

Tentative Rulings for September 23, 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.

25CECG05964 *Henry Jones, JR v. Fresno Valley SNF, LLC* is continued to Wednesday, October 28, 2026, at 3:30 p.m. in Department 503.

25CECG00844 *Umpqua Bank v. Sran Family Orchards, Inc.* is continued to Tuesday, October 27, 2026 at 3:30 p.m. in Department 503.

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Tentative Rulings for Department 503

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Tentative Ruling

Re: ***Crouch v. Saint Agnes Medical Center***
Superior Court Case No. 22CECG03349

Hearing Date: September 23, 2026 (Dept. 503)

Motion: Demurrer to First Amended Complaint

Tentative Ruling:

To take off calendar, as the case has settled and a motion for preliminary approval of the settlement has 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** 9/17/2026.
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***Ting v. Chapman, et al.***
Superior Court Case No. 24CECG01134

Hearing Date: September 23, 2026 (Dept. 503)

Motion: by Plaintiff to Reopen Discovery

Tentative Ruling:

To deny without prejudice. (Code Civ. Proc., § 1005, subd. (b); Cal. Rules of Ct., rule 3.1300.)

Explanation:

All moving and support papers must be served and filed at least 16 court days before the hearing. (Code Civ. Proc., § 1005, subd. (b).) Accounting for the Labor Day holiday, the last day for filing and serving the motion was on August 31, 2026, assuming the timing was not otherwise extended by the manner of service. Plaintiff's moving papers, which were filed on September 10, 2026, are untimely. Also, a proof of service must be filed with the court at least 5 court days before the hearing. (Cal. Rules of Ct., rule 3.1300.) A proof of service for the motion is not filed; thus, there is no evidence that the moving papers were even served to all appearing parties.

Accordingly, the motion 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: JS on 9/21/2026.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Lo v. Walmart Inc.***
Superior Court Case No. 25CECG01133

Hearing Date: September 23, 2026 (Dept. 503)

Motion: Petition to Approve Compromise of Minor

Tentative Ruling:

To deny without prejudice. Petitioner Jill Ann Poulsen must file a new petition, with appropriate supporting papers and proposed orders, and obtain a new hearing date for consideration of an amended petition. In the event that oral argument is requested, both petitioner Jill Ann Poulsen and plaintiff Passion Xiong are excused from appearing.

Explanation:

It is unclear what the petition seeks to compromise. The circumstances of the incident reported in Item 5 suggest one of premises liability, which is consistent with the First Amended Complaint. These incidents occurred to decedent Mayker Lo ("Decedent"), who is joined as a plaintiff in this action. The petition further reports that Decedent passed on September 16, 2024. However, this action was originally filed on March 7, 2025. In other words, Decedent had expired at the time of filing and therefore is not a proper plaintiff to the action; the estate of Decedent should have been named to the extent a survival action was being stated. Given the nature of the allegations of the First Amended Complaint, had Decedent been alive at the time of the filing of this action, Decedent's five children would have no reason to be additionally named in this action. In other words, the naming of the five children additionally suggest that a wrongful death claim is being stated.

This confusion appears to carry through to the petition, which does not make clear whether the compromise is for what would have been a survival action, as opposed to a wrongful death claim. The inclusion of medical reports to the petition, which do not belong to minor plaintiff Passion Xiong ("Minor") suggests that the petition is on the compromise of the survival action. This also would appear to align with the petition's report that Decedent passed from what appears to be entirely unrelated breast cancer.

The presumption is that the claim being compromised is and should have been based on a survival action, which seems consistent with the terms of the settlement agreement requiring a representation that the five children are Decedent's heirs (Settlement Agreement, Item 11 (b)), and does not include Decedent as a signatory.

The reported medical expenses, at Item 12, are evaluated based on the above finding, which would go against the estate, and otherwise would not be imputed to Minor. The petition reports that a non-ERISA insured plan paid a benefit of \$163.59, and is not seeking reimbursement. In support is a letter from Pinnacle Claims Management, dated July 29, 2024, which identifies itself as a self-funded ERISA plan, but disclaims the

\$163.59 paid in benefits. Absent from Attachment 12b(5) are similar statements for payors of the reported medical expenses as to First Health Medical Center of Fresno, Inc. and Sierra Pacific Orthopedic Center. As to First Health, it appears that there were involvement from Blue Cross and counsel's office. These items need addressing.

Item 13 reports costs and fees sought. It is unclear why Minor is billed with what appears to be the entire costs of the case, despite the action being brought on behalf of four other beneficiaries. There is no apportionment of the costs, and the petition fails to explain why Minor should bear all costs of this action. Additionally, the petition reports a total settlement of \$80,000 among the five beneficiaries. However, and unexpectedly, counsel reports receiving no other compensation from any other source at Item 17(f). The petition fails to address why Minor bears the entirety of the attorney fees assessed in this action.¹

For the above reasons, 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: JS **on** 9/22/2026.
(Judge's initials) (Date)

¹ The court further notes that the fee agreement was with Decedent, and not the estate. Given the position that this is a survival action, the court infers that an agreement was made to continue representation through the estate. That inference however would strongly suggest that attorney fees are being claimed against every portion of the settlement, for which the petition does not properly disclose.

(35)

Tentative Ruling

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

Hearing Date: September 23, 2026 (Dept. 503)

Motion: Motion for Evidentiary Hearing

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 9/22/2026.
(Judge's initials) (Date)