

Tentative Rulings for March 4, 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.*

22CECG02818 *Stellar Solar, Inc. v. Amazing Energy Partners, Inc.* – please note that the hearing will go forward in Department 502

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

23CECG04737 *Kevin Moore v. HSRE Pacifica Fresno OPCO LP* is continued to Wednesday, April 15, 2026, at 3:30 p.m. in Department 501.

25CECG03077 *Kathryn Aranzasu v. Central Unified School District* is continued to Wednesday, March 18, 2026, at 3:30 p.m. in Department 501.

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Tentative Ruling

Re: **Jeovanda Shaw v. Anita Sivasubramanian**
Superior Court Case No. 25CECG04979

Hearing Date: March 4, 2026 (Dept. 501)

Motion: Defendants Anita Sivasubramanian's and Anita Sivasubramanian, MD, Inc.'s Demurrer to Plaintiff Jeovanda Shaw's Complaint

Tentative Ruling:

To sustain defendants' demurrer, without leave to amend. (Code of Civ. Proc., § 430.10, subd. (e).) Defendants shall submit a judgment of dismissal within five days of the clerk's service of this minute order.

If oral argument is timely requested, such argument will be entertained on Thursday, March 5, 2026, at 3:30 p.m. in Department 501.

Explanation:

This medical malpractice action was initiated on October 31, 2025. Plaintiff Jeovanda Shaw ("Shaw") alleges one cause of action for (1) General Negligence based on Medical Malpractice arising from the treatment provided to Shaw from June 11, 2024, through July 3, 2025. This lawsuit, as it pertains to defendants, Anita Sivasubramanian, MD ("Sivasubramanian") and Anita Sivasubramanian, MD, Inc. ("Sivasubramanian INC.") (together "defendants"), arises from the care and treatment Sivasubramanian allegedly provided Shaw from June to July 2024. On June 11, 2025, Shaw served a notice of intent on Sivasubramanian, thus extending the timeline to file a complaint by 90 days as of the date of filing the notice of intent, pursuant to Code of Civil Procedure section 364.

Defendants demur to the general cause of action for negligence due to medical malpractice because the claim is time barred.

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.)

Code of Civil Procedure section 340.5 provides that "[i]n an action for injury or death against a health care provider based upon such person's alleged professional

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Tentative Ruling

Re: **Rachel Benavides v. Silverliner LLC**
Superior Court Case No. 25CECG03899

Hearing Date: March 4, 2026 (Dept. 501)

Motion: by Defendant Silverliner LLC to Set Aside Default

Tentative Ruling:

To grant the motion to set aside the default entered as to defendant Silverliner LLC. Defendant Silverliner LLC is to file its Answer within ten (10) days of the clerk's service of the minute order and to serve the same at the soonest available opportunity.

If oral argument is timely requested, such argument will be entertained on Thursday, March 5, 2026, at 3:30 p.m. in Department 501.

Explanation:

Legal Standard

The trial court has broad discretion to vacate a judgment and/or the clerk's entry of default that preceded it. However, that discretion can be exercised only if the moving party establishes a proper ground for relief, by the proper procedure, and within the statutory time limits. (*Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.)

Pursuant to Code of Civil Procedure 473, subdivision (b), relief is either mandatory or discretionary. Relief is mandatory where it is based on an attorney's affidavit of fault. (Code Civ. Proc., § 473, subd. (b).) Relief is discretionary where it is based on mistake, inadvertence, surprise, or excusable neglect. (*Ibid.*)

"The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted, and shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." (Code Civ. Proc., § 473, subd. (b).)

Discretionary Relief

The instant application for relief from entry of default was made on the grounds of inadvertence, surprise, mistake, or excusable neglect. Counsel for defendant Silverliner LLC attests that he requested an extension of time from plaintiff's counsel to file a responsive pleading, and while plaintiff's counsel failed to respond to the extension request, the parties engaged in settlement negotiations, fostering defendant's belief that he was not at any present risk of being defaulted. (Akhidenor Decl., ¶¶ 5-15.) Defendant

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Tentative Ruling

Re: ***In re: Pacie Braun***
Superior Court Case No. 26CECG00628

Hearing Date: March 4, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the Petition and sign the proposed orders. No appearances necessary.

If oral argument is timely requested, such argument will be entertained on Thursday, March 5, 2026, at 3:30 p.m. in Department 501.

The court sets a status conference for Tuesday, June 2, 2026, at 3:30 p.m., in Department 501, 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: DTT on 3/3/2026.
(Judge's initials) (Date)