

Tentative Rulings for August 4, 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)

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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(20)

Tentative Ruling

Re: **Specialty Capital, LLC v. Lorona**
Superior Court Case No. 24CECG00735

Hearing Date: August 4, 2026 (Dept. 501)

Motion: By Plaintiff to Enforce Settlement

**If oral argument is timely requested, it will be entertained on
Tuesday, August 11, 2026, at 3:30 p.m. in Department 501.**

Tentative Ruling:

To grant and sign the proposed judgment.

Explanation:

"Code of Civil Procedure section 664.6 provides a summary procedure to enforce a settlement agreement by entering judgment pursuant to the terms of the settlement...." (*Hines v. Lukes* (2008) 167 Cal.App.4th 1174, 1182, internal citations omitted.) As with law and motion matters generally, the court may receive evidence in determining motions under section 664.6. (*Pajaro Valley Water Management Agency v. McGrath* (2005) 128 Cal.App.4th 1093, 1107; see also Cal. Rule of Court, rule 3.1306(a); *Weddington Productions, Inc. v. Flick* (1998) 60 Cal.App.4th 793, 810.)

Plaintiff's counsel's declaration attaches the subject fully executed settlement agreement which provides that the court retains enforcement jurisdiction pursuant to section 664.6 and sets forth the payment schedule. (See Friedman Decl., Exh. A.) Defendant failed to make all payments in accordance with the payment schedule and is in breach of the settlement agreement. As of the filing of the motion to enforce, there remained a balance due of \$39,904.58. The motion is unopposed, and thus plaintiff's evidence is uncontroverted. Therefore, the motion is granted. Including attorney fees and costs, the total judgment to be entered is \$40,964.58.

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** 08/03/26 .
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: **Torrez v. Patel et al.**
Superior Court Case No. 25CECG04595

Hearing Date: August 4, 2026 (Dept. 501)

Motion: By Defendants to Compel Plaintiff's Response to Defendants' Prabhatbai Patel and Sushilaben Patel's Form Interrogatories, Special Interrogatories, and Request for Production of Documents to Plaintiff, Set One, and Request for Sanctions;

**If oral argument is timely requested, it will be entertained on
Tuesday, August 11, 2026, at 3:30 p.m. in Department 501.**

Tentative Ruling:

To grant defendants' motions to compel plaintiff's responses to Prabhatbai Patel and Sushilaben Patel's Form Interrogatories, Special Interrogatories, and Request for Production of Documents (Set One). Plaintiff is ordered to serve verified responses, without objections, and produce all responsive documents, within 30 days of the clerk's service of the minute order.

To impose monetary sanctions in favor of defendants and against plaintiff Pablo Meza. (Code Civ. Proc., §§ 2023.010, subd. (d), 2030.290, subd. (c), 2031.300, subd. (c).) Plaintiff is ordered to pay \$882 in sanctions to Pascuzzi, Pascuzzi & Stoker, A Professional Corporation, within 30 days of the clerk's service of the minute order.

Explanation:

Compel Responses

Defendants Prabhatbai Patel and Sushilaben Patel ("Defendants") move to compel initial responses from plaintiff Danny Torrez ("Plaintiff") for Defendants' Form Interrogatories, Special Interrogatories, and Request for Production of Documents, Set One (collectively "Set One").

Responses to interrogatories and requests for production are due within 30 days after service. (Code Civ. Proc., §§ 2030.260, subd. (a), 2031.250, subd. (a).) If the party fails to serve responses, that party waives all objections to the interrogatories or request for production. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).)

On January 8, 2026, Defendants served Set One on Plaintiff. (Martinez Decl., ¶ 3.) On February 23, 2026, Plaintiff served unverified responses on Defendants via email. (*Id.*, ¶ 5.) As of May 11, 2026, Plaintiff has not sent verified responses to Set One. (*Id.*, ¶ 12.) Unverified responses are tantamount to no responses at all. (*Appleton v. Superior Court*

Sanctions

Defendants are seeking sanctions in the amount of \$1,782 based on 5.5 hours of work by an attorney at \$300 an hour and \$132 in costs. The 5.5 hours of attorney time is based on 2.5 hours to prepare the motions to compel, two hours to prepare a reply to Plaintiff's Opposition and one hour to prepare and attend a hearing on the motion. Plaintiff did not file an opposition. Thus, Defendants have neither drafted nor filed a reply. Additionally, no hearing has occurred yet. Accordingly, Defendants request for sanctions is granted but reduced. Plaintiff is ordered to pay \$882 in reduced sanctions to Pascuzzi, Pascuzzi & Stoker, A Professional Corporation, within 30 days of the service of the minute order.

Tentative Ruling

5

(37)

Tentative Ruling

Re: **Hubbard v. Agemark Corporation**
Superior Court Case No. 25CECG05886

Hearing Date: August 4, 2026 (Dept. 501)

Motion: By Defendants to Compel Arbitration, or in the alternative, to Stay the Proceedings

If oral argument is timely requested, it will be entertained on Tuesday, August 11, 2026, at 3:30 p.m. in Department 501.

Tentative Ruling:

To stay the matter pending resolution of *Leeper v. Shipt, Inc.* (2025) 566 P.3d 234 in the California Supreme Court.

A status conference is to be held Thursday, December 3, 2026 at 3:30 p.m. in Department 501. Defendants are to file a status update as to *Leeper v. Shipt, Inc.* no later than November 16, 2026.

Explanation:

A trial court has discretion to stay an action in the interests of justice and judicial economy. (Code Civ. Proc., § 128; *OTO, L.L.C. v. Kho* (2019) 8 Cal.5th 111, 141; *Landis v. North American Co.* (1936) 299 U.S. 248, 254.) A stay is appropriate where cases which are deemed dispositive to pivotal issues are pending resolution in the California Supreme Court. (*Blue Chip Properties v. Permanent Rent Control Bd.* (1985) 170 Cal.App.3d 648, 655.)

Here, the issue of whether a Private Attorneys General Act ("PAGA") necessarily includes individual and non-individual claims and whether a plaintiff may bring only a representative PAGA claim is currently pending in the California Supreme Court. (*Leeper v. Shipt, supra*, 566 P.3d 234; *Rodriguez v. Packers Sanitation Services Ltd.* (2025) 567 P.3d 1272.) This will address a split in authority. The decision in *Leeper v. Shipt, Inc.* will be dispositive to the issue of compelling arbitration here. As such, the court stays the proceedings pending resolution of *Leeper v. Shipt, Inc.* in the California Supreme Court.

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 08/03/26 .
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: ***DeLeon v. Fresno Community Hospital and Medical Center, et al.***
Superior Court Case No. 24CECG00946

Hearing Date: August 4, 2026 (Dept. 501)

Motion: by Defendant Kathleen Laning Piro, M.D. for Summary Judgment

**If oral argument is timely requested, it will be entertained on
Tuesday, August 11, 2026, at 3:30 p.m. in Department 501.**

Tentative Ruling:

To grant defendant Kathleen Laning Piro, M.D.'s motion for summary judgment as to the entire complaint. (Code Civ. Proc. § 437c.) Defendant shall submit a judgment consistent with the terms of this order within 10 days of service of the order.

Explanation:

Plaintiff alleges in this medical malpractice action that defendant Kathleen Laning Piro, M.D. was negligent in the care and treatment of plaintiff with regard to the obstetrics, anesthesia, and general pre and post-partum care rendered to decedent Kyana Hickenbottom between November 21, 2022 and December 7, 2022. (FAC, MM-1, ¶¶ 2-3.) Dr. Piro now moves for summary judgment.

As the moving party, Defendant bears the initial burden of proof to show that plaintiff cannot establish one or more elements of her cause of action or to show that there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2).) Only after the moving party has carried this burden of proof does the burden of proof shift to the other party to show that a triable issue of one or more material facts exists – and this must be shown via specific facts and not mere allegations. (*Id.*)

Where the moving party produces competent expert opinion declarations showing that there is no triable issue of fact on an essential element of the opposing party's claim (e.g. that a medical defendant's treatment fell within the applicable standard of care), the opposing party's burden is to produce competent expert opinion declarations to the contrary. (*Ochoa v. Pacific Gas & Elec. Co.* (1998) 61 Cal.App.4th 1480, 1487.)

In determining whether any triable issues of material fact exist, the court must strictly construe the moving papers and liberally construe the declarations of the party opposing summary judgment. Any doubts as to whether a triable issue of material fact

(48)

Tentative Ruling

Re: **Reyna v. Avila**
Superior Court Case No. 25CECG05416

Hearing Date: August 4, 2026 (Dept. 501)

Motion: By Plaintiff for Motion to Strike Answer

**If oral argument is timely requested, it will be entertained on
Tuesday, August 11, 2026, at 3:30 p.m. in Department 501.**

Tentative Ruling:

To grant. (Code Civ. Proc., § 436, subd. (b).)

Explanation:

The court has discretion under Code of Civil Procedure section 436, subdivision (a), to strike out any "irrelevant, false, or improper matter inserted in any pleading," or, under subdivision (b), the court may strike out any part, or all, of a 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 to strike pleadings under subdivision (b) is limited to improprieties in its form or in the procedures pursuant to which it was filed. (*Ferraro v. Camarlinghi* (2008) 161 Cal.App.4th 509, 528.)

Under Code of Civil Procedure section 446, subdivision (a), where a complaint is verified, the answer shall also be verified. A party's verification must state "that the same is true of his own knowledge, except as to the matters which are therein stated on his or her information or belief, and as to those matters that he or she believes it to be true."

In the case at bench, plaintiff Juan J. Reyna, Jr. ("Plaintiff") moves to strike the Answer filed by defendant Evelyn Avila ("Defendant") under Code of Civil Procedure section 436, subdivision (b).

Plaintiff's Complaint is sufficiently verified under Code of Civil Procedure, section 446. Thus, Defendant's answer was required to be verified. Defendant failed to verify her Answer, as the required statements and declarations in Code of Civil Procedure, section 446, subdivision (a) are absent from the pleading.

Defendant has not filed an opposition to Plaintiff's motion to strike Defendant's Answer in its entirety.

As such, the motion to strike Plaintiff's Answer is granted.

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

10