Tentative Rulings for April 15, 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.***

23CECG03430 ***Regions Bank vs. M & D Brothers Logistics, Inc.*** **et al. (Dept. 503)**

24CECG03759 ***Coral vs. Gonzalez*** **(Dept. 503)**

26CECG00454 ***In re: Jaxon Davis*** **(Dept. 503)**

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

25CECG03449 ***Joele Scott v. Miguel Lopez*** **is continued to Wednesday, May 5, 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

(03)

Tentative Ruling

Re: ***Ouk v. Pacific Gas & Electric Co.***
Case No. 15CECG01274 (lead case, consolidated with case nos. 15CECG01369, 15CECG02008, 15CEDCG02864, 15CECG03067, 15CECG03068, 15CECG03069, 16CECG0041, and 16CECG03697)

Hearing Date: April 15, 2026 (Dept. 503)

Motion: Plaintiffs Gonzalez and Sanchez's Motion for Leave to File Second Amended Complaint

Defendant PG&E's Motion to Bifurcate Trial

Defendant PG&E's Three Motions to Compel Further Responses from Defendant County of Fresno

Tentative Ruling:

To deny plaintiffs Sanchez and Gonzalez's motion for leave to file a second amended complaint.

To grant defendant PG&E's motion to bifurcate the trial into liability and damages phases.

To deny defendant PG&E's three motions to compel further responses from defendant County of Fresno.

Explanation:

Gonzalez and Sanchez's Motion to Amend Complaint: "'Code of Civil Procedure section 473, which gives the courts power to permit amendments in furtherance of justice, has received a very liberal interpretation by the courts of this state.... In spite of this policy of liberality, a court may deny a good amendment in proper form where there is unwarranted delay in presenting it.... On the other hand, where there is no prejudice to the adverse party, it may be an abuse of discretion to deny leave to amend.' 'In the furtherance of justice, trial courts may allow amendments to pleadings and if necessary, postpone trial.... Motions to amend are appropriately granted as late as the first day of trial ... or even during trial ... if the defendant is alerted to the charges by the factual allegations, no matter how framed ... and the defendant will not be prejudiced.'" (*Rickley v. Goodfriend* (2013) 212 Cal.App.4th 1136, 1159, citations omitted.)

On the other hand, a lengthy, unexplained delay in seeking leave to amend the complaint may justify denial of the motion to amend. (*Roemer v. Retail Credit Co.* (1975) 44 Cal.App.3d 926, 939–940; see also *Record v. Reason* (1999) 73 Cal.App.4th 472, 486 [unwarranted delay in seeking leave to amend shown where motion was filed three years after the plaintiff was aware of the circumstances on which he based his amended

allegations]; *Magpali v. Farmers Group, Inc*. (1996) 48 Cal.App.4th 471, 486 [proper exercise of discretion to deny leave to amend where the plaintiff offered no explanation for omitting new claims from the original complaint or bringing the request to amend nearly two years after the original complaint was filed].) "Inexcusable delay in presenting a proposed amendment, however, constitutes grounds for denial of leave to amend." (*Young v. Berry Equipment Rentals, Inc.* (1976) 55 Cal.App.3d 35, 39, citations omitted.)

Under Rule of Court 3.1324(b), "A separate declaration must accompany the motion [to amend] and must specify: (1) The effect of the amendment; (2) Why the amendment is necessary and proper; (3) When the facts giving rise to the amended allegations were discovered; and (4) The reasons why the request for amendment was not made earlier." (Cal. Rules of Court, rule 3.1324(b), paragraph breaks omitted.)

In the present case, plaintiffs Gonzalez and Sanchez seek leave to file a second amended complaint to allege a new claim under Public Utilities Code section 2106, as well as a prayer for punitive and exemplary damages. They claim that they learned of the factual basis for amended complaint during discovery, which has been ongoing since mid-2024. They also claim that none of the other parties will be prejudiced if the court grants leave to amend.

However, plaintiffs' motion to amend is procedurally defective, as plaintiffs' counsel has not provided a declaration explaining when he discovered the facts underlying the amendments and why the request for amendment was not made earlier. Plaintiff's counsel states that, although plaintiffs filed their complaint on May 1, 2017 and their first amended complaint on November 17, 2015, the case was stayed for several years and the parties did not begin discovery until mid-2024. (Salazar decl., ¶¶ 5-7.) Since the start of discovery, defendants have produced thousands of documents in discovery. (*Id*. at ¶ 9.) Several key witnesses have also been deposed, including the depositions of PG&E employee Greg Swilley on September 9, 2025, PG&E employee Steve Cleaver on October 23, 2025, PG&E employee Jeff Little on October 24, 2025, and PG&E's third party contractor, R.E.Y. Engineers, Inc. on October 7, 2025. (*Id*. at ¶ 10.) "As a result of Plaintiffs [*sic*] recent review of the totality of the information gathered from the documents produced by Defendant PG&E as well as the information obtained through these depositions, Plaintiffs now seeks [*sic*] leave of court to amend their original complaint to add a cause of action for violation of Public Utilities Code § 2106 and seek exemplary and punitive damages. Plaintiffs [*sic*] request to seek leave to amend was made following Plaintiffs' review of the aforementioned information obtained through the discovery process which supports Plaintiffs [*sic*] claims of exemplary and punitive damages." (*Id*. at ¶ 11.)

Yet it is unclear from counsel's declaration exactly what facts plaintiffs learned during discovery, when they learned them, or how they would support the new claim under Public Utilities Code section 2106 and prayer for punitive damages. Counsel's declaration only vaguely references the entire course of discovery since mid-2024, without citing any particular facts, testimony, or documents that provide the basis for the new claims. Nor does plaintiffs' counsel state when the new facts were learned, or why they tend to support a new statutory claim or a prayer for punitive damages. Counsel also does not explain why he did not seek to amend the complaint earlier. As a result,

plaintiffs have not met the requirements of Rule of Court 3.1324, and the court may deny the motion for this reason alone.

Furthermore, plaintiffs appears to have been aware of the facts underlying the proposed amendment for years, which undermines their claim that they only recently learned of the need to amend the complaint. The proposed amended complaint is based on the same basic facts that plaintiffs have alleged from the outset of the case, namely that defendants negligently owned, possessed, and controlled the property and allowed a dangerous condition to exist on the property, namely the allegedly inadequately marked and/or covered gas pipeline. (Exhibit 1 to Motion.) While plaintiffs allege new legal theories in the proposed second amended complaint, the facts are essentially the same as in their original and first amended complaints. Therefore, plaintiffs have not shown that the proposed amendment is actually based on any new information or evidence that they only recently obtained. Nor have they given an adequate explanation of why they waited until the trial date was imminent before seeking to amend the complaint.

In addition, it appears that granting leave to amend would prejudice PG&E, as PG&E would have to go to trial in about a month without being able to challenge the new claims on demurrer or summary judgment, and without being able to conduct discovery into the factual basis for the new claims. The case is presently set for trial on May 26, 2026, less than a month after the hearing on the motion to amend. Defendant's answer would not even be due until May 15, 2026 at the earliest, and defendant will likely want to demur to the new cause of action or move to strike the prayer for punitive damages. Defendant may also wish to move for summary adjudication of the new claim and prayer for damages. In addition, defendant will need to conduct discovery into the factual basis for the new claim and prayer for damages. Thus, defendant is likely to be prejudiced if the motion to amend is granted, as it will not have enough to time to conduct discovery and bring a demurrer and/or summary judgment motion before trial. In order to avoid such prejudice, the court would have to continue the trial date for several months, which would lead to further delays in the case, which has already been pending for about nine years. Such delays are likely to cause prejudice to not only defendant PG&E but also to the other plaintiffs, who have been waiting for many years for their case to go to trial.

Therefore, since plaintiffs have not explained their lengthy delay in seeking to amend the complaint, what new facts support the proposed amendment, or when they learned the new facts, and since granting leave to amend is likely to cause prejudice to PG&E and the other plaintiffs, the court intends to deny plaintiffs' motion for leave to amend the complaint.

PG&E's Motion to Bifurcate: Under Code of Civil Procedure section 598, the court has great discretion in regard to the order of issues at trial: "The court may, when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted thereby, on motion of a party, after notice and hearing, make an order no later than the close of pretrial conference in cases in which such pretrial conference is to be held, or, in other cases, no later than 30 days before the trial date, that the trial of any issue or any part thereof shall precede the trial of any other issue or any part thereof in the case…" (Code Civ. Proc., § 598.)

Similarly, Code of Civil Procedure section 1048 also gives the court discretion to bifurcate the trial. "The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action…or of any separate issue or of any number of causes of action or issues." (Code Civ. Proc., § 1048, subd. (b).)

Thus, "[i]t is within the discretion of the court to order a severance and separate trials of such actions, and the exercise of such discretion will not be interfered with on appeal except when there has been a manifest abuse thereof." (*McLellan v. McLellan* (1972) 23 Cal.App.3d 343, 353, citations omitted; see also *Grappo v. Coventry Financial Corp*. (1991) 235 Cal.App.3d 496, 503-504.) "'[T]he primary purpose [of section 598] is to permit the issue of liability in personal injury cases to be tried prior to that of damages when, in the opinion of the court, the facts of a particular case justify it.' Such separate trial of the liability issue was considered desirable to avoid wasting court time in cases where the plaintiff loses on the liability issue, to promote settlements where the plaintiff wins on the liability issue, and to afford a more logical presentation of the evidence, thus simplifying the issues for the jury." (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 888, fn. 8, citations omitted.) The objective of bifurcation is to avoid wasting time and money on the trial of damages issues if the liability issue is resolved against plaintiff. (*Horton v. Jones* (1972) 26 Cal.App.3d 952, 954.) It also "serves the salutary purpose of avoiding wasting time and money, and prevents possible prejudice to a defendant where a jury might look past liability to compensate a plaintiff through sympathy for his or her damages." (Weil & Brown (The Rutter Group 2017) California Practice Guide: Civil Procedure Before Trial, § 12:414.)

In the present case, bifurcation of the trial into separate phases regarding liability and damages will serve the convenience of witnesses, the ends of justice, and promote judicial efficiency and economy. As PG&E notes in its motion, the issue of liability is relatively simple, as plaintiffs' case against PG&E essentially boils down to whether or not the gas pipeline was adequately covered with soil at the time of the accident, or whether the County's employee, Ismael Arreazola, dug below the surface of the road and caused the accident. The parties should be able to resolve this issue with the testimony of only a few witnesses, including Arreazola and Philip Lodge, as well as a few experts. It is possible that some of the other plaintiffs might have also have some relevant testimony about whether Arreazola dug below the surface of the road or not. However, it does not appear that it should take more than a week or two to conduct the trial of the liability phase.

On the other hand, the trial of the damages phase is likely to be substantially longer, as each of the plaintiffs will have to testify about their physical and emotional injuries, their medical treatments, their disabilities and life plans, etc. Plaintiffs will also have to put on expert testimony regarding medical treatments, injuries, life planning, ability to work, and so forth. Defendants will also likely put on their own experts to attempt to rebut plaintiffs' showing of damages. It seems likely that the damages trial will take many weeks.

However, if PG&E prevails at the liability phase, the damages phase will be unnecessary, as the County has already had its damages capped by the workers' compensation system and the other defendants have settled. Thus, if PG&E is able to convince the jury that it is not liable, then bifurcating the trial will save substantial time

and resources, as well as avoiding inconvenience to the witnesses and the parties. On the other hand, if PG&E is held fully or partially liable, then it is more likely to be willing to settle before the damages phase of the trial is necessary, which will also save substantial time and resources.

Plaintiffs argue that bifurcation will actually cause greater delays, duplication of testimony, and inconvenience to the witnesses and parties because many of the plaintiffs and other witnesses will have to testify at both the liability and damages phases. However, as discussed above, it seems unlikely that most of the plaintiffs other than Arreazola would have relevant testimony about the issue of whether PG&E or the County is liable for the accident. Any testimony that they might offer should be relatively brief, such as whether they saw the tractor working on the road and digging into the ground. Therefore, even if the other plaintiffs have to be called for the first phase of trial, their testimony should be fairly quick. Nor would plaintiffs have to introduce testimony from any experts, other than experts regarding the question of whether the gas pipeline was adequately covered.

While plaintiffs would have to testify again at the damages phase if PG&E is held liable, their testimony will not be duplicative of their testimony at the first stage of the case, as they will be testifying about their physical and emotional harm, medical treatment, ability to work, and other issues rather than the events of the accident itself. They will also put on different experts than the experts needed for the liability phase. However, if PG&E prevails on the liability phase, then there will be no need for a trial of the damages phase, which will save the parties and the court substantial time and money.

Plaintiffs have also argued that holding a separate trial of their damages would violate their right to have punitive damages tried by the same jury that tries the liability issue. They cite to Civil Code section 3295, subdivision (d), which states that, "[t]he court shall, on application of any defendant, preclude the admission of evidence of that defendant's profits or financial condition until after the trier of fact returns a verdict for plaintiff awarding actual damages and finds that a defendant is guilty of malice, oppression, or fraud in accordance with Section 3294. Evidence of profit and financial condition shall be admissible only as to the defendant or defendants found to be liable to the plaintiff and to be guilty of malice, oppression, or fraud. *Evidence of profit and financial condition shall be presented to the same trier of fact that found for the plaintiff and found one or more defendants guilty of malice, oppression, or fraud*." (Civ. Code, § 3295, subd. (d), italics added.)

Plaintiffs argue that the last sentence of 3295(d) means that liability and punitive damages must always be tried by the same jury. They also cite to *Medo v. Superior Court* (1988) 205 Cal.App.3d 64, which stated that "a bifurcation which results in separate juries is prohibited by Civil Code section 3295, subdivision (d)." (*Medo v. Superior Court* (1988) 205 Cal.App.3d 64, 66.) "[T]he reason for requiring the same jury to determine both liability and punitive damages" is that "[p]unitive damages are not simply recoverable in the abstract. They must be tied to oppression, fraud or malice in the conduct which gave rise to liability in the case. … In order for a jury to evaluate the oppression, fraud or malice in the conduct giving rise to liability in the case, it must consider the conduct giving rise to liability." (*Id*. at p. 68.)

However, the California Supreme Court has cast doubt on whether the *Medo* court's interpretation of section 3295(d) was correct or overly broad. (*Torres v. Automobile Club of So. California* (1997) 15 Cal.4th 771, 778.) "[T]he legislative history confirms the view that the provision requiring evidence of profit and financial condition to be 'presented to the same trier of fact that found for the plaintiff and found ... malice, oppression, or fraud' is intended simply as a restriction upon a defendant's right to a bifurcation of the issues." (*Id*. at p. 779.) However, the Supreme Court in *Torres* questioned the *Medo* court's conclusion that section 3295(d) requires the issue of punitive damages to be tried by the same jury in every case. "Even if we assume for purposes of argument that those decisions are correct, the fact remains that the Legislature did not clearly express an intent to upset settled law regarding the power of appellate courts to affirm the liability and compensatory damage aspects of a judgment while ordering a retrial limited to punitive damages." (*Id*. at pp. 780–781.) "Our conclusion, based upon the application of firmly established rules of statutory construction, is that section 3295(d) does not entitle a defendant to a new trial on liability and compensatory damages following the reversal of a punitive damages award." (*Id*. at p. 782.)

Here, as PG&E points out, it has not moved for bifurcation of the trial of the issue of punitive damages under section 3295(d), so the final sentence of section 3295(d) does not apply to the present action. In any event, even assuming that section 3295(d) does apply here, the court can bifurcate the trial of the liability and damages phases and have the same jury try both phases. Such a bifurcation would not violate section 3295(d), as the same jury would decide both the issues of liability and whether to impose punitive damages. Thus, section 3295(d) does not prevent bifurcation of the trial here.

Therefore, since granting bifurcation would promote judicial economy, serve the convenience of witnesses, and create efficiency, the court intends to grant bifurcation of the trial into liability and damages phases. However, the court also intends to deny PG&E's request to hold multiple trials on the issue of damages, as holding several separate trials on damages would be likely to cause delays, create inconvenience for the witnesses, and waste judicial resources. Instead, the court intends to hold one trial on damages as to all plaintiffs.

PG&E's Motions to Compel Further Responses: PG&E's motions are untimely and thus the court lacks jurisdiction to rule on their merits. Under Code of Civil Procedure section 2030.300, subdivision (c), "Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories." There is an identical 45-day deadline to bring motions to compel further responses to requests for production of documents and requests for admissions. (Code Civ. Proc., §§ 2031.310, subd. (c); 2033.290, subd. (c).)

The 45-day deadline to bring a motion to compel is mandatory. The court has no jurisdiction to grant a motion brought after the deadline has run, and such an untimely motion must be denied. (*Golf & Tennis Pro Shop, Inc. v. Superior Court* (2022) 84 Cal.App.5th 127, 137; *Vidal Sassoon, Inc. v. Superior Court* (1983) 147 Cal.App.3d 683.)

Here, PG&E served its discovery requests on the County of Fresno on July 31, 2025. The County served its responses, which consisted of various objections, on September 3, 2025. Service was by electronic delivery. Thus, PG&E had until October 20, 2025 to file

and serve its motions to compel further responses, unless the parties agreed to a later deadline in writing.

PG&E has not included copies of any meet and confer correspondence or stated that the parties agreed in writing to extend the deadline for filing the motions to compel. However, the County's attorney did state in his opposition to PG&E request for pretrial discovery conference that the parties had agreed in writing to extend the deadline for filing the motions to compel to January 16, 2026. (Opposition to Request for Pretrial Discovery Conference filed on January 26, 2025.)

PG&E filed its request for pretrial discovery conference on January 16, 2026, the same day that the motion deadline expired. The filing of the pretrial discovery conference request tolled the running of the deadline until the court ruled on the request. (Fresno Sup. Ct. Local Rules, rule 2.1.17 G.) The court denied the request for pretrial discovery conference on January 27, 2026. The court's order noted that the time to bring the motions was tolled for 11 days. The court's order was served on the parties electronically on January 29, 2026, which extended the time to bring the motions by two days. Thus, the last day on which PG&E could file and serve its motions to compel was January 31, 2026.

However, PG&E did not file its motions to compel until February 9, 2026, nine days after the deadline to bring the motions expired. Therefore, since PG&E's motions were not brought within the deadline, the court lacks jurisdiction to hear the merits of the motions and they must be denied. (*Vidal Sassoon, Inc. v. Superior Court, supra*, 147 Cal.App.3d at p. 683; *Golf & Tennis Pro Shop, Inc. v. Superior Court, supra*, 84 Cal.App.5th at p. 137.)

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 will constitute notice of the order.

Tentative Ruling
Issued By: JS on 4/10/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Chaoui v. 712 Financial Service, LLC et al.***
Superior Court Case No. 25CECG01784

Hearing Date: April 15, 2026 (Dept. 503)

Motion: By Plaintiff to Impose Constructive Trust

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

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 will constitute notice of the order.

Tentative Ruling
Issued By: JS on 4/13/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Axton v. Dunbar et al.***
Superior Court Case No. 25CECG03024

Hearing Date: April 15, 2026 (Dept. 503)

Motion: Motion to Compel Responses

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

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 will constitute notice of the order.

Tentative Ruling
Issued By: JS on 4/13/2026.
(Judge's initials) (Date)