

Tentative Rulings for July 2, 2026
Department 502

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.

25CECG04812	<i>Adel Hamad v. Lee Finance LLC</i> is continued to Wednesday, August 12, 2026, at 3:30 p.m. in Department 502.
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Tentative Rulings for Department 502

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(20)

Tentative Ruling

Re: ***Zenith Insurance Co. v. Valencia***
Superior Court Case No. 24CECG02622

Hearing Date: July 2, 2026 (Dept. 502)

Motion: By Respondent to Compel Arbitration

**If oral argument is timely requested, it will be entertained on
Wednesday, July 15 2026, at 3:30 p.m. in Department 502.**

Tentative Ruling:

To deny without prejudice.

Explanation:

On 6/24/2024 petitioner Zenith Insurance Company ("Zenith") initiated this action with a petition to open and perform discovery in the underinsured motorist claim of its insured, respondent Jose Manuel Barriga Valencia ("Valencia"), pursuant to Insurance Code Section 11580.2, subdivisions (f) (1) & (2). To date, the parties have conducted written discovery and depositions without any necessary intervention of the Court.

About two years having passed, the matter still has not proceeded to arbitration. Valencia moves to compel Zenith to commence arbitration.

The action arises from an auto accident that occurred on October 30, 2020, in the course and scope of Valencia's employment with Fisher Nursery. Valencia's counsel demanded that the parties proceed to arbitration, but Zenith responded on January 7, 2026, refusing to proceed with arbitration, asserting offsets and alleged workers' compensation prerequisites, and claiming arbitration "cannot proceed."

Valencia's workers' compensation claim arising from the motor vehicle accident remains open, as there have been no findings and award or compromise and release of the workers' compensation claim. (Jewell Decl., ¶4 Exh. B.) Zenith is entitled to a setoff of all workers' compensation benefits paid and payable. (Ins. Code, § 11580.2, subd. (h)(1) [loss payable can be reduced by all amounts payable by worker's compensation].)

Valencia has not shown that the parties should be ordered to proceed to arbitration at this time.

Insurance Code section 11580.2, subdivision (f), provides in pertinent part:

The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration.... If the insured has or may have rights to

benefits, other than nonoccupational disability benefits, under any workers' compensation law, the arbitrator shall not proceed with the arbitration until the insured's physical condition is stationary and ratable. In those cases in which the insured claims a permanent disability, the claims shall, unless good cause be shown, be adjudicated by award or settled by compromise and release before the arbitration may proceed. **Any demand or petition for arbitration shall contain a declaration, under penalty of perjury, stating whether (i) the insured has a workers' compensation claim; (ii) the claim has proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim; and (iii) if not, what reasons amounting to good cause are grounds for the arbitration to proceed immediately.**

(Emphasis added.)

Valencia has not submitted such a declaration. Valencia's attorney Sutton Shapiro submitted a declaration in October 2024 that does not mention the workers' compensation claim, let alone state that the claim proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim. (Jewell Decl., Exh. C.) Valencia's workers' "compensation claim ... has [undisputably not] proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim." The motion does not establish "what reasons amounting to good cause are grounds for the arbitration to proceed immediately." (Ins. Code, § 11580.2, subd. (f)(iii).) Accordingly, the motion is denied.

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:  **on** 6-29-26 .

(Judge's initials)

(Date)

(49)

Tentative Ruling

Re: ***Nelson Properties v. Affordable Roofing et al.***
Superior Court Case No. 25CECG01711

Hearing Date: July 2, 2026 (Dept. 502)

Motion: By Defendant APOC Roof Systems, Corp. on Demurrer to the Complaint and Motion to Strike

If oral argument is timely requested, it will be entertained on Wednesday, July 15 2026, at 3:30 p.m. in Department 502.

Tentative Ruling:

To overrule the demurrer as moot. (Code Civ. Proc., § 472, subd. (a).)

To deny the motion to strike as moot. (Code Civ. Proc., § 472, subd. (a).)

Explanation:

A party may amend its pleading any time after a demurrer or motion to strike is filed but before the demurrer or motion to strike is heard if the amended pleading is filed and served no later than the date for filing an opposition. (Code Civ. Proc., § 472, subd. (a).) Here, plaintiff Nelson Properties timely filed a first amended complaint on June 17, 2026 in lieu of an opposition to the demurrer filed by defendant APOC Roof Systems, Corp. The matter is now mooted by a superseding pleading, the demurrer is overruled and the motion to strike is denied.

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: img on 7-1-26
(Judge's initials) (Date)

(48)

Tentative Ruling

Re: **Ramirez v. Creative Alternatives School et al.**
Superior Court Case No. 25CECG05129

Hearing Date: July 2, 2026 (Dept. 502)

Motion: Defendants' Demurrer to the First Amended Complaint and
Defendants' Motion to Strike

**If oral argument is timely requested, it will be entertained on
Wednesday, July 15 2026, at 3:30 p.m. in Department 502.**

Tentative Ruling:

To continue the demurrer and motion to strike to Wednesday, August 5, 2026 at 3:30 p.m. in Department 502. Plaintiff S.A. is a minor and must have counsel in this matter. The motions are continued in order to give the minor an opportunity to obtain counsel. Counsel may file an amended complaint no later than July 29, 2026.

Explanation:

Meriah Ramirez has filed a complaint in propria persona on behalf of herself and the minor, S.A. While the Court did sign orders appointing her as the Guardian Ad Litem for the minor on December 4, 2025, a non-attorney cannot act in propria persona to represent minors, even where that person has been appointed as their Guardian Ad Litem. (Bus. & Prof. Code, § 6125; *J.W. v. Superior Court* (1993) 17 Cal.App.4th 958, 965-968.) As such, while Meriah Ramirez may represent herself, counsel must be obtained for the minor child. The Court continues the demurrer and motion to strike in order to allow plaintiff S.A. an opportunity obtain counsel. In the event counsel is obtained, counsel may file an amended complaint.

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: Img on 7-1-26.
(Judge's initials) (Date)