Tentative Rulings for November 4, 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.***

26CU01126 ***BMO Harris Bank N.A. v. Virk Logistic Inc. et al.***

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

24CECG00069 ***Sofian Dawood v. California Department of Transportation (Caltrans)*** **is continued to Wednesday, December 30, 2026, at 3:30 p.m. in Department 501.**

25CECG01225 ***Elizabella Godina v. City of Fresno*** **is continued to Wednesday, December 30, 2026, at 3:30 p.m. in Department 501.**

25CECG02375 ***Jesus Farias v. General Motors LLC*** **is continued to Wednesday, December 30, 2026, at 3:30 p.m. in Department 501.**

25CECG02669 ***KMP Royalty Trust, LLC v. C. Case Company, Inc.*** **is continued to Wednesday, December 30, 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: ***S.J. v. Fresno Unified School District***
Superior Court Case No. 25CECG02152

Hearing Date: November 4, 2026 (Dept. 501)

Motion: by Plaintiff for Trial Preference

Tentative Ruling:

To grant. (Code Civ. Proc., § 36, subd. (b).) Hearing remains on calendar. All parties are directed to appear and be prepared to select a trial date.

Explanation:

Plaintiff seeks preferential setting of trial under Code of Civil Procedure section 37, subdivision (a), which provides:

> A civil action shall be entitled to preference, if the action is one in which the plaintiff is seeking damages which were alleged to have been caused by the defendant during the commission of a felony offense for which the defendant has been criminally convicted.

(Code Civ. Proc., § 37, subd. (a).)

"The court shall endeavor to try the action within 120 days of the grant of preference." (Code Civ. Proc., § 37, subd. (b).)

On June 26, 2025, a federal indictment was brought against defendant Ray Anthony Waller in the United States District Court, Eastern District of California, Case No. 1:25-cr-00125-KES-BAM. (Berger Decl., Exh. A.) On or around September 4, 2026, defendant Waller entered a guilty plea on Counts 1, 2, and 3 of the indictment. (Paboojian Decl., ¶¶ 2, 4, and Ex. 1; Berger Decl., ¶ 5.)

"In its ' "primary" ' and ' "ordinary" ' usage, the term 'convicted' refers to an adjudication of guilt through the return of a jury verdict or the entry of a plea admitting guilt. [Citation.]" (*Bishop v. San Diego County Employees Retirement Assn.* (2026) 118 Cal.App.5th 694, 706–707.) "The ordinary legal meaning of 'conviction' is a verdict of guilty or the confession of the defendant in open court, and not the sentence or judgment." (*Ibid*.) While courts sometimes deviate from the usage of these terms where a civil penalty or disability flows from the conviction, this court sees no reason to do so in this case.

However, FUSD argues that Code of Civil Procedure section 37 is inapplicable for two reasons: (1) FUSD has not been convicted of any felony offense for damages against plaintiff; and (2) this action does not seek any damages resulting from defendant Waller's

crimes under Title 18 United States Code section 1470. Therefore, FUSD contends that at best, the trial preference statute applies only to defendant Waller.

First, the statute does not require a civil plaintiff to plead a claim under a criminal statute. So long as the civil action seeks damages which were alleged to have been caused by the defendant during the commission of a felony offense for which the defendant has been criminally convicted, the statute may be invoked. (Code Civ. Proc., § 37, subd. (a).) Next, while it is undisputed that FUSD has not been convicted of any felony offense for damages against plaintiff, neither party presents any authority on whether a preference under Code of Civil Procedure section 37 is tethered particularly to the criminal defendant. A plain reading of the statute seems to suggest the civil action, as a whole, shall be entitled to preference. (Code Civ. Proc., § section 37, subd. (a) ["A civil action shall be entitled to preference. . ."].)

Accordingly, the motion for trial preference is granted.

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 11/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***LS Power Grid California, LLC v. Gargiulo, Inc.***
Superior Court Case No. 26CU00724

Hearing Date: November 4, 2026 (Dept. 501)

Motion: By Plaintiff LS Power Grid California LLC for Prejudgment Possession

Tentative Ruling:

To grant. Order signed. No appearances necessary.

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 11/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Beatrice Morgan v. Himanshu Sarvaiya***
Superior Court Case No. 25CECG00850

Hearing Date: November 4, 2026 (Dept. 501)

Motion: Motions to Compel Discovery

Tentative Ruling:

To take the motions to compel off calendar, as improvidently and redundantly set. Orders issued on October 6, 2026, as to the discovery motions against both of plaintiffs Ricky Morgan and Beatrice Morgan.

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 11/02/26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Victoria Navarro v. Tonya Castaneda***
Superior Court Case No. 25CECG02850

Hearing Date: November 4, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant. Order signed. No appearances necessary.

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 11/02/26.
(Judge's initials) (Date)

(20)

Tentative Ruling

Re: ***Narissa Melero v. City of Sanger***
Superior Court Case No. 26CECG00595
Sarah Watson v. City of Sanger
Superior Court Case No. 26CU00931

Hearing Date: November 4, 2026 (Dept. 501)

Motion: By Melero Plaintiffs for Trial Preference

Tentative Ruling:

To deny. (Code Civ. Proc., §§ 36, subd. (c), 37.)

Explanation:

Case No. 26CECG00595 was initiated on 2/3/2026 with the filing of the Complaint by The Wagner Law Group representing seven plaintiffs – Narissa Melero, Julie Taylor, Georgina Simmons, Kriss Viramontes, Erica Alcorn, Sarah Watson and Lisa Salas. Plaintiffs allege in the operative pleading, the First Amended Complaint, that they were victims of sexual assault perpetrated by defendant J. Dewhawn Torrence, a police officer for the Sanger Police Department. He allegedly committed the assaults while on duty as a police officer and under color of law. Torrence was convicted of kidnapping and sexually assaulting four women (including plaintiffs Watson and Salas) and is serving five life sentences. Plaintiffs sue Torrence, the City of Sanger, and the Sanger Police Department.

Melero plaintiffs now seek trial setting preference, requesting that the trial follow immediately after trial of the *Watson* plaintiffs' case. The *Watson* plaintiffs were granted trial preference pursuant to Code of Civil Procedure section 37 because Torrence had been convicted and sentenced for aggravated sexual abuse of the two *Watson* plaintiffs.

Consolidation is sought pursuant to Code of Civil Procedure section 37, which provides:

> (a) A civil action shall be entitled to preference, if the action is one in which the plaintiff is seeking damages which were alleged to have been caused by the defendant during the commission of a felony offense for which the defendant has been criminally convicted.
> (b) The court shall endeavor to try the action within 120 days of the grant of preference.

The *Melero* plaintiffs may not obtain trial preference under section 37 because Torrence has *not* been convicted of any felony relating to the *Melero* plaintiffs.

Melero plaintiffs also cite to Code of Civil Procedure section 36, subdivision (e):

> Notwithstanding any other provision of law, the court may in its discretion grant a motion for preference that is supported by a showing that satisfies the court that the interests of justice will be served by granting this preference.

Preference is apparently sought pursuant to this provision because, since the two cases are consolidated for pretrial purposes only, the *Watson* plaintiffs believe they are bound to the discovery cut-off, expert discovery and other related trial cut-off dates of the *Watson* plaintiffs' case without having an actual trial date being set in their case.

The court hereby clarifies that any trial-related cutoffs applicable to the *Melero* plaintiffs will be based on the trial date set for the *Melero* plaintiffs, not the *Watson* plaintiffs. With that concern resolved, there is no need for trial preference. The motion is therefore 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: KCK on 11/02/26 .
(Judge's initials) (Date)