

Tentative Rulings for April 17, 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.

24CECG01006 *Hedrick Ranch, a Sole Proprietorship v. Doris Dickens* is continued to Tuesday, May 6, 2025, at 3:30 p.m. in Department 502

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Tentative Rulings for Department 502

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Tentative Ruling

Re: ***Maria Angel v. The Heirs or Devisees of Maria Teresa Agripine Castillo Ocampo***
Superior Court Case No. 25CECG00686

and

Felicitas Ocampo v. Maria Angel
Superior Court Case No. 22CECL03151

Hearing Date: April 17, 2025 (Dept. 502)

Motion: Plaintiff Maria Angel's Motion to Consolidate Unlimited Civil Action with Unlawful Detainer Action

Tentative Ruling:

To grant and stay enforcement of judgment in the Unlawful Detainer ("UD") action. Execution of judgment and the lockout currently scheduled for 4/18/2025 (as issued in Case 22CECL03151) is stayed pending the outcome of the Unlimited Civil Action.

Explanation:

The purpose of consolidation is to enhance trial court efficiency by avoiding unnecessary duplication of evidence and procedures, and to avoid the substantial danger of inconsistent adjudications. (*Todd-Stenberg v. Dalkon Shield Claimants Trust* (1996) 48 Cal.App.4th 976, 978.) And where the issue is consolidating an unlawful detainer action with a civil action making a claim of ownership of the subject property, the additional issue is one of prejudice to the party making the ownership claim. Given the summary nature of unlawful detainer proceedings, it is a rule of long standing that questions of title cannot be raised and litigated by cross-complaint or affirmative defense in an unlawful detainer case. (*Cheney v. Trauzettel* (1937) 9 Cal.2d 158, 159.)

The party moving for consolidation must file a notice of motion in each of the pending lawsuits, while supporting papers are filed only in the lead (lower numbered) case. (Cal. Rules of Court, Rule 3.350(a).) All the moving party needs to show in its motion is that the issues in each case are basically the same, and that "economy and convenience" would be served by consolidation. (*Jud Whitehead Heater Co. v. Obler* (1952) 111 Cal.App.2d 861, 867.) The court has broad discretion to grant or deny the motion. (*Fellner v. Steinbaum* (1955) 132 Cal.App.2d 509, 511.)

While the UD action has proceeded to judgment, defendants seek to evict plaintiff's family from the property. Plaintiff was initially included as a defendant to the UD action, but was dismissed once defendants learned she does not reside at the property. Based on her claim to title, plaintiff does have an interest in the property and the outcome of the UD action. In light of plaintiff's pending claim to title to the property advanced in this Unlimited Civil action, she is an indispensable party to the UD action.

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Tentative Ruling

Re: **Skyrun, LLC v. Oracio Saiz, Jr.**
Superior Court Case No. 24CECG00695

Hearing Date: April 17, 2025 (Dept. 502)

Motion: By Plaintiff for Entry of Judgment Quieting Title After Default

Tentative Ruling:

To deny Plaintiff's request for entry of judgment quieting title without prejudice.

Explanation:

Complaint Includes Erroneous APNs

The plaintiff, Skyrun, LLC (Plaintiff) filed a verified complaint (Complaint) with two causes of action for each parcel of real property seeking to quiet title based on reformation of deed or adverse possession as follows:

1. Quiet Title to Real Property – Reformation of Deed (APN 328-140-008);
2. Quiet Title to Real Property Via Adverse Possession (APN 328-140-008);
3. Quiet Title to Real Property – Reformation of Deed (APN 328-140-010);
4. Quiet Title to Real Property Via Adverse Possession (APN 328-140-010);
5. Quiet Title to Real Property – Reformation of Deed (APN 328-140-011);
6. Quiet Title to Real Property Via Adverse Possession (APN 328-140-011).

In the Complaint, Plaintiff identifies the subject parcels by their correct legal descriptions and also by erroneous Assessor Parcel Numbers (APNs), by adding an extra zero to each APN. Based on Plaintiff's submitted evidence, the correct APNs are as follows: 328-140-08, 328-140-10, and 328-140-11.

Dismissal of Doe and Other Defendants

In the Complaint, Plaintiff originally sought a judgment to quiet title against the following defendants: ORACIO SAIZ, JR., an individual; RENATE SAIZ, an individual; the testate and intestate successors of ELLEN V. MISAKIAN, deceased, and all persons claiming by, through or under ELLEN V. MISAKIAN; IVAN A. VALLEJO, an individual; CITY OF FRESNO, a municipal corporation; All persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the Properties described in the Complaint adverse to Plaintiff's title, or any cloud on Plaintiff's title thereto (Unknown Defendants); and Does 1 through 100, inclusive.

Plaintiff entered into stipulated judgments with all named defendants except City of Fresno, which Plaintiff dismissed. Plaintiff now seeks a judgment against Unknown Defendants only.

