

Tentative Rulings for June 11, 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)

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.*

21CECG03258 *Wallace v. McCubbin (TO BE HEARD IN DEPT. 503)*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

23CECG04628 *Javier Mendez v. Fresno's Chaffee Zoo Corporation* is continued to Thursday, July 23, 2026, at 3:30 p.m. in **Department 403**.

25CECG01717 *Orlonzo Hedrington v. William Woolman* is continued to Thursday, July 23, 2026, at 3:30 p.m. in **Department 403**.

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Tentative Ruling

Re: ***Helsel v. West Coast Mennonite Central Committee, Inc.***
Superior Court Case No. 25CECG03228

Hearing Date: June 11, 2026 (Dept. 501)

Motion: Cross-Defendants' Motion to Strike

**If oral argument is timely requested, it will be entertained on
Thursday, June 18, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To continue the motion to Thursday, July 23, 2026 at 3:30 p.m. in Department **403**, in order to allow the parties to meet and confer *in person or by telephone*, as required. If this resolves the issues, cross-defendants shall call the calendar clerk to take the motion off calendar. If it does not resolve the issues, counsel for cross-defendants shall file a declaration, on or before July 13, 2026, stating the efforts made. If no declaration is filed, the motion will be taken off calendar.

Explanation:

Under Code of Civil Procedure section 435.5, “[b]efore filing a motion to strike pursuant to this chapter, the moving party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to the motion to strike for the purpose of determining whether an agreement can be reached that resolves the objections to be raised in the motion to strike.” (Code Civ. Proc., § 435.5, subd. (a).) “As part of the meet and confer process, the moving party shall identify all of the specific allegations that it believes are subject to being stricken and identify with legal support the basis of the deficiencies.” (Code Civ. Proc., § 435.5, subd. (a)(1).)

“The moving party shall file and serve with the motion to strike a declaration stating either of the following: (A) The means by which the moving party met and conferred with the party who filed the pleading subject to the motion to strike, and that the parties did not reach an agreement resolving the objections raised by the motion to strike. (B) That the party who filed the pleading subject to the motion to strike failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.” (Code Civ. Proc., § 435.5 subd. (a)(3)(A), (B), paragraph breaks omitted.)

Here, counsel for cross-defendants has filed a declaration which indicates a letter was sent by email on January 27, 2026 stating the grounds for the motion to strike and requesting a response from cross-complainant's counsel by February 7, 2026. (Vogt Decl., ¶ 4, Ex. A.) After not receiving a response to the letter, the motion to strike was filed. (*Id.* at ¶ 5.) The court notes that the motion was filed on February 6, 2026, before the letter's deadline to respond had passed. The declaration does not show that counsel engaged in good faith meet and confer efforts before filing the demurrer and motion to strike.

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Tentative Ruling

Re: **Timothy Blevens v. Cheryl Medrano**
Superior Court Case No. 25CECG04177

Hearing Date: June 11, 2026 (Dept. 501)

Motion: By Defendants to Set Aside Default Pursuant to Code of Civil Procedure section 473, subdivisions (b) and (d); and section 473.5

If oral argument is timely requested, it will be entertained on Thursday, June 18, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To deny, without prejudice.

Explanation:

Defendants, Cheryl A. and Michael Medrano (collectively “defendants” or “the Medranos”) seek to set aside default entered against them. On October 17, 2025, the court granted an Entry for Request for Default against Cheryl A. Medrano. (Linder Decl., Ex. D). On October 28, 2025, the court granted an Entry for Request for Default against Michael Medrano. (Linder Decl., Ex. E). The complaint against defendants was filed on September 5, 2025.

Defendants move for relief under Code of Civil Procedure section 473.5. Code of Civil Procedure section 473.5, subdivisions (a) and (b) provide:

“(a) When service of a summons has not resulted in **actual notice** to a party in time to defend the action and a default or default judgment has been entered against him or her in the action, he or she may serve and file a notice of motion to set aside the default or default judgment and for leave to defend the action. The notice of motion shall be served and filed within a reasonable time, but in no event exceeding the earlier of: (i) two years after entry of a default judgment against him or her; or (ii) 180 days after service on him or her of a written notice that the default or default judgment has been entered.

(b) A notice of motion to set aside a default or default judgment and for leave to defend the action shall designate as the time for making the motion a date prescribed by subdivision (b) of Section 1005, **and it shall be accompanied by an affidavit showing under oath that the party's lack of actual notice in time to defend the action was not caused by**

his or her avoidance of service or inexcusable neglect. The party shall serve and file with the notice a copy of the answer, motion, or other pleading proposed to be filed in the action.”

(Emphasis added.)

A motion under Code of Civil Procedure section 473.5 requires that a defendant show it lacked actual notice of the instant lawsuit such that it could not render a timely defense. The Court finds the Medrano's submissions insufficient to demonstrate lack of actual notice.

“[A]ctual notice in section 473.5 means genuine knowledge of the party litigant...[A]ctual knowledge has been strictly construed, with the aim of implementing the policy of liberally granting relief so that cases may be resolved on their merits.” (*Ellard v. Conway* (2001) 94 Cal.App.4th 540, 547 [Citations Omitted].) “[A] party can make a motion showing a lack of actual notice not caused by avoidance of service or inexcusable neglect . . .” (*Trackman v. Kenney* (2010) 187 Cal. App. 4th 175, 180.) “[I]t does not require a showing that plaintiff did anything improper...[T]he defaulting defendant simply asserts that he or she did not have actual notice’.” (*Ibid.*)

Defendants have failed to meet this burden, as neither of their declarations says anything about being unaware of the litigation as a result of the papers being left at their door and mailed to their residence. Nor does either declaration mention how they become aware of the case. Instead, they simply assert that the proof of service must be disregarded, because it got Ms. Medrano's hair color and height wrong. Notably, the declarations do not deny a person left papers for them at their front door on the day they were served.

Defendants further seek relief under Code of Civil Procedure section 473, subdivision (b). Code of Civil Procedure section 473, subdivision (b), provides that the court may relieve a party from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. It must be made within 6 months after the judgment, dismissal, order, or proceeding was taken. Relief may be based either on an “attorney affidavit of fault,” in which event, relief is mandatory; or declarations or other evidence showing “mistake, inadvertence, surprise or excusable neglect,” in which event relief is discretionary. (Code Civ. Proc., § 473, subd. (b).)

With respect to discretionary relief under section 473, subdivision (b), the party moving for relief on the basis of “mistake, inadvertence, surprise, or excusable neglect” must show specific facts demonstrating that one of these conditions was met. (*Hopkins & Carley v. Gens* (2011) 200 Cal.App.4th 1401, 1410.) The burden is on the moving party to show that the neglect was excusable: i.e., that the default could not have been avoided through the exercise of ordinary care. (*Jackson v. Bank of America* (1983) 141 Cal.App.3d 55, 58.)

Here, defendants fail to demonstrate “mistake, inadvertence, surprise, or excusable neglect” for the same reasons that the Medrano's submissions fail to demonstrate lack of actual notice with respect to Code of Civil Procedure section 473.5.

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Tentative Ruling

Re: ***In Re: Angel Eduardo Antonio Kuripeth***
Superior Court Case No. 25CECG00038

In Re: Oscar Antonio Garcia
Superior Court Case No. 25CECG00039

In Re: Steven Antonio Kuripeth
Superior Court Case No. 25CECG00040

In Re: Justin Antonio Kuripeth
Superior Court Case No. 25CECG00041

Hearing Date: June 11, 2026 (Dept. 501)

Motion: By Petitioner to Consolidate Cases for All Purposes

If oral argument is timely requested, it will be entertained on Thursday, June 18, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To continue the hearing to Wednesday July 15, 2026 at 3:30 p.m. in **Department 403** in order to allow petitioner to file the notice of hearing in Case Nos. 25CECG00039, 25CECG00040, and 25CECG00041. (Cal. Rules of Court, Rule 3.350, subd. (a)(1)(C).) The notices of hearing must be filed no later than June 22, 2026.

Explanation:

Petitioner Soledad Kuripeth Manuel ("Petitioner") on behalf of claimants Angel Antonio-Kuripeth, Oscar Alejandro Antonio Kuripeth, Steven Antonio-Kuripeth, and Justin Antonio-Kuripeth ("Claimants") moves to consolidate Case Nos. 25CECG00038, 25CECG00039, 25CECG00040, and 25CECG00041 with Case No. 25CECG00038 as lead.

Code of Civil Procedure section 1048, subdivision (a), states in pertinent part, "When actions involving a common question of law or fact are pending before the court...it may order all the actions consolidated". Rules of Court, Rule 3.350, subdivision (a)(1), states in pertinent part, "A notice of motion to consolidate must...[b]e filed in each case sought to be consolidated."

Petitioner moves to have Claimants' cases consolidated because Claimants are identically situated and intended to receive identical settlements. On the merits, the court agrees. However, Petitioner failed to comply with Rules of Court, Rule 3.350, subdivision (a)(1)(C), by failing to file a notice of hearing in Case Nos. 25CECG00039, 25CECG00040, and 25CECG00041. Accordingly, the motion to consolidate cases for all

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Tentative Ruling

Re: ***Martinez v. Lelievre et al.***
Superior Court Case No. 22CECG02979

Hearing Date: June 11, 2026 (Dept. 501)

Motion: By Defendant for an Order to Compel Appearance of Plaintiffs at Deposition and Request for Sanctions and for Protective Order and to Compel an Independent Medical Examination

If oral argument is timely requested, it will be entertained on Thursday, June 18, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To grant defendant Home Depot U.S.A., Inc.'s motion to compel plaintiffs Miguel Martinez and Francisca Vasquez to appear at a deposition as noticed. (Code Civ. Proc. §§ 2025.450, subd. (a), 2025.280, subd. (a).)

To impose monetary sanctions in favor of defendant Home Depot U.S.A., Inc., and against plaintiffs Miguel Martinez and Francisca Vasquez. (Code Civ. Proc. §§ 2023.010, subd. (d), 2023.030, subd. (a), 2025.450, subd. (g)(1).) Plaintiffs Miguel Martinez and Francisca Vasquez are ordered to pay \$4,256.25 in total sanctions to Goodman Neuman Hamilton LLP within 30 days of the clerk's service of the minute order.

To take defendant Home Depot U.S.A., Inc.'s motion for a protective order and motion to compel an independent medical examination off calendar, as no moving papers have been filed. (Code Civ. Proc., § 1005, subd. (b).)

Explanation:

The service of a deposition notice under Code of Civil Procedure section 2025.240 is effective to require any deponent who is a party to the action to attend and to testify, as well as to produce any document, electronically stored information, or tangible thing for inspection and copying. (Code Civ. Proc., § 2025.280, subd. (a).) Code of Civil Procedure section 2025.450, subdivision (a), states in pertinent part:

If, after service of a deposition notice, a party to the action... without having served a valid objection under Section 2025.410, fails to appear for examination, or to proceed with it... the party giving the notice may move for an order compelling the deponent's attendance and testimony... .

Here, defendant Home Depot U.S.A., Inc. ("Defendant") served a notice for deposition on plaintiffs Miguel Martinez and Francisca Vasquez ("Plaintiffs") scheduled for May 28, 2025. Plaintiffs did not appear for the deposition as noticed, and a certificate

