

Tentative Rulings for May 27, 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.*

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

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| 25CECG01357 | <i>Lurlyne Arkelian v. HumanGood Fresno</i> is continued to Tuesday, July 7, 2026, at 3:30 p.m. in Department <u>403</u> . |
| 25CECG02378 | <i>Elisa Wheeler v. Sara Spane</i> is continued to Tuesday, July 7, 2026, at 3:30 p.m. in Department <u>403</u> . |
| 25CECG05067 | <i>Bayardo Aleman Castro v. Newrez LLC</i> is continued to Tuesday, July 7, 2026, at 3:30 p.m. in Department <u>403</u> . |

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Tentative Rulings for Department 501

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Tentative Ruling

Re: ***In re: Jameson O'Brien***
Superior Court Case No. 26CU00572

Hearing Date: May 27, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny, without prejudice, the Petition to approve the compromised claim of minor Jameson O'Brien. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders for each minor plaintiff. (Super. Ct. Fresno County, Local Rules, rule 2.8.4.) ***If oral argument is timely requested, such argument will be entertained on Thursday, May 28, 2026, at 11:00 a.m. in Department 501.***

Explanation:

The Petition seeks approval of settlement of personal injury claim of minor Jameson O'Brien. There are several issues within the Petition that prevent approval of the settlement at this time. The Petition at Item 12a indicates \$1,741.13 in medical expenses has been paid or reduced entirely and no settlement funds are being used to pay medical expenses. The billing provided with Attachment 8 includes treatment on 11/9/24, 11/13/24, and 12/11/24 and these bills total \$1,741.13 and, as the Petition reflects, between insurance payments, insurance adjustments, and copayments from the guarantor, there is a zero balance. There is no correspondence from the insurer confirming they are not asserting a lien for payments made. Additionally, the exhibit attached to the Petition includes billing itemizations for treatment received 11/12/24 showing a balance due which are not reflected in the total bills and there is no explanation as to why these amounts would not be due to be paid from the settlement. Additional evidence is required to demonstrate there is \$0 to be paid from the settlement for medical expenses. Attachment 10c and 18b(3) sets forth the payment schedule and terms of the annuity to be purchased with the minor's funds. The attachment states that the "exact cost of the above Periodic Payments is \$100,000. The petition at Items 16f and 18b(3) reflects a balance to the minor of \$74,000. The attachment also indicates the purchase date of the annuity is May 7, 2026 which has passed. The court cannot approve the annuity as presented as the purchase price exceeds the amount of funds the minor has remaining from the settlement.

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 5/25/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: **Fresno Truck Center, Inc. v. No Name Given Vijay et al.**
Superior Court Case No. 25CECG05899

Hearing Date: May 27, 2026 (Dept. 501)

Motion: By Plaintiff Fresno Truck Center, Inc. on Application for Writ of Possession x2

Tentative Ruling:

Hearing remains on calendar. (Code Civ. Proc., § 512.020, subd. (a).) The parties are directed to appear on May 27, 2026, at 3:30 p.m. in Department **502**.

Explanation:

The court intends to grant the application for a writ of possession as sought. Hearing on the matter is mandatory, and therefore the parties are directed to appear.

On filing the complaint, a plaintiff may apply for a writ of possession under the claim and delivery statutes. (Code Civ. Proc., § 511.010 *et seq.*) The plaintiff must file a written application, executed under oath and must include: (1) a showing of the basis of the plaintiff's claim, that plaintiff is entitled to possession of the claimed property, and where the claim is based on a written instrument, a copy of that instrument must be attached; (2) a showing that the property is wrongfully detained, how defendant came into possession of the property, and the reason for the detention to the best of plaintiff's knowledge; (3) a detailed description of the property and statement of its value; (4) a statement of the property's location, with supporting facts; (5) where the property is in a private place that must be entered, plaintiff must also make a showing of probable cause to believe that the property is located here; and (6) the property was not taken for a tax, assessment, or fine under a statute, or seized under an execution against the plaintiff's property. (*Id.*, § 512.010, subd. (b).) This showing may be by affidavit and must be set forth with particularity. (*Id.*, § 512.010, subd. (c).) If the plaintiff has established the probable validity of its claim to possession of the property, and provides an undertaking, the writ may issue. (*Id.*, § 512.060, subd. (a).)

Here, plaintiff Fresno Truck Center, Inc. dba Lee Financial Services ("plaintiff") satisfies all of the procedural requirements for the issuance of a writ of possession as to each of defendants No Name Given Vijay and VP Transport, Inc. (together "defendants"). Moreover, plaintiff sufficiently establishes, for the purposes of the present application only, the probable validity of its claim to possession of the trailer at issue. It is uncontested that the trailer in question is the subject of this litigation. Accordingly, the court intends to grant the application. The court intends to waive plaintiff's bond given the stated value of the trailer, at \$54,000, in comparison to the amount owed of over \$80,000. (Code Civ. Proc., § 515.010, subd. (b).) The court intends to set defendants' counterbond at the value of the trailer plus potential costs, at \$70,000. This would cover the value of the trailer in the scenario that defendants retain possession, but dispose of

