Tentative Rulings for June 3, 2026
Department 502

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.

26CECG00676	***Mic-Bry8, LLC v. Romelia Valdez* is continued to Wednesday, July 15, 2026 at 3:30 p.m. in Department 501**
26CU00867	***Dhaliwal v. Thao* is continued to Thursday, June 4, 2026 at 3:30 p.m. in Department 502**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

Begin at the next page

(37)

Tentative Ruling

Re: ***Torres v. Golden Doaba Enterprises, LLC et al.***
Superior Court Case No. 22CECG03657

Hearing Date: June 3, 2026 (Dept. 502)

Motion: By Plaintiffs for Class Certification

Tentative Ruling:

To grant.

Explanation:

Standards for Class Certification: "Class certification requires proof (1) of a sufficiently numerous, ascertainable class, (2) of a well-defined community of interest, and (3) that certification will provide substantial benefits to litigants and the courts, i.e., that proceeding as a class is superior to other methods. In turn, the community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (*In re Tobacco II Cases* (2009) 46 Cal. 4th 298, 313.)

California case law requires that substantial evidence underlie a decision to certify. (*Richmond v. Dart Industries, Inc*. (1981) 29 Cal. 3d 462, 470.) "In particular, we must consider whether the record contains substantial evidence to support the trial court's predominance finding, as a certification ruling not supported by substantial evidence cannot stand." (*Lockhead Martin Corp. v. Superior Court* (2003) 29 Cal. 4th 1096, 1106.)

Proposed Classes: In the present case, plaintiffs Aaron Chavez and Jorden Torres (together "Plaintiffs") seek to certify eight different sub-classes, which cover claims for unpaid overtime, wrong minimum wage rate, wage statement violations, unlawful payroll deductions, unpaid rest and meal breaks, wage theft, spoliation, and waiting time penalties.

More specifically, the unpaid rest period class would cover all current and former non-exempt employees of defendants Golden Doaba Enterprises, LLC, or J.T. Atwal Petroleum, Inc. (together "Defendants") during the time period November 16, 2018 through the present. As to the above eight sub-classes, Plaintiffs describe the bases for each category. Namely, Defendants failed to aggregate hours worked amongst different locations, causing overtime premiums to not be paid; that the sharing of employees amongst different locations placed the businesses at above 26 or more employees, constituting a different legal minimum wage than what was paid; that Defendants routinely miscalculated or reported timecards to third-party payroll companies; that repayment plans were not properly executed in writing; that Defendants' polices required an employee to elect to take two paid 10-minute breaks

or an unpaid half-hour meal break but not both in violation of rest and meal period laws; that wage theft occurred due to non-payment of hours worked; and that portions of employment records have been spoiled due to water damage and rodents.

Numerosity and Ascertainability: "Ascertainability is achieved by defining the class in terms of objective characteristics and common transactional facts making the ultimate identification of class members possible." (*Sevidal v. Target Corp.* (2010) 189 Cal.App.4th 905, 918, *internal quotations omitted*; *Nicodemus v. St. Francis Mem. Hosp.* (2016) 3 Cal.App.5th 1200, 1212.)

"A class definition framed in objective terms that make the identification of class members possible promotes due process in at least two ways. Such phrasing puts members of the class on notice that their rights may be adjudicated in the proceeding, so they must decide whether to intervene, opt out, or do nothing and live with the consequences. This kind of class definition also advances due process by supplying a concrete basis for determining who will and will not be bound by (or benefit from) any judgment. Allowing a class to be defined in vague terms, by contrast, could blunt any invocation of res judicata by the defendant in subsequent lawsuits brought by persons attempting to relitigate issues decided in the earlier class proceeding. The outcome might resemble that which obtains when the 'one-way intervention' condemned by our decision in *Fireside Bank v. Superior Court* occurs — the defendant could be unfairly exposed to a succession of essentially duplicative class lawsuits." (*Noel v. Thrifty Payless, Inc.* (2019) 7 Cal.5th 955, 980–981, *citations omitted*.)

There is no set number of class members needed to satisfy the numerosity requirement. "To be certified, a class must be 'numerous' in size such that 'it is impracticable to bring them all before the court.' (Code Civ. Proc., § 382.) 'The requirement of Code of Civil Procedure section 382 that there be 'many' parties to a class action suit is indefinite and has been construed liberally.... No set number is required as a matter of law for the maintenance of a class action. [Citation.] Thus, our Supreme Court has upheld a class representing the 10 beneficiaries of a trust in an action for removal of the trustees.' [¶] 'The ultimate issue in evaluating this factor is whether the class is too large to make joinder practicable....'" (*Hendershot v. Ready to Roll Transportation, Inc.* (2014) 228 Cal.App.4th 1213, 1222, citations omitted.)

Here, Plaintiffs submit that the putative classes have approximately 219, which is sufficiently large to meet the numerosity requirement. The class is also ascertainable based on a review of Defendants' personnel records, which should show employee's hours, rates, and whether they received rest and meal breaks. The payroll records should also show on their face whether or not they contain the information required by the Labor Code to identify all employers.

Defendants argue in opposition that the proposed classes are not ascertainable because the class is overbroad. Defendant suggests that the class definition is too broad because it does not specifically identify employees who were damaged, and would otherwise capture employees who were not damaged. This is not within the scope of ascertainability. As noted above, one of the functions of ascertainability is for determining who will and will not be bound by any judgment. Any employees captured by this class definition who never had claims would not be affected by a related

judgment. (*See In re ABM Industries Overtime Cases* (2017) 19 Cal.App.5th 277, 304 [finding that "possible overinclusiveness in the method proposed for identifying potential class members does not defeat ascertainability."])

Defendants similarly argue that some sub-classes are overbroad. The arguments are similarly unavailing. With the overtime subclass, Defendants argue that the definition of all workers who worked at more than one of their gas stations would capture employees who received multiple paychecks but would not be entitled to overtime due to the hours actually worked. To the extent that such individuals are captured by this definition, the purpose of the sub-class remains clear: to capture those claims by individuals who worked in aggregate of hours necessary to trigger overtime premiums. Defendants suggest that plaintiff Chavez only attests to having one instance where he received three paychecks in a period, from two locations, neither of which summed to more than 40 hours per location. However, as the First Amended Complaint alleges, Defendants shared employees amongst their various stores, and for the purposes of payroll, treated each store as its own separate entity, thereby enabling Defendants to evade their legal obligations. (First Amended Complaint, ¶ 28; Torres Decl., ¶ 4, and Ex. 500 thereto.)

Defendants next suggest that the sub-classes are not identifiable without unreasonable expense or time. As Plaintiffs suggest on reply, unreasonable expense or time is not a function of ascertainability. A class is ascertainable when it is defined in terms of objective characteristics and common transactional facts that make the ultimate identification of class members possible when that identification becomes necessary. (*Noel v. Thrifty Payless, Inc.*, *supra*, 7 Cal.5th at p. 980.) "Due process does not invariably require that personal notice be directed to all members of a class in order for a class action to proceed, or for that matter that an individual member of a certified class must receive notice to be bound by a judgment. It follows that a construction of the ascertainability requirement that presumes such notice *is* necessary to satisfy due process, and demands that the plaintiff show how it can be accomplished, threatens to demand too much, too soon. It is likewise mistaken to take a categorical view that the relevant due process interests can be satisfied only when 'official records' supply the means of identifying class members, and for a similar reason: due process is not that inflexible." (*Id*. at p. 984.) Reading into the ascertainability element an additional requirement that the identification of class members must occur without unreasonable expense or time "runs a similar risk of preempting a more careful analysis later" and "is at cross purposes with this direction." (*Id.* at p. 985.) Thus, the issue is not exclusive, and therefore not required to be shown strictly through ascertainability. (*Id.* at pp. 985, 986, fn. 15.) These issues, where they exist, can be appropriately addressed outside of and separately from the ascertainability requirement. (*Id.* at p. 986.) With the foregoing in mind, it nevertheless appears that nearly ever sub-class will be ascertainable from general employment records, which as Plaintiffs correctly note, were required by law. (*E.g.*, Lab. Code, § 1174.)

For the above reasons, the court finds that Plaintiffs have satisfied the numerosity and ascertainability requirements.

Community of Interest: "[T]he community of interest requirement embodies three factors: (1) predominant common questions of law or fact; (2) class representatives with claims or defenses typical of the class; and (3) class representatives who can adequately represent the class." (*In re Tobacco II Cases* (2009) 46 Cal.4th 298, 313.) "The focus of the typicality requirement entails inquiry as to whether the plaintiff's individual circumstances are markedly different or whether the legal theory upon which the claims are based differ from that upon which the claims of the other class members will be based." (*Classen v. Weller* (1983) 145 Cal.App.3d 27, 46.)

Here, Plaintiffs have submitted evidence indicating that common issues of law and fact predominate over individual issues. Plaintiffs allege that they and other non-exempt employees suffered the same types of alleged Labor Code violations. To the extent that Defendants suggest that Plaintiffs have not established that they had a uniform policy or practice that was applied illegally, Plaintiffs are not required to do so in order to meet the standards for certification. "Nor was the court correct to require, at the certification stage, that plaintiffs demonstrate a 'universal practice' on the part of management to deny nursing staff the benefit of the Hospital's written break policy. The trial court failed to analyze the proper question - whether plaintiffs had articulated a theory susceptible to common resolution." (*Alberts v. Aurora Behavioral Health Care* (2015) 241 Cal.App.4th 388, 407, footnote and citations omitted.) While Defendants contend that Plaintiffs cherry-picked isolated incidents from thousands of records, it remains apparent that a claim still exists. The fact that some employees might not have been affected or to the same degree is an issue that goes to damages and is not a proper basis on which to deny certification. (*Id.* at p. 408.)

Typicality of Plaintiff's Claims: A representative plaintiff must be part of the class and possess the same interest and suffer the same injury as the class members. (*Wal-Mart Stores, Inc. v. Dukes* (2011) 564 U.S. 338, 348, 349.) Typicality refers to the representative plaintiff's claims. (*Schmidt v. Cal. Highway Patrol* (2016) 1 Cal.App.5th 1287, 1297.) Plaintiffs have shown that their claims are typical of the proposed class members. Just like the other class members, Plaintiffs were non-exempt employees who allegedly suffered violations of their rights. In their previous motion, Plaintiffs had not sufficiently shown typicality as to the spoliation subclass. In this motion, Plaintiffs have addressed the previous concerns.

Plaintiffs have sufficiently demonstrated a community of interest and typicality of their claims. Therefore, the motion to certify is granted.[1]

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

[1] The court also notes that Plaintiffs appear to have sufficiently shown adequacy of representation as to counsel, and that the class is sufficiently superior to alternative means for a fair and efficient adjudication of the litigation, as a wage and hour claim. Counsel for Plaintiffs additionally submitted a trial plan as required. The trial plan appears to be reasonable, and can be narrowed by further motion practice as counsel suggests. If and once aggregate damages are determined, individual payments can be calculated.

will constitute notice of the order.

Tentative Ruling
Issued By: KCK on 06/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Barajas v. Acosta et al.***
Superior Court Case No. 25CECG02965

Hearing Date: June 3, 2026 (Dept. 502)

Motion: Motion for Stay

Tentative Ruling:

To take off calendar, as no moving papers were filed. The court notes that on May 26, 2026, the Fifth District Court of Appeals lifted its stay entered March 20, 2026.

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: KCK on 06/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Derrel's Mini Storage, Inc. v. Delgado et al.***
Superior Court Case No. 24CECG01556

Hearing Date: June 3, 2026 (Dept. 502)

Motion: Application for Default Judgment

Tentative Ruling:

To take off calendar, as no moving papers were timely filed. Further, the filings do not include the mandatory CIV-100 forms.

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: KCK on 06/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Clark v. Underwood et al.***
Superior Court Case No. 24CECG03116

Hearing Date: June 3, 2026 (Dept. 502)

Motion: By Plaintiff to Withdraw

Tentative Ruling:

To deny without prejudice.

Explanation:

Motions to be relieved as counsel must state the reasons for seeking withdrawal. (Cal. Rules of Ct., rule 3.1362(c).) Approval of withdrawal is not conditioned on a finding of cause. (*Ramirez v. Sturdevant* (1994) 21 Cal.App.4th 904, 915.) However, a lawyer violates ethical mandates if he or she abandons the client, or by withdrawing at a critical point thereby prejudicing the client's case. (*Ibid.*)

Here, counsel for plaintiff Titus Lee Clark seeks to withdraw representation. The reason stated was merely that a substitution of attorney was never executed. This bare statement makes no attempt to assuage the concern that a client is being abandoned, and by itself is grounds to deny the motion.

Unusually, defendant City of Fresno ("Defendant") filed an opposition. Defendant contends that the case is at a critical juncture. Defendant submits that the matter has been settled in or around December 2025. However, the parties have had difficulty executing a signed settlement agreement. Defendant concludes that plaintiff Titus Lee Clark will be prejudiced by not having guidance of counsel to navigate the settlement and dismissal procedures. No response by counsel was filed.

From the above, the motion is 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: KCK on 06/02/26.
(Judge's initials) (Date)