE DECISIONS