

Tentative Rulings for March 5, 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.*

24CECG04779 *City of Indio v. Eric Oppenheimer (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.

24CECG03427 Jillian Rommel v. On Call Medical Transportation, LLC is continued to Thursday, April 16, 2026, at 3:30 p.m. in Department 501.

25CECG01717 Orlonzo Hedrington v. William Woolman is continued to Thursday, April 16, 2026, at 3:30 p.m. in Department 501.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(46)

Tentative Ruling

Re: **Victor Herrera Vera v. Anthony Ransom**
Superior Court Case No. 24CECG04777

Hearing Date: March 5, 2026 (Dept. 501)

Motion: by Defendants Ransom Concrete Construction, Inc., and Anthony Ransom to Compel Responses to:
(1) Form Interrogatories—Employment Law, Set One,
(2) Form Interrogatories—General, Set One,
(3) Special Interrogatories, Set One, and
(4) Requests for Production of Documents, Set One

Tentative Ruling:

To grant the motions of defendants Ransom Concrete Construction, Inc., and Anthony Ransom motions to compel plaintiff Victor Manuel Herrera Vera to provide verified responses to Form Interrogatories—Employment Law, Set One; Form Interrogatories—General, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One. (Code Civ. Proc., §§ 2030.290, subd. (b); 2031.300, subd. (b).) Plaintiff is ordered to serve complete verified responses to the discovery set forth above, without objection, within 15 days of the clerk's service of the minute order.

To impose monetary sanctions in favor of defendants Ransom Concrete Construction, Inc., and Anthony Ransom and against plaintiff Victor Manuel Herrera Vera. (Code Civ. Proc., §§ 2023.010, subd. (d), 2030.290, subd. (c), 2031.300, subd. (c).) Plaintiff is ordered to pay \$1,140.00 in sanctions to counsel for defendants, Hanson Bridgett LLP, within 30 days of the clerk's service of the minute order.

Explanation:

Motions to Compel Initial Responses to Discovery

A party that fails to serve a timely response to a discovery request waives "any objection" to the request. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).) The propounding party may move for an order compelling a party to respond to the discovery request. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).)

In the case at bench, defendants Ransom Concrete Construction, Inc. and Anthony Ransom ("defendants") served Form Interrogatories—Employment Law, Set One; Form Interrogatories—General, Set One; Special Interrogatories, Set One; and Requests for Production of Documents, Set One upon plaintiff Victor Manuel Herrera Vera ("plaintiff") by electronic mail on April 10, 2025. (Eddings Decls., ¶ 2, Exhs. A.) Time to respond was extended to December 11, 2025. (*Id.*, ¶ 3.) To date, plaintiff has failed to serve any responses. (*Id.*, ¶ 5.)

Therefore, defendants are entitled to an order compelling plaintiff to respond to the discovery. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300, subd. (b).) In addition,

since plaintiff did not respond to the discovery in a timely manner, he has waived all objections. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).)

Monetary Sanctions

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).)

Plaintiff has not opposed these motions to offer any substantial justification for the delay in response, and the court does not otherwise find any circumstances that would render sanctions unjust. As such, the court will award monetary sanctions in favor of defendants.

However, the amount of sanctions may be reduced, as the motions are straightforward and without issue, arising from the same set of facts; the motions are virtually identical; and the claimed hourly rate for defense counsel is high. The court finds it reasonable to allow for 2 hours of preparation for all four motions, calculated at the hourly rate of \$450.00 per hour, and to allow for recovery of the four motion filing fees. Sanctions will be imposed in the total amount of \$1,140.00 against plaintiff Victor Manuel Herrera Vera.

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** 3/3/2026 .

(Judge's initials)

(Date)

(37)

Tentative Ruling

Re: **Aiden Kelly-Johnson v. City of Fresno**
Superior Court Case No. 24CECG03458

Hearing Date: March 5, 2026 (Dept. 501)

Motion: Defendant State of California's Demurrer to the First Amended Complaint

Tentative Ruling:

To sustain the demurrer to the first, second and fourth causes of action, with leave to amend. Plaintiff is granted 10 days' leave to file a Second Amended Complaint, which will run from service by the clerk of the minute order. New allegations/language must be set in **boldface** type.

Explanation:

The function of a demurrer is to test the sufficiency of a plaintiff's pleading by raising questions of law. (*Plumlee v. Poag* (1984) 150 Cal.App.3d 541, 545.) The test is whether a plaintiff has succeeded in stating a cause of action; the court does not concern itself with the issue of a 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 the 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.)

Here, defendant State of California, by and through the Department of Forestry and Fire Protection ("CAL FIRE"), demurs as to each cause of action alleged against it. In plaintiff's First Amended Complaint ("FAC"), he alleges defendant had a duty to inspect power poles and power lines in the aftermath of a fire and to notify Pacific Gas & Electric Company ("PG & E") regarding the dangerous condition of the power poles. (FAC, ¶¶ 16-22.) Defendant argues that it has immunity pursuant to Government Code sections 818.6 and 850.4.

In California, tort liability against the government must be based on a statute. (*Cochran v. Herzog Engraving Co.* (1984) 155 Cal.App.3d 405, 409.) Claims against governmental entities must be pled with sufficient particularity. (*Lopez v. Southern Cal. Rapid Transit Dist.* (1985) 40 Cal.3d 780; *Zipperer v. County of Santa Clara* (2005) 133 Cal.App.4th 1013, 1020.) For such, "the plaintiff must set forth facts in his complaint sufficiently detailed and specific to support an inference that each of the statutory elements of liability is satisfied." (*Shields v. County of San Diego* (1984) 155 Cal.App.3d 103, 113.)

Immunities

Government Code section 850.4 articulates that a public entity and/or public employee acting in the scope of employment has immunity for injuries resulting from condition of fire protection or firefighting equipment or facilities. An exception exists pursuant to Vehicle Code section 17000. (Gov. Code, § 850.4; *Varshock v. Department of Forestry & Fire Protection* (2011) 194 Cal.App.4th 635, 642.) Such immunity is to be interpreted broadly. (*Varshock v. Department of Forestry & Fire Protection, supra*, 194 Cal.App.4th at p. 642.) The court in *Varshock* concluded that “the Legislature intended immunity to apply to any claim based on death, personal injury, or property damage that results from an act or omission of a public entity or employee while responding to or combating an actual fire.” (*Id.* at p. 643.)

Plaintiff cites *Lewis v. Mendocino Fire Protection District* (1983) 142 Cal.App.3d 345, 347 for the position that post-fire hazards are not meant to be included in the immunity. However, *Lewis* has been superseded by Health and Safety Code section 1799.107 which provides a qualified immunity for emergency rescue personnel providing emergency services. (*Ma v. City and County of San Francisco* (2002) 95 Cal.App.4th 488, 513.) Additionally, *Lewis* involved a situation where firefighters were responding to an emergency which did not involve a fire. (*Lewis v. Mendocino Fire Protection District, supra*, 142 Cal.App.3d at p. 347.)

Government Code section 818.6 articulates that public entities are not liable for injuries “caused by its failure to make an inspection, or by reason of making an inadequate or negligent inspection, of any property, other than its property (as defined in subdivision (c) of Section 830), for the purpose of determining whether the property complies with or violates any enactment or contains or constitutes a hazard to health or safety.”

Dangerous Condition

Government Code section 835 provides the statutory basis for a claim of a dangerous condition on public property. (Gov. Code, § 835; *Brenner v. City of El Cajon, supra*, 113 Cal.App.4th at p. 438.) The elements for a dangerous condition on public property are: “(1) a dangerous condition existed on the public property at the time of the injury; (2) the condition proximately caused the injury; (3) the condition created a foreseeable risk of the kind of injury sustained; and (4) the public entity had actual or constructive notice of the dangerous condition in sufficient time to have taken measures to protect against it.” (*Brenner v. City of El Cajon, supra*, 113 Cal.App.4th at p. 439.) A dangerous condition is one that creates a substantial risk of injury when used with due care. (*Hernandez v. City of Stockton* (2023) 90 Cal.App.5th 1222, 1230.)

In order to pursue a claim for dangerous condition of public property, the property in question must be property of a public entity. (*Carson v. Facilities Development Co.* (1984) 36 Cal.3d 830, 840.) The FAC asserts that defendants owned and controlled the area where decedent was killed. (FAC, ¶¶ 24, 32.) Defendant argues that the claim of ownership in the FAC is conclusory. Defendant does not cite to any authority explaining what must be alleged to show defendant's ownership or control. Defendant also argues that CAL FIRE does not own or control the private land where the fire occurred or where the power pole fell. (*Demurrer*, p. 11.) In the opposition, plaintiff clarifies that the fire originated on or near boundary lines shared by the Mendota Wildlife Refuge, a public property owned by the State of California. (*Opposition*, p. 8.) This claim does not appear in the FAC. Both parties focus their arguments on the merits of ownership, relying on

evidence asserted within their respective memorandums of points and authorities, which is inappropriate on demurrer.

Plaintiff has generally alleged ownership and control by defendant in the FAC. (FAC, ¶¶ 24, 32.) However, in his opposition, plaintiff argues that the downed power line was at or near state property and that case law allows for similar suits involving hazards adjacent to public property. Public entity property can be considered in a dangerous condition where conditions on an adjacent property expose users of the public property to a substantial risk of injury. (*Carson v. Facilities Development Co.*, *supra*, 36 Cal.3d at p. 841.) This is so where the alleged dangerous “condition ‘is so connected with or in such proximity to the [public entity property] as to render it unsafe to [users].’” (*Ibid*, quoting *Bakity v. County of Riverside* (1970) 12 Cal.App.3d 24, 30.)

Ultimately, the FAC is not pled with sufficient particularity with regard to ownership or control. The State of California is the relevant alleged defendant and at no point does plaintiff identify a particular department or entity under the umbrella of the State of California. The State has responded as CAL FIRE. The allegations are focused on CAL FIRE's response to the fire and alleged failure to address a damaged power pole. (FAC, ¶¶ 16-22.) As alleged, the only actor on behalf of the State is CAL FIRE and as such immunity controls here. The court sustains the demurrer to the first cause of action, with leave to amend insofar as plaintiff can clarify the State of California's ownership, control, and notice of the condition apart from CAL FIRE's response.

Negligence Claims

The negligence claims are based on alleged conduct of CAL FIRE in response to a fire. (FAC, ¶¶ 16-21.) As discussed above, immunity applies for injuries resulting from condition of fire protection or firefighting equipment or facilities. (Gov. Code, §850.4.) Plaintiff's claim that Government Code sections 815, 815.2, 815.6, and 820 provide the bases for liability lacks merit, as these do not overcome the immunity found in Government Code section 850.4.

Government Code section 815 articulates that public entities are not liable for injuries arising out of acts or omissions of the entity or its employees except as provided by statute. Government Code section 815.2 provides for liability as to a public entity where the employee's conduct would give rise to a cause of action against the employee. Government Code section 820 provides for liability to public employees for injuries caused by their conduct to the same extent as private persons. Here, though, given the immunity provided in Government Code section 850.4, liability would not exist for the firefighter employees nor would it for defendant public entity.

Government Code section 815.6 provides, “Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for any injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.” However, apart from attempts to tether claims to Government Code sections 815.2 and 820, plaintiff has not identified any mandatory duty imposed by an enactment in the FAC.

(27)

Tentative Ruling

Re: **Joe Ellis v. Plant Vegan, LLC**
Superior Court Case No. 24CECG02698

Hearing Date: March 5, 2026 (Dept. 501)

Motions (2x): (1) Application by Attorney Tonya Newman to Appear Pro Hac Vice
(2) Application by Attorney Thomas Zahrt to Appear Pro Hac Vice

Tentative Ruling:

To approve both applications.

Explanation:

The applications of Illinois attorneys Tonya Newman and Thomas Zahrt appear to comply with the requirements set forth by the State Bar of California and rule 9.40 of the California Rules of Court. In addition, from the court's record it appears no opposition has been filed. Therefore, the applications will be approved.

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 3/4/2026.
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: ***Davis v. Omobolajideola Delu Properties and Investments, LLC***
Superior Court Case No. 23CECG01680

Hearing Date: March 5, 2026 (Dept. 501)

Motions (x2): Petitions to Compromise Minors' Claims

To deny without prejudice. Petitioner must file amended petitions, with appropriate supporting papers and proposed orders.

Explanation:

The court has reviewed the supplemental declaration filed by counsel on February 23, 2026. The declaration adequately addresses the issue regarding treatment, however the court's concerns regarding the other two issues are not assuaged.

As set forth previously, it is unclear why Jaylynn, who suffered no physical injury, is receiving the same settlement as Jayveyonn, who suffered blood poisoning which required multiple forms of treatment.

As also set forth previously, the court is concerned with petitioner's possible appropriation of monies due to claimants. Though claimants would benefit from petitioner's ownership of a house and reliable vehicle, it is not proper that their funds be used for such purposes, if such would be the case here. (See generally *Goldberg v. Superior Court* (1994) 23 Cal.App.4th 1378, 1382 [court plays protective role in cases involving minors, and must assure what is done is in the minor's best interests].) Here, no showing has been made that there are not conflicting interests at play that could potentially be adverse to claimants.

Based on the issues set out above, the petitions are denied without prejudice.

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 3/4/2026.
(Judge's initials) (Date)