Tentative Rulings for November 19, 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.***

25CECG04814 ***Green v. Carrizales*** **(Dept. 503)**

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

23CECG05044 ***Carter v. A-Plus Real Estate Management, Inc.*** **is continued to Thursday, January 7, 2027, at 3:30 p.m. in Department 503.**

25CECG00604 ***Thandi v. Singh*** **is continued to Thursday, January 7, 2027, at 3:30 p.m. in Department 503.**

25CECG05833 ***Lyons v. BMW of North America, LLC*** **is continued to Thursday, January 7, 2027, at 3:30 p.m. in Department 503.**

26CU00261 ***K.S. v. County of Fresno, et al*** **is continued to Thursday, January 7, 2027, at 3:30 p.m. in Department 503.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 503

Begin at the next page

(37)

Tentative Ruling

Re: ***Lopez v. Nationwide National Insurance Company***
Superior Court Case No. 26CECG01234

Hearing Date: November 19, 2026 (Dept. 503)

Motion: Defendant's Demurrer to the Complaint

Tentative Ruling:

To sustain the demurrer to the Complaint. Plaintiffs are granted 30 days' leave to file the First Amended Complaint, which will run from service by the clerk of the minute order.

Explanation:

Here, plaintiffs have utilized the Judicial Council form complaint. Use of the Judicial Council form complaint requires the use of attachments for alleging the causes of action. Paragraph 8 of the form pleading states, "[t]he following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*: …" The plaintiff is to check the boxes indicating the causes of action being alleged, and add to the form complaint attachments alleging the elements and facts pertinent to each cause of action. Having failed to include any cause of action attachments, the complaint fails to state facts sufficient to state any cause of action. (Code Civ. Proc., § 430.10, subd. (e).)

As defendant notes, plaintiffs have attached several documents to the complaint. However, these documents are insufficient to establish a cause of action as to defendant. While they do contain some information, they do not address all of the elements needed to state a cause of action, particularly damages. Plaintiffs should utilize the complaint attachments if they intend to utilize the form complaint.

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 11/16/2026.
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Vivint Solar Developer, LLC v. Saldivar***
Superior Court Case No. 24CECG01723

Hearing Date: November 19, 2026 (Dept. 503)

Motion: By Defendant for Sanctions

Tentative Ruling:

To deny. (Code Civ. Proc., § 128.7, subd. (c).)

Explanation:

A motion for sanctions pursuant to Code of Civil Procedure section 128.7 involves a two-step process. First, the moving party serves the sanctions motion on the offending party without filing it. The opposing party has 21 days to withdraw the challenged pleading to avoid sanctions. If after the safe harbor waiting period has passed, the challenged pleading has not been withdrawn, then the moving party may file the motion. (Code Civ. Proc., § 128.7, subd. (c)(1).) The notice is to comply with Code of Civil Procedure section 1010. (Ibid.) Code of Civil Procedure section 1010 requires notices to include when the motion is to be heard.

Here, the Notice does not comply with Code of Civil Procedure sections 128.7 and 1010. (Exhibit List, Exh. M.) The hearing date, time, and department are all blank. The Notice is dated August 10, 2026; however, the execution date for the documents purportedly sent indicates September 2, 2026. There is no proof of service of the Notice. Thus, the Notice, even if it was served 21 days prior to being filed, is insufficient.

Further, the only proof of service accompanying this motion indicates that it was served on October 16, 2026. The motion was filed four days prior on October 12, 2026. This proof of service also does not comply with the timing requirements set forth in Code of Civil Procedure section 128.7.

The motion 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 11/16/2026.
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: ***Hernandez v. Norwood***
Superior Court Case No. 24CECG04184

Hearing Date: November 19, 2026 (Dept. 503)

Motion: By Plaintiff for Entry of Order Allowing Discovery of Defendant's Financial Condition Pursuant to Civil Code Section 3295, Subdivision (c)

Tentative Ruling:

To grant. (Civ. Code, § 3295, subd. (c).)

Explanation:

Plaintiff Monica Hernandez ("Plaintiff") seeks an order allowing discovery of defendant Paul Norwood dba Valley Endocrine's ("Defendant") financial condition pursuant to Civil Code section 3285, subdivision (c).

Civil Code section 3285, subdivision (c) states in pertinent part:

> Upon motion by the plaintiff supported by appropriate affidavits and after a hearing, if the court deems a hearing to be necessary, the court may at any time enter an order permitting the discovery otherwise prohibited by this subdivision if the court finds, on the basis of the supporting and opposing affidavits presented, that the plaintiff has established that there is a substantial probability that the plaintiff will prevail on the claim pursuant to Section 3294.

Plaintiff has provided copies of deposition testimony, separate exhibits, and the transcription of a voicemail as evidence that demonstrate a substantial probability that Plaintiff will prevail in the claim pursuant to Civil Code section 3294. Defendant has filed no opposition. Accordingly, Plaintiff's motion for an order allowing discovery of Defendant's financial condition 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: JS on 11/17/2026.
(Judge's initials) (Date)

(49)

Tentative Ruling

Re: ***Guerra v. Byrd***
Superior Court Case No. 24CECG03030

Hearing Date: November 19, 2026 (Dept. 503)

Motion: By Defendants Eva Byrd and Loren Byrd to Set Aside Default

Tentative Ruling:

To grant. (Code Civ. Proc., § 473.5.)

Explanation:

Defendants Eva Byrd and Loren Byrd ("Defendants") move to set aside the defaults entered against them by plaintiff Rudy Guerra ("Plaintiff").

When considering the motion to set aside the defaults, "[i]t is the policy of the law to favor, whenever possible, a hearing on the merits." (*Shamblin v. Brattain* (1988) 44 Cal.3d 474, 478.) Further, "when a party in default moves promptly to seek relief, very slight evidence is required to justify a trial court's order setting aside a default." (*Ibid*.) Defendants seek relief under Code of Civil Procedure section 473.5. Code of Civil Procedure section 473.5, in pertinent part, states:

> (a) When service of a summons has not resulted in actual notice to a party in time to defend the action and a default or default judgment has been entered against the party in the action, the party may serve and file a notice of motion to set aside the default or default judgment and for leave to defend the action. The notice of motion shall be served and filed within a reasonable time, but in no event exceeding the earlier of: (i) two years after entry of a default judgment against the party; or (ii) 180 days after service on the party of a written notice that the default or default judgment has been entered.
>
> (b) A notice of motion to set aside a default or default judgment and for leave to defend the action shall designate as the time for making the motion a date prescribed by subdivision (b) of Section 1005, and it shall be accompanied by an affidavit showing under oath that the party's lack of actual notice in time to defend the action was not caused by the party's avoidance of service or inexcusable neglect. The party shall serve and file with the notice a copy of the answer, motion, or other pleading proposed to be filed in the action.
>
> (c) Upon a finding by the court that the motion was made within the period permitted by subdivision (a) and that the party's lack of actual notice in time to defend the action was not caused by the party's avoidance of service or inexcusable neglect, it may set aside the default or default

judgment on whatever terms as may be just and allow the party to defend the action.

Over the course of a year, Plaintiff attempted to serve Defendants by conducting real estate searches, personal service at multiple addresses, service by mail that was determined undeliverable, returned to sender or no response was received at all. (Costello Decl., ¶ 7.) Ultimately, Plaintiff applied and the court granted his motion to serve by publication in the Fresno Bee. (*Id*., ¶ 8.) Of the addresses attempted to be served by Plaintiff, Defendants do not live at or receive mail at any of the addresses Plaintiff attempted to serve except for a PO Box address. (Eva Byrd Decl., ¶¶ 6-7; Loren Byrd Decl., ¶¶ 6-7.) On December 31, 2024, Plaintiff mailed by regular mail a notice and acknowledgement of receipt to the PO Box address. (Costello Decl., ¶ 7.) That letter was not returned to sender. (*Ibid*.) On January 22, 2025, Plaintiff mailed by certified mail the PO Box. (*Ibid*.) The USPS tracking information indicates the documents were in the PO Box on January 23, 2025 and returned to Plaintiff on February 7, 2025. (*Ibid*.) On August 5, 2025, default was entered against Defendants. In early March 2026, Defendants checked the PO Box and found a packet of legal documents. (Eva Byrd Decl., ¶ 2; Loren Byrd Decl., ¶ 2.) Defendants incorrectly believed the legal packet they received indicated Defendants would be served soon. (*Id*., ¶¶ 2-3.) On May 22, 2026, Eva Byrd met with Defendants' current counsel of record where Defendants were informed that default had likely been taken against Defendants. (*Id*., ¶ 4.) On June 9, 2026, Defendants filed the present motion.

Defendants argue that they had no actual notice of the present lawsuit until March 2026. Further, Defendants were not aware they needed to file something until receiving advice from counsel on May 22, 2026. Plaintiff points to the service by publication as a source of actual notice. However, neither of Defendants are subscribed to nor read the Fresno Bee where it was published. (Eva Byrd Decl., ¶ 8; Loren Byrd Decl., ¶ 8.) Further, publication rarely results in actual notice. (*Espindola v. Nunez* (1988) 199 Cal.App.3d 1389, 1392–1393.) Therefore, service by publication does not show actual notice to Defendants.

Plaintiff alternatively argues that the lack of actual notice by Defendants was because of their inexcusable neglect and avoidance of service. Plaintiff points to attempted service at multiple residential addresses and mailings to the PO Box. Defendants do not reside nor do they receive mail at the addresses Plaintiff attempted to serve. The only relevant information were the two mailings to Defendants' PO Box address. For the certified mailing on January 22, 2026, Defendants did not check their PO Box for approximately fifteen days, leading to the mail to be returned. The record is unclear why Defendants did not check their PO Box during that time and why they did not receive the December 31, 2024 letter. However, the policy of the law is to favor a decision on the merits. Here, the two failed mailings are not enough to show avoidance or inexcusable neglect. Defendants did not receive actual notice. Accordingly, the motion to set aside the default against Defendants 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: JS on 11/17/2026.
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: ***Roberts, et al. v. Central Unified School District***
Superior Court Case No. 24CECG03414

Hearing Date: November 19, 2026 (Dept. 503)

Motions (x2): by Plaintiffs to Compel Deposition; and by Defendant Central Unified School District for Summary Judgment, or in the Alternative, for Summary Adjudication

Tentative Ruling:

To deny both motions.

Explanation:

Compel Deposition

The uniform fee for filing a discovery motion is $60. (Gov. Code, § 70617, subd. (a).) Here, although plaintiffs reserved and paid for one motion on the court's calendar, the court notes that, in actuality, there are four motions[1] contained in the moving papers—motions to compel the depositions of four separate witnesses, Rena Rivas, a.k.a., Rena Martinez, Geronimo Cerda, John Rodriguez, and Carlos Fernandez, respectively. Therefore, the correct total motion fee is $240 (4 motions x $60). Ordinarily, the court would only rule on one motion, since the correct amount of filing fees were not paid. However, the court will not require payment of additional filing fees in this instance only.

Discovery Cutoff

"[A]ny party shall be entitled as a matter of right to complete discovery proceedings on or before the 30th day, and to have motions concerning discovery heard on or before the 15th day, before the date initially set for the trial of the action." (Code Civ. Proc., § 2024.020, subd. (a). "[A] continuance or postponement of the trial date does not operate to reopen discovery proceedings." (*Id*. at subd. (b).)

Here, trial was initially set on May 11, 2026. Pursuant to the parties' stipulation, this court vacated the trial date and continued trial to December 7, 2026. That order specified that discovery[2] cutoff dates would not be extended nor calculated from the new trial date. Accordingly, the discovery cutoff date was on April 13, 2026.[3] However, plaintiffs did not serve the subject deposition notices until April 14, 2026. The court's record

[1] There were originally five motions, but plaintiff withdrew the motion as to Jeffrey Garrett.
[2] Not including discovery relating to plaintiff Susan Roberts' knee treatment/surgery, which is not the subject of plaintiff's motion to compel.
[3] The 30th day prior to May 11, 2026 was on Saturday, April 11, 2026; however, since that was a Saturday, the discovery cutoff date rolled over to Monday, April 13, 2026.

does not reflect that a motion to reopen discovery has been either filed or reserved for hearing. To the extent that plaintiffs attempt to raise the issue in their "supplemental memorandum" filed on October 30, 2026, the matter is not properly noticed in plaintiffs' notice of motion or original moving papers and thus, not considered.

Motion Filed without Leave of Court and Insufficient Meet and Confer

Fresno County Superior Court Local Rules, Rule 2.1.17 requires that before filing, inter alia, a motion to compel attendance at deposition to which objections are lodged, under Code of Civil Procedure sections 2016.010 through 2036.050, inclusive, the party desiring to file such a motion must first request an informal Pretrial Discovery Conference with the court, and wait until either the court denies that request and gives permission to file the motion, or the conference is held and the dispute is not resolved at the conference.

Here, the court denied plaintiffs' request for pretrial discovery conference. The Order on Request for Pretrial Discovery Conference filed on May 18, 2026, specified that the denial was due to there being insufficient meet and confer attempts prior to making the request. The court intentionally did not fill out the portion of the form that would have allowed the moving party to file these motions. Thus, the motion is not filed in conformity with Local Rule 2.1.17.

Accordingly, the plaintiffs' motion to compel deposition is denied.

Summary Judgment

"'Summary judgment is granted when there is no triable issue as to any material fact and the moving party is entitled to judgment as a matter of law.'" (*Lopez v. Superior Court* (1996) 45 Cal.App.4th 705, 713, quoting Code Civ. Proc. § 437c(c).) Summary judgment is properly directed toward the entire complaint and not portions thereof. (See *Barnick v. Longs Drug Stores, Inc*. (1988) 203 Cal.App.3d 377, 384; *Khan v. Shiley, Inc*. (1990) 217 Cal.App.3d 848, 858-859.)

Summary adjudication is the proper mechanism for challenging a particular, "cause of action, an affirmative defense, a claim for punitive damages, or an issue of duty." (*Paramount Petroleum Corp. v. Superior Court* (2014) 227 Cal.App.4th 226, 242.) However, "[a] motion for summary adjudication shall be granted only if it completely disposes of a cause of action, an affirmative defense, a claim for damages, or an issue of duty." (Code Civ. Proc. § 437c(f)(1); see also *Catalano v. Superior Court* (2000) 82 Cal.App.4th 91, 97 [piecemeal adjudication prohibited].)

The ultimate burden of persuasion rests on defendant, as the moving party. The initial burden of production is on defendant to show by a preponderance of the evidence, that it is more likely than not that a given element cannot be established or that a given defense can be established. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.)

If defendant carries this initial burden of production, the burden of production shifts to plaintiff to show that a triable issue of material fact exists. Plaintiff does this if he

can show, by a preponderance of the evidence, that it is more likely than not that a given element can be established or that a given defense cannot be established. (*Aguilar*, *supra*, 25 Cal.4th at pp. 850, 852.)

> "In moving for summary judgment, "[t]he defendant may ... present evidence that the plaintiff does not possess, and cannot reasonably obtain, needed evidence—as through admissions by the plaintiff following extensive discovery to the effect that he has discovered nothing." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 855.) If plaintiffs respond to comprehensive interrogatories seeking all known facts with boilerplate answers that restate their allegations, or simply provide laundry lists of people and/or documents, the burden of production will almost certainly be shifted to them once defendants move for summary judgment and properly present plaintiffs' factually devoid discovery responses."

(*Andrews v. Foster Wheeler LLC* (2006) 138 Cal.App.4th 96, 106-07.)

Defendant Central Unified School District ("CUSD") moves for summary judgment on the operative complaint or in the alternative, for summary adjudication on the third, fourth, and fifth causes of action on the grounds that plaintiffs cannot establish a negligent or wrongful act or omission by a CUSD employee created the alleged dangerous condition and/or CUSD had actual or constructive notice of the alleged condition; and plaintiff Ty'Shawn Roberts did not contemporaneously perceive an injury-producing event so as to state a claim for negligent infliction of emotional distress.

Government Code section 835 provides:

> Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:
>
> (a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or
>
> (b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.
>
> (Gov. Code, § 835.)

Creation of the Condition

CUSD presents evidence suggesting that plaintiffs have no knowledge of what caused the subject hole plaintiff Susan Roberts stepped in or how the hole came to be. (UMF Nos. 15-16.) It is also undisputed that all parties had no such knowledge. (UMF Nos. 11-16.) Although plaintiffs dispute CUSD's creation of the defect, this dispute is purely based on plaintiffs' speculation that other CUSD employees may have known how the defect came to be. Therefore, CUSD has met its burden in establishing that there is not a triable issue of fact as to whether CUSD created the condition. However, to prevail on summary judgment, CUSD must also show there is no dispute as to CUSD's actual or constructive knowledge of the existence of the defect.

Actual Notice

CUSD presents evidence establishing that it did not have actual knowledge of the alleged dangerous condition. There were no reports of any pot holes in the parking lot prior to Ms. Roberts' fall. (UMF Nos. 12-14.) The two most recent inspections prior to the incident documented that there were "no potholes observed." (UMF No. 14.) CUSD has established there is no dispute that it had no actual knowledge of the defect before plaintiff fell.

Constructive Notice

Government Code section 835.2 states in pertinent part,

> (b) A public entity had constructive notice of a dangerous condition within the meaning of subdivision (b) of Section 835 only if the plaintiff establishes that the condition had existed for such a period of time and was of such an obvious nature that the public entity, in the exercise of due care, should have discovered the condition and its dangerous character. On the issue of due care, admissible evidence includes but is not limited to evidence as to:
>
> (1) Whether the existence of the condition and its dangerous character would have been discovered by an inspection system that was reasonably adequate (considering the practicality and cost of inspection weighted against the likelihood and magnitude of the potential danger to which failure to inspect would give rise) to inform the public entity whether the property was safe for the use or uses for which the public entity used or intended others to use the public property and for uses that the public entity actually knew others were making of the public property or adjacent property.
>
> (2) Whether the public entity maintained and operated such an inspection system with due care and did not discover the condition.

(Gov. Code, § 835.2.)

CUSD provides neither a photograph nor a written description of the alleged dangerous condition. CUSD merely relies upon a blanket statement in its separate statement of fact as follows: "There is no evidence that any CUSD personnel . . . had

actual or constructive notice of the existence of the hole before Mrs. Roberts' trip and fall." (UMF No. 16.) Plaintiff contends that this is not a statement of fact, rather a legal conclusion. Indeed, this is a legal conclusion. CUSD fails to provide any actual facts pertaining to the condition, its dangerous nature, and "whether it was of such an obvious nature that the public entity, in the exercise of due care, should have discovered the condition and its obvious nature." (*Strongman v. County of Kern* (1967) 255 Cal.App.2d 308, 313. Accordingly, CUSD has failed to meet its burden in showing that there is no dispute as to whether it had constructive notice of the condition.

Even if CUSD did meet such burden, plaintiffs argue it is a question for a jury whether CUSD's inspection system would have alerted CUSD to the existence of the defect within the parking space. It is undisputed that the parking lot was inspected twice annually. (UMF No. 13.) Plaintiffs' opposition refers to evidence establishing that the parking lot was last inspected in June 2023, seven months before Ms. Roberts' fall. (CUSD IOE, Ex. C, 52:18-23.) Plaintiffs also rely upon the opinion of their expert, Zachary Moore, a licensed Mechanical Engineer and Forensic Engineer, who opines that CUSD's "inspection policy was inadequate to reasonably identify and correct hazardous conditions in the subject parking lot." (Plf. COE, Ex. 1, ¶ 13.)

CUSD objects to the statement on the ground that the opinion is based on hearsay and improper relation of case-specific hearsay contained within the CSI and CRMA inspection reports. "When any expert relates to the jury case-specific out-of-court statements, and treats the content of those statements as true and accurate to support the expert's opinion, the statements are hearsay. It cannot logically be maintained that the statements are not being admitted for their truth." (*People v. Sanchez* (2016) 63 Cal.4th 665, 686.) An expert cannot "relate as true case-specific facts asserted in hearsay statements, unless they are independently proven by competent evidence or are covered by a hearsay exception." (*Id.* at p. 686.) Here, it does not appear that Mr. Moore has relied on case-specific out-of-court statements to support his opinion. Rather, it appears that Mr. Moore concludes that CUSD's inspection policy was inadequate to reasonably identify and correct conditions in the subject parking lot based on the undisputed fact that the parking lot was inspected twice a year and his own physical inspection of the lot. Mr. Moore opines as to the safety of the parking lot as a whole, and at least on May 7, 2024, the day that he inspected the parking lot, he determined it to be unsafe. This at least supports an inference that a reasonable jury could find that the lapse of time between CUSD's inspections may be inadequate to protect against dangerous conditions such as the one plaintiff Susan Roberts encountered.[4] CUSD's third evidentiary objection is overruled.[5] Viewing the evidence presented in the light most favorable to the plaintiffs opposing summary judgment, there is a question for the jury with respect to how long the defect in the parking space existed and whether the defect should have been discovered.

The motion for summary judgment is therefore denied. Summary adjudication as to the third and fifth causes of action are similarly denied.

---

[4] It is further noted that it does not appear that Mr. Moore's misunderstanding of the depth of the subject hole had any bearing on his opinion on the inspection policy.

[5] The remaining evidentiary objections are not material to the disposition of motion and therefore, are not ruled on. (Code Civ. Proc., § 437c, subd. (q).)

Negligent Infliction of Emotional Distress

"[A] plaintiff may recover damages for emotional distress caused by observing the negligently inflicted injury of a third person if, but only if, said plaintiff: (1) is closely related to the injury victim; (2) is present at the scene of the injury-producing event at the time it occurs and is then aware that it is causing injury to the victim; and (3) as a result suffers serious emotional distress-a reaction beyond that which would be anticipated in a disinterested witness and which is not an abnormal response to the circumstances." (*Bird v. Saenz* (2002) 28 Cal.4th 910, 915 citing *Thing v. La Chusa* (1989) 48 Cal.3d 644, 667-668.)

CUSD argues that there is no triable issue as to whether plaintiff Ty'Shawn Roberts was aware of the injury-producing event, i.e., Ms. Roberts stepping into the hole, and that it was causing injury to her. However, Ms. Roberts' testimony indicates that he was looking at her at the time of the incident. (Plf. COE, Ex. B, 21:17-24.) Therefore, it is evident that there is a triable issue as to Ty'shawn's perception.

Summary adjudication as to the fourth cause of action 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 11/17/2026.
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***Jesus Navarro v. Jacobo Farm Services, Inc.***
Superior Court Case No. 24CECG04061

Hearing Date: November 19, 2026 (Dept. 503)

Motion: by Plaintiff for Preliminary Approval of Class Action Settlement

Tentative Ruling:

To grant.

The motion for final approval and for an award of fees and costs will be heard on June 24, 2027 at 3:30 p.m. in Department 503. Papers for such motions need be filed and served no later than June 10, 2027.

Explanation:

In compliance with the court's order made on October 29, 2026, plaintiff filed supplemental briefing with the requested evidence to support the certification of the class and determination of the reasonableness of the settlement. Upon review of the supplemental memorandum and declarations provided, the court is satisfied that the evidence submitted resolves the issues identified in the court's tentative ruling from October 29, 2026.

The court therefore intends to grant the motion for preliminary approval of the class 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: JS on 11/18/2026.
(Judge's initials) (Date)