

Tentative Rulings for August 7, 2025
Department 501

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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(47)

Tentative Ruling

Re: **Valerie Espino v Tristin Rodriguez**
Superior Court Case No. 23CECG02757

Hearing Date: August 7, 2025 (Dept. 501)

Motion: Petition to Compromise

Tentative Ruling:

To deny the Petition, without prejudice.

Explanation:

The Petition is denied for the following reasons:

- a) Petitioner did not file an Order to Deposit Money in Blocked Account; and
- b) Petitioner did not file an Order Approving Compromise of Claim.

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: DTT on 7/29/2025.
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***Martinez v. Lelievre et al.***
Superior Court Case No. 22CECG02979

Hearing Date: August 7, 2025 (Dept. 501)

Motion: by Home Depot U.S.A., Inc., for Summary Adjudication of
Punitive Damages

Tentative Ruling:

To dismiss the First Amended Complaint's claim for punitive damages in light of "PLAINTIFFS' NOTICE OF DISMISSING THEIR PUNITIVE DAMAGES CLAIM AGAINST DEFENDANT HOME DEPOT U.S.A., INC. WITHOUT PREJUDICE." In the future, utilize Judicial Council form CIV-110. To take the motion for summary adjudication off calendar as moot in light of the dismissal.

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: DTT on 8/1/2025.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Marcos Rojas v City of Fresno**
Superior Court Case No. 22CECG01337

Hearing Date: August 7, 2025 (Dept. 501)

Motion: by Defendant Central California Enterprises (CCE), to Compel Responses to Special Interrogatories, Set Two, Supplemental Interrogatories, Set Two, Supplemental Requests For Production Of Documents, Set Two, and for costs.

Tentative Ruling:

To grant. Within 10 days, plaintiff Marcos Rojas shall serve verified responses without objection to defendant CCE's Special Interrogatories, Set Two, Supplemental Interrogatories, Set Two, and Supplemental Requests For Production Of Documents, Set Two.

To impose sanctions in the sum of \$3,435 against plaintiff and in favor of CCE, to be paid to CCE's counsel within 30 days of service of the minute order by the clerk.

Explanation:

CCE served Supplemental Interrogatories, Set Two, and Supplemental Requests for Production of Documents, Set Two, on February 12, 2025, and served Special Interrogatories, Set Two, on plaintiff on February 25, 2025. Responses for the Special Interrogatories, Set Two, were due on or about March 27, 2025. Responses for the Supplemental Interrogatories, Set Two, and Supplemental Requests for Production of Documents, Set Two, were due on or about March 14, 2025.

Plaintiff still has not served any responses. Accordingly, an order compelling plaintiff to provide responses without objections (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a)), is warranted, and reasonable sanctions must be imposed (Code Civ. Proc., §§ 2023.010, subd. (d), 2023.030, subd. (a); *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 404).

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: DTT on 8/1/2025.
(Judge's initials) (Date)

(03)

Tentative Ruling

Re: ***Rommel v. On Call Medical Transportation, LLC, et al.***
Case No. 24CECG03427

Hearing Date: August 7, 2025 (Dept. 501)

Motion: Defendant Bio-Medical Applications of Fresno, Inc.'s
Demurrer and Motion to Strike Portions of Complaint

Tentative Ruling:

To continue the hearing on defendant's demurrer and motion to strike to September 9, 2025, at 3:30 p.m. in Department 501 to allow the parties more time to submit a stipulation to amend the complaint as stated in defense counsel's supplemental declaration dated June 30, 2025.

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: DTT on 8/4/2025.
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: ***Cordoba v. American Honda Motor Co.***
Superior Court Case No. 22CECG02890

Hearing Date: August 7, 2025 (Dept. 501)

Motion: by Defendant for Summary Adjudication

Tentative Ruling:

To deny defendant American Honda Motor Co., Inc.'s motion for summary adjudication.

Explanation:

Defendant American Honda Motor Co., Inc. ("AHM") moves for summary adjudication of plaintiff's third cause of action alleging fraudulent concealment and the punitive damages sought in connection with the fraud-based cause of action. The moving papers raise four issues demonstrating the third cause of action lacks merit as plaintiff cannot establish certain required elements of the fraudulent concealment cause of action. The fifth issue for adjudication is plaintiff's claim for punitive damages.

A trial court shall grant summary judgment where there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc., §437c, subd. (c).) Summary adjudication is the proper mechanism for challenging a particular, "cause of action, an affirmative defense, a claim for punitive damages, or an issue of duty." (*Paramount Petroleum Corp. v. Superior Court* (2014) 227 Cal.App.4th 226, 242.) However, "[a] motion for summary adjudication shall be granted only if it completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty." (Code of Civ. Proc., § 437c subd. (f)(1); see also *Catalano v. Superior Court* (2000) 82 Cal.App.4th 91, 97 [piecemeal adjudication prohibited].)

If the moving party carries this initial burden of production, the burden of production shifts to the opposing party to show that a triable issue of material fact exists. 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/adjudication. (*Barber v. Marina Sailing, Inc.* (1995) 36 Cal.App.4th 558, 562; see also *See's Candy Shops, Inc. v. Superior Court* (2012) 210 Cal.App.4th 889, 900 ["Summary adjudication is a drastic remedy and any doubts about the propriety of summary adjudication must be resolved in favor of the party opposing the motion."].)

A party moving for summary judgment or summary adjudication must support the motion with a separate statement that sets forth plainly and concisely all material facts that the moving party contends are undisputed, and each of these material facts must be followed by a reference to the supporting evidence. (Code Civ. Proc., § 437c, subd.

(b)(1), (f)(2).) A separate statement is required to afford due process to the opposing party and to permit the judge to expeditiously review the motion for summary judgment or summary adjudication to determine quickly and efficiently whether material facts are disputed. (*Parkview Villas Ass'n, Inc. v State Farm Fire & Cas. Co.* (2005) 133 Cal.App.4th 1197, 1210; *United Community Church v Garcin* (1991) 231 Cal.App.3d 327, 335.) As a result, the separate statement should include only *material* facts—ones that could make a difference to the disposition of the motion. (Cal. Rules of Court, rule 3.1350(f)(3); see also rule 3.1350(a)(2) [defining “material facts”].)

As a result, the moving party must go through its own case and the opposing party's case on an issue-by-issue basis. The moving party must identify for the court the matters it contends are “undisputed,” and cite the specific evidence (pleadings admissions, or discovery, or declarations) showing there is no controversy as to such matters and that the moving party is entitled to judgment as a matter of law.

In the case at bench, defendant has deemed material to each of the five issues for adjudication the fact that AHM was not a party to the Lease Agreement, demonstrating there was no direct transaction between AHM and plaintiff. (UMF No. 4.) In opposition, plaintiff asserts the authorized dealership who is the lessor on the Lease Agreement was an agent of AHM for purposes of the sale of the vehicle. Plaintiff references as evidence her Additional Material Facts Nos. 5 through 8, which assert AHM's authorized dealerships are its agents for the purposes of leasing and selling vehicles to customers as AHM provides marketing materials to the dealerships and the Warranty Booklet advises customers to visit the authorized dealerships to address concerns related to their vehicle. (See, Plaintiff's response to UMF No. 4; AMF Nos. 5, 6 and 8.¹)

The court is satisfied that plaintiff has raised a factual dispute as to whether the authorized dealership where she leased the vehicle at issue was the agent of defendant AHM. “The existence of an agency relationship is usually a question of fact, unless the evidence is susceptible of but a single inference. [citations].” (*Violette v. Shoup* (1993) 16 Cal.App.4th 611, 619.) The concurrently undisputed fact that “Plaintiff has no information that Clawson Honda was acting as an agent for AHM on the date she leased the 2021 Pilot” (UMF No. 8) does not end the factual inquiry as to the agency relationship.

¹ Plaintiff's separate statement in support of her opposition references Additional Material Facts Nos. 5 through 8 to support her dispute of Undisputed Material Fact No. 4. The citation to evidence in support of Additional Material Fact No. 7 does not comply with Rules of Court, rule 3.1350, subdivision (f)(3), as there is no reference to the page and line numbers of the cited deposition. None of plaintiff's citations to depositions within the separate statement comply with this rule. The court will not consider Additional Material Fact No. 7 in its analysis.

As a result, the motion for summary adjudication 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: DTT **on** 8/5/2025.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Correia v. The Board of Trustees of the California State University***

Superior Court Case No. 23CECG00658

Hearing Date: August 7, 2025 (Dept. 501)

Motion: (1) by Defendant The Board of Trustees of the California State University for Protective Order
(2) by Plaintiff Calliope Correia for an Order Compelling Further Responses from Defendant The Board of Trustees of the California State University to First Request for Production of Documents; and Request for Sanctions

Tentative Ruling:

To order the motion for a protective order off calendar, for defendant The Board of Trustees of the California State University's failure to comply with Fresno Superior Court Local Rules, rule 2.1.17.

To deny the motion for an order compelling further responses to the First Request for Production of Documents, with prejudice to any further discovery motions on the First Request for Production of Documents. To deny the request for sanctions. (Code Civ. Proc., § 2031.310, subd. (h).)

Explanation:

Protective Order

As these parties are well aware, Fresno County Superior Court Local Rules, rule 2.1.17, requires that before filing, *inter alia*, a motion under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request a Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference. As no leave was obtained prior to the filing of the present motion, the matter will not be heard and is ordered off calendar.

Compel Further

This matter is on for continued hearing after plaintiff Calliope Correia ("plaintiff") failed to provide the requisite documents for the motion filed. Due to the extensive history of disputes between the parties, the court approved *on this occasion only* supplemental briefing as to the disputes, and reliefs sought. Both parties have since filed supplemental briefs and evidence in support and opposition to plaintiff's motion to compel further production.

Plaintiff submits only declarations to supplement her earlier papers. In spite of the court's June 26, 2025, order, plaintiff fails to provide a separate statement, as required by the California Rules of Court. (Cal. Rules of Ct., rule 3.1345(a)(3).) The court will not accept the invitation to speculate as to what plaintiff finds in the responses as deficient and on what legal foundation warrants compelling a further response.² To the extent plaintiff seeks documents from a specific period in time, plaintiff may propound further discovery specifying the documents sought from those date ranges. The present motion is denied, *with prejudice* as to any further discovery motions on plaintiff's First Request for Production of Documents. The request for sanctions is denied. (Code Civ. Proc., § 2031.310, subd. (h).)

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: DTT **on** 8/6/2025.
(Judge's initials) (Date)

² Between the moving papers, the reply brief, and the supplemental filings, plaintiff cites only to Code of Civil Procedure section 2031.230, regarding how to respond to a request where no documents are responsive; and section 2023.030, regarding sanctions.

(27)

Tentative Ruling

Re: ***In re Nylah Kan***
Superior Court Case No. 25CECG01038

Hearing Date: August 7, 2025 (Dept. 501)

Motion: Amended Petition to Compromise Minor's Claim

Tentative Ruling:

To deny, without prejudice.

Explanation:

Associated with the previous hearing date on March 26, 2025, this court issued and eventually adopted a tentative ruling plainly identifying numerous defects preventing approval. The amended petition (filed July 18, 2025) cured some - but not all - of the previously identified defects.

In particular, the order on fee waiver specified that a lien would issue should the settlement exceed \$10,000. The amended petition states the settlement is \$15,000, yet it is silent on whether this lien has been satisfied. In addition, the amended petition (attachment 13B) includes the court filing fee as a requested cost. Accordingly, it is unclear whether the lien imposed pursuant to the fee waiver order has been satisfied.

Further, the proposed orders (submitted out of order) indicate that additional lien holder information would be specified on attachment 8a(3). However, the proposed orders do not include that attachment.

Therefore, the amended 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: DTT on 8/6/2025.
(Judge's initials) (Date)