

Tentative Rulings for September 15, 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.

25CECG03207	<i>Reyna Duran v Ryan A Dunlop, D.M.D, Inc.</i> is continued to Thursday, September 17, 2026 at 3:30 p.m. in Department 403.
24CECG05480	<i>JJD Management Associates v Barry Halajian</i> is continued to Tuesday, October 20, 2026 at 3:30 p.m. in Department 403
25CECG01717	<i>Orlonzo Hedrington v William Woolman</i> is continued to Tuesday, October 20, 2026 at 3:30 p.m. in Department 403
25CECG04337	<i>Kyle Muell v California State University</i> is continued to Tuesday, October 27, 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: **Covarrubio v. City of Fresno**
Superior Court Case No. 26CECG00277

Hearing Date: September 15, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested minor is excused from appearing.

Explanation:

Petition submitted by Petitioner seeks approval for the compromise of minor claimant's claim resulting from a motor vehicle accident. The Petition has one outstanding issue.

The one issue is whether Blue Shield might put a lien on minor's settlement. Petitioner's declaration does not confirm for the court there is no potential for Blue Shield to seek a lien. The declaration does not indicate whether Blue Shield has been informed of the settlement, when Blue Shield was informed, or any other information that would give indication that Blue Shield has no intention of seeking a lien on the case.

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** September 14, 2026 .
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Petition of Robert Timothy Van Tassel***
Superior Court Case No. 26CU01460

Hearing Date: September 15, 2026 (Dept. 403)

Motion: By Petitioner for an Order on Unlawful Use of Personal
Identifying Information

Tentative Ruling:

To grant. (Civ. Code, § 1798.202.) The court intends to sign the proposed order filed June 9, 2026. Petitioner should file a certified copy of the signed order with the Secretary of State.

Explanation:

Petitioner has filed a petition for an order on unlawful use of his personal identifying information consistent with Civil Code section 1798.202. On review of the petition, police report, and Secretary of State filing, the court has determined that the petition is meritorious. As such, the court intends to sign the proposed order. Once petitioner has received a certified copy of the signed order, petitioner is responsible to file such with the Secretary of State.

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 September 14, 2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: **Trevino v. Martinez**
Superior Court Case No. 23CECG05148

Hearing Date: September 15, 2026 (Dept. 403)

Motion: By Plaintiff to Modify the Interlocutory Judgment

Tentative Ruling:

To grant. The court intends to sign the proposed modified interlocutory judgment filed July 17, 2026.

Explanation:

Code of Civil Procedure 872.140 articulates that the court may make compensatory adjustments based on equity. Correcting the confirmed interests to reflect the recorded chain of title is an appropriate adjustment for the court to make here. As such, the court intends to sign the proposed modified interlocutory judgment reflecting adjusted interests in the property at issue in this action.

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 September 14, 2026.
(Judge's initials) (Date)

(48)

Tentative Ruling

Re: ***Gardenhire v. Wroten et al.***
Superior Court Case No. 20CECG00580

Hearing Date: September 15, 2026 (Dept. 403)

Motion: By Plaintiffs for Reconsideration – Set Aside Dismissal

Tentative Ruling:

To deny. (Code Civ. Proc., § 473, subd. (b).)

Explanation:

The title of the motion may not be determinative of what the motion is actually requesting. A trial court may construe a motion bearing one label as a different type of motion. This is consistent with the court's inherent authority to manage and control its docket. (*Sole Energy Co. v. Petrominerals Corp.* (2005) 128 Cal.App.4th 187, 192-193; see also *Pierson v. Sharp Memorial Hosp.* (1989) 216 Cal.App.3d 340, 342-343.)

Here, the motion filed on behalf of plaintiffs Geraldine Gardenhire and Loretta Rehbein (collectively "Plaintiffs") was not a motion for reconsideration based on "new facts [or] circumstances," but to request that the dismissal ordered on April 29, 2026 be set aside based on counsel's affidavit of fault. (Code Civ. Proc., §§ 1008, subd. (a), 473, subd. (b).)

The application for relief under section 473, subdivision (b), and notice to the adverse party, must be made within a reasonable time, not exceeding six months from the court's order to dismiss. (Code Civ. Proc. § 473, subd. (b); *Arambula v. Union Carbide Corp.* (2005) 128 Cal.App.4th 333, 341.) Notice to an adverse party who has not appeared in the action is also required, as the order to set aside dismissal may affect the rights of the adverse party. (*McDonald v. Severy* (1936) 6 Cal.2d 629, 631.)

While Plaintiffs' application to set aside dismissal was filed within six months of the order to dismiss, a proof of service showing that defendants Cathy Wroten and Steve Wroten were noticed of the instant application was not filed. While defendants have not appeared in the action, notice of an application to set aside dismissal is required because the requested order would affect their rights. Thus, Plaintiffs' application to set aside dismissal must be 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: SMC on September 14, 2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***Aguilar v. City of Fresno***
Superior Court Case No. 26CECG01287

Hearing Date: September 15, 2026 (Dept. 403)

Motion: Petition for Leave to File Action Against A Government Entity

Tentative Ruling:

To deny without prejudice due to lack of proper service (Gov. Code, § 946.6.)

Explanation:

The Government Claims Act provides that a timely written claim must first be presented to a public entity prior to any lawsuit for money damages against it. (Gov. Code, § 810 et seq.; *N.G. v. County of San Diego* (2020) 59 Cal.App.5th 63, 72.) Government Code section 911.2, subdivision (a) provides that such a claim is to be presented no later than six months after the accrual of the cause of action. (Gov. Code, § 911.2; *Munoz v. State of California* (1995) 33 Cal.App.4th 1767, 1776.) The policy behind the requirement to file a timely claim is threefold, as it 1) gives the entity an opportunity to promptly remedy the condition, 2) allows the entity to investigate while evidence is still available and witnesses' memories are fresh, and 3) gives the entity time to plan its budget accordingly. (*Munoz, supra.*)

Where a claim is not timely presented, a written application can be made to the public entity for leave to present the claim. (Gov. Code, § 911.4, subd. (a); *Munoz, supra*, 33 Cal.App.4th at p. 1777.) The application to present a late claim must be made to the public entity within one year of the accrual of the cause of action and state what caused the delay in presenting the claim. (Gov. Code, § 911.4, subd. (b); *Munoz, supra.*) Where the public entity denies the application to present a late claim, the claimant must petition the trial court for relief from the claim filing requirements. (Gov. Code, § 946.6; *Munoz, supra.*)

The petition must be denied at this time because, though it is unopposed by the City of Fresno, petitioner has not filed an adequate proof of service on the City, or any notice of this hearing. "A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state." (Gov. Code, § 946.6, subd. (d).) Attached to the Petition is a proof of service, but the POS does not indicate who was served or at what address. It is ineffective to show service on any person or entity. Additionally, the hearing on the petition was not set until months after the Petition was served (on persons unknown and unspecified). There is no showing that the City has notice of this hearing. The lack of opposition indicates that the City has not received notice. Accordingly, 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** September 14, 2026 .
(Judge's initials) (Date)