

Tentative Rulings for December 11, 2025
Department 503

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)

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.*

24CECG00073 *Garcia v. Nelson* (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.

23CECG02274 *Sophia Aguilar v. Saint Agnes Medical Center* is continued to
Thursday, January 8, 2026 at 3:30 p.m. in Department 503

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Tentative Rulings for Department 503

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Tentative Ruling

Re: **Odira Okereke v. Sunrun Inc.**
Superior Court Case No. 25CECG00794

Hearing Date: December 11, 2025 (Dept. 503)

Motion: by Plaintiffs for Reconsideration

Tentative Ruling:

To deny. (Code Civ. Proc., § 1008.)

Explanation:

Plaintiffs Odira Okereke and Ike Okereke ("plaintiffs") seek reconsideration of the court's ruling ordering this matter to arbitration and staying the civil action, which was entered on September 11, 2025.

A reconsideration motion is governed by Code of Civil Procedure section 1008, which provides in material part:

When an application for an order has been made to a judge, or to a court, and ... granted ... any party affected by the order may, within 10 days after service upon the party of written notice of entry of the order and based upon new or different facts, circumstances, or law, make application to the same judge or court that made the order, to reconsider the matter and modify, amend, or revoke the prior order. The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown.

(Code Civ. Proc., § 1008 subd. (a), emphasis added.)

"According to the plain language of [Code of Civil Procedure section 1008], a court acts in excess of jurisdiction when it grants a motion to reconsider that is not based upon 'new or different facts, circumstances or law.' " (*Gilberd v. AC Transit* (1995) 32 Cal.App.4th 1494, 1500.) This burden has been found to be "comparable to that of a party seeking a new trial on the ground of newly discovered evidence: the information must be such that the moving party could not, with reasonable diligence, have discovered or produced it at the trial." (*New York Times Co. v. Superior Court* (2005) 135 Cal.App.4th 206, 212-213.) Thus, the party seeking reconsideration based on "new or different facts" must provide a satisfactory explanation for failing to present the information at the first hearing. (*Id.*, at p. 213.)

Here, there is no attempt at establishing new or different facts or circumstances. Instead, plaintiffs contend that they did not understand the court's process for tentative

rulings and oral argument. Courts have routinely found that parties in pro per are treated the same as represented parties. (*Monastero v. Los Angeles Transit Co.* (1955) 131 Cal.App.2d 156, 160; *Bianco v. California Highway Patrol* (1994) 24 Cal.App.4th 1113, 1125-1126.) “[W]e make clear that mere self-representation is not a ground for exceptionally lenient treatment. Except when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo attorney representation.” (*Nuno v. California State University, Bakersfield* (2020) 47 Cal.App.5th 799, 811, citing *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985.) “A litigant is permitted to present his own case, but, in so doing, should be restricted to the same rules of evidence and procedure as is required of those qualified to practice law before our courts; otherwise, ignorance is unjustly rewarded.” (*Monastero v. Los Angeles Transit Co.*, *supra*, 131 Cal.App.2d at p. 161, quoting *Knapp v. Fleming* (1953) 127 Colo. 414, 415.)

Plaintiffs cannot rely on their unfamiliarity with court procedures as the basis for reconsideration. This motion fails to meet the jurisdictional requirements for reconsideration under Code of Civil Procedure section 1008, and the court therefore intends to deny the motion.

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** 12/9/2025.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***Mary Breazeale v. Miller-Phelen, Inc.***
Superior Court Case No. 24CECG01093

Hearing Date: December 11, 2025 (Dept. 503)

Motions (2x): (1) Application by Attorney Paul Nystrom to Appear Pro Hac Vice

(2) Application by Attorney Michael Carey to Appear Pro Hac Vice

Tentative Ruling:

To grant the application by attorney Paul Nystrom. The application re Michael Carey is taken off calendar as it does not appear from the court's record that the application was filed.

Explanation:

The application of Michigan attorney Paul Nystrom appears to comply with the requirements set forth by the State Bar of California and rule 9.40 of the California Rules of Court. In addition, from the court's record it appears no opposition has been filed. Therefore, that application is granted.

It appears from the court's record that a hearing was calendared for an attorney named Michael Carey. No papers were apparently filed for that applicant and thus that hearing is taken off calendar.

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 12/10/2025.
(Judge's initials) (Date)