

Tentative Rulings for September 24, 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)

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.*

21CECG03221 *Mohammed v. Fresno 62 Investment LLC, et al.* (See Tentative Ruling below.)

23CECG04281 *Central Valley Fallen Heroes v. Lieb*

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 Ruling

Re: ***Patricia F. v. Westcare California, Inc.***
Superior Court Case No. 24CECG00632

Hearing Date: September 24, 2026 (Dept. 502)

Motion: by Plaintiff for an Order to Depose an Incarcerated Party

Tentative Ruling:

To grant plaintiff's motion for an order to depose Matthew Ladel Lamb, incarcerated at California State Prison, Sacramento.

Explanation:

Plaintiff Patricia F. ("plaintiff") moves for an order pursuant to Code of Civil Procedure section 1995 and Penal Code section 2623 to depose Matthew Ladel Lamb, incarcerated at California State Prison, Sacramento. The motion is unopposed.

A prisoner confined to prison may be deposed. (Code Civ. Proc., § 1995; Pen. Code, § 2623.) To take a prisoner's deposition, counsel must obtain an order from the court in which the matter is pending, unless the matter is pending in small claims court, in which case an order must be obtained from the superior court. (Code Civ. Proc., § 1995; Pen. Code, § 2623.) The motion must be accompanied by a declaration showing the nature of the action or proceeding, the subject of the testimony, and its materiality to the action. (Code Civ. Proc., § 1996; Pen. Code, § 2623.) The deposition in state prison proceeds under Penal Code section 2622.

Plaintiff's motion complies with the requirements of Penal Code sections 2622-2623, and is accordingly granted.

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:  **on** **9-22-26** .

(Judge's initials) (Date)

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Tentative Ruling

Re: **Mohammed v. Fresno 62 Investment LLC, et al.**
Superior Court Case No. 21CECG03221

Hearing Date: September 24, 2026 (Dept. 502)

Motion: by Plaintiff to Set Aside Dismissal

Tentative Ruling:

To grant. The dismissal entered on June 26, 2026, is set aside on grounds of "mistake, inadvertence, surprise or excusable neglect." (Code Civ. Proc., § 473, subd. (b).)

In light of Plaintiff's imminent expiration of the five-year statutory deadline to bring the action to trial pursuant to Code of Civil Procedure section 583.310, the parties are ordered to appear to discuss trial setting.

Explanation:

The trial court has broad discretion to vacate the judgment and/or the clerk's entry of default that preceded it. However, that discretion can be exercised only if the moving party establishes a proper ground for relief, by the proper procedure, and within the statutory time limits. (*Cruz v. Fagor America, Inc.* (2007) 146 Cal.App.4th 488, 495.) The court is empowered to relieve a party "upon any terms as may be just ... from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect. Application for this relief ... shall be made within a reasonable time, in no case exceeding six months, after the judgment, dismissal, order, or proceeding was taken." (Code Civ. Proc., § 473, subd. (b).)

The burden is on the moving party to show that the neglect was excusable. "[T]he acts which brought about the default must have been the acts of a reasonably prudent person under the same circumstances." (*Jackson v. Bank of America* (1983) 141 Cal.App.3d 55, 58.)

Here, the court dismissed the action because Plaintiff failed to appear for Trial Readiness on June 26, 2026. Plaintiff indicates that on June 26, 2026, he experienced a medical emergency inside the courthouse building at 9:41 a.m. He presents medical records showing that he was taken to hospital by ambulance for medical distress. (Mohammed Decl., filed on Jul. 29, 2026, ¶¶ 17-19, and Exh. H thereto.) Therefore, Plaintiff has made the requisite showing of excusable neglect. Although Defendant Secured Asset Fund Corporation argues that Plaintiff falsely created a medical emergency in an attempt to avoid or delay trial, the court is not equipped to make such a determination. Accordingly, the motion to set aside the dismissal is granted.

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