

Tentative Rulings for July 2, 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)

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.*

23CECG05134 *Dwight Nelson v. Denise Brehm* (from Department 503)

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

(35)

Tentative Ruling

Re: ***Mooradian v. Aquino et al.***
Superior Court Case No. 22CECG02828

Hearing Date: July 2, 2025 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant. The proposed Orders will be signed. No appearances are necessary.

To set a status conference for Thursday, November 6, 2025, at 3:30 p.m. in Department 501, for confirmation of deposit of the funds into a blocked account. If Petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356), at least five court days before the hearing, the status conference will come off calendar.

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

(20)

Tentative Ruling

Re: **Leon v. Davis & Roberts Construction, Inc.**
Superior Court Case No. 22CECG00407

Hearing Date: July 2, 2025 (Dept. 501)

Motion: by Plaintiff for Final Approval of Class Action Settlement

Tentative Ruling:

To continue the hearing on the motion to July 9, 2025, at 3:30 p.m. in Department 501. Plaintiff shall file an amended declaration no later than July 4, 2025.

Explanation:

"Before final approval, the court must conduct an inquiry into the fairness of the proposed settlement." (Cal. Rules of Court, rule 3.769(g).) "The trial court has broad discretion to determine whether a class action settlement is fair. It should consider factors such as the strength of plaintiffs' case; the risk, expense, complexity and likely duration of further litigation; the risk of maintaining class action status through trial; the amount offered in settlement; the extent of discovery completed and the stage of the proceedings; the experience and views of counsel; the presence of a governmental participant; and the reaction of the class members to the proposed settlement." (Reed v. United Teachers Los Angeles (2012) 208 Cal.App.4th 322, 336.)

The court has already considered these factors and found the settlement to be fair and reasonable.

However, the court cannot grant final approval at this time because the declaration of the settlement administrator is defective. Katherine Ruark's declaration is signed, "I declare under penalty of perjury *under the laws of the State of Illinois* that the foregoing is true and correct. Executed this 2nd day of June, 2025, in Chicago, Illinois." (Emphasis added.) Declarations must be signed under penalty of perjury under the laws of the State of California. (Code Civ. Proc., § 2015.5.) A declaration that does not comply with section 2015.5 is of no evidentiary value. (Kulshrestha v. First Union Commercial Corp. (2004) 33 Cal.4th 601, 605–606, 618; ViaView, Inc. v. Retzlaff (2016) 1 Cal.App.5th 198, 217.)

Instead of denying the motion, the court will continue the hearing so that plaintiff can submit a compliant declaration.

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** 6/27/2025 .
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***Meza v. Ruben's Pipeline, Inc.***
Superior Court Case No. 24CECG00078

Hearing Date: July 2, 2025 (Dept. 501)

Motion: by Defendants Compelling Independent Mental Examination
of Plaintiff

Tentative Ruling:

To deny without prejudice due to moving parties' failure to comply with The Superior Court of Fresno County, Local Rules, rule 2.1.17 ("Local Rule 2.1.17") before filing the motion.

Explanation:

This motion is brought pursuant to Code of Civil Procedure sections 2032.310 and 2032.020, and is therefore subject to Local Rule 2.1.17, which explicitly applies to all motions under sections 2016.010 through 2036.050 of the Code of Civil Procedure. (See Local Rule 2.1.17(A).) Defendants have not filed a request for Pretrial Discovery Conference regarding this discovery dispute, or obtained permission to file the motion as required by the Local Rule.

Specification of Diagnostic Tests and Procedures

Further, notwithstanding the above, the motion would be denied for failure to specify the diagnostic tests and procedures to be used in the examination. (Code Civ. Proc., § 2032.320, subd. (d).)

Despite the parties' dispute as to whether the demand and motion properly provide the "manner, conditions, scope, and nature of the examination" as required by Code of Civil Procedure section 2032.310, subdivision (b), neither party presents any authority to support their respective arguments as to what constitutes as the requisite specificity. Nonetheless, the court notes that the order granting the motion must specify and list by name the diagnostic tests and procedures to be used in the examination. (Code Civ. Proc., § 2032.320, subd. (d); *Carpenter v. Sup.Ct. (Yamaha Motor Corp.)* (2006) 141 Cal.App.4th 249, 260 [invalidating the order requiring plaintiff to submit to "standardized written psychological tests" to "test emotional and cognitive functioning"].)

The proposed order lodged on May 14, 2025, which requires plaintiff to submit to the administration of unspecified psychological tests focusing on plaintiff's "claims of traumatic brain injury as well as the information obtained during the interview and review of medical records. . ." does not comply with Code of Civil Procedure section 2032.320. (See Prop. Order, 2:4-7.) Defendants do not specify what any such psychological tests might be in any of their briefings so as to allow the court to prepare an order in

compliance with statutory requirements. Nor do defendants demonstrate that psychological tests focusing on "claims of traumatic brain injury as well as the information obtained during the interview and review is medical records. . ." has so precise and finite a meaning in the mental health profession as to be the functional equivalent of a list of specific tests.

Therefore, the motion is denied.

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** 6/30/2025.
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: ***Rakesh v. Segway, Inc.***
Superior Court Case no. 25CECG01317

Hearing Date: July 2, 2025 (Dept. 501)

Motion: Application of Adam Buck to appear as counsel *pro hac vice*

Tentative Ruling:

To grant the application for an order permitting Adam Buck to appear as counsel *pro hac vice* for defendant Segway, Inc. (Cal. Rules of Court, rule 9.40.)

Explanation:

Defendant Segway, Inc., has filed an application seeking admission *pro hac vice* of attorney Adam Buck to appear in the above-titled case. The application complies with the requirements of California Rules of Court, rule 9.40, and no opposition has been filed. The application is therefore granted.

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** 7/1/2025 .
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: **Rakesh v. Segway, Inc.**
Superior Court Case no. 25CECG01317

Hearing Date: July 2, 2025 (Dept. 501)

Motion: Application of Kirk Schuler to appear as counsel *pro hac vice*

Tentative Ruling:

To grant the application for an order permitting Kirk Schuler to appear as counsel *pro hac vice* for defendant Segway, Inc. (Cal. Rules of Court, rule 9.40.)

Explanation:

Defendant Segway, Inc., has filed an application seeking admission *pro hac vice* of attorney Kirk Schuler to appear in the above-titled case. The application complies with the requirements of California Rules of Court, rule 9.40, and no opposition has been filed. The application is therefore granted.

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** 7/1/2025 .
(Judge's initials) (Date)