Tentative Rulings for November 4, 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.***

26CU00639 ***Schuller v. Kia America, Inc.***

23CECG01238 ***Jacoby v. FCA US, LLC***

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

24CECG04207 ***GAR Bennett, LLC v. Kandarian*** **is continued to Wednesday, December 30, 2026, at 3:30 p.m. in Department 403.**

25CECG05837 ***Parada, JR v. Thrive Business Development*** **is continued to Wednesday, December 30, 2026, at 3:30 p.m. in Department 403.**

24CECG01688 ***Marsella v. Ky*** **is continued to Thursday, November 5, 2026, at 3:30 p.m. in Department 403.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 403

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(35)

Tentative Ruling

Re: ***People of the State of California v. Martinez***
Superior Court Case No. 09CECG02778

Hearing Date: November 4, 2026 (Dept. 403)

Motion: Motion to Dissolve Injunction

Tentative Ruling:

To take off calendar as mooted by order entered June 23, 2026.

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 November 3, 2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Doe v. Baul***
Superior Court Case No. 25CECG02370

Hearing Date: November 4, 2026 (Dept. 403)

Motion: By Plaintiff to Compel Further Responses

Tentative Ruling:

To continue plaintiff's motion to compel further responses to Special Interrogatories to Wednesday, December 2, 2026 at 3:30 p.m. in Department 403.

A second motion to compel further responses was calendared for November 4, 2026, but only one motion was filed. The second motion, which was not filed, is taken off calendar.

Explanation:

The parties have stipulated to continuing this matter in order to first attend a pretrial discovery conference. The pretrial discovery conference is set for Friday, November 20, 2026 at 9:00 a.m. in Department 403.

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 (Judge's initials) on November 3, 2026 (Date).

(35)

Tentative Ruling

Re:	***Rusk v. Wagamon et al.*** Superior Court Case No. 25CECG00257
Hearing Date:	November 4, 2026 (Dept. 403)
Motion:	By Plaintiffs Gordon Rusk and Janet Rusk for Entry of Default Judgment

Tentative Ruling:

To deny without prejudice.

Explanation:

Plaintiffs Gordon Rusk and Janet Rusk (together "Plaintiffs") fail to submit the mandatory Judicial Council Form CIV-100, Request for Court Judgment. (Cal. Rules of Ct., rule 3.1800(a); *Holloway v. Quetel* (2015) 242 Cal.App.4th 1425, 1432.) In failing to file the mandatory Form CIV-100, Plaintiffs further fail to submit a declaration of nonmilitary status for each defendant against whom judgment is sought. (Cal. Rules of Ct., rule 3.1800(a)(5).) Federal law requires that no default judgment may be entered without evidence that the defendant is not in military service. (50 U.S.C., § 3931, subd. (b)(1).) This alone warrants a denial. Neither are All Persons Unknown dismissed. (Cal. Rules of Ct., rule 3.1800(a)(7).)

Moreover, at issue here is only a partition action. Plaintiffs prayed only for the sale of the subject real property in question and to distribute proceeds according to statutory adjustments on principles of equity. (Code Civ. Proc., § 872.140.) The proposed judgment however appear to seek a money judgment, contrary to their complaint in equity. It is confusing and unclear why Plaintiffs seek both distribution of the deposited amount in full, and a money judgment of half the deposited amount against Defendants. Neither of these figures account for the statutory priority to the expenses of the sale, the costs of the partition, or the fees asserted against the common fund. Neither does the apparent deficiency judgment purport with the alleged loss of $68,790.44 as indicated in Plaintiffs' declarations. The application is denied.[1]

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

[1] Any further application shall be filed a reasonable amount of time in advance of hearing, and in any event, more than three court days in advance of hearing. The court's docket is severely impacted, and where papers are submitted so close in time to hearing, the matter will be continued. Any further application shall include a brief summary of the case. (Cal. Rules of Ct., rule 3.1800(a)(1).)

will constitute notice of the order.

Tentative Ruling
Issued By: SMC on November 3, 2026.
(Judge's initials) (Date)