

**Tentative Rulings for December 2, 2025**  
**Department 503**

**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.*

23CECG04814      *Gabriel Wilson v. Rachel Morris* (Dept. 503)

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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.

23CECG03465      *Miguel Figueroa v. RCJG Company LP* is continued to Wednesday, December 17, 2025 at 3:30 p.m. in Department 503

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 503**

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**Tentative Ruling**

Re: **Ochoa v. General Motors, LLC, et al.**  
Superior Court Case No. 24CECG00484

Hearing Date: December 2, 2025 (Dept. 503)

Motion: Petitions to Compromise Minors' Claims

**Tentative Ruling:**

To continue the matter to December 18, 2025 at 3:30 p.m. in Department 503 to allow plaintiffs to submit additional evidence of costs requested to be paid from the settlements. Any supplemental paperwork must be filed no later than five court days prior to the hearing.

**Explanation:**

The minor plaintiffs are the sole heirs of decedent Felipe Ochoa, Sr. and have filed an action for the wrongful death of their father against defendants General Motors LLC and Michael Cadillac, Inc. Petitioner, their mother and guardian ad litem Mona Leza, seeks court approval of the settlement of the minors' claims against defendant General Motors LLC. The petitions to compromise the minor's claims were filed conditionally under seal with an ex parte motion to seal set to be heard on December 2, 2025.

The court has reviewed the petitions filed conditionally under seal in order to assess the merits as the redacted versions fail to provide sufficient information to allow the court to determine if the settlement is in the minors' best interests. The evidence to support the requests for costs from the settlement is limited to plaintiff counsel's attestation that the costs were expended to develop the evidence needed to prepare the case for trial and that costs in this case likely would have been \$1,000,000 had "FCA" not agreed to settle the action. (Petr., Att. 13a, Hilst Decl., ¶ 27.) Counsel's assessment that costs would have been significantly higher does not provide the court with information to evaluate the reasonableness of the costs incurred. The court intends only to approve reasonable expenses and court costs to be paid out of the settlement proceeds. (Prob. Code § 3601.) As such, additional evidence is required before the court can approve or deny the petitions at bench.

The court intends to continue the hearing on the petitions to December 18, 2025 with supplemental evidence to be filed by 5:00 p.m. on Friday, December 12, 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: JS on 11/25/2025.  
(Judge's initials) (Date)

(37)

**Tentative Ruling**

Re: **Muellenberg v. Cody**  
Superior Court Case No. 25CECG03214

Hearing Date: December 2, 2025 (Dept. 503)

Motion: By Defendants to Quash

**Tentative Ruling:**

To continue the motion to Thursday, January 8, 2026 at 3:30 p.m. in Department 503. The motion filed September 17, 2025 had an issue and the Court was unable to process it into the court system. Defendants should re-submit the motion no later than December 19, 2025.

**Explanation:**

In addition to the issue discussed about with regards to the motion, the Court would like to note the continuance gives the non-profit Plaintiff an opportunity to obtain counsel. Here, the non-profit plaintiff, A Home 4 Ever Rescue, Inc., is currently unrepresented by counsel. Corporations may not represent themselves before the court in *propria persona*, nor can corporations represent themselves through their officers, directors, or any other employee who is not an attorney. (*CLD Construction, Inc. v. City of San Ramon* (2004) 120 Cal.App.4th 1141, 1145.) Corporations must be represented by an appropriately licensed attorney in court proceedings. (*CLD Construction, Inc. v. City of San Ramon, supra*, 120 Cal.App.4th 1141, 1145.) The only exception to this rule would be for small claims matters. (*Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, fn. 5; *Van Gundy v. Camelot Resorts, Inc.* (1983) 152 Cal.App.3d Supp. 29, 30.) The prohibition against corporations appearing in *propria persona* is because a corporation is an artificial entity that can only act through natural persons. (*CLD Construction, Inc. v. City of San Ramon, supra*, 120 Cal.App.4th 1141, 1146.) If the corporation's representative is not an attorney, that person would be engaged in the unlicensed practice of law. (*Ibid.*) The continuance for Defendants to re-submit their motion to quash also provides the non-profit an opportunity to obtain counsel.

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: JS on 11/25/2025.  
(Judge's initials) (Date)

(37)

**Tentative Ruling**

Re: ***Hudson v. Hudson***  
Superior Court Case No. 23CECG04453

Hearing Date: December 2, 2025 (Dept. 503)

Motion: By Defendant Keith Hudson to Compel Plaintiff  
Alba Hudson's Responses to Special Interrogatories (Set Two),  
and Request for Production of Documents (Set Two); to Deem  
Admissions Admitted; and for Monetary Sanctions

**Tentative Ruling:**

To grant defendant Keith Hudson's motions to compel for Special Interrogatories (Set Two) and Request for Production of Documents (Set Two). Plaintiff Alba Hudson is ordered to serve verified responses, without objections, to defendant within 30 days of service of the minute order by the clerk.

To grant defendant Keith Hudson's request to deem Requests for Admissions admitted. The truth of the matters specified in the Requests for Admissions, Set Two, are to be deemed admitted unless plaintiff Alba Hudson serves, before the hearing, a proposed response to the Requests for Admission that is in substantial compliance with Code of Civil Procedure section 2033.220.

To grant monetary sanctions against plaintiff Alba Hudson in the total amount of \$700. Monetary sanctions are ordered to be paid within 30 calendar days from the date of service of the minute order by the clerk.

**Explanation:**

Motions to Compel

Plaintiff has had sufficient time to respond to the discovery propounded by defendant, and has not done so. Failing to respond to discovery within the 30-day time limit waives objections to the discovery, including claims of privilege and work product protection. (Code Civ. Proc., § 2030.290, subd. (a) [interrogatories]; Code Civ. Proc., § 2031.300, subd. (a) [production demands]; see *Leach v. Superior Court* (1980) 111 Cal.App.3d 902, 905–906.) Here, no responses have been received.

Requests for Admissions

Defendant served Requests for Admissions on Plaintiff on August 7, 2025. As of November 10, 2025, no responses had been received. The court has no information that any responses have been received as of the date of this ruling.

Failure to timely respond to requests for admissions results in a waiver of all objections to the requests, and upon proper motion the court *shall* deem them admitted. (Code Civ. Proc., § 2033.280.) The statutory language leaves no room for discretion.

(*Tobin v. Oris* (1992) 3 Cal.App.4th 814, 828.) However, the court may relieve the party who fails to file a timely response if, before entry of the order deeming the requested matters admitted, the party in default 1) moves for relief from waiver and shows that the failure to serve a timely response was due to “mistake, inadvertence or excusable neglect; and 2) the party has served a response in “substantial compliance with Code of Civil Procedure Section 2033.220. (Code Civ. Proc., § 2033.280(a)-(c); see *Brigante v. Huang* (1993) 20 Cal.App.4th 1569, 1584.) Here, no responses have been received to date.

### Sanctions

Regarding the interrogatories, where a party seeks monetary sanctions, the court “shall” impose such a sanction against the unsuccessful party, unless the court finds that party acted with substantial justification or other circumstances would render such sanctions as unjust. (Code Civ. Proc., § 2030.290, subd. (c).) Sanctions are mandatory against a party whose failure to respond timely necessitates a motion to deem admitted. (Code Civ. Proc., § 2033.280, subd. (c).) Pursuant to California Rules of Court, Rule 3.1030(a), this also applies where no opposition to the motion was filed. The court finds it reasonable to allow for a total of two hours for preparation of the substantially similar motions at the hourly rate of \$350 provided by counsel. Therefore, the amount in sanctions is \$700. In the event a hearing is necessary, the court will consider the costs incurred as a result.

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:** JS **on** 11/26/2025.  
(Judge's initials) (Date)

(47)

**Tentative Ruling**

Re: ***Anne Smith v Charles Kresiel***  
Superior Court Case No. 25CECG03023

Hearing Date: December 2, 2025 (Dept. 503)

Motion: Demurrer

**Tentative Ruling:**

To overrule defendant's demurrer.

**Explanation:**

The function of a demurrer is to test the sufficiency of a pleading by raising questions of law. (*Plumlee v. Poag* (1984) 150 Cal.App.3d 541, 545.) As relates to a complaint, the test is whether plaintiff has succeeded in stating a cause of action; the court does not concern itself with the issue of plaintiff's possible difficulty or inability in proving the allegations of the complaint. (*Highlanders, Inc. v. Olsan* (1978) 77 Cal.App.3d 690, 697.) In assessing the sufficiency of the complaint against demurrer, we treat the demurrer as admitting all material facts properly pleaded, bearing in mind the appellate courts' well established policy of liberality in reviewing a demurrer sustained without leave to amend, liberally construing the allegations with a view to attaining substantial justice among the parties. (*Glaire v. LaLanne-Paris Health Spa, Inc.* (1974) 12 Cal.3d 915, 918.)

Defendant contends that plaintiff's cause of action for intentional infliction of emotional distress fails to allege sufficient facts to state a valid claim. Defendant contends plaintiffs have not demonstrated "outrageous" conduct, which is a required element in proving intentional infliction of emotional distress. Defendant contends that all he did was decide who is allowed to come in contact with his daughter, which is not "outrageous" conduct. In this case, defendant states that he did not allow his daughter to see plaintiffs, who are the grandparents of the defendant's daughter.

"The elements of the tort of intentional infliction of emotional distress are: '(1) extreme and outrageous conduct by the defendant with the intention of causing, or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering severe or extreme emotional distress; and (3) actual and proximate causation of the emotional distress by the defendant's outrageous conduct. ...' Conduct to be outrageous must be so extreme as to exceed all bounds of that usually tolerated in a civilized community.' The defendant must have engaged in 'conduct intended to inflict injury or engaged in with the realization that injury will result.' [¶] It is not enough that the conduct be intentional and outrageous. It must be conduct directed at the plaintiff, or occur in the presence of a plaintiff of whom the defendant is aware." (*Christensen v. Superior Court* (1991) 54 Cal.3d 868, 903, citations omitted.)

California courts have held that the first element of the tort of intentional infliction of emotional distress should be analyzed on a case-by-case basis:

There is no bright line standard for judging outrageous conduct and “ ‘... its generality hazards a case-by-case appraisal of conduct filtered through the prism of the appraiser's values, sensitivity threshold, and standards of civility. The process evoked by the test appears to be more intuitive than analytical ....’ [Citation.]” (*KOVR-TV, supra*, 31 Cal.App.4th at p. 1028.)

*Cochran v. Cochran* (1998) 65 Cal.App.4th 488, 494.

Plaintiffs have alleged in their complaint, with verification and exhibits, that defendant filed false “domestic violence restraining order” petitions which a judge found were “purely out of spite,” and where defendant expressly withheld visitation as punishment until his criminal case concluded.

Based on the context and familial dynamics, plaintiffs have alleged sufficient facts to show that defendant acted “outrageously.” Therefore, the court intends to overrule the demurrer.

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: JS on 11/26/2025.  
(Judge's initials) (Date)



(47)

**Tentative Ruling**

Re: **Troy McTeer v. Deborah Acosta**  
Superior Court Case No. 24CECG01864

Hearing Date: December 2, 2025 (Dept. 503)

Motion: By Plaintiff for leave to file a First Amended Complaint

**Tentative Ruling:**

To grant, with the exception that the court does not grant the request to direct the clerk to file the document (the proposed First Amended Complaint) that is attached to the Order, nor does it grant the request to deem the First Amended Complaint filed as of the date of the order. Instead, plaintiff must separately file the First Amended Complaint within 10 days from the clerk's service of the minute order granting this motion. New allegations/language must be set in **boldface** type.

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: JS on 11/26/2025.  
(Judge's initials) (Date)