Tentative Rulings for January 29, 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.

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

21CECG03051 Gahvejian Enterprises, Inc. v. Melonco, LLC is continued to

Thursday, March 6, 2025, 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

(24)

Tentative Ruling

Re: In re: Justin Antonio Kuripeth

Superior Court Case No. 25CECG00041

Hearing Date: January 29, 2025 (Dept. 503)

Motion: Petition to Approve Compromise of Disputed Claim of Minor

Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested the minor is excused from appearing.

Explanation:

The petition indicates that the total settlement with defendant is \$700,000, and that this will be split equally between the decedent's four minor children. (Petn., p. 3.) The attorney's declaration also states that this is the settlement amount and division. However, the settlement agreement states that the total settlement is \$680,000, with each minor to receive \$170,000. (Petn., .pdf p. 15, \$1.) The petition cannot be granted given this discrepancy.

Also, the settlement agreement indicates that, in addition to this court's approval of the minors' compromises, the agreement is expressly conditioned on executed releases of all the other parties involved in or related to the accident, namely Fermin Morales, Florencio Ramos, Saul Morales, and Leobardo Hernandez. It would be premature, if not futile, to approve this compromise before seeing evidence that these releases have been obtained. "The law neither does nor requires idle acts." (Civ. Code, § 3532.)

Finally, the petition proposes that the minor's net settlement be placed in a blocked account. However, given the minor's age and the size of the settlement, petitioner should indicate whether or not she has considered an annuity as an option, and why a blocked account is the better choice.

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:	jyh	on	1/28/25	
	(Judge's initials)		(Date)	