

**Tentative Rulings for April 23, 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.*

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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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(03)

**Tentative Ruling**

Re: **Bise v. Cox**  
Case No. 24CECG01018

**Bise v. Mid Valley Financial**  
Case No. 24CECG01036 (related case)

Hearing Date: April 23, 2025 (Dept. 501)

Motions: by Plaintiff for Leave to File First Amended Complaint

By Plaintiff for Complete Consolidation of Actions

**Tentative Ruling:**

To grant plaintiff's motion for leave to file her First Amended Complaint. Plaintiff shall serve and file her First Amended Complaint within 10 days of the date of service of this order. All new allegations shall be in **boldface**.

To grant plaintiff's motion for consolidation of case numbers 24CECG01018 and 24CECG01036 for all purposes. Case number 24CECG01018 shall be the lead case. To deny plaintiff's request to keep the December 1, 2025, trial date from case number 24CECG01036. The trial will remain set on April 13, 2026, which is the date set in case number 24CECG01018.

***If oral argument is timely requested, such argument will be entertained on Thursday, April 24, at 3:30 p.m.***

**Explanation:**

**Motion to Amend:** "'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.)

Here, plaintiff has shown good cause to allow her to amend her Complaint to add new causes of action that are based on the same nucleus of operative facts that were alleged in the original Complaint. In both Complaints, she alleges that her grandson,

defendant Henry Lawrence Cox, defrauded her into signing a quitclaim deed to transfer parcels of real property that she owned to him. In the original action, she only sought a judgment cancelling the quitclaim deed. The First Amended Complaint adds claims for financial elder abuse, fraud and quiet title, which are all based on the same basic facts as the original Complaint. The amendment will not change any of the issues, facts or evidence needed to prove up plaintiff's claims. Amendment will allow plaintiff to more fully seek relief for her alleged damages, and will avoid the need for her to file another action against defendant based on the same facts. Thus, the amendment will serve the interests of justice and efficiency.

Furthermore, defendant is not likely to suffer any prejudice if the amendment is allowed, since the trial date is still many months away and discovery has not yet commenced. Also, since the new claims are closely related to the previous claim and are based on the same basic facts, defendant should not have to conduct much additional discovery into the new claims. Defendant has not filed any opposition or made any attempt to show that he would be prejudiced by the amendment. Therefore, the court intends to grant the motion to allow plaintiff to file her First Amended Complaint.

**Motion to Consolidate Cases:** Under Code of Civil Procedure section 1048, subdivision (a), "[w]hen actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." (Code Civ. Proc. § 1048, subd. (a).)

Where the actions at issue present essentially the same or overlapping issues, they should be consolidated and disposed of as a single proceeding. (*Spector v. Superior Court of San Mateo County* (1961) 55 Cal. 2d 839, 844.) The purpose underlying consolidation of actions is to promote trial convenience and economy by avoiding duplication of procedure, particularly in the proof of issues common to both actions. (*McClure, on Behalf of Caruthers v. Donovan* (1949) 33 Cal. 2d 717, 722-23.) "[A]ctions may be consolidated, in the discretion of the court, whenever it can be done without prejudice to a substantial right." (*State Farm Mut. Auto. Ins. Co. v. Superior Court, In and For City and County of San Francisco* (1956) 47 Cal.2d 428, 431, quoting Code Civ. Proc. § 1048.) However, consolidation should be denied if it would result in substantial prejudice to any party. (*Ibid.*)

Here, the two cases both arise out of the same transaction or occurrence and involve the same basic issues and parties. Both arise out of the allegedly fraudulent transfer of the same real properties from plaintiff Bise to her grandson, defendant Cox. Plaintiff alleges that defendant tricked her into signing the quitclaim deed for the properties by telling her that the document only gave him the power to manage the properties, not that it would transfer ownership of the properties to him. The first action seeks to cancel the deed, as well as quieting title in plaintiff and bringing fraud and elder abuse claims against defendant for his alleged deception of plaintiff. In the second action, plaintiff seeks to have the funds that defendant Mid Valley Financial obtained from the foreclosure sale of one of the properties transferred to her, contending that she is the true owner of the property because Cox defrauded her into signing the property over to him.



(20)

**Tentative Ruling**

Re: **Lewis v. NorCal Gold, Inc. et al.**  
Superior Court Case No. 21CECG02727

Hearing Date: April 23, 2025 (Dept. 501)

Motion: by Terrance Tovar to Enforce Settlement and Enter Judgment

**Tentative Ruling:**

To grant. Within five days of service of the order by the clerk, counsel for Terrance Tovar shall submit to the court a proposed judgment consistent with this order.

***If oral argument is timely requested, such argument will be entertained on Thursday, April 24, at 3:30 p.m.***

**Explanation:**

“Code of Civil Procedure section 664.6 provides a summary procedure to enforce a settlement agreement by entering judgment pursuant to the terms of the settlement...” (*Hines v. Lukes* (2008) 167 Cal.App.4th 1174, 1182, internal citations omitted).) As with law and motion matters generally, the court may receive evidence in determining motions under section 664.6. (*Pajaro Valley Water Management Agency v. McGrath* (2005) 128 Cal.App.4th 1093, 1107; see also Cal. Rule of Court, rule 3.1306(a); *Weddington Productions, Inc. v. Flick* (1998) 60 Cal.App.4th 793, 810.) “Trial judges may consider oral testimony or may determine the motion upon declarations alone. When the same judge hears the settlement and the motion to enter judgment on the settlement, he or she may consult his or her memory.” (*Osumi v. Sutton* (2007) 151 Cal.App.4th 1355, 1360, quoting *Terry v. Conlan* (2005) 131 Cal.App.4th 1445, 1454.)

According to counsel for cross-complainant Terrance Tovar, at the settlement conference on 9/24/24, Tovar and NorCal Gold, Inc., entered into an oral settlement agreement in open court. “The essential terms of the settlement agreement were that Nor Cal Gold, Inc. would pay my client the sum of \$21,500.00 within 30 days. The parties also agreed on the record that the court would reserve jurisdiction to grant relief under California Code of Civil Procedure section 664.6.” (Krbechek Decl., ¶¶ 2-4.) It was also agreed that all claims between Mr. Tovar and NorCal Gold, Inc. were waived. (Tovar Decl., ¶ 3.) Nor Cal Gold never made any payments to Tovar, and its counsel has not responded to any of the multiple inquires about the settlement. (Krbechek Decl., ¶¶ 5-11.)

Tovar has demonstrated the existence of an oral agreement in open court, which constitutes an enforceable settlement. (*Skulnick v. Roberts Express, Inc.* (1992) 2 Cal.App.4th 884, 889.) There is no opposition from NorCal Gold. Accordingly, the court intends to grant 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







(35)

**Tentative Ruling**

Re: ***In re Santiago Nunez***  
Superior Court Case No. 25CECG01483

Hearing Date: April 23, 2025 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

**Tentative Ruling:**

To grant. No appearances necessary. Petitioner Jose Karim Nunez is directed to submit a proposed Order to Deposit Funds Into Blocked Account (Form MC-355).

To set a status conference for Thursday, November 6, 2025, at 3:30 p.m. in Department 501, for confirmation of deposit of the funds into a blocked account. 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.

***If oral argument is timely requested, such argument will be entertained on Thursday, April 24, at 3:30 p.m.***

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 4/21/2025.  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***In re Sofia Nunez***  
Superior Court Case No. 25CECG01479

Hearing Date: April 23, 2025 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

**Tentative Ruling:**

To grant. No appearances necessary. Petitioner Jose Karim Nunez is directed to submit a proposed Order to Deposit Funds Into Blocked Account (Form MC-355).

To set a status conference for Thursday, November 6, 2025, at 3:30 p.m. in Department 501, for confirmation of deposit of the funds into a blocked account. 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.

***If oral argument is timely requested, such argument will be entertained on Thursday, April 24, at 3:30 p.m.***

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 4/21/2025.  
(Judge's initials) (Date)