Tentative Rulings for November 3, 2026
Department 503

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.

24CECG01130 ***Christopher Packer vs. American Honda Motor Company, Inc.*** **is continued to Thursday, November 5, 2026, at 3:30 p.m. in Department 503.**

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Tentative Ruling

Re: ***Fresno Unified School District v. Horner et al.***
Superior Court Case No. 23CECG03063

Hearing Date: November 3, 2026 (Dept. 503)

Motion: By Defendant Christopher Bursey for Summary Adjudication

Tentative Ruling:

To deny defendant Christopher Bursey's motion for summary adjudication. (Code Civ. Proc., § 437c.)

If oral argument is timely requested, it will be entertained on Tuesday, December 1, 2026, at 3:30 p.m. in Department 503.

Explanation:

On June 23, 2026, defendant Christopher Bursey ("Defendant") filed a motion for summary adjudication ("MSA"). Plaintiff Andreas Metz ("Plaintiff") opposes the motion.

Law Governing Summary Judgment and Summary Adjudication

Code of Civil Procedure section 437c, subdivision (c) provides that summary judgment "shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." A defendant moving for summary judgment has the initial burden of presenting evidence that a cause of action lacks merit because the plaintiff cannot establish an element of the cause of action or there is a complete defense. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 853 (*Aguilar*).) If the defendant satisfies this initial burden, the burden shifts to the plaintiff to present evidence demonstrating there is a triable issue of material fact. (Code Civ. Proc., § 437c, subd. (p)(2); *Aguilar*, at p. 850.)

The trial court must "carefully scrutinize the moving party's papers and resolve all doubts regarding the existence of material, triable issues of fact in favor of the party opposing the motion." (*Connelly v. County of Fresno* (2006) 146 Cal.App.4th 29, 36.) The court must strictly construe the moving party's declarations and liberally construe the opposing party's declarations. (*Villacres v. ABM Industries Inc.* (2010) 189 Cal.App.4th 562, 575 [affirming trial court's granting of employer's summary judgment motion]; *Binder v. Aetna Life Ins. Co.* (1999) 75 Cal.App.4th 832, 839 [reversing summary judgment where evidence suggested strong possibility trier of fact would resolve issues in favor of moving defendant, but not necessarily so].) "A triable issue of fact is created when the evidence reasonably permits the trier of fact, under the applicable standard of proof, to find the purportedly contested fact in favor of the party opposing the motion." (*Loomis v. Amazon.com LLC* (2021) 63 Cal.App.5th 466, 475 [reversing summary judgment where genuine issues of material fact existed on consumer's strict products liability claim].)

Rulings on Objections

Plaintiff's objections one and two are overruled.

Analysis of Defendants' Initial Burden

Defendant is seeking summary adjudication on Plaintiff's claim of negligent entrustment. The elements of negligent entrustment are: 1) the driver was negligent in operating the vehicle, 2) that the defendant owned or possessed the vehicle operated by the driver, 3) the defendant knew or should have known that the driver was incompetent or unfit to drive the vehicle, 4) the defendant permitted the driver to drive the vehicle, and 5) the driver's incompetence or unfitness to drive was a substantial factor in causing harm to the plaintiff. (*McKenna v. Beesley* (2021) 67 Cal.App.5th 552, 566, citing CACI No. 724.)

Defendant contends that Plaintiff cannot prove the third and fifth elements of their negligent entrustment claim. Emily Horner ("Horner"), the driver of the vehicle that caused the accident, had a valid driver's license that was neither suspended nor revoked at the time of the accident (SSUMF 5 & 8.) Defendant knew of no physical or mental condition that would impair Horner's ability to drive. (SSUMF 9.) Horner does not have and Defendant knew that Horner did not have a history of DUI, arrests or other convictions. (SSUMF 10 & 11.) Further, Horner had not been involved in any other vehicle accidents prior to the accident in this case. (SSUMF 12.) Prior to the accident Defendant had received no complaints about Horner's ability to drive. (SSUMF 20.) Horner had received approximately 100 hours of behind the wheel training prior to obtaining her driver's license. (SSUMF 23.) Horner has been driving the vehicle involved in this accident since approximately one month after turning sixteen. (SSUMF 24.)

Defendant first argues that the evidence shows that Horner is a competent driver. Defendant then argues that even if Horner was an incompetent driver, Defendant had no knowledge and could not have known that Horner was incompetent or unfit to drive the vehicle. Defendant finally argues that any potential incompetence was a substantial factor in causing the accident. With the facts presented, Defendant has met their burden.

Analysis of Plaintiff's Response

Plaintiff contends a triable issue of material fact exists. At the time of the vehicle accident in this case, Horner had turned eighteen years old just three months before. (AMF 51.) Horner ran the red light in clear, dry, daylight conditions in which all the traffic lights were functioning. (AMF 60 & 61.) Approximately one year prior to the vehicle accident, Horner was cited for speeding for going 90 mph in a 65-mph area. (AMF 43.) Horner never went to court based on her speeding citation. (AMF 44.) Due to neither paying the speeding ticket nor appearing in court, Horner's driver's license was suspended. (AMF 45.) After receiving the suspension letter, Horner went to the DMV and

got her driver's license reinstated. (AMF 47.) Defendant knew of the speeding ticket. (AMF 48.) Defendant grounded Horner for the speeding ticket but Horner was also still allowed to drive to school with the vehicle. (AMF 48-49.)

"California courts have long held that inexperience alone does not necessarily establish incompetency." (*White v. Inbound Aviation* (1999) 69 Cal.App.4th 910, 920, citing *Krawitz v. Rusch* (1989) 209 Cal.App.3d 957, 966.) Horner's inexperience by itself is not enough to demonstrate incompetence. Plaintiff points to the speeding ticket and afterward to demonstrate recklessness. Plaintiff argues that Horner going over 25 mph over the speed limit shows a degree of recklessness that Defendant should have considered before continuing to entrust the vehicle to Horner. Further, Horner did not resolve the speeding ticket until her license ended up suspended. Defendant was aware of the speeding ticket. Defendant grounded Horner but still entrusted the vehicle to her and allowed her to drive to school. Defendant argues that speeding once does not show a pattern of recklessness. However, Horner was cited for speeding at an unusually excessive speed. Horner was not cited for going five or even ten mph over the speed limit but 25 mph. The excessive speed demonstrates a degree of recklessness beyond what a normal speeding ticket might indicate.

Defendant alternatively argues that speeding is entirely unrelated to the accident involved in this case. However, Plaintiff argues that Horner's inexperience combined with her recklessness, as demonstrated by the excessive speeding violation, show that Defendant was negligent in entrusting the vehicle to Horner. "It is necessarily a question for the jury whether a prudent person, aware of the facts known to the supplier of the instrumentality, would have permitted the individual to operate the instrumentality." (*White v. Inbound Aviation*, *supra* 69 Cal.App.4th at 920–921.) Horner's inexperience and youth, combined with the potential recklessness demonstrated by the excessive speeding ticket, Defendant's knowledge of the speeding ticket, Defendant's choice to continue entrusting the vehicle to Horner, and liberally interpreting the facts in the light most favorable to Plaintiff, the party opposing the MSA, shows a triable issue of material fact. Accordingly, Defendant' MSA is denied.

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: JS on 11/2/2026.
(Judge's initials) (Date)