

**Tentative Rulings for June 9, 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)**

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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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| 22CECG02449 | <i>Don Arax v. Fresno Unified School District</i> is continued to Tuesday, July 21, 2026 at 3:30 p.m. in <b>Department 501</b> .                     |
| 25CECG01565 | <i>Syuzanna Arseni Khachatryan v. Volkswagen Group of America, Inc.</i> is continued to Tuesday, July 21, 2026 at 3:30 p.m. in <b>Department 501</b> |

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# **Tentative Rulings for Department 502**

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(20)

**Tentative Ruling**

Re: **Martinez v. Denison**  
Superior Court Case No. 25CECG04869

Hearing Date: June 9, 2026 (Dept. 502)

Motion: Demurrer to Complaint

**Tentative Ruling:**

To sustain, with plaintiffs granted 10 days' leave to file a first amended complaint. (Code Civ. Proc., § 430.10, subd. (e), (f).) The time in which the complaint may be amended will run from service of the order by the clerk.

**Explanation:**

This is a personal injury action in which plaintiffs allege that they were injured in an auto accident caused by Andrew Denison, a City of Fresno employee acting in the course and scope of his duties when he caused the accident.

The special demurrer for uncertainty is sustained because the Complaint's sole cause of action for negligence improperly combines multiple distinct causes of action into a single cause of action. Plaintiffs allege negligent operation of a motor vehicle against the City on a theory of vicarious liability, while also asserting claims for negligent supervision, training, and retention, and negligent entrustment. (See Complaint ¶¶ 26, 30, 34.) These should be separated out into separate causes of action. (See *Haddad v. McDowell* (1931) 213 Cal. 690, 692 [proper to sustain demurrer where complaint attempts to combine two or more causes of action rather than pleading them separately], disapproved on other grounds in *Wennerholm v. Stanford University School of Medicine* (1942) 20 Cal.2d 713, 719; *Campbell v. Rayburn* (1954) 129 Cal.App.2d 232, 235.)

The court also notes that the Complaint fails to identify a statutory basis for the claims of negligent supervision, training, and retention and negligent entrustment (even if they were pled separately). "Under the Government Claims Act, all government tort liability must be based on statute. (Gov. Code, § 810 et seq.)" (*County of San Bernardino v. Superior Court* (2022) 77 Cal.App.5th 1100, 1107.) The Complaint identifies Government Code sections 815.2 and 820 as the statutory bases for the claims. These provisions respectively provide that public employees are liable for their acts and omissions to the same extent as private persons, and that a public entity employer may be held vicariously liable for those acts and omissions.

Under the Tort Claims Act, all governmental tort liability must be based on statute; therefore, the general rule is that statutory causes of action must be pled with particularity. (*Lopez v. Southern Cal. Rapid Transit Dist.* (1985) 40 Cal.3d 780, 795.) In other words, the limited and statutory nature of governmental liability mandates that claims against public entities be pled with particularity. (*Brenner v. City of El Cajon* (2003) 112 Cal.App.4th 434, 439; *Susman v. City of Los Angeles* (1969) 269 Cal.App.2d 803, 809; *Lopez, supra*, 40 Cal.3d at p. 795.)



