

Tentative Rulings for October 8, 2025
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.

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Tentative Rulings for Department 503

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(03)

Tentative Ruling

Re: ***Tienda v. West Park Elementary School Dist.***
Case No. 23CECG00194

Hearing Date: October 8, 2025 (Dept. 503)

Motion: Defendant's Motion for Summary Judgment, or in the
Alternative, Summary Adjudication of Issues

Tentative Ruling:

The parties are ordered to appear for the hearing on October 8, 2025 at 3:30 p.m.
in Department 503.

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** 9/30/2025.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***Sonia Cesar-Morales v. Trisha Morales***
Superior Court Case No. 25CECG00439

Hearing Date: October 8, 2025 (Dept. 503)

Motion: for Default Interlocutory Judgment for Partition by Sale of Real Property and Appointment of Referee

Tentative Ruling:

To deny, without prejudice. (Code Civ. Proc., § 872.320.)

Explanation:

In an action for partition of real property, “[w]here the court orders service by publication, such order shall be subject to the following conditions:

- (a) The plaintiff shall post, not later than 10 days after the date the order is made, a copy of the summons and complaint on the real property that is the subject of the action.
- (b) The plaintiff shall record, if not already recorded, a notice of the pendency of the action.
- (c) The publication shall describe the property that is the subject of the action. In addition to particularly describing the property, the publication shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the publication shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted.”

(Code Civ. Proc., § 872.320, emphasis added.)

The court ordered service by publication on defendants in this action on March 20, 2025 and May 13, 2025, respectively. First, plaintiff has not demonstrated that she complied with subdivision (a) by posting the summons and complaint on the real property subject to this action. Second, the summons served on defendants by publication was not in compliance with subdivision (c). The summons published fails to adequately describe the property that is the subject of this action, as no street address or legal description were provided in the publication. “Judgment based on failure to appear and answer following service under this section shall be conclusive against the defendants named in respect only to property described in the publication.” (Code Civ. Proc., § 872.330, subd. (b), emphasis added.)

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** 10/6/2025.
(Judge's initials) (Date)