

Tentative Rulings for June 9, 2026
Department 403

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.

25CECG02550 *Gregory Smith v Nationwide Mutual Insurance Company* is continued to Thursday, June 11, 2026 at 3:30 p.m. in Department 403.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(34)

Tentative Ruling

Re: ***Almaraz v. Allstate Insurance Company***
Superior Court Case No. 25CECG5320

Hearing Date: June 9, 2026 (Dept. 403)

Motion: Demurrer to Complaint

**If oral argument is timely requested, it will be entertained on
Thursday, June 11, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To sustain defendant Allstate Insurance Company's demurrer to the complaint without leave to amend. (Code Civ. Proc. § 430.10, subd. (e).) The prevailing party is directed to submit to this court, within 7 days of service of the minute order, a proposed judgment dismissing the action as to the demurring defendant.

Explanation:

Defendant Allstate Insurance Company demur to the complaint on the basis that the claims against them are barred by the one year statute of limitations for claims against plaintiff's homeowner's insurance policy. (Ins. Code, § 2071; Complaint, Ex. 1, Allstate Insurance Company Deluxe Homeowners Policy, p. 18.) Plaintiff's complaint alleges causes of action for Breach of Contract and Money Damages for Tortious Bad Faith against demurring defendant arising from a defendant's rejections of a claim of loss to plaintiff's insured property. (Complaint, ¶¶ 9-18.)

Where the dates alleged in the complaint, or facts judicially noticeable together with facts alleged in the complaint, show the action is barred by the statute of limitations, a general demurrer lies. (*Iverson, Yoakum, Papiano & Hatch v. Berwald* (1999) 76 Cal.App.4th 990, 995; *Saliter v. Pierce Bros. Mortuaries* (1978) 81 Cal.App.3d 292, 300; *Vaca v. Wachovia Mortgage Corp.* (2011) 198 Cal.App.4th 737, 746 ["When a ground for objection to a complaint, such as the statute of limitations, appears on its face or from matters of which the court may or must take judicial notice, a demurrer on that ground is proper."].) However, the running of the statute must appear "clearly and affirmatively" from the face of the complaint. It is not enough that the complaint might be time-barred. (*Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 42.) Ordinarily, the period of limitations will begin to run without regard to whether the plaintiff is aware of the specific facts necessary to establish his claim, provided that he has a "suspicion of wrongdoing," which he is charged with once he has "notice or information of circumstances to put a reasonable person on inquiry." (*Jolly v. Eli Lilly & Co.* (1988) 44 Cal.3d 1103, 1109-1111.)

Plaintiff alleges his insured property was damaged on April 13, 2024 and he reported the damage to his insurer, defendant Allstate Insurance Company, on September 18, 2024. (Compl., ¶¶ 10-11.) Defendant is alleged to have made a coverage

(48)

Tentative Ruling

Re: ***In the Matter of Michael Haro, Jr.***
Superior Court Case No. 26CU00971

Hearing Date: June 9, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

If oral argument is timely requested, it will be entertained on Thursday, June 11, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To grant. (Code Civ. Proc., § 372; Prob. Code, § 2504.) No appearances necessary.

To set a status conference for Tuesday, September 1, 2026, at 3:30 p.m. in **Department 502**, for confirmation of deposit of the funds into a blocked account. If the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356), is filed at least five court days before the hearing, the status conference will come off calendar.

Explanation:

The petition appears to be sufficiently stated and the proposed court order approving the disposition of proceeds appears complete. However, at Item 6 of the proposed order, a selection must be made. Because claimant is a minor, the court marks Item 6(b).

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:  **on** 6-7-26 .

(Judge's initials)

(Date)