

**Tentative Rulings for July 30, 2026**  
**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)**

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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.

25CECG03846      *Alexandra Seifert v. Paul Michaelides* is continued to Thursday, August 20, 2026, at 3:30 p.m. in Department 501.

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 501**

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(34)

### Tentative Ruling

Re: ***Martin v. Central Unified School District***  
Superior Court Case No. 25CECG01657

Hearing Date: July 30, 2026 (Dept. 501)

Motion: Expedited Petition to Approve Compromise of Minor's Claim

**If oral argument is timely requested, it will be entertained on Thursday, July 30, 2026, at 3:00 p.m. in Department 501.**

**Tentative Ruling:**

To grant the petition. The court intends to sign the proposed order. Petitioner is to submit a proposed Order to Deposit Funds Into Blocked Account (Judicial Council Form MC-355) for the portion of the settlement to be deposited into the blocked account. No appearances are necessary.

The court sets a status conference for Thursday, October 29, 2026 at 3:30 p.m., in Department 501, for confirmation of deposit of the minor's 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: KCK on 07/27/26  
(Judge's initials) (Date)

(41)

**Tentative Ruling**

Re: **Lue Yang v. County of Fresno**  
Superior Court Case No. 25CECG05256

Hearing Date: July 30, 2026 (Dept. 501)

Motion: Defendant's Demurrer to Complaint and Motion to Strike Portions of Complaint

**If oral argument is timely requested, it will be entertained on  
Thursday, July 30, 2026, at 3:00 p.m. in Department 501.**

**Tentative Ruling:**

To overrule the demurrer with defendant County of Fresno granted leave to answer within 10 days. The time to answer shall run from the date of service by the clerk of the minute order. (Code Civ. Proc., § 430.10.)

To grant the motion to strike punitive damages from the prayer of the complaint as to defendant County of Fresno only; to deny the motion to strike the allegations of paragraphs 52 and 53 of the complaint. (Code Civ. Proc., § 436.)

**Explanation:**

The operative complaint (Complaint) filed on November 6, 2025, by plaintiffs Lue Yang and Sor Xiong against defendants, County of Fresno (County) and Adam Canales (Canales), arises from tragic events occurring on the evening of October 16, 2024, when a vehicle driven by Canales and pursued by Fresno County Sheriff deputies and Multi-Agency Gang Enforcement Consortium (MAGEC) officers crashed into plaintiffs' home, killing their two daughters. Plaintiffs' daughters were 18 and 25 years of age at the time of their passing. Plaintiffs allege five causes of action: (1) wrongful death; (2) negligent infliction of emotional distress; (3) motor vehicle negligence; (4) general negligence; and (5) negligent hiring, retention, supervision, and training.

The County demurs to the entire Complaint and each cause of action on the ground that plaintiffs fail to state facts sufficient to constitute a cause of action, and the third, fourth, and fifth causes of action are duplicative. County also moves to strike portions of the Complaint.

**Meet and Confer**

The parties have complied with their obligations to meet and confer.

**Demurrer**

Under long-settled rules, a demurrer “admit[s] all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law.” (*Serrano v. Priest* (1971) 5 Cal.3d 584, 591.) A demurrer challenges defects apparent from the face of the complaint and matters subject to judicial notice. (*Blank v. Kirwan* (1985) 30 Cal.3d 311, 318.) A general demurrer is sustained where the pleading is insufficient to state a cause of action or is incomplete. (Code Civ. Proc., § 430.10, subd. (e).)

In testing a pleading against a demurrer, the alleged facts are deemed true, “however improbable they may be.” (*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.) A demurrer tests only the legal sufficiency of the pleading—not the truth of the plaintiff’s allegations or the accuracy of the plaintiff’s description of the defendant’s conduct. (*Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 47.)

### Immunity

The County contends the entire Complaint is barred “because the County, as a governmental entity, is entitled to absolute immunity under Vehicle Code section 17004 and Government Code sections 821.6 and 845.8(b).” (Ntc., p. 2:4-6.) Vehicle Code section 17004 provides immunity to public *employees*—not public *entities*:

A public employee is not liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call.

In its moving papers, the County fails to discuss Vehicle Code section 17001, which makes a public entity liable for the negligent operation of a motor vehicle by an employee acting with the scope of employment. As the California Supreme Court explained:

Defendant County argues that since the individual defendants were immune, being peace officers lawfully pursuing a suspect, it cannot be liable because Government Code section 815.2, subdivision (b) provides derivative immunity for the public entity employer of an immune employee. Defendant County’s assertion of nonliability is in error. Government Code section 815.2, subdivision (b) states: “*Except as otherwise provided by statute*, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability.” (Emphasis added [by Supreme Court].) The question, therefore, is whether liability is “otherwise provided by statute.” It must be answered in the affirmative. Vehicle Code section 17001 makes a public entity liable for its employee’s negligence in the operation of a motor vehicle. That section provides: “A public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of his employment.”

(*Brummett v. County of Sacramento* (1978) 21 Cal.3d 880, 883–884 [reversing summary judgment in favor of county].)

Rather than relying on the derivative immunity of Government Code section 815.2, the County relies on the immunity of Government Code sections 821.6 and 845.8, subdivision (b). By its plain language, the immunity of Government Code section 821.6 applies only to wrongful prosecutions:

A public employee is not liable for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause.

(Gov. Code, § 821.6.) As the California Supreme Court confirms, Government Code section 821.6 applies only to prosecutions—if "the plaintiff's claim of injury does not stem from the initiation or prosecution of proceedings, section 821.6 immunity does not apply." (*Leon v. County of Riverside* (2023) 14 Cal.5th 910, 924 [where claim did not concern harm from institution or prosecution of proceedings, Gov. Code, § 821.6 did not bar widow's claim for negligent infliction of emotional distress].)

Here, plaintiffs' claims of injury arise from a vehicle pursuit that resulted in the death of their daughters—not from the institution or prosecution of any judicial or administrative proceeding. Therefore, Government Code section 821.6 does not immunize the County.

Finally, the County relies on the immunity of Government Code section 845.8, subdivision (b), which provides in pertinent part:

Neither a public entity nor a public employee is liable for:

....

(b) Any injury caused by:

- (1) An escaping or escaped prisoner;
- (2) An escaping or escaped arrested person; or
- (3) A person resisting arrest.

The County cites *Kisbey v. State of California* (1984) 36 Cal.3d 415 (*Kisbey*), for the rule that the immunity of Government Code section 845.8 is absolute:

It seems clear that the purpose of the broadening amendment to subdivision (b) was to immunize public entities and employees from the entire spectrum of potential injuries caused by persons actually or about to be deprived of their freedom who take physical measures of one kind or another to avoid the constraint or to escape from it.

(*Kisbey, supra*, 36 Cal.3d at p. 419.)

Plaintiffs correctly argue that the County's reliance of *Kisbey* is misplaced. As the high court noted in *Thomas v. City of Richmond* (1995) 9 Cal.4th 1154, 1163 (*Thomas*), the relevance of Vehicle Code section 17001 did not come into play in *Kisbey*, because the officers were no longer driving at the moment of escape. "*Kisbey* does not address the

interplay of section 845.8 and Vehicle Code section 17001." (*Thomas, supra*, 9 Cal.4th at p. 1163.) Nor does the County address the interplay between the two cited sections.

Here, as in *Thomas*, the County does not rely on the immunity provided by Government Code section 815.2. The California Supreme Court in *Thomas* directly addressed the question of whether a public entity can be liable even though the individual employee is immune. (*Thomas, supra*, 9 Cal.4th at pp. 1157-1158.) Although in general the answer is no, Vehicle Code section 17001 provides a statutory exception. The high court squarely held "that Government Code section 845.8 does not provide immunity to public entities for liability that is predicated on Vehicle Code section 17001." (*Thomas*, 9 Cal.4th at p. 1165.)

The County finally addresses Vehicle Code section 17001 for the first time in its reply. It contends plaintiffs fail to plead facts showing the officers' negligent conduct proximately caused the injuries. The County argues "[a]t best plaintiffs allege each of the defendants were grossly negligent when they participated in a high-speed chase through a residential area in the middle of the night." (Rpy., p. 4:8-9, citing Comp., ¶ 24.)

To support its argument, the County in its reply cites for the first time *Reenders v. City of Ontario* (1977) 68 Cal.App.3d 1045, where the court confirmed that the negligent conduct by a police officer may be sufficient to establish proximate cause, even where a pursued motorist also acts recklessly:

[I]f it was foreseeable that the motorist pursued by the police would flee in a reckless and hazardous manner, the fact that he did so would not relieve the City from liability on the ground of a lack of proximate cause if the City was otherwise liable for negligence.

(*Id.* at p. 1051 [analyzing policy factors to impose duty under *Rowland v. Christian* (1968) 69 Cal.2d 108 and concluding officers had no duty to refrain from pursuing a reckless driver operating a motorcycle at high rate of speed].)

Thus, the court in *Reenders*, after analyzing the issue of duty, determined that the officers were not negligent based on their decision to pursue the dangerous motorist, therefore, the public entity was not liable. Here, plaintiffs allege that having decided to pursue Canales, the officers did so in a negligent manner. Based on plaintiffs' allegations in the Complaint, a trier of fact could conclude that the manner in which the officers engaged in a high-speed chase through a residential area at night proximately caused the alleged injuries.

Furthermore, plaintiffs correctly contend the issues of whether the County is immune under Vehicle Code section 17001 and "whether Plaintiffs' injuries were 'caused by' the fleeing suspect or by the County's independent negligence, and whether the deputies acted within the scope of their employment are all factual questions." (Opp., p. 7:25-28 [citing *Brummett, supra*, 21 Cal.3d 880 and *Thomas, supra*, 9 Cal.4th 1154 and noting high court resolved immunity questions only after evidentiary development].)

In sum, accepting the allegations of the Complaint as true, as the court must on demurrer, the court finds plaintiffs plead sufficient facts to state their causes of action

against the County and the County fails to establish it is entitled to absolute immunity so as to bar plaintiffs' entire Complaint as a matter of law. Therefore, the court overrules the demurrer to the entire Complaint.

#### Duplicative Causes of Action

The County argues that the third, fourth, and fifth causes of action are duplicative and should be either dismissed or merged into one. The County relies on *Rodrigues v. Campbell Industries* (1978) 87 Cal.App.3d 494, 501, where the trial court properly ruled that a fifth cause of action that included all of the allegations of each of the preceding four alleged causes of action and added nothing to the complaint was subject to demurrer. The County also cites *Shoemaker v. Myers* (1990) 52 Cal.3d 1, 24, where the California Supreme Court affirmed the sustaining of a demurrer to a cause of action for wrongful termination that completely duplicated additional claims based upon the same alleged wrongful termination.

As plaintiffs argue in opposition, redundancy is not a basis to sustain a demurrer. (*Blickman Turkus, LP v. MF Downtown Sunnyvale, LLC* (2008) 162 Cal.App.4th 858, 889-890.) The elimination of a duplicative claim previously would have been grounds for a motion to strike; however, the statute that authorized such a basis (former Code Civ. Proc., § 453) was repealed in 1982. (*Id.* at p. 890.) *Rodrigues v. Campbell Industries, supra*, 87 Cal.App.3d at p. 501, predates the amendment to former Code of Civil Procedure section 453. Under the current rules, a claimed defect of redundancy, "if it justifies any judicial intervention at all, is ordinarily dealt with most economically at trial, or on a dispositive motion such as summary judgment." (*Ibid.*) Therefore, the court overrules the demurrer to the third, fourth, and fifth causes of action on the ground that the claims present duplicative theories of liability.

#### Motion to Strike

The County moves to strike portions of the Complaint—parts of paragraphs 52 and 53 of the fifth cause of action for negligent hiring, retention, supervision, and training, and the prayer for punitive damages. The court may strike out any irrelevant, false, or improper matter inserted in any pleading:

The court may, upon a motion made pursuant to [Code of Civil Procedure] Section 435, or at any time in its discretion, and upon terms it deems proper: [¶] (a) Strike out any irrelevant, false, or improper matter inserted in any pleading, [¶] (b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court.

(Code Civ. Proc., § 436.) The grounds for a motion to strike must appear on the face of the challenged pleading or from matters properly subject to judicial notice. (Code Civ. Proc., § 437, subd. (a).)

#### Punitive Damages

To recover punitive damages, Civil Code section 3294 requires a showing of oppression, fraud, or malice. The parties agree that Government Code section 818

"immunizes public entities from damages awarded under Civil Code section 3294 and from other damages that would function, in essence, as an award of punitive or exemplary damages." (*Los Angeles Unified School Dist. v. Superior Court* (2023) 14 Cal.5th 758, 767.) But plaintiffs note punitive damages are different from compensatory damages:

Government Code section 818 clearly shields public entities from punitive damages, which are also sometimes referred to as exemplary damages. Punitive damages are distinct from compensatory damages. While compensatory damages " 'are intended to redress the concrete loss that the plaintiff has suffered by reason of the defendant's wrongful conduct,' " punitive damages " 'operate as "private fines" intended to punish the defendant and to deter future wrongdoing.' " [Citations.]

(*Los Angeles Unified School Dist. v. Superior Court*, *supra*, 14 Cal.5th at p. 768.)

Although plaintiffs concede they may not recover punitive damages against the County, they may recover punitive damages against the individual defendant, Canales. Therefore, the prayer is proper as to him. The court grants the motion to strike the prayer for punitive damages as to the County only.

#### Paragraphs 52 and 53

Relying on Code of Civil Procedure section 436 and the court's "inherent authority to strike scandalous and abusive statements in pleadings[.]" (*Oiye v. Fox* (2012) 211 Cal.App.4th 1036, 1070), the County also moves to strike the following allegations found in paragraphs 52 and 53 of the Complaint:

1. **Page 10, lines 3-9, ¶ 52:** In particular, Defendants and DOES 1 through 20, inclusive, knew or should have known Fresno County Sheriff deputies and MAGEC officers' history of unwarranted high speed chases and repeated use of excessive force, which makes them unfit for the specific tasks to be performed during the course of their employment, namely to safely serve and protect the community, investigate, patrol, monitor, enforce laws while maintaining peace as part of their work duties, during their employment for Defendants COUNTY OF FRESNO and DOES 1 through 20, inclusive.

2. **Page 10, Lines 13 to 19, ¶ 53:** Defendants and DOES 1 through 20, inclusive, knew or should have known of Fresno County Sheriff's Office's deputies and MAGEC officers' propensity for misconduct and use of excessive force during their employment with Defendants and DOES 1 through 20, inclusive. Despite Fresno County Sheriff's Office's deputies and MAGEC officers clearly being unqualified for their position, Defendants and DOES 1 through 20, inclusive failed to take appropriate actions and continued to employ Fresno County Sheriff's Office's deputies and MAGEC officers.

Plaintiffs counter that the purpose of a motion to strike "is to authorize the excision of superfluous or abusive allegations. '[M]atter that is essential to a cause of action should

Plaintiffs explain why they believe each challenged allegation is proper. The court finds the subject allegations are relevant to the cause of action for negligent supervision. Therefore, the court denies the motion to strike the challenged allegations in paragraphs 52 and 53.

The court grants the requests for judicial notice of the existence of the documents properly requested by plaintiffs (plaintiffs' government claim form, the County's rejection of the claim, the Complaint, and excerpts from the County's policy and procedures in connection with high-speed chase).

## Tentative Ruling

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