

Tentative Rulings for March 11, 2026
Department 502

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.*

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

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

Begin at the next page

(41)

Tentative Ruling

Re: ***Kourtney Westfall v. Fresno Unified School District***
Superior Court Case No. 25CECG00536

Jacob Westfall v. Fresno Unified School District, a public entity
Superior Court Case No. 25CECG03018

Jacob Westfall v. Fresno Unified School District
Superior Court Case No. 25CECG04480

Hearing Date: March 11, 2026 (Dept. 502)

Motion: Plaintiffs' Motion to Consolidate Actions

Tentative Ruling:

To grant plaintiffs' motion, consolidating for all purposes case numbers 25CECG00536, 25CECG03018, and 25CECG04480. The court designates case number 25CECG00536 as the lead case. A copy of this order shall be filed in each case. Any subsequent document shall be filed only in the lead case, and shall include the caption and case number of the lead case, followed by the case numbers of the two other consolidated cases.

Explanation:

The court has discretion to consolidate cases under Code of Civil Procedure section 1048, subdivision (a), which provides:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

The trial court properly exercises its discretion to consolidate cases when the cases present common issues arising from the same testimony, and consolidation does not "unduly confuse the jury or prejudice the [defendant]". (*Todd-Stenberg v. Dalkon Shield Claimants Trust* (1996) 48 Cal.App.4th 976, 980 [affirming trial court's exercise of discretion to consolidate three cases filed by plaintiffs with similar injuries from use of defendant's product].)

"When actions are consolidated, . . . no merger of the action results; each action retains its separate identity and no increase, diminution, or change in the litigants' rights can occur. The purpose of consolidation is merely to promote trial convenience and economy." (*Mueller v. J. C. Penney Co.* (1985) 173 Cal.App.3d 713, 722 [trial court consolidated wife's civil action against store and security guard with husband's action for loss of consortium arising out of same facts].)

(47)

Tentative Ruling

Re: ***Alyssa Lopez v. Kings View Behavioral Health Center***
Superior Court Case No. 25CECG03285

Hearing Date: March 11, 2026 (Dept. 502)

Motion: Defendant Kings View Behavioral Health Center's Demurrer to Plaintiff Alyssa Lopez's Complaint

Tentative Ruling:

To sustain the demurrer as to the second cause of action, without leave to amend.

To overrule the demurrer as to the third, fourth and fifth causes of action.

Explanation:

Defendant Kings View Behavioral Health Center ("Kings View" or "defendant"), demurs to the second through fifth causes of action asserted against it in plaintiff Alyssa Lopez's ("Lopez" or "plaintiff") Complaint.

The second cause of action alleges Lopez was wrongfully terminated in violation of public policy pursuant to Labor Code section 1102.5. The third, fourth and fifth causes of action allege harassment, retaliation and wrongful termination pursuant to the Fair Employment and Housing Act. (FEHA.) Kings View demurs as to each of these causes of action on the grounds that each cause of action is barred by the applicable statute of limitations.

Lopez was terminated on November 16, 2022. (Complaint, ¶¶ 30-37.) Lopez's complaint at paragraph 7 alleges she obtained a "right to sue letter" from the Department of Fair Employment and Housing ("DFEH) on July 10, 2025. Lopez subsequently filed her complaint on July 11, 2025.

Kings View asks the Court to take judicial notice that Lopez received a "right to sue" letter on February 26, 2024. The court grants Kings View's request for judicial notice that Lopez did receive a "right to sue letter" on February 26, 2024. (Civ. Code, § 452 subd. (c); *Fowler v. Howell* (1996) 42 Cal.App.4th 1746, 1750 [permits judicial notice of records of state administrative agencies].)

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.)

In a demurrer proceeding, the defects must be apparent on the face of the pleading or via proper judicial notice. (*Donabedian v. Mercury Ins. Co.* (2004) 116 Cal.App.4th 968, 994.) "A demurrer tests the pleadings alone and not the evidence or other extrinsic matters. Therefore, it lies only where the defects appear on the face of the pleading or are judicially noticed. (Code of Civ. Proc., §§430.30, 430.70.)

Second Cause of Action

Kings View demurs on the second cause of action for wrongful termination in violation of public policy pursuant to Labor Code section 1102.5 on the grounds that this cause of action is outside the statute of limitations.

A claim for wrongful termination in violation of public policy-commonly referred to as a *Tameny* claim - is a common-law tort, even when the public policy underlying the claim is derived from a statute. (*Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167); see also *Stevenson v. Superior Court* (1997) 16 Cal.4th 880.) Because it is a tort claim, it is governed by the two-year statute of limitations under Code of Civil Procedure section 335.1. (*Mathieu v. Norrell Corp.* (2004) 115 Cal.App.4th 1174, 1189, fn. 14.)

The limitations period for a wrongful termination claim begins to run at the time of termination. (*Mathieu, supra*, 115 Cal.App.4th at 1189.) Here, Lopez alleges she was terminated on November 16, 2022. The two-year statute of limitations therefore expired in November 2024. Lopez did not file this lawsuit until July 11, 2025 approximately eight months after the limitations period expired.

Accordingly, the court sustains the demurrer with respect to the second cause of action.

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.) Here, Lopez fails to show how she can amend her pleading to cure its defects. Therefore, the court sustains defendant's demurrer as to the second cause of action, without leave to amend.

Third, Fourth and Fifth Causes of Action

Kings View also demurs to the third, fourth and fifth causes of action, which are all based on FEHA, as being time-barred.

"FEHA claims are governed by two statutory deadlines: section 12960 and section 12965." (*Acuna v. San Diego Gas & Electric Co.* (2013) 217 Cal.App.4th 1402, 1411.) Government Code section 12960, subdivision (e)(5) requires an employee to file a FEHA complaint with the California Civil Rights Department ("CRD)", formerly the California DFEH, within three years of suffering an alleged adverse employment action. The CRD has up to one year from the filing of the administrative claim to complete its investigation and issue a right-to-sue letter. (Gov. Code, § 12965, subd. (c)(1)(A).) An employee has

(47)

Tentative Ruling

Re: **Alexandra Seifert v. Paul Michaelides**
Superior Court Case No. 25CECG03846

Hearing Date: March 11, 2026 (Dept. 502)

Motions (x2): Plaintiff's Motion to Set Aside the Court's December 11, 2025
Ex Parte Order

Plaintiff's Motion for Default Judgment

Tentative Ruling:

To deny plaintiff's motion to set aside the Court's December 11, 2025 Ex Parte Order.

To deny plaintiff's motion to enter default judgment against defendants.

Explanation:

Set Aside the Ex Parte Order

Plaintiff, Alexandra Seifert ("Seifert" or "plaintiff"), seeks to set aside the Court's December 11, 2025 Ex Parte Order which granted defendants Paul Leon Michaelides, D.D.S., and Paul L. Michaelides, D.D.S., M.Sc.D., Inc. ("Defendants") an extension of time to respond to plaintiff's complaint.

Pursuant to Code of Civil Procedure section 1008, a party may bring a motion to reconsider, and a different order may then be entered, provided the motion is:

1. Brought before the same judge that made the order;
 2. Made within 10 days after service upon the party of notice of the entry of the order;
 3. Based on new or different facts, circumstances, or law;
- and
4. Made and decided before entry of judgment.

Plaintiff has not alleged any new facts related to the ex parte application. Accordingly, the Court denies the motion to reconsider its December 11, 2025 Ex Parte Order.

Furthermore, the court denies defendants' request for sanctions against plaintiff. Defendants contend that plaintiff's current motion is a waste of the court's time. (Defendants Opposition Papers, Pg. 6, Ins. 15-21.)

Defendant seeks sanctions pursuant to Code of Civil Procedure sections 1008, subdivision (d) and 128.7. Code of Civil Procedure section 1008, subdivision (d) only permits imposition of sanctions against a party who brings an unsuccessful motion for

