

**Tentative Rulings for July 1, 2025**  
**Department 503**

**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.

24CECG03603      *Cruz v. Bibiano* is continued to Thursday, July 3, 2025 at 3:30 p.m. in Department 503

23CECG03064      *Dominique Chaparro v Cadence SL Windham Fresno, LLC* is continued to Tuesday, July 22, 2025 at 3:30 p.m. in Department 503

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## **Tentative Rulings for Department 503**

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(03)

**Tentative Ruling**

Re: ***Chaoui v. 712 Financial Service, LLC***  
Case No. 25CECG01784

Hearing Date: July 1, 2025 (Dept. 503)

Motion: Plaintiff's Motion to Consolidate Cases

**If oral argument is timely requested, it will be entertained on  
Tuesday, July 29, 2025, at 3:30 p.m. in Department 503.**

**Tentative Ruling:**

To deny plaintiff's motion to consolidate the wrongful foreclosure and unlawful detainer cases.

**Explanation:**

First of all, the plaintiff has not filed a valid proof of service showing that defendant has been served with a copy of the summons and complaint. The proof of service filed by plaintiff does not list the name of the defendant in item 3a, but instead lists someone named Mohammed Chaoui, who is not a party to the action. This appears to be the person who served the documents, not the party who was served with them. Also, the proof of service states that the documents were served by mail and acknowledgement of receipt. (Proof of Service, Item 5c.) However, no copy of the notice and acknowledgement of receipt form has been filed with the proof of service, so there is no evidence that defendant actually received and signed to acknowledge receipt of the documents. As a result, the clerk has deemed plaintiff's proof of service to be defective. Therefore, since plaintiff has not properly served defendant with the summons and complaint, the court lacks personal jurisdiction over defendant and it cannot grant the requested relief at this time.

In addition, the plaintiff has not supported his motion with any admissible evidence, such as a declaration under penalty of perjury or any documents that might support the requested relief. He also fails to cite to any legal authorities to support the request for consolidation, or explain why consolidation would be proper here. Therefore, the motion would be denied even if plaintiff had shown that he served defendant before the hearing. (See Cal. Rules of Court, rule 3.1113(a): "The court may construe the absence of a memorandum as an admission that the motion or special demurrer is not meritorious and cause for its denial...")

Furthermore, plaintiff has not shown that consolidation of the cases would be proper here, given that the other case is an unlawful detainer action and a judgment has already been entered against plaintiff in that action. (See Judgment entered in case no. 25CECL03522 on May 6, 2025.) Although the two cases involve the same parties and apparently also involve the same real property, an unlawful detainer action is a summary proceeding that purely concerns the right to possession of real property. As such,

unlawful detainer actions are rarely consolidated with other civil actions, even if both cases involve the same parties and raise issues related to the same real property. (*Martin-Bragg v. Moore* (2013) 219 Cal.App.4<sup>th</sup> 367, 387.) Plaintiff has not shown why the court should consolidate the two cases here, especially when a judgment has already been entered against him in the UD action and there are apparently no issues left to decide in that case.

Consequently, the court intends to deny the motion to consolidate the actions.

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:** JS **on** 6/20/2025.  
(Judge's initials) (Date)

(36)

**Tentative Ruling**

Re: ***FBN Finance LLC v. Kular***  
Superior Court Case No. 25CECG00544

Hearing Date: July 1, 2025 (Dept. 503)

Motion: by Defendant to Set Aside Default

**If oral argument is timely requested, it will be entertained on  
Tuesday, July 29, 2025, at 3:30 p.m. in Department 503.**

**Tentative Ruling:**

To continue the matter to Tuesday, July 29, 2025, at 3:30 p.m., in Department 503. Deadlines for an opposition and reply are pursuant to Code of Civil Procedure section 1005.

**Explanation:**

Pursuant to Code of Civil Procedure section 1005, the moving papers must be served and filed at least 16 court days before the hearing. If the notice is served by overnight mail, the notice period is extended by two court days. (Code Civ. Proc., § 1013, subd. (c).)

The proof of service accompanying the motion provides that the moving party served the moving papers by overnight mail on June 3, 2025, exactly 16-court days prior to the hearing. Since the service does not account for the extension of time for delivery by overnight mail, this is insufficient notice.

However, rather than deny the motion for faulty service, it appears appropriate to continue the matter to allow for additional notice.

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: JS on 6/30/2025.  
(Judge's initials) (Date)

(29)

**Tentative Ruling**

Re: **Forrest v. Walker**  
Superior Court Case no. 24CECG03624

Hearing Date: July 1, 2025 (Dept. 503)

Motion: Application of Mark Olla to appear as counsel *pro hac vice*

**If oral argument is timely requested, it will be entertained on  
Tuesday, July 29, 2025, at 3:30 p.m. in Department 503.**

**Tentative Ruling:**

To continue to Tuesday, July 15, 2025.

**Explanation:**

Plaintiff seeks admission of Mark Olla to appear as counsel *pro hac vice* in the above-titled case. "A person desiring to appear as counsel *pro hac vice* in a superior court must file with the court a verified application together with proof of service by mail in accordance with Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application on all parties who have appeared in the cause and on the State Bar of California at its San Francisco office." (Cal. Rules of Court, rule 9.40(c)(1).) Here, the Court found no proof of service in its file showing service of the instant application on the State Bar, nor documentation showing that the fee required by rule 9.40(e) has been paid. The hearing on the application is therefore continued to July 15, 2025, to allow counsel time to file the missing proof of service and documentation that the fee has been paid. Papers must be filed by noon, July 10, 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: JS on 6/30/2025.  
(Judge's initials) (Date)