

Tentative Rulings for August 4, 2026
Department 502

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.

25CECG00792	<i>Lynn Goode v Volkswagen Group of America, Inc.</i> is continued to Wednesday, August 5, 2026, at 3:30 p.m. in Department 502.
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Tentative Rulings for Department 502

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(35)

Tentative Ruling

Re: **Fuller v. Roxberg et al.**
Superior Court Case No. 25CECG01221

Hearing Date: August 4, 2026 (Dept. 502)

Motion: by Plaintiff Lena Fuller for Trial Preference

Tentative Ruling:

To deny, without prejudice. (Code Civ. Proc., § 36, subd. (a), (e).)

Explanation:

Plaintiff Lena Fuller ("Plaintiff") seeks preferential setting of trial under Code of Civil Procedure section 36, subdivision (a). However, the moving papers were filed on July 23, 2026, for hearing on August 4, 2026. The papers are therefore untimely. (Code Civ. Proc., § 1005, subd. (b) ["Unless otherwise ordered or specifically provided by law, all moving and supporting papers **shall** be served and **filed** at least 16 court days before the hearing"]; Cal. Rules of Ct., rule 3.1300(a) ["Unless otherwise ordered or specifically provided by law, all moving and supporting papers **must** be served and **filed** in accordance with Code of Civil Procedure section 1005, and, when applicable, the statutes and rules providing for electronic filing and service."][emphasis added])

Even had papers been timely filed, Plaintiff fails to demonstrate a sufficient basis for the relief sought. Among other requirements, Plaintiff must show that her health is such that preference is necessary to prevent prejudicing her interest in the litigation. (Code Civ. Proc., § 36, subd. (a).) Plaintiff submits that she has suffered two heart attacks over the past several months and has been diagnosed with arrhythmia. (Fuller Decl., ¶ 23.) This is, unfortunately, a common condition with old age. Nothing about this statement, or Plaintiff's statement that she has thyroid and arthritis issues, and takes blood thinners demonstrate a prejudice if preference is not granted. (*Id.*, ¶ 24.) Plaintiff speculates, without the aid of any medical opinion, that her advanced age could lead to another heart attack. Nothing suggests that Plaintiff's present medical care, if any, is or will be insufficient to address these medical issues common to general old age. In sum, the moving papers are factually devoid of any basis to find prejudice. The motion is denied, but without prejudice in the event that circumstances change.

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:  **on** 7-31-26 .

(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Central Valley Fallen Heroes v. Lieb et al.***
Superior Court Case No. 23CECG04281

Hearing Date: August 4, 2026 (Dept. 502)

Motion: (1) By Cross-Complainant Ron Dupras to Compel Further Responses to Special Interrogatories, Set One and Request for Sanctions
(2) By Cross-Complainant Ron Dupras to Compel Further Responses to Request for Production, Set One, and Request for Sanctions
(3) By Cross-Complainant Ron Dupras to Compel Further Responses to Request for Admissions

Tentative Ruling:

To deny the motions as to Special Interrogatories, Set One and Request for Production, Set One, as moot. To impose monetary sanctions in the total amount of \$3,600 in favor of cross-complainant Ron Dupras and against cross-defendant Paul Beckley. Within 30 days of service of the order by the clerk, cross-defendant Paul Beckley shall pay sanctions to counsel for cross-complainant Ron Dupras.

To order the motion as to Request for Admissions off calendar, as no moving papers were filed.

Explanation:

Cross-Complainant Ron Dupras ("Cross-Complainant") seeks to compel further responses from cross-defendant Paul Beckley ("Cross-Defendant") as to the entirety of the interrogatories, and requests for production propounded.

In opposition, Cross-Defendant submits that he has since served further responses. Cross-Complainant does not contend otherwise. (Ulmer Reply Decl., ¶ 3.) As Cross-Defendant argues, the further responses supersede the prior responses. The further responses necessitated further meet and confer efforts. (E.g., Code Civ. Proc., § 2030.300, subd. (b)(1).) The motions as to the original responses is therefore denied as moot.

Sanctions are still warranted. Monetary sanctions are sufficient to compel disclosure so that the party seeking the discovery can prepare their case, and secondarily to compensate the requesting party for the expenses incurred in enforcing discovery. (*Ghanooni v. Super Shuttle* (1993) 20 Cal.App.4th 256, 262.) Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust."

While further responses were made, they came at Cross-Complainant's expense to seek court orders to do so. The court finds no circumstances that would render the

imposition of sanctions as unjust. Cross-Complainant submits an hourly rate of \$450, which is approved. Sanctions are imposed in the total reduced amount of \$3,600 in favor of Cross-Complainant Ron Dupras and against Cross-Defendant Paul Beckley.

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: img on 7-31-26
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***WT Capital Lender Services v. Pinzon, et al.***
Superior Court Case No. 25CECG01310

Hearing Date: August 4, 2026 (Dept. 502)

Motion: for Disbursement of Interpleader Funds

Tentative Ruling:

To deny without prejudice.

Explanation:

As provided in the court's previous order following defendant David Moriyana's last motion for disbursement, the matter has not reached a procedural posture suitable for disbursement to a claimant. (See the Minute Order filed on Mar. 19, 2026.)

"Nothing in [Civil Code, section 2924j] restricts the ability of a trustee to file an interpleader action in order to resolve a dispute about the proceeds of a trustee's sale. Once an interpleader action has been filed, thereafter the provisions of this section do not apply." (Civ. Code, § 2924j, subd. (e).)

"Any person, firm, corporation, association or other entity against whom double or multiple claims are made, or may be made, by two or more persons which are such that they may give rise to double or multiple liability, may bring an action against the claimants to compel them to interplead and litigate their several claims." (Code Civ. Proc., § 386, subd. (b).) " ' "In an interpleader action, the court initially determines the right of the plaintiff to interplead the funds; if that right is sustained, an interlocutory decree is entered which requires the defendants to interplead and litigate their claims to the funds." [Citation.] Then, in the second phase of an interpleader proceeding, the trial court also has "the power under [Code of Civil Procedure] section 386 to adjudicate the issues raised by the interpleader action including: the alleged existence of conflicting claims regarding the interpleaded funds; plaintiffs' alleged position as a disinterested mere stakeholder; and ultimately the disposition of the interpleaded funds after deducting plaintiffs' attorney fees." [Citation.]' " (*Farmers New World Life Ins. Co. v. Rees* (2013) 219 Cal.App.4th 307, 315 citing (*Shopoff & Cavallo LLP v. Hyon* 167 Cal.App.4th 1489, 1513–1514.)

In other words, an "interpleader proceeding is traditionally viewed as two lawsuits in one. The first dispute is between the stakeholder and the claimants to determine the right to interplead the funds. The second dispute to be resolved is who is to receive the interpleaded funds..." (*Dial 800 v. Fesbinder* (2004) 118 Cal.App.4th 32, 43.)

Just as the moving party suggests, this matter has reached the procedural posture wherein claimants must litigate to resolve the disposition of the interpleaded funds. The

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.

Issued By: Img on 7-31-26
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: **Gragston v. Deboer**
Superior Court Case No. 23CECG04901

Hearing Date: August 4, 2026 (Dept. 502)

Motion: Application for Default Judgment

Tentative Ruling:

To deny without prejudice. (Code Civ. Proc., §§ 764.010, 763.020, 761.010.)

Explanation:

Insufficient Evidence of Intent

Under typical default circumstances, the defendant is no longer entitled to participate in the proceedings. (*Devlin v. Kearny Mesa AMC/Jeep/Renault, Inc.* (1984) 155 Cal.App.3d 381, 385-386.) Nevertheless, reflecting the general uniqueness conferred to real property, quiet title proceedings do not follow the typical path toward obtaining judgment. (*Harbour Vista, LLC v. HSBC Mortgage Services Inc.* (2011) 201 Cal.App.4th 1496, 1505.) Consequently, “notwithstanding a defendant's default in a quiet title action, the plaintiff is not automatically entitled to judgment in its favor but must prove its case in an evidentiary hearing with live witnesses and any other admissible evidence” (*Nickell v. Matlock* (2012) 206 Cal.App.4th 934, 947; see also Code Civ. Proc., § 764.010 [“[t]he court shall not enter judgment by default”].) Furthermore, defaulted defendants are entitled to participate in the quiet title proceedings and present competing evidence. (*Nickell v. Matlock, supra*, 206 Cal.App.4th at pp. 944, 947; *Harbour Vista, LLC v. HSBC Mortg. Services Inc., supra*, 201 Cal.App.4th at p. 1508 [trial court erred when it entered default quiet title judgment without allowing competing evidence from the defendant.]

“When, through fraud or a mutual mistake of the parties, or a mistake of one party, which the other at the time knew or suspected, a written contract does not truly express the intention of the parties, it may be revised on the application of a party aggrieved, so as to express that intention, so far as it can be done without prejudice to rights acquired by third persons, in good faith and for value.” (Civ. Code, § 3399.) Accordingly, a deed may be reformed when, through fraud or mistake, a deed does express the intent of the parties. A complaint for reformation must allege “[t]he real agreement; the agreement reduced to writing; the mistake, i. e., the defect in the writing and generally how it came about.” (*Landis v. Superior Court* (1965) 232 Cal.App.2d 548, 555.) “In order to reform a written instrument, the party seeking relief must prove the true intent by clear and convincing evidence.” (*Shupe v. Nelson* (1967) 254 Cal.App.2d 693, 700.)

Here, plaintiffs submit declarations from Deirdra Williams, Marveda DeBoer's purported granddaughter, and Chelsea Aleston, formerly, Chelsea Barkley, in support of Ms. DeBoer's intent to convey the parcel legally described as:

Lot 30 of Tract No. 1094, Kavanaugh Vista, in the City of Fresno, County of Fresno, State of California, according to the map recorded in Book 14 Page 54 of Plats, Fresno County Records.

EXCEPTING THEREFROM the north 100 feet thereof.

(Williams Decl., Exh. A ("Parcel 2").)

Ms. Aleston's written testimony does not provide any information pertaining to Ms. DeBoer's intent. Although a preliminary title report purportedly related to the February 22, 2002 transaction is attached to Ms. Aleston's declaration, the title report does not evidence what Ms. Deboer intended to convey. The letter attached to Ms. Aleston's declaration from Fidelity National Title, dated May 18, 2021, merely recites the facts alleged in the complaint and indicates that the claim falls within their insuring provisions. (Aleston Decl., Exh. 2.)

Similarly, despite disavowing her interest in the property, Ms. Williams' declarations¹ provide no evidence relating to Ms. Deboer's intent at the time she sold the property in February 22, 2002.

Therefore, plaintiffs have not shown that Ms. Deboer intended to convey Parcel 2 in the February 22, 2002 transaction by clear and convincing evidence.

No Proof of Posting Notice at the Property

When service has been made by publication in a quiet title action, the plaintiff must post a copy of the summons and complaint at a conspicuous place on the subject property. (Code Civ. Proc., § 763.020.) Plaintiff fails to file a proof of service to prove compliance with this requirement.

No Lis Pendens

Code of Civil Procedure section 761.010, subdivision (b) provides that immediately upon commencement of a quiet title action, plaintiff "shall file" a notice of pendency of action in the county recorder's office. Plaintiff submits no evidence to show compliance with this requirement.

¹ The court takes judicial notice of its own docket and acknowledges that Ms. Williams has supplied two different declarations relating to this action, one in support of this application and one in support of the complaint.

Errors in Proposed Judgment

The proposed judgment fails to include the unknown defendants, the common and legal description of the subject property, and the date as of which the determination is sought.

The court further notes that it appears that plaintiffs are seeking to quiet title on the basis of reformation of deed as evidenced by the cause of action for declaratory relief and specific allegations pertaining to mutual mistake in the complaint. However, the proposed judgment is silent as to that relief.

Accordingly, the application for default judgment 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:  **on** 7-31-26 .

(Judge's initials) (Date)

(29)

Tentative Ruling

Re: **Garcia-Chacon v. Valdovinos Tree Services**
Superior Court Case No. 24CECG01141

Hearing Date: August 4, 2026 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

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 502, 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: img on 8-3-26
(Judge's initials) (Date)