

**Tentative Rulings for June 25, 2025**  
**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)**

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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.

23CECG05097      *Anthony Godines v. MVED, Inc.* is continued to Thursday, August 28, 2025 at 3:30 p.m. in Department 501

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 501**

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(20)

**Tentative Ruling**

Re: ***Bush v. Ospry Holdings LLC***  
Superior Court Case No. 25CECG01627

Hearing Date: June 25, 2025 (Dept. 501)

Motion: Petition to Compel Arbitration

**Tentative Ruling:**

To grant and compel arbitration of petitioner's claims.

***If oral argument is timely requested, such argument will be entertained on Friday, June 27, 2025, at 9:00 a.m. in Department 501.***

**Explanation:**

Petitioner John Bush seeks to compel arbitration of his claims against his former employer, Ospry Holdings LLC.

A trial court is required to grant a motion to compel arbitration "if it determines that an agreement to arbitrate the controversy exists." (Code Civ. Proc., § 1281.2.) However, there is "no public policy in favor of forcing arbitration of issues the parties have not agreed to arbitrate." (*Garlach v. Sports Club Co.* (2012) 209 Cal.App.4th 1497, 1505.) Thus, when a motion to compel arbitration is filed and accompanied by prima facie evidence of a written agreement to arbitrate the controversy, the court itself must determine: (1) whether the agreement exists, and (2) if any defense to its enforcement is raised, whether it is enforceable. The moving party bears the burden of proving the existence of an arbitration agreement by a preponderance of the evidence. The party claiming a defense bears the same burden as to the defense. (*Rosenthal v. Great Western Fin. Securities Corp.* (1996) 14 Cal.4th 394, 413-414.)

Petitioner has shown that an agreement to arbitrate exists, the parties have an arbitrable dispute, and respondent has not agreed to or cooperated with the commencement of arbitration. Accordingly, the court intends to grant the Petition.

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: DTT on 6/18/2025.  
(Judge's initials) (Date)

(36)

**Tentative Ruling**

Re: ***Earl v. JD Home Rentals, et al.***  
Superior Court Case No. 20CECG03380

Hearing Date: June 25, 2025 (Dept. 501)

Motions (x2): by Plaintiff to Vacate Judgment

**Tentative Ruling:**

To deny the motions. (Code Civ. Proc., § 663.)

***If oral argument is timely requested, such argument will be entertained on Friday, June 27, 2025, at 9:00 a.m. in Department 501.***

**Explanation:**

A judgment may be set aside or vacated, and another and different judgment entered, for two grounds: "(1) incorrect or erroneous legal basis for the decision, not consistent with or not supported by the facts; . . . [¶] (2) [a] judgment . . . not consistent with or not supported by the special verdict." (Code Civ. Proc., § 663.)

Plaintiff's moving papers fail to provide any ground for vacating the judgment. The court further notes that this is plaintiff's second motion to vacate the judgment. The first was denied for similar reasons and because the court lacked jurisdiction to grant an untimely motion to vacate. (See the Law and Motion Minute Order, filed April 8, 2025.)

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: DTT on 6/23/2025.  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Real v. Vested Enterprises, Inc. et al.***  
Superior Court Case No. 21CECG02679

Hearing Date: June 25, 2025 (Dept. 501)

Motion: Petition to Compromise Claim

**Tentative Ruling:**

To deny, without prejudice. In the event that argument is requested, both petitioner Kristin Pothier and plaintiff Daniel Real are excused from appearing.

***If oral argument is timely requested, such argument will be entertained on Friday, June 27, 2025, at 9:00 a.m. in Department 501.***

**Explanation:**

Petitioner Kristin Pothier ("petitioner") seeks an order compromising the claim of plaintiff Daniel Real.

Upon review of the Petition, it appears that petitioner seeks to establish multiple court-supervised trusts. (Attachment 13, End of Trust Provisions, ¶ 2; Attachment 18(b)(7).) At least one of the trusts appears to be a spend down trust to enable future public assistance. This court in a civil proceeding will not retain jurisdiction of such trust supervision. Accordingly, petitioner must show that she has first filed with the Probate Division to establish the supervised trusts to comply with California Rules of Court, rule 7.903. The Probate Division provides the requisite ongoing court supervision of the trust. Once there is an approved probate petition, petitioner may refile for approval to fund the trusts through an order of compromise of claim in this civil matter.<sup>1</sup>

Further, as to Item 12, while the Petition submits that \$12,496.00 of the charges have been negotiated down, petitioner submits no proof that Medical Imaging Center of Southern California, Inc., will accept the reduced payment as indicated.

For the above reasons, the Petition is denied, but without prejudice.

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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<sup>1</sup> These trust documents seek an immediate distribution from the trust to pay for the fees asserted. It is unclear whether these fees, separate from counsel in this action, are being sought from the instant compromise, or from the trusts. To the extent that the fees are sought from the trusts, such requests, properly supported, are at the discretion of the Probate Division, after the trusts have been established and funded. Otherwise, the request for fees from the compromise should following the procedure set forth in Item 13 of the Petition.

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:** DTT **on** 6/24/2025.  
(Judge's initials) (Date)