

Tentative Rulings for October 21, 2025
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.*

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

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

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Tentative Ruling

Re: ***Alfonso Salazar v. Julio Jauregui***
Superior Court Case No. 25CECG01665

Related Case: **Julio Jauregui v. Alfonso Salazar**
Superior Court Case No. 25CECL03572

Hearing Date: October 21, 2025 (Dept. 502)

Motion: _____ to Consolidate

Tentative Ruling:

To deny without prejudice.

Explanation:

Plaintiffs Alfonso Salazar and Rocio Hernandez ("plaintiffs") have not complied with the requirements of Rule of Court 3.350. Under Rule of Court 3.350(a), "Requirements of motion," "A notice of motion to consolidate must: ... Be filed in each case sought to be consolidated." (Cal. Rules of Court, rule 3.350(a)(1)(C).) The use of the word "must" indicates that the requirements of rule 3.350(a) are mandatory. Therefore, failure to file a copy of the notice of motion in each case to be consolidated means that the motion must be denied.

Here, plaintiffs did not file a copy of the notice of motion to consolidate in each case that they seek to consolidate. They only filed the motion in case number **25CECG01665** and not in case number **25CECL03572**. Therefore, the court intends to deny the motion without prejudice and instruct plaintiffs to file their notice of motion in each of the cases they seek to consolidate.

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: KCK on 10/17/25
(Judge's initials) (Date)

47)

Tentative Ruling

Re: ***BVD Petroleum US Inc. vs Fox Express, Inc. A California Corporation***
Superior Court Case No. 24CECG05536

Hearing Date: October 21, 2025 (Dept. 502)

Motion: By Defendant to Set Aside Default Judgment

Tentative Ruling:

To deny.

Explanation:

Defendants move for relief from default under Code of Civil Procedure section 473, subdivision (b). Section 473(b) provides for discretionary relief from a default or default judgment entered due to mistake, surprise, inadvertence, or excusable neglect. (Code Civ. Proc. § 473, subd. (b).) The party seeking relief must bring his or her motion within a reasonable time, not to exceed six months from the date of entry of the default or default judgment. (Ibid.) Also, “[a]pplication for this relief shall be accompanied by a copy of the answer or other pleading proposed to be filed therein, otherwise the application shall not be granted...” (Code Civ. Proc., § 473, subd. (b).)

“Where the mistake is excusable and the party seeking relief has been diligent, courts have often granted relief pursuant to the discretionary relief provision of section 473 if no prejudice to the opposing party will ensue. In such cases, the law ‘looks with [particular] disfavor on a party who, regardless of the merits of his cause, attempts to take advantage of the mistake, surprise, inadvertence, or neglect of his adversary.’” (Ibid, internal citations omitted.)

“‘[T]he provisions of section 473 of the Code of Civil Procedure are to be liberally construed and sound policy favors the determination of actions on their merits.’ [Citation.]” (*Zamora v. Clayborn Contracting Group, Inc.* (2002) 28 Cal.4th 249, 256.) “[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default.” (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233.)

In determining whether default was entered against the defendant as a result of his or her reasonable mistake, inadvertence, surprise or excusable neglect, the court must look at whether the mistake or neglect was the type of error that a reasonably prudent person under similar circumstances might have made. (*Bettencourt v. Los Rios Community College Dist.* (1986) 42 Cal.3d 270, 276.) However, the court will not grant relief if the defendant's default was taken as a result of mere carelessness or other inexcusable neglect. (*Luz v. Lopes* (1960) 55 Cal.2d 54, 62.)

Hearn v. Howard (2009) 177 Cal.App.4th 1193, 1206, (internal citations omitted) is instructive in interpreting section 473(b):

"Mistake is not a ground for relief under section 473, subdivision (b), when 'the court finds that the "mistake" is simply the result of professional incompetence, general ignorance of the law, or unjustifiable negligence in discovering the law....' "Further, '[t]he term "surprise," as used in section 473, refers to ""some condition or situation in which a party ... is unexpectedly placed to his injury, without any default or negligence of his own, which ordinary prudence could not have guarded against.""' Finally, as for inadvertence or neglect, '[t]o warrant relief under section 473 a litigant's neglect must have been such as might have been the act of a reasonably prudent person under the same circumstances. The inadvertence contemplated by the statute does not mean mere inadvertence in the abstract. If it is wholly inexcusable it does not justify relief.'"

Defendant Lovepreet Singh states that he used to reside at 3175 W. Barstow Ave., Apt 109, Fresno, CA, 93711, but moved to 1509 North Stanford Avenue, Clovis, CA, sometime in February of 2025. Furthermore, defendant's uncle Jarowar Singh now resides at 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711. The corporate headquarters of defendant Fox Express Inc., as provided on the California Secretary of State as of June of 2025, was 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711. As of September 3, 2025, this address was listed online at the United States Department of Transportation's website as defendant Fox Express Inc.'s address.

Defendants' primary argument is that Lovepreet Singh's uncle Jarowar Singh forgot to inform his nephew of service.

In the present case, the defendants' fail to meet their burden of demonstrating that they are entitled to relief. Defendants ask rhetorical questions in their Reply to the Opposition to Set Aside Default, about how to defend against defendant's uncle, Jorawar Singh's forgetfulness, where defendant admits that his uncle received service but "placed the papers on the side and forgot about them."

The issue is not about defending against an uncle's forgetfulness, but what a reasonably prudent person in similar circumstances would do.

Defendants' business address was listed 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711 with both: a) the California Secretary of State; and b) the United States Department of Transportation. The defendants held out to the public that their business was located at 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711.

Furthermore, defendant Lovepreet's uncle Jarowar Singh resides at 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711. After not changing Fox Express, Inc.'s business address with pertinent State and Federal authorities, or even providing the post office a

forwarding address, defendants had the ability and duty to follow-up and see if any mail came addressed to them at 3175 W. Barstow Ave., Apt 109, Fresno, Ca, 93711.

Visiting Jarowar Singh was not just a family gathering, but also a trip to the office.

Therefore, defendants have failed to show that the default was taken against them due to “mistake, surprise, inadvertence, or excusable neglect,” or that defendants acted with diligence in seeking relief from the default. Consequently, the court intends to deny the motion to set aside the default.

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: KCK on 10/17/25
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: **Giuliana Stockton v Eric Stockton**
Superior Court Case No. 25CECG01306

Hearing Date: October 21, 2025 (Dept. 502)

Motions (x2): Petitions to Compromise Disputed Claim of a Minor

Tentative Ruling:

To grant the petitions. Order signed. No appearance necessary. The court sets a status conference for Thursday, January 15, 2026, at 3:30 p.m., in Department 502, for confirmation of deposit of the minors' funds into the blocked accounts. 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: KCK on 10/20/25
(Judge's initials) (Date)

(47)

Tentative Ruling

Re: ***EBF Holdings, LLC vs Sulakhan Singh***
Superior Court Case No. 24CECG05085

Hearing Date: October 21, 2025 (Dept. 502)

Motion: By Plaintiff to Deem Request for Admissions Admitted

Tentative Ruling:

The truth of the matters specified in the Requests for Admission addressed to Defendant Guarantor, Sulakhan Singh, are deemed admitted unless defendant serves, before the hearing, proposed responses to the requests for admission that are in substantial compliance with Code of Civil Procedure section 2033.220.

To impose reasonable sanctions in the sum of \$550 against defendant and in favor of plaintiff, to be paid to plaintiff's counsel within 30 days of service of the minute order by the clerk.

Explanation

On May 29, 2025, plaintiff propounded discovery on defendants, including Requests for Admission on defendant guarantor, Sulakhan Singh, due July 9, 2025. No responses were provided.

As such, plaintiffs' motion to deem admitted the request for admission that was requested from defendant guarantor, Sulakhan Singh, must be granted. (Code of Civ. Proc., § 2033.280; see also *St. Mary v. Superior Court* (2014) 223 Cal.App.4th 762, 778.), unless responses in substantial conformity with Code of Civil Procedure section 2033.220 are served prior to the hearing.

The court may award sanctions against a party that fails to provide discovery responses. (Code Civ. Proc., § 2033.010, subds. (d), (h).) The court must impose a monetary sanction against the party or attorney, or both, whose failure to respond necessitated the motion to deem matters admitted. (Code Civ. Proc., §2033.280, subd. (c).) Where responding party provided the requested discovery after the motion to compel was filed, the court is authorized to award sanctions. (Cal. Rules of Court, rule 3.1348(a).)

Under these circumstances, reasonable fees of \$550 are warranted. The court will reconsider costs if a hearing is held.

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Tentative Ruling

Re: ***In re Antonio Joan Castillo Hernandez***
Superior Court Case No. 25CECG04486

Hearing Date: October 21, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant the petition. Order Signed. No appearances necessary.

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: KCK **on** 10/20/25.
(Judge's initials) (Date)