Tentative Rulings for October 28, 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.

24CECG00905 ***American Builders & Contractors Supply Co., Inc. v. Michael Washington*** **is continued to Wednesday, December 16, 2026, at 3:30 p.m. in Department 501.**

24CECG04045 ***Arturo Morin v. American Honda Motor Co., Inc.*** **is continued to Wednesday, December 16, 2026, at 3:30 p.m. in Department 501.**

25CECG02050 ***Lynn Giusti v. The Fresno Center*** **is continued to Wednesday, December 16, 2026, at 3:30 p.m. in Department 501.**

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Tentative Ruling

Re: ***Maria Salazar v. Elia Painting Contractors, Inc.***
Superior Court Case No. 23CECG01315

Hearing Date: October 28, 2026 (Dept. 501)

Motion: Joint Motion to Dismiss Class Action

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 501

Tentative Ruling:

To grant. The class claims are dismissed without prejudice. (Code Civ. Proc., § 581, subd. (k); Cal. Rules of Court, rule 3.770(a).) No class has been certified. Notice of dismissal of the action need not be given to the putative class.

Explanation:

Plaintiff Maria Salazar and defendant Elia Painting Contractors, Inc. jointly move to dismiss the putative class action without prejudice.

"A dismissal of an entire class action, or of any party or cause of action in a class action, requires court approval." (Cal. Rules of Court, rule 3.770(a); Code Civ. Proc., § 581, subd. (k).) "Requests for dismissal must be accompanied by a declaration setting forth the facts on which the party relies. The declaration must clearly state whether consideration, direct or indirect, is being given for the dismissal and must describe the consideration in detail." (Cal. Rules of Court, rule 3.770(a).)

"If the court has certified the class, and notice of the pendency of the action has been provided to class members, notice of the dismissal must be given to the class in the manner specified by the court. If the court has not ruled on class certification, or if notice of the pendency of the action has not been provided to class members in a case in which such notice was required, notice of the proposed dismissal may be given in the manner and to those class members specified by the court, or the action may be dismissed without notice to the class members if the court finds that the dismissal will not prejudice them." (Cal. Rules of Court, rule 3.770(c).)

Here, the parties submit a declaration by plaintiff's counsel, Denise Mazzitelli, who provides that on April 7, 2023, plaintiff filed the instant putative class action on behalf of herself and a proposed class against defendant for various alleged wage and hour violations. (Mazzitelli Decl., ¶ 3.) The complaint proposed the following class: "All present and former non-exempt employees who have worked for Defendants in California as painters at any time commencing four years prior to the filing of this action and through the trial date of this action." (*Id*. at ¶ 4.) A class certification motion was never filed in this case, thus a class was not certified in this action. Nor has a class-wide notice of the pendency of this action been sent, published, or distributed. (*Id*. at ¶¶ 6-7.) Plaintiff has

not publicized this case, and class counsel is unaware of any putative class member relying on this action for the prosecution of his rights. (*Id*. at ¶ 8.)

Ms. Mazzitelli indicates that class counsel has determined that continued prosecution of the putative class claims to be impracticable for the following reasons: defendant filed a certificate of dissolution with the California Secretary of State on December 22, 2025, and has ceased operation (*Id*. at ¶ 9 and Ex. A); defendant has no remaining corporate assets; there is no applicable insurance coverage to satisfy any class-wide recovery. (*Id*. at ¶ 9 and Ex. B.) Ms. Mazzitelli further provides that the requested dismissal is not the result of any settlement, agreement, fraud, collusion, or self-dealing. No consideration of any kind has been provided, promised, or exchanged in connection with the requested dismissal. Neither plaintiff, class counsel, nor anyone associated with this case has received or will receive any financial benefit from defendant in exchange for dismissal. (*Id*. at ¶ 10.)

The parties have sufficiently shown that the dismissal will not prejudice any class members, because defendant has dissolved, ceased operation, and has no remaining corporate assets or applicable insurance coverage to satisfy recovery. The motion to dismiss the class action is granted. Since the court has not ruled on class certification, and notice of pendency of the action has not been provided, notice of dismissal of the action need not be given to the putative class. (Cal. Rules of Court, rule 3.770(c).)

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