

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

April 10, 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. 21<sup>st</sup> Street, Merced

Thursday, April 10, 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
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22CV-01726	Stephen Smith, et al. v. Bradley Robson, et al.
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Motion by Defendant Peninsula Bay Trust Company to Change Venue to San Mateo County

**All Requests for Judicial Notice are GRANTED. The Motion by Defendant Peninsula Bay Trust Company to Change Venue to San Mateo County is GRANTED. This Court finds that the instant action involves the internal operations of a trust and that it is undisputed that the Trust is being administered in San Mateo County by a Trustee located in San Mateo pursuant to an agreement of the parties herein appointing a successor trustee, where matters related to the claims herein are currently being litigated. Furthermore, the San Mateo Court has already denied a request to change venue of those proceedings to Merced, findings that the parties are bound. This Court finds that the instant matter was stayed while the parties attempted to resolve their remaining issues, and that Defendant Peninsula Bay Trust has not unduly delayed in seeking this change in venue. Accordingly, The Motion by Defendant Peninsula Bay Trust Company to Change Venue to San Mateo County is GRANTED.**

Case Management Conference

**Given the above order granting the change in venue to San Mateo County, this case will be transferred to San Mateo County and all future hearing in this Court dropped from calendar.**

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22CV-01726                      Stephen Smith, et al. v. Bradley Robson, et al.

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. Appear to address the reasonableness of the 40% contingent fee deducted from the settlement proceeds payable to the minor's behalf.**

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24CV-05527                      Andrew Luker v. Fifth Third Bank, et al.

Special Motion to Strike First Amended Complaint by Defendant Fifth Third Bank Pursuant to CCP § 425.16

**The Special Motion to Strike First Amended Complaint by Defendant Fifth Third Bank Pursuant to CCP § 425.16 is GRANTED. The claim for breach of a contract alleging violation of a stipulation entered into pursuant to litigation is barred by the judicial privilege. Plaintiff's remedy was a motion filed in the action in which the stipulation was entered, not a collaterally action for damages. Plaintiff has failed to demonstrate that the claim does not arise from privilege or first amended protected matter and has not provided admissible evidence establishing a reasonable opportunity to prevail on the merits.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, April 10, 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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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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<b>Case No.</b>	<b>Title / Description</b>
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There are no Mandatory Settlement Conferences Scheduled

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, April 10, 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:

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
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22CV-02094	Capital One Bank (USA), N.A. vs. Joshua Moku
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Claim of Exemption – Joshua Moku

**Judgment debtor's appearance is 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.**

**Hearing was continued from March 6, 2025, because levying officer did not file the judgment debtor's claim of exemption and financial declaration and therefore the Court had no information to support the claim.**

OSC Why Los Angeles Sheriff's Department Did Not File the Claim of Exemption

**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.**

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24CV-04277

[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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, April 10, 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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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.**

<b>Case No.</b>	<b>Title / Description</b>
25CV-01341	Jeanette Ortiz v. Fernanda Alvarado

Order to Show Cause re: Restraining Order

**Continued on the Court's own motion to April 24, 2025 at 11:00 in Courtroom 12 to be heard concurrently with Respondent's Amended Request for TRO.**

25CV-01380	Alexa Steele v. Serenity Neal
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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 Respondent has filed a response does not agree with the requested orders.**

25CV-01342            Jeanette Ortiz v, Desirea Reese

Order to Show Cause re: Restraining Order

**Continued on the Court's own motion to April 24, 2025 at 11:00 to be heard concurrently with Respondent's Amended Request for TRO to be heard concurrently with Case 25CV-01341.**

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25CV-01363            Darla Fagundes v Franklin Silva

Order to Show Cause re: Restraining Order

**The Court grants the pending request for a continuance to June 26, 2025 at 11:00 in Courtroom 12.**

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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 a Proof of Service was filed on April 4, 2025 indicating that Respondent has been served with the papers filed in this action.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, April 10, 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.**

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<b>Case No.</b>	<b>Title / Description</b>
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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. 21<sup>st</sup> Street, Merced

Thursday, April 10, 2025  
1:15 p.m.

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<b>Case No.</b>	<b>Title / Description</b>
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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  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Thursday, April 10, 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:

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

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

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