

Tentative Rulings for November 20, 2025
Department 502

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 502

Begin at the next page

(20)

Tentative Ruling

Re: ***In Re: Imidacloprid Cases***
Superior Court Case No. 22JCCP05241

Hearing Date: November 20, 2025 (Dept. 502)

Motion: By Nutrien Ag Solutions, Inc., Loveland Products, Inc., and Steve Mendoca, to Compel Further Responses to Discovery from Eriksson, LLC

Tentative Ruling:

To take the motion off calendar. (Fresno Superior Court Local Rule 2.1.17.)

Explanation:

Local Rule 2.1.17(A) provides,

No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied and permission to file the motion is granted via court order or the discovery dispute has not been resolved as a result of the Conference and permission to file the motion is expressly granted.

The motion clearly falls within the scope of the Local Rule, but moving parties have done nothing to comply, never having filed a pretrial discovery conference request.

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: KCK on 11/14/25
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***In re: Bently Chase Hanson***
Superior Court Case No. 25CECG05005

Hearing Date: November 20, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

To grant. Order approving compromise signed. 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: KCK **on** 11/17/25.
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***In re: Kayla Nicole Hanson***
Superior Court Case No. 25CECG05004

Hearing Date: November 20, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

To grant. Order approving compromise signed. 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: KCK on 11/17/25
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Lucia Mireles Roman v. Adriana Ruybal***
Superior Court Case No. 24CECG01686

Hearing Date: November 20, 2025 (Dept. 502)

Motion: By Melissa K. Rislov to Appear as Counsel *Pro Hac Vice*

Tentative Ruling:

To grant. The applicant, Melissa K. Rislov, has satisfied the requirements of the California Rules of Court, Rule 9.40.

Explanation:

Applications to appear as counsel *pro hac vice* are “addressed to the court’s sound discretion, keeping in mind that “ ‘the state should keep to a necessary minimum its interference with the individual’s desire to defend himself in whatever manner he deems best.’ ” (*Big Lot Stores, Inc. v. Superior Court of San Diego County* (2020) 57 Cal.App.5th 773, 779, quoting *Magee v. Superior Court* (1973) 8 Cal.3d 949, 952, quoting *People v. Crovedi* (1966) 65 Cal.2d 199, 208.) The applicant has satisfied the requirements of California Rules of Court, Rule 9.40 and the Court grants her application to appear *pro hac vice*.

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: KCK on 11/17/25
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***In re: Ryder Gunner Hanson***
Superior Court Case No. 25CECG05008

Hearing Date: November 20, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

To grant. Order approving compromise signed. 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: KCK on 11/17/25
(Judge's initials) (Date)

(41)

Tentative Ruling

Re: **Kylie Byrd v. City of Clovis**
Superior Court Case No. 25CECG00550

Hearing Date: November 20, 2025 (Dept. 502)

Motion: By Defendant Clovis Unified School District to Dismiss Plaintiff's Complaint as to the Second Cause of Action for Premises Liability

Tentative Ruling:

To grant the motion to dismiss plaintiff's second cause of action for premises liability, with prejudice, as to defendant Clovis Unified School District in the complaint filed on January 31, 2025; to strike the second amended complaint filed on September 15, 2025, as unauthorized.

Explanation:

Plaintiff Kylie Byrd, a minor by and through her guardian ad litem, Tyla Byrd (Plaintiff), initiated this action on January 31, 2025, by filing a form complaint (Complaint) against codefendants Clovis Unified School District (CUSD) and the City of Clovis. Plaintiff alleges Kylie Byrd was injured at a softball practice session when another student swung a metal bat and struck Kylie Byrd in the mouth. The Complaint has two causes of action—the first for general negligence and the second for premises liability.

The court sustained CUSD's demurrer to the second cause of action for premises liability with leave to amend. The court gave Plaintiff 20 days from the clerk's July 29, 2025, electronic service of the minute order to file a first amended complaint, and directed that "[n]ew language must be set in **boldface** type." Plaintiff failed to file a first amended complaint by the August 20, 2025, deadline. On August 26, 2025, CUSD's counsel granted Plaintiff an extension to August 29, 2025, to file a first amended complaint.

After Plaintiff failed to file or serve any amended pleading, CUSD filed a motion on September 8, 2025, for dismissal, with prejudice, of the second cause of action for premises liability pursuant to Code of Civil Procedure section 581, subdivision (f)(2).¹ Under that section, the court may dismiss the complaint as to a defendant when: "after a demurrer to the complaint is sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court and either party moves for dismissal." (*Ibid.*)

CUSD cites *Leader v. Health Industries of America, Inc.* (2001) 89 Cal.App.4th 603 (*Leader*), where the court explained the effect of a plaintiff's failure to file an amended complaint within the time specified after a court sustains a demurrer as follows:

¹ All further statutory references are to the Code of Civil Procedure.

[P]laintiffs' failure to file an amended complaint within the time allowed by the court had a number of immediate statutory ramifications

First, plaintiffs no longer had an unfettered right to file an amended complaint. A litigant does not have a positive right to amend his pleading after a demurrer thereto has been sustained. His leave to amend afterward is always of grace, not of right. Under section 472, a plaintiff may only amend as a matter of course before an answer or demurrer is filed or before trial of the issue of law raised in the demurrer. At that point the plaintiff's right to amend as a matter of course is gone. After expiration of the time in which a pleading can be amended as a matter of course, the pleading can only be amended by obtaining the permission of the court.

Second, to obtain the court's permission, plaintiffs were required to file a noticed motion for leave. . . . The law is well settled that a long deferred presentation of the proposed amendment without a showing of excuse for the delay is itself a significant factor to uphold the trial court's denial of the amendment. The law is also clear that even if a good amendment is proposed in proper form, unwarranted delay in presenting it may—of itself—be a valid reason for denial.

Third, plaintiffs' failure to file an amended complaint within the time allowed by the court subjected any subsequently filed pleading to a motion to strike, either by defendants or on the court's own motion. We have expressly recognized a trial court's authority to strike pleadings not filed in conformity with its prior ruling. . . . Indeed, by virtue of its *inherent* power to prevent abuse of its processes a trial court may strike an amended complaint filed in disregard of established procedural processes, and may strike an amended pleading because no request for permission to amend was sought.

Finally, plaintiffs' failure to file an amended complaint within the time specified subjected their entire action to dismissal in the court's discretion under section 581, subdivision (f)(2). Under that statute, the court may dismiss the complaint when: "after a demurrer to the complaint is sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court and either party moves for dismissal." (§ 581, subd. (f)(2).)

(*Leader, supra*, 89 Cal.App.4th at pp. 612–614, *italics original*, citations and internal quotation marks omitted.)

Here, Plaintiff did not amend the complaint within the time allowed by the court or the extension granted by CUSD. In her opposition, Plaintiff contends, with no evidentiary support, that counsel filed an amended complaint on August 27, 2025, and on September 9, 2025, but both were rejected due to an incorrect amendment number. On September 15, 2025, without leave of court, Plaintiff filed an unauthorized pleading designated as Plaintiff's second amended complaint (SAC). Plaintiff contends CUSD's "[m]otion to dismiss is mooted based thereupon." (Opp., p. 1:28.) Plaintiff provides no evidence that she served the SAC on the parties and the court's record includes no such

"Plaintiff [is] authorized to amend without leave of court only once." (*Hodges v. County of Placer* (2019) 41 Cal.App.5th 537, 544 [trial court correctly struck amended complaint filed without leave of court where demurrer had been sustained without leave to file an amended complaint (citing *Leader*)]; *Hedwall v. PCMV, LLC* (2018) 22 Cal.App.5th 564, 579 [court may strike improperly filed amended pleadings (citing *Leader*)].) Without a stipulation by the parties, "[a]fter expiration of the time in which a pleading can be amended as a matter of course, the pleading can only be amended by obtaining the permission of the court." (*Hodges v. County of Placer, supra*, 41 Cal.App.5th at p. 544.)

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.

Issued By: KCK on 11/17/25
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: **Brynn Curtis v. Master Storage 365, LLC**
Superior Court Case No. 24CECG05046

Hearing Date: November 20, 2025 (Dept. 502)

Motion: by Plaintiff Brynn Curtis to Compel Initial Responses to
(1) Special Interrogatories, Set One, and
(2) Requests for Production of Documents, Set One

Tentative Ruling:

To deny the motions to compel initial responses as moot.

To grant sanctions against defendant Master Storage 365, LLC and its counsel, Ryan L. Eddings of Hanson Bridgett LLP, jointly and severally, for the failure to provide verified responses to the discovery until after the motions to compel had been filed. Sanctions are in the amount of \$1,070.00 and are to be paid within 20 calendar days from the date of service of the minute order by the clerk.

Explanation:

Motions to Compel Initial Responses

A motion to compel may be heard even if late responses are served after the motion is filed. Unless the propounding party takes the matter off calendar, the court may determine whether the responses are legally sufficient and award sanctions for the failure to respond on time. (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants*, (2007) 148 Cal.App.4th 390, 410-411, emphasis added.) A court does not need to rule on the adequacy of the responses filed before the hearing; those issues have not been briefed, there is no separate statement as to those issues, and likely the parties have not met and conferred in an effort to reduce issues to be decided. A court can still decide the matter of sanctions.

Here, plaintiff Brynn Curtis ("plaintiff") propounded discovery on defendant Master Storage 365, LLC ("defendant") on February 19, 2025. (Sirmabekian Decls., ¶ 3, Exhs. A.) Time to respond was extended to at least July 14, 2025.² (*Id.*, ¶ 9, Exhs. B.) Defendant did not timely respond within the agreed upon time-frame, thereby waiving objections to the discovery. Defendant provided untimely substantive responses on October 23, 2025, prior to the hearing on these motions. (Eddings Decl., ¶ 5, Sirmabekian Suppl. Decl., ¶ 7.) Defendant provided verifications for the responses on October 27, 2025. (Sirmabekian Suppl. Decl., ¶ 11, Exh. 4.) As verified substantive responses were provided, the motions to compel *initial* responses is denied as moot.

² Defendant requested a further extension to July 28, 2025, but it is unclear from the declaration whether plaintiff granted the extension. (Sirmabekian Decls., ¶ 11, Exhs. B.)

However, it was proper for plaintiff to bring the motions to compel initial responses; it appears this motion practice was necessary in order to induce defendant to comply with the statutory discovery requirements.

Where responding party provides the requested discovery after the motion to compel was filed, the court is authorized to award sanctions. (Cal. Rules of Court, rule 3.1348(a).) Sanctions for these types of motions are mandatory unless the court finds that the party acted “with substantial justification” or other circumstances that would render sanctions “unjust.” (Code Civ. Proc. §§ 2030.290 subd. (c), 2031.300, subd. (c).)

Here, defendant did not provide responses to the propounded discovery nor verifications for its responses until after the present motions had been filed. Defendant claims the delay is due to the process of changing firms and transferring files. (Eddings Decls., ¶ 4.) However, counsel for defendant also acknowledges that he “overlooked the formal discovery deadlines during the transition and mediation scheduling process.” (*Ibid.*) To note, counsel for defendant did not resign from his position and begin the transfer process until April-May of 2025. Discovery was propounded in February of 2025. (*Id.*, ¶¶ 2-3.) Defendant requested and was granted extensions to respond and still failed to do so, despite choosing the deadlines. (Sirmabekian Decls., ¶¶ 9, 11.) The court does not find that defendant acted with substantial justification that would render sanctions unjust. Although the moving party could have taken the motions off calendar upon receipt of the verifications, it was within her right to bring the motions and it remained within her right to leave the motions on calendar to allow the court to rule on sanctions.

Sanctions are imposed against defendant Master Storage 365, LLC and its counsel, Ryan L. Eddings of Hanson Bridgett LLP, jointly and severally, in the reduced amount of \$1,070.00, which constitutes the filing fee of \$60.00 each for two motions and two hours of preparation at the rate of \$475.00 per hour.

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: KCK on 11/18/25
(Judge's initials) (Date)

(41)

Tentative Ruling

Re: **Victor Wiger v. Lou Roy**
Superior Court Case No. 24CECG01066

Hearing Date: November 20, 2025 (Dept. 502)

Motion: By Plaintiff for Entry of Judgment Quieting Title After Default

Tentative Ruling:

To deny plaintiff's request for entry of judgment quieting title without prejudice.

Explanation:

No Default

On March 11, 2024, plaintiff Victor L. Wiger filed an unverified complaint (Complaint) without his attorney's signature. In the Complaint plaintiff stated a single cause of action to quiet title to certain real property. The Complaint includes the legal description for Parcel 1 in Bonadelle Sierra Highlands and Parcel 2 (an easement for road purposes).

After obtaining the defendants' defaults and submitting his default package, plaintiff filed his First Amended Complaint to Quiet Title to Real Property (FAC), which includes plaintiff's verification and his attorney's signature. An amended complaint making substantive changes "opens" a default and gives the defendants another opportunity to respond. (*Leo v. Dunlap* (1968) 260 Cal.App.2d 24, 27 [amendment to increase damages sought is substantive]; *Engebretson & Co. v. Harrison* (1981) 125 Cal.App.3d 436, 440 [amendment of substance must be served before default can be entered].)

Under Code of Civil Procedure section 761.020, a cause of action for quiet title must be verified. Section 761.020 and the case law applying it require verification. (See *Lewis v. Superior Court* (1994) 30 Cal.App.4th 1850, 1866.) Plaintiff's unverified complaint cannot support a quiet title judgment. Therefore, the FAC makes substantive changes and it must be served on all defendants before the court can enter default.

Pleading

In addition to verification, Code of Civil Procedure section 761.020 provides that a complaint in a quiet title action "shall include . . . (a) A description of the property that is the subject of the action. . . . In the case of real property, the description shall include both its legal description and its street address or common designation, if any." (Code Civ. Proc., § 761.020, subd. (a).) The FAC includes no street address or common designation. Plaintiff submits no evidence about whether a street address exists. The complaint should also include "[t]he adverse claims to the title of the plaintiff against

which a determination is sought." (Code Civ. Proc., § 761.020, subd. (c).) The FAC has no allegations about the adverse claims of the named defendant, Lou Roy, and it includes incomplete allegations about "the aforementioned deceased persons," (FAC, ¶ 4) and the claims of the "defendant decedents described in Paragraph 3" (FAC, ¶ 11.A).

Posting Notice at the Property - No Proof of Service

When service has been made by publication in a quiet title action, the plaintiff must post a copy of the summons and complaint at a conspicuous place on the subject property. (Code Civ. Proc., § 763.020.) It is insufficient merely to submit the Declaration of Publication. Plaintiff must file a proof of service to prove compliance with the posting requirement. The Proof of Service form adopted by the Judicial Council (POS-010) must be used for this purpose. (Code Civ. Proc., § 417.10, subd. (f).)

No Lis Pendens

Code of Civil Procedure section 761.010, subdivision (b) provides that immediately upon commencement of a quiet title action, plaintiff "shall file" a notice of pendency of action in the county recorder's office. Plaintiff must submit evidence to show compliance with this requirement.

Prove-up Brief Must Supply Basis for Judgment

Plaintiff has submitted a prove-up brief, but it lacks the analysis of the essential elements to prove the alleged cause of action. If plaintiff is relying on the chain of title, he submits no documentary evidence to prove his chain of title claim, such as a deed and a chain to title guarantee.

In an action to quiet title by adverse possession, the claimant must provide evidence of the following elements:

(1) Possession must be by actual occupation under such circumstances as to constitute reasonable notice to the owner. (2) It must be hostile to the owner's title. (3) The holder must claim the property as his own under either color of title or claim of right. (4) Possession must be continuous and uninterrupted for five years. (5) The holder must pay all the taxes levied and assessed upon the property during the period.

(*Dimmick v. Dimmick* (1962) 58 Cal.2d 417, 421, citations omitted.)

Plaintiff's prove-up brief should analyze the quiet title claim with reference the elements set forth in Code of Civil Procedure section 761.020, and the evidence to support the claims. To prove his adverse possession claims, plaintiff submits his generic declaration to establish each element, but provides no supporting evidence (such as the nature of his actual occupation, how and when he took possession, tax bills and cancelled checks, etc.)

Hearing and Updated Form CIV-100 Required

Plaintiff must submit an updated mandatory Judicial Council Form CIV-100, which includes the required declaration of military status. (Cal. Rules of Court, rule 3.1800(a).) Plaintiff's declaration that defendant's military status is simply "unknown" is insufficient.

In all quiet title actions, the court must hold a hearing in open court and hear the evidence of title presented at the hearing, including such evidence as may be presented by the defaulting defendants, if any choose to appear. (*Bailey v. Citibank* (2021) 66 Cal.App.5th 335, 347 ["in a quiet title action the plaintiff is not entitled to entry of judgment as a matter of course, but must affirmatively prove its case in an evidentiary hearing at which the trial court must hear *all* the evidence offered concerning title, *including* evidence that may be presented at the hearing by a defaulting defendant[.]" italics original].)

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: KCK **on** 11/18/25

(36)

Tentative Ruling

Re: ***Duenas v. Sierra View Homes, et al.***
Superior Court Case No. 21CECG00559

Hearing Date: November 20, 2025 (Dept. 502)

Motion: by Defendant for Leave to File Amended Answer

Tentative Ruling:

To grant the motion for leave to file an amended answer. (Code Civ. Proc., § 473, subd. (a)(1).) Defendant is required to file the amended answer within two days from the service of the clerk of the minute order. New allegations/language must be set in **boldface** type.

Explanation:

Defendant Sierra View Homes seeks to amend its answer to include affirmative defenses relating to plaintiff's alleged delay in prosecution and representations of finalizing settlement.

"The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading . . ." (Code Civ. Proc., § 473, subd. (a)(1); see also Code Civ. Proc., § 576.) Judicial policy favors resolution of cases on the merits, and thus the court's discretion as to allowing amendments will usually be exercised in favor of permitting amendments. This policy is so strong, that denial of a request to amend is rarely justified, particularly where "the motion to amend is timely made and the granting of the motion will not prejudice the opposing party." (*Morgan v. Superior Court* (1959) 172 Cal.App.2d 527, 530.)

Even so, ". . . a court has ample discretion to deny a motion for leave to amend where there has been inexcusable delay in making the motion. . ." (*Jo Redland Trust, U.A.D. 4-6-05 v. CIT Bank, N.A.* (2023) 92 Cal.App.5th 142, 161–162.)

Here, the defendant provides that the parties attended a private mediation and reached a settlement on June 23, 2023. (Fitzgerald Decl., ¶ 3.) Shortly thereafter, plaintiff's counsel represented that he would prepare the settlement agreement for defense counsel's review. (*Ibid.*) Plaintiff has not yet provided defendant with the settlement agreement. (*Id.*, ¶ 4.) As defendant points out, the fact that a settlement was reached between the parties is supported even by statements made by plaintiff in Plaintiff's Status Report/Declaration Re Rule 3.1385 Settlement Hearing 3-11-25, filed on March 7, 2025. (See Plaintiff's Status Report, filed on Mar. 7, 2025, 2:22-24.) There, plaintiff represented that defendant's reached a conditional settlement of all individual and representative PAGA claims, but that the representative claims would require court approval. (*Id.*, 2:22-23.)

(27)

Tentative Ruling

Re: ***Tiffany Shoemaker v. Sonia Martinez***
Superior Court Case No. 24CECG00876

Hearing Date: November 20, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition. Orders Signed. No appearances necessary. The court sets a status conference for Wednesday, March 4, 2026, at 3:30 p.m., in **Department 502**, for confirmation of deposit of the minors' funds into the blocked accounts. If Petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come off calendar.

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: KCK on 11/19/25
(Judge's initials) (Date)