Tentative Rulings for October 29, 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.

22CECG02449 ***Don Arax v. Fresno Unified School District*** **is continued to Thursday, November 19, 2026, at 3:30 p.m. in Department 501.**

26CU00382 ***Marco Cisneros v. General Motors, LLC*** **is continued to Thursday, December 17, 2026, at 3:30 p.m. in Department 501.**

26CU01444 ***Matthew Bollinger v. Nain Carrier, Inc.*** **is continued to Thursday, December 17, 2026, at 3:30 p.m. in Department 501.**

25CECG00526 ***D.B. v. Clovis Unified School District*** **is continued to Tuesday, November 3, 2026, at 3:30 p.m. in Department 501.**

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Tentative Rulings for Department 501

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Tentative Ruling

Re: ***Francisco Lemus Hercules v. Pedro Cuevas***
Superior Court Case No. 25CECG05075

Hearing Date: October 29, 2026 (Dept. 501)

Motion: by Defendants Compelling Arbitration

Tentative Ruling:

To continue the matter to Tuesday, December 15, 2026, at 3:30 p.m., in Department 501, to allow defendants an opportunity to provide an English translation of the purported arbitration agreement that is certified under oath by a qualified interpreter. (Cal. Rules of Court, rule 3.1110(g).) Any supplemental papers to be filed by defendants must be filed no later than 16-court days prior to the hearing. Plaintiff is afforded an opportunity to respond no later than 9 court days prior to the hearing.

Explanation:

Existence of Arbitration Agreement

A trial court is required to grant a motion to compel arbitration "if it determines that an agreement to arbitrate the controversy exists." (Code Civ. Proc., § 1281.2) However, there is "no public policy in favor of forcing arbitration of issues the parties have not agreed to arbitrate." (*Garlach v. Sports Club Co.* (2012) 209 Cal.App.4th 1497, 1505) Thus, when a motion to compel arbitration is filed and accompanied by prima facie evidence of a written agreement to arbitrate the controversy, the court itself must determine: (1) whether the agreement exists, and (2) if any defense to its enforcement is raised, whether it is enforceable. The moving party bears the burden of proving the existence of an arbitration agreement by a preponderance of the evidence. The party claiming a defense bears the same burden as to the defense. (*Rosenthal v. Great Western Fin. Securities Corp.* (1996) 14 Cal.4th 394, 413-414.)

Defendants Abundant Harvest Organics and Dean Johnston's Farms submits a copy of a document in a foreign language and contends that the document is an agreement to arbitrate claims executed by plaintiff Francisco J. Lemus Hercules. (Lozano Decl., filed on Mar. 27, 2025, ¶ 8, Ex. A.) Although defendant also submits a copy of an unsigned arbitration agreement in English and indicates that the English version is an accurate translation of the document signed by plaintiff, the exhibits are not certified under oath by a qualified interpreter. "Exhibits written in a foreign language must be accompanied by an English translation, certified under oath by a qualified interpreter." (Cal. Rules of Court, rule 3.1110(g); Evid. Code, § 753, subd. (a).) Therefore, defendants have not met their initial burden in providing prima facie evidence of a written agreement to arbitrate the controversy.

The matter is continued to allow defendants an opportunity to comply with the California Rules of Court.

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 10/27/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Misael Ramos v. Fresno Community Hospital and Medical Center***
Superior Court Case No. 25CECG05926

Hearing Date: October 29, 2026 (Dept. 501)

Motion: By Defendant Boston Scientific Corporation on Application for Admission *Pro Hac Vice* of Andrea J. Steele

Tentative Ruling:

To grant. Order signed. No appearances necessary.

Explanation:

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 10/28/26.
(Judge's initials) (Date)