

Tentative Rulings for October 9, 2025
Department 501

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.*

25CECG02717 *JB&B Capital, LLC v Guljit Kalirai*

25CECG00070 *Tyrece Brown v. Paulette Alatraste*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

25CECG02378 *Elisa Wheeler v Sara Spane* is continued to Thursday, October 23, 2025 in Department 501

20CECG00607 *Pete Hall v Fresno Unified School District Employee Health Care Plan* is continued to Wednesday, October 29, 2025 in Department 501

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

Begin at the next page

(35)

Tentative Ruling

Re: ***City of Indio v. Oppenheimer et al.***
Superior Court Case No. 24CECG04779

Hearing Date: October 9, 2025 (Dept. 501)

Motion: by Petitioners City of Indio, Indio Water Authority, Joshua Basin Water District, San Andreas Mutual Water Company, City of Dixon, and City of Vacaville to Augment Record

Tentative Ruling:

To grant in part and order the record be augmented with the "Chromium 6 PHG Update Announcement" and the "2023 Drinking Water Needs Assessment". To deny as to the "2024 Drinking Water Needs Assessment", without prejudice.

Explanation:

Petitioners City of Indio, Indio Water Authority, Joshua Basin Water District, San Andreas Mutual Water Company, City of Dixon, and City of Vacaville (collectively "petitioners") filed the instant matter against respondent State Water Resources Control Board ("respondent") seeking a writ of mandate. At issue is a standard adopted by respondent regarding water standards for contaminants, particularly as they are applied to Chromium 6. It is alleged that on April 17, 2024, respondent, and its executive officer Eric Oppenheimer, passed a resolution on the Chromium 6 standard while acknowledging concerns raised about the standard. On June 13, 2024, respondent submitted the matter for review and approval with the Office of Administrative Law, which subsequently approved the matter on July 24, 2024. The standard became effective October 1, 2024. On November 5, 2024, petitioners filed the instant action. Petitioners now seek to augment the administrative record lodged by respondent in response to the Petition.

A court may exercise its discretion to augment an administrative record if the evidence is relevant and if it was either improperly excluded during the administrative process or it could not, in the exercise of reasonable diligence, been presented before the administrative decision was made. (Code Civ. Proc., § 1094.5, subd. (e); *Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123, 1144.) Likewise, extra-record evidence may be considered in administrative mandamus proceedings only if the evidence existed before a decision was made but was unavailable at the time of the hearing in the exercise of reasonable diligence, or if it was improperly excluded from the record. (*Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 578.)

Here, petitioners contend that the lodged record fails to include a "Chromium 6 PHG Update Announcement". Petitioners submit that this document conveys knowledge about a particular event that provides a reader with knowledge about conclusions reached by outside entities, in this case the Office of Environmental Health Hazard Assessment ("OEHHA"). Petitioners submit that so long as the information was submitted

to the agency, relied on by the agency, or required by law to be considered by the agency, it should be included in the record. (*POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 746.) Respondent does not contend otherwise and agrees to augment the record as to the announcement. Accordingly, the motion is granted as to the document titled "Chromium 6 PHG Update Announcement".

Petitioners next seek to include a document referred to as the "2023 Drinking Water Needs Assessment".¹ It is uncontested that respondent relied on a 2022 report. Petitioners' assertion that respondent relied on the 2023 report as opposed to the 2022 report therefore appears speculative. Though it is uncontested that the contents of the report are of the sort that respondent is required to consider, it would appear that respondent considered those issues, just through the 2022 report. Nothing in the statute precludes respondent from relying on information from a fixed point in time. (See generally Gov. Code, § 11347.3, subd. (b).) In other words, though the 2023 report appears to be data and factual information, or a study or report, and written comments, the 2023 report does not appear to be "in connection with" the adoption of the subject regulation. (*Id.*, § 11347.3, subd. (b)(6).)

Rather, petitioners appear to rely solely on the assertion that written comments reference the 2023 report constituting "submission". (*Consolidated Irrigation Dist. v. Superior Court* (2012) 205 Cal.App.4th 697, 724-725.) Specifically, where a hyperlink directly accesses the document without further search, a hyperlink is sufficient to constitute "submission". (*Id.* at pp. 724-725.) The rationale, as petitioners correctly note, is that the term is to be "interpreted and applied pragmatically to fairly allocate the burden of handling the written evidence." (*Id.* at p. 723.) In this case, it is uncontested that respondent generated the 2023 report. It cannot be said that respondent was unduly burdened to ascertain a document it authored. Moreover, respondent appears to concede that the 2023 report was available and requests were made to consider it, and merely elected not to do so as a matter of finality. While the court expresses no opinions as to the validity of such election, the court finds that the 2023 report must be included in the administrative record. Respondent's election to not consider then-existing data is itself reflective of the process. The motion is granted as to the 2023 Drinking Water Needs Assessment.

Petitioners additionally seek to include the 2024 update. In contrast to the 2023 update, it is uncontested that the 2024 update did not exist at the time of respondent's passing of its resolution. Because the 2024 update did not exist at the time of the passing of the resolution, a reasonable conclusion drawn is that the document was not submitted to respondent, nor did respondent rely on the document.

Petitioners nevertheless contend that staff and the board had knowledge of the 2024 update at a subsequent hearing. Petitioners submit that the 2024 update is relevant because it specifically addresses the issue of affordability. Petitioners contend that respondent relied on information contained in the 2024 report, regardless of if the report had been finalized at the time of the decision. Petitioners cite no evidence in support of this speculation. Though petitioners argue that respondent do not assert that it had no knowledge of the 2024 report, in draft form or otherwise, the burden is on the moving

¹ Petitioners' Requests for Judicial Notice are granted to the extent these documents exist.

party. Neither do petitioners show that the issue of affordability may be discussed only as a consequence of the 2024 report. Thus, the argument that affordability was discussed at or prior to the passing of the resolution is, by itself, is insufficient to support a conclusion that any part of the 2024 report was relied upon.

Petitioners alternatively argue that the 2024 update should be included as extra-record evidence. For similar reasons, petitioners fail to show that the June 2024 report existed before the time of the decision, and that if the report existed before the time of decision, respondent could, with reasonable diligence, consider it prior to the April 2024 resolution. Accordingly, the motion is denied as to the 2024 update, but 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: DTT **on** 10/8/2025.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: ***In re Masyn Walton***
Superior Court Case No. 25CECG04267

Hearing Date: October 9, 2025 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the Petition. The Amended Orders have been or will be signed. No appearances are necessary. The court sets a status conference for Thursday, February 5, 2026, at 3:30 p.m., in Department 501, for confirmation of deposit of the minor's funds into the blocked account. If petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come off calendar.

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: DTT on 10/8/2025.
(Judge's initials) (Date)

(27)

Tentative Ruling

Re: ***In re Jada Frazier and Javen Frazier***
Superior Court Case No. 25CECG03707

Hearing Date: October 9, 2025 (Dept. 501)

Motion: Expedited Petition to Compromise Claim of Minor(s) Jada Frazier and Javen Frazier

Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested, the minors are excused from appearing.

Explanation:

As identified in the Intended Ruling issued on September 11, 2025, counsel did not lodge proposed orders re deposit of funds into blocked accounts. Despite the court's extension of an opportunity for counsel to do so, it does not appear that counsel lodged proposed orders. Therefore, the *expedited* petitions regarding the minors identified above are 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: DTT **on** 10/8/2025.
(Judge's initials) (Date)