

Tentative Rulings for September 1, 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.

26CECG00391	<i>Mott v. Kings River Commodities, LLC</i> is continued to Tuesday, October 6, 2026, at 3:30 p.m. in Department 502
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Tentative Rulings for Department 502

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Intended Ruling

Re: **Noah Williams**
Superior Court Case No. 26CU02276

Hearing Date: September 1, 2026 (Dept. 502)

Motion: Expedited Petition to Compromise Claim of Minor

Tentative Ruling:

To deny the petition, without prejudice, for the reasons explained below. In the event that oral argument is requested the minor is excused from appearing.

If oral argument is timely requested, it will be entertained on Thursday, September 3, 2026, at 3:30 p.m. in Department 502.

Explanation:

As identified in the Intended Ruling issued August 24, 2026, according to the petition, the minor has fully recovered from injuries. However, there is no description of the minor's injuries nor is there a doctor's report of the minor's condition reflecting that he has recovered. There are no medical records provided, no description of any medical treatment received as a result of the accident, and no well-child medical reports after the accident.

The Petition requests expenses in the amount of \$730 from the settlement including \$480 in filing fees and \$250 in administration fees. There is no explanation for why the filing fees exceed the standard filing fees. There is no explanation for what administration fees include. The court does not intend to approve charges against the minor's recovery that are unreasonable. (Prob. Code, § 3601.)

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** 8-27-26.
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: **Ortiz v. Aguilar et al.**
Superior Court Case No. 23CECG00742

Hearing Date: September 1, 2026 (Dept. 502)

Motion: By Defendant Kiavi Funding, Inc., to Dismiss the First Amended Complaint as to Kiavi Funding, Inc.

Tentative Ruling:

To grant and dismiss the first amended complaint with prejudice as to defendant Kiavi Funding, Inc. Defendant Kiavi Funding, Inc., shall submit to this court, within seven days of service of the minute order, a proposed judgment dismissing the action against them. (Code Civ. Proc., § 581, subd. (f).)

If oral argument is timely requested, it will be entertained on Thursday, September 3, 2026, at 3:30 p.m. in Department 502.

Explanation:

Defendant Kiavi Funding, Inc. ("Defendant") moves to dismiss the case against them brought by plaintiffs Frank Aguilar and Louisa Ortiz ("Plaintiffs") under Code of Civil Procedure section 581, subdivision (f)(2).

Code of Civil Procedure section 581, subdivision (f) states in pertinent part, "The court may dismiss the complaint as to that defendant when...(2)... after a demurrer to the complaint is sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court and either party moves for dismissal."

On January 29, 2026, Defendant's demurrer to Plaintiffs' first amended complaint was sustained with ten days leave to amend. Plaintiffs have not filed a second amended complaint. Accordingly, Defendant's motion to dismiss is granted and the case against Defendant dismissed with 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: Img on 8-30-26.
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: **Rodriguez v. Harris Ranch Beef Company**
Superior Court Case No. 25CECG05591

Hearing Date: September 1, 2026 (Dept. 502)

Motions: by Defendant and Cross-Complainant Harris Ranch Beef Company Compelling Plaintiff and Cross-Defendant Luis Rodriguez's Responses to Form Interrogatories, Special Interrogatories, and Requests for Production of Documents; and for Monetary Sanctions

Tentative Ruling:

To continue the hearing to Wednesday, September 30, 2026, at 3:30 p.m. in Department 502, and to require the moving party to pay \$60 for motion fees to the clerk (in addition to the \$120 for motion fees already paid) for the correct total motion fee of \$180 (3 motions x \$60 each). The additional filing fees must be paid on or before Wednesday, September 23, 2026.

If oral argument is timely requested, it will be entertained on Thursday, September 3, 2026, at 3:30 p.m. in Department 502.

Explanation:

The uniform fee for filing a discovery motion is \$60. (Gov. Code, § 70617, subd. (a).) Here, although the moving party reserved two motions on the court's calendar, the court notes that, in actuality, there are three motions contained in the moving papers—motions to compel plaintiff Luis Rodriguez's responses to three sets of discovery: form interrogatories, special interrogatories, and document production, respectively. Therefore, the correct total motion fee is \$180 (3 motions x \$60). In the event the additional filing fees are not paid, the court will only rule on two of the motions.

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 8-30-26.
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***Pacheco v. HomeRun Financing, LLC, et al.***
Superior Court Case No. 26CU00366

Hearing Date: September 1, 2026 (Dept. 502)

Motion: by Defendant Pace Funding Group, LLC to Quash Summons

Tentative Ruling:

To grant. (Code Civ. Proc., § 418.10.)

**If oral argument is timely requested, it will be entertained on
Thursday, September 3, 2026, at 3:30 p.m. in Department 502.**

Explanation:

"A party cannot be properly joined unless served with the summons and complaint; notice does not substitute for proper service. Until statutory requirements are satisfied, the court lacks jurisdiction over a defendant." (*Ruttenberg v. Ruttenberg* (1997) 53 Cal.App.4th 801, 808.) "When a defendant challenges that jurisdiction by bringing a motion to quash, the burden is on the plaintiff to prove the existence of jurisdiction by proving, inter alia, the facts requisite to an effective service." (*Dill v. Berquist Construction Co.* (1994) 24 Cal.App.4th 1426, 1439–1440.) "The filing of a proof of service creates a rebuttable presumption that the service was proper. However, the presumption arises only if the proof of service complies with the applicable statutory requirements." (*Floveyor Internat., Ltd. v. Superior Court* (1997) 59 Cal.App.4th 789, 795.) In other words, if a proof of service is not filed, or the proof of service is deficient, the burden shifts to the party attempting service to prove the service was valid. (*Dill, supra*, 24 Cal.App.4th at pp. 1442-1443.)

"Proof that a summons was served on a person within this state shall be made . . . by the affidavit of the person making the service showing the time, place, and manner of service and facts showing that the service was made in accordance with this chapter." (Code Civ. Proc., § 417.10, subd. (a).)

A review of the court's docket reflects partial pages of a proof of service of summons, Judicial Council form POS-010, was filed on June 29, 2026. The proof of service purports to have served the following documents: "SUM-100, CM-010, PLC-C-001, MC-025, Notice of Case Management Conference and Assignment of Judge for All Purpose." (See the Proof of Service of Summons, filed on June 29, 2026.) The court further notes that the operative complaint and summons in this case are the First Amended Complaint and Amended Summons filed on May 6, 2026 and May 13, 2026, respectively. Accordingly, the proof of service fails to discern whether the operative complaint and summons were served as opposed to the original complaint and summons. Also, the proof of service fails to identify who effected the purported service.

Therefore, the proof of service filed on June 29, 2026 fails to comply with the minimum statutory requirements, and there is no presumption of proper service.

Plaintiff indicates that defendant was personally served with the summons and first amended complaint, and argues that the service was proper, because the service was carried out through the San Francisco Sheriff's Office, Civil Division. Plaintiff's contentions are supported only by his own self-serving declaration and the same defective proof of service that was filed with the court on June 29, 2026. Notably, the proof of service plaintiff relies upon contradicts his allegation that the documents were *personally served*, since the document indicates that the defendant was served by *substituted service*. (Pacheco Decl., Ex. A at ¶ 5b.) Further, plaintiff does not confirm whether the amended summons was served as opposed to the summons to the original complaint. Nor does plaintiff identify the actual person who purportedly effected the service. Therefore, plaintiff has not met his burden to prove that the service was valid.

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 8-30-26
(Judge's initials) (Date)

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Tentative Ruling

Re: **Crawford, Jr. v. Gaona**
Superior Court Case No. 20CECG01562

Hearing Date: September 1, 2026 (Dept. 502)

Motion: Motion for Relief from Dismissal

If oral argument is timely requested, it will be entertained on Thursday, September 3, 2026, at 3:30 p.m. in Department 502.

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

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 8-31-26
(Judge's initials) (Date)