

Tentative Rulings for July 30, 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.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

23CECG04428	<i>Susan Davis v. Hyundai Motor America</i> is continued to Thursday, July 31, 2025 at 3:30 p.m. in Department 501
22CECG01387	<i>Ashley Scheesley v. California Department of Corrections and Rehabilitation</i> is continued to Thursday, September 4, 2025 at 3:30 p.m. in Department 501
24CECG02968	<i>Timothy Seeboth v. California Department of State Hospitals Coalinga</i> is continued to Thursday, September 4, 2025 at 3:30 p.m. in Department 501
24CECG04668	<i>Carolyn Teran v. Drahcir Jackson</i> is continued to Thursday, September 4, 2025 at 3:30 p.m. in Department 501

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Tentative Ruling

Re: ***Smart Main Panel, Inc. v. Samuel Dominguez***
Superior Court Case No. 24CECG02047

Hearing Date: July 30, 2025 (Dept. 501)

Motion: by Plaintiff Smart Main Panel, Inc., to Enforce Settlement

Tentative Ruling:

To grant and approve attorney's fees and costs in the amount of \$1,545.00. Plaintiff is directed to submit a proposed judgment within 10 days of service of the order by the clerk.

Explanation:

Code of Civil Procedure section 664.6 provides as follows: "If parties to pending litigation stipulate, in a writing signed by the parties outside of the presence of the court . . . for settlement of the case . . . the court, upon motion, may enter judgment pursuant to the terms of the settlement." It also provides that the parties may request that the court "retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement." (Code Civ. Proc. § 664.6.) Due to the summary nature of the statute authorizing judgment to enforce a settlement agreement, strict compliance with its requirements is prerequisite to invoking the power of the court to impose a settlement agreement. (*J.B.B. Investment Partners, Ltd. v. Fair* (2014) 232 Cal.App.4th 974, 984.)

Here, plaintiff Smart Main Panel, Inc., ("plaintiff") submits a writing, signed by the parties, made outside the presence of the court. (Petrosyan Decl., Exh. A.) The writing reflects that this court would retain jurisdiction under section 664.6 to enforce the writing. (*Ibid.* [Agreement Item 9.12].) The agreement contemplated the payment of \$50,000.00 by defendants O Solar Mio, LLC, and Samuel Dominguez (together "defendants") to settle the claims of this action against them. Plaintiff submits that defendants have not made any payments towards the settlement, and have since failed to comply with the terms of the settlement. (Russel Decl., ¶¶ 3-5.) No opposition to this present motion was filed.

Based on the above, the court finds a valid written signed settlement agreement outside of the presence of the court, and judgment will be entered in accordance with the terms of the written settlement agreement. (Code Civ. Proc. § 664.6, subd. (a).)

In addition to the settlement amount, plaintiff requests that the total judgment include \$7,085.00 for interest on the missed payments. Plaintiff suggests that it is entitled to such interest pursuant to section 6 of the parties' settlement agreement, but section 6 only allows for attorney's fees and costs, not interest on missed payments. Plaintiff offers no further authority that would allow for such interest. Therefore, the court will not include the requested interest in the judgment.

The agreement does allow for an award of reasonable attorney's fees and costs incurred as a result of enforcing the settlement agreement. The motion here is straightforward and without issue, and no opposition was filed so no reply or appearance were necessary. The court finds attorney's fees in the amount of \$1,485.00, plus costs in the amount of \$60.00,¹ to be reasonable.

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** 7/28/2025.
(Judge's initials) (Date)

¹ Plaintiff did not provide evidence of costs over and above the \$60.00 motion filing fee.

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Tentative Ruling

Re: ***Sella v. Acco Engineered Systems, Inc.***
Superior Court Case No. 23CECG05158

Hearing Date: July 30, 2025 (Dept. 501)

Motion: by Defendant Acco Engineered Systems, Inc., to Bifurcate

Tentative Ruling:

To grant. The court intends to sign the proposed order.

Explanation:

Under Civil Code section 3295, subdivision (d):

The court shall, on application of any defendant, preclude the admission of evidence of that defendant's profits or financial condition until after the trier of fact returns a verdict for plaintiff awarding actual damages and finds that a defendant is guilty of malice, oppression, or fraud in accordance with Section 3294. Evidence of profit and financial condition shall be admissible only as to the defendant or defendants found to be liable to the plaintiff and to be guilty of malice, oppression, or fraud. Evidence of profit and financial condition shall be presented to the same trier of fact that found for the plaintiff and found one or more defendants guilty of malice, oppression, or fraud.

In practice, bifurcation under this section means that all evidence relating to the amount of punitive damages is to be offered in a second phase of trial, while the determination of whether the plaintiff is entitled to punitive damages is decided in the first phase, along with compensatory damages. (*Holdgrafer v. Unocal Corp.* (160 Cal.App.4th 907, 919.))

No opposition was filed. Based on the information and evidence presented, the court finds that bifurcating the trial regarding liability and a finding of malice, oppression and/or fraud before admitting evidence of profit or financial condition, is warranted under Civil Code section 3295, subdivision (d). Trial is ordered bifurcated as to the issue of punitive damages.

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 7/28/2025.
(Judge's initials) (Date)

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Tentative Ruling

Re: **J.L. v. Blancas et al.**
Superior Court Case No. 14CECG00396

Hearing Date: July 30, 2025 (Dept. 501)

Motion: (1) by Plaintiff J.L. for Admission Pro Hac Vice of Greg G. Gutzler
(2) by Plaintiff J.L. for Admission Pro Hac Vice of Kenneth P. Abbarno

Tentative Ruling:

To grant the applications of Greg G. Gutzler and Kenneth P. Abbarno for admissions pro hac vice. (Cal. Rules of Court, rule 9.40(a).) Orders to be signed. No appearances 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: DTT **on** 7/28/2025.
(Judge's initials) (Date)