

Tentative Rulings for April 3, 2025
Department 502

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.

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(03)

Tentative Ruling

Re: **Adrian Medina v. General Motors, LLC**
Superior Court Case No. 23CECG01836

Hearing Date: April 3, 2025 (Dept. 502)

Motion: Plaintiffs' Motion for Leave to File a First Amended Complaint

**If oral argument is timely requested, it will be entertained on
Tuesday, April 8, 2025 at 3:30 p.m. in Department 502.**

Tentative Ruling:

To grant plaintiffs' motion for leave to amend their complaint. Plaintiffs shall file and serve their first amended complaint within ten days of the date of service of this order. All new allegations shall be in **boldface**.

Explanation:

“Code of Civil Procedure section 473, which gives the courts power to permit amendments in furtherance of justice, has received a very liberal interpretation by the courts of this state.... In spite of this policy of liberality, a court may deny a good amendment in proper form where there is unwarranted delay in presenting it.... On the other hand, where there is no prejudice to the adverse party, it may be an abuse of discretion to deny leave to amend.’ ‘In the furtherance of justice, trial courts may allow amendments to pleadings and if necessary, postpone trial.... Motions to amend are appropriately granted as late as the first day of trial ... or even during trial ... if the defendant is alerted to the charges by the factual allegations, no matter how framed ... and the defendant will not be prejudiced.’” (*Rickley v. Goodfriend* (2013) 212 Cal.App.4th 1136, 1159, citations omitted.) “Inexcusable delay in presenting a proposed amendment, however, constitutes grounds for denial of leave to amend.” (*Young v. Berry Equipment Rentals, Inc.* (1976) 55 Cal.App.3d 35, 39, citations omitted.)

In the present case, plaintiffs have shown good cause to allow them to amend their complaint, and there is not likely to be any prejudice to defendant if the amendment is permitted. Plaintiffs, who purchased a used GM vehicle with a portion of the manufacturer's warranty intact, originally filed their complaint based on the Song-Beverly Act, relying on the holding of the Court of Appeal in *Jensen v. BMW of North America, Inc.* (1995) 35 Cal.App.4th 112. In *Jensen*, the Court of Appeal interpreted the Song-Beverly Act to apply to used motor vehicles sold with a portion of the original manufacturer's warranty intact. However, the California Supreme Court recently handed down its decision in *Rodriguez v. FAC US, LLC* (2024) 17 Cal.5th 189, in which the Court disapproved *Jensen* and held that the Song-Beverly Act only applies to used motor vehicles where the manufacturer issues a new car express warranty with the sale of the used vehicle. (*Id.* at pp. 205-206.)

Here, plaintiffs purchased their vehicle used, so their present causes of action under the Song-Beverly Act are apparently invalid under the Supreme Court's decision

in *Rodriguez* unless GM issued a new car warranty with the sale of plaintiff's vehicle. As a result, plaintiffs need to allege new facts and alternative theories of liability rather than relying on their Song-Beverly Act claims in order to avoid having their claims dismissed under *Rodriguez*. Plaintiffs therefore seek leave to amend to add new facts and causes of action based on other statutes and legal theories, including violation of the California Commercial Code regarding express and implied warranties, breach of the implied covenant of good faith and fair dealing, and violation of the Magnuson-Moss Warranty Act.

It appears that plaintiffs have been diligent in seeking to amend their complaint, as the Supreme Court only recently announced its decision in *Rodriguez* at the end of October, and plaintiff filed their motion about six weeks later. While the proposed amendment does add new facts and causes of action, the new allegations and claims appear to be closely linked to the allegations that plaintiffs have already made in the original complaint. Any new facts are also based on documents and other discovery that defendant itself produced, and thus defendant should not be prejudiced by having to complete additional discovery to learn the basis of the new claims. The court has also continued the trial date to June of 2025, so the parties should have enough time to complete any further discovery that might be needed to address plaintiffs' new claims.

In its opposition, GM argues that plaintiffs have not been diligent in seeking leave to amend, and that they could have alleged their proposed new claims from the outset of the case. GM points out that plaintiffs have not offered any explanation for their delay in seeking to add the new claims, and that they should not be allowed to amend simply because the Supreme Court has now ruled that their Song-Beverly Act claims are not viable. GM argues that it will be prejudiced if it has to investigate entirely new causes of action because the new claims involve different facts and issues than the existing Song-Beverly Act claims. Also, GM claims that the new claims fail to state valid causes of action, so it would be futile to grant the requested amendment. Finally, GM contends that, even if the court grants leave to amend, it should still "obviate" the original SBA causes of action, since they are no longer viable under *Rodriguez*.

However, GM has failed to show that the court should deny the plaintiffs' motion to amend the complaint. As discussed above, leave to amend is liberally granted even up to the day of trial. It is rare for courts to deny leave to amend without a showing of undue delay and prejudice to the defendant. (*Rickley v. Goodfriend, supra*, 212 Cal.App.4th at p. 1159.) Here, while plaintiffs could have alleged their proposed new claims sooner, they could not have known that the Supreme Court would find that their SBA claims were invalid until the Supreme Court handed down its decision in *Rodriguez* in October of last year. Under the circumstances, then, the delay in presenting the new claims was not unreasonable.

Nor has defendant shown that it would be unduly prejudiced from the delay in presenting the new claims. While defendant argues that it will have to conduct further discovery and investigation into the new claims, which raise different issues than the original SBA claims, it appears that defendant likely already has most of the information in its possession regarding the plaintiffs' proposed new claims, so it will not be unduly prejudiced by the addition of the claims. If any new discovery is necessary, the parties can conduct supplemental written discovery to discover the facts underlying the claims. Also, if necessary, the court can grant another trial continuance to allow the parties to conduct further discovery of the additional claims. The case is only about two years old,

