

**Tentative Rulings for September 14, 2022**  
**Department 502**

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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).)**

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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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(20)

**Tentative Ruling**

Re: ***Agri-Valley Irrigation, LLC v. Singh et al.***  
Superior Court Case No. 21CECG02949

Hearing Date: September 14, 2022 (Dept. 502)

Motion: Default Prove-Up

**Tentative Ruling:**

To deny without prejudice.

**Explanation:**

This is a breach of contract action in which plaintiff contracted with defendants to provide irrigation services and equipment. Plaintiff provided such services and equipment under the agreement, but there remains an unpaid balance of \$39,855.18, plus interest, costs and attorneys' fees. The Complaint was filed on 10/4/21 against Aneet Divyah & Company, LLC, Rachpal Singh, and Does 1-25. Singh executed an Application for Credit on behalf of Aneet Divyah & Company. Singh also signed a personal guarantee. On 10/14/21 plaintiff filed a Doe amendment to the Complaint, substituting Herman Sihota as Doe 1. All three defendants were served in October 2021, and having failed to respond to the Complaint, their defaults have all been entered.

The court is required to render default judgment only "for that relief ... as appears by the evidence to be just." (Code Civ. Proc., § 585, subd. (b).) Therefore, it is up to plaintiff to "prove up" the right to relief, by introducing sufficient evidence to support his or her claim. Without such evidence, the court may refuse to grant a default judgment for any amount, notwithstanding defendant's default. (*Taliaferro v. Hoogs* (1963) 219 Cal.App.2d 559, 560; *Holloway v. Quetel* (2015) 242 Cal.App.4th 1425, 1434-1435.) The court can only enter default judgment on a well-pleaded cause of action. (*Molen v. Friedman* (1998) 64 Cal.App.4th 1149, 1153-1154.)

Default judgment is denied, first, because plaintiff seeks judgments of different amounts as to each of the three defendants. The court is unclear why the interest and attorneys' fees calculations differ in the Requests for Court Judgment.

Second, there is no apparent basis for any liability on the part of defendant Sihota. There are no allegations specifically relating to him in the Complaint. Sihota is not a party to the credit agreement, did not sign the agreement, and did not execute any guarantee. The only place Sihota is referenced in the exhibits supporting default judgment is in the demand letter sent from counsel to defendants. The moving papers make no showing that a judgment in any amount is warranted as to Sihota.

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.



(38)

**Tentative Ruling**

Re: **Green v. County of Fresno**  
Superior Court Case No. 21CECG02131

Hearing Date: September 14, 2022 (Dept. 502)

Motion: Petitions to Approve the Compromise of the Claims of Minors  
Raine Manivong and Kennedie Green

**Tentative Ruling:**

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

**Explanation:**

Both petitions request approval of payments from the settlement proceeds to First Health Medical Center. However, the medical bills from First Health Medical Center have not been submitted with the petitions. Moreover, both petitions assert that First Health Medical Center has agreed to negotiated reductions from the amounts charged. However, no evidence has been submitted to show that this provider has agreed to the reduced payments. These medical expenses and negotiated reductions must be substantiated before the petitions can be granted.

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:** RTM **on** 9/12/2022 .  
(Judge's initials) (Date)

(38)

**Tentative Ruling**

Re: **Rogers v. Pacific Bells, LLC**  
Superior Court Case No. 21CECG01484

Hearing Date: September 14, 2022 (Dept. 502)

Motion: Application of Dan J. Genreau to Appear as Counsel *Pro Hac Vice* for Defendant Pacific Bells, LLC

**Tentative Ruling:**

To grant. The applicant has satisfied the requirements of the California Rules of Court, rule 9.40.

**Explanation:**

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: RTM on 9/12/2022.  
(Judge's initials) (Date)

(36)

**Tentative Ruling**

Re: ***La Casa Dakota Apartments v. Fresno Allied Equities, Inc.***  
Superior Court Case No. 22CECG01664

Hearing Date: September 14, 2022 (Dept. 502)

Motion: Default Prove-Up

**Tentative Ruling:**

To continue the hearing to Thursday, October 13, 2023, to allow plaintiff to file and serve the requisite forms in support of its request for default judgment.

**Explanation:**

A hearing must be held in order to obtain a quiet title judgment where the defendant has been defaulted. (Code Civ. Proc., § 764.010; *Harbour Vista, LLC v. HSBC Mortgage Services Inc.* (2011) 201 Cal.App.4th 1496, 1505; *Bailey v. Citibank, N.A.* (2021) 66 Cal.App.5th 335, 347 and fn 2.) However, plaintiff has not filed the Request for Court Judgment (Judicial Council form CIV-100), which is mandatory. (*Simke Chodos, Silberfeld & Anteau, Inc. v. Anthans* (2011) 195 Cal.App.4th 1275, 1287.) While plaintiff used this form when requesting default, this dual-purpose form must be used again when requesting judgment. Also, plaintiff has not properly served the default prove-up package to defendant, since there is no evidence that defendant has consented to electronic service. (Code Civ. Proc., § 1010.6, subd. (a)(2)(A)(ii).)

Once these issues are corrected, the prove-up hearing can proceed.

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: RTM on 9/12/2022.  
(Judge's initials) (Date)

