

**Tentative Rulings for June 9, 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)**

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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.*

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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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|-------------|---------------------------------------------------------------------------------------------------------------------|
| 24CECG02698 | <i>Joe Ellis v. Planet Vegan, LLC</i> is continued to Tuesday, July 21, 2026 at 3:30 p.m. in <b>Department 403.</b> |
| 25CECG03158 | <i>Tony Romo v Paul Croskrey</i> is continued to Tuesday, July 21, 2026 at 3:30 p.m. in <b>Department 403.</b>      |
| 25CECG05797 | <i>Yeison Alvarez v AG Force, LLC</i> is continued to Tuesday, July 21, 2026 at 3:30 p.m. in <b>Department 403.</b> |

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# **Tentative Rulings for Department 501**

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(20)

**Tentative Ruling**

Re: **Arreola v. Zenith Insurance Co.**  
Superior Court Case No. 25CECG04568

Hearing Date: June 9, 2026 (Dept. 501)

Motion: Defendant's Special Motion to Strike Complaint

**If oral argument is timely requested, it will be entertained on Tuesday, June 16, 2026, at 3:30 p.m. in Department 403.**

**Tentative Ruling:**

To grant and strike the Complaint. (Code Civ. Proc., § 425.16.) Prevailing party is directed to submit to this court, within 5 days of service of the minute order, a proposed judgment consistent with the court's order.

**Explanation:**

A special motion to strike provides a procedural remedy to dismiss nonmeritorious litigation meant to chill the valid exercise of the constitutional rights to petition or engage in free speech. (Code Civ. Proc., §425.16, subd. (a); see *Martinez v. Metabolife Intern., Inc.* (2003) 113 Cal.App.4th 181, 186.)

The court engages in a two-step process in determining whether an action is subject to the anti-SLAPP statute: first, the court decides whether defendant has made a threshold showing that the challenged cause of action is one arising from protected activity, by demonstrating that the facts underlying plaintiff's complaint fit one of the categories set forth in section 425.16, subdivision (e); if the court finds that such a showing has been made, it then determines whether plaintiff has demonstrated a probability of prevailing on the claim. (Code Civ. Proc., §425.16; *Cross v. Facebook, Inc.* (2017) 14 Cal.App.5th 190, 198.)

Plaintiff Victor Arreola's Complaint alleges that he suffered a workplace injury. While working plaintiff injured his left knee, left ankle and back. Defendant Zenith Insurance Company managed plaintiff's worker's compensation claim. During treatment plaintiff had a difficult time walking and was provided a cane by his treating physician. Plaintiff's physician subsequently directed plaintiff to wean himself off the can and walk as much as possible without it. Zenith, discovering plaintiff walking without cane during its surveillance of plaintiff, caused the District Attorney to file fraudulent criminal charges against plaintiff for worker's compensation fraud. Zenith represented to the District Attorney that "Plaintiff was allegedly not injured for reason that he was walking without a cane and its video evidence and personal observations made by Defendant Zenith and Defendant DOES I to 50, and each of them, under surveillance supported the fact that Plaintiff was not injured." The charges were eventually dismissed.

Plaintiff alleges that Zenith was negligent and breached its duty to plaintiff to stop the District Attorney from filing and continuing to prosecute the criminal charges, the

Complaint alleges causes of action for (1) Negligence; (2) fraud; (3) intentional infliction of emotional distress; (4) negligent infliction of emotional distress; and (5) malicious prosecution.

### **Prong 1: Whether Plaintiff's Action Arises From Defendants' Constitutionally Protected Speech**

The moving party first has the burden of showing that the action against it arises from the exercise of free speech rights and/or right to petition. (*Peregrine Funding, Inc. v. Sheppard Mullin Richter & Hampton LLP* (2005) 133 Cal.App.4th 658.) A protected activity is "any act" that is completed "in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue." (Code Civ. Proc., § 425.16, subd. (b)(1).)

All causes of action alleged in the Complaint arise out of protected activity as they are based on allegations of Zenith reporting suspected insurance fraud pursuant to its duty under Insurance Code section 1877.3, subdivision (b)(1) as part of a worker's compensation claim, and on Zenith's collaboration with the District Attorney's office during the prosecution of said insurance fraud. Reporting suspected crime to law enforcement and cooperation with law enforcement arise from the right to petition the government. (*Chabak v. Monroy* (2007) 154 Cal.App.4th 1502, 1512.)

### **Prong 2: Probability of Success**

A plaintiff's complaint need only be shown to have "minimal merit". (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279; *Navellier v. Sletten* (2002) 29 Cal.4th 82, 89, 95.) The plaintiff must show that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited. (*Navellier, supra*, 29 Cal.4th at 88-89.) In considering this issue, the court looks at the " 'pleadings, and supporting and opposing affidavits ... upon which the liability or defense is based.' " (*Soukup, supra*, 39 Cal.4th at p. 269.)

The plaintiff must show: (1) a legally sufficient claim (i.e., a claim which, if supported by facts, is sustainable as a matter of law); and (2) that the claim is supported by competent, admissible evidence within the declarant's personal knowledge. (See *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628, 654-655 and *DuPont Merck Pharmaceutical Co. v. Superior Court* (2000) 78 Cal.App.4th 562, 568.) It has been stated that this test is similar to the standard applied in summary judgment motions pursuant to Code of Civil Procedure section 437c; to wit, the plaintiff's burden is to demonstrate a prima facie case. (*Church of Scientology, supra* at 654, fn. 10.)

Plaintiff has not filed any response to this motion, and therefore has not met his burden of showing minimal merit with admissible evidence. The court therefore intends to grant the motion. Moreover, Insurance Code § 1877.3(b)(1) requires insurers to report suspected fraud in workers compensation claims to the CDI and the District Attorney's office. Insurance Code § 1877.5 provides immunity for workers' compensation insurer's reporting, investigating and assisting in prosecuting insurance fraud collaboration. Insurance Code sections 1872.5 and 1873.2 provide that no insurer shall be subject to civil



