Tentative Rulings for October 27, 2026
Department 403

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.

23CECG03677 ***Kesting v. Boots in the Park*** **is continued to Tuesday, December 15, 2026, at 3:30 p.m. in Department 403.**

25CECG02687 ***Chavez v. Rodriguez*** **is continued to Tuesday, December 15, 2026, at 3:30 p.m. in Department 403.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

Begin at the next page

(49)

Tentative Ruling

Re: ***Holiday v. Skyrun, LLC et al.***
Superior Court Case No. 25CECG01488

Hearing Date: October 27, 2026 (Dept. 403)

Motion: By National Liability and Fire Insurance Company to Intervene

Tentative Ruling:

To grant. (Code Civ. Proc., § 387, subd. (d)(1).)

Explanation:

Plaintiff-in-Intervention National Liability and Fire Insurance Company ("National") moves for leave to file complaint-in-intervention under Code of Civil Procedure section 387, subdivision (d)(1), and Labor Code section 3853.

Code of Civil Procedure section 387, subdivision (d)(1), states in pertinent part, "The court shall, upon timely application, permit a nonparty to intervene in the action or proceeding if…[a] provision of law confers an unconditional right to intervene." Labor Code section 3850 states in pertinent part, "As used in this chapter… 'Employer' includes insurer". Labor Code section 3853 states in pertinent part, "If the action is brought by either the employer or employee, the other may, at any time before trial on the facts, join as party plaintiff or shall consolidate his action, if brought independently."

On March 28, 2025, plaintiff Jason Holiday ("Plaintiff") filed the present case to recover damages from an injury sustained while employed and within the scope of his employment with Target Trucking, Inc. ("Target"). (Kirsch Decl., ¶¶ 2-3.) Target's worker's compensation was contracted through National. (*Id*., ¶ 4.) National paid out a total of $80,000 in worker's compensation insurance benefits. (*Ibid.*)

National meets the definition of employer under Labor Code section 3853. Therefore, Labor Code section 3853 provides a statutory basis for National to intervene. Accordingly, National's motion to file complaint-in-intervention is granted.

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: SMC on October 26, 2026.
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: ***Macabagdal v. Colton's Social House, Inc. et al.***
Superior Court Case No. 25CECG02567

Hearing Date: October 27, 2026 (Dept. 403)

Motion: By National Casualty Company to Intervene and File an Answer-in-Intervention

Tentative Ruling:

To grant. (Code Civ. Proc., § 387, subd. (d)(1).)

Explanation:

Defendant-in-intervention National Casualty Company ("National") move for leave to file an answer-in-intervention under Code of Civil Procedure section 387, subdivision (d)(1).

Code of Civil Procedure section 387, subdivision (d)(1) states in pertinent part:

> The court shall, upon timely application, permit a nonparty to intervene in the action or proceeding if either of the following conditions is satisfied…(B) The person seeking intervention claims an interest relating to the property or transaction that is the subject of the action and that person is so situated that the disposition of the action may impair or impede that person's ability to protect that interest, unless that person's interest is adequately represented by one or more of the existing parties.

National issued an insurance policy that was effective from May 1, 2023 to May 1, 2024 to defendant Sierra Vista Realty LLC erroneously sued as Sierra Vista Mall ("Sierra Vista")[1]. (Galek Decl., ¶ 3.) Plaintiff Cecile Macabagdal ("Plaintiff") has sued Sierra Vista for general negligence and premises liability for an alleged trip-and-fall incident on June 1, 2023. (Complaint at p. 6.) Sierra Vista is a suspended California entity. (Galek Decl., ¶ 5.)

National has an interest in this action as the insurer of Sierra Vista during the period relevant to Plaintiff's complaint. If a judgment is entered against Sierra Vista in Plaintiff's favor, National will be required to satisfy the judgment as required by the insurance agreement. Therefore, National has demonstrated they have an interest in the outcome of the case. Sierra Vista is a suspended corporation and cannot defend itself in court. Thus, National has shown that their interest will neither be adequately protected nor

[1] The court notes that all exhibits that were supposed to be attached to the Declaration of Lucy Galek were not filed with the court. However, counsel's duty of candor with the court provides a basis for the court to reach its decision absent the missing documents.

represented by Sierra Vista. Therefore, National has met the requirements for intervention under Code of Civil Procedure section 387, subdivision (d)(1). Accordingly, National's motion intervene and to file an answer-in-intervention is granted.

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: SMC on October 26, 2026.
(Judge's initials) (Date)