

Tentative Rulings for June 18, 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.*

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

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(34)

Tentative Ruling

Re: **Stewart v. General Motors, LLC**
Superior Court Case No. 25CECG00868

Hearing Date: June 18, 2026 (Dept. 501)

Motion: by Defendant for Summary Judgment

If oral argument is timely requested, it will be entertained on Thursday, June 25, 2026, at 3:30 p.m. in Department 501.

Tentative Ruling:

To elect to treat the motion for summary judgment as one for judgment on the pleadings, and to grant the motion for judgment on the pleadings in favor of defendant General Motors, LLC. Plaintiff is granted 10 days' leave to file the First Amended Complaint, which will run from service by the clerk of the minute order.

Explanation:

Defendant General Motors, LLC moves for summary judgment of the complaint filed by Celestino Stewart on the basis that plaintiff's complaint alleging a cause of action for Violation of the Magnuson-Moss Warranty Act fails as a matter of law.

The complaint alleges that on or about July 1, 2024 plaintiff acquired a 2024 GMC 2500 Denali manufactured and distributed by defendant General Motors, LLC and sold to plaintiff with express and implied warranties. (Complaint, ¶¶ 4-7.) The vehicle is alleged to have exhibited defects and the defendant failed to bring the vehicle into conformity with the applicable warranties. (Id., ¶¶ 9-11.) Defendant is alleged to have breached the warranties in violation of the Magnuson-Moss Warranty Act. (Id., ¶¶ 16-18.) Plaintiff has alleged only a violation of the Magnuson-Moss Warranty Act and has not pled a claim for breach of warranty under state law. A failure to state a warranty claim under state law necessarily constitutes a failure to state a claim under Magnuson-Moss. (*Daugherty v. American Honda Motor Co., Inc.* (2006) 144 Cal.App.4th 824, 833.) As a result of the failure to allege a cause of action for breach of warranty under state law, plaintiff has not stated a cause of action under Magnuson-Moss.

Although defendant has framed the motion as one for summary judgment, the argument is that the claim is not properly pled. As a result, the court intends to deny the defendant's motion for summary judgment as to the entire complaint and treat the motion as one for judgment on the pleadings.

A motion for summary judgment necessarily tests the sufficiency of the pleadings, and thus its legal effect is the same as a demurrer or a motion for judgment on the pleadings. (See *Yancey v. Superior Court* (1994) 28 Cal. App. 4th 558, 561-62; *American Airlines, Inc. v. County of San Mateo* (1996) 12 Cal.4th 1110, 1117.) Therefore, if the court concludes the complaint (or any claim or defense) is insufficient as a matter of law, it

