

Tentative Rulings for October 28, 2025
Department 501

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.

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Tentative Rulings for Department 501

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Tentative Ruling

Re: ***Adriana Licea v. Western Dental Services, Inc.***
Superior Court Case No. 24CECG01648

Hearing Date: October 28, 2025 (Dept. 501)

Motion: by Plaintiff to Lift Stay

Tentative Ruling:

To grant and vacate the January 16, 2025, Order compelling the parties to arbitration and staying the action pending arbitration. To impose a monetary sanction against defendant Western Dental Services, Inc., in favor of plaintiff Adriana Licea in the amount of \$2,162.50, payable to counsel for plaintiff Adriana Licea no later than thirty (30) days from the date of service of this order.

If oral argument is timely requested, such argument will be entertained on Wednesday, October 29, 2025, at 1:30 p.m. in Department 501.

Explanation:

Plaintiff Adriana Licea ("plaintiff") seeks a court order lifting the stay on this action pending arbitration, and sanctioning defendant Western Dental Services, Inc., ("defendant") for its material breach of the arbitration agreement.

Code of Civil Procedure section 1281.98 provides, in pertinent part:

In an employment or consumer arbitration that requires, either expressly or through application of state or federal law or the rules of the arbitration provider, that the drafting party pay certain fees and costs during the pendency of an arbitration proceeding, if the fees or costs required to continue the arbitration proceeding are not paid within 30 days after the due date, the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel the employee or consumer to proceed with that arbitration as a result of the material breach. (Code Civ. Proc., § 1281.98, subd. (a)(1).)

Plaintiff sufficiently demonstrates that she is entitled to relief under Code of Civil Procedure section 1281.98. On March 18, 2025, the arbitration process was initiated. (Martirosyan Decl., ¶ 16.) Thereafter, on June 19, 2025, the arbitration group invoiced the parties for the costs of arbitration, noticing that payment was due upon receipt. (*Id.*, ¶¶ 17-18, Exhs. C-D.) The senior arbitration case manager confirmed on August 1, 2025, that defendant's initial fees were not received. (*Id.*, ¶ 19, Exh. E.) As the costs of arbitration were not paid, defendant materially breached the arbitration provision and was in default of the arbitration. (Code Civ. Proc., § 1281.98.) Defendant did not file an opposition to this motion.

Where the drafting party materially breaches the arbitration provision and is in default, the employee or consumer may unilaterally elect to, among other things, withdraw the claim from arbitration and proceed in a court of appropriate jurisdiction. (Code Civ. Proc. § 1281.98, subd. (b)(1).) If the employee or consumer withdraws the claim from arbitration and proceeds in a court of appropriate jurisdiction, the employee or consumer may bring a motion to recover all attorney's fees and costs associated with the abandoned arbitration proceeding, without regard to any findings on the merits in the underlying action. (*Id.*, § 1281.98, subd. (c)(1).) Where such a motion is made, the court shall impose a monetary sanction by ordering the drafting party to pay the reasonable expenses, including attorney's fees and costs, incurred by the employee or consumer as a result of the material breach. (*Id.*, §§ 1281.98, subd. (c)(2); 1281.99, subd. (a), emphases added.)

Plaintiff has elected to withdraw from the arbitral process. Plaintiff seeks to recover 15.5 hours of attorney time at a rate of \$500.00 per hour, and one hour of paralegal time at a rate of \$150.00 per hour. Plaintiff also seeks to recover the \$500.00 fee paid to the arbitration group. The court will not grant recovery of the paralegals' time. The court finds the attorneys' rate high. (*PLCM Group v. Drexler* (2000) 22 Cal.4th 1084, 1095 [noting that the reasonable hourly rate is that prevailing in the community for similar work].) Moreover, time spent communicating about the arbitration agreement and preparing the opposition to the motion to compel arbitration was incurred prior to engaging the arbitral process, and no time was spent reviewing an opposition to this motion or preparing a reply. Accordingly, the court imposes a monetary sanction in the reduced amount of \$2,162.50, against defendant.

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: DTT on 10/24/2025.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***In Re: Brennan Aubrey Lee***
Superior Court Case No. 25CECG04607

Hearing Date: October 28, 2025 (Dept. 501)

Motion: Petition for Compromise of Minor

Tentative Ruling:

To grant. Orders signed. No appearances necessary.

If oral argument is timely requested, such argument will be entertained on Wednesday, October 29, 2025, at 1:30 p.m. in Department 501.

The court sets a status conference on Tuesday, January 27, 2026, at 3:28 p.m., in Department 501, for confirmation of deposit of the minor's funds into a blocked account. If Petitioner files the Acknowledge 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 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: DTT on 10/27/2025.
(Judge's initials) (Date)