

Tentative Rulings for July 14, 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.*

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

25CECG01717 *Orlonzo Hedrington v. William Woolman* is continued to Tuesday, August 25, 2026, at 3:30 p.m. in Department 403.

25CECG05647 *Flora Lloyd v. The California Home for the Aged, Inc.* is continued to Tuesday, August 25, 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: ***In the Matter of Brea Price***
Superior Court Case No. 26CU01534

Hearing Date: July 14, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny, without prejudice, the petition to approve the compromised claim of minor Brea Price. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders, and obtain a new hearing date for consideration of the amended petition. (Super. Ct. Fresno County, Local Rules, rule 2.8.4.)

***If oral argument is timely requested, such argument will be heard
on Thursday July 16, 2026 at 3:30 pm.***

Explanation:

The petition submitted by petitioner seeks approval of the settlement of the personal injury claim of minor Brea Price ("minor") against Mia Amor Hernandez, by and through their insurer, Geico Insurance. There are issues with the petition that prevent approval.

The petition must be on form MC-350, verified by the petitioner and include all information having bearing on the reasonableness of the compromise. (Cal. Rules of Court, rule 7.950; Super. Ct. Fresno County, Local Rules, rule 2.8.4.)

The petition at Item 8 indicates the minor's injuries identified in the petition have resolved completely. The medical records attached do not reflect that the injuries have resolved. The only medical record attached was from the date of the incident, September 5, 2025, which indicated the minor had back and knee pain. This does not support the representation that the injuries have fully resolved.

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 10, 2026.
(Judge's initials) (Date)

(41)

Tentative Ruling

Re: ***Maria Cancino v. Costco Wholesale Corporation***
Superior Court Case No. 24CECG02417

Hearing Date: July 14, 2026 (Dept. 403)

Motion: By Defendant to Bifurcate

Tentative Ruling:

To grant defendant's motion to bifurcate.

***If oral argument is timely requested, such argument will be heard
on Thursday July 16, 2026 at 3:30 pm.***

Explanation:

Plaintiff Maria Carmen Cancino (Plaintiff) filed a complaint for personal injury and damages in June 2024. Plaintiff contends an employee of defendant Costco Wholesale Corporation (Costco) tripped Plaintiff as Plaintiff was entering the warehouse. Plaintiff's fall resulted in a serious cervical spine injury that required surgery. Costco disputes its liability for this accident. Costco moves to bifurcate trial of the liability and damages issues and to try the liability issue first.

*Bifurcation Will Expedite the Trial, Avoid Unnecessary
Cost and Delay, and Prevent Undue Prejudice*

The court has discretion to bifurcate the trial under Code of Civil Procedure section 598, which authorizes the court to make an order that the trial of any issue shall precede the trial of any other issue "when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted thereby, on motion of a party, after notice and hearing[.]" (See also, Code Civ. Proc., § 1048, subd. (b) [court may order separate trial of any cause of action or separate issue].) The objective of bifurcation "is avoidance of the waste of time and money caused by the unnecessary trial of damage questions in cases where the liability issue is resolved against the plaintiff." (*Trickey v. Superior Court* (1967) 252 Cal.App.2d 650, 653.)

" '[T]he primary purpose of section 598 is to permit the issue of liability in personal injury cases to be tried prior to that of damages when, in the opinion of the court, the facts of a particular case justify it.' [Citation.]" (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 888, fn. 8.) The purpose of a separate trial on the liability issue is "to avoid wasting court time in cases where the plaintiff loses on the liability issue, to promote settlements where the plaintiff wins on the liability issue, and to afford a more logical presentation of the evidence, thus simplifying the issues for the jury. [Citation.]" (*Ibid.*)

Here, this case presents a straightforward cause of action for personal injury based on alleged negligence. Plaintiff contends Costco's employee lurched backward when maneuvering a row of shopping carts and knocked Plaintiff to the ground. Costco contends its employee is certain she was pushing a row of carts into the cart corral when she felt Plaintiff trip over the back of her ankle. Costco also intends to establish that Plaintiff is 75 years old and has used a cane since she was 60 years old 'because she felt like she would fall easily.' (Mem., p. 4:11-12.) The parties suggest Plaintiff intends to call two persons who were with Plaintiff when she fell as percipient witnesses to testify about what they saw.¹

The liability issue is relatively simple. The jury must determine whether they believe Plaintiff's witnesses or Costco's witnesses. Costco's experienced counsel estimates the liability phase will require about three court days. The witnesses for the liability phase are limited to Plaintiff, her two witnesses, and Costco's employees.

In contrast to the relatively simple issue of liability, the parties anticipate the witnesses for the damages phase will include Plaintiff, her two percipient witnesses to the fall, Plaintiff's treating physicians, before and after the fall, and multiple medical expert witnesses. In light of Plaintiff's pre-existing condition and the extensive medical treatment, which Costco will challenge, the damages phase will be lengthy with the testimony of many treating physicians and opinions of dueling experts. Costco estimates the damages phase will require five to ten court days at a minimum, and possibly weeks. Furthermore, if the jury were to hear evidence of Plaintiff's damages before deciding the issue of liability, it might allow its sympathy to influence its liability decision.

In sum, if Plaintiff loses on the liability issue, court time will not be wasted on damages. If Plaintiff wins, it will promote settlement, and afford a more logical presentation of evidence if a second phase is required. Thus, it will simplify the issues for the jury. Bifurcation will expedite the trial, avoid unnecessary costs and delays, and prevent undue prejudice to Costco.² Therefore, the court grants Costco's motion to bifurcate the issues of liability and damages, with the issue of liability to be tried first.

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

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¹ Both parties' memoranda include statements about the cause of the fall without supporting declarations. Plaintiff's liability witnesses are identified as Plaintiff's daughter and her daughter's boyfriend (Jaime decl., ¶ 3) or Plaintiff's granddaughter, Elizabeth Gonzalez, and Ms. Gonzalez's ex-boyfriend, Luis Alanis (Roberts decl., ¶ 3).

² Inasmuch as Costco moves for bifurcation to establish the order of trial, the court fails to see the relevance of Plaintiff's cited cases regarding two juries.

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Tentative Ruling

Re: **Perez v. Aragon**
Superior Court Case No. 25CECG05717

Hearing Date: July 14, 2026 (Dept. 403)

Motion: By Defendant Jose Aragon for Order Deeming Request for Admissions Admitted; Request for Sanctions

Tentative Ruling:

To grant defendant Jose Aragon's motion to deem requests for admissions admitted by plaintiff Ed Perez. The truth of the matters specified in the Request for Admissions, Set One, are to be deemed admitted **unless** plaintiffs serve, **before** the hearing, proposed responses to the requests for admission that are in substantial compliance with Code of Civil Procedure section 2033.220.

To impose monetary sanctions in favor of defendant Jose Aragon and against plaintiff Ed Perez. (Code Civ. Proc., § 2033.280, subd. (c).) Plaintiff is ordered to pay \$460.00 in sanctions to Brenda A. Linder Attorney at Law, within 30 days of the clerk's service of the minute order.

***If oral argument is timely requested, such argument will heard be
on Thursday July 16, 2026 at 3:30 pm.***

Explanation:

Where a party fails to timely respond to a propounding party's request for admissions, objections are waived and the court must grant the propounding party's motion requesting that matters be deemed admitted, unless it finds that the party to whom the requests were directed has served, prior to the hearing on the motion, a proposed response that is substantially in compliance with Code of Civil Procedure section 2033.220. (Code Civ. Proc. § 2033.280; see also *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 778 ("*St. Mary*").) "Substantial compliance" means compliance with respect to "every reasonable objective of the statute." (*Id.* at p. 779, internal quotation marks and citations omitted.)

There is relief available for the party who failed to timely respond. The responding party can move the court for relief from waiving objections by (1) serving responses in substantial compliance and (2) demonstrating that the failure to serve responses was the result of mistake, inadvertence or excusable neglect. (Code Civ. Proc., § 2033.280, subd. (a)(1) and (2).) By simply serving substantive responses to the requests for admission prior to the hearing date for this motion the court must deny the motion. (Code Civ. Proc., § 2033.280(c); see also *St. Mary, supra*, 223 Cal.App.4th at 776.)

Request for Admissions, Set One, was served by mail to plaintiff Ed Perez ("Plaintiff") on January 22, 2026. Plaintiff and defendant Jose Aragon ("Defendant") agreed to an

extension, but Plaintiff failed to serve responses. No opposition has been filed demonstrating any excusable reason for Plaintiff's failure to respond to the requests for admission. As such, the court intends to grant the motion unless responses to the requests are served before the hearing on the motion.

Sanctions:

The court must impose a monetary sanction against the party or attorney, or both, whose failure to respond necessitated the motion to deem matters admitted. (Code Civ. Proc., §2033.280(c).)

Defendant seeks \$460 in sanctions for one hour of time spent on the motion billed at \$400 per hour and the \$60 filing fee. Defendant's request for sanctions is granted. Plaintiff Ed Perez is ordered to pay \$460.00 to Brenda A. Linder Attorney at Law, within 30 days of the clerk's mailing of the minute order.

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 10, 2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***In the Matter of Andrade***
Superior Court Case No. 26CU00748

Hearing Date: July 14, 2026 (Dept. 403)

Motion: Expedited Petition to Compromise Claim of Minor

Tentative Ruling:

To deny the petition, without prejudice, for the reasons explained below. In the event that oral argument is requested the minor is excused from appearing.

***If oral argument is timely requested, such argument will heard be
on Thursday July 16, 2026 at 3:30 pm.***

Explanation:

The judgment or total settlement stated in the petition (item nos. 11 and 12) exceeds the \$50,000 qualifying limitation required for expedited relief (Cal. Rules of Court, rule 7.950.5(a)(8); see also, Petn., Item 3(g), and neither counsel's declaration nor the other attached documents provide sufficient justification for applying the limited exceptions. The petition states the total recovery for all parties is \$100,000 and the minor claimant is not receiving the single person limit. (Cal. Rules of Court, rule 7.950.5(a)(8)(A).

As such, the petition is denied, without prejudice.

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 13, 2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***Koskiniemi v. Jennings et al.***
Superior Court Case No. 21CECG03751

Hearing Date: July 14, 2026 (Dept. 403)

Motion: Motion for Leave to File Cross-Complaint

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

***If oral argument is timely requested, such argument will heard be
on Thursday July 16, 2026 at 3:30 pm.***

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 13, 2026.
(Judge's initials) (Date)