

Tentative Rulings for July 9, 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.*

22CECG04093 *Rocio Cota v. Frontier Trans Inc. – will be heard in Dept. 501*

25CECG03173 *Celia Garcia v. Isaias Huerta Rojas – will be heard in Dept. 501*

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

25CECG04743 *Eva Contreras v. General Motors, LLC is continued to Tuesday, August 18, 2026, at 3:30 p.m. in Department 503.*

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Tentative Ruling

Re: **Bledsoe v. True North Detox, LLC**
Superior Court Case No. 24CECG04930

Hearing Date: July 9, 2026 (Dept. 503)

Motion: By Defendant True North Detox, LLC for Summary Judgment,
or Alternatively Summary Adjudication

**If oral argument is timely requested, it will be entertained on
Thursday, July 23 2026, at 3:30 p.m. in Department 503.**

Tentative Ruling:

To deny. (Code Civ. Proc., § 437c.)

Explanation:

Plaintiff was injured when he fell while on a walk as a resident or patient at defendant's detox facility. The Complaint alleged causes of action for (1) premises liability and (2) general negligence. The Complaint alleges that a dangerous condition existed at the facility and caused plaintiff's fall. The Complaint also alleges that defendant failed to monitor plaintiff as he walked the grounds.

Defendant moves for summary judgment, or alternatively summary adjudication, on the ground that it did not own, maintain or control the property on which plaintiff fell (contending it was owned by defendant's landlord); that defendant's alleged negligence was not the cause of plaintiff's harm because plaintiff was precluded from walking off property pursuant to restrictions placed by defendant; and plaintiff signed a waiver precluding any liability for defendant's negligence.

Summary judgment is properly granted when *no* triable issue exists as to any material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc., § 437c, subd. (c).) In moving for summary judgment, a "defendant ... has met his or her burden of showing that a cause of action has no merit if the party has shown that one or more elements of the cause of action ... cannot be established, or that there is a complete defense to the cause of action." (Code Civ. Proc., § 437c, subd. (p)(2).) If the defendant does not meet that burden, the motion must be denied, even if the plaintiff has not opposed it adequately or at all. (*Villa v. McFerren* (1995) 35 Cal.App.4th 733, 742–743.) Once the moving defendant has met its initial burden, however, "the burden shifts to the plaintiff ... to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto." (Code Civ. Proc., § 437c, subd. (p)(2).) The plaintiff must present facts, supported by admissible evidence, raising a triable issue of material fact. (*Id.*, subds. (b)(2), (b)(3), (p)(2); *Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 476–477.)

“The purpose of the motion for summary judgment is to determine whether issues presented by the pleadings actually are triable issues.” (*Craig v. Earl* (1961) 194 Cal.App.2d 652, 655.) Evidence in connection with a summary judgment motion “must be directed to the issues raised in the pleadings.” (*Id.*) The burden of a defendant moving for summary adjudication only requires that he or she negate the plaintiff’s theories of liability as alleged in the complaint; that is, a moving party need not refute liability on some theoretical possibility not included in the pleadings. (*Hutton v. Fidelity National Tile Co.* (2013) 213 Cal.App.4th 486, 493.)

Initially the court notes that the moving papers do not directly address the Complaint’s allegation that defendant failed to monitor plaintiff as he walked the grounds. The motion does not address whether such a duty existed or was breached. The opposition papers show that the day plaintiff started treatment at defendant’s detox facility on October 31, 2023, he had a fall for which he was sent to the hospital, and was thereafter considered a high fall risk that should be monitored more closely and required activity restrictions. (AMF 5-9.) Given that defendant did not directly address the duty to monitor in a setting where plaintiff was being treated by medical personnel including nurses (see AMF 8-9), the motion fails to negate a core basis for the claims alleged in the Complaint.

The motion is wholly dependent on the declaration of Mike Ivemeyer, defendant’s Chief of Compliance and Strategic Development. Declarations must be based on the personal knowledge of the declarant, show affirmatively that the declarant is competent to testify to the matters stated, and set forth admissible evidence. (Code Civ. Proc., § 437c, subd. (d).) These elements must be shown by *facts* set forth in the declaration, and not merely by conclusions. The factual representations must be something about which the declarant has reason to know personally. (See Evid. Code, § 702.) Mr. Ivemeyer’s declaration contains many statements of fact without any showing or foundation of his personal knowledge of those facts. These include representations that plaintiff was given a property tour when he was admitted, and again when he was transferred to the treatment facility, where he was told where the treatment center’s property lines begin and end. He states that plaintiff was informed that walking off property is disallowed, and that plaintiff was told to not walk off property. (See Ivemeyer Decl., ¶¶ 5-7, 9.) However, there is no indication in the declaration that Mr. Ivemeyer has personal knowledge of any of these facts.

Mr. Ivemeyer also states that the location where plaintiff fell is not owned, leased, controlled, owned or maintained by defendant. Plaintiff elected to walk off defendant’s property onto a fire road owned, maintained, operated and controlled by defendant’s landlord. (See Ivemeyer Decl., ¶¶ 10, 11, 13.) Again, Mr. Ivemeyer fails to lay a foundation to claim as much, or establish any personal knowledge of any of these facts. The court therefore intends to sustain plaintiff’s objection numbers 1-3 (and overrule the other objections), which eliminates evidence that plaintiff was given a tour and told where the property lines were and that the fire road was restricted; that the fall occurred on land owned, controlled, maintained, and/or operated by the landlord and not defendant; and that plaintiff elected to walk off the property and acted of his own volition walking in a non-permissible area.

The final basis for the motion is the Release and Waiver of Liability document signed by plaintiff on October 31, 2023, providing that plaintiff "knowingly, freely, and voluntarily ... agree[d] to release, waive, discharge, and covenant not to sue First Steps Recovery... directly or indirectly in connection with, or arising out of participation in the activities described herein, whether caused in whole or in part by the negligence of First Steps Recovery, or otherwise." The waiver provides that plaintiff "... has voluntarily consented to participate in voluntary sports activities or voluntary physical activities such as yoga, basketball, hiking, watersports, equestrian and other such type of voluntary sports or physical activities, which may not be specifically identified herein, while being a client at such facility." Defendant contends that walking is a physical activity, and therefore plaintiff agreed to hold defendant harmless for negligence related to walking.

However, defendant produces no authority to the effect that an activities waiver, which presumably is intended to cover activities sponsored or put on by defendant, would apply to preclude a premises liability claim based on dangerous condition of property, or the claim based on failure of medical staff to monitor a patient designated by as a high fall risk. Plaintiff does not allege or contend that walking was dangerous in the ordinary recreational sense, such as parachuting (see *Hulsey v. Elsinore Parachute Center* (1985) 168 Cal.App.3d 333, 339–345). Defendant fails to show that the release clearly applies to the claims alleged herein. Accordingly, the court intends to deny the motion.

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** 7/8/2026.
(Judge's initials) (Date)