

**Tentative Rulings for April 16, 2026**  
**Department 501**

**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)**

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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.*

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

24CECG02398      *Amber Myrick v. Clawson Motorsports* is continued to Thursday, May 7, 2026, at 3:30 p.m. in Department 501.

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(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 501**

Begin at the next page

(03)

**Tentative Ruling**

Re: **Rommel v. On Call Medical Transportation, LLC**  
Case No. 24CECG03427

Hearing Date: April 16, 2026 (Dept. 501)

Motion: by Defendant On Call Medical Transportation to Strike  
Punitive Damages

**Tentative Ruling:**

To deny defendant On Call Medical Transportation's motion to strike the prayer for punitive damages from the First Amended Complaint. To order On Call to file its answer within 10 days of the date of service of this order.

**Explanation:**

Under Civil Code section 3294, subdivision (a), "[i]n an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant."

"As used in this section, the following definitions shall apply: (1) 'Malice' means conduct which is intended by the defendant to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others. (2) 'Oppression' means despicable conduct that subjects a person to cruel and unjust hardship in conscious disregard of that person's rights. (3) 'Fraud' means an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury." (Civ. Code, § 3294, subd. (c), para. breaks omitted.)

"Vague, conclusory allegations of fraud or falsity may not be rescued by the rule of liberal construction. When the plaintiff alleges an intentional wrong, a prayer for exemplary damage may be supported by pleading that the wrong was committed willfully or with a design to injure. When nondeliberate injury is charged, allegations that the defendant's conduct was wrongful, willful, wanton, reckless or unlawful do not support a claim for exemplary damages; such allegations do not charge malice. When a defendant must produce evidence in defense of an exemplary damage claim; fairness demands that he receive adequate notice of the kind of conduct charged against him." (*G. D. Searle & Co. v. Superior Court* (1975) 49 Cal.App.3d 22, 29, citations omitted.)

In the present case, plaintiffs have alleged the following facts to support their claim against On Call. "Joseph Chavez was a resident of Orchard Post Acute, a skilled nursing facility located at 4840 East Tulare Avenue, Fresno, California 93727. Joseph Chavez received dialysis multiple times per week. He would be transferred by

Defendant, On Call Medical Transportation, LLC to Defendant, San Joaquin Valley Dialysis Center located at 3636 North First Street, Suite 144, Fresno, California 93726 for dialysis treatment. Once the treatment was completed, Joseph Chavez would be transferred back to Orchard Post Acute by a transport vehicle owned and operated by On Call Medical Transportation, LLC. On Call Medical had a duty, while Joseph Chavez was in their custody, to care for him in the same manner as a reasonably prudent medical transportation service.” (FAC, at ¶ 3.)

“On or about August 9, 2023, Joseph Chavez was transferred by Defendant, On Call Medical Transportation, LLC to San Joaquin Valley Dialysis Center for his routine dialysis treatment.” (*Id.* at ¶ 4.) “Upon arrival at the facility, On Call claimed to have found Mr. Chavez unresponsive in the transport vehicle. The On Call driver transferred Mr. Chavez in his wheelchair into the dialysis center facility. When the dialysis center staff observed Mr. Chavez’ unresponsive condition, they turned him away for treatment.” (*Id.* at ¶ 5.) “After the Dialysis Center refused to do anything for Mr. Chavez, the On Call driver then loaded Mr. Chavez back into the transport vehicle and drove him back to Orchard Post Acute.” (*Id.* at ¶ 7.) “[E]ventually an employee of Orchard Post Acute called 911, resulting in Joseph Chavez was then transported by ambulance to Community Regional Medical Center where he was put on life support. Joseph Chavez died on August 12, 2023.” (*Id.* at ¶ 8.)

These facts are sufficient to support a prayer for punitive damages, as plaintiffs have alleged that On Call’s driver was aware of the fact that decedent was unresponsive at the time they arrived at the dialysis clinic, but the driver failed to call 911, summon medical help for him, or bring him to an emergency room, and instead drove him back to Orchard, where a staff member eventually called 911 and obtained medical help for decedent. While defendant argues that plaintiffs have only alleged facts showing that On Call acted negligently in failing to summon medical help immediately, the facts in the FAC support plaintiffs’ claim that On Call acted despicably with conscious disregard for decedent’s rights and safety. Not only did the driver allegedly fail to summon medical help or bring decedent to an emergency room despite the fact that he was experiencing an obvious medical emergency, but the driver then took decedent back to the Orchard assisted living facility and left him in the transport van until an employee of Orchard finally called 911. It was only then that decedent was taken by ambulance to the hospital, where he was put on life support and eventually died. Essentially, plaintiffs have alleged that the driver ignored decedent’s obvious medical emergency for an extended period of time, failed to call 911 or summon aid for him despite having a duty to do so, and then took him back to the assisted living facility and allowed the staff there call 911. Such allegations go beyond mere negligence, and indicate a despicable and conscious disregard for decedent’s rights and safety. Therefore, the court intends to deny the motion to strike the prayer for punitive damages against On Call.

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



(41)

**Tentative Ruling**

Re: **Kenneth Williams v. Shlomo Rechnitz**  
Superior Court Case No. 22CECG02689

Hearing Date: April 16, 2026 (Dept. 501)

Motion: by Defendants for Judgment on the Pleadings as to the Sixth Cause of Action

**Tentative Ruling:**

To deny.

**Explanation:**

Defendants move for judgment on the pleadings as to the sixth cause of action of the First Amended Complaint (FAC) for negligent infliction of emotional distress asserted by plaintiff Kenneth Dean Williams (Dean Williams).<sup>1</sup> Defendants make their motion on the ground that Dean Williams fails to state facts sufficient to constitute a cause of action against any of the defendants.

Motion for Judgment on the Pleadings

A motion for judgment on the pleadings performs the same function as a general demurrer:

A motion for judgment on the pleadings may be made at any time either prior to the trial or at the trial itself. Such motion may be made on the same ground as those supporting a general demurrer, i.e., that the pleading at issue fails to state facts sufficient to constitute a legally cognizable claim or defense.

(*Stoops v. Abbassi* (2002) 100 Cal.App.4th 644, 650, citations and internal quotation marks omitted.) "The grounds for [the motion] shall appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice." (Code Civ. Proc., § 438, subd. (d).)

Meet and Confer

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<sup>1</sup> In the FAC, plaintiffs refer to defendants North Point Healthcare & Wellness Centre, LP dba North Pointe Healthcare Centre; Brius, LLC; Brius Management Co.; North Point Wellness GP, LLC; DACS Venture Holdings, LLC; Rockport Healthcare Support Services, LLC; Shlomo Rechnitz and Doe Defendants 1-50, collectively as "defendants." Plaintiffs allege defendant North Point Healthcare & Wellness Centre, LP dba North Point Healthcare Centre (North Point), a California limited partnership, was and is in the business of providing long-term care as a skilled nursing facility as defined in Health and Safety Code section 1250, subdivision (c).

The parties have complied with the obligation to meet and confer.

### Background and Allegations of the FAC

Plaintiffs in this elder abuse case are Barbara Pendley (Barbara or Ms. Pendley), by and through her successor-in-interest Dean Williams, and Ms. Pendley's sons, Dean Williams and Steven Williams, individually. The allegations of the FAC include the following summary of Ms. Pendley's treatment before her discharge to North Point:

Barbara Pendley was born on May 3, 1943. Prior to July 2021, then 78-year-old Barbara Pendley was relatively healthy and lived with her son Dean Williams in Clovis, California. On July 14, 2021, Barbara suffered a fall at home. She was taken to Clovis Community Hospital where her doctors determined that she suffered a stroke, which caused her to fall out of bed and fracture her left femur. Doctors determined that because of the recent stroke Barbara was not a candidate for surgery and that her femur fracture would need to be managed with a left knee immobilizer. Following her stroke, Barbara suffered from altered mental status and difficulty using her left side. She could not speak other than to call for help, but was improving during her time at Clovis Community Hospital, including documented improvements in both speech and physical therapy. Ultimately, her doctors determined that she was stable and improving, but still required a higher level of care than could be provided at home. On August 4, 2021, Barbara was discharged to North Point for that care.

(FAC, ¶ 23.)

At paragraph 39 of the FAC, plaintiffs describe Dean Williams's repeated but unsuccessful attempts to obtain proper care to address his mother's obvious and classic signs of life-threatening dehydration as follows:

Second, defendants neglected Barbara by failing to properly respond to her serious change of condition once it occurred. During her time at North Point Barbara Pendley experienced precipitous changes in condition but staff at North Point failed to meaningfully respond to these changes. Most notably, Barbara's son repeatedly pointed out to staff the red flags that his mother's colostomy bags [were] empty and that she had a dry mouth; Barbara experienced extreme low blood pressure beginning no later than August 17; and Barbara experienced a dramatic weight loss throughout her time at North Po[i]nt – all of which were classic signs of dehydration. Barbara's life-threatening changes in hydration status required prompt action to ensure she received the liquids and other interventions necessary to regain a healthy hydration status. Despite being aware that Barbara's change of condition required this custodial care, including monitoring her to make sure she started consuming enough liquids, defendants and their staff woefully failed to provide this care or take any proper action in response to Barbara's serious and spiraling situation. Even after her change of condition was obvious and known, defendants and their staff failed to provide sufficient personnel and bedside care to make sure she was

drinking, and failed to implement common sense interventions, like input output monitoring, to better track [Barbara's] hydration status. As a result of these failures, Ms. Pendley suffered extreme dehydration, acute renal failure, and ultimately died from defendants' neglect.

Plaintiffs allege Dean Williams observed defendants' improper treatment of his mother, and complained "time and time again," that defendants' staff improperly positioned the knee immobilizer, but defendants failed to take the basic steps required for Ms. Pendley's proper care. (FAC, ¶ 25.)

In their opposition to defendants' motion, plaintiffs summarize the key allegations of the FAC as follows:

[Dean Williams] regularly visited his mother at North Point and on multiple occasions directly witnessed her maltreatment and neglect as it was occurring, including personally observing her empty colostomy bag, her dry and cracked mouth—classic signs of dehydration—her improperly positioned knee immobilizer, and the feces-encrusted brace staff had never cleaned. *Id.* ¶¶ 25, 29, 79-80. He "directly observed" her worsening physical condition over the course of her 19-day admission and "gained enough of an understanding of the maltreatment and neglect of Barbara at the time it was occurring to have contemporary sensory awareness that defendants' conduct was in fact maltreatment and neglect and that it was causing Barbara injury." *Id.* ¶ 80. Third, as a direct result of these observations, Dean suffered severe emotional distress—anguish, shock, disgust, horror, and grief—well beyond what would be experienced by a disinterested witness. FAC ¶ 81.

(Opp., p. 6:4-18.) In sum, Plaintiffs allege defendants disregarded the "obvious red flags Dean [Williams] himself brought to defendants' attention." (FAC, ¶ 80, p. 31:7-8.)

#### Negligent Infliction of Emotional Distress

"[T]here is no independent tort of negligent infliction of emotional distress." (*Potter v. Firestone Tire & Rubber Co.* (1993) 6 Cal.4th 965, 984.) The tort is a species of negligence, which requires the traditional elements of duty, breach of duty, causation, and damages. (*Burgess v. Superior Court* (1992) 2 Cal.4th 1064, 1072.)

Defendants move for judgment on the pleadings as to Dean Williams's sixth cause of action for negligent infliction of emotional distress. Defendants make the motion on the specific ground that Dean Williams fails to allege that he "contemporaneously perceived any specific injury-producing event or actions by defendants with the simultaneous awareness of injury as required by *Thing v. La Chusa* (1989) 48 Cal.3d 644 [*Thing*], and *Downey v. City of Riverside* (2024) 16 Cal.5th 539 [*Downey*]." (MJOP, p. 2:11-14.)

In *Thing*, the California Supreme Court summarized the rule for a bystander's recovery as follows:

[A] plaintiff may recover damages for emotional distress caused by observing the negligently inflicted injury of a third person if, but only if, said plaintiff: (1) is closely related to the injury victim; (2) is present at the scene of the injury producing event at the time it occurs and is then aware that it is causing injury to the victim; and (3) as a result suffers serious emotional distress—a reaction beyond that which would be anticipated in a disinterested witness and which is not an abnormal response to the circumstances.

*(Thing, supra, 48 Cal.3d at pp. 667–668, footnotes omitted, italics added.)*

In *Downey*, the Supreme Court considered a factual situation where the plaintiff mother was giving directions to her daughter on a cell phone when her daughter was severely injured in a car crash. The plaintiff heard the accident and its aftermath but did not see what caused it. She sued individuals and various entities for negligent infliction of emotional distress. (*Downey, supra, 16 Cal.5th at p. 544.*) The California Supreme Court addressed the following question: "What if the plaintiff is aware that injury has been inflicted on the victim, but not of the defendant's role in causing the injury?" (*Ibid.*) The high court concluded: "For purposes of clearing the awareness threshold for emotional distress recovery, it is awareness of an event that is injuring the victim—not awareness of the defendant's role in causing the injury—that matters." (*Ibid.*)

The high court in *Downey* included the following summary of its decision in *Ochoa v. Superior Court* (1985) 39 Cal.3d 159 (*Ochoa*), upon which Dean Williams relies, in connection with the historical requirement of a shock to the plaintiff resulting from the sensory and contemporaneous observance of the incident:

We again considered this [sensory and contemporaneous observance] factor in [*Ochoa*]. There, the plaintiff was a mother whose teenage son had died of bilateral pneumonia while detained in juvenile hall. (*Id.* at pp. 162–163.) She had visited her son in the infirmary, where she saw him "going into convulsions and ... hallucinating" and heard him when he "complained of feeling very sick and of feeling pain." (*Id.* at p. 163.) The mother repeatedly pleaded with the attending physician at the juvenile hall infirmary to allow her son to be seen by the family doctor, but her requests were denied. (*Id.* at pp. 163–164.) When she visited him a second time and tried to roll him over on his side, he "yelled and screamed, complaining of excruciating pain in his chest area." (*Id.* at p. 164.) During both visits, the mother "was distressed because of her son's condition and because it appeared that her child's medical needs were being ignored"; no doctor tended to her son while she was at the infirmary. (*Ibid.*) Disapproving cases limiting recovery to emotional distress caused by a "sudden and brief" injury-causing event, we held that the mother had stated a claim for negligent infliction of emotional distress. (*Id.* at p. 167; [citation].) We explained that "when there is observation of the defendant's conduct and the child's injury and contemporaneous awareness the defendant's conduct or lack thereof is causing harm to the child, recovery



(49)

**Tentative Ruling**

Re: ***In Re: Zayden Raul Espinoza***  
Superior Court Case No. 26CECG01387

Hearing Date: April 16, 2026 (Dept. 501)

Motion: Petition To Compromise Minor's Claim

**Tentative Ruling:**

To grant. The court has or will sign the proposed orders. No appearances are necessary.

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: DTT on 4/14/2026.  
(Judge's initials) (Date)

(46)

**Tentative Ruling**

Re: **Orlonzo Hedrington v. William Woolman**  
Superior Court Case No. 25CECG01717

Hearing Date: April 16, 2026 (Dept. 501)

Motion: by Defendants Megan Dutra and Angie Marvilla  
(1) to Strike (Anti-SLAPP) Plaintiff Orlonzo Hedrington's  
Complaint, and  
(2) Demurrer to the Complaint

**Tentative Ruling:**

To grant the special motion to strike as to defendants Megan Dutra and Angie Marvilla. (Code Civ. Proc., § 425.16.) To grant defendants Megan Dutra and Angie Marvilla an award of \$1,450.00 in attorney's fees, payable to counsel for defendants.

To find the demurrer moot in light of the ruling on the special motion to strike.

**Explanation:**

Defendants Megan Dutra and Angie Marvilla ("defendants") filed both a special motion to strike (anti-SLAPP) and a demurrer as to plaintiff Orlonzo Hedrington's ("plaintiff") entire Complaint. Both motions involve statements made either preparatory to or during judicial proceedings.

Procedural Issues

*Timeliness*

Code of Civil Procedure section 425.16, subdivision (f), articulates that a special motion to strike may be filed within 60 days of the service of the complaint. Plaintiff argues that defendants' anti-SLAPP motion is untimely. However, defendants Dutra and Marvilla were served November 13, 2025, and the special motion to strike was filed December 15, 2025. Thus, the motion was made timely within the 60 days.

*Judicial Notice*

Evidence Code section 452 provides the court may take judicial notice of (d) court records, (g) facts of such common knowledge in the jurisdiction that are not reasonably subject to dispute, and (h) facts not reasonably subject to dispute and capable of immediate and accurate determination. (Evid. Code, § 452, subd. (d), (g), (h).) The existence of a document may be judicially noticeable, although the truth of statements contained in the document and its proper interpretation are not subject to judicial notice if those matters are reasonably disputable. (*Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114; *Apple Inc. v. Superior Court* (2017) 18 Cal.App.5th 222, 241.) Factual findings in a prior judicial opinion are not a proper subject

of judicial notice. (*Kilroy v. State of California* (2004, Cal App 3d Dist) 119 Cal App 4th 140, 145-146.)

Defendants seek judicial notice of a Stipulation for Entry of Judgment in Fresno Superior Court Case Number 09CECL04424, entry of said Judgment, the notice of entry of Judgment, Plaintiff's Amended Complaint in Fresno Superior Court Case Number 22CECL00440, Minute Orders for October 15, 16 and December 18, 2024, in that matter, and the Declaration of Jack Holt filed in the same. The court will take judicial notice of the court documents, but notes that judicial notice is as to their existence only, not as to their contents.

Plaintiff seeks judicial notice of the "entire [case] file from the 2014 case." (See Plaintiff's Request for Judicial Notice filed January 20, 2026.) Plaintiff does not provide the case name, case number, nor attach any of the documents to be judicially noticed. The plaintiff's request for judicial notice is denied.

#### *First Amended Complaint*

Plaintiff attempts to argue that because he filed a First Amended Complaint on March 3, 2026, the motions against the original Complaint are moot. This argument fails as to both motions.

First, in regard to the anti-SLAPP, it is well-established that the right to amend generally does not apply to a special motion to strike. (*Salma v. Capon* (2008) 161 Cal.App.4th 1275, 1280 ["[W]e consider whether a plaintiff...may avoid a pleadings challenge pursuant to Code of Civil Procedure section 425.16 by amending the challenged complaint...before the motion to strike is heard. We conclude he may not[.]"]; *Sylmar Air Conditioning v. Pueblo Contracting Services, Inc.* (2004) 122 Cal.App.4th 1049, 1055 ["[T]here is no express or implied right in section 425.16 to amend a pleading to avoid a SLAPP motion."].)

Second, if a demurrer has been filed, a plaintiff may only amend the complaint as a matter of right before the date for filing an opposition to the demurrer; otherwise, such amendment may only be made upon stipulation of the parties. (See Code Civ. Proc., § 472.) Here, the original hearing date for these motions was March 5, 2026.<sup>2</sup> Plaintiff filed his First Amended Complaint on March 3, 2026. Thus, the amended pleading was untimely filed and insufficient to render the present motions moot.

#### Anti-SLAPP (Special Motion to Strike)

A SLAPP (Strategic Litigation Against Public Participation) suit is a suit brought "primarily to chill the valid exercise of constitutional rights of freedom of speech and petition for redress of grievances." (Code Civ. Proc., § 425.16, subd. (a).)

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<sup>2</sup> The date of the hearing on these motions was continued by the court, and specified on the first page of the Department 501 Tentative Rulings for March 5, 2026, that "deadlines for opposition and reply papers will remain the same as for the original hearing date."

The anti-SLAPP statute permits a defendant whose free speech rights and/or right to petition have been infringed to move the court to strike the SLAPP suit. The anti-SLAPP statute may be invoked to challenge suits based on four different categories of speech:

- (1) statements made before a legislative, executive, judicial, or other official proceeding;
- (2) statements made in connection with an issue being considered by a legislative, executive, or judicial body;
- (3) statements made in a public forum or in connection with an issue of public interest; OR
- (4) any other conduct in furtherance of the exercise of the constitutional right of petition or free speech, in connection with an issue of public interest.

(Code Civ. Proc., § 425.16, subd. (e).)

Categories (a) and (b) are not limited to issues of public interest, while categories (c) and (d) are limited to issues of public interest. (*Ibid.*)

The anti-SLAPP is one of the few motions where the burden is on the party opposing the motion. First, the defendant must make a prima facie showing that plaintiff's lawsuit arises from "an act in furtherance of a person's right of petition or free speech under the United States or California Constitutions in connection with a public issue," as defined in subdivision (e). Once defendants make such prima facie showing, the burden shifts to the plaintiff to establish a "probability" that it will prevail on whatever claims are asserted against the defendants. (See Code Civ. Proc., § 425.16, subd. (b); *Dixon v. Superior Court* (1994) 30 Cal.App.4th 733, 744.) The plaintiff must show: (1) a legally sufficient claim (i.e., a claim which, if supported by facts, is sustainable as a matter of law); and (2) that the claim is supported by competent, admissible evidence within the declarant's personal knowledge. (See *DuPont Merck Pharmaceutical Co. v. Superior Court* (2000) 78 Cal.App.4th 562, 568.)

#### *First Prong*

The moving party only needs to make a prima facie showing that the cause of action arises from constitutionally protected free speech or petition activity. (*Governor Gray Davis Committee v. American Taxpayers Alliance* (2002) 102 Cal.App.4th 449, 458-459.) A claim is only subject to the anti-SLAPP statute if the protected activity forms the basis for the claim. (*Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057, 1062.) The act underlying the cause of action must have been in furtherance of the free speech or right of petition. (*Id.* at 1063.) Here, the entirety of plaintiff's Complaint is based on statements made by counsel either preparatory to or in the course of judicial proceedings. (Compl., ¶¶ 9-11.) The court finds that defendants have made a prima facie showing that the Complaint arises from protected activity.

Defendants have met the threshold required that the causes of action arise from a protected activity.

## Second Prong

If the moving party can meet the first prong, then the burden shifts to the opposing party to show a probability that he will prevail on the claims based on protected activity asserted against the moving party. (See Code Civ. Proc., 425.16, subd. (b).) The opposing party must produce evidence which would be admissible at trial. (*Chavez v. Mendoza* (2001) 94 Cal.App.4th 1083, 1087.) The probability of prevailing is established if the opposing party presents evidence which would result in a judgment for the opposing party, if believed by the trier of fact. (*Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 637.) In considering this issue, the court looks at the pleadings and evidentiary submissions of the parties, without weighing the credibility or strength of competing evidence. (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 291.) A plaintiff's complaint need only be shown to have "minimal merit". (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279; *Navellier v. Sletten* (2002) 29 Cal.4th 82, 89, 95.)

Civil Code section 47, subdivision (b), provides that statements made in legislative, judicial, other official proceedings, or in in initiation or course of proceedings authorized by law are privileged publications. Statements protected under Civil Code section 47 are "equally entitled to the benefits of section 425.16." (*Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1115.) Both the SLAPP suit protection and the litigation privilege only apply to statements made in connection with litigation which are contemplated in good faith and under serious consideration. (*A.F. Brown Electrical Contractor, Inc. v. Rhino Elec. Supply, Inc.* (2006) 137 Cal.App.4th 1118, 1128.) The litigation privilege is absolute and will bar all tort causes of action with the exception of one for malicious prosecution. (*Flatley v. Mauro* (2006) 39 Cal.4th 299, 322.) As the statements are subject to the litigation privilege, plaintiff cannot meet his burden of showing a likelihood of prevailing on the merits.

Here, defendants have met their burden in showing the causes of action arise from protected activity and plaintiff cannot demonstrate a likelihood of prevailing on the merits where the statements at issue were privileged.

## Attorney's Fees

The prevailing defendant on a special motion to strike "shall be entitled" to recover their attorney fees and costs, and this fee award is mandatory. (Code Civ. Proc., § 425.16, subd. (c); *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131.) In awarding attorneys' fees under Code of Civil Procedure section 425.16, courts generally apply the lodestar approach, i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate prevailing in the community for similar work. (*Serrano v. Unruh* (1982) 32 Cal.3d 621, 639.) Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type" (*Ketchum v. Moses, supra*, 24 Cal.4th at p. 1133.) Ordinarily, "the value of an attorney's time . . . is reflected in his normal billing rate." (*Mandel v. Lackner* (1979) 92 Cal.App.3d 747, 761.)

Here, the court finds the requested sanctions to be reasonable. Thus, the court orders sanctions against plaintiff in the amount of \$1,450.00, payable to counsel for defendants.

Demurrer

In light of the above, the court need not reach the merits of the demurrer.

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:** DTT **on** 4/14/2026.  
(Judge's initials) (Date)

(49)

**Tentative Ruling**

Re: ***In The Matter of Taelynn-Lee Doyle***  
Superior Court Case No. 26CECG01389

Hearing Date: April 16, 2026 (Dept. 501)

Motion: Petition To Compromise Minor's Claim

**Tentative Ruling:**

To grant. The proposed Orders have been or will be signed. No appearances are necessary.

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: DTT on 4/14/2026.  
(Judge's initials) (Date)

(48)

**Tentative Ruling**

Re: ***Bowerman v. Coalinga Regional Medical Center-Rural Health Clinic et al.***  
Superior Court Case No. 25CECG01547

Hearing Date: April 16, 2026 (Dept. 501)

Motion: by Defendant Coalinga Regional Medical Center to Set Aside Default

**Tentative Ruling:**

To grant and strike the entry of default entered November 25, 2025. Defendant, Coalinga Regional Medical Center is directed to file a responsive pleading within five days of service of the order by the clerk.

**Explanation:**

Defendant Coalinga Regional Medical Center ("defendant") moves to set aside the default entered against it on November 25, 2025, pursuant to the discretionary relief afforded under Code of Civil Procedure section 473, subdivision (b). Defendant argues that it is entitled to relief because its failure to file a response to the Complaint was the result of mistake, inadvertence, surprise or excusable neglect.

The court is empowered to relieve a party "upon any terms as may be just ... from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).) The trial court has broad discretion to vacate the judgment and/or the clerk's entry of default that preceded it. However, that discretion can be exercised only if the moving party establishes a proper ground for relief, by the proper procedure, and within the statutory time limits. (*Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.) "Application for this relief ... shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." (Code Civ. Proc., § 473, subd. (b).) "Because the law favors disposing of cases on their merits, 'any doubts in applying section 473 must be resolved in favor of the party seeking relief from default [citations]. Therefore, a trial court order denying relief is scrutinized more carefully than an order permitting trial on the merits' (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 [superseded by statute on other grounds])." (*Lasalle v. Vogel* (2019) 36 Cal.App.5th 127, 135.) Where the party seeking relief seeks such relief promptly and no prejudice will result to the opposing party, "very slight evidence will be required to justify a court in setting aside the default." (*Elston v. City of Turlock, supra*, 38 Cal.3d at p. 233.)

Here, defendant filed the motion to set aside default after attempting to resolve a matter before turning to motion practice. The motion was filed December 18, 2025. The motion was filed within six months, and the motion for discretionary relief is timely. Upon learning of the default, defendant acted quickly to resolve the issue short of a motion and then ultimately filed the instant motion timely. Critically, plaintiff has

presented no evidence of prejudice. Additionally, defendant has attached a copy of its proposed demurrer and motion to strike. (Code Civ. Proc., § 473, subd. (b) [stating that applications “shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted”].)

For the above reasons, the motion is granted and the default entered November 25, 2025, is ordered stricken.

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:** DTT **on** 4/15/2026.  
(Judge's initials) (Date)