

Tentative Rulings for July 3, 2025
Department 403

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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(47)

Tentative Ruling

Re: ***TXT E Solutions USA Inc. v. Queclink of North America LLC***
Superior Court Case No. 24CECG04290

Hearing Date: July 3, 2025 (Dept. 403)

Motion:	Default Prove-up
<p>1. The defendant is a person who is a member of the same family as the victim.</p> <p>2. The defendant is a person who is a member of the same family as the victim.</p> <p>3. The defendant is a person who is a member of the same family as the victim.</p> <p>4. The defendant is a person who is a member of the same family as the victim.</p> <p>5. The defendant is a person who is a member of the same family as the victim.</p> <p>6. The defendant is a person who is a member of the same family as the victim.</p> <p>7. The defendant is a person who is a member of the same family as the victim.</p> <p>8. The defendant is a person who is a member of the same family as the victim.</p> <p>9. The defendant is a person who is a member of the same family as the victim.</p> <p>10. The defendant is a person who is a member of the same family as the victim.</p>	<p>1. The defendant is a person who is a member of the same family as the victim.</p> <p>2. The defendant is a person who is a member of the same family as the victim.</p> <p>3. The defendant is a person who is a member of the same family as the victim.</p> <p>4. The defendant is a person who is a member of the same family as the victim.</p> <p>5. The defendant is a person who is a member of the same family as the victim.</p> <p>6. The defendant is a person who is a member of the same family as the victim.</p> <p>7. The defendant is a person who is a member of the same family as the victim.</p> <p>8. The defendant is a person who is a member of the same family as the victim.</p> <p>9. The defendant is a person who is a member of the same family as the victim.</p> <p>10. The defendant is a person who is a member of the same family as the victim.</p>

Tentative Ruling:

To remove the default prove-up hearing from the calendar, in accordance with May 13, 2025 Order to set aside the default.

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: img on 6-30-25
(Judge's initials) (Date)

Tentative Ruling

Roe v. Sanger Unified School District, et al.
Superior Court Case No. 24CECG01452

July 3, 2025 (Dept. 403)

Motion to Strike California Teaching Fellows Foundation's
Tenth Affirmative Defense

Tentative Ruling:

To continue the motion to August 6, 2025 at 3:30 p.m. in Department 403. Defense counsel shall file a revised meet and confer declaration *at least 10 days* prior to the date of the continued hearing. No further flings on the substance of the demurrer will be permitted, as it is fully briefed.

Explanation:

The moving party must meet in confer *in person*, by telephone, or by video conference with prior to filing a motion to strike, and file and serve with the motion a declaration detailing the meet and confer efforts. (Code Civ. Proc., § 435.5, subd. (a).) Sending a single letter, with no discussion, clearly does not satisfy the explicit requirement to meet and confer in person or by telephone or videoconference. The court requires strict compliance with the statute.

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: Img on 6-30-25
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: **Verdant Commercial Capital, LLC v. Dayal Transport, Inc., et al.**

Superior Court Case No. 25CECG01052

Hearing Date: July 3, 2025 (Dept. 403)

Motions (x2): by Plaintiff for Writ of Possession

Tentative Ruling:

To deny in light of the entry of default against defendants Dayal Transport, Inc., and Jagdeep Singh.

Explanation:

These motions request for prejudgment writ of possession and writ of attachment, which are proper to request before final adjudication of the claims sued upon. (*Kemp Bros. Const., Inc. v. Titan Elec. Corp.* (2007) 146 Cal.App.4th 1474, 1476.) However, after serving the moving papers on defendants, plaintiff requested entry of defendants' defaults. The clerk entered defaults against defendants Dayal Transport, Inc. and Jagdeep Singh on June 2, 2025. The entry of default instantly cuts off a defendant's right to appear in the action or participate in the proceedings unless the default is set aside or judgment is entered (i.e., giving the defendant the right to appeal). (*Devlin v. Kearny Mesa AMC/Jeep/Renault, Inc.* (1984) 155 Cal.App.3d 381, 385.) Plaintiff has also filed its requests for court judgment. Due process would not be served by allowing a plaintiff to give the defendants notice of a motion, but then cut off their right to defend themselves regarding that motion. Post-judgment enforcement procedures following judgment are available to plaintiff, if 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: img on 7-1-25
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **David Hovannisian v Comerica Bank, a Texas Banking Association**
Superior Court Case No. 24CECG03310

Hearing Date: July 3, 2025 (Dept. 403)

Motion: Defendant Comerica Bank's Demurrer to Plaintiff David Hovannisian's Complaint

Tentative Ruling:

To overrule the demurrer. Demurring defendant shall file responsive pleadings within twenty (20) days from the date of this order.

Explanation:

The function of a demurrer is to test the sufficiency of a pleading by raising questions of law. (*Plumlee v. Poag* (1984) 150 Cal.App.3d 541, 545.) As relates to a complaint, the test is whether plaintiff has succeeded in stating a cause of action; the court does not concern itself with the issue of plaintiff's possible difficulty or inability in proving the allegations of the complaint. (*Highlanders, Inc. v. Olsan* (1978) 77 Cal.App.3d 690, 697 (*Highlanders*).)

Despite defendant's contention that plaintiff's allegations are conclusory (Mov. Points & Auth. at p. 7:3-11), the allegations indicate defendant possessed plaintiff's contact information sufficient to *plead* a basis for liability. (See Code Civ. Proc., § 1520 ["if the holder has in its records an address ..."]; see also *Highlanders*, *supra*, 77 Cal.App.3d at 677 [in deciding a demurrer, "the court does not concern itself with the issue of plaintiff's possible difficulty or inability in proving the allegations of the complaint."].) Similarly, defendant's contention concerning the primary right doctrine is unavailing because although a plaintiff may only recover for a single primary right, multiple legal theories potentially supported recovery, may be alleged in the complaint. (*Slater v. Blackwood* (1975) 15 Cal.3d 791, 795.) In essence, the pleadings, at this stage, are sufficient.

Therefore, the demurrer is overruled.

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: img on 7-2-25
(Judge's initials) (Date)