

Tentative Rulings for June 10, 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.

25CECG03552 *Neal Jackson v. All American Auto Inc.* is continued to Wednesday, July 22, 2026, at 3:30 p.m. in **Department 502**.

25CECG05211 *Barbara Belcher v. Target Corporation* is continued to Wednesday, July 22, 2026, at 3:30 p.m. in **Department 502**.

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Tentative Rulings for Department 403

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Tentative Ruling

Re: **Conquest v. Doe et al.**
Superior Court Case No. 23CECG01521

Hearing Date: June 10, 2026 (Dept. 403)

Motion: Motion to Bifurcate

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 deny. (Code Civ. Proc., §§ 598, 1048, subd. (b).)

Explanation:

Plaintiff James Conquest filed a complaint for damages and personal injuries based on negligence and premises liability against defendants Costco Wholesale Corporation (Costco) and Kathy Doe. Plaintiff alleges he was injured while shopping at a Costco warehouse store, when his foot struck a pallet causing him to endure severe injury and pain.

Costco now moves to bifurcate issues of liability and damages.

The court is given great discretion in regard to the order of issues at trial:

The court may, when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted thereby, on motion of a party, after notice and hearing, make an order...that the trial of any issue or any part thereof shall precede the trial of any other issue or any part thereof in the case....

(Code Civ. Proc., § 598.)

Similarly, Code of Civil Procedure section 1048, subdivision (b), specifies the court's discretion in regard to bifurcating issues for separate trial:

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action ... or of any separate issue or of any number of causes of action or issues.

These sections are generally relied upon for bifurcation, usually to try issues of liability before damages issues. "It serves the salutary purpose of avoiding wasting time and money, and prevents possible prejudice to a defendant where a jury might look past liability to compensate a plaintiff through sympathy for his or her damages." (Weil & Brown (TRG 2019) *California Practice Guide: Civil Procedure Before Trial*, § 12:414.) The decision to grant or deny a motion to bifurcate issues, and/or to have separate trials, lies

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Tentative Ruling

Re: *Accardo v. Najafi, M.D.*
Superior Court Case No. 21CECG01831

Hearing Date: June 10, 2026 (Dept. 403)

Motion: By Plaintiffs for Protective Order to Reduce the Number of Defendant's Designated Standard of Care Expert Witnesses

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. Defendant is limited to one expert on the standard of care for trial. By June 17, 2026, defendant shall identify which designated expert they elect to designate as their standard of care expert.

Explanation:

In this medical malpractice action defendant has designated two expert witnesses on the same topic – the standard of care, causation and damages. Plaintiffs move for a protective order requiring defendant to choose one.

The court “make any order that justice requires to protect any party from unwarranted annoyance, embarrassment, oppression, or undue burden and expense.” (Code Civ. Proc., § 2034.250.) The court has discretion to limit the number of expert witnesses testifying at trial to avoid needless cumulative evidence and undue consumption of time. (Evid. Code, § 723.)

As defendant points out, we are not at trial, but in the discovery stage. However, at this point we are about four weeks from start of trial. Defense counsel only designated two experts on the standard of care because he did not know at the time of designation which of the two would be available to testify at trial. Defendant should be able to nail that down at this point. There is no need for plaintiffs to incur the burden and expense of deposing two experts on the same topics when only one will be testifying. It would be an undue burden and expense (Code Civ. Proc., § 2034.250), supporting the grant of this motion for protective order.

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** 6-9-26 .
(Judge's initials) (Date)

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Tentative Ruling

Re: **Maganda v. American Honda Motor Co., Inc. et al.**
Superior Court Case No. 24CECG02892

Hearing Date: June 10, 2026 (Dept. 403)

Motion: by Defendants to Compel Vehicle Inspection and Request for Sanctions

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 take the motion off calendar due to the moving party's failure to comply with Fresno Superior Court Local Rules, Rule 2.1.17.

Explanation:

Defendants American Honda Motor Co., Inc., and James McKoane Enterprises, Inc. dba Clawson Honda of Fresno ("Defendants") move to compel the vehicle inspection of plaintiff Enoc Maganda's vehicle.


Fresno Superior Court Local Rules, Rule 2.1.17 states in pertinent part:

No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied and permission to file the motion is granted via court order or the discovery dispute has not been resolved as a result of the Conference and permission to file the motion is expressly granted.

Defendants filed this motion under either Code of Civil Procedure section 2031.310 or section 2031.320. Accordingly, Fresno Superior Court Local Rules, Rule 2.1.17 applies. Defendants have not filed any request for a pretrial discovery conference and Defendants have not received permission to file this motion. The matter is ordered off calendar.

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 6-9-26 .

(Judge's initials)

(Date)