Tentative Rulings for July 1, 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.***

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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(20)

Tentative Ruling

Re: ***In Re: Imidacloprid Cases***
Superior Court Case No. 22JCCP05241

Hearing Date: July 1, 2025 (Dept. 502)

Motion: By Defendants Bayer CropScience LP, Albaugh, LLC, and Rotam North America, Inc. for Separate Trials

Tentative Ruling:

To deny.

Explanation:

Defendants Bayer CropScience LP, Albaugh, LLC, and Rotam North America, Inc., move for an order that "1) *Eriksson, LLC v. Loveland Products, Inc*., Case No. 20CECG00766, County of Fresno will be tried separately from the cases to which Defendants are parties; 2) *M.C. Watte Ranches v. Nutrien Ag Solutions, Inc., et al.*, Case No. VCU288780, California Superior Court, County of Tulare and *Hillman Ranches, L.P. v. Steve Mendonca, et al*., Case No. VCU290034, County of Tulare will be tried separately from the cases to which Defendants are parties; 3) the trials of the cases in the coordination proceeding to which Defendants are parties be continued as articulated in Defendants' *Ex Parte* Application for Continuance of Trial Date filed on April 23, 2025 and Defendants' Further Position Statement in Support of *Ex Parte* Application to Continue Trial Date filed on April 30, 2025 and 4) for a briefing schedule to be entered for the purposes of determining the separation of and schedule for the trials of the remainder of the cases in the coordination proceeding."

The motion is brought pursuant to Code of Civil Procedure section 1048, subdivision (b): "The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action … or of any separate issue or of any number of causes of action or issues …" The court has inherent power to regulate the order of trial, and therefore can order separate trials of causes of action or issues pursuant to section 1048 at any time, even during the trial itself. (*McLellan v. McLellan* (1972) 23 Cal.App.3d 343, 353.) Granting or denying of a motion for separate trials lies within the trial court's sound discretion, and is subject to reversal on appeal only for clear abuse. (*Grappo v. Coventry Fin'l Corp*. (1991) 235 Cal.App.3d 496, 504.)

California Rules of Court, Rule 3.541, authorizes a coordination trial judge to "[o]rder any issue or defense to be tried separately and before trial of the remaining issues when it appears that the disposition of any of the coordinated actions might thereby be expedited." (Cal. Rules of Court, Rule 3.541(c).) Additionally, in a coordination proceeding, the coordination trial judge has "whatever great breadth of discretion may be necessary and appropriate to ease the transition through the judicial system of the

logjam of cases which gives rise to coordination." (*McGhan Med. Corp. v. Superior Court* (1992) 11 Cal.App.4th 804, 812.)

The court has already ordered that the M.C. Watte case be tried separately. The court is informed that the Hillman Ranch and Pioneer Nursery cases have settled. The motion is moot in regards to those cases. The court finds that judicial economy would not be served by further severance and separate trials.

Moving defendants contend that trying the cases together would be inefficient, necessitating a six-week trial. However, the court believes that separating out the cases would not be conducive to expedition and economy, as the court would have to accommodate numerous trials nearing six weeks in length. Conducting a single trial would avoid a wasteful, inefficient and duplicative effort. (*See Shade Foods, Inc. v. Innovative Sales & Mktg., Inc.* (2000) 78 Cal.App.4th 847, 913 [noting that separate trials involving the same factual determinations create "duplicative adjudications with a consequent waste of judicial time"].) The legal theories in the remaining cases are largely the same, focusing on the grower plaintiffs' on-label application of Imidacloprid to their crops and resulting Imidacloprid residue in excess of the MRL.

While the Eriksson action involves the 2017 pistachio crop, and the other actions involve the 2020 crop, this is not a significant enough factual difference to warrant holding a separate trial. Still the action involves on-label Imidacloprid application with excess residue levels. While the issues of the Horizon parties' alleged negligence or breaches of duties are not at issue in the Eriksson action, the jury can easily be instructed not to consider those issues in regards to the Eriksson claims. Trying the remaining cases together would minimize the risk of inconsistent verdicts bases on the same or similar legal issues. The court has already ordered separate trials where it would promote judicial economy, and does not intend to order further separate trials.

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 06/30/25 .
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***City of Clovis v. Noe Flores***
Superior Court Case No. 25CECG01116

Hearing Date: July 1, 2025 (Dept. 502)

Motion: Petition for Appointment of Receiver

Tentative Ruling:

To grant the petition. (Health & Saf. Code, §§ 17980.6, 17980.7.)

Explanation:

The State Housing Law includes a comprehensive enforcement procedure for abatement by demolition or correction of any violation of the building standards published in the California Building Standards Code, the State Housing Law, and other rules and regulations adopted pursuant to the State Housing Law. (Health & Saf. Code, § 17980-17982.) When the violations or conditions of the property involve noncompliance with the requirements of the State Housing Law, or with the requirements of the published State Building Standards Code that implement the State Housing Law, or with local ordinances and rules and regulations enacted pursuant to either of them, and the violations are "so extensive that the health and safety of residents or the public is substantially endangered," the law includes more detailed provisions for a receiver to be appointed to take over the collection of rents and management and operation of the property, including the abatement or corrective efforts, in the event the owner fails to do so after a reasonable period of time where the property is identified as one that substantially endangers residents. (Health & Saf. Code, § 17980.6, 17980.7.)

Here, the City of Clovis seeks an order appointing a receiver rehabilitate the property owned by respondent Noe Jaime Flores. The City has presented evidence that the property is being maintained in a substandard condition that presents fire and health and safety hazards to the public, including tall weeds, trash, and debris on the property, as well as no running water and damaged structures and fixtures like electrical wiring and insufficient roof/ceiling support. (Alcorn Decl., ¶ 13.) A fire has previously occurred on the property. The respondent has not remedied the nuisance conditions on the property despite being given numerous notices and opportunities to cure the conditions. (Alcorn Decl., ¶ 14, Ex. A.) Therefore, the City has presented adequate evidence to demonstrate that the property is being maintained in a nuisance condition that violates the local ordinances and presents a health and safety risk to the public.

The City has posted notice of its intent to bring the present petition for appointment of a receiver on the property at least three days prior to bringing the petition. (Alcorn Decl., ¶ 12, Ex. C.) Therefore, the City has complied with the pre-filing notice requirements of Health & Safety Code § 17980.7. The City has also posted notice on the property as required under section 17980.6.

Respondent has not opposed the petition or made any attempt to show that he has brought the property into compliance. As a result, respondent has failed to show that the receiver should not be appointed, or that his property is not in violation of the CMC and does not present a health and safety hazard to the community.

The proposed receiver also appears to have the capacity and expertise to bring the property into compliance with the law. Mr. Wakefield has acted as a receiver in multiple other cases where properties were nuisances and required appointment of a receiver to bring them into compliance with the law. (Wakefield Decl., ¶ 3.) He states that he is ready, willing and able to manage the subject property. (*Id*. at ¶¶ 5, 6.) Therefore, the court intends to find that Mr. Wakefield is qualified to act as a receiver here, and appoint him to act as the receiver for the property. In addition, the court intends to grant the order allowing him to borrow money and impose liens against the property to repay the loans for the purpose of rehabilitating the property. (Health & Safety Code § 17980.7, subd. (c)(4)(G).)

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 06/30/25.
(Judge's initials) (Date)