

**Tentative Rulings for June 09, 2025**  
**Department 52**

**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.

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 52**

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(34)

**Tentative Ruling**

Re: **K.A. v. De La Cruz, M.D., et al.**  
Superior Court Case No. 22CECG00877

Hearing Date: June 9, 2025 (Dept. 52)

Motion: Petition to Compromise Minor's Claim

**Tentative Ruling:**

To deny the Petition to Approve Compromise of Minor's Claim without prejudice. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders. (Super. Ct. Fresno County, Local Rules, rule 2.8.4.)

**Explanation:**

The court has reviewed the supplemental declaration submitted on May 22, 2025 in support of the petition.

*"Settlement Preservation Trust"*

Although the court is satisfied with the explanation of the purpose of the Settlement Preservation Trust and counsel's representations that there will be no effect on the minor plaintiff's eligibility for Medi-Cal, there is no evidence before the court that the petitioner to establish the trust has been granted by the Probate Department which requires the petition be denied. The court is unable to order funds from the settlement to be deposited into a trust that is not established. The court will entertain a request for further continuance of the hearing on the petition if counsel believes the probate petition that was anticipated to be filed by May 19, 2025 will be granted in the near future.

*Costs*

The supplemental declaration of Michelle West revises the attorney fees and costs to be paid from the settlement as follows:

Medical Expenses: \$3,394.79 in satisfaction of the Final Medi-Cal Lien  
Other Expenses: \$228,999.56  
Attorney Fees: \$600,000

Balance to Minor: \$667,605.65  
(West Decl., ¶16, Exh. 1.)

The petition would have the court approve \$580,000 of the balance be deposited in an annuity. (Petr., 8b(3).) The balance after funding the annuity has increased to \$87,605.65. The petition requests \$61,000.44 be deposited into the "Settlement

Preservation Trust." (Petn., 18b(7).) No new information has been provided as to where the additional \$26,605.21 will be deposited.

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 6/6/25.  
(Judge's initials) (Date)