

Tentative Rulings for September 9, 2026
Department 501

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.

25CECG02136	<i>Adam Shahabzada v. Lyft, Inc.</i> is continued to Wednesday, October 21, 2026, at 3:30 p.m. in Department 501.
25CECG02566	<i>Da Neea La Nai Scruggs v. Promesa Behavioral Health</i> is continued to Wednesday, October 21, 2026, at 3:30 p.m. in Department 501.
25CECG02578	<i>John Caldwell v. CSAA Insurance Exchange</i> is continued to Tuesday, September 29, 2026, at 3:30 p.m. in Department 501.

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Tentative Rulings for Department 501

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(29)

Tentative Ruling

Re: ***In re: Damian Salazar***
Superior Court Case No. 26CU02780

Hearing Date: September 9, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition and sign the proposed order. No appearances 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: KCK on 09/08/26
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: **Matthew Avalos v. Aldo's Entertainment, LLC**
Superior Court Case No. 24CECG03636

Hearing Date: September 9, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

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:

The petition submitted by Victor Avalos Vargas ("Petitioner") seeks approval for the compromise of minor Matthew Avalos' ("Minor") claim against Aldo's Entertainment, LLC. However, before the court can approve the settlement, one issue needs to be addressed.

A court shall only approve **reasonable** costs be paid from the settlement of a minor. (Prob. Code, § 3601.) Petitioner requests costs of \$6,094.66 be paid from Minor's settlement. No itemized list or breakdown of the costs are provided to allow the court to determine that the costs are reasonable.

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: KCK **on** 09/08/26 .
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: **Alejandro Rodriguez v. Joseph Gray**
Superior Court Case No. 26CU01764

Hearing Date: September 9, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition and sign the proposed order. No appearances 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: KCK on 09/08/26
(Judge's initials) (Date)

(34)

Tentative Ruling

Re: **Stephanie Gonzales v. Rosa Calixto**
Superior Court Case No. 26CU02131

Hearing Date: September 9, 2026 (Dept. 501)

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.

Explanation:

According to the Petition, the minor has settled her claims for injuries received in the incident giving rise to the Complaint and is to receive a gross settlement of \$12,000 with the balance of the settlement after medical costs and attorney fees to be deposited in a blocked account.

The Petition at Item 9a indicates that the minor has recovered completely from her injuries, however, there is no doctor's report of the minor's condition reflecting that she has recovered. The only medical records provided are the emergency department records of the minor's initial treatment for her injuries. (Petn., Item 9a, Att. 9.) Additionally, Attachment 13a to the Petition identified Carelon as a lienholder but no medical record or evidence of medical bill for this provider has been provided with the Petition to support paying this entity from the minor's settlement.

The court issued an intended ruling on August 27, 2026 identifying these issues and allowing the filing of supplemental declaration in anticipation of the hearing set for September 9, 2026. No additional evidence has been provided to the court. Accordingly, the Petition 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: KCK on 09/08/26
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: **Tejinder Sandhu v GK Orchards, LLC**
Superior Court Case No. 25CECG03966

Hearing Date: September 9, 2026 (Dept. 501)

Motion: (1) by Cross-Complainants for Preliminary Injunction
(2) By Cross-Defendants to Appoint Receiver

Tentative Ruling:

To deny the motion for preliminary injunction. To deny the motion for appointment of a receiver.

Explanation:

Motion for Preliminary Injunction Preserving Disputed Portion of Excess Tax Sale Proceeds

"This court has traditionally held that trial courts should evaluate two interrelated factors when deciding whether or not to issue a preliminary injunction. The first is the likelihood that the plaintiff will prevail on the merits at trial. The second is the interim harm that the plaintiff is likely to sustain if the injunction were denied as compared to the harm that the defendant is likely to suffer if the preliminary injunction were issued. [Citations.]" (*IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 69-70.)

Here, cross-complainants do not demonstrate the required elements for a preliminary injunction. They submit that they "do not ask the Court to determine that they will prevail at trial" (Reply, 3:25), and thus the evidence provided is "sufficient" for the narrowed scope of the order sought. (Reply, 4:14.) Cross-complainants offer no authority to support this lessened standard. Cross-complainants still seek a preliminary injunction, thus the elements of a preliminary injunction must be fully addressed before a preliminary injunction may be granted.

Motion for Appointment of Receiver

Code of Civil Procedure section 564, subdivision (b)(1) provides for appointment of a receiver in actions between partners jointly owning in any property or fund when (1) the right to or interest in the property or fund is probable and (2) the property or fund is in danger of being lost, removed, or materially injured. Appointment of a receiver is to be "exercised with caution." (*Cohen v. Herbert* (1960) 186 Cal.App.2d 488, 495.) That said, appointment of a receiver is discretionary. (*Maggiore v. Palo Alto Inn, Inc.* (1967) 249 Cal.App.2d 706, 710.)

Here, the right to or interest in the property is heavily disputed. Cross-defendants seek appointment of a receiver over the entire property on the basis that cross-complainants have been derelict in the physical and financial maintenance of the

Cross-defendants support their claim of unpaid vendors by attaching a judgment and abstract of judgment against GK Orchards. The connection between the judgment and vendor work on the property is assumed, not demonstrated. Cross-complainants alleged vandalism has not been evidenced, and cross-complainants similarly accuse cross-defendants of acts of interference. The declaration of Tejinder Pal Sandhu further provides evidence of his property tax payments. This in itself does not demonstrate total taxes owed and paid/unpaid by each party, i.e. whether he is paying his full share or that cross-complainants are not paying at all. Cross-defendants also include a demand letter for collection of an outstanding PG&E bill. The demand is made as to Tejinder Pal Sandhu only. Mr. Sandhu attests that "defendants refuse to pay any share of that even though they are the ones using the water." (Sandhu Decl., ¶ 16.) This is not evidence of cross-complainants failing an obligation, as it appears the debt belongs to Mr. Sandhu and no evidence obliging the cross-complainants to assist in payment is demonstrated.

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: KCK on 09/08/26
(Judge's initials) (Date)

(48)

Tentative Ruling

Re: ***Claudia Dysard v. Kenneth Ikemiya, M.D.***
Superior Court Case No. 25CECG00485

Hearing Date: September 9, 2026 (Dept. 501)

Motion: By Plaintiff for Leave to File a First Amended Complaint

Tentative Ruling:

To grant plaintiff's motion for leave to file a first amended complaint. (Code Civ. Proc., § 473.) Plaintiff shall file the proposed first amended complaint within 10 days of the date of service of this order. All new allegations shall be in **boldface**.

Explanation:

Motions for leave to amend the pleadings are directed to the sound discretion of the court. "The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading" (Code Civ. Proc. § 473, subd. (a)(1); see also Code Civ. Proc. § 576.) Judicial policy favors resolution of cases on the merits, and thus the court's discretion as to allowing amendments will usually be exercised in favor of permitting amendments. This policy is so strong, that denial of a request to amend is rarely justified, particularly where "the motion to amend is timely made and the granting of the motion will not prejudice the opposing party." (*Morgan v. Superior Court* (1959) 172 Cal.App.2d 527, 530.) The validity of the proposed amended pleading is not considered in deciding whether to grant leave to amend. (*Kittredge Sports Co. v. Superior Court* (1989) 213 Cal.App.3d 1045, 1048.) Absent prejudice, it is an abuse of discretion to deny leave to amend. (*Higgins v. DeFaro* (1981) 123 Cal.App.3d 558, 564-65.)

Here, plaintiff Claudia Dysard ("Plaintiff") seeks leave to file a first amended complaint to assert additional factual allegations against defendants Saint Agnes Medical Center ("Saint Agnes") and Kenneth A. Ikemiya, M.D. ("Dr. Ikemiya"). The original Complaint alleges that Plaintiff's injuries were the result of "improper placement of the arterial line during surgery" in her left arm. Plaintiff now seeks to include allegations that Dr. Ikemiya had placed "a left subclavian central venous catheter" in the left side of her chest, and that one or both of the vascular access devices caused her injuries.

Defendants each oppose Plaintiff's motion. Dr. Ikemiya and Saint Agnes submit that Plaintiff has not been diligent with the knowable allegations to such a degree as to constitute unwarranted delay. It is also argued that Plaintiff's counsel failed to include the circumstances of discovering the alleged facts pursuant to Rules of Court, rule 3.1324(b). Defendants argue that Plaintiff had knowledge of the proposed allegations because Plaintiff received the medical records in December 2024, over a month before filing the Complaint. Also, defendants argue Plaintiff's written discovery response served in June 2025 and deposition in October 2025 indicated Plaintiff had knowledge of the placement of the left subclavian central venous catheter. However, Plaintiff's counsel's declaration states that although discovery was received and reviewed, it was not

