Tentative Rulings for October 22, 2026
Department 501

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, the remote appearance will be conducted through Zoom. 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.

23CECG00936 ***Ariel Reyes v. Mad Duck Brewing LLC*** **is continued to Thursday, December 17, 2026, at 3:30 p.m. in Department 501.**

26CECG00595 ***Narissa Melero v. City of Sanger*** **is continued to Thursday, December 17, 2026, at 3:30 p.m. in Department 501.**

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Tentative Rulings for Department 501

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(20)

Tentative Ruling

Re: ***BMO Bank N.A. vs. Royalty Roadlink Inc.***
Superior Court Case No. 24CECG04465

Hearing Date: October 22, 2026 (Dept. 501)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

Initially, default judgment is denied because plaintiff failed to file a Request for Court Judgment on mandatory judicial council form CIV-100. Nor has plaintiff dismissed defendants Does 1-10.

Substantively, there are significant uncertainties regarding the judgment sought. The Whitney Oliver declaration contains confusing and different representations of the amounts due and owing under the "Agreements," stating the amount is $307,705.97, $32,450.75, $1,656, $341,812.72. (Oliver Decl., ¶¶ 33-36.) Are these separate amounts owed under different agreements, to be added together? To add more uncertainty, the proposed judgment seeks judgment in the amount of $355,658.32. (See [PROPOSED] ORDER OF ENTRY OF DEFAULT JUDGMENT ¶¶ B.)

To add even more uncertainty, the proposed judgment recites that "Subsequent to the commencement of this lawsuit, plaintiff recovered the Remaining Collateral (defined in the complaint) and proceeded to sell the Collateral in a commercially reasonable manner. After applying the net proceeds of such disposition to the amounts due and owing under the Agreements a deficiency remains due." ([PROPOSED] ORDER OF ENTRY OF DEFAULT JUDGMENT ¶ 7.) Yet the motion and supporting papers make no mention of recovery of the collateral, or whether the collateral was sold with proceeds credited to defendants. Contradicting this recitation in the proposed judgment, Mr. Oliver states in his declaration that "[f]rom January 7, 2026, to the date of this Declaration, no payments or other funds have been received to credit the amounts due under the Agreements." (Oliver Decl., ¶ 37.) Which is it?

Nor does counsel provide and explain the interest calculation. Mr. Oliver simply states that the amount owed is $153.84 per diem without setting forth how it is calculated. (Oliver Decl., ¶ 36.)

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 10/20/26 .
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***Betty Padilla v. Estate of Andrew Jackson White***
Superior Court Case No. 24CECG00715

Hearing Date: October 22, 2026 (Dept. 501)

Motion: Default Prove-Up

Tentative Ruling:

To deny without prejudice.

Explanation:

No Proof of Posting Notice of the Property

When service has been made by publication in a quiet title action, the plaintiff must post a copy of the summons and complaint at a conspicuous place on the subject property. (Code Civ. Proc., § 763.020.) Plaintiff fails to file a proof of service to prove compliance with this requirement.

Doe Defendants Not Dismissed

Plaintiff must dismiss the Doe defendants prior to seeking default judgment. (Cal. Rules of Court, rule 3.1800, subd. (a)(7).) The court's record does not reflect that a Request for Dismissal of the Doe defendants has been filed.

All Person Unknown Not Defaulted

Plaintiff has named "all other persons unknown, claiming any legal or equitable right, title, estate lien, or interest in the property described in this complaint, which is adverse to Plaintiff's title or creates any cloud on Plaintiff's title, and all other persons unknown claiming any interest in the property" as defendants in this action. (Compl., ¶ 3.) Plaintiff seeks judgment against the Estate of Andrew Jackson White and *in rem* quieting title against all persons unknown.

An *in rem* judgment quieting title against the whole world, is allowed where plaintiff names "all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to plaintiff's title, or any cloud upon plaintiff's title thereto." (Code Civ. Proc., § 762.060, subd. (a).) This statutory language is required if an *in rem* judgment is sought. However, in that case, plaintiff must serve such defendant (or class of defendant) by publication of the summons, after obtaining an order therefor. (Code Civ. Proc., §§ 763.010, subd. (b), 764.030.) Otherwise, any judgment obtained cannot include (cannot be rendered against) this class of defendant. Persons not made parties to the action are not bound by the judgment. (*Gerhard v. Stephens* (1968) 68 Cal.2d 864; *Taliaferro v. Riddle* (1958) 166 Cal.App.2d 124.)

Likewise, default judgment cannot be entered until default has been entered against this class of defendants.

However, plaintiff has not entered default against this class of defendants. Therefore, the application for default judgment is 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: KCK on 10/20/26.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Pablo Garcia v. Ford Motor Company***
Superior Court Case No. 25CECG02366

Hearing Date: October 22, 2026 (Dept. 501)

Motion: By Plaintiff Pablo Garcia for an Order to Comply and for Monetary Sanctions

Tentative Ruling:

To deny in part, and grant in part. (Code Civ. Proc., § 871.26, subd. (h).)

To impose monetary sanctions against defense counsel from Lewis Brisbois Bisgaard & Smith LLP in the amount of $2,500, to be paid within 15 business days. (Code Civ. Proc., § 871.26, subd. (j).)

Explanation:

Code of Civil Procedure section 871.26 requires all parties to a civil action seeking restitution or placement of a motor vehicle to provide specified initial disclosures and documents within 60 days of the filing of the answer. (Code Civ. Proc. § 871.26, subd. (b).) Documents to be disclosed by the vehicle manufacturer include, but are not limited to, warranty policies and procedures manuals and service manuals reasonably related to the nonconformities pertaining to the motor vehicle. (Code Civ. Proc. § 871.26, subd. (h)(12), (13).) Defense attorneys are subject to a sanction in the amount of $2,500 for failure to comply with these initial disclosures, without good cause. (Code Civ. Proc., § 871.26, subd. (j)(1).)

Here, plaintiff has asserted a failure to comply with Code of Civil Procedure section 871.26, subdivision (h))(2), (5), (8), (9), (10), (12), and (13). Defendant asserts it did provide either the required documents or an acknowledgement that it did not have documents as to Code of Civil Procedure section 871.26 subdivision (h) (2), (5), (8), (9), and (10). For subdivision (h) (12) and (13), defendant responded that it was willing to provide these documents subject to a protective order. Both parties focus their papers on (h) (12) and (13).

Plaintiff asserts the Code of Civil Procedure section 871.26 requiring the warranty policies and procedures manuals and service manuals does not contemplate the entry of a protective order before the disclosures are made. The court agrees. Code of Civil Procedure section 871.26 specifically requires the relevant warranty policies and procedures manuals and service manuals be disclosed within 60 days of the answer having been filed. (Code Civ. Proc. §871.26, subd. (b).)

The court denies the motion as to Code of Civil Procedure section 871.26 subdivision (h) (2), (5), (8), (9), and (10), but grants as to (12) and (13). Further, the court

imposes monetary sanctions against defense counsel in the amount of $2,500, consistent with subdivision (j)(1).

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 10/21/26.
(Judge's initials) (Date)