

Tentative Rulings for July 30, 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)

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.

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Tentative Rulings for Department 503

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(47)

Tentative Ruling

Re: ***City of Fresno v. Tehal Thind***
Superior Court Case No. 25CECG00424

Hearing Date: July 30, 2025 (Dept. 503)

Motion: By Plaintiff for Order for Prejudgment Possession

Tentative Ruling:

To grant. The court intends to sign the proposed order. Plaintiff is authorized to take possession of the property on the tenth (10th) day following the date of service of this order.

Explanation:

A plaintiff moving for prejudgment possession requires demonstration that it "is entitled to take the property by eminent domain and has deposited ... an amount that satisfies the requirements of that article." (Code Civ. Proc., § 1255.410, subd. (a)¹.) Prejudgment possession "shall" be ordered provided these grounds are satisfied and no opposition is filed within the statutory time period. (§ 1255.410, subd. (d)(1).)

The court's record displays no opposition filed within the time period specified under subdivision (c) of section 1255.410. Furthermore, plaintiff has produced evidence that the City Council adopted the required Resolution of Necessity addressing the subject property thus establishing that the project is necessary, that is it planned and located in a manner that is most compatible with the public good and least private injury, and that the property to be acquired is necessary for a larger ongoing project. Plaintiff has also filed a notice of deposit of the probable amount of compensation. Accordingly, considering the absence of opposition, plaintiff's motion is sufficient to grant prejudgment possession. (§ 1255.410, subd. (c).)

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

¹ All statutory references are to the Code of Civil Procedure, unless otherwise specified.

(47)

Tentative Ruling

Re: **City of Fresno v. Avtar Singh**
Superior Court Case No. 25CECG01374

Hearing Date: July 30, 2025 (Dept. 503)

Motion: By Plaintiff for Order for Prejudgment Possession

Tentative Ruling:

To grant. The court intends to sign the proposed order. Plaintiff is authorized to take possession of the property on the tenth (10th) day following the date of service of this order.

Explanation:

A plaintiff moving for prejudgment possession requires demonstration that it "is entitled to take the property by eminent domain and has deposited ... an amount that satisfies the requirements of that article." (Code Civ. Proc., § 1255.410, subd. (a)².) Prejudgment possession "shall" be ordered provided these grounds are satisfied and no opposition is filed within the statutory time period. (§ 1255.410, subd. (d)(1).)

The court's record displays no opposition filed within the time period specified under subdivision (c) of section 1255.410. Furthermore, plaintiff has produced evidence that the City Council adopted the required Resolution of Necessity addressing the subject property thus establishing that the project is necessary, that is it planned and located in a manner that is most compatible with the public good and least private injury, and that the property to be acquired is necessary for a larger ongoing project. Plaintiff has also filed a notice of deposit of the probable amount of compensation. Accordingly, considering the absence of opposition, plaintiff's motion is sufficient to grant prejudgment possession. (§ 1255.410, subd. (c).)

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

² All statutory references are to the Code of Civil Procedure, unless otherwise specified.