

**Tentative Rulings for August 27, 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)**

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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.

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 503**

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(47)

**Tentative Ruling**

Re: ***TWW Distribution, Inc. vs Ulysses Melchor Guzman***  
Superior Court Case No. 24CECG04355

Hearing Date: August 27, 2025 (Dept. 503)

Motion: Default Prove-Up

**Tentative Ruling:**

To grant and sign the proposed judgment. No appearance necessary.

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 8/21/2025.  
(Judge's initials) (Date)

(35)

### Tentative Ruling

Re: ***Hermosillo v. Valley Pride Ag Company, Inc. et al.***  
Superior Court Case No. 25CECG02153

Hearing Date: August 27, 2025 (Dept. 503)

Motion: By Defendant Valley Pride Ag Company, Inc. on Demurrer to Complaint

### Tentative Ruling:

To overrule as moot. (Code Civ. Proc. § 472, subd. (a).)

**Explanation:**

A party may amend its pleading any time after a demurrer or motion to strike is filed but before the demurrer or motion to strike is heard if the amended pleading is filed and served no later than the date for filing an opposition. (Code Civ. Proc. § 472, subd. (a).) Here, plaintiff Jessica Hermosillo timely filed a First Amended Complaint on August 13, 2025, in lieu of an opposition to the demurrer filed defendant Valley Pride Ag Company, Inc. Accordingly, the demurrer is overruled as mooted by a superseding pleading.

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 8/22/2025  
(Judge's initials) (Date)

(34)

**Tentative Ruling**

Re: **Webb v. Cremation Society of Central California, et al.**  
Superior Court Case No. 25CECG01930

Hearing Date: August 27, 2025 (Dept. 503)

Motion: Demurrer to Complaint

**Tentative Ruling:**

To sustain defendants Cremation Society of Central California and Yost & Webb Funeral Care, Inc.'s demurrer to the complaint with leave to amend. (Code Civ. Proc. § 430.10, subd. (e).) Plaintiff shall serve and file the First Amended Complaint within 15 days of the date of service of this order. All new allegations shall be in **boldface**.

**Explanation:**

Defendants Cremation Society of Central California ("CSCC") and Yost & Webb Funeral Care, Inc. ("Yost & Webb") demur to the complaint on the basis that the claims against them are barred by the two year statute of limitations for negligence causes of action. (Code Civ. Proc. §335.1.) Plaintiff's complaint alleges a cause of action for "negligence causing emotional distress" against demurring defendants.

Where the dates alleged in the complaint, or facts judicially noticeable together with facts alleged in the complaint, show the action is barred by the statute of limitations, a general demurrer lies. (*Iverson, Yoakum, Papiano & Hatch v. Berwald* (1999) 76 Cal.App.4th 990, 995; *Saliter v. Pierce Bros. Mortuaries* (1978) 81 Cal.App.3d 292, 300; *Vaca v. Wachovia Mortgage Corp.* (2011) 198 Cal.App.4th 737, 746 ["When a ground for objection to a complaint, such as the statute of limitations, appears on its face or from matters of which the court may or must take judicial notice, a demurrer on that ground is proper."].) However, the running of the statute must appear "clearly and affirmatively" from the face of the complaint. It is not enough that the complaint might be time-barred. (*Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 42.) Ordinarily, the period of limitations will begin to run without regard to whether the plaintiff is aware of the specific facts necessary to establish his claim, provided that he has a "suspicion of wrongdoing," which he is charged with once he has "notice or information of circumstances to put a reasonable person on inquiry." (*Jolly v. Eli Lilly & Co.* (1988) 44 Cal.3d 1103, 1109–1111.)

Plaintiff alleges the disposition of her deceased father's remains was not disclosed to her by defendants Pamela Webb or Joseph Webb in September 2021 following his passing. (Compl. ¶¶ 7-9.) In September 2021 defendants CSCC and Yost & Webb are alleged to have cremated the remains based on a false statement of Joseph Webb that he was an only child. (Compl., p. 8, line 27 – p. 9, line 3.) Plaintiff asserts defendants owed her a duty of care in attempting to contact all next of kin prior to the disposition of the remains, as California Health and Safety Code section 7100 gives all adult children the right to control the disposition of the remains of a deceased person. Defendants are

alleged to have breached that duty by failing to make a diligent effort to contact her or locate her as an additional next of kin. Plaintiff alleged she suffered severe emotional distress in being unaware and uninvolved in the disposition of her father and having no knowledge of the final disposition of her father's remains. (Compl., p. 6, lines 26-27, p. 7, lines 1-2, 8-9.)

As pled, the duty of care arose in September 2021 and was breached in September 2021 when demurring defendants disposed of the decedent's remains without contacting her. Accordingly, the cause of action accrued in September 2021.

The complaint alleges the statute of limitations "began to toll on October 21, 2024" when Plaintiff learned defendants CSCC and Yost & Webb cremated the remains. This allegation is a legal conclusion and will not shield the complaint from demurrer.

In opposition, plaintiff asserts she did not know she was harmed or injured by defendants' alleged negligence until October 2024 when she learned defendants disposed of her father's remains. The allegations of the complaint, however, do not support this argument. Plaintiff's injury arising from the negligence of defendants is alleged to be extreme emotional distress caused by to plaintiff's lack of knowledge of the disposition of her father's remains, and being unaware and uninvolved in the disposition of the remains. (Compl., p. 6, lines 26-27, p. 7, lines 1-2, 8-9.) The emotional distress caused by her lack of knowledge is alleged to have begun in 2021 when neither the funeral home, Joseph Webb, nor Pamela Webb contacted plaintiff regarding the disposition of the decedent. (Compl., ¶ 6.) Thus, all elements of the negligence cause of action were known to plaintiff by September 2021.

The identity of the funeral facility where the remains were disposed is not an element to the negligence cause of action against these defendants and does not support postponing the accrual of the cause of action. "While ignorance of the existence of an injury or cause of action may delay the running of the statute of limitations until the date of discovery, the general rule in California has been that ignorance of the identity of the defendant is not essential to a claim and therefore will not toll the statute." (*Bernson v. Browning-Ferris Industries* (1994) 7 Cal.4th 926, 936.)

A plaintiff whose complaint shows on its face that the claim would be barred without the benefit of the discovery rule must specifically plead facts to show (1) the time and manner of discovery and (2) the inability to have made earlier discovery despite reasonable diligence. The burden is on the plaintiff to show diligence, and conclusory allegations will not withstand demurrer. (*CAMSI IV v. Hunter Technology Corp.* (1991) 230 Cal.App.3d 1525, 1536–1537.) Plaintiff has not pleaded facts to support tolling the statute of limitations until her discovery of defendants CSCC and Yost & Webb's identities.

As a result, the general demurrer is sustained, with leave to amend.

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



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**Tentative Ruling**

Re: ***In re Levi Ellison***  
Superior Court Case No. 25CECG01963

Hearing Date: August 27, 2025 (Dept. 403)

Motion: Amended Petition to Compromise Minor's Claim

**Tentative Ruling:**

To grant the amended petition. Orders Signed. No appearances necessary. The court sets a status conference for Thursday, December 4, 2025, at 3:30 p.m., in Department 503, for confirmation of deposit of the minors' funds into the blocked accounts. 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: JS on 8/26/2025.  
(Judge's initials) (Date)