

Tentative Rulings for June 26, 2025
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.*

24CECG02986	<i>Fernando Hernandez Flores v. Kashmir Singh</i>
25CECG00039	<i>In re: Oscar Antonio Garcia</i>
25CECG00040	<i>In re: Steven Antonio Kuripeth</i>
23CECG04687	<i>Westside Production Solutions, Inc. v. Susan Kilsdonk</i>

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

24CECG01869	<i>Robert Shank v. Ono Hawaiian BBQ, Inc.</i> is continued to Wednesday, August 20, 2025 at 3:30 p.m. in Department 502
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Tentative Rulings for Department 502

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Tentative Ruling

Re: **N.F. v. Lea Gruber**
Superior Court Case No. 24CECG01966

Hearing Date: June 26, 2025 (Dept. 502)

Motion: Defendant Lea Gruber's Demurrer to and Motion to Strike
Second Amended Complaint

Tentative Ruling:

To continue the demurrer and motion to strike to July 31, 2025 at 3:30 p.m. in Department 502. Gruber's counsel shall file an updated meet and confer declaration *at least 10 days* prior to the date of the continued hearing. No further flings on the substance of the motions is permitted, as they are fully briefed.

Explanation:

The moving party must meet in confer in person, by telephone, or by video conference, prior to filing a demurrer, and file and serve with the motion a declaration detailing the meet and confer efforts. (Code Civ. Proc., §§ 430.41, subd. (a); 435.5, subd. (a).) Gruber's counsel's declaration shows that there was no meet and confer, nor that sufficient effort was made on counsel's part to initiate the meet and confer. The court requires actual compliance with this statutory requirement. Plaintiff's counsel must cooperate in this process as well.

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: KCK on 06/23/25
(Judge's initials) (Date)

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Tentative Ruling

Re: **Builders Concrete Sales, LLC vs. Donald Wadsack**
Superior Court Case No. 24CECG02565

Hearing Date: June 26, 2025 (Dept. 502)

Motion: Default Prove-Up

Tentative Ruling:

To grant and sign the proposed judgment. No appearance necessary.

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: KCK on 06/23/25
(Judge's initials) (Date)

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Tentative Ruling

Re: **John Doe 1 v. Mitchell Singh**
Superior Court Case No. 23CECG03615

Hearing Date: June 26, 2025 (Dept. 502)

Motion: by Plaintiff for Order terminating Guardian Ad Litem

Tentative Ruling:

To grant. The guardian ad litem appointment for John Doe 2 on September 8, 2023 is terminated.

Explanation:

Code of Civil Procedure section 372 requires a minor appearing in litigation to appear by and through an appointed guardian ad litem. It follows that statutory authorization for the appointment of a guardian ad litem in proceedings is understood to authorize the maintenance of such appointment only so long as the grounds for the appointment continue to exist. (*Chui v. Chui* (2022) 86 Cal.App.5th 929, 938.) Upon reaching the age of majority, where there is no ground for continuing the appointment of a guardian ad litem other than the minority of the litigant the appointment must terminate. (*Id.* at p. 939.)

In the case at bench, plaintiff John Doe 2 initiated the action by and through guardian ad litem Deanna Babcock because he was a minor and could not pursue a claim for damages without such an appointment. On May 31, 2024 plaintiff John Doe 2 turned 18 years old. (Doe 2 Decl., ¶ 3.) Plaintiff attests to being capable and willing to assist his attorney in the continued prosecution of the case. (*Ibid.*) There being no ground to continue the appointment of the guardian ad litem now that plaintiff is no longer a minor, the guardian ad litem appointment made on September 8, 2023 as to John Doe 2 is terminated.

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: KCK on 06/23/25
(Judge's initials) (Date)

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Tentative Ruling

Re: **Isa Watson v. City of Fresno**
Superior Court Case No. 24CECG05436

Hearing Date: June 26, 2025 (Dept. 502)

Motion: by Defendant Demurring to the Complaint

Tentative Ruling:

To take off calendar as moot, due to Petitioner's filing of an Amended Petition on June 12, 2025. (*Sylmar Air Conditioning v. Pueblo Contracting Services, Inc.* (2004) 122 Cal.App.4th 1049, 1054; *People ex rel. Strathmann v. Acacia Research Corp.* (2012) 210 Cal.App.4th 487, 506.) Any challenges to the amended pleading must be raised by new motion(s).

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: KCK on 06/24/25.
(Judge's initials) (Date)