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FRESNO SUPERIOR COURT

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

City of Fresno, a municipal corporation,)	No. 26CECG00635
)	
Petitioners,)	Dept. 502
)	
v.)	ORDER DENYING PETITION (WITHOUT PREJUDICE) to SET A HEARING RE: ORDER TO SHOW CAUSE TO ENFORCE INVESTIGATIVE SUBPOENA (GOV. CODE, § 11180, et seq.)
The Janitorial Company,)	
)	
Respondent.)	
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After considering all of the papers submitted in support of the petition to set a hearing re Order to Show Cause ("OSC") to enforce investigative subpoena, this court rules as follows:

The petition is denied, without prejudice, as set forth herein.

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I. Analysis

Petitioner, self-described as a "municipal corporation" in its papers, seeks payroll information from a private entity for a time-period spanning 2½ years and requests the court set an OSC hearing.

The petition cites section 11180, et seq. of the Government Code as the principal justification for relief. (See Pet. at p. 2:10.) However, by its plain wording, section 11180 applies only to state departments, i.e. not municipal corporations. (See § 11180.) In other words, the petition fails to establish whether the City of Fresno falls within the enumerated list of appropriate entities entitled to seek relief under section 11180, et seq.

Further, although it references Fresno Municipal Code section 1-601 and California Assembly Bill 594 as possible sources for relief, the petition fails to establish how local municipal ordinances and legislative materials confer authority to subpoena private business records. (*Doe v. Becerra* (2018) 20 Cal.App.5th 330, 342 [legislative materials of ""very limited guidance""]: cf. *Connecticut Indem. Co. v. Superior Court* (2000) 23 Cal.4th 807, 812 [subject ordinance specified *precise* statutory authority].)

II. Conclusion

Therefore, the petition to set the OSC hearing is denied, without prejudice.

So ORDERED

DATED this 19th day of February, 2026


HON. KRISTI CULVER KAPETAN
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Unlimited Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-1900	FOR COURT USE ONLY
TITLE OF CASE: City of Fresno, a municipal corporation vs The Janitorial Company	
CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: 26CECG00635

I certify that I am not a party to this cause. A true copy of the Order Denying Petition has been processed and:

- I certify that, pursuant to California Rules of Court, rule 2.251, and Code of Civil Procedure section 1010.6, the following document(s) have been electronically served by the Superior Court of California, County of Fresno. The list of electronically served recipients are listed below.
- Placed in a sealed envelope and:
 - Deposited with the United States Postal Service, mailed first class, postage fully prepaid and addressed as shown below.
 - Placed for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing/e-mailing: **Fresno, California 93724** on:

Date: 2/20/2026 Clerk, by *L Whipple*, Deputy
Layla Whipple

Brandon Reta City of Fresno brandon.reta@fresno.gov			

Clerk's Certificate of Mailing Additional Address Page Attached