

Tentative Rulings for April 23, 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.

25CECG05364 *Melissa Salazar v. Western Valley Meat Company* is continued to Thursday, May 21, 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: ***Ansaldo v. Basmajian***
Case No. 23CECG00299

Hearing Date: April 23, 2026 (Dept. 503)

Motion: Plaintiff's Motion for Summary Adjudication of Cross-Complaint

Tentative Ruling:

To deny plaintiff's motion for summary adjudication of the first cross-claim in defendant's cross-complaint.

Explanation:

First, plaintiff contends that the quiet title cause of action is defectively alleged because the cross-complaint is not verified and defendant did not file and mail a lis pendens immediately upon filing the cross-complaint. Under Code of Civil Procedure section 761.020, "The complaint [for quiet title] shall be verified..." (Code Civ. Proc., § 761.020, subd. (a).) Also, "[i]mmediately upon commencement of the action, the plaintiff shall file a notice of the pendency of the action in the office of the county recorder of each county in which any real property described in the complaint is located." (Code Civ. Proc., § 761.010, subd. (b).)

Here, the cross-complaint was not verified when defendant first filed it. She also did not originally record, file, or mail a lis pendens at the time she filed the cross-complaint. However, defendant later filed an amendment to the cross-complaint that included a verification. (See Amendment to Cross-Complaint filed on June 21, 2023.) Defendant also recorded a lis pendens on February 17, 2026, and mailed the lis pendens to plaintiff on February 17, 2026. Therefore, defendant has now cured the procedural defects in her cross-complaint.

Plaintiff has argued in her reply that the late recordation and mailing of the lis pendens are not sufficient to cure the defect because the statute requires that the lis pendens be filed and mailed "immediately" upon the filing of the quiet title claim. However, plaintiff has not cited to any authorities showing that a party asserting a quiet title claim cannot cure their failure to immediately record and serve the lis pendens by subsequently recording and mailing the lis pendens. Such a result would be unduly harsh, as it would require the court to dismiss all quiet title claims where the plaintiff inadvertently failed to record and mail a lis pendens as soon as the complaint was filed, regardless of any showing that the failure to record the lis pendens caused any prejudice to the defendant or anyone else.

Here, plaintiff has not shown that the late recordation and mailing of the lis pendens harmed her in any way, or that anyone else, such as a subsequent purchaser of the property, was harmed by the failure to record the lis pendens. The primary purpose

of a lis pendens is to alert the property owner and any potential buyers of the property or lenders of any pending claims against the property. Here, plaintiff was already aware of defendant's quiet title claim and knew that she was asserting a claim against the property, as she was served with the cross-complaint shortly after it was filed. There is no evidence that there have been any potential buyers or lenders who might have been affected by the failure to file the lis pendens. Therefore, the court intends to find that defendant has cured the defect in her cross-complaint, and it will not grant summary adjudication of the quiet title claim based on the lack of a verification or lis pendens.

Next, defendant has argued that plaintiff lacks standing to bring her motion for summary adjudication because she transferred her interest in the property to the Nathan Lee and Kelly Ansaldo Trust Dated October 15, 2024. (Defendant's Request for Judicial Notice, Exhibit 6. The court intends to take judicial notice of the recorded quitclaim deed transferring the property from plaintiff to the Trust.) However, regardless of whether the plaintiff still owns the property, she is named as a cross-defendant in the cross-complaint. (Cross-Complaint, p. 1, caption.) Defendant has alleged the first cause of action for quiet title against "all defendants", including plaintiff individually. (*Id.* at p. 7, First Cause of Action for Quiet Title.) She also alleges that "ANSALDO and the other Cross-Defendants claim an interest adverse to BASMAJIAN's title in a portion of the BASMAJIAN PROPERTY, including, but not limited to the Disputed Area." (*Id.* at ¶ 35.)

As a result, defendant is clearly alleging that plaintiff is asserting an interest in the property, and that she needs to quiet title to the property due to plaintiff's adverse claim. While defendant later amended the cross-complaint to add the Trust in place of a Roe defendant, she did not dismiss plaintiff as an individual from the first cause of action. If she had dismissed plaintiff from the cross-claim, then plaintiff would probably lack standing to move for summary adjudication of that claim. However, since defendant continues to allege her quiet title claim against plaintiff as an individual cross-defendant, plaintiff has standing to bring a motion for summary adjudication as to the first cross-claim.

Plaintiff next argues that she is entitled to summary adjudication of the quiet title cause of action because she is the fee simple owner of the property, including the disputed side yard, and defendant has no title to the side yard or any other valid basis for claiming ownership of the dispute side yard. She points out that there is already a recorded easement that allows defendant to use and maintain the side yard, and defendant has not shown that she ever engaged in any use of the side yard that was adverse or hostile to plaintiff's ownership rights. She also alleges that defendant has never paid taxes on the disputed area. Therefore, she contends that there is no way for defendant to prove that she has any ownership rights in the subject area, or even a prescriptive or equitable easement on the area. As a result, she concludes that the court should grant summary adjudication of the quiet title claim in her favor.

However, the court intends to deny the plaintiff's motion, as her motion would not completely dispose of the quiet title cause of action. Under Code of Civil Procedure section 437c, subdivision (f)(1), "A motion for summary adjudication shall be granted only if it completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty."

Here, plaintiff's motion only addresses the parties' dispute about the portion of the property referred to as the "Side Yard" or "Disputed Area", which includes the property fence separating the parties' homes and the adjacent five-foot stretch of land extending to the rear fence. (Ansaldo decl., ¶ 7; see also Plaintiff's Request for Judicial Notice, Exhibit 1, §§ 15.01.2-15.01.2.7. The court will take judicial notice of the recorded CC&Rs.) The CC&Rs for the properties include an easement that allows defendant to use the side yard of plaintiff's property, even though plaintiff is technically the owner of the disputed side yard area. (*Ibid.*) The CC&Rs created the easements because of the placement of the property lines for the homes, as well as any settling or shifting of any improvements, such as property fences, may cause encroachments on the neighboring properties. (*Id.* at ¶¶ 4-6.) Plaintiff alleges that she is the owner of the Side Yard and that defendant is not the title owner of the Side Yard. She claims that defendant is allowed to access and use the Side Yard because of the easement recorded with the CC&Rs. She concludes that defendant cannot prevail on her quiet title claim because she has no recorded title to the Side Yard, she has not used the Side Yard in any way that is inconsistent with the easement in the CC&Rs, and that she never paid taxes on the Side Yard.

However, plaintiff admits that the easement in the CC&Rs delineates the boundaries of the Side Yard area as the area "from the wing fence at the front of such RESIDENCES to the rear fence." (Request for Judicial Notice, Exhibit 1, § 15.01.2.) Thus, the easement in the CC&Rs does not cover the area in the front yard beyond the wing fence. Yet defendant's cross-complaint, while somewhat vaguely alleged, seems to be asserting that the "Disputed Area" to which she seeks to quiet title includes the area of the front yard beyond the wing fence that encroaches on plaintiff's property.

Defendant's cross-complaint alleges that, "BASMAJIAN has openly and notoriously possessed and controlled **the area in the front of the BASMAJIAN PROPERTY, which is depicted on Exhibits B, C and E of ANSALDO'S Complaint, and the side yard, which is enclosed by the shared fence between the BASMAJIAN PROPERTY and the ANSALDO PROPERTY (the 'Disputed Area').**" (Cross-Complaint, ¶ 27, boldface added.) "In fact, BASMAJIAN has used the Disputed Area for a period of approximately 33 years, and has possessed it in a manner that was open, notorious, and clearly visible to ANSALDO and her predecessor-in-interest regarding the ANSALDO PROPERTY—Ms. Aranas and her heirs." (*Id.* at ¶ 28.) "BASMAJIAN exclusively maintained the entire Disputed Area since 1990, including, but not limited to, **watering, trimming and maintaining the Tree**, the bushes, grass and other landscaping. In fact, BASMAJIAN has paid substantial costs in connection with the aforementioned maintenance of the Disputed Area." (*Id.* at ¶ 29, boldface added.) Exhibit B to the plaintiff's complaint also shows that the subject tree was located in the front yard of the property, outside of the fence line. (Complaint, Exhibit B. The court intends to take judicial notice of the plaintiff's complaint.) The quiet title cause of action alleges that plaintiff has asserted claims that are adverse to defendant's property title in the Disputed Area. (*Id.* at ¶ 35.) Defendant seeks a judgment quieting title to the entire Disputed Area and easements of record in her name. (*Id.* at ¶ 37.)

Thus, defendant is alleging that she not only has title to the "Side Yard" area between the properties, but also the area of the front yard beyond the wing fence where the subject tree was located. While plaintiff contends that she is the owner of title to the entire Disputed Area, her evidence does not establish that she is the title owner to the

(37)

Tentative Ruling

Re: ***CVE Contracting Group, Inc. v. Disaster Restoration International – DRI, Inc.***
Superior Court Case No. 22CECG01744

Hearing Date: April 23, 2026 (Dept. 503)

Motion: By Plaintiff for Orders Compelling Defendants Jung Jay H. Kim and Samat Sok Kim to Appear for Deposition and Monetary Sanctions

Tentative Ruling:

To grant plaintiff's motion to compel defendants Jung Jay H. Kim and Samat Sok Kim to appear at a deposition within 30 days of receipt of the minute order by the clerk of the court. (Code Civ. Proc. §§ 2025.450(a), 2025.280(a).)

To impose monetary sanctions in favor of plaintiff, and against defendants Jung Jay H. Kim and Samat Sok Kim. (Code Civ. Proc. §§ 2023.010(d), 2025.450(g).) Defendants are ordered to pay \$2,079.90 in sanctions to Wanger Jones Helsley PC, within 30 days of the clerk's service of the minute order.

Explanation:

Proper service of a notice of deposition compels the opposing party to appear, to testify, and to produce documents if requested. (Code Civ. Proc. § 2025.280(a); see Code Civ. Proc. § 2025.410 [party served with deposition notice may serve objections on party that noticed the deposition].) Where a party deponent fails to appear at a properly noticed deposition, the party giving the notice may move for an order compelling the deponent's attendance and testimony. (Code Civ. Proc. § 2025.450(a).) Where a party fails to appear for a properly noticed deposition, the party noticing the deposition is entitled to sanctions. (Code Civ. Proc. § 2025.450(g).)

Here, plaintiff properly noticed defendants' depositions. Neither defendant objected to their respective notices. Neither defendant appeared at their respective depositions. Defendants have not filed an opposition to these motions.

Plaintiff is entitled to depose defendants. (Code Civ. Proc. §§ 2017.010, 2019.010, 2025.010.) Defendants' failures to appear for their depositions is impeding plaintiff's ability to prepare for trial. Accordingly, plaintiff's motion to compel defendants to appear for deposition is granted.

Plaintiff's request for sanctions is granted. Defendants are ordered to pay the reasonable attorney fees, the filing fees incurred in making this motion, and the deposition expenses. The attorney fees are being reduced to include four hours to prepare the nearly identical motions at \$275 per hour and one hour at \$515 per hour. Thus, the sanctions awarded total \$2,079.90, to Wanger Jones Helsley PC, within 30 days

