

Tentative Rulings for June 10, 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.

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Tentative Rulings for Department 502

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(03)

Tentative Ruling

Re: **Garcia-Brower v. Auto Shine Group**
Case No. 25CECG05835

Hearing Date: June 10, 2026 (Dept. 502)

Motion: Petition to Compel Witness to Respond to Subpoena and
Order to Show Cause

**If oral argument is timely requested, it will be entertained on
Wednesday, June 24, 2026, at 3:30 p.m. in Department 501.**

Tentative Ruling:

To deny the petition to compel the respondent to respond to the subpoena without prejudice, as the proof of service for the petition is incomplete and does not show the date when the petition, order, and supporting documents were served on respondent.

Explanation:

Petitioner has complied with most of the requirements for a petition to compel compliance with the subpoena it served on respondent. (See Gov. Code, §§ 11181-11188.) Petitioner has filed a petition and declaration stating that it served the subpoena on respondent, which required respondent to serve the requested records by October 20, 2025. Respondent requested a one-week extension of time to respond, which petitioner granted. Thus, the respondent was required to serve responsive documents by October 27, 2025. However, respondent failed to serve any documents by October 27, 2025, and it has still failed to serve any documents despite petitioner sending a reminder that responses were overdue. Therefore, petitioner has met its burden of showing that it is entitled to an order compelling respondent to serve documents responsive to the subpoena.

However, petitioner has not filed a proper proof of service showing that respondent was personally served with the petition, order, and supporting documents on a specific date. The proof of service filed by petitioner is incomplete, as it does not include the date of service. (See proof of service filed on March 3, 2026, line 4.) Therefore, petitioner has not shown that respondent has been given proper notice of the petition and an opportunity to oppose it. As a result, the court intends to deny the petition without prejudice for failure to provide evidence that the petition was properly served on respondent.

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

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Tentative Ruling

Re: **Kimie Brown, as heir, next of kin, and successor of interest for decedent Pearline Brown v. David Koomjan**
Superior Court Case No. 25CECG00856

Hearing Date: June 10, 2026 (Dept. 502)

Motion: By Defendant David Mitchell Koomjan to Set Aside Default

If oral argument is timely requested, it will be entertained on Wednesday, June 24, 2026, at 3:30 p.m. in Department 501.

Tentative Ruling:

To grant and strike the entry of default entered August 25, 2025, against defendant David Mitchell Koomjan. (Code Civ. Proc., § 473.5.)

Defendant David Mitchell Koomjan is directed to file a proposed responsive pleading within five days of service of the order by the clerk.

Explanation:

Defendant David Mitchell Koomjan ("Defendant") moves to set aside default, entered against him on August 25, 2025, pursuant to relief afforded under Code of Civil Procedure section 473.5.

Defendant argues that they did not receive actual notice of the action, and move under Code of Civil Procedure section 473.5 to set aside the entry of default.

The court is empowered to relieve a party "upon any terms as may be just ... from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).) The trial court has broad discretion to vacate the judgment and/or the clerk's entry of default that preceded it. That discretion can be exercised only if the moving party establishes a proper ground for relief, by the proper procedure, and within the statutory time limits. (*Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.) "Because the law favors disposing of cases on their merits, 'any doubts in applying section 473 must be resolved in favor of the party seeking relief from default [citations]. Therefore, a trial court order denying relief is scrutinized more carefully than an order permitting trial on the merits' (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 [superseded by statute on other grounds])." (*Lasalle v. Vogel* (2019) 36 Cal.App.5th 127, 135.) Where the party seeking relief seeks such relief promptly and no prejudice will result to the opposing party, "very slight evidence will be required to justify a court in setting aside the default." (*Elston v. City of Turlock, supra*, 38 Cal.3d at p. 233.)

If a party does not receive actual notice from service of a summons, an entry of default or a default judgement may be set aside under Code of Civil Procedure section

