

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, March 20, 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

Thursday, March 20, 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
20CV-02448	American Academy Holdings, Inc. v. Global Aerospace Insurance Services, Inc., et al.

Motion for Leave to File First Amended Complaint

Plaintiff's motion for leave to file a first amended complaint is DENIED. Plaintiff has failed to comply with notice requirements, filing their motion without the required 16 court days' notice. (Cal. Code Civ. Proc. § 1005, subd. (b).) Even if the motion had been timely, the Court would exercise its discretion to deny leave to amend because Plaintiff has engaged in unwarranted and inexcusable delay in amending their complaint. (Cal. Code Civ. Proc. § 473, subd. (a)(1); *Englert v. IVAC Corp.* (1979) 92 Cal.3d 178, 190.) On December 11, 2024, the Court granted an initial motion to amend the complaint on the same basis asserted in the instant motion. Plaintiff never filed the amended complaint. Now, more than three months later, in a case that is four and a half years old, Plaintiff again seeks to amend the complaint alleging no new grounds for amendment and offering no

justification for the additional delays, which increase in significance with the age of the case.

The hearing on a previously noticed motion to compel, set for March 26, 2025, at 8:15 a.m., in Courtroom 8 is confirmed.

22CV-00567

Jeg Livingston Ranches, LLC v. Pfppe 1, LLC, et al.

Motion to Strike Answer of Defendant Pfppe 1, LLC and Request for Entry of Default

The unopposed motion to strike defendant, Pfppe 1, LLC's answer and request for entry of default is GRANTED. As an LLC, defendant cannot appear pro per and has been without counsel since August 2024. Defendant's answer is STRICKEN and default is ENTERED.

Motion by Plaintiff JEG Livingston Ranches, LLC Motion to Compel Defendant David Nino to (1) Provide Further Responses to Form Interrogatories, Set One, Nos. 2.6, 2.11, 4.1, 12.1-12.7, 17.1, and 50.1-50.6; (2) Provide Further Responses to Requests for Production of Documents, Set One, Nos. 3-32; and (3) Payment of Monetary Sanctions pursuant to CCP § 2023.030 in the amount of \$1,500

Plaintiff's unopposed motion to compel defendant, David Nino, to provide further responses to form interrogatories, provide further responses to requests for production of documents, and to pay monetary sanctions of \$1,500.00 is GRANTED.

Defendant, David Nino, is ordered to serve verified and complete responses to form interrogatories 2.6, 2.11, 4.1, 12.1-12.7, 17.1, and 50.1-50.6, without objections no later than April 21, 2025. He is further ordered to conduct a diligent search, make reasonable inquiry, and serve verified and complete responses without objections to requests for production of documents 3 through 32, along with copies of all responsive documents no later than April 21, 2025.

Defendant, David Nino, is ordered to pay monetary sanctions in the amount of \$1,500.00 to plaintiff no later than April 21, 2025.

Motion by Plaintiff JEG Livingston Ranches, LLC Motion to Compel Defendant Pfppe1, LLC to (1) Provide Further Responses to Form Interrogatories, Set One, Nos. 12.1, 12.4, 17.1, and and 50.1-50.6; (2) Provide Further Responses to Requests for Production of Documents, Set One, Nos. 3-32, and (3) Payment of Monetary Sanctions pursuant to CCP § 2023.030 in the amount of \$1,500.

Plaintiff's unopposed motion to compel defendant, Pfppe1, LLC, to provide further responses to discovery requests and pay sanctions is DENIED AS MOOT in light of the above order striking defendant's answer and entering its default.

23CV-01027

Joseph Randolph v, City of Merced

Case Management Conference

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.

Trial Setting Conference

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.

25CV-01027

Charly Garcia-Lopez v. Dewan Booker

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. There is no proof of service of respondent filed with the court.

25CV-01068

Patricia Hernandez v. Christopher Easley

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. There is no proof of service of respondent filed with the court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, March 20, 2025
9:00 a.m.

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

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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
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20CV-02493	Animal Legal Defense Funds v. Foster Poultry Farms
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Mandatory Settlement Conference

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

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

Thursday, March 20, 2025
10:00 a.m.

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

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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
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19CV-04296	Cavalry SPV I, LLC vs. Federico Ochoa, Senior
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Motion for Order Amending Judgment Nunc Pro Tunc

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.

Plaintiff's unopposed motion pursuant to Code of Civil Procedure section 473(d) for an order correcting a clerical error in the amount of the judgment is GRANTED nunc pro tunc. The correct amount of damages is \$3,790.12 (not \$3,709.12) with costs of \$425.00 for a total judgment of \$4,215.12 (not \$4,134.12). The Court will sign the proposed order and amended judgment submitted with the moving papers.

25CV-00313

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

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.

25CV-00343

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

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.

Motion to Set Aside Default

Defendants' unopposed motion pursuant to Code of Civil Procedure section 473(b) to set aside the defaults entered on March 7, 2025, and March 10, 2025, is GRANTED. Defendants have met their burden of showing they failed to timely respond to the complaint due to mistake, inadvertence, surprise, or excusable neglect. On February 18, 2025, defendant Jacqueline K. filed a motion to quash service of summons and complaint that was scheduled for hearing on February 24, 2025. The motion was submitted for ruling without appearance pursuant to California Rules of Court, rule 3.1304(c). When no parties appeared at the hearing, the court without explanation dropped the matter from calendar without ruling on the motion. Defendants' defaults were subsequently entered. Defendants assert they were expecting to receive notice of entry of order on the motion to quash and/or believed valid service of the summons and complaint had not been accomplished and therefore no responsive pleading was due.

The defaults entered against defendants on March 7 and March 10 are ordered set aside. The Court will sign the proposed order lodged on March 13, 2025, and modified to reflect the Court's ruling.

Motion to Quash Service of Summons and Complaint

Defendants' unopposed motion to quash service of summons and complaint pursuant to Code of Civil Procedure section 418.10 is GRANTED. Plaintiff has not accomplished valid service of the summons and complaint because the proof of service as to each named defendant filed with the court on March 7, 2025, is defective on its face for multiple reasons. The proof of service as to defendant David K. indicates substituted service but is defective because (a) the documents were not left with or in the presence of a competent member of the household; (b) there is no indication that copies of the documents were thereafter mailed to defendant; and (c) there is no declaration of diligence stating actions taken first to attempt personal service. The proof of service as to defendant Jacqueline K. suffers from the same three defects.

The Court will sign the proposed order submitted with the moving papers granting the motion to quash service of summons and complaint.

25CV-00480 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

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.

25CV-00689 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

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

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

Thursday, March 20, 2025
11:00 a.m.

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

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Case No.	Title / Description
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25CV-00548	Jose Aguilar-Ramirez v. Joel Camacho
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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 a Proof of Service was filed on March 3, 2025 indicating that Respondent has been served with some of the papers filed in this action but over the course of this litigation Petitioner has filed the original Application on January 31, 2025, an Amended Request filed February 21, 2025, a Second Amended request filed February 28, 2025, and a Third Amended Request filed March 4, 2025, and it is not clear which iterations of the Petition have been served and which have not been served.

25CV-00023

Aleysha Garcia v, Andrea Vazquez

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 is on file showing service showing that Respondent was served with the papers filed in this action.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, March 20, 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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, March 20, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, March 20, 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.
