

Tentative Rulings for June 2, 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.

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| 25CECG03030 | <i>Dao Cha v. Lee Heu</i> is continued to Thursday, June 4, 2026, at 3:30 p.m. in Department 503. |
| 25CECG01184 | <i>April Guevara v General Motors LLC</i> is continued to Wednesday, July 15, 2026 at 3:30 p.m. in Department 503 |
| 25CECG05174 | <i>Sandra Alvarez v Midfirst Bank</i> is continued to Wednesday, July 15, 2026 at 3:30 p.m. in Department 503 |

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Tentative Ruling

Re: ***Jennifer Richardson vs. Lisa Ann Golik M.D.***
Superior Court Case No. 23CECG05184

Hearing Date: June 2, 2026 (Dept. 503)

Motion: Defendant, St. Agnes Medical Center's Motion for Summary Judgment

Tentative Ruling:

To deny the motion for summary judgment.

Explanation:

In this medical malpractice action, plaintiff, Jennifer Richardson, ("plaintiff" or "Richardson") filed her complaint on December 19, 2023 alleging a cause of action for Medical Malpractice against defendant, St. Agnes Medical Center, ("defendant" or "SAMC"), Lisa Ann Golik, M.D. ("Dr. Golik") and Che Trinity Health. (Separate Statement of Undisputed Material Fact ("SSUMF") I.)

SAMC moves for an order granting summary judgment on the grounds that Richardson cannot establish elements required to prevail on her sole claim for medical malpractice, which reads as follows:

Defendant SAINT AGNES MEDICAL CENTER ("SAMC") moves for summary judgment as to Plaintiff JENNIFER RICHARDSON's ("Ms. Richardson") Complaint (the "Complaint") on the grounds that Ms. Richardson cannot establish elements required to prevail on her sole claim for medical malpractice. As such, SAMC is entitled to judgment in its favor as a matter of law.

On December 21, 2022, Richardson underwent a total abdominal hysterectomy with bilateral salpingectomy performed by Dr. Golik. (SSUMF, no. 3.) On December 21, 2022, at around 8:15 p.m., while Richardson was recovering from her procedure in SAMC's post-anesthesia care unit (the "PACU"), the nursing staff at SAMC notified Dr. Golik that Richardson was suffering from vaginal bleeding. (SSUMF, no. 4.) On December 21, 2022, at or around 9:23 p.m., Dr. Golik evaluated Richardson at her bedside. Dr. Golik explained she would be taking Ms. Richardson back into surgery to explore the source of her bleeding. (SSUMF 5.) On December 21, 2022, Ms. Richardson underwent an examination under anesthesia with revision of her vaginal cuff, performed by Dr. Golik. At or around 11:20 p.m., Ms. Richardson returned to the PACU. (SSUMF, no. 6.) On December 23, 2022, Ms. Richardson was discharged from SAMC. (SSUMF, no. 7.)

On January of 2023, Dr. Golik examined Richardson and Richardson was found to have a vesicovaginal fistula. Dr. Golik referred Richardson to a urologist. (SSUMF, no. 8.) On February 2, 2023, Richardson underwent a cystoscopy due to her vesicovaginal fistula, performed by Rahman Nadeem, M.D. at SAMC. Richardson was discharged the same day. (SSUMF, no. 9.)

A defendant moving for summary judgment or summary adjudication has met his or her burden of showing that a cause of action has no merit if he or she shows one or more elements of the cause of action cannot be established, or that there is a complete defense to that cause of action. (Code Civ. Proc., § 437c, subd. (p)(2).) Once the defendant has met that burden, the burden shifts to the plaintiff to show that a triable issue of one or more material facts exists as to that cause of action or a defense. (*Ibid.*) A cause of action has no merit if either (1) one or more of the elements of the cause of action cannot be separately established, even if that element is separately pleaded; or (2) a defendant establishes an affirmative defense to that cause of action. (Code Civ. Proc., § 437c, subd. (o).)

SAMC Did Not Meet its Initial Burden

SAMC's summary judgment motion is based on the grounds that Richardson cannot establish elements required to prevail on her sole claim for medical malpractice. However, Richardson's complaint does not "solely" allege that SAMC was negligent, but that Dr. Golik was an agent of SAMC. (SSUMF, No. 1, Tab 1, Ex. 1, ¶¶ 7, 11.)

A physician providing services in a hospital may generally be found to be an ostensible agent of the hospital for purposes of imposing liability on the hospital where there is (1) conduct by the hospital that would cause a reasonable person to believe that the physician was an agent of the hospital, and (2) reliance on that apparent agency relationship by the plaintiff. (*Mejia v. Community Hospital of San Bernardino* (2002) 99 Cal.App.4th 1448, 1453.) "Regarding the first element, courts generally conclude that it is satisfied when the hospital "holds itself out" to the public as a provider of care." (*Ibid.*) "The second element, reliance, is established when the plaintiff 'looks to' the hospital for services, rather than to an individual physician." (*Id.* at p. 1454.) "Thus, unless the patient had some reason to know of the true relationship between the hospital and the physician--i.e., because the hospital gave the patient actual notice or because the patient was treated by his or her personal physician--ostensible agency is readily inferred." (*Id.* at pp. 1454-1455.)

Here, SAMC never negated any of these facts with respect to Dr. Golik. Richardson's contention in the complaint that Dr. Golik acted as SAMC's agent, and as such, is uncontradicted. (SSUMF, No. 1, Tab 1, Ex. 1, ¶¶ 7, 11.)

Accordingly, motion for summary judgment is denied.

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.

