

**Tentative Rulings for November 19, 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)**

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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.*

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

24CECG04078      *Mechelle Hammack v. FCA US LLC* is continued to Wednesday, December 17, 2025, at 3:30 p.m. in Department 501.

24CECG03018      *George Sayakhammy v. Guadalupe Pulido* is continued to Thursday, November 20, 2025, at 3:30 p.m. in Department 501.

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## **Tentative Rulings for Department 501**

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**Tentative Ruling**

Re: ***Cruz v. Mortgage Default Services, LLC***  
Superior Court Case No. 24CECG03048

Hearing Date: November 19, 2025 (Dept. 501)

Motion: by Cross-Defendant Frank Cruz to Strike (Anti-SLAPP) Cross-Complainant John E. Labbett's Cross-Complaint

**Tentative Ruling:**

To deny.

**Explanation:**

A SLAPP suit (Strategic Litigation Against Public Participation) is a suit brought "primarily to chill the valid exercise of constitutional rights of freedom of speech and petition for redress of grievances." (Code Civ. Proc., § 425.16, subd. (a).)

The anti-SLAPP statute permits a defendant whose free speech rights and/or right to petition have been infringed to move the court to strike the SLAPP suit. The anti-SLAPP statute may be invoked to challenge suits based on four different categories of speech:

- (1) statements made before a legislative, executive, judicial, or other official proceeding;
  - (2) statements made in connection with an issue being considered by a legislative, executive, or judicial body;
  - (3) statements made in a public forum or in connection with an issue of public interest; OR
  - (4) any other conduct in furtherance of the exercise of the constitutional right of petition or free speech, in connection with an issue of public interest.
- (Code Civ. Proc., § 425.16, subd. (e).)

Categories (a) and (b) are NOT limited to issues of public interest, while categories (c) and (d) ARE limited to issues of public interest. (*Ibid.*)

The anti-SLAPP is one of the few motions where the burden is on the party opposing the motion. First, the defendant must make a prima facie showing that plaintiff's lawsuit arises from "an act in furtherance of a person's right of petition or free speech under the United States or California Constitutions in connection with a public issue," as defined in subdivision (e). Once defendants make such prima facie showing, the burden shifts to the plaintiff to establish a "probability" that it will prevail on whatever claims are asserted against the defendants. (See Code Civ. Proc., § 425.16, subd. (b); *Dixon v. Superior Court* (1994) 30 Cal.App.4th 733, 744.) The plaintiff must show: (1) a legally sufficient claim (i.e., a claim which, if supported by facts, is sustainable as a matter of law); and (2) that the claim is supported by competent, admissible evidence within the declarant's personal knowledge. (See *DuPont Merck Pharmaceutical Co. v. Superior Court* (2000) 78 Cal.App.4th 562, 568.)

The moving party only needs to make a prima facie showing that the cause of action arises from constitutionally protected free speech or petition activity. (*Governor Gray Davis Committee v. American Taxpayers Alliance* (2002) 102 Cal.App.4th 449, 458-459.) Both Code of Civil Procedure section 425.16 and Civil Procedure section 47 protect a litigant's right to access the courts without fear of subsequent derivative tort actions. (*Healy v. Tuscan Hills Landscape & Recreation Corp.* (2006) 137 Cal.App.4th 1, 5.) Thus communication is protected where it is related to judicial proceedings. (*Ibid.*)

Courts have noted that "the mere fact that an action was filed after protected activity took place does not mean the action arose from that activity for the purposes of the anti-SLAPP statute." (*Navellier v. Sletten* (2002) 29 Cal.4th 82, 89.) "In the anti-SLAPP context, the critical consideration is whether the cause of action is based on the defendant's protected free speech or petitioning activity." (*Ibid.*, emphasis in original.)

Here, Cruz argues that paragraph 64 of the Cross-Complaint shows this is an action arising from Cruz's litigation activity. However, paragraph 64 does not form the basis of the cause of action for fraud. The Cross-Complaint primarily alleges that Cruz committed mortgage fraud based on actions taken prior to his filing of the underlying complaint. (Cross-Complaint, ¶¶ 8-58, 66-71.) These actions form the basis of the sole cause of action alleged in the Cross-Complaint. As such, Cruz has not met his burden on the first prong.

If the moving party can meet the first prong, then the burden shifts to the opposing party to show a probability that he will prevail on the claims based on protected activity asserted against the moving party. (See Code Civ. Proc., 425.16, subd. (b).) The opposing party must produce evidence which would be admissible at trial. (*Chavez v. Mendoza* (2001) 94 Cal.App.4th 1083, 1087.) The probability of prevailing is established if the opposing party presents evidence which would result in a judgment for the opposing party, if believed by the trier of fact. (*Thomas v. Quintero* (2005) 126 Cal.App.4th 635, 637.) In considering this issue, the court looks at the pleadings and evidentiary submissions of the parties, without weighing the credibility or strength of competing evidence. (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 291.) As Cruz did not meet his burden on the first prong, the burden did not shift to Labbett for the second prong.

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** 11/14/2025.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: ***In Re: Mackenzie Grace Hanson***  
Superior Court Case No. 25CECG04978

Hearing Date: November 19, 2025 (Dept. 501)

Motion: Petition to Compromise the Claim of Mackenzie Grace Hanson

**Tentative Ruling:**

To grant the Petition and sign the proposed Order. No appearance necessary.

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** 11/17/2025.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: ***Jensen v. ADS Security Guards, et al.***  
Superior Court Case No. 24CECG01677

Hearing Date: November 19, 2025 (Dept. 501)

Motion: Petition for Compromise of Minor

**Tentative Ruling:**

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

**Explanation:**

Sufficient evidence is not provided to show that the medical providers and insurers have agreed to the reduced amounts in payments as stated in the Petition. The Petition provides that providers/insurers: the Rawlings Company, Fresno Community Hospital, Community Medical Providers, and Community Medical Imaging have each agreed to accept reduced amounts of \$4,892.98, \$1,725.00, \$165.00 and \$539.80, respectively, in full and final payment. If a provider/insurer agreed to negotiate its bill, this must be substantiated with information from the provider/insurer.

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:** DTT **on** 11/17/2025.  
(Judge's initials) (Date)