

Tentative Rulings for August 4, 2026
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.

24CECG02709	<i>Fresno Oxygen and Welding Suppliers, Inc. v. The Body Building, Inc.</i> is continued to Wednesday, August 5, 2026, at 3:30 p.m. in Department 403.
25CECG03158	<i>Tony Romo v. Paul Croskrey</i> is continued to Tuesday, September 1, 2026, at 3:30 p.m. in Department 403.
25CECG05517	<i>Edward Madec v. State Center Community College District</i> is continued to Tuesday, August 25, 2026, at 3:30 p.m. in Department 403.

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Tentative Rulings for Department 403

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(03)

Tentative Ruling

Re: ***Sanchez v. BMW of North America, LLC***
Case No. 25CECG05987

Hearing Date: August 4, 2026 (Dept. 403)

Motion: Defendant's Demurrer to Sixth Cause of Action

**If oral argument is timely requested, it will be entertained on
Thursday, August 6, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To overrule defendant's demurrer, in its entirety. (Code Civ. Proc., § 430.10.) To order defendant to file and serve its answer to the first amended complaint within 10 days of the date of service of this order.

Explanation:

First, defendant has not filed a separate points and authorities brief in support of the demurrer to the first amended complaint. Nor does defendant make any arguments regarding the deficiencies in the first amended complaint or the amended sixth cause of action. In fact, the notice of demurrer states that it is being brought as to the "complaint", i.e. the original complaint rather than the first amended complaint. It appears that defendant is relying on the points and authorities it filed with regard to the original complaint rather than filing a new brief with regard to the first amended complaint. However, the FAC adds several new allegations to the sixth cause of action, so the arguments made in the original demurrer do not necessarily apply to the amended complaint.

"A party filing a motion, except for a motion listed in rule 3.1114, must serve and file a supporting memorandum. The court may construe the absence of a memorandum as an admission that the motion or special demurrer is not meritorious and cause for its denial and, in the case of a demurrer, as a waiver of all grounds not supported." (Cal. Rules of Court, rule 3.1113(a).) Here, since defendant has not filed a points and authorities brief with regard to its renewed demurrer to the FAC, it has conceded that its demurrer is without merit and it has waived any contentions that it has not supported. Therefore, the court intends to overrule the demurrer based on the failure to file a points and authorities brief without reaching the merits of the demurrer.

In addition, defendant has not filed a separate declaration regarding any meet and confer efforts made by counsel after the FAC was filed. "Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person, by telephone, or by video conference with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer. If an amended complaint ... is filed, the responding party shall meet and confer again with the party who filed the

amended pleading before filing a demurrer to the amended pleading.” (Code Civ. Proc., § 430.41, subd. (a).)

Here, defense counsel did file a declaration regarding meet and confer efforts with regard to the original complaint. However, she did not file a new declaration with regard to the first amended complaint. Therefore, defendant has not complied with the meet and confer requirement under Code of Civil Procedure section 430.41. “A determination by the court that the meet and confer process was insufficient shall not be grounds to overrule or sustain a demurrer.” (Code Civ. Proc., § 430.41, subd. (a)(4).) In the present case, however, defendant failed to make any effort to resolve the dispute before filing the demurrer to the FAC. Defendant also failed to file a new points and authorities brief explaining why the sixth cause of action is defectively pled and why the amendment did not cure any defects in the sixth cause of action. Therefore, the court intends to overrule the demurrer without reaching its merits.

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: SMC **on** August 3, 2026.
(Judge's initials) (Date)

(48)

Tentative Ruling

Re: ***In the Matter of Isaiah John***
Superior Court Case No. 26CU01037

Hearing Date: August 4, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

**If oral argument is timely requested, it will be entertained on
Thursday, August 6, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To deny the Petition to Approve Compromise of Minor's Claim without prejudice. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders. (Super. Ct. Fresno County, Local Rules, rule 2.8.4.) If oral argument is requested, the petitioner is requested to be present and the minor is excused from appearing.

Explanation:

The petition submitted by petitioner seeks approval of the settlement of the personal injury claim of minor Isaiah John ("minor") against Jon Mitchell, by and through his insurer, GEICO General Insurance Company. There are many issues within the petition that prevent approval.

The petition must be on form MC-350, verified by the petitioner and include all information having bearing on the reasonableness of the compromise. (Cal. Rules of Court, rule 7.950; Super. Ct. Fresno County, Local Rules, rule 2.8.4.)

The petition indicates that the settlement of \$60,000 is to be apportioned unequally to the three plaintiffs. The petitioner, minor's father James B. John ("petitioner"), is to receive \$25,000, minor's mother, Christina John, is to receive \$30,000, and minor is to receive \$5,000. Attachment 11b(6) fails to state the reasons for the apportionment in this manner.

There are items of costs that prevent the court from granting the petition. The petition at Item 13b requests \$1,180.00 for document preparation. This is a high cost for form preparation, which was insufficient on multiple grounds, and does not provide an explanation of costs other than an invoice for a flat fee. The petition does not adequately support the costs in Item 13b and Attachment 13b as requested. The court intends only to approve reasonable expenses and court costs to be paid out of the settlement proceeds. (Prob. Code § 3601.)

Where the petition proposes the funds to be delivered to the minor's parent as specified in Probate Code sections 3401-3402, as here, the parent is required to provide a verified declaration that "the total estate of the minor, including the money or other

property to be paid or delivered to the parent, does not exceed five thousand dollars (\$5,000) in value." (Prob. Code, § 3401, subd. (c).) No such declaration was provided, and is requested.

Item 18 incorrectly lists the balance of the settlement to be disbursed, and must be corrected.

A proposed order (MC-351) was not provided and is requested.

Lastly, the amended petition must be verified with the petitioner's signature and date the petition was signed.

As such, the petition is denied without prejudice.

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: SMC **on** August 3, 2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: **VanRyn v. Fresno Unified School District**
Superior Court Case No. 25CECG01812

Hearing Date: August 4, 2026 (Dept. 403)

Motion: by Defendant to Quash Subpoena Duces Tecum

**If oral argument is timely requested, it will be entertained on
Thursday, August 6, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To take the matter off calendar as moot.

Explanation:

The subject of the instant motion to quash is the subpoena duces tecum issued by plaintiff to foreign third party, First Community Credit Union located in North Dakota on or about December 22, 2025. The court takes judicial notice of its own docket and notes that on May 27, 2026, plaintiff filed an application for issuance of commission for foreign document production, seeking documents from that same foreign entity. On June 24, 2026, the court issued the deposition commission as requested.

To the extent that a second similar subpoena was issued by plaintiff to First Community Credit Union following the issuance of the deposition commission, the second subpoena supersedes the first subpoena (which was served prior to the issuance of the deposition commission); therefore, the motion to quash the subpoena issued on December 22, 2025 is rendered moot.

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: SMC on August 3, 2026.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***In re: Luis Corado, Jr.***
Superior Court Case No. 26CU01956

Hearing Date: August 4, 2026 (Dept. 403)

Motion: Petition to Compromise Minor's Claim

**If oral argument is timely requested, it will be entertained on
Thursday, August 6, 2026, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To grant the petition and sign the proposed orders. No appearances necessary.

The court sets a status conference for Tuesday, November 3, 2026, at 3:30 p.m., in Department 403, for confirmation of deposit of claimant's funds into the 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: SMC on August 3, 2026.
(Judge's initials) (Date)