

Tentative Rulings for July 2, 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.

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Tentative Ruling

Re: ***Aguilar v. Saint Agnes Medical Center, et al.***
Superior Court Case No. 23CECG02274

Hearing Date: July 2, 2026 (Dept. 503)

Motion: by Defendant Pankaj Bharati, M.D. for Summary Judgment

**If oral argument is timely requested, it will be entertained on
Thursday, July 16, 2026, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To grant defendant Pankaj Bharati, M.D.'s motion for summary judgment as to the entire complaint. (Code Civ. Proc. § 437c.) Defendant shall submit a judgment consistent with the terms of this order within 10 days of service of the order.

Explanation:

As the moving party, Defendant bears the initial burden of proof to show that plaintiff cannot establish one or more elements of her cause of action or to show that there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2).) Only after the moving party has carried this burden of proof does the burden of proof shift to the other party to show that a triable issue of one or more material facts exists – and this must be shown via specific facts and not mere allegations. (*Id.*)

Where the moving party produces competent expert opinion declarations showing that there is no triable issue of fact on an essential element of the opposing party's claim (e.g. that a medical defendant's treatment fell within the applicable standard of care), the opposing party's burden is to produce competent expert opinion declarations to the contrary. (*Ochoa v. Pacific Gas & Elec. Co.* (1998) 61 Cal.App.4th 1480, 1487.)

In determining whether any triable issues of material fact exist, the court must strictly construe the moving papers and liberally construe the declarations of the party opposing summary judgment. Any doubts as to whether a triable issue of material fact exist are to be resolved in favor of the party opposing summary judgment. (*Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 562.)

Lastly, "[f]ailure to file opposition including a separate statement of disputed material facts by not less than 14 days prior to the motion 'may constitute a sufficient ground, in the court's discretion, for granting the motion.'" (*Cravens v. State Bd. of Education* (1997) 52 Cal.App.4th 253, 257, quoting Code of Civil Procedure § 437c(c).)

In the case at bench, Defendant Pankaj Bharati, M.D. relies on the declaration Roy Artal, M.D., F.C.C.P., a pulmonary medicine and critical care physician who is board certified in pulmonary medicine, sleep medicine, and internal medicine with extensive experience. Dr. Artal relied upon the plaintiff's medical records from Saint Agnes Medical Center and UCLA Ronald Regan Medical Center to opine that Dr. Bharati met the standard of care in his consultation with the appropriate specialties during his care of decedent Noe Aguilar while admitted to the Critical Care Unit and in facilitating his transfer to UCLA Medical Center. (Artal Decl., ¶ 16a-f; UMF Nos. 9-13.) Dr. Artal further opines that there was nothing that Dr. Bharati did or did not do in the care of plaintiff that was below the standard of care or caused Noe Aguilar's death. (Artal Decl., ¶ 17.) Dr. Artal's declaration is sufficient to shift the burden as to the existence of a triable issue fact to the plaintiff.

Plaintiff does not oppose Dr. Bharati's motion.

Therefore, the motion for summary judgment is granted.

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: JS **on** 7/1/2026.
(Judge's initials) (Date)