

Tentative Rulings for February 25, 2026
Department 503

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.

23CECG02133 *Holland Hulling Company v. Jaswant Sidhu* is continued to Thursday, April 9, 2026, at 3:30 p.m. in Department 503.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(46)

Tentative Ruling

Re: **State of California v. Parallamo, LLC**
Superior Court Case No. 17CECG00514

Hearing Date: February 25, 2026 (Dept. 503)

Motion: Demurrer to Cross-Complaint

Tentative Ruling:

To overrule the demurrer, without prejudice.

Explanation:

The State of California ("plaintiff") demurs to the Cross-Complaint in Inverse Condemnation filed by Parallamo, LLC ("defendant"). The basis for plaintiff's demurrer is Code of Civil Procedure section 430.10, subdivision (c): "There is another action pending between the same parties on the same cause of action." (Code Civ. Proc., § 430.10, subd. (c).)

Plaintiff provides no authority that a demurrer in this circumstance may be sustained on these grounds. Plaintiff attempts to argue that the Cross-Complaint in Inverse Condemnation is unnecessary because "[t]he compensation sought by Parallamo via Cross-Complaint can be sought in the current eminent domain action, [...] 17CECG00514." (Memo. P&A, 4:2-4.)

The statute forming the basis of this demurrer explicitly provides that there be "another action pending[.]" (Code Civ. Proc., § 430.10, subd. (c), emphasis added.) "Under the so-called 'plain meaning' rule, courts seek to give the words employed by the Legislature their usual and ordinary meaning." (*Gonzalez v. County of Los Angeles* (2004) 122 Cal.App.4th 1124, 1129.) "[The] 'primary determinant' of legislative intent is words used by the Legislature[.]" (*MacIsaac v. Waste Management Collection & Recycling, Inc.* (2005) 134 Cal.App.4th 1076, 1082, citing to *Janken v. GM Hughes Electronics* (1996) 46 Cal.App.4th 55, 60.) "If the statutory language is clear and unambiguous, our task is at an end, for there is no need for judicial construction." (*Id.*, at p. 1083.)

Here, the plain meaning of the words "another action" are reasonably read to mean that there is another action pending that is separate and distinct from the present action, thus allowing a demurrer to be brought on the grounds of Code of Civil Procedure section 430.10, subdivision (c). That is not the case here, as plaintiff makes it clear that the "other" action is "the current eminent domain action," going so far as to state the name and case number of the present case. (Memo. P&A, 4:2-4.) Plaintiff points to no authority whereby a Complaint constitutes "another action" than a Cross-Complaint filed in the same case, and on which a demurrer on this basis may be sustained.

