

Tentative Rulings for May 27, 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.*

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

24CECG04939 *Elvia Garcia v. Jose Gomez Madriz* is continued to Tuesday, July 7, 2026, at 3:30 p.m. in Department 503.

24CECG02635 *GPP II LLC. v. Central Valley Community Sports Foundation* is continued to Tuesday, June 16, 2026, 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

(37)

Tentative Ruling

Re: **Natasha Rodriguez**
Court Case No. 26CU00573

Hearing Date: May 27, 2026 (Dept. 503)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested minor is excused from appearing.

Explanation:

According to the petition, the minor has fully recovered from injuries, including a pelvic fracture, received in a car collision on February 9, 2024. The minor is to receive a gross settlement of \$70,000 with the balance of the settlement, after attorney fees, costs, and medical expenses, to be deposited in a blocked account. There are several issues with the petition that prevent approval.

First, the Medi-Cal lien is inconsistent with the amount stated in the petition. Attachment 12b(4)(c) shows a lien amount of \$2,788.56, not \$2,749.98. There is no explanation for why petitioner seeks less than the amount indicated on the lien in this petition.

Second, the court is concerned with the request to deposit the balance of the settlement into a blocked account. The attached medical records indicate that the minor has Trisomy 21. There is no discussion regarding whether the minor is, or may be, on public assistance. There is no discussion addressing whether depositing nearly \$50,000 into a blocked account would be in this minor's best interests.

Finally, the medical reports also name the minor as Natasha A Rodriguez Bucio. The petition names her as Natasha Rodriguez.

Pursuant to California Rules of Court, Rule 3.1312 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: JS on 5/22/2026 .
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: **4791 Date Avenue LLC v. Ohman et al.**
Superior Court Case No. 25CECG04144

Hearing Date: May 27, 2026 (Dept. 503)

Motion: by Defendant Charles Breyer for Preference

Tentative Ruling:

To deny, without prejudice. (Code Civ. Proc. § 36, subd. (e).)

Explanation:

Defendant Charles Breyer ("Breyer") has filed a motion for preference under Code of Civil Procedure section 36, subdivision (e). Defendant Clifton Ohman, as Trustee under the Will of Mildred Packer, deceased, and as Successor Trustee under the Will of Charles Packer, deceased, ("Ohman") has filed an opposition. Plaintiff 4791 Date Avenue LLC ("Plaintiff") has filed no response to the motion.

Code of Civil Procedure section 36, subdivision (e) states, "Notwithstanding any other provision of law, the court may in its discretion grant a motion for preference that is supported by a showing that satisfies the court that the interests of justice will be served by granting this preference." The Supreme Court has held under Code of Civil Procedure section 36, subdivision (e), (formerly subdivision (d)) that "the decision to grant or deny a preferential trial setting rests at all times in the sound discretion of the trial court in light of the totality of the circumstances." (*Salas v. Sears, Roebuck & Co.* (1986) 42 Cal.3d 342, 344.)

Breyer is currently 84 years old. (Breyer Decl., ¶ 8.) The average life expectancy of males in the United States is approximately 75 to 76.5 years. (Morris Decl., ¶ 7.) Breyer, according to his physician who conducted a comprehensive physical examination on March 26, 2026, is "in good health" and "there are presently no health concerns relating to Mr. Breyer." (*Id.*, ¶¶ 4-5.) The Regional Water Quality Control Board ("RWQCB") have ongoing issues with the property involved in the case. (Ohman Decl., ¶¶ 4-6.) The ongoing issues with the RWQCB affect the value of the property involved in this case. (*Id.*, ¶ 8.) Plaintiff contends and Breyer admits "The Property consists of certain real property together with entitlements. The Property cannot be physically divided without diminishing its value or causing undue prejudice to the parties." (Complaint, ¶ 9; Breyer Answer, ¶ 9.)

In examining the totality of the circumstances, the facts weigh against granting preference. The RWQCB issues are an ongoing issue that could potentially be resolved or fully investigated before the already planned trial date. Breyer, in his reply, contends that only two parcels are affected by the ongoing RWQCB issue. However, Breyer has already admitted that the property cannot be divided without diminishing its value causing undue prejudice to the parties. The RWQCB issues would affect the overall sell value of the land. This weighs against granting preference. The court also considers the court's

