

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

2260 N Street, Merced
627 W. 21st Street, Merced
2840 West Sandy Mush Road, Merced
1159 G Street, Los Banos

Thursday, January 16, 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 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 Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, January 16, 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.

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Case No.	Title / Description
20CV-02448	American Academy Holdings, Inc. v. Global Aerospace Insurance Services, Inc., et al.

Motion by Plaintiff American Academy Holdings, Inc. to Conduct Discovery of Defendant's Profits and Financial Condition Pursuant to Civil Code §§ 3294 and 3295, on the grounds that (1) exemplary damages exist because Defendant acted with malice and oppression; (2) substantial probability exists that Plaintiff will prevail on punitive damages; and (3) financial condition of Plaintiff is an essential element.

The Complaint in this action was filed on August 25, 2020, containing a First Cause of Action for Breach of Contract and a Second Cause of Action for Bad Faith Denial of Insurance Coverage. The original complaint did not contain either allegations of or a prayer for punitive damages. On November 15, 2024, Plaintiff filed a Notice of Motion for Leave to File a First Amended Complaint which sought leave to amend allegations and include a prayer for punitive damages. The motion asserted that the Proposed First Amended Complaint was attached as Exhibit A. The Document attached as Exhibit A was titled Complaint, not First Amended Complaint, but contained allegations of systematic mishandling of

claims and a prayer for punitive damages that did not appear in the Complaint filed on August 25, 2020.

The Motion for Leave to Amend was heard on December 11, 2024, and GRANTED at the hearing. No order after hearing was issued and filed, and, as of this date, the First Amended Complaint has not been filed with the Court.

Notwithstanding the fact that the First Amended Complaint has not, as yet, been filed, Plaintiff filed the instant Motion for an Order to Conduct Discovery of Defendant's Financial Condition on December 23, 2024, and Defendant filed a Motion to Strike the Request for Punitive Damages on January 10, 2025. The Motion to Strike the Request for Punitive Damages is not set to be heard until February 6, 2025.

The issue of discovery regarding punitive damages cannot be heard until there is, in fact, a complaint containing a prayer for punitive damages on file. Furthermore, it is difficult to determine the merits of a request to conduct punitive damages discovery where there is a pending motion to strike the very punitive damages claim for which discovery is sought.

This Court, on its own motion, continues Plaintiff's Motion to Conduct Discovery of Defendant's Profits and Financial Condition Pursuant to Civil Code §§ 3294 and 3295, to February 6, 2025, at 8:15 a.m., to trail the pending Defendant's Motion to Strike Punitive Damages Claim.

23CV-01933

Nathaniel Gutierrez v. Mariela Perez, et al.

Motion to Deem Admitted Requests for Admission

The Defendant's unopposed motion for an order deeming admitted the truth of any matters specified in defendant's Requests for Admissions, Set One, served on Plaintiff Nathaniel Cruz Gutierrez, by and through his Guardian Ad Litem Jennifer Ann Villa is GRANTED. (Code Civ. Proc. § 2033.280, subd. (b).) It is undisputed that plaintiff has not served a response to defendant's requests for admissions.

Pursuant to Code of Civil Procedure sections 2023.030 and 2033.280, subd. (c), the Court imposes a monetary sanction against plaintiff in the amount of \$880.00, due and payable to plaintiff ten days from notice of entry of order.

The Court will sign the proposed order submitted with the moving papers.

24CV-03335

Rene Campos v. Alia Corp.

Motion by Defendant Alia Corp. DBA McDonald's to Compel Arbitration of Plaintiff's Individual Claims, the Dismiss Class Claims, and to Stay Proceedings

The motion by Defendant Alia Corp. DBA McDonald's to compel arbitration of plaintiff's individual claims, dismiss class claims, and to stay proceedings is GRANTED IN PART and DENIED IN PART. The court finds that there is an executed arbitration agreement between the parties, and that the FAA applies to that agreement. The agreement is enforceable on its face, expressly delegating authority to decide further questions of enforceability to the arbitrator. The court finds that the agreement is not unconscionable, as admissible evidence concerning the onboarding procedure at which the agreement was executed precludes a finding of procedural unconscionability. The motion to dismiss class

claims is DENIED WITHOUT PREJUDICE and may be renewed upon completion of arbitration. the motion to stay proceedings pending arbitration is GRANTED.

The Court notes that there is currently a Case Management Conference set in this matter on July 14, 2025, at 10:00 a.m. in Courtroom 8. The Court confirms that date for a hearing to determine the status of arbitration.

The Court will sign the proposed order submitted with the moving papers, modified to reflect this court's decision.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, January 16, 2025
9:00 a.m.

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Case No.	Title / Description
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There are no Mandatory Settlement Conferences Scheduled

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Thursday, January 16, 2025
10:00 a.m.

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Case No.	Title / Description
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There are no limited civil matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, January 16, 2025
11:00 a.m.

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Case No.	Title / Description
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24CV-06254	Lilliana Perry v. Abngelica Monteon
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Order to Show Cause re: Restraining Order

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. The Court notes that no Proof of Service has been filed showing that the papers filed in this action were served on Respodnent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, January 16, 2025
1:15 p.m.

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

Case No.	Title / Description
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	There are no Ex Parte Matters Scheduled
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, January 16, 2025
1:15 p.m.

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

Case No. **Title / Description**

24CV-05955 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Ex Parte Request for an Order Shortening Time for Motion to Set Aside Default

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and 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

Thursday, January 16, 2025

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Case No.	Title / Description
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There are no Ex Parte matters scheduled.
