

Tentative Rulings for September 2, 2026
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)

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.

22CECG03112	<i>Eddings v. Saint Agnes Medical Center</i> is continued to Wednesday, October 14, 2026, at 3:30 p.m. in Department 503.
24CECG00663	<i>Porfirio v. Industrias Vinicas, Inc.</i> is continued to Wednesday, October 14, 2026, at 3:30 p.m. in Department 503.
24CECG01640	<i>Smith v. Abakah</i> is continued to Wednesday, October 14, 2026, at 3:30 p.m. in Department 503.
25CECG03353	<i>Alba-Uribe v. County of Fresno</i> is continued to Wednesday, October 14, 2026, at 3:30 p.m. in Department 503.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(48)

Tentative Ruling

Re: ***Ainsworth v. SunStrong Management, LLC et al.***
Superior Court Case No. 26CECG00214

Hearing Date: September 2, 2026 (Dept. 503)

Motion: By Defendant SunStrong Management, LLC to Set Aside Default

Tentative Ruling:

To grant and strike the entry of default entered on March 2, 2026. Defendant SunStrong Management, LLC is directed to file the responsive pleading within five days of service of the order by the clerk.

Explanation:

Defendant SunStrong Management, LLC ("Defendant") moves to set aside the default entered against it on March 2, 2026, pursuant to Code of Civil Procedure section 473, subdivision (b). Defendant argues that it is entitled to mandatory relief from default due to counsel's mistake, inadvertence, and excusable neglect.

The court is empowered to relieve a party "upon any terms as may be just ... from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." (Code Civ. Proc., § 473, subd. (b).) The trial court has broad discretion to vacate the judgment and/or the clerk's entry of default that preceded it. However, that discretion can be exercised only if the moving party establishes a proper ground for relief, by the proper procedure, and within the statutory time limits. (*Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.)

Pursuant to Code of Civil Procedure 473, subdivision (b), relief is either mandatory or discretionary. Relief is mandatory where it is based on an attorney's affidavit of fault. (Code Civ. Proc., § 473, subd. (b).) Relief is discretionary where it is based on mistake, inadvertence, surprise, or excusable neglect. (*Ibid.*)

Because the law favors disposing of cases on their merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default. (*Lasalle v. Vogel* (2019) 36 Cal.App.5th 127, 135.) Where the party seeking relief seeks such relief promptly and no prejudice will result to the opposing party, "very slight evidence will be required to justify a court in setting aside the default." (*Elston v. City of Turlock, supra*, 38 Cal.3d at p. 233.)

Here, Defendant's counsel, Catherine L. Deter, submits on her affidavit of fault. Counsel declares that by failing to enter the deadline for the responsive pleading in her firm's calendaring system, she failed to timely file a responsive pleading. (Deter Decl., ¶¶ 5-7.) The declaration plainly states that that her mistake caused default to be entered

against Defendant. (Deter Decl., ¶ 5.) Counsel's affidavit sufficiently constitutes an admission of fault that caused default to be entered against Defendant.

In opposition, Plaintiff argues that mandatory relief should not be granted because the failure to file a responsive pleading was not caused by Defendant's counsel's mistake. (Opp., p. 8.) Plaintiff reasons that Defendant's acts prior to default do not indicate there was a simple calendaring mistake because Defendant's counsel performed a conflict check upon receiving the case, she had been assisting in the preparation of the responsive pleading in the two weeks before receiving the notice of default, and counsel did not request an extension of time. (*Id.*, pp. 8-9.) In support, Plaintiff cites *Bailey v. Citibank, N.A.* (2021) 66 Cal.App.5th 335, where the court's order to grant mandatory relief due to attorney fault was reversed because counsel for defendant Citibank was retained after default was entered. (*Id.*, at p. 350.) In this circumstance, it is not possible for the attorney's error to cause default, making mandatory relief under section 473, subdivision (b), unavailable. (*Ibid.*) Here, Defendant's counsel was retained on January 27, 2026, and default was later entered against Defendant March 2, 2026. (Deter Decl., ¶ 4.) This timeline makes it possible for fault to be attributed to acts or omissions by Defendant's counsel. The evidence cited by Plaintiff does not demonstrate that the mistakes that caused default was actually caused by the client rather than their counsel. Further, the evidence does not contradict Defendant's counsel's assertion that, despite her active efforts in the case, a calendaring mistake caused her to miss the deadline.

For the above reasons, the court finds that mandatory relief must be granted. Defendant's motion is granted. As such, the court finds it unnecessary to address Defendant's alternative basis for relief. Accordingly, as the objections only relate to that theory of relief, they are moot, and are not addressed.

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 8/31/2026.
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: ***Lopez v. Nationwide National Insurance Co.***
Superior Court Case No. 26CECG01234

Hearing Date: September 2, 2026 (Dept. 503)

Motion: Motion to Deem Admissions Admitted

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: JS on 9/1/2026.
(Judge's initials) (Date)