

**Tentative Rulings for September 9, 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)**

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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.

- |             |                                                                                                                                                  |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 24CECG05024 | <i>The Estate of Diamond Robinson, Deceased v. Ashley Paris</i> is continued to Wednesday, October 7, 2026, at 3:30 p.m. in Department 503.      |
| 25CECG01224 | <i>North Mill Equipment Finance LLC v. Ignacio Guzman</i> is continued to Tuesday, October 13, 2026, at 3:30 p.m. in Department 503.             |
| 26CECG00034 | <i>Marcos Renya v. Jesse Canales</i> is continued to Tuesday, October 13, 2026, at 3:30 p.m. in Department 503.                                  |
| 26CECG00549 | <i>Michael Martines Physical Therapist v. Momentum Billing, LLC</i> is continued to Tuesday, September 29, 2026, at 3:30 p.m. in Department 503. |

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## **Tentative Rulings for Department 503**

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(29)

**Tentative Ruling**

Re: ***Porfirio v. Industrias Vinicas, Inc.***  
Superior Court Case No. 24CECG00663

Hearing Date: September 9, 2026 (Dept. 503)

Motion: Motion for Relief from Waiver of Right to Jury Trial

**If oral argument is timely requested, it will be entertained on  
Thursday, September 17, 2026, at 3:30 p.m. in Department 503.**

**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** 9/3/2026.  
(Judge's initials) (Date)

(20)

**Tentative Ruling**

Re:

**Galvan v. City of Clovis**

Superior Court Case No. 24CECG05613

Hearing Date:

September 9, 2026 (Dept. 503)

Motion:

By Plaintiff's Counsel to Withdraw

By Defendant City of Clovis for Summary Judgment

**Tentative Ruling:**

To continue both motions to Thursday, October 29, 2026 at 3:30 p.m. in Department 503. Within five days of service of the order by the clerk, plaintiff's counsel shall serve a copy of this order, along with his August 25, 2026 supplemental declaration, on the Fresno County public administrator. The court requests the public administrator file a statement of its position regarding whether it will seek to continue this lawsuit as the deceased plaintiff's personal representative by October 22, 2026.

**If oral argument is timely requested, it will be entertained on Thursday, September 17, 2026, at 3:30 p.m. in Department 503.**

**Explanation:**

Plaintiff Raynaldo Galvan ("plaintiff" or "decedent") initiated this lawsuit on December 30, 2024 with the filing of a Complaint against the City of Clovis. Plaintiff alleges that he tripped and fell on a defective sidewalk located at 625 Sunnyside Avenue and asserts causes of action for general negligence and premises liability. Plaintiff's attorney Mark A. Saleh of Guldjian | Fasel in Newport Beach learned from plaintiff's stepmother Rita Bonilla that plaintiff passed away on an unknown date from unknown causes. Mr. Saleh, despite diligent efforts, has not been able to locate an heir or successor-in-interest to continue on this lawsuit. No probate proceedings have been initiated, and there is no personal representative.

Set concurrently are two motions – one by the City of Clovis for summary judgment, and another by plaintiff's counsel to withdraw. The motion for summary judgment is unopposed, but only because plaintiff has passed away. Because the plaintiff has passed, counsel seeks to withdraw, having no client. The summary judgment motion is unopposed, because at present there is no plaintiff.

With no opposition, it appears that the summary judgment motion would be granted (due to the lack of evidence raising a triable issue of fact). However, "[u]nless the decedent's personal representative is made a party, a judgment should not be rendered for or against a decedent, nor for or against the representative." (Weil & Brown, *Cal. Prac. Guide Civ. Pro. Before Trial* (TRG 2026) ¶ 2:503, citing *Sacks v. FSR Brokerage, Inc.* (1992) 7 Cal.App.4th 950, 957 and *Sellery v. Cressey* (1996) 48 Cal.App.4th 538, 541.)

"A pending action or proceeding does not abate by the death of a party if the cause of action survives." (Code Civ. Proc., § 377.21.) "A cause of action that survives

the death of the person entitled to commence an action or proceeding passes to the decedent's successor in interest, subject to Chapter 1 (commencing with Section 7000) of Part 1 of Division 7 of the Probate Code, and an action may be commenced by the decedent's personal representative or, if none, by the decedent's successor in interest." (Code Civ. Proc., § 377.30.) If there is no personal representative, the action may be maintained by the decedent's "successors in interest". (Code Civ. Proc., §§ 377.30, 377.34.) The claims asserted in this action would appear to survive plaintiff's passing if there is anyone to carry on the litigation. Mr. Saleh has found no such person.

Pursuant to Probate Code section 7620, the estate of a decedent may be administered by the county public administrator if it petitions for appointment as personal representative of the estate or is appointed personal representative of an estate by the court. Before disposing of this action because there is essentially no plaintiff, the court seeks the public administrator's input as to whether it intends to continue prosecuting this litigation as decedent's personal representative.

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** 9/4/2026.  
(Judge's initials) (Date)