

**Tentative Rulings for March 27, 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.*

23CECG03089      *Valdovinos v. Lara et al.*

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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.

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(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 501**

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(20)

**Tentative Ruling**

Re: **Pearson Realty v. 580 North 11th Street, LLC**  
Superior Court Case No. 23CECG04647

Hearing Date: March 27, 2025 (Dept. 501)

Motion: by Respondent to Vacate Judgment Confirming Arbitration Award

**Tentative Ruling:**

To deny.

**Explanation:**

Respondent 580 North 11th Street, LLC moves to vacate confirmation of an arbitration award against it. The arbitration award was served on respondent on 8/29/23, and a modification of the award was served on 10/23/23. On 11/7/23, petitioner initiated this action to confirm the award. Unopposed, the Petition was granted on 3/19/24.

The Petition was mail served on the attorney who represented respondent in the arbitration proceedings. However, respondent shows, and petitioner does not dispute, that the attorney did not have authority to represent respondent in connection with the Petition to confirm, and did not forward any of the notices sent to it on the matter.

The motion is brought pursuant to Code of Civil Procedure 473.5, which provides for a two-year period to seek to set aside a default that has been entered where service of summons did not result in actual notice. The opposition does not dispute that respondent did not receive actual notice of the petition to confirm the arbitration award. However, one of the requirements for obtaining relief under section 473.5 is that the moving party "has a meritorious defense." (*Goya v. P.E.R.U. Ent.* (1978) 87 Cal.App.3d 886, 890-91.)

Respondent submits a proposed opposition to Petition to confirm the award. The sole basis for the opposition is that the arbitration award was miscalculated and should be corrected.

In response to a petition to confirm the award, the responding party may request that the award be vacated or corrected ... provided such request is served and filed *within 100 days* after the award was served on such party. (See Code Civ. Proc., § 1288.2.) If a petition to confirm an award is filed after the 100-day time limit, a response to the petition that asserts grounds to vacate the award must be disregarded. (*Eternity Investments, Inc. v. Brown* (2007) 151 Cal.App.4th 739, 742, 746.)

The 100-day deadline for respondent to seek to correct the award has long passed. Respondent cannot petition to vacate or correct the award, which is the sole focus of the proposed opposition. "The fact the award was reduced to a judgment does

not resurrect his opportunity to challenge it." (*Knass v. Blue Cross of California* (1991) 228 Cal.App.3d 390, 394.) Accordingly, because respondent has not shown that it has a meritorious defense or opposition to confirmation of the award, the motion will be 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:** DTT on 3/24/2025.  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***Betancourt v. Ciociolo II et al.***  
Superior Court Case No. 24CECG00890

Hearing Date: March 27, 2025 (Dept. 501)

Motion: (1) Petition to Compromise Minor's Claim of Anthony Manuel Anguiano Alcantar  
(2) Petition to Compromise Minor's Claim of Christopher Anguiano Alcantar

**Tentative Ruling:**

To deny each Petition, without prejudice. In the event that oral argument is requested, petitioner Guadalupe Alcantar Betancourt and plaintiffs Anthony Manuel Anguiano Alcantar and Christopher Anguiano Alcantar are excused from appearing.

**Explanation:**

The following are issues present in both Petitions. As to Item 11, the total settlement appears to be inconsistently stated. From the face of the Petition, it would appear that each of Anthony and Christopher are to receive \$25,000, with Guadalupe to receive \$105,000. Thus the total settlement is for \$155,000. However, in Attachment 11b(2), 11b(6), and 12, the settlement is referred to as a \$50,000 policy limit. Nothing in the Petition suggests that defendants Matthew Paul Ciociolo II, Christin Ciociolo, and Yesenia Ciociolo are paying any portion of the settlement out-of-pocket.

Further, Item 13 fails to address, as instructed by the Petition, the 14 factors of California Rules of Court, rule 7.955(b). Attachment 13a only describes anticipated costs. The list of tasks is not indicated as having been performed or otherwise incurred, which includes an accident reconstruction expert. Though costs are referenced throughout the Petition, no costs are stated on the face of the Petition.

Without the above information, the court cannot properly evaluate whether the proposed compromises are in the best interests of the minor. Each of the Petitions of Anthony Manuel and Christopher Anguiano Alcantar 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: DTT on 3/25/2025.  
(Judge's initials) (Date)

(27)

**Tentative Ruling**

Re: **John Camacho v. City of Sanger**  
Superior Court Case No. 22CECG03798

Hearing Date: March 27, 2025 (Dept. 501)

Motion: (1) Petition to Compromise the Claim of Minor Aliyah Abasta  
(2) Petition to Compromise the Claim of Minor Simon Abasta, Jr.

**Tentative Ruling:**

To grant both Petitions. The proposed Orders will be signed. No appearances are necessary. The court sets a status conference for Tuesday, July 29, 2025, at 3:30 p.m., in Department 501, for confirmation of deposit of the minors' funds into the blocked accounts. If petitioner files the Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) at least five court days before the hearing, the status conference will come 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: DTT on 3/25/2025.  
(Judge's initials) (Date)