

(46)

Tentative Ruling

Re: **City of Fresno v. Art Terzian**
Superior Court Case No. 24CECG02985

Hearing Date: April 14, 2026 (Dept. 502)

Motion: Order to Show Cause re: Sanctions

Tentative Ruling:

To vacate the Order to Show Cause re: Sanctions. (Code Civ. Proc., § 128.7, subd. (c)(2).)

**If oral argument is timely requested, it will be entertained on
Thursday, April 16, 2026, at 3:00 p.m. in Department 502.**

Explanation:

On February 24, 2026, this court issued an Order to Show Cause ("OSC") as to counsel for plaintiff City of Fresno ("plaintiff"), as to why the court should not impose sanctions in an amount up to \$10,000.00 for violation of Code of Civil Procedure section 128.7, subdivision (b). The court issued this OSC after identifying numerous improper citations in plaintiff's Application for Writ of Assistance filed on December 31, 2025.

"On its own motion, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b), unless, within 21 days of service of the order to show cause, the challenged paper, claim, defense, contention, allegation, or denial is withdrawn or appropriately corrected." (Code Civ. Proc., § 128.7, subd. (c)(2), emphasis added.)

Plaintiff filed a Notice of Withdrawal of the Application for Writ of Assistance on March 9, 2026, which is within the 21-day safe harbor period provided for in section 128.7. Further, after review of plaintiff's request to vacate the OSC and the accompanying declaration of attorney Anthony R. Taylor, the court is satisfied that the offending application was not the result of a direct action taken by those primarily handling this matter or anyone remaining with the firm. In an emergent situation, plaintiff's counsel dutifully sought coverage that appeared competent on its face but unfortunately resulted in this OSC. The firm has since taken action to appropriately rectify the situation.

For the foregoing reasons, the court vacates the Order to Show Cause.

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

