

Tentative Rulings for May 7, 2025
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.*

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

24CECG01787	<i>Ivette Galvez v. Employer's Outsourcing, LLC</i> is continued to Tuesday, June 17, 2025 at 3:30 p.m. in Department 501.
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Tentative Rulings for Department 501

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(03)

Tentative Ruling

Re: **Chennault v. County of Fresno**
Case No. 24CECG01407

Hearing Date: May 7, 2025 (Dept. 501)

Motion: by Petitioner for Injunction of Default

Tentative Ruling:

To continue oral argument on the matter to May 28, 2025 at 3:30 p.m. in Department 501 to give petitioner an opportunity to obtain and review the tentative ruling.

To deny petitioner's motion, for lack of any evidence showing respondents have been properly served with the Petition or the present motion.

Explanation:

Petitioner has not properly served respondents with his Petition or a copy of the present motion, so the court does not have jurisdiction over respondents and it cannot grant any relief. Petitioner filed a proof of service on April 9, 2024, at the same time he filed his Petition, which stated that he had served the Petition by regular United States Mail. However, the proof of service is defective in several ways.

First, initial service of a petition or complaint must be by one of the authorized modes of service, usually either by personal delivery, substituted service, or service by registered mail, return receipt requested. (Code Civ. Proc., §§ 415.10; 415.20; 415.30.) Here, the proof of service only shows service by regular United States Mail, and no notice and acknowledgement of receipt from the respondents has been attached. Also, the proof of service is signed by petitioner himself, not a non-party to the action who is at least 18 years old as required by Code of Civil Procedure section 414.10. Finally, the proof of service only lists the Fresno County Superior Court as the party served. However, the Superior Court is not a party to the action. Service has to be made on the respondents to be effective, not the Superior Court.

Petitioner has also submitted copies of several proofs of service to his motion, which indicate that he served the respondents by mail. Again, however, the proofs of service are not sufficient to show that respondents were properly served with the Petition or the present motion. The proofs of service still only show service by regular United States Mail, so they are not adequate to establish jurisdiction over the respondents. Also, the proofs of service are signed by petitioner himself, not a non-party to the action. There is also no proof of service showing that the present motion for a default or injunction was served on respondents at least 16 court days before the hearing, as required by Code of Civil Procedure section 1005.

Finally, to the extent that petitioner is seeking to enter a default against respondents, he must file any request to enter default on the mandatory Judicial Council form CIV-100. Since he has not done so, the court cannot enter default against any of the respondents here. Therefore, the court intends to deny the motion for an "injunction of default."

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** 4/28/2025.
(Judge's initials) (Date)

(41)

Tentative Ruling

Re: **Barbara Vasquez v. Burton Cantu**
Superior Court Case No. 21CECG01108

Hearing Date: May 7, 2025 (Dept. 501)

Motion: Default Prove-up

Tentative Ruling:

To deny without prejudice.

Explanation:

By order filed on June 10, 2024, the court laid out why default judgment could not be granted in favor of plaintiff. The court refers plaintiff to that order for further particulars. Plaintiff did not remedy the errors and did not provide a complete default judgment packet for review at this default hearing.

In addition to the Request for Court Judgment Form (CIV-100), under California Rules of Court, rule 3.1800(a), a plaintiff must submit additional items, such as: (1) a prove-up brief providing a brief summary of the case; (2) declarations or other admissible evidence in support of the judgment requested; (3) a memorandum of costs and disbursements (as included on the CIV-100 form); (4) a declaration of nonmilitary status of defendant (as also included on the CIV-100 form); (5) a proposed form of judgment (see JUD-100, rev. Jan. 1, 2025); (6) exhibits as necessary; and (7) a request for attorney fees, if allowed. All paperwork associated with a prove-up hearing should be filed at least 10 court days before the hearing. (Super. Ct. Fresno County, Local Rules, rule 2.1.14.)

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 5/1/2025.
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: ***Jane Doe v Fresno Unified School District & Aaron Butler/LEAD***

Superior Court Case Nos. 23CECG03638

Hearing Date: May 7, 2025 (Dept. 501)

Motions(2x): Petitions(2x) to Compromise the Claim of a Minor

Tentative Ruling:

To deny, without prejudice.

Explanation:

Neither of the Petitions nor the attendant proposed orders re blocked accounts identify the proposed financial institution. In addition, according to the court record, petitioner has not lodged the required "Order Approving Compromise." Therefore, 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 5/5/2025.
(Judge's initials) (Date)