

Tentative Rulings for May 13, 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.*

25CECG01438 *Mitsubishi HC Capital America, Inc. vs. Bahadur Singh*

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

25CECG05048 *Leondris Williams v. Martin Perez* is continued to Wednesday, June 17, 2026, at 3:30 p.m. in Department 403.

26CECG00417 *In Re: Petition of Peachtree Settlement Funding, LLC* is continued to Wednesday, June 24, 2026, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 501

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Tentative Ruling

Re: ***Del Rey Packing v. Del Rey Community Services District***
Superior Court Case No. 25CECG05189

Hearing Date: May 13, 2026 (Dept. 501)

Motion: Defendant's Demurrer to the Complaint

Tentative Ruling:

To find the demurrer moot and take the matter off calendar. (Code Civ. Proc., § 472, subd. (a).)

Explanation:

“It is well established that an amendatory pleading supersedes the original one, which ceases to perform any function as a pleading.” (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 884, citations omitted.) Accordingly, the filing of a first amended complaint renders a demurrer to the original complaint moot. (*Sylmar Air Conditioning v. Pueblo Contracting Services, Inc.* (2004) 122 Cal.App.4th 1049, 1054.)

Plaintiff filed the First Amended Complaint on April 30, 2026, at the time when the opposition to defendant's demurrer was due. The First Amended Complaint is thus timely (Code Civ. Proc., §§ 472, subd. (a) and 1005, subd. (b)), and renders the demurrer moot. Accordingly, the hearing is taken 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 Ruling

Issued By: DTT on 5/11/2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***Aguilar Galeana v. American Honda Motor Co., Inc.***
Superior Court Case No. 24CECG04997

Hearing Date: May 13, 2026 (Dept. 501)

Motion: by Defendant to Reopen Discovery

Tentative Ruling:

To deny without prejudice.

Explanation:

Any other party may take the deposition of any person designated as an expert by the opposing party. (Code Civ. Proc., § 2034.410.) Expert depositions may be taken as late as 15 days before trial. (Code Civ. Proc., §2024.030.) Parties may waive this discovery cut-off by stipulation. (Code Civ. Proc., § 2016.030.) Service of a proper deposition notice and tender of the expert witness fee “is effective to require the party employing or retaining the expert to produce the expert for the deposition.” (Code Civ. Proc., § 2034.460, subd. (a).) Where a party unreasonably fails to make an expert available for deposition, the court shall exclude the expert's opinion from evidence. (Code Civ. Proc., § 2034.300.) Where an expert has not been made available for deposition and a party wishes to object to that witness's testimony at trial, a formal objection should be made. (Code Civ. Proc., § 2034.300.) This can appropriately be addressed in a motion in limine. (*Boston v. Penny Lane Centers, Inc.* (2009) 170 Cal.App.4th 936, 950; *Cottini v. Enloe Medical Center* (2014) 226 Cal.App.4th 401, 412-415.)

Here, defendant served a demand for expert exchange on March 17, 2026. (Sadanaga Decl., ¶ 2.) On April 1, 2026, plaintiff served his expert witness designation identifying six expert witnesses. (Id. at ¶ 3 and Exh. 1.) On April 2, 2026, defendant noticed the depositions for each of the designated experts. (Id. at ¶ 4 and Exhs. 2-7.) On April 8, 2026, plaintiff served objections on behalf of each expert based on unavailability. (Id. at ¶ 5 and Exhs. 8-13.) Following this, defense counsel made attempts to have plaintiff provide alternative dates for the expert depositions. (Id. at ¶ 6 and Exh. 14.) As of the filing of the instant motion on April 21, 2026, no response had been received. (Id. at ¶ 7.)

This motion is brought pursuant to Code of Civil Procedure section 2024.050. That section provides for a motion to “complete discovery proceedings, or to have a motion concerning discovery heard, closer to the initial trial date, or to reopen discovery after a new trial date has been set.” (Code Civ. Proc., § 2024.050, subd. (a).) Such a motion must be accompanied by a meet and confer declaration that satisfies Code of Civil Procedure section 2016.040. (Ibid.) Code of Civil Procedure section 2016.040 requires

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Tentative Ruling

Re: **Rare Service Heating and Air Conditioning, Inc. v. David et al.**
Superior Court Case No. 23CECG02137

Hearing Date: May 13, 2026 (Dept. 501)

Motion: by Plaintiff Rare Heating and Air Conditioning, Inc., to Set
Aside Dismissal

Tentative Ruling:

To grant and vacate the dismissal entered on December 11, 2025. (Code Civ. Proc., § 473, subd. (b).)

To set a Case Management Conference for Tuesday, June 16, 2026, 3:00 p.m. in Department 97E.

Explanation:

Plaintiff Rare Service Heating and Air Conditioning, Inc., ("plaintiff") moves to set aside the dismissal entered against it on December 11, 2025, under the mandatory relief provision of Code of Civil Procedure section 473, subdivision (b). Code of Civil Procedure section 473, subdivision (b), states, in pertinent part:

Notwithstanding any other requirements of this section, the court shall, whenever an application for relief is made no more than six months after entry of judgment, is in proper form, and is accompanied by an attorney's sworn affidavit attesting to his or her mistake, inadvertence, surprise, or neglect, vacate any (1) resulting default entered by the clerk against his or her client, and which will result in entry of a default judgment, or (2) resulting default judgment or dismissal entered against his or her client, unless the court finds that the default or dismissal was not in fact caused by the attorney's mistake, inadvertence, surprise, or neglect.

"Relief under [the mandatory relief provision] is mandatory if the conditions are fulfilled." (*Metropolitan Service Corp. v. Casa de Palms, Ltd.* (1995) 31 Cal.App.4th 1481, 1487.) "The purpose of the mandatory relief provision is to relieve the client of the burden caused by the attorney's error, impose a burden on the attorney instead, and avoid additional malpractice litigation." (*Matera v. McLeod* (2006) 145 Cal.App.4th 44, 63.)

On August 28, 2025, plaintiff was informed of a Case Management Conference to be conducted on December 11, 2025. (Nunes Decl., ¶ 4.) At some point after August 28, 2025, counsel for plaintiff either mistakenly deleted or removed the December 11, 2025, Conference from counsel's calendar. (*Id.*, ¶ 5.) Plaintiff failed to appear at the Conference and the case was dismissed.

Plaintiff thereafter timely filed this motion within six months. (Code Civ. Proc., § 473, subd. (b).) The motion is in proper form, and is accompanied by the facts stated above, reflecting counsel's mistake or neglect. The court finds that the conditions for relief under the mandatory relief provision are met. Accordingly, the motion is granted and the dismissal against plaintiff is set aside with another Case Management Conference set *which plaintiff's counsel is ordered to attend*.

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** 5/12/2026.
(Judge's initials) (Date)