

Tentative Rulings for October 22, 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.

22CECG03657	<i>Jordan Torres v. Golden Doaba Enterprises, LLC</i> is continued to Wednesday, October 29, 2025, at 3:30 p.m. in Department 502.
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Tentative Rulings for Department 502

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(46)

Tentative Ruling

Re: ***Danny Williams v. The testate and intestate successors of
Bernice H. Flowers***
Superior Court Case No. 24CECG01936

Hearing Date: October 22, 2025 (Dept. 502)

Motion: Default Prove-Up

Tentative Ruling:

To continue to Thursday, November 13, 2025, at 3:30 p.m. in Department 502, to allow plaintiff time to file supplemental briefing, as explained below. Plaintiff's supplemental briefing must be filed on or before Wednesday, November 5, 2025 at 5:00 p.m.

Explanation:

Plaintiff Danny B. Williams ("plaintiff") previously filed an application for default judgment on August 29, 2025. The application for entry of judgment was denied as the defendants to the First Amended Complaint had not yet been properly defaulted.

Plaintiff subsequently filed a request for entry of default of the defendants, and default was entered as requested on September 15, 2025. Plaintiff additionally filed an amended request for court judgment. Plaintiff has now submitted a proposed form of judgment. However, the supplemental declaration filed by plaintiff is insufficient to support granting judgment, as the declaration filed on October 3, 2025 merely recites case procedure rather than offer support as to why the judgment should be granted.

Plaintiff should refer to his previous application, which was denied by the court for other procedural reasons. The court cannot rely on the previous filings from August 29, 2025 when determining whether to grant the present application, and it would benefit plaintiff to refile the application and declaration previously prepared with exhibits and facts to support the present request for court judgment.

The hearing on the application for default judgment is therefore continued to allow plaintiff an opportunity to file his supporting declaration.

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)

(35)

Tentative Ruling

Re: ***Doe v. Salvador et al.***
Superior Court Case No. 25CECG02217

Hearing Date: October 22, 2025 (Dept. 502)

Motion: (1) By Defendant New Covenant Community Church on
Demurrer to Complaint;
(2) By Plaintiff Jane Doe to Proceed on Pseudonym

Tentative Ruling:

To sustain the general demurrer as to the fourth cause of action for sexual harassment, with leave to amend. (Code Civ. Proc., § 430.10, subd. (e).) To overrule on all other grounds. (Code Civ. Proc., § 430.10, subd. (e), (f).)

To deny the motion to proceed on pseudonym.

Plaintiff Jane Doe shall serve and file an amended complaint within 10 days of the date of service of this minute order by the clerk. All new allegations shall be in **boldface** except as to the replacement of pseudonyms.

Explanation:

Demurrer

On May 8, 2025, plaintiff Jane Doe ("Plaintiff") filed suit against, among others, defendant New Covenant Community Church ("Defendant")¹. Pertinent to the present motion, the Complaint states a fourth cause of action, for violation of Civil Code section 1708.5 constituting sexual battery; and a seventh cause of action for constructive discharge in violation of public policy.² Defendant both specially and generally demurs to these two causes of action.

Uncertainty

Defendant specially demurs on the grounds that the complaint is uncertain and ambiguous. Defendant makes no specific arguments and does not identify what portions of the Complaint are uncertain or ambiguous.

Demurrers for uncertainty are disfavored. (*Chen v. Berenjian* (2019) 33 Cal.App.5th 811, 822.) Demurrers for uncertainty are strictly construed, even where a complaint is in

¹ The notice of motion identifies that defendant Jared Carl is also a moving party. However, the portions of the Complaint at issue do not name Jared Carl.

² The motion also sought a determination as to the fifth cause of action, for violation of Civil Code section 51.9 as sexual harassment. On August 8, 2025, the fifth cause of action was dismissed without prejudice.

some respects uncertain, because ambiguities can be clarified under modern discovery procedures. (*Khoury v. Maly's of Cal., Inc.* (1993) 14 Cal.App.4th 612, 616.) A demurrer for uncertainty is granted only when the pleading is so incomprehensible that a defendant cannot reasonably respond. (*Lickiss v. Financial Industry Reg. Authority* (2012) 208 Cal.App.4th 1125, 1135.) A special demurrer for uncertainty must distinctly specify exactly how or why the pleading is uncertain, and where such uncertainty appears by reference to page and line numbers of the complaint. (See *Fenton v. Groveland Community Svcs. Dist.* (1982) 135 Cal.App.3d 797, 809.)

Here, Defendant makes no reference to page and line numbers of the Complaint that it argues are uncertain. Rather, none of the moving papers specifically address uncertainty, except as to conclude that the Complaint is uncertain. The special demurrer of uncertainty as to each of the fourth and seventh causes of action is overruled. (Code Civ. Proc. § 430.10, subd. (f).)

Sufficiency of Facts

In determining a demurrer, the court assumes the truth of the facts alleged in the complaint and the reasonable inferences that may be drawn from those facts. (*Miklosy v. Regents of Univ. of Cal.* (2008) 44 Cal.4th 876, 883.) On demurrer, the court must determine if the factual allegations of the complaint are adequate to state a cause of action under any legal theory. (*Barquis v. Merchants Collection Assn.* (1972) 7 Cal.3d 94, 103.)

On a demurrer a court's function is limited to testing the legal sufficiency of the complaint. A demurrer is simply not the appropriate procedure for determining the truth of disputed facts. (*Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113-114.) It is error to sustain a demurrer where plaintiff "has stated a cause of action under any possible legal theory. In assessing the sufficiency of a demurrer, all material facts pleaded in the complaint and those which arise by reasonable implication are deemed true." (*Bush v. California Conservation Corps* (1982) 136 Cal.App.3d 194, 200.)

As to the fourth cause of action for sexual battery, there is no general dispute that the facts and circumstances alleged are directed towards defendant Bradley Salvador. Accordingly, Defendant challenges being named to the cause of action, arguing that there are no facts alleged to support liability against it. The Complaint alleges that Defendant ratified and authorized Salvador's conduct, ostensibly for purposes of vicarious liability, because Defendant had knowledge or opportunity to learn of "Salvador's conduct" but then hired or retained him. (Complaint, ¶ 96.) This, in and of itself, does not support any theory of liability insofar as an intentional tort, as compared to the first cause of action of the Complaint, for negligent hiring, supervision and retention.

In opposition, Plaintiff focuses on ratification as the theory of liability she seeks to attach Salvador's actions to Defendant. The theory of ratification is generally applied where an employer fails to investigate or respond to charges that an employee committed an intentional tort such as assault or battery. (*C.R. v. Tenet Helathcare Corp.* (2009) 169 Cal.App.4th 1094, 1110.) Then, a principal can be liable when it ratifies an

originally unauthorized tort. (*Id.* at p. 1111.) Ratification may also occur where an employer learns of misconduct and fails to discharge the employee. (*Ibid.*) However, ratification relates back to the time the tortious act occurred. (*Ibid.*) Here, Plaintiff relies on portions of the Complaint regarding Salvador's prior employment, where he was discharged from another church for similar conduct, and how Defendant failed to take reasonable steps to prevent abuse. (Complaint, ¶¶ 53-57.) However, prior knowledge again speaks to negligent hiring and retention, as opposed to ratification of the alleged sexual battery. The Complaint otherwise alleges that Plaintiff told a particular individual, who then informed Defendant's leadership on August 20, 2024, and again on the 22th and the 24th. (Complaint, ¶¶ 34, 38, 39, 45.) The Complaint is otherwise silent as to failing to investigate the issue, discharging Salvador, or otherwise responding, after the alleged tortious act occurred. Accordingly, the general demurrer to the fourth cause of action for sexual battery is sustained, with leave to amend.

As to the seventh cause of action, for constructive discharge in violation of public policy, Defendant submits that Plaintiff failed to exhaust her administrative remedies prior to filing based on hostile work conditions. However, the Complaint references work conditions only to the extent that it caused a constructive dismissal. (Complaint, ¶¶ 118, 119.) Neither does the Complaint allege the seventh cause of action under FEHA, for hostile work environment or otherwise. Further, the Fair Employment and Housing Act, under which Defendant appears to argue required submission of the claim to the California Civil Rights Department, does not displace or supplant common law tort claims for wrongful discharge. (*Stevenson v. Superior Court* (1997) 16 Cal.4th 880, 885.)

Defendant alternatively argues that the Complaint fails to state sufficient facts for a constructive discharge. In explaining, Defendant essentially concedes that the Complaint states sufficient facts. The Complaint alleges that Plaintiff reported the alleged sexual battery to Defendant, after which Defendant questioned her role in the alleged acts. (See generally Complaint, ¶¶ 34-50.) A reasonable inference from these allegations is that Defendant permitted certain work conditions that were intolerable. This is separate and independent from any issue of ratification, which is not required. Whether these allegations support the contention that these responses created a constructive discharge, and whether these responses were on the basis of sex, are questions of fact, as evidenced by Defendant suggesting that Salvador was terminated four days after the report. (Federico Decl., ¶ 7.) Such facts do not exist in the Complaint and are inappropriate on demurrer. For these reasons, the general demurrer to the seventh cause of action for constructive discharge in violation of public policy is overruled.

Pseudonym

Plaintiff seeks approval to proceed under a pseudonym. Plaintiff provides no direct legal authority to do so, and argues only that it is necessary to preserve an important privacy interest.

When a party to a civil action asks to proceed under a fictitious name, the court must determine whether that party's privacy concerns outweigh the First Amendment right of public access to court proceedings. (*Dept. of Fair Employment and Housing v. Superior Court of Santa Clara County* (2022) 82 Cal.App.5th 105, 108.) The right of access to the courts necessarily includes the right to know the identities of the parties. (*NBC*

Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1211 [quoting that “[a]n individual or corporate entity involved as a party to a civil case is entitled to a fair trial, not a private one.”]) A party’s request for anonymity should be granted only if there is an overriding interest that will likely be prejudiced without the use of a pseudonym, and that it is not feasible to protect that interest with less impact on the constitutional right of access. (*Id.* a p. 1226.)

Here, Plaintiff argues without evidence that the use of a pseudonym is necessary to protect Plaintiff's privacy and mental well-being. With respect, the court finds that Plaintiff fails to demonstrate an overriding interest. There is no evidence to suggest that there will be retaliatory harm, or identifiable risk. (*Dept. of Fair Employment and Housing v. Superior Court of Santa Clara County*, *supra*, 82 Cal.App.5th at p. 112-113 [considering identifiable threats of retaliation to family members in a foreign country].) Nor is there any evidence of an identifiable reprisal of any sort. (*Compare Does I through XXIII v. Advanced Textile Corp.* (9th Cir. 2000) 214 F.3d 1058, 1070-1071 [considering extraordinary retaliation such as deportation, arrest, and imprisonment of nonresident foreign workers].) Plaintiff cites to various cases as evidence of the use of pseudonyms. (*E.g.*, *Doe v. Bakersfield City School Dist.* (2006) 136 Cal.App.4th 556.) None of these cases address the issue of the use of a pseudonym. It is axiomatic that cases are not authority for propositions not considered. (*People v. Gilbert* (1969) 1 Cal.3d 475, 482, fn. 7, *citing* *McDowell & Craig v. Santa Fe Springs* (1960) 54 Cal.2d 33, 38.)

Plaintiff suggests on reply that to expose her name now risks undermining psychological treatment. Plaintiff submits no evidence in support, nor a specific argument, not mere conclusions as to potential social stigma, as to why that interest overrides the public right of access. As Plaintiff impliedly concedes on her arguments in reply, if all that was required was the interest of privacy, her position and argument would also allow the defendants in this action to seek use of pseudonyms. Plaintiff, and this court, is unaware of any authority that would support mutual anonymity, though all parties might seek it only on the interest of privacy. Accordingly, the court finds that the constitutional First Amendment right of access controls, and the motion is denied.

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)