

Tentative Rulings for July 9, 2026
Department 403

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.*

24CECG05207 *Doe v. Prueitt* – **will be heard in Dept. 502**

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

25CECG05879 *Mohamed Elsayed v. Viral Vamp LLC* is continued to Thursday, August 13, 2026, at 3:30 p.m. in Department 403.

23CECG04927 *Jasmine Martinez v. General Motors, LLC* is continued to Thursday, August 20, 2026, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 403

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Tentative Ruling

Re: **Natasha Rodriguez**
Court Case No. 26CU00573

Hearing Date: July 9, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

**If oral argument is timely requested, it will be entertained on
Friday, July 10 2026, at 9:00 a.m. in Department 403.**

Tentative Ruling:

To grant. The Court intends to sign the proposed order. No appearances necessary.

Pursuant to California Rules of Court, Rule 3.1312 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: SMC **on** July 8, 2026 .
(Judge's initials) (Date)

(41)

Tentative Ruling

Re: **Timothy Bellinger vs. AMVA Corporation**
Superior Court Case No. 25CECG05670

Hearing Date: July 9, 2026 (Dept. 403)

Motion: By Defendant AMVA for Judgment on the Pleadings

**If oral argument is timely requested, it will be entertained on
Friday, July 10 2026, at 9:00 a.m. in Department 403.**

Tentative Ruling:

To grant AMVA's motion for judgment on the pleadings as to the second cause of action for premises liability (Code Civ. Proc., § 438). Plaintiff is granted leave of 10 days to file a first amended complaint, which shall run from service by the clerk of the minute order. New language must be set in **boldface** type.

Explanation:

In his complaint filed on December 9, 2025 (Complaint), plaintiff Timothy Bellinger (Plaintiff) alleges he is a competent adult who suffers from an intellectual disability. Defendant AMVA Corporation (AMVA), is a California corporation with its principal place of business in Fresno County. Defendant Pilgrim Armenian Congregational Church (Pilgrim) is a California nonprofit religious corporation with its principal place of business in Fresno County. On August 26, 2025, Plaintiff was at 3581 West Holland Avenue in Fresno, California (AMVA premises) and thereafter transported to 3673 North First Street, Fresno, California (Pilgrim premises). Plaintiff alleges he fell down on either the AMVA premises or the Pilgrim premises and was taken by ambulance to the hospital.

Plaintiff alleges his first cause of action for negligence against AMVA and his second cause of action for premises liability against both defendants. AMVA now moves for judgment on the pleadings as to Plaintiff's second cause of action for premises liability.

Judgment on the Pleadings

A motion for judgment on the pleadings is analogous to a general demurrer. (Code Civ. Proc., § 438; *Smiley v. Citibank* (1995) 11 Cal.4th 138, 145–146.) Thus, a defendant may move for judgment on the pleadings on the ground that “[t]he complaint does not state facts sufficient to constitute a cause of action against th[e] defendant.” (Code Civ. Proc., § 438, subd. (c)(1)(B)(ii).) The motion may be made as to any cause of action stated in the complaint. (*Id.* at subd. (c)(2)(A).)

As in the case of a demurrer, the grounds for a motion for judgment on the pleadings must “appear on the face of the challenged pleading or from any matter of which the court is required to take judicial notice.” (Code Civ. Proc., § 438, subd. (d).) The court treats “the demurrer as admitting all material facts properly pleaded, but not

contentions, deductions or conclusions of fact or law.” (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) A trial court may grant a motion for judgment on the pleadings with or without leave to file an amended complaint or answer. (Code Civ. Proc., § 438, subd. (h)(1).) AMVA’s motion challenges the second theory Plaintiff alleges against AMVA.

Meet and Confer

The parties have complied with the obligation to meet and confer.

Discussion

AMVA cites *Castellon v. U.S. Bancorp* (2013) 220 Cal.App.4th 994, where the court explained that causes of action based on negligence or premises liability have the same elements:

The elements of a negligence cause of action are the existence of a legal duty of care, breach of that duty, and proximate cause resulting in injury. (*Ladd v. County of San Mateo* (1996) 12 Cal.4th 913, 917–918.) The elements of a cause of action for premises liability are the same as those for negligence: duty, breach, causation, and damages. (*Ortega v. Kmart Corp.* (2001) 26 Cal.4th 1200, 1205 (*Ortega*); see Civ. Code, § 1714, subd. (a).)

(*Id.* at p. 998.) The existence of a dangerous condition on the subject property is a necessary element of a premises liability claim. (*Jones v. Awad* (2019) 39 Cal. App. 5th 1200, 1208, citing *Ortega, supra*, 26 Cal. 4th at p. 1205.)

Here, Plaintiff fails to allege both the requisite dangerous conditions or defects on AMVA’s premises and AMVA’s breach of duty under a premises liability theory of recovery. Therefore, the court grants the motion for judgment on the pleadings with leave to amend.

Request for Judicial Notice

The court grants AMVA’s request to take judicial notice of the 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: SMC **on** July 8, 2026.
(Judge’s initials) (Date)