

Tentative Rulings for March 26, 2026
Department 503

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.*

25CECG04363 *In re Leanna Ruelas* (Dept. 503)

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

25CECG04463 *In re Ernest Raymond Lopez IV* is continued to Thursday June 25, 2026 at 3:30 pm in Department 503

15CECG01274 *Sam Ouk v. Pacific Gas & Electric Company* is continued to Wednesday, April 15, 2026, at 3:30 p.m. in Department 503.

24CECG03603 *Frank Cruz v. Oscar Bibiano* is continued to Wednesday, April 29, 2026, at 3:30 p.m. in Department 503.

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Tentative Rulings for Department 503

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Tentative Ruling

Re: ***Medina v. Kerman Unified School District et al.***
Superior Court Case No. 24CECG01614

Hearing Date: March 26, 2026 (Dept. 503)

Motion: By Plaintiff Kiomi Medina to Compromise Minor's
Claim

Tentative Ruling:

To deny, without prejudice. In the event that oral argument is requested, both of petitioner/plaintiff Kiomi Medina and claimant/plaintiff Rene Medina are excused from appearing.

Explanation:

Plaintiff Kiomi Medina ("Petitioner") seek an order approving the compromise of a minor's claim on behalf of plaintiff Rene Medina ("Minor").

Item 2(b) fails to indicate Minor's date of birth and present age.

Item 8 fails to attach a final report of Minor's condition, following treatment identified in Item 7. No evidence was submitted as to whether Minor needs any further care.

Item 12 indicates that there were out-of-pocket medical expenses. It is unclear whether Medi-Cal is involved. (Medina Decl., ¶ 8.) Attached to the petition is a letter from the California Department of Health Care Services, dated February 19, 2026, which indicates that Minor is a Medi-Cal recipient and may have received health care services related to the injury in question. The letter provides notice that the Department of Health Care Services is seeking further information as to the injury in question to determine whether a lien will issue. The court finds that the petition is therefore premature as to all medical expenses.

Item 18 indicates that a guardianship estate or a conservatorship estate has been established by Minor, of which Petitioner is the guardian or conservator. The case number submitted however is the present action. The court infers that these options were marked in error due to the additional marking of Item 18b(3). However, to the extent that a guardianship or conservatorship has been established under the Probate Code, Petitioner is directed to identify applicable case numbers of those guardianships or conservatorships.

For the above reasons, the motion is 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

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Tentative Ruling

Re: ***Hermosillo v. Valley Pride Ag Company, Inc. et al.***
Superior Court Case No. 25CECG02153

Hearing Date: March 26, 2026 (Dept. 503)

Motion: By Defendants Valley Pride Ag Company, Inc. and Richard Merritt on Demurrer to First Amended Complaint

Tentative Ruling:

To sustain the demurrer as to the first, second, third, fourth, and fifth causes of action as to defendant Sladjana Jankovic, without leave to amend. (Code Civ. Proc., § 430.10, subd. (e).) To overrule the demurrer on all other grounds. (*Ibid.*) Defendants Valley Pride Ag Company, Inc. and Richard Merritt are directed to file an answer within five days of service of the order by the clerk.

Explanation:

On May 5, 2025, plaintiff Jessica Hermosillo ("Plaintiff") filed suit against defendants Valley Pride Ag Company, Inc. and Richard Merritt (together "Defendants").¹ On August 13, 2025, Plaintiff filed a First Amended Complaint ("FAC"). The FAC states six causes of action, of which, two are at issue: fifth cause of action, for "Civ. Code, Section 52.1"; and the sixth cause of action for "Civ. Code, Section 51". Defendants generally demur to these two causes of action on the grounds of sufficient facts. Defendants further demur on behalf of defendant Sladjana Jankovic as to all causes of action on the grounds of insufficient facts.²

In determining a demurrer, the court assumes the truth of the facts alleged in the complaint and the reasonable inferences that may be drawn from those facts. (*Miklosy v. Regents of Univ. of Cal.* (2008) 44 Cal.4th 876, 883.) On demurrer, the court must determine if the factual allegations of the complaint are adequate to state a cause of action under any legal theory. (*Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 103.)

On a demurrer a court's function is limited to testing the legal sufficiency of the complaint. A demurrer is simply not the appropriate procedure for determining the truth

¹ The court notes that Defendants demur to the benefit of non-moving defendant Sladjana Jankovic ("Jankovic"). The court intends to take judicial notice of the register of actions in this matter that counsel for Defendants identify as counsel for Jankovic through a Notice of Acknowledgement for service of the summons and complaint. (Notice of Acknowledgement, dated December 10, 2025.) The court intends to find that counsel for Defendants also represent the interests of Jankovic.

² Defendants further submit arguments regarding uncertainty. Uncertainty was not a basis of demurrer. (*Compare* Code Civ. Proc., § 430.10, subd. (f).) The opposition does not directly address issues of uncertainty. The court disregards any challenge to the FAC on the special demurrer of uncertainty.

of disputed facts. (*Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114.) It is error to sustain a demurrer where plaintiff "has stated a cause of action under any possible legal theory. In assessing the sufficiency of a demurrer, all material facts pleaded in the complaint and those which arise by reasonable implication are deemed true." (*Bush v. California Conservation Corps* (1982) 136 Cal.App.3d 194, 200.)

A plaintiff is not required to plead evidentiary facts supporting the allegation of ultimate fact; the pleading is adequate if it apprises defendant of the factual basis for plaintiff's claim. (*Perkins v. Superior Court* (1981) 117 Cal.App.3d 1, 6.) Stated another way, a plaintiff is required only to set forth the essential facts of his case with reasonable precision and with particularity sufficient to acquaint a defendant with the nature, source, and extent of his cause of action. (*Youngman v. Nevada Irrigation Dist.* (1969) 70 Cal.2d 240, 245.)

Defendants initially submit that the FAC fails to allege any facts as to Jankovic in regards to the first four causes of action. On review of the FAC, it appears that the alleged facts involving Jankovic are limited to paragraph 11, regarding the authoring of a certain letter, which were restated in paragraph 44(c), in the fifth cause of action. Plaintiff in opposition is silent on this issue. The demurrer is sustained as to Jankovic as to the first four causes of action, without leave to amend.

The fifth cause of action states a cause of action under Civil Code section 52, 1, also known as a Bane Act claim.

The Bane Act permits an individual to pursue a civil action for damages where another person "interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or the rights secured by the Constitution or laws of this state." (Civ. Code, § 52.1, subd. (b).) The essence of a Bane Act claim is that the defendant, by the specified improper means, tried to or did prevent the plaintiff from doing something she had the right to do under the law or to force the plaintiff to do something she was not required to do under the law. (*King v. State of Cal.* (2015) 242 Cal.App.4th 265, 294.) The Bane Act also provides that speech alone is not sufficient to constitute a violation unless it involves a credible threat of violence. (Civ. Code, § 52.1, subd. (k).) However, actual violence will also form the basis of a Bane Act claim. (See *Shoyoye v. County of Los Angeles* (2012) 203 Cal.App.4th 947, 958-959 ["While we are not prepared to and need not decide that every plaintiff must allege violence or threats of violence in order to maintain an action under section 52.1, we conclude that the multiple references to violence or threats of violence in the statute serve to establish the unmistakable tenor of the conduct that section 52.1 is meant to address."] [internal citations omitted])

Here, the FAC identifies that Defendants and Jankovic, and each of them intentionally used threats, intimidation, and coercion to interfere with her rights under the Fair Employment and Housing Act ("FEHA"). (FAC, ¶¶ 43, 44.) There is no general dispute that interference with the rights under FEHA may be foundation for a claim under the Bane Act. (See *Venegas v. County of Los Angeles* (2004) 32 Cal.4th 820, 841-842.) Rather, Defendants submit that the FAC fails to state a threat of violence. As noted above, actual

