

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, April 17, 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, April 17, 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**

24CV-06280 Mona Mariano v. Rodolfo Santana, et al.

Demurrer to First Amended Complaint by Defendant Transit Joint Powers Authority for Merced County, a government entity erroneously sued as County of Merced by and through Transit Joint Powers Authority for Merced County

Continued on the Court's own motion to April 24, 2025, at 8:15 a.m. in Courtroom 8, to be heard concurrently with the demurrer to the first amended complaint filed by defendant, County of Merced.

24CV-06591 Ronnys, Inc. v. County of Merced

Demurrer

This is an action for (1) breach of contract, (2) breach of the implied covenant of good faith and fair dealing, and (3) declaratory relief, arising from a construction project known as the Spring Fair Water System, located at 403 F Street, Los Banos, California.

Concurrent with its demurrer, Defendant filed a request for judicial notice on March 4, 2025, asking the court to take judicial notice of four documents and twelve facts. Defendant's request for judicial notice of documents identified as Exhibits A through D is GRANTED. (Evid. Code § 452, subd. (d)(1).) This includes the dates of filing or production of each of these documents. Defendant's request for judicial notice of facts identified as 1 through 12 in the request is DENIED. For purposes of demurrer, the properly pleaded allegations in the complaint are presumed to be true. (*Unruh-Haxton v. Regents of University of California* (2008) 162 Cal.App.4th 343, 358.) Judicial notice of the enumerated facts is neither necessary nor relevant to the determination of the demurrer. An additional request for judicial notice of the contents of the court's file for this case as well as an Alternative Dispute Resolution (ADR) Information Guide, was filed by Defendant on April 10, 2025, and is GRANTED. (Evid. Code § 452, subd. (d).) The request for judicial notice of the fact that Defendant was served via hand delivery on January 31, 2025, is DENIED.

Concurrent with its opposition, Plaintiff filed a request for judicial notice on April 4, 2025, asking the court to take judicial notice of the proof of service of the summons and complaint in the instant case, filed January 31, 2025, showing personal serve on January 22, 2025. This request is GRANTED. (Evid. Code § 452, subd. (c).)

Defendant's demurrer is untimely. (Code Civ. Proc. § 430.40, subd. (a).) Nonetheless, this Court exercises its discretion to hear and decide the demurrer on its merits, other statutory requirements having been met. (*McAllister v. County of Monterey* (2007) 147 Cal.App.4th 253, 281.)

On the face of the complaint, the instant action is time-barred for failure to comply with the Government Claims Act and therefore does not state of cause of action. The demurrer is SUSTAINED WITH LEAVE TO AMEND to allege specific facts regarding the timing of the accrual of the claim, whether the relevant statute of limitations was tolled, and any other facts that may allow Plaintiff to plead around the meritorious timeliness defense raised by Defendant.

Plaintiff shall file its amended complaint no later than May 16, 2025.

25CV-01037 Charly Garcia-Lopez v. Dewan Booker

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.

No proof of service for respondent has been filed.

25CV-01550 Demika Hill v. Ajah Thompson

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.

25CV-01553

Jonathan Martinez v. Pete Maciel

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, April 17, 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.

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 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, April 17, 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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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-00577	Midland Credit Management, Inc. vs. Hue Yang
	Status Review of Settlement

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. If a notice of settlement is filed prior to the hearing, the court will vacate the hearing and set on an appropriate date an order to show why the case should not be dismissed. Similarly, if neither party appears for the hearing, the court will schedule an OSC re dismissal based on counsel's representation to the Court on March 5, 2025, that the parties have reached a settlement.

24CV-04603

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

Status of Payments

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-01090

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

Motion to Quash Service of Summons

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.

Defendant's unopposed motion to quash service of summons is DENIED. Defendant's motion does not state a proper basis for quashing service of summons (see Code Civ. Proc., § 418.10(a)). A motion to quash is limited to contesting personal jurisdiction over the defendant where the statutory requirements for service of process are not fulfilled. (*Stancil v. Superior Court* (2021) 11 Cal.5th 381, 396.) The defendant cannot use the motion to dispute the truth of the allegations contained in an unlawful detainer complaint. (*Id.* at 397.) In this case, defendant disputes that the 3-day notice to pay rent or quit referenced in the complaint correctly states the amount of rent owed; this is not proper basis for a motion to quash service of summons.

In reviewing the court's file, the Court notes the confusion caused by the premature clerk's default judgment entered on March 25, 2025 following plaintiff's premature filing on that date of a request for entry of default and default judgment. Pursuant to Code of Civil Procedure section 1167(a), a defendant's response to service of summons in an unlawful detainer proceeding must be filed within ten days, excluding Saturdays, Sundays and other judicial holidays. However, if service is completed by mail (as it was in this case), the defendant has an additional five *court* days to file a response. (Code Civ. Proc., § 1167(b).) In this case, based on the completion of substituted service by mailing on March 5 (as indicated on the proof of service filed by plaintiff), defendant had until March 26 to file his response. To correct the court's error in granting plaintiff's premature request for entry of default, the clerk's default judgment was set aside by Court order entered on April 1, 2025. Defendant's present motion to quash was timely filed following the setting aside of the clerk's default and default judgment.

Plaintiff, as the prevailing party, is directed to prepare and submit a written order consistent with the Court's ruling for the Court's signature. Defendant shall file his responsive pleading no more than five days after service of written notice of entry of order denying defendant's motion to quash. (Code Civ. Proc., § 1167.4(b).)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, April 17, 2025
11:00 a.m.

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Case No.	Title / Description
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25CV-01559	Justin Cozzi v. Roy Bistrow
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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 proof of service was filed on April 1, 2025 showing that the papers filed in this action were served on Respondent.

25CV-01571 Nathan Fraley v. Jacob Jaques

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 proof of service was filed on April 3, 2025 showing that the papers filed in this action were served on Respondent.

25CV-01473 Dellanira Gaspar v. Samatha Quintero

Order to Show Cause re: Restraining Order

The Court notes that proof of service was filed on April 3, 2025 showing that the papers filed in this action were served on Respondent. The Court notes that proof of service was filed on April 8, 2025 showing that the papers filed in this action were served on Respondent.

25CV-01507 Jimmy Kizleli v. Tony Velasquez

Order to Show Cause re: Restraining Order

The Court notes that proof of service was filed on April 3, 2025 showing that the papers filed in this action were served on Respondent. The Court notes that proof of service was filed on April 2, 2025 showing that the papers filed in this action were served on Respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, April 17, 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, April 17, 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.

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, April 17, 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.

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