

**Tentative Rulings for December 3, 2025**  
**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)**

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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.

24CECG03271      *Nima Barakat v. Faizal Barakat* is continued to Wednesday, December 17, 2025 at 3:30 p.m. in Department 403

24CECG02831      *David Douglas v. John Doe 1* is continued to Wednesday, December 17, 2025 at 3:30 p.m. in Department 403

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 403**

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**Tentative Ruling**

Re: **Lydia Morales v Maria Arroyo**  
Superior Court Case No. 25CECG03022

Hearing Date: December 3, 2025 (Dept. 403)

Motion: Demurrer

**If oral argument is timely requested, it will be entertained on  
Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To continue to Wednesday, January 14, 2026 at 3:30 p.m. in Department 403, in order to allow defendants Maria Arroyo and Candelaria Arroyo, to meet and confer with the plaintiff in person or by telephone, as required. If this resolves the issues, defendant shall call the court to take the demurrer off calendar. If it does not resolve the issues, defendants shall file a declaration on or before December 31, 2025, stating, with detail, the efforts made.

**Explanation:**

Code of Civil Procedure section 430.41 makes it clear that meet and confer must be conducted "in person or by telephone." (*Id.*, subd. (a).) The moving party is not excused from this requirement unless they show that the plaintiff failed to respond to the meet and confer request or otherwise failed to meet and confer in good faith. (*Id.*, subd. (a)(3)(B).) Here, counsel has not filed any declaration regarding efforts to meet and confer. The parties must engage in good faith meet and confer, in person or by telephone, as set forth in the statute. The court's normal practice in such instances is to take the motion off calendar, subject to being re-calendared once the parties have met and conferred. However, given the extreme congestion in the court's calendar currently, the court will instead continue the hearing to allow the parties to meet and confer, and only if efforts are unsuccessful will it rule on the merits.

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:** img **on** 12-2-25.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: **Tartak v. Bachman**  
Superior Court Case No. 25CECG01391

Hearing Date: December 3, 2025 (Dept. 403)

Motion: by Defendant for Summary Judgment, or Alternatively,  
Summary Adjudication

**If oral argument is timely requested, it will be entertained on  
Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny.

**Explanation:**

Defendant Adrienne Bachman moves for summary judgment of the complaint filed by plaintiff Dalel Tartak, or in the alternative, summary adjudication of each cause of action of the complaint seeking declaratory relief as to the ownership of real property, 2890 Huntington Blvd., #110, in Fresno, California (the "Property"). The Property was a subject of the Marital Settlement Agreement between Theodore Bachman, who is now deceased, and defendant Adrienne Bachman following their divorce in 1993. Plaintiff, Dalel Tartak, widow of Theodore Bachman, seeks a one-half interest in the property as the sole heir to her husband.

"Summary judgment is granted when there is no triable issue as to any material fact and the moving party is entitled to judgment as a matter of law.'" (*Lopez v. Superior Court* (1996) 45 Cal.App.4th 705, 713, quoting Code Civ. Proc. § 437c(c).) Summary judgment is properly directed toward the entire complaint and not portions thereof. (see *Barnick v. Longs Drug Stores, Inc.* (1988) 203 Cal.App.3d 377, 384; *Khan v. Shiley, Inc.* (1990) 217 Cal.App.3d 848, 858-859.)

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 Civ. Proc. § 437c(f)(1); see also *Catalano v. Superior Court* (2000) 82 Cal.App.4th 91, 97 [piecemeal adjudication prohibited].)

Also, although the motion's title indicates it is a motion for summary judgment *and in the alternative for summary adjudication*, it is actually a motion for summary judgment alone. Where summary adjudication is sought, the notice must specify the "specific cause of action, affirmative defense, claims for damages, or issues of duty" sought to be

adjudicated and this must be repeated, verbatim, in the separate statement of material facts. (Cal. Rules of Court, Rule 3.1350(b).) The separate statement submitted with the motion does not clearly indicate any separate claims the facts are directed to, as required, but simply lists one set of facts. Thus, the motion at bench is simply a motion for summary judgment.

The ultimate burden of persuasion rests on the moving party, defendant Adrienne Bachman. The initial burden of production is on defendant to show by a preponderance of the evidence, that it is more likely than not that a given element cannot be established or that a given defense can be established. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.)

If defendant carries this initial burden of production, the burden of production shifts to plaintiff to show that a triable issue of material fact exists. Plaintiff does this if she can show, by a preponderance of the evidence, that it is more likely than not that a given element can be established or that a given defense cannot be established. (*Aguilar, supra*, 25 Cal.4th at 850, 852.)

In determining whether defendant has met her burden of production, the court must evaluate the plaintiff's evidence independently. That is, the court may not weigh the plaintiff's evidence or inferences against the defendant's evidence, as if the court were sitting as a trier of fact. If the plaintiff meets her burden, then the court must deny summary judgment, even if defendant has presented conflicting evidence. If the plaintiff meets her burden, a reasonable trier of fact could find for plaintiff and a triable issue of fact does exist for the jury to consider. (*Aguilar, supra*, 25 Cal.4th at 856-857.)

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."].)

Here, defendant Bachman submits as undisputed the fact of decedent Ted Bachman's intent to preserve the Property as defendant's property and primary residence and had no intention to sell the property. (UMF Nos. 6, 8, 10.) The evidence submitted in support of the decedent's intent is limited to the Declaration of Adrienne Bachman attesting to the understanding between herself and her former husband that the Property would remain in joint tenancy and that they had no communications regarding the sale of the Property. (Bachman Decl., ¶¶ 6-7, 10, 12.)

Plaintiff objects to the foundation that would allow defendant to provide evidence of decedent's intent as her response to Undisputed Material Fact No. 8, however no proper evidentiary objection is made. Written objections are to be filed separately from other papers, and quote the objectionable material and clearly state



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### Tentative Ruling

Re: ***Tchukon James Robin Shanks v. FCA US, LLC***  
Superior Court Case No. 25CECG02952

Hearing Date: December 3, 2025 (Dept. 403)

Motion: by Defendant Stellantis N.V. to Quash Service of Summons

**If oral argument is timely requested, it will be entertained on Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

### Tentative Ruling:

To take the motion off calendar, as no moving papers were filed. (Cal. Rules of Court, rule 3.1112.)

**Explanation:**

*Defendant Failed to File the Required Motion and Supporting Memorandum*

Unless otherwise provided by the rules in this division, the papers filed in support of a motion must consist of at least the following:

- (1) A notice of hearing on the motion;
- (2) The motion itself; and
- (3) A memorandum in support of the motion or demurrer.

(Cal. Rules of Court, rule 3.1112.)

Defendant Stellantis N.V. failed to file its Motion to Quash and a memorandum of points and authorities in support of the motion. The hearing on the motion to quash is therefore taken off calendar.

### *Service of Summons Has Been Deemed Defective*

The court notes that the proof of service of summons filed by plaintiff Tchukon James Robin Shanks on July 9, 2025 as to defendant Stellantis N.V. has already been deemed defective, because the summons issued and filed on July 2, 2025 was voided on July 8, 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: img on 12-2-25  
(Judge's initials) (Date)

(37)

**Tentative Ruling**

Re: **City of Reedley v. Tellez**  
Superior Court Case No. 22CECG02492

Hearing Date: December 3, 2025 (Dept. 403)

Motion: By Petitioner for Cancellation of Grant Deed, Sanctions, and Attorney's Fees and Costs

**If oral argument is timely requested, it will be entertained on Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To grant the motion as the cancellation of Grant Deed recorded July 12, 2023. (Civ. Code, § 3412.) The Grand Deed recorded July 12, 2023 identified as Fresno County Recorder Document Number 2023-0064089 is declared voidable and is cancelled and removed as an encumbrance or cloud on title of the Subject Property.

Receiver, Eric P. Beatty, is to submit an amended proposed order amending the typographical error "over" to "owner" on page 2, line 9.

To impose monetary sanctions in the amount of \$1,500 against Pete Manuel Tellez, Jr. and Glafiro Pete Tellez, jointly and severally. Sanctions are to be paid to the Court pursuant to Code of Civil Procedure section 177.5 within 30 calendar days from the date of service of the minute order by the clerk.

To deny the request for sanctions pursuant to Code of Civil Procedure section 128.5.

To continue the request for attorney's fees pursuant to Health and Safety Code section 17980.7, subdivision (c)(11) to January 8, 2026 at 3:30 p.m. in Department 403. Petitioner is to file and serve a supplemental declaration addressing the amount sought no later than December 19, 2025.

**Explanation:**

Civil Code section 3412 provides for cancellation of an instrument where the instrument is void or voidable and will cause injury if not cancelled. Here, the Court already made a finding on February 26, 2025 that the Grant Deed recorded July 12, 2023 was in violation of the Court's March 2, 2023 appointment order. (Order, February 26, 2025.) As such, the Court grants Petitioner's request to cancel the Grant Deed recorded July 12, 2023.

Code of Civil Procedure section 177.5 allows for the Court to impose reasonable monetary sanctions, not to exceed \$1,500, payable to the court for violations of its lawful





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**Tentative Ruling**

Re: **Arthur Boothes v. Robert Bayless**  
Superior Court Case No. 22CECG02932

Hearing Date: December 3, 2025 (Dept. 403)

Motion: by Defendants to Bifurcate Trial

**If oral argument is timely requested, it will be entertained on  
Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To grant defendants EFuel, LLC and Arturo Hernandez's motion to bifurcate the trial on the issue of liability from the issue of damages.

**Explanation:**

Under Code of Civil Procedure section 598, court is given great discretion in regard to the order of issues at trial:

The court may, when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted thereby, on motion of a party, after notice and hearing, make an order...that the trial of any issue or any part thereof shall precede the trial of any other issue or any part thereof in the case....

Similarly, Code of Civil Procedure section 1048, subdivision (b), specifies the court's discretion in regard to bifurcating issues for separate trial:

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action ... or of any separate issue or of any number of causes of action or issues.

The decision to grant or deny a motion to bifurcate issues, and/or to have separate trials, lies within the court's sound discretion. (See *Grappo v. Coventry Financial Corp.* (1991) 235 Cal.App.3d 496, 503-504.)

Defendants EFuel, LLC and Arturo Hernandez ("defendants") move to bifurcate the issue of liability from the issue of damages. Plaintiff Arthur Boothes ("plaintiff") strangely opposes bifurcation under Code of Civil Procedure section 598, but supports a court order for separate trials under Code of Civil Procedure section 1048, subdivision (b).

Based on the information and evidence presented, the court finds bifurcating the trial of the issue of liability from the issue of damages would promote economy and efficiency, and intends to grant the motion to bifurcate the trial.

## Evidentiary Objections

The court declines to rule on the evidentiary objections in defendants' reply brief, as no proper evidentiary objections have been made. Written objections must follow the format set forth in California Rules of Court, rule 3.1354. The trial court has discretion to overrule objections that fail to meet the standards set forth in the California Rules of Court. (*Schmidt v. Citibank, N.A.* (2018) 28 Cal.App.5th 1109, 1118.)

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: Img on 12-2-25  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: ***Salinas v. Sanger Unified School District***  
Superior Court Case No. 24CECG00561

Hearing Date: December 3, 2025 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

**If oral argument is timely requested, it will be entertained on  
Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**


**Tentative Ruling:**

To grant the petition. Orders signed. No appearances necessary.

The court sets a status conference for Tuesday, March 3, 2026 3:30 p.m., in Department 403, for confirmation of deposit of claimant's funds into the blocked account. 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, and Code of Civil Procedure section 1019.5(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:          on 12-1-25.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: **Wade Global Enterprises Incorporated, et al. v. Jones, et al.**  
Superior Court Case No. 23CECG04271

Hearing Date: December 3, 2025 (Dept. 403)

Motion: Default Prove-Up

**If oral argument is timely requested, it will be entertained on  
Thursday, December 11, 2025, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To deny without prejudice. (Code Civ. Proc., § 1033.5.)

**Explanation:**

The amount of attorney's fees and costs sought is not supported by law or by the documentation provided.

Plaintiffs seek default judgment of \$87,039.20 (\$60,000 in damages, \$6,000 in prejudgment interest, \$20,000 in attorneys' fees, and \$1,039.20 in costs). The present application fails to identify a basis upon which to seek attorney fees as to the causes of action asserted. When authorized by contract, statute or "law," reasonable attorney fees are "allowable costs." (Code Civ. Proc., § 1033.5, subd. (a)(10).) As shown below, plaintiffs have not stated a cause of action for breach of contract or a cause of action for financial elder abuse. Plaintiffs do not provide any other authority for the requested award of fees.

By defaulting, defendants admit liability for the debt or obligation on all well pled causes of action; i.e., defendants admit all facts that are well pleaded. (*Morehouse v. Wanzo* (1968) 266 Cal.App.2d 846, 853.) Thus, if the complaint fails to state a cause of action, a default judgment is erroneous and will be set aside on appeal. (*Molen v. Friedman* (1998) 64 Cal.App.4th 1149, 1153-1154.)

The Verified Complaint asserts causes of action for breach of contract, fraud, conversion, breach of fiduciary duty, and financial elder abuse.

*Breach of Contract and Fiduciary Duty*

Plaintiffs reference Exhibit A to the Verified Complaint, which is a Non-Disclosure Agreement. Exhibit A to the Verified Complaint is actually two agreements, a Confidentiality Agreement, and a Non-Disclosure Agreement. Neither contract appears to state the terms alleged as breached. Namely, neither contract indicates that a "\$60,000, transfer was to be utilized to remodel and refurbish the house and/or its backyard in various respects." (Verified Complaint, ¶ 52.) Neither are the terms in either contract that support the conclusion that "Defendants failed to perform under the

parties' agreement in that they failed to provide [plaintiff Jaeda Laree Ables] an ownership interest in the house, or to utilize the \$60,000 investment for the purposes the parties agreed to." (*Id.*, ¶ 55.) Any facts giving rise to a fiduciary duty owed by defendant is similarly absent.

#### *Financial Elder Abuse*

Also, the Verified Complaint fails to plead facts sufficient to state a cause of action for financial elder abuse. " 'Financial abuse' of an elder or dependent adult occurs when a person or entity . . . [t]akes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both." (Welf. & Inst. Code, § 15610.30, subd. (a)(1).) "A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult. (Welf. & Inst. Code, § 15610.30, subd. (b), emphasis added.)

Although plaintiffs allege that the \$60,000 investment was funded by plaintiff Retha Ann Ables ("Retha"), a woman over 70 years of age, it is not alleged that defendant had knowledge of this fact. The allegations in the Verified Complaint suggest that the negotiations were primarily made between plaintiff Jaeda Laree Ables ("Jaeda") and defendants, and that the primary beneficiary of any potential contract (if one were sufficiently alleged) would have been plaintiff Jaeda. Moreover, the documentary evidence attached to the Verified Complaint only provides a snapshot of the transaction history from an account belonging to Wade Global Enterprises Incorporated and a withdrawal of \$60,000 by Jaeda from an unidentified account. There is nothing to suggest that defendants knew or should have known that the funds came from Retha.

Accordingly, at best, plaintiffs have stated a cause of action for fraud and conversion. Plaintiffs have not stated a cause of action for breach of contract or a cause of action for financial elder abuse, and do not otherwise provide any authority for the requested award of fees.

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:** Img **on** 12-2-25.  
(Judge's initials) (Date)