

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

2260 N Street, Merced
627 W. 21st Street, Merced
1159 G Street, Los Banos

Friday, April 11, 2025

NOTE: Merced Superior Court will no longer be consolidating Courtroom 8 and Courtroom 10.

Tentative Rulings are provided for the following Courtrooms and assigned Judicial Officers with scheduled civil matters:

Courtroom 8 – Hon. Stephanie L. Jamieson

Courtroom 9 – Commissioner David Foster

Courtroom 12 – Hon. Jennifer O. Trimble

Courtroom 10 will continue to post separate Probate Notes that are not included in these tentative rulings.

IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements. Electronic recording is available in certain courtrooms and will only be activated upon request.

The specific tentative rulings for specific calendars follow:

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law and Motion
Hon. Stephanie L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Friday, April 11, 2025
8:15 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
----------	---------------------

22CV-00810	Iraj Safapour, et al. v. Tarlochan Sohal, et al.
------------	--

Motion by Defendants Tarlochan Sohal and Tarlochan Sohal Trustee of the Sohal 2016 Living Trust for Summary Adjudication as to the First, Second, and Third Causes of Action in Plaintiff Safapours' Verified Complaint and Summary Adjudication as to the First Cause of Action as to Plaintiff Sohal's Verified Complaint filed in this consolidated action.

The Motion by Defendants Tarlochan Sohal and Tarlochan Sohal Trustee of the Sohal 2016 Living Trust for Summary Adjudication as to the First, Second, and Third Causes of Action in Plaintiff Safapours' Verified Complaint and Summary Adjudication as to the First Cause of Action as to Plaintiff Sohal's Verified Complaint filed in this consolidated action is GRANTED.

The primary evidentiary issue is whether moving party Tarlochan Sohal has provided an adequate evidentiary foundation for an easement allegedly created in conjunction with a contract to purchase the parcel of land that would become the dominant tenement for the alleged easement. The Declaration of Tarlochan Sohal filed January 15, 2025 states at Paragraph 8 that he and Jatinder Gill, as buyers, and Peter J. Karabinis and Maria Karabinis, as sellers, signed the Purchase Agreement recorded with the County of Merced on January 11, 1995 as Document 1995001011; states at Paragraph 11 that he and Gill completed the purchase pursuant to the purchase agreement, and states that the purchase agreement was recorded with the County of Merced as Document 1995001011

and the Grant Deed conveying title to the property pursuant to the purchase agreement was recorded with the County of Merced as Document 1995001014. This testimony is based on the personal knowledge of the declarant, is sufficient to establish the authenticity of the purchase agreement for purposes of entering it into evidence. (See *People v. Valdez* (2011) 201 Cal.App.4th 1429, 1434-1435.) Authenticity may also be established by circumstantial evidence. (*Id.* [quoting *Chaplin v. Sullivan* (1945) 67 Cal.App.2d 728, 734].) The recording of the grant deed, the recording of the Purchase Agreement pursuant to Paragraph 10 of the Purchase Agreement, the fact that there were parole discussions with the sellers that were consistent with the terms of the easement contained in the purchase agreement, and the fact that use of the easement was uninterrupted for 25 years pursuant to the terms of the Agreement (See Declaration of Tarlochan Sohal at Paragraphs 10-25) are all circumstantial evidence supporting the creation and operation of an easement by express contract. Accordingly, this Court finds that Defendant has established a prima facie case that an express easement pursuant to the terms of the recorded purchase agreement was established. This shifts the burden to Defendants to provide admissible evidence to create a triable issue of material fact that no such easement was created.

Plaintiffs assert that language in the documents suggests that an express deed of easement was contemplated by the parties. This does not mean that an express easement was not created by a fully performed contract between Tarlochan Sohal and Jatinder Gill, as buyers, and Peter J. Karabinis and Maria Karabinis, only that they may have contemplated recording a formal deed conveying such easement and does not mean that Plaintiffs did not take title without constructive notice of the easement contained in recorded copy of the purchase agreement. Absent evidence that Defendants breached the purchase contract and were not entitled to recording of the easement provided in the purchase contract, Plaintiff would be entitled to a declaratory judgment establishing the express easement, that can be recorded to cure this technical defect. However, this technical defect does not affect the instant motion for summary adjudication and does not create a triable issue of material fact.

Since Defendants has established an evidentiary foundation for the recorded documents, the Requests for Judicial Notice is GRANTED and all evidentiary objections to the documents of which judicial notice is sought are OVERRULED. Similarly, the objections the declaration of Tarlochan Sohal are OVERRULED.

Defendant's Motion for Summary Adjudication is Supported by Separate Statement of Undisputed Facts, which are in turn supported by admissible evidence, wherein Facts 1-43 establish a prima facie that Defendants are entitled to summary adjudication as to the Safapour Plaintiff's First Cause of Action for Quiet Title, Fact 44-86 establish a prima facie case that Defendants are entitled to summary adjudication as the Safapour Plaintiff's Second Cause of Action for Trespass, Facts 87-129 that establish a prima facie case that Defendants are entitled to summary adjudication as to the Safapour Plaintiff's Third Cause of Action for Private Nuisance, and Facts 130 to 172 that establish a prima facie case that Defendants are entitled to judgment as a matter of law as to the Sohal Plaintiff's First Cause of Action to Quiet Title. This shifts the burden to Plaintiffs to provide admissible evidence establishing a triable issue of material fact.

Plaintiff concedes that Facts 1, 3, 4, 5, 6, 15, 17, 25, 26, 27, 28, and 35 pertaining to the Sarapour First cause of action are undisputed, Facts 44, 46, 47, 48, 49, 50, 58, 60, 68, 69, 70, 71, and 78 pertaining to the Sarapour Second cause of action are undisputed, Facts

87, 89, 90, 91, 93, 101, 103, 111, 112, 113, 114, and 121 pertaining the to Sarapour Third Cause of Action, and Facts 130, 132, 133, 134, 136, 144, 154, 155, 156, 157, and 164 pertaining to the Sohal Quiet Title Action are undisputed.

While Plaintiff purports to dispute Fact 2, Fact 6, Fact 8, Fact 9, Fact 10, Fact 11, Fact 12, Fact 13, Fact 14, Fact 16, Fact 18, Fact 19, Fact 20, Fact 21, Fact 22, Fact 23, Fact 24, Fact 29, Fact 30, Fact 31, Fact 32, Fact 33, Fact 34, Fact 36, Fact 37, Fact 38, Fact 39, Fact 40, Fact 41, Fact 42, and Fact 43 pertaining to the Sarapour First cause of action, Plaintiff does not provide any admissible controverting evidence creating a triable issue of material fact. The grounds for claims that these facts are disputed are primarily evidentiary objections, and given the above discussion, this court finds that there is sufficient admissible evidence provided supporting the key facts establishing Defendants' prima facie case. Therefore, those objections are OVERRULED. Since Plaintiff has failed to establish a triable issue of material fact as to the Sarapour First cause of action, Defendant motion for summary adjudication of that claim is GRANTED.

While Plaintiff purports to dispute Fact 45, Fact 49, Fact 51, Fact 52, Fact 53, Fact 54, Fact 55, Fact 56, Fact 57, Fact 59, Fact 61, Fact 62, Fact 63, Fact 64, Fact 65, Fact 66, Fact 67, Fact 72, Fact 73, Fact 74, Fact 75, Fact 76, Fact 77, Fact 79, Fact 80, Fact 81, Fact 82, Fact 83, Fact 84, Fact 85, and Fact 86 pertaining to the Sarapour Second cause of action, Plaintiff does not provide any admissible controverting evidence creating a triable issue of material fact. The grounds for claims that these facts are disputed are primarily evidentiary objections, and given the above discussion, this court finds that there is sufficient admissible evidence supporting the key facts establishing Defendants' prima facie case. Therefore, those objections are OVERRULED. Since Plaintiff has failed to establish a triable issue of material fact as to the Sarapour Second cause of action, Defendant motion for summary adjudication of that claim is GRANTED.

While Plaintiff purports to dispute Fact 88, Fact 92, Fact 94, Fact 95, Fact 96, Fact 97, Fact 98, Fact 99, Fact 100, Fact 102, Fact 104, Fact 105, Fact 106, Fact 107, Fact 108, Fact 109, Fact 110, Fact 115, Fact 116, Fact 117, Fact 118, Fact 119, Fact 120, Fact 122, Fact 123, Fact 124, Fact 125, Fact 126, Fact 127, Fact 128, and Fact 129 86 pertaining to the Sarapour Third cause of action, Plaintiff does not provide any admissible controverting evidence creating a triable issue of material fact. The grounds for claims that these facts are disputed are primarily evidentiary objections, and given the above discussion, this court finds that there is sufficient admissible supporting the key facts establishing Defendants' prima facie case. Therefore, those objections are OVERRULED. Since Plaintiff has failed to establish a triable issue of material fact as to the Sarapour Third cause of action, Defendant motion for summary adjudication of that claim is GRANTED.

While Plaintiff purports to dispute Fact 131, Fact 135, Fact 137, Fact 138, Fact 139, Fact 140, Fact 141, Fact 142, Fact 143, Fact 145, Fact 147, Fact 148, Fact 149, Fact 150, Fact 151, Fact 152, Fact 153, Fact 158, Fact 159, Fact 160, Fact 161, Fact 162, Fact 163, Fact 165, Fact 166, Fact 167, Fact 168, Fact 169, Fact 170, Fact 171, and Fact 172 pertaining to the Sohol First cause of action, Plaintiff does not provide any admissible controverting evidence creating a triable issue of material fact. The grounds for claims that these facts are disputed are primarily evidentiary objections, and given the above discussion, this court finds that there is sufficient admissible supporting the key facts establishing Defendants' prima facie case. Therefore, those objections are OVERRULED. Since Plaintiff has failed to establish a triable issue of material fact as to the Sohol First cause of action, Defendant motion for summary adjudication of that claim is GRANTED.

24CV-04084

In the Matter of: 1463 West 25th Street, Merced

Motion for Order Confirming Sale of Property

The unopposed Motion for Order Confirming Sale of Property is GRANTED. The Court will sign the proposed Order lodged with the Court on April 3, 2025.

25CV-01460

Lillian Juarez v. Aylah Satawake

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. The Court notes that proof of service was filed on April 9, 2025 showing service of the papers filed in this action on Respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Stephanie L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Friday, April 11, 2025
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
-----------------	----------------------------

There are no Ex Parte matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Friday, April 11, 2025
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
-----------------	----------------------------

24CV-04682	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
------------	--

Ex Parte Application for Judgment

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Friday, April 11, 2025
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No. Title / Description

There are no Ex Parte matters scheduled.
