Tentative Rulings for May 2, 2024 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.

23CECG01242 Ama	nda Vasquez v. Mic	are California, P.C.	is continued to
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Thursday, July 18, 2024, at 3:30 p.m. in Department 503

23CECG01792 Frank Cruz v. Fresno Ambulatory Surgery Center is continued to

Tuesday, June 11, 2024, 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

(41)

Tentative Ruling

Re: Vickie Grayson v. County of Fresno

Superior Court Case No. 22CECG01628

Hearing Date: May 2, 2024 (Dept. 503)

Motion: Plaintiff's motion for order granting leave to file second

amended complaint

Tentative Ruling:

To grant. The plaintiff must file the second amended complaint within 10 days from the clerk's service of the minute order granting this motion.

Explanation:

Motions for leave to amend the pleadings are directed to the sound discretion of the trial court. "The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading[.]" (Code Civ. Proc., § 473, subd. (a)(1); see also Code Civ. Proc., § 576.) Judicial policy favors resolution of cases on the merits, and thus the court's discretion to allow amendments will usually be exercised in favor of permitting amendments. (Hirsa v. Superior Court (1981) 118 Cal.App.3d 486, 488–489 [trial courts have discretion to allow amendments and should liberally permit amendments at any stage].) This policy is so strong, that denial of a request to amend is rarely justified, particularly where "the motion to amend is timely made and the granting of the motion will not prejudice the opposing party." (Morgan v. Superior Court (1959) 172 Cal.App.2d 527, 530.) The validity of the proposed amended pleading is not considered in deciding whether to grant leave to amend. (Kittredge Sports Co. v. Superior Court (1989) 213 Cal.App.3d 1045, 1048; Atkinson v. Elk Corp. (2003) 739, 760 [better course of action is to allow plaintiff to amend complaint then let parties test legal sufficiency in other appropriate proceedings].) Absent prejudice, it is an abuse of discretion to deny leave to amend. (Higgins v. DelFaro (1981) 123 Cal.App.3d 558, 564-65.)

The plaintiff seeks to amend the complaint to add Andrew Machoian as Doe One, Ivana Hamilton-Cortez as Doe Two, Margaret Mims as Doe Three, and Joe Smith as Doe Four. The court finds the defendants will not be prejudiced by the proposed amendments.

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 Ruli	ng			
Issued By:	jyh	on	4/29/24	
	(Judge's initials)		(Date)	

(41)

<u>Tentative Ruling</u>

Re: Great American Insurance Company v. Royal Road Line, Inc.

Superior Court Case No. 23CECG01681

Hearing Date: May 2, 2024 (Dept. 503)

Motion: Default Prove-up Hearing

Tentative Ruling:

To grant. The court intends to sign and enter the proposed judgment submitted with the default judgment application. 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:	jyh	on	4/29/24	
-	(Judge's initials)		(Date)	_

(35)

Tentative Ruling

Re: Collins v. Mahoney

Superior Court Case No. 23CECG00052

Hearing Date: May 2, 2024 (Dept. 503)

Motion: By Plaintiff for Default Judgment

Tentative Ruling:

To grant and sign the proposed judgment. No appearances 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 Ruli	ng			
Issued By:	jyh	on	5/1/24	
	(Judge's initials)		(Date)	