

Tentative Rulings for February 3, 2026
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)

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.*

24CECG03407 *Berryhill v. McCormick Barstow et al.* (Dept. 501)

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

18CECG00898 *Frank Alarcon, SR v. Chris Monroe* is continued to Tuesday, February 10, 2026, at 3:30 p.m. in Department 501.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

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(20)

Tentative Ruling

Re: **Moore v. HSRE Pacifica Fresno OPCO LP, et al.**
Superior Court Case No. 23CECG04737

Hearing Date: February 3, 2026 (Dept. 501)

Motion(s): to Compel Further Responses from Plaintiffs Steven Moore and
Kevin Moore

Tentative Ruling:

Counsel for the parties are directed to appear at the hearing to clarify what motion(s) are at issue.

Explanation:

At this point the court cannot ascertain what motions are to be decided at this 2/3/2026 hearing. Defendants have filed many discovery motions, many of the motions were subsequently resolved by the parties, and there have been multiple continuances. The stipulation by the parties submitted on 12/5/2025 resulting in the 2/3/2026 hearing being set, does not clearly identify the motions being continued. It is unclear whether there remains a discovery dispute to be resolved by the court. Counsel are directed to appear to clarify the issue, as well as to update the court on their good faith efforts at resolution of the discovery dispute(s).

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 1/29/2026.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Brenda Potterfield v. Thomas Grimes**
Superior Court Case No. 25CECG04248

Hearing Date: February 3, 2026 (Dept. 501)

Motion: Demurrer

Tentative Ruling:

To sustain defendant's demurrer, with leave to amend. Plaintiff must file an amended pleading, if any, within 20 days, which shall run from service by the clerk of the minute order. New language must be set in **boldface** type.

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.)

An action to quiet title is statutorily defined at Code of Civil Procedure section 760.010 et seq. Code of Civil Procedure section 761.020 states the pleading requirements of such an action, which provides that the verified complaint include all of the following: (1) a description of the property that is the subject of this action, including both legal description and common designation; (2) the title of the plaintiff as to which a determination is sought and the basis of the title; (3) the adverse claims to the title of the plaintiff against which a determination is sought; (4) the date as of which the determination is sought; and (5) a prayer for the determination of the title of the plaintiff against adverse claims.

Plaintiff Brenda Porterfield's ("plaintiff") Complaint seeks quiet title to the real property "described as 105 W. Herndon Space 23, Fresno, CA 93650" ("the Subject Property") (Complaint, 1:21-22.), where plaintiff is the 50 percent owner of that property. (Complaint, 2:21-22.) Plaintiff also provides in her Complaint that defendant Thomas Grimes ("defendant") has co-owned the property since January 30, 2020. (Complaint, 2:3-4.)

Defendant demurs for two reasons: a) the Complaint does not adequately describe the property; and b) the Complaint fails to state a basis for quiet title.

With respect to defendant's assertion that the Complaint does not adequately describe the property, the general rule is that "'a land description is good if it identified the land or affords a means for its identification.'" (*Podd v. Anderson* (1963) 215 Cal.App.2d 660, 665, citation omitted.) "[T]he description must be certain and definite and sufficient in itself to identify the land..." (*Best v. Wohlford* (1904) 144 Cal. 733, 737.) "To be sufficient the description must be such that the land can be identified or located on the ground by use of the same." (*Edwards v. City of Santa Paula* (1956) 138 Cal.App.2d 375, 380, citation omitted.)

Under these circumstances, the address of the Subject Property is adequate where it provides the property's address.

The court agrees with defendant that plaintiff has not adequately stated a basis why plaintiff is the full legal and beneficial owner of the Subject Property and any adverse claims pertaining to the subject property. Accordingly, the demurrer is sustained for those reasons.

Leave to amend should be granted where there is a "reasonable possibility the pleading can be cured by amendment." (*Brenner v. City of El Cajon*, (2003) 113 Cal.App.4th 434, 444.) Plaintiff is granted the opportunity to amend her Complaint.

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 1/30/2026.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Jason Core v. Ford Motor Company**
Superior Court Case No. 24CECG05578

Hearing Date: February 3, 2026 (Dept. 501)

Motion: by Defendant for Entry of Protective Order to Govern
Production of Confidential Materials

Tentative Ruling:

To order the motion off calendar owing to defendant's failure to comply with Fresno Superior Court Local Rules, rule 2.1.17.

Explanation:

Background

On December 26, 2024, plaintiff Jason Core ("plaintiff" or "Core") filed a Complaint against defendants Ford Motor Company ("Ford") and Lithia FMF, Inc., a California Stock Corporation DBA Lithia Ford Lincoln of Fresno ("Lithia") (collectively "defendants"). Plaintiff alleges the following causes of action: (1) violation of Song-Beverly Act – breach of express warranty (against Ford); (2) fraudulent inducement (against Ford); and (3) negligent repair (against Lithia).

Ford moved for a protective order under Code of Civil Procedure section 2031.060. It seeks entry of the Los Angeles Superior Court (LASC) Model Protective Order, with proposed modifications to paragraphs 7, 8 and 21 of the LASC Model Protective Order. In opposition, plaintiff does not dispute the need for a protective order, but seeks entry of the standard LASC Model Order.

Pretrial Discovery Conference

Fresno Superior Court Local Rules, 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.

Ford is directed to rule 2.1.17 for further particulars. The court's file does not reflect any attempt to comply with this rule. Forms for requesting a conference and opposing the request are available on the court's website.

Other Issues

The court notes that the parties stipulated to a protective order, and the court entered that order on November 7, 2025. The terms of the November 7, 2025, order seem applicable to the current motion. On any renewed motion for protective order, the parties should explain how the existing protective order in place is inadequate.

Furthermore, the proposed protective order is not included with Ford's moving papers filed with the court. It appears that it should have been submitted as Exhibit 2 to Keith Stafford's declaration, but only the first and last page are included. Nor does Ford submit the LASC Model Protective Order. Nor does Ford include the language it seeks to change. The court cannot evaluate the merits of a protective order without having access to the actual protective order a party seeks. Any subsequent motion must include a complete draft of the proposed protective order.

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** 1/30/2026.
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: ***White Hills Trans, Inc. v. Singh, et al.***
Superior Court Case No. 23CECG01809

Hearing Date: February 3, 2026 (Dept. 501)

Motion: by Plaintiff for Leave to File a First Amended Complaint

Tentative Ruling:

To grant the motion of plaintiff White Hills Trans, Inc., for leave to file a first amended complaint. (Code Civ. Proc. § 473.) Plaintiff shall file its first amended complaint within 10 days of the date of service of this order.

Explanation:

“ ‘Code of Civil Procedure section 473, which gives the courts power to permit amendments in furtherance of justice, has received a very liberal interpretation by the courts of this state.... In spite of this policy of liberality, a court may deny a good amendment in proper form where there is unwarranted delay in presenting it.... On the other hand, where there is no prejudice to the adverse party, it may be an abuse of discretion to deny leave to amend.’ [Citation.] ‘In the furtherance of justice, trial courts may allow amendments to pleadings and if necessary, postpone trial.... Motions to amend are appropriately granted as late as the first day of trial ... or even during trial ... if the defendant is alerted to the charges by the factual allegations, no matter how framed ... and the defendant will not be prejudiced.’ [Citation.]” (*Rickley v. Goodfriend* (2013) 212 Cal.App.4th 1136, 1159.)

“While a motion to permit an amendment to a pleading to be filed is one addressed to the discretion of the court, the exercise of this discretion must be sound and reasonable and not arbitrary or capricious. And it is a rare case in which ‘a court will be justified in refusing a party leave to amend his pleadings so that he may properly present his case.’ If the motion to amend is timely made and the granting of the motion will not prejudice the opposing party, it is error to refuse permission to amend and where the refusal also results in a party being deprived of the right to assert a meritorious cause of action or a meritorious defense, it is not only error but an abuse of discretion.” (*Morgan v. Superior Court of Cal. In and For Los Angeles County* (1959) 172 Cal.App.2d 527, 530, internal citations omitted.)

Plaintiff moves the court for an order permitting it to file the First Amended Complaint, which will add as defendants A-I Income Tax Services, Inc., Seema Kaur, Ashdeep Virk and JPMorgan Chase Bank and add causes of action for aiding and abetting, conspiracy, negligence, negligence per se, breach of fiduciary duty, and illegal and unfair business practices and supporting allegations as to the additional defendants. The amendments are necessary to ensure litigation includes all claims against the all parties based upon material facts not previously known. (Chapman Decl., ¶ 10.) The amendments do not appear to prejudice defendant and he previously agreed

to stipulate to the filing of the amended complaint but has since stopped responding to plaintiff's counsel. (Id., ¶¶ 11-12.) Defendant Singh has not opposed the motion. No other defendants have appeared in the action.

The motion for leave to file the First Amended Complaint is granted.

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** 1/30/2026.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***Maria C. Jordan, as Trustee of the Randy L. Ghan Trust of 2013 v. Panthera Financial, Inc.***
Superior Court Case No. 23CECG03337

Hearing Date: February 3, 2026 (Dept. 501)

Motion: by Plaintiff for Order Permitting Creation of Lien

Tentative Ruling:

To grant.

Explanation:

Plaintiffs Maria C. Jordan, Trustee, and Tracey L. Gonzalez, Trustee ("plaintiffs"), move for an order permitting the creation of a lien on the cause of action in Fresno County Superior Court, Case No. 19CEPR00967, to which defendant Panthera Financial, Inc. ("defendant" or "Panthera") is a party. Plaintiffs bring their motion under Code of Civil Procedure section 491.415, subdivision (b).

A plaintiff may obtain an attachment lien on any cause of action the defendant has pending seeking money or property if the money or property would be subject to attachment. (See Code Civ. Proc., § 491.415, subd. (a).) If a plaintiff has already obtained a Right to Attach Order, the plaintiff may apply for an order permitting creation of a lien in the same manner as a Writ of Attachment. As a prerequisite to obtaining such an order, the plaintiff must file an undertaking as provided by Code of Civil Procedure sections 489.210 and 489.220. (Code Civ. Proc., § 491.415, subd. (b).) If an undertaking has already been given to obtain a Writ of Attachment, an additional undertaking is not required. (Cal. Law Rev. Com. Comment to Code Civ. Proc., § 491.415.)

Here, the court previously issued a Right to Attach Order and Order for Issuance of Writ of Attachment against Panthera in the instant matter on January 30, 2025, in the amount of \$2,494,681.45. (RJN,¹ ¶ 5, Exh. 5.) An undertaking for the Writ of Attachment was filed by plaintiff on December 16, 2024, in the requisite amount of \$10,000.00. (RJN, ¶ 4, Exh. 4.) The present application is supported by the declaration of Marisa L. Balch, Esq., and the records judicially noticed. Plaintiffs have established that the claim for money is subject to attachment, as it is corporate property subject to attachment pursuant to Code of Civil Procedure section 487.010, subdivision (a). The amount to be secured is yet to be determined, as the probate action is still pending. Panthera has not opposed this motion.

¹ Items (1), (3), (4) and (5) in the Request for Judicial Notice ("RJN") are granted pursuant to Evidence Code section 452, subdivision (d). Items (2), (6) and (7) are granted to the extent they demonstrate that such records exist, but not for the truths of any of the matters asserted therefrom. (*Steed v. Dept. of Consumer Affairs* (2012) 204 Cal.App.4th 112, 120-121.)

The court intends to grant the motion.

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** 1/30/2026.
(Judge's initials) (Date)

(03)

Tentative Ruling

Re: **Anguiano v. Ramos**
Case No. 25CECG01979

Hearing Date: February 3, 2026 (Dept. 501)

Motions (x3): by Plaintiff to Compel Further Responses from
Defendants Huerta and Huerdiesel Parts Service, Inc.

Tentative Ruling:

To deny plaintiff's three motions to compel further responses from defendants Huerta and Huerdiesel Parts Service, Inc., as they were untimely filed and served. To deny plaintiff's request for sanctions against defendants and their counsel.

Explanation:

Under Code of Civil Procedure sections 2030.300, subdivision (c), and 2031.310, subdivision (c), a motion to compel further responses to interrogatories and requests for production of documents must be filed within 45 days of the date that the responses were served, or any specific later date to which the parties agree in writing, or the moving party waives any right to compel a further response. The deadline is extended by an additional two days if the responses were served by electronic delivery. (Code Civ. Proc., § 1013, subd. (e).)

"This statute is mandatory and the court may not entertain a belated motion to compel." (*Vidal Sassoon, Inc. v. Superior Court* (1983) 147 Cal.App.3d 681, 683, citations omitted.) "The time limitation thus established is mandatory and if it is not met the court's order is 'in excess of its jurisdiction.'" (*Karz v. Karl* (1982) 137 Cal.App.3d 637, 646, citations omitted.)

Here, plaintiff served to the interrogatories and requests for production of documents on May 20, 2025, and defendants served their responses on July 16, 2025. (Pacheco decl., ¶¶ 4, 10.) Service of the responses was by electronic delivery. (Exhibit 7 to Pacheco decl.) Therefore, plaintiff had 47 days from July 16, 2025 in which to serve and file his motions to compel further responses, unless the parties agreed in writing to a different date. However, there is no evidence that the parties agreed to a later date for bringing the motions. Therefore, plaintiff was required to file and serve his motions to compel by no later than September 2, 2025, as September 1, 2025 (the forty-seventh day) was a court holiday.

Plaintiff filed his request for a pretrial discovery conference on September 2, 2025, the same day on which the deadline for filing the motions to compel ran out. Under Local Rule 2.1.17, "Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute." (Fresno Sup. Ct. Local Rules, rule 2.1.17 G.)

Thus, the filing of the pretrial discovery conference request tolled the running of the deadline from the date that the request was filed until the date that the court ruled on the request. Here, the court denied the request on September 11, 2025. The court's order specified that the deadline was tolled for a total of nine days. (See Court's September 11, 2025, Order Denying Pretrial Discovery Conference Request.) The court's order was electronically served on the parties, so the deadline to file the motions to compel was effectively extended by another two days. As a result, the deadline ran on September 13, 2025.

However, instead of filing his motions to compel on September 13, 2025, plaintiff filed another request for pretrial discovery conference on September 15, 2025. Yet, since the deadline to file the motions had already run on September 13, 2025, the filing of the second request for pretrial discovery conference did not toll or extend the deadline any further.² Plaintiff did not file his motions until October 15, 2025. Consequently, plaintiff's motions were not timely filed and he waived the right to compel further responses to the requests. Therefore, the court intends to deny the motions for untimeliness.

Finally, the court intends to deny plaintiff's request for sanctions against defendants. (Code Civ. Proc., §§ 2030.300, subd. (d); 2031.310, subd. (h).)

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** 1/30/2026.
(Judge's initials) (Date)

² Plaintiff has argued that the court's orders denying the pretrial discovery conference requests extended his deadline for a total of 24 days, as the first order stated the tolling period was nine days and the second order stated that the tolling period was 15 days. However, plaintiff has misread the court's orders and the language of Local Rule 2.1.17.

As discussed above, the Local Rule states that "Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute. The Court's order will specify the number of days the time for filing a motion is tolled." (Local Rule 2.1.17 G.) In other words, the deadline is tolled from the date when the pretrial discovery conference request is filed until the date that the court rules on the request.

Here, the court found that the deadline was tolled by nine days after the first request was filed, which was the number of days between September 2, 2025, when the request was filed, to September 11, 2025, when the court denied the request. The time to file the motions began running again once the request was denied, plus two days for the electronic service of the order denying the request. Since the plaintiff waited until the last possible day to file his first request, he had to file his motions by September 13, 2025. Since he did not file the motions by September 13, 2025, the motions were untimely.

Moreover, the filing of the second request for pretrial discovery conference did not reset the deadline or give plaintiff additional time to bring his motions, as the deadline had already passed before he filed his second request on September 15, 2025.