

**Tentative Rulings for July 30, 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)**

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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.

24CECG02591	<i>Edward Cox v. Emily Doss</i> is continued to Wednesday, August 13, 2025 at 3:30 p.m. in Department 403
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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 403**

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### Tentative Ruling

**Rios v. Safeway, Inc. et al.**  
Superior Court Case No. 21CECG01209

July 30, 2025 (Dept. 403)

By Defendants to Compel Further Responses to Special Interrogatories, Set Five, Nos. 83-88

### Tentative Ruling:

To take the motion off calendar, as no moving papers have been filed.

**Explanation:**

Defendants apparently attempted to file the motion on 5/29/25, but the filing was rejected because it was not submitted by counsel of record. The motion was never refiled. There being no moving papers on file, the motion is 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: Img on 7-29-25  
(Judge's initials) (Date)

(37)

**Tentative Ruling**

Re: **Ronda Dorsey v. Wells Fargo Bank, N.A.**  
Superior Court Case No. 25CECG01531

Hearing Date: July 30, 2025 (Dept. 403)

Motion: Defendant's Demurrer to the Complaint

**Tentative Ruling:**

To sustain the demurrer to the Complaint. Plaintiff is granted 30 days' leave to file the First Amended Complaint, which will run from service by the clerk of the minute order.

**Explanation:**

Here, Plaintiff has utilized the Judicial Council form complaint. Use of the Judicial Council form complaint requires the use of attachments for alleging the causes of action. Paragraph 10 of the form pleading states, "[t]he following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*): ..." The plaintiff is to check the boxes indicating the causes of action being alleged, and add to the form complaint attachments alleging the elements and facts pertinent to each cause of action. Having failed to include any cause of action attachments, the complaint fails to state facts sufficient to state any cause of action. (Code Civ. Proc., § 430.10, subd. (e).)

As Defendant notes, Plaintiff has attached several documents from which Defendant was able to generally piece together what Plaintiff may be attempting to allege. However, these documents fail to assert facts regarding Defendant's actions amounting to any breach of a legal duty owed to either Plaintiff or the Decedent. Additionally, there are no facts alleged with regard to how Defendant caused any injury to Plaintiff. In Plaintiff's opposition, she addresses additional facts regarding a defective Power of Attorney.<sup>1</sup> As such, it appears that Plaintiff concedes that her complaint alleges insufficient facts to assert a cause of action against Defendant. The Court sustains the demurrer to the complaint.

In Plaintiff's opposition, it is clear that she intended to assert causes of action which are not evident on the face of the complaint. Also, to the extent that Plaintiff discusses actions taken by a Mary Chatman/Chapman, this individual is not a named party in this action. The Court grants Plaintiff leave to amend the complaint to 1) allege facts regarding Defendant Wells Fargo's negligent conduct, using the relevant causes of action attachments, 2) allege different causes of action for which Plaintiff believes Defendant Wells Fargo may be liable, and/or 3) name another defendant.

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<sup>1</sup> The Court notes that Plaintiff filed an untimely opposition to Defendant's demurrer. The Court is exercising its discretion to consider the late filed opposition.

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**Tentative Ruling**

Re: ***California Dept. of Public Health v. Prestige Biotech, Inc., et al.***  
Superior Court Case No. 24CECG02431

Hearing Date: July 30, 2025 (Dept. 403)

Motion: by Petitioner for Judgment on Condemnation

**Tentative Ruling:**

To continue the matter to Thursday, August 21, 2025, at 3:30 p.m., in Department 403, to allow petitioner an opportunity to submit a corrected proof of service showing that the summons, petition, and moving papers for this motion were properly served to Universal Meditech, Inc. (Code Civ. Proc., § 417.20, subd. (a).) All papers must be submitted no later than on August 14, 2025.

**Explanation:**

Service of Summons

For reasons previously addressed by the court in the denial of petitioner's previous motion for judgment, the proof of service filed on August 22, 2024, indicating that the summons and petition were served on Universal Meditech, Inc. ("UMI") by mail and acknowledgement of receipt was defective.

Petitioner's amended proof of service filed on May 16, 2025 indicates that UMI was served with the petition and moving papers for the instant motion by personal service on April 29, 2025. However, the amended proof of service is defective for two reasons: (1) it does not indicate that the summons was served; and (2) it does not provide the individual who was actually served on behalf of UMI. (Code Civ. Proc., § 416.10 [a copy of the summons *and* the complaint must be delivered to the persons enumerated in that code section].)

Notably, counsel, Angela Atwal indicates that UMI was personally served on April 29, 2025 with the petition and moving papers and that Ms. Nancy Zhang acknowledged acceptance of these documents. To the extent that the petition, moving papers, and the summons were actually delivered to Ms. Zhang and Ms. Zhang is a person authorized to accept service on behalf of UMI, the service would be proper. Accordingly, the motion is continued to allow petitioner an opportunity to submit a corrected proof of service providing such information, assuming the service was actually properly completed.

For reference, although petitioner does not use the Proof of Service of Summons, mandatory Judicial Council form POS-010 to support its April 29, 2025 service, the form includes a checkbox for the summons in its list of papers served on Item 2, and Item 3 provides the specific detail required to describe the person served on behalf of an entity:

