Tentative Rulings for November 5, 2026
Department 502

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.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

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(20) **Tentative Ruling**

Re: ***Hamad v. Lee Finance LLC, et al.***
Superior Court Case No. 25CECG04812

Hearing Date: November 5, 2026 (Dept. 502)

Motion: By Frenso Management Company For Leave to File Cross-Complaint

Tentative Ruling:

To grant. (Code Civ. Proc., § 428.5, subd. (c).)

Explanation:

A defendant can cross-complain against a codefendant only if the cause of action asserted "(1) arises out of the same transaction, occurrence, or series of transactions or occurrences [set forth in the complaint] … or (2) asserts a claim, right, or interest in the property or controversy which is the subject of the cause [of action] brought against him." (Code Civ. Proc., § 428.10, subd. (b).) The proposed cross-complaint clearly arises from the same transaction or occurrence as that raised in plaintiff's complaint.

Leave to amend must be granted if the moving party acted in good faith. (Code Civ. Proc., § 426.50.) Moving party appears to have acted diligently in seeking leave to file this cross-complaint against unidentified Roe defendants. There is no opposition.

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: lmg on 11-4-26 .
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***Pafoday Kanu v. Geil Enterprises, Inc.***
Superior Court Case No. 23CECG05121

Hearing Date: November 5, 2026 (Dept. 502)

Motion: by Plaintiff for Approval of PAGA Settlement Agreement

Tentative Ruling:

To deny, without prejudice.

Explanation:

Fairness of the Settlement Amount

The Court of Appeal in *Moniz v. Adecco USA, Inc.* stated that the trial court should review PAGA settlements to determine whether they are fair, adequate and reasonable. (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 75-77.) "Because many of the factors used to evaluate class action settlements bear on a settlement's fairness—including the strength of the plaintiff's case, the risk, the stage of the proceeding, the complexity and likely duration of further litigation, and the settlement amount—these factors can be useful in evaluating the fairness of a PAGA settlement." (*Id.* at p. 77.)

Remaining at issue in this renewed motion are the factors of the strength of the case and the settlement amount, as the calculations used to evaluate the settlement are without foundation.

In reaching the settlement, it is asserted that the parties had the opportunity to review information, documents, and data regarding plaintiff's and the aggrieved employees' employment with defendant, in an effort to determine the potential value and strength of the PAGA claim. (Matavosian Decl., ¶ 36.)

Plaintiff estimates that during the PAGA Period, there are approximately 968 Aggrieved Employees who are credited with 47,350 Compensable Pay Periods. (Matavosian Decl., ¶ 19.) The calculation of the Employee's Portion of the settlement proceeds is to be distributed based on the number of pay periods each aggrieved employee worked during the PAGA Period. (Id., ¶ 47.) Plaintiff's investigation included information, documents and data provided by plaintiff, defendant, and other sources, including a 25% sampling of Aggrieved Employees' time and pay data produced by Defendant. (Id., ¶ 51.)

However, plaintiff's renewed motion does not include any additional evidence to support the provided figures and resulting calculations. The number of aggrieved employees and the amount of pay periods are without foundation (e.g. a declaration by a qualified individual or expert as to the payroll or business records used in reaching these estimates, establishing the number of employees and pay period). As such, the

figures calculated from the estimated pay periods also lack foundation. The discussion of the potential value of the case is the starting point for any discussion of whether the settlement is fair, reasonable, and adequate, but the analysis without foundation is insufficient to justify a settlement in any amount. Without the evidentiary support to demonstrate the potential value of plaintiff's claims, counsel's opinion is without context. Counsel, while experienced, cannot by opinion alone support the approval of the settlement.

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: lmg on 11-4-26.
(Judge's initials) (Date)

(29)

Tentative Ruling

Re: ***Sanchez v. Zamora II***
Superior Court Case No. 24CECG04030

Hearing Date: November 5, 2026 (Dept. 502)

Motions (x3): Petitions to Compromise Claims of Minors

Tentative Ruling:

To deny without prejudice. Petitioner must file amended petitions, ***with appropriate supporting documents and proposed orders***.

Explanation:

Issues with the calculations and numbers persist. For example, item 16 of each petition lists the following:

16. **Summary**				
a. Gross amount of proceeds of settlement or judgment:			$	500,000.00
b. Medical expenses to be paid from proceeds of settlement or judgment:	$	0.00		
c. Attorney's fees to be paid from proceeds of settlement or judgment:	$	70,000.00		
d. Expenses (other than medical) to be paid from proceeds of settlement or judgment:	$	205,244.74		
e. Total fees and expenses to be paid from proceeds of settlement or judgment *(add (b), (c), and (d))*:			($	275,244.74)
f. Balance of proceeds of settlement or judgment available for claimant after payment of all fees and expenses *(subtract (e) from (a))*:			$	224,755.26

Item 16.f. provides that, after deduction of fees and costs, the balance for each minor is $224,755.26. This indicates a total settlement amount of $674,265.78 for the minors. Item 10.c., however, states that defendant "will pay $500,000 to settle all claims."

Further, item 18.b(3) provides:

(3) [x] $66,666.00 be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 18b(3).

The amounts shown as the minors' settlements differ significantly between item 16 and item 18.

There is also a conflict in the amount of costs sought. Item 16.d. lists $205,244.74, however counsels' declaration states that the "costs incurred by Bourdette & Partners are $5,246.74." (Bourdette decl., ¶5.) The court found no documentation in its file supporting either amount. In any event, the costs should be divided equally amongst the minors and decedent's husband, not solely amongst the three minors. With no documentation or explanation, the court is unable to determine whether the costs are reasonable and appropriately distributed amongst all plaintiffs.

The fees requested do not appear to align mathematically. The fee agreement and counsel's declaration (Bourdette decl., ¶4) provide for a fee of $165,000. Dividing this amount by four (each minor, and decedent's husband) results in $41,250 per person, however the petitions each seek $70,000 in costs. This implies a total fee of $280,000 ($70,000 from each minor and $70,000 from decedent's husband), which is inappropriate under the fee agreement and counsel's declaration.

Last, there are still no proposed orders in the court's file.

For all of the reasons set out above, the petitions are denied without prejudice.

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: lmg on 11-4-26.
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Chan v. Lawver et al.***
Superior Court Case No. 25CECG01541

Hearing Date: November 5, 2026 (Dept. 502)

Motion: Motion to Withdraw

Tentative Ruling:

To take off calendar, as no moving papers have been filed.

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: lmg on 11-4-26.
(Judge's initials) (Date)