

Tentative Rulings for September 2, 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.

25CECG03378	<i>Eric Botello-Vargas v. Mazda Motor of America, Inc.</i> is continued to Wednesday, October 7, 2026, at 3:30 p.m. in Department 403.
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Tentative Rulings for Department 403

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Tentative Ruling

Re: ***In re: Keilan Oliver Stone***
Superior Court Case No. 26CU02435

Hearing Date: September 2, 2026 (Dept. 403)

Motion: Petition to Compromise Claim of Minor

Tentative Ruling:

To deny, without prejudice. Petitioner must file an amended petition, with appropriate supporting papers and proposed orders, and obtain a new hearing date for consideration of the amended petition. (Super. Ct. Fresno County, Local Rules, rule 2.8.4.)

Explanation:

There are several deficiencies in the petition as follows:

Although the petition makes mention of attorney Joseph Urbanic, and petitioner states that she was assisted by Mr. Urbanic in preparing the petition, the petition was submitted by either the minor or the petitioner and not by an attorney. Mr. Urbanic's name and bar number do not appear in the caption section of the first page of the petition. Nor does he otherwise indicate that he is the attorney of record. The petition may not be brought by the minor or parent in pro per. A minor lacks the capacity to represent himself in litigation. (Code Civ. Proc., § 372; *J.W. v. Superior Court* (1993) 17 Cal.App.4th 958, 964 ["Under California law, a minor may appear by a guardian, by a conservator of the estate, or by a guardian ad litem".]) Also, a non-attorney cannot act in pro per on behalf of a minor, even as the guardian ad litem, as this would constitute the unlawful practice of law. (Bus. & Prof. Code § 6125; *J.W. v. Superior Court* (1993) 17 Cal.App.4th 958, 965.) Thus, the petition must be filed by an attorney.

The spelling of the minor's name is inconsistent throughout the petition. Petitioner is instructed to provide the correct spelling in any future application.

The petition does not adequately describe the injury. Although the petition suggests that a copy of the traffic report that would likely summarize the accident is attached, there are no attachments filed with the petition. Nor does the petition include any information, such as copies of the doctor's reports that adequately summarize the injury, treatment, and the minor's recovery.

The petition indicates that there are outstanding medical liens; it fails to provide the name of all providers, the amounts of their charges, the amounts paid, the amount of the negotiated reductions and the amounts owed to each provider. If a provider agreed to negotiate its bill, this must be substantiated.

The petition seeks a disposition to an estate, but fails to identify the guardianship or conservatorship in which petitioner seeks to disburse the proceeds. To the extent that a guardianship or conservatorship has been established under the Probate Code,

petitioner is directed to identify applicable case numbers of those guardianships or conservatorships. The order appointing the guardian ad litem is not the equivalent of creating a guardianship of the estate of the minor. If such an appointment is needed, a separate petition with the Probate Court will be required. In that case, petitioner must show that she has first filed, with the Probate Department, a petition to establish and fund the guardianship or conservatorship.

Further, petitioner's application appointing her as guardian ad litem in this case was denied, since an incomplete form was submitted. In the absence of a guardian of the estate or an appointed guardian ad litem, the right to compromise a minor's claim belongs to (1) either parent if the parents of the minor are not living separate and apart, or (2) the parent having the care, custody, or control of the minor if the parents of the minor are living separate and apart. (Prob. Code, § 3500.) It is not specified in the petition whether claimant's parents are living together or if petitioner is the primary caregiver for the claimant, so petitioner must either provide clarity on this matter or refile her application for guardian ad litem.

The proposed order approving compromise is incomplete. With the exception of identifying the petitioner as Emily Stone, the claimant to be Keilen¹ Oliver Stone and the defendant to be Robert Barth, the entirety of the form is blank.

While petitioner has signed the petition, she failed to state the date the petition was signed as required by Code of Civil Procedure section 2015.5.

Pursuant to California Rules of Court, Rule 3.1312 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** September 1, 2026 .
(Judge's initials) (Date)

¹ Although the spelling of the minor's name is "Keilan" on the caption section of the proposed order, it appears as "Keilen" on section 3 of the same.

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Tentative Ruling

Re: **Glover v. Guerrero**
Superior Court Case No. 25CECG05407

Hearing Date: September 2, 2026 (Dept. 403)

Motion: Motion to Quash

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: SMC on September 1, 2026.
(Judge's initials) (Date)