

Tentative Rulings for October 22, 2025
Department 403

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.*

24CECG02299	<i>De La Cruz v. Hernandez</i>
24CECG04919	<i>Cole v. Aryan, M.D.</i>
23CECG04281	<i>Central Valley Fallen Heroes v. Lieb</i> (See below for further instructions.)

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 403

Begin at the next page

(46)

Tentative Ruling

Re: ***Irene Hernandez v. Dalila Banuelos***
Superior Court Case No. 25CECG01641

Hearing Date: October 22, 2025 (Dept. 403)

Motion: Demurrer

**If oral argument is timely requested, it will be entertained on
Thursday, October 23, 2025, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To continue the hearing on this motion to Tuesday, November 18, 2025 at 3:30 p.m. in Department 403. The parties are ordered to conduct a meet and confer session, in person, by telephone, or by videoconference, at least 15 days prior to the hearing. If the meet and confer resolves the issues, defendant shall call the calendar clerk to take the motion off calendar. If it does not resolve the issues, defendant shall file a declaration, on or before Wednesday, November 5, 2025 at 5:00 p.m. stating the efforts made.

Explanation:

Before the merits of a demurrer are considered, the moving party must first have demonstrated that they fulfilled the meet and confer duties set forth in Code of Civil Procedure section 430.41. Code of Civil Procedure section 430.41 requires the party who is attacking the pleadings by way of demurrer to meet and confer in person, by telephone, or by videoconference prior to filing the motion, in order to determine if the parties can reach an agreement that would resolve the objections and avoid having to file the motion. Then, if these efforts do not result in reaching an agreement, the moving party must file a declaration, along with the moving papers, stating one of the following:

- (A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.
- (B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

(Code Civ. Proc., § 430.41 subd. (a)(3).)

Defendant Dalila Banuelos' ("defendant") counsel, Craig C.O. Waters, filed a declaration regarding the efforts to meet and confer. The declaration detailed only one attempt to meet and confer with the plaintiff and was ultimately missing an attestation of one of the above-mentioned required statements. Defendant must make a concerted effort to meet telephonically or face-to-face with plaintiff, and discuss the legal issues and bases for demurrer during that meeting. (Code Civ. Proc., § 430.41 subd. (a)(1).) It is

“A determination by the court that the meet and confer process was insufficient shall not be grounds to overrule or sustain a demurrer.” (Code Civ. Proc., § 430.41 subd. (a)(4).) The insufficiency of the attempt to meet and confer is not a reason to overrule the demurrer, but also the failure to comply cannot then support that sustaining the demurrer is the correct decision.

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.

Issued By: img on 10-21-25
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: **Rodriguez-Cisneros v. Lithia NF, Inc., et al.**
Superior Court Case No. 24CECG02652

Hearing Date: October 22, 2025 (Dept. 403)

Motion: by Plaintiff for an Order Compelling Deposition of Defendant
Lithia NF, Inc.'s Employee

**If oral argument is timely requested, it will be entertained on
Thursday, October 23, 2025, at 3:30 p.m. in Department 403.**

Tentative Ruling:

To take the motion off calendar. (Superior Court of Fresno County Local Rules, rule 2.1.17(A).)

Explanation:

Motion Filed Without Leave of Court

Fresno County Superior Court Local Rules, Rule 2.1.17 requires that before filing, *inter alia*, a motion to compel attendance at deposition to which objections are lodged, under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request an informal Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference. Forms for requesting the conference and opposing the request are available on the court's website. The moving party is referred to Rule 2.1.17 for further particulars.

Here, plaintiff failed to submit a request for an informal Pretrial Discovery Conference and obtain leave to file the instant motion to compel attendance on a deposition notice against which objections were lodged. (Means Decl., ¶ 4, and Ex. 3.) Accordingly, the motion will not be heard, and is ordered 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: Img on 10-21-25.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: **Central Valley Fallen Heroes v. Lieb**
Superior Court Case No. 23CECG04281

Hearing Date: October 22, 2025 (Dept. 403)

Motion: By Plaintiffs and Cross-Complainants for Preliminary Injunctions

**If oral argument is timely requested, it will be entertained on
Thursday, October 23, 2025, at 3:30 p.m. in Department 403.**

Tentative Ruling:

An appearance is required.

The court intends to grant an injunction which enjoins Paul Beckley, Ron Dupras, Matthew Lieb, and any non-profits created subsequent to Central Valley Fallen Heroes by a member of the Board of Directors of Central Valley Fallen Heroes.

The court intends to order the parties to establish a blocked account and place all funds related to fundraising efforts of Central Valley Fallen Heroes into this account. Such blocked account would remain under the court's jurisdiction until litigation has been completed in this matter or until further order of the court. Counsel shall be prepared to address how the parties can work together to accomplish this.

Counsel shall be prepared to address whether one or both has a conflict of interest simultaneously representing Central Valley Fallen Heroes.

Explanation:

A preliminary injunction may be granted any time before judgment upon affidavits that show sufficient grounds, and notice to the opposing parties. (Code Civ. Proc. § 527, subd. (a).) To decide whether to issue a preliminary injunction, the court weighs two factors: (1) the likelihood that the plaintiff will prevail on the merits at trial; and (2) the relative interim harm the plaintiff is likely to sustain if the injunction is denied as compared to the harm the defendant is likely to suffer if the preliminary injunction is issued. (E.g., *SB Liberty, LLC v. Isla Verde Assn., Inc.* (2013) 217 Cal.App.4th 272, 280.) The granting or denying of a preliminary injunction does not constitute an adjudication of the ultimate rights in controversy. (*Cohen v. Bd. of Supervisors* (1985) 40 Cal.3d 277, 286.)

The burden of proof is on the moving party. (*O'Connell v. Superior Court*, 141 Cal.App.4th 1452, 1481.) Competent evidence is required to create a sufficient factual showing on the grounds for relief. (See, e.g., *Ancora-Citronelle Corp. v. Green* (1974) 41 Cal.App.3d 146, 150.) Supporting declarations must contain specific and admissible evidence supporting the complaint's claims. (*Low v. Low* (1956) 143 Cal.App.2d 650, 654.)

Declarations that set forth only conclusions may be disregarded. (*Sullivan v. Fox* (1987) 189 Cal.App.3d 673, 682-683.)

Here, Paul Beckley and Ron Dupras have filed competing requests for preliminary injunctions with each filing on behalf of themselves and on behalf of the non-profit organization Central Valley Fallen Heroes. The court would note that it has serious concerns as to the disputed leadership of Central Valley Fallen Heroes and the evidence provided by both Beckley and Dupras. The court would particularly note that no declarations or other evidence were provided by other current, former, or disputed members of the board for Central Valley Fallen Heroes. The court would appreciate an appearance by other members of the board at the hearing. The court agrees that Central Valley Fallen Heroes and its mission is in danger of irreparable harm, as to its finances, its reputation, and its ability to carry out its mission. As such, the court is inclined to enjoin all relevant parties from taking further actions on behalf of Central Valley Fallen Heroes until this matter can be fully and finally resolved. In addition, as the court is unconvinced that either party should have control of the finances of Central Valley Fallen Heroes, the court intends to order that all relevant funds be placed into a blocked account. In the event an issue arises in the interim regarding either funds or fundraising, the parties will need to seek permission of the court to act.

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: img on 10-21-25
(Judge's initials) (Date)