<u>Tentative Rulings for April 18, 2024</u> <u>Department 503</u>

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.

18CECG04501	David Diaz v. Sun-Maid Growers of California is continued from Tuesday, May 21, 2024, at 3:30 p.m. in Department 503
19CECG03249	Assemi Brothers, LLC v. Wonderful Pistachios & Almonds is continued to Wednesday, May 29, 2024, at 3:30 p.m. in Department 503
23CECG01371	Vang Vue v. Kia America, Inc. is continued to Wednesday, May 29, 2024, at 3:30 p.m. in Department 503
23CECG02912	Micaela Hinojosa v. Joe Toney is continued to Thursday, May 30, 2024, at 3:30 p.m. in Department 503

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(34)

Tentative Ruling

Re: Aguilar v. Zepeda, et al.

Superior Court Case No. 20CECG02841

Hearing Date: April 18, 2024 (Dept. 503)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

Plaintiff Jose Aguilar has not filed a Judicial Council Form Civ-100 Request for Entry of Court Judgment, and the Court may not proceed without it. Should Plaintiff calendar another hearing, the Court prefers a default packet that complies with California Rules of Court, rule 3.1800, and the Superior Court of Fresno County, Local Rules, rule 2.1.14, be submitted at least ten court days prior to the hearing in order to avoid unnecessary consumption of time at the hearing.

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 Ruli	ng			
Issued By:	jyh	on	4/15/24	
,	(Judge's initials)		(Date)	

(27) <u>Tentative Ruling</u>

Re: Juan Rodriguez v. Bridgecrest Credit Company, LLC

Superior Court Case No. 23CECG05220

Hearing Date: April 18, 2024 (Dept. 503)

Motion: By Defendant Bridgecrest Credit Company, LLC to Compel

Arbitration and Stay Proceedings

Tentative Ruling:

To grant. The action is stayed pending completion of arbitration. (Code Civ. Proc., § 1281.4.)

Explanation:

"California law, like federal law, favors enforcement of valid arbitration agreements." (Armendariz v. Foundation Health Psychcare Services, Inc. (2000) 24 Cal.4th 83, 97.) "When presented with a petition to compel arbitration, the initial issue before the court is whether an agreement has been formed." (Diaz v. Sohnen Enterprises (2019) 34 Cal.App.5th 126, 129.)

Moving defendant's motion is supported by a declaration from its Assistant Director of Loan Servicing whom possesses personal knowledge of defendant's customer records (including plaintiff's) and confirmation of the agreement to resolve all disputes through arbitration. (Leadingham, Decl. passim.) This evidence of plaintiff's acceptance of the subject arbitration agreement satisfies moving defendants' burden to show an enforceable agreement to arbitrate. (See Binder v. Aetna Life Ins. Co. (1999) 75 Cal.App.4th 832, 850 ["Mutual assent may be manifested by written or spoken words, or by conduct."].) Considering that plaintiff has not opposed this motion (and instead filed a "consent") there is no claim that the arbitration agreement should not be enforced. Therefore, moving defendant's motion to compel arbitration and stay these proceedings 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:	jyh	on	4/17/24	
	(Judge's initials)		(Date)	

(29)

<u>Tentative Ruling</u>

Re: Snyder v. City of Fresno

Superior Court Case No. 20CECG02826

Hearing Date: April 18, 2024 (Dept. 503)

Motion: Petition to Approve Compromise of Disputed Claim of Minor

Tentative Ruling:

To grant. Orders signed. No appearances necessary.

The court sets a status conference for Wednesday, July 17, 2024, at 3:30 p.m., in Department 502, for confirmation of deposit of the minor's funds into a 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(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 Ruli	ng			
Issued By:	jyh	on 4	1/17/24	
	(Judge's initials)	(Dat	e)	