

**Tentative Rulings for September 9, 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)**

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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 502**

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(29)

### Tentative Ruling

Re: **Moralez v. Fresno Community Hospital**  
Superior Court Case No. 23CECG05231

Hearing Date: September 9, 2026 (Dept. 502)

Motion: Motion to Intervene

### 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 9-7-26  
(Judge's initials) (Date)

(41)

**Tentative Ruling**

Re: ***Xiong v. JBK Enterprise Group, Inc., a California Corporation***  
Superior Court Case No. 25CU00101

Hearing Date: September 9, 2026 (Dept. 502)

Motion: By Defendants to Strike Plaintiff's First Amended Complaint

**Tentative Ruling:**

To grant the defendants' special motion to strike (anti-SLAPP) the first amended complaint filed by plaintiff; and to award attorney fees in the total sum of \$32,094.00. (Code Civ. Proc., § 425.16.)

Defendants are directed to submit to this court, within seven days of service of the minute order, a proposed judgment consistent with the court's order dismissing this action and awarding attorney fees.

**Explanation:**

Defendants, JBK Enterprises Group, Inc. dba Wassabi Off The Hook (JBK), Julia Kim (Kim), Susan K. Hatmaker (Hatmaker), Taylor R. Ealand, (Ealand), and Hatmaker Law Group, P.C. (HLG, collectively, Defendants) filed a special anti-SLAPP (Strategic Litigation Against Public Participation) motion to strike the first amended complaint (FAC) filed by plaintiff Johnnie Xiong (Xiong).

Anti-SLAPP Motion

An anti-SLAPP motion provides a procedural remedy to dismiss nonmeritorious litigation brought "primarily to chill the valid exercise of constitutional rights of freedom of speech and petition for redress of grievances." (Code Civ. Proc., § 425.16, subd. (a).) The anti-SLAPP statute "allows defendants to seek early dismissal of unmeritorious claims arising from protected speech and petitioning activities." (*Bonni v. St. Joseph Health System* (2021) 11 Cal.5th 995, 1004 (*Bonni*).)

A defendant may invoke the statute to challenge suits based on four different categories of protected activity:

- (1) The defendant's statements made before a legislative, executive, judicial, or other official proceeding;
- (2) The defendant's statements made in connection with an issue being considered by a legislative, executive, or judicial body;
- (3) The defendant's statements made in a public forum or in connection with an issue of public interest; or
- (4) The defendant's "other conduct in furtherance of the exercise of the constitutional right of petition or the constitutional right of free speech, in

connection with a public issue or an issue of public interest [the 'catchall provision']."

(Code Civ. Proc., § 425.16, subd. (e).) Categories (1) and (2) are not limited to issues of public interest, while categories (3) and (4) are limited to issues of public interest. (*Ibid*; *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1109 [a defendant moving to strike under categories (1) or (2) need not demonstrate separately that a statement concerns an issue of public significance].)

The California Supreme Court has established a two-step process to litigate an anti-SLAPP motion:

First, the moving defendant bears the burden of establishing that the challenged allegations or claims arise from protected activity in which the defendant has engaged. Second, for each claim that does arise from protected activity, the plaintiff must show the claim has at least minimal merit. If the plaintiff cannot make this showing, the court will strike the claim.

(*Bonni, supra*, 11 Cal.5th at p. 1009, internal quotation marks and citations omitted.) The court must broadly construe the anti-SLAPP statute. (Code Civ. Proc., § 425.16, subd. (a).) "The anti-SLAPP statute does not insulate defendants from any liability for claims arising from the protected rights of petition or speech. It only provides a procedure for weeding out, at an early stage, *meritless* claims arising from protected activity." (*Baral v. Schnitt* (2016) 1 Cal.5th 376, 384, (*Baral*) italics original [holding court may strike portions of a "mixed" cause of action arising from protected and unprotected activities].)

#### First Prong—Threshold Burden

The first prong requires the moving defendant to make a prima facie showing that the cause of action arises from the defendant's constitutionally-protected free speech or petition activity. Here, Plaintiff previously filed a lawsuit against his employer, JBK, which the parties settled and dismissed with prejudice (Prior Lawsuit).

Plaintiff then filed this action (New Lawsuit) against JBK, as well as its owner, Kim, and the attorneys who represented JBK in the prior litigation (Hatmaker, Ealand, and HLG, collectively the Hatmaker Defendants). Plaintiff alleges Defendants, acting through their retained attorneys, the Hatmaker Defendants, executed a coordinated scheme of extortion, fraud, and coercion in the Prior Lawsuit by various actions, such as aiding and abetting their client, JBK, to suppress Plaintiff's valid claims, wrongfully filing documents with the court, and engaging in settlement negotiations.

In their moving papers, Defendants summarize Plaintiff's allegations in the New Lawsuit, which arise from Defendants' alleged tortious conduct in aiding and abetting JBK in the Prior Lawsuit and a prior administrative hearing. Plaintiff incorporates these allegations into each cause of action in the New Lawsuit. Defendants group the allegations as relating to the following categories: (1) settlement negotiations; (2) a request for dismissal; (3) Kim wrongfully signing a verified pleading; (4) the Hatmaker Defendants representation of their client; (5) "tortious" filing of documents, such as a verified answer and a motion for errata, which are evidence of a "coordinated scheme";

(6) violations of the Rules of Professional Conduct; and (7) the Hatmaker Defendants caused the underpayment of wages, which rendered them "jointly and severally liable."

The first prong, which is easily satisfied here, requires the moving party to make a prima facie showing that the cause of action arises from constitutionally protected free speech or petition activity. Several cases have determined that the anti-SLAPP statute protects litigation settlements:

A settlement agreement executed in the context of active litigation is "made in connection with an issue under consideration or review by a ... judicial body." (Code Civ. Proc., § 425.16, subd. (e); *Navellier v. Sletten* (2002) 29 Cal.4th 82, 85–86, 87 (*Navellier*) [finding defendant's negotiations and execution of release to be protected activity]; *Seltzer v. Barnes* (2010) 182 Cal.App.4th 953, 958, 963–967 (*Seltzer*) [reversing denial of anti-SLAPP motion in homeowner's action for fraud in connection with settlement negotiations in underlying lawsuit]; *GeneThera, Inc. v. Troy & Gould Professional Corp.* (2009) 171 Cal.App.4th 901, 908 [affirming grant of anti-SLAPP motion in lawsuit based on firm's communication of settlement offer]; *Dowling v. Zimmerman* (2001) 85 Cal.App.4th 1400, 1420 [attorney's negotiation of stipulated settlement in unlawful detainer action was protected conduct]; see also *Monster Energy Co. v. Schechter* (2019) 7 Cal.5th 781, 788–789 ["It is undisputed that defendants met their first-step showing" that allegedly breached settlement agreement involved protected activity].)

(*O&C Creditors Group, LLC v. Stephens & Stephens XII, LLC* (2019) 42 Cal.App.5th 546, 566–567 [listing cases holding litigation settlements covered by anti-SLAPP statute].)

Defendants' actions in the Prior Lawsuit and the administrative hearing are protected activity in connection with official proceedings authorized by law. (Code Civ. Proc., § 425.16, subd. (e)(1), (e)(2).) In addition, communications within the litigation privilege of Civil Code section 47 also fall within the protection of Code of Civil Procedure section 425.16. (*Dove Audio, Inc. v. Rosenfeld, Meyer & Susman* (1996) 47 Cal.App.4th 777, 784.) As the California Supreme Court has confirmed, "[f]or well over a century, communications with 'some relation' to judicial proceedings have been absolutely immune from tort liability by the privilege codified as section 47 (b). [Fn.]" (*Rubin v. Green* (1993) 4 Cal.4th 1187, 1193.) The court finds Defendants satisfy the first step by making a prima facie showing that the FAC arises from protected activity.

### Second Prong—Probability of Success on the Merits

Because the court finds Defendants make a prima facie showing that the FAC arises from protected activity, the burden shifts to Plaintiff to proffer sufficient evidence to establish the probability of prevailing on his claims. (Code Civ. Proc., § 425.16, subd. (b)(1). A plaintiff's complaint need only be shown to have "minimal merit". (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279; *Navellier, supra*, 29 Cal.4th at p. 89.) The plaintiff must show that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited. (*Navellier, supra*, 29 Cal.4th at 88-89.) In

considering this issue, the court looks at the “ ‘pleadings, and supporting and opposing affidavits ... upon which the liability or defense is based.’ ” (*Soukup, supra*, 39 Cal.4th at p. 269.)

In *Baral*, the California Supreme Court restated the required analysis to resolve an anti-SLAPP motion:

For the benefit of litigants and courts involved in this sometimes difficult area of pretrial procedure, we provide a brief summary of the showings and findings required by section 425.16(b). At the first step, the moving defendant bears the burden of identifying all allegations of protected activity, and the claims for relief supported by them. When relief is sought based on allegations of both protected and unprotected activity, the unprotected activity is disregarded at this stage. If the court determines that relief is sought based on allegations arising from activity protected by the statute, the second step is reached. There, the burden shifts to the plaintiff to demonstrate that each challenged claim based on protected activity is legally sufficient and factually substantiated. The court, without resolving evidentiary conflicts, must determine whether the plaintiff's showing, if accepted by the trier of fact, would be sufficient to sustain a favorable judgment. If not, the claim is stricken. Allegations of protected activity supporting the stricken claim are eliminated from the complaint, unless they also support a distinct claim on which the plaintiff has shown a probability of prevailing.

(*Baral, supra*, 1 Cal.5th at p. 396.)

By failing to oppose this motion, Plaintiff fails to meet his burden to show, with admissible evidence, that the New Lawsuit has minimal merit that is sufficient to sustain a favorable judgment. Therefore, the court grants Defendants' anti-SLAPP motion and orders the FAC to be stricken.

#### Attorney Fees

The prevailing defendant on a special motion to strike “shall be entitled” to recover attorney fees and costs, and this fee award is mandatory. (Code Civ. Proc., § 425.16, subd. (c); *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131.)

In awarding attorney fees under Code of Civil Procedure section 425.16, courts generally apply the lodestar approach, i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate prevailing in the community for similar work. (*Serrano v. Unruh* (1982) 32 Cal.3d 621, 639.) To determine what is reasonable “trial courts must carefully review attorney documentation of hours expended; ‘padding’ in the form of inefficient or duplicative efforts is not subject to compensation.” (*Ketchum v. Moses, supra*, 24 Cal.4th 1122, 1132, internal citation omitted.) The court may include a fee enhancement for the hours spent on the anti-SLAPP motion. (*Id.* at p. 1136.) The prevailing defendant is also entitled to recover fees incurred in making the motion for attorney fees (without enhancement, because the mandatory award for a prevailing defendant has no contingency). (*Id.* at p. 1141.)

Although Defendants request a multiplier of 1.25, they fail to separate the time spent on the anti-SLAPP motion from the time spent to recover the mandatory fee award. Therefore, the court denies the request for a multiplier. In sum, the court awards total attorney fees of \$32,094.00, based on the following calculations:

|        |                                         |
|--------|-----------------------------------------|
| Ealand | \$ 3,154.00 (8.3 hours x \$380.00/hour) |
|--------|-----------------------------------------|

In summary, the court finds Defendants meet their burden to show the FAC arises from protected activity. The burden then shifts to Plaintiff to demonstrate a likelihood of prevailing on his claims set forth in the FAC, which he fails to do. Therefore, the court grants Defendants' anti-SLAPP motion and strikes the FAC. The court awards total attorney fees of \$32,094.00.

## Tentative Ruling

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### Tentative Ruling

Motion: Demurrer

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.

Issued By: img on 9-7-26  
(Judge's initials) (Date)

(35)

### Tentative Ruling

Re: **Cortez Ignacio v. McClarty Farms, LLC et al.**  
Superior Court Case No. 25CECG04041

Hearing Date: September 9, 2026 (Dept. 502)

Motion: Motion to Compel Arbitration

### 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 9-8-26.  
(Judge's initials) (Date)