

**Tentative Rulings for December 9, 2025**  
**Department 501**

**For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)**

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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.*

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

25CECG02677      *Elfega Lua v FCA US LLC* is continued to Tuesday, January 13, 2026  
at 3:30 p.m. in Department 501

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(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 501**

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(37)

**Tentative Ruling**

Re: ***Martin v. Sethi Management, Inc.***  
Superior Court Case No. 24CECG04028

Hearing Date: December 9, 2025 (Dept. 501)

Motion: by Defendant Sethi Management, Inc., to Compel Arbitration

**Tentative Ruling:**

To deny.

**Explanation:**

In moving to compel arbitration, defendants must prove by a preponderance of evidence the existence of the arbitration agreement and that the dispute is covered by the agreement. The party opposing the motion must then prove by a preponderance of evidence that a ground for denial of the motion exists (e.g., fraud, unconscionability, etc.) (*Rosenthal v. Great Western Fin'l Securities Corp.* (1996) 14 Cal.4th 394, 413-414; *Hotels Nevada v. L.A. Pacific Ctr., Inc.* (2006) 144 Cal.App.4th 754, 758; *Villacreses v. Molinari* (2005) 132 Cal.App.4th 1223, 1230.)

There is a strong policy in favor of arbitration. (*AT&T Mobility LLC v. Concepcion* (2011) 563 U.S. 333, 339.) Courts are to enforce arbitration agreements according to their terms. (*Ibid.*) In ruling on a motion to compel arbitration, the court must first determine whether the parties actually agreed to arbitrate the dispute, and general principles of California contract law guide the court in making this determination. (*Mendez v. Mid-Wilshire Health Care Center* (2013) 220 Cal.App.4th 534, 540-543.)

Here, the arbitration agreement in question was a document contained within the ADP platform. This platform was used by defendant for plaintiff to complete his onboarding process. (Jensen Decl., ¶ 5.) The document has a section at the bottom where the employee electronically signs. (*Id.* at ¶¶ 6-9, 12 and Exh. A.) A date of September 24, 2023, appears next to the signature line for the employee. (*Id.* at Exh. A.) The employee's name is listed as "av" and an electronic signature of "av" with a timestamp of "av (Sep 24, 2023 10:06 PDT)" appears below it. (*Ibid.*)

With the moving papers, a declaration was submitted by Joanne Jensen, a Human Resources Director at Defendant Sethi Management, Inc. (*Id.* at ¶ 3.) She describes how new employees create an account and who may access the account and how. (*Id.* at ¶¶ 5-10.) She asserts that plaintiff filled out several documents during his onboarding, at the beginning of his employment in September 2023. (*Id.* at ¶¶ 8-9.) She also states that she reviewed the company's records and confirmed that plaintiff did not exercise his right to opt out within 30 days after electronically signing the agreement. (*Id.* at ¶ 13.)



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**Tentative Ruling**

Re: **John Roe 927 D.W. v. County of Fresno**  
Superior Court Case No. 22CECG03958

Hearing Date: December 9, 2025 (Dept. 501)

Motion: by Defendant Fresno County to Compel Responses from Plaintiff John Roe 1002 to Special Interrogatories, Set Two, and Request for Production of Documents, Set Two

**Tentative Ruling:**

To grant. Within 30 days of service of the minute order by the clerk, plaintiff John Roe 1002, shall serve verified responses without objection to defendant with respect to Special Interrogatories, Set Two, and Requests for Production of Documents, Set Two.

To impose sanctions in the sum of \$520 against plaintiff John Roe 1002, and in favor of defendant, to be paid to defendant's attorney within 30 days of service of the minute order by the clerk.

**Explanation:**

On June 17, 2025, defendant County of Fresno propounded the aforementioned discovery on plaintiff John Roe 1002. Plaintiff still has not served any responses. Accordingly, an order compelling plaintiff to provide responses without objections is warranted. (Code Civ. Proc., §§ 2030.290, subd. (a), 2031.300, subd. (a).)

Furthermore, reasonable sanctions in the amount of \$520 are also warranted (Code Civ. Proc., §§ 2030.290, subd. (c), 2031.300, subd. (c).)

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: DTT on 12/5/2025.  
(Judge's initials) (Date)





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**Tentative Ruling**

Re: **JC Home Restorations, LLC v. Pacheco**  
Superior Court Case no. 23CECG04587

Hearing Date: December 9, 2025 (Dept. 501)

Motion: to Enforce Settlement

**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:** DTT **on** 12/8/2025.  
(Judge's initials) (Date)

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**Tentative Ruling**

Re: **Moore v. HSRE Pacifica Fresno OPCO, LP**  
Superior Court Case no. 23CECG04737

Hearing Date: December 9, 2025 (Dept. 501)

Motions (x2): to Compel Further Responses

**Tentative Ruling:**

To take both motions 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:** DTT **on** 12/8/2025.  
(Judge's initials) (Date)

(29)

**Tentative Ruling**

Re: ***Terryberry v. Briscoe, III***  
Superior Court Case no. 24CECG04647

Hearing Date: December 9, 2025 (Dept. 501)

Motion: for Default Prove-Up

**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:** DTT **on** 12/8/2025.  
(Judge's initials) (Date)