

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Wednesday, February 25, 2026

**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**

**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.**

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

**The tentative rulings for specific calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion Tentative Rulings  
Hon. Stephanie L. Jamieson  
Courtroom 8

627 W. 21<sup>st</sup> Street, Merced

Wednesday, February 25, 2026  
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) 725-4240 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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**Case No. Title / Description**

---

21CV-03068 Agustin Gallardo vs J. Marchini & Son, Inc., et al.

Trial Setting Conference

**Appearance required. Appear to set trial dates. No further continuances of the trial setting conference will be given.**

---

23CV-02809 Jason Moore, et al. vs State of California, et al.

Motion to be Relieved as Counsel

**The Court's original tentative ruling was to grant the motion by attorney Christopher O. Holleran to be relieved as counsel for individual plaintiff, Miguel Angel Casas. However, the moving party submitted an unverified letter to the civil clerk's office requesting the motion be "remove[d] from the docket as it is now unnecessary."**

**A letter is insufficient to withdraw a properly filed and noticed motion. Therefore, the matter remains calendared. Motions will be vacated at the discretion of the Court upon a filed and served request to vacate hearing.**

However, in acknowledgement of the informal request submitted by counsel and the information contained therein, the motion to withdraw as counsel is DENIED without prejudice to future motion in the event of a change in circumstances.

No appearance is required except in the event of a timely request for argument regarding the above ruling.

---

24CV-01638

Ruby Hewitt vs City of Merced

Motion for Summary Judgment

**Defendant City of Merced's motion for summary judgment is GRANTED.**

Upon consideration of the evidence set forth in the moving papers, the Court finds that there is no triable issue of material fact and Defendant City of Merced is entitled to judgment as a matter of law. Defendant's separate statement of undisputed material facts is supported by admissible evidence and establishes that the City of Merced did not have actual or constructive notice of the alleged dangerous condition. (Declaration of Plagenza ¶¶ 3, 7-16, Exhibits 2C, 2D; Declaration of Lemos ¶¶ 6-8; and Exhibit 1A, (24:2-4; 24:25-25:2).)

Defendant having made the necessary prima facie showing, the burden shifts to Plaintiff to show the existence of one or more triable issues of material fact. (Code Civ. Proc. § 437c, subd. (p)(2).) "To establish public entity liability for injury caused by a dangerous condition of its property, '[t]he statute requires a plaintiff to prove, among other things, that either of two conditions is true: (a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or (b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.' " (*Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1130.) Plaintiff has not provided facts to support the option of a negligent or wrongful act or omission of an employee of the public entity. Therefore, Plaintiff must establish notice.

Government Code section 835.2 provides that the notice condition may be met by either actual or constructive notice. The evidence presents no dispute that the City did not have actual notice of the defect, thus the case turns on whether the City had constructive notice of the sidewalk defect. "A public entity had constructive notice of a dangerous condition within the meaning of subdivision (b) of Section 835 only if the plaintiff establishes that the condition had existed for such a period of time *and* was of such an obvious nature that the public entity, in the exercise of due care, should have discovered the condition and its dangerous character." (Govt. Code § 835.2, subd. (b), *emphasis added*.)

Plaintiff provided some evidence that the condition of the sidewalk may have existed for years, and which suggests that the condition was above-ground and visible. However, this evidence fails to establish that the defect was so substantial or visible that the City should have discovered the condition of the sidewalk. The evidence also fails to demonstrate that the City's inspection policy and inspections are not reasonably adequate. Although

Plaintiff “disputes” numerous facts included in Defendant’s separate statement, Plaintiff fails to refute those facts with actual evidence.

“Because of the plaintiff’s failure to bring home to the defendant city a neglect of its duty of inspection or knowledge of facts which would have put it upon inquiry, the city cannot be held to have had constructive notice of the defect . . .” (*Nicholson v. City of Los Angeles* (1936) 5 Cal.2d 361, 367–368.) Plaintiff has failed to meet her burden of establishing a triable issue of material fact and Defendant is entitled to judgment as a matter of law, as Defendant has shown by admissible evidence – and Plaintiff has failed to rebut – that it had no actual or constructive notice of the subject defect.

Defendant is directed to submit a written order for the Court’s signature consistent with this ruling and in compliance with California Rules of Court, rule 3.1312, within five (5) days of this court’s ruling.

---

24CV-02111

Daniel Basaldua, et al. vs Nissan North America, Inc.

Order to Show Cause Re: Dismissal - Notice of Settlement

**Appearance required. Appear to address the status of the conditional settlement for which notice was filed June 26, 2025, with an anticipated dismissal date of September 9, 2025, and show cause why the Court should not dismiss the matter, retaining jurisdiction for enforcement purposes pursuant to Code of Civil Procedure section 664.6. If there are no appearances, the matter may be dismissed by the Court pursuant to the settlement under California Rules of Court, rule 3.1385, as more than 45 days have passed since the date the settlement agreement conditions were to be completed.**

---

25CV-01659

Joe Chavez vs General Motors, LLC

Motion for Compliance Pursuant to C.C.P. 871.26; and Request for Sanctions

**Defendant’s motion is DENIED WITHOUT PREJUDICE.**

As a preliminary matter, the Court finds that this action is governed by the provisions of Code of Civil Procedure sections 871.20, et seq., by virtue of Defendant General Motors’ opt-in under section 871.30, subdivision (a). By the plain language of the statute, the election to “opt-in” under subdivision (a) results in the application of these sections to cases filed between January 1, 2025, and the effective date of the section. (Code Civ. Proc. § 871.30, subd. (c) “*Unless a manufacturer has made the election described in subdivision (a) . . . [these provisions] shall not apply to an action . . . already filed between January 1, 2025, and the effective date of the act adding this section.*”)

Notwithstanding the applicability of sections 871.20, et seq., Exhibit 1, attached to the Declaration of Perks, indicates the parties have agreed to have Plaintiff’s deposition take place on February 25, 2026, rendering Defendant’s motion moot.

The request for sanctions is DENIED.

**Plaintiff has established good cause why sanctions should not be granted.**

---

25CV-02507

Jacob Garcia, et al. vs Soares Dairy Farms, Inc., et al.

Motion to Expunge Lis Pendens

**This is a continued hearing from February 4, 2026, at which time the Court requested additional declarations be submitted on specific issues following argument from counsel. The originally posted tentative ruling was to deny the motion to expunge. However, after consideration of the arguments presented at the hearing on February 4, 2026, and the numerous declarations submitted by both Plaintiff and Defendant, the original tentative ruling is modified as follows:**

**The motion to expunge the lis pendens recorded against the “Dos Palos Ranch” (Merced County APN 085-200-012 and 086-170-002) is GRANTED, on condition that Gilardi Farms is subject to a preliminary injunction to maintain the property in its current condition and is enjoined from selling or encumbering the property until the conclusion of this case, or upon further order of this Court.**

**Plaintiff defends the lis pendens based upon a cause of action for rescission as to the sales contract for the Dos Palos Ranch that Plaintiff asserts was unauthorized. In order to maintain a lis pendens, Plaintiff must show that the relevant claims are probably valid and that an undertaking is inadequate to preserve Plaintiff’s rights due to the uniqueness of the property or risk of irreparable harm. (See, Code Civ. Proc. §§ 405.32, 405.33.)**

**Although the supplemental declarations establish grounds upon which this Court could base a finding of uniqueness regarding the Dos Palos Ranch, Defendants’ evidence shows that the sale of the property took place nearly one year before the filing of this case. Even if the property is unique, Plaintiff has not enjoyed the benefits of that unique property since at least its sale in May 2024.**

**For purposes of this motion, the Court does find that Plaintiff’s claims have probable validity. However, absent a showing that an undertaking – or other condition precedent to expungement – is inadequate to secure Plaintiffs’ rights in the event of prevailing on the merits, the court must expunge the lis pendens. The 2024 contract was executed in phases. Gilardi Farms and Soares Dairy Farms stand to suffer significant economic loss in the event the next phase of the sales contract cannot be executed. Allowing the parties to proceed with execution of the next phase of the contract does not adversely impact the property’s value or condition, or otherwise infringe upon Plaintiffs’ rights should their claims succeed.**

**Furthermore, by issuing a preliminary injunction against Gilardi Farms to maintain the property in its current condition and to refrain from selling or encumbering the property until the conclusion of this case, Plaintiffs’ rights and remedies are fully preserved should they prevail.**

**Defendants shall prepare and submit an order consistent with this ruling for this Court’s signature within five (5) court days of this hearing.**

---

25CV-05762

Robert Maldonado vs Victor Gomez

Order to Show Cause Re: Restraining Order

**Appearance required. All parties have been served in this matter. Appear to address status of corresponding criminal proceedings.**

---

25CV-07122

Mary Magana vs Maria Lira

Order to Show Cause Re: Restraining Order

**Appearance required. There is no proof of service on Respondent filed with the court.**

---

25CV-07123

Mary Magana vs Maira Hernandez

Order to Show Cause Re: Restraining Order

**Appearance required. There is no proof of service on Respondent filed with the court.**

---

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil  
Commissioner David Foster  
Courtroom 9

627 W. 21<sup>st</sup> Street, Merced

Wednesday, February 25, 2026  
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) 725-4240 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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

---

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

23CV-04195	Barclays Bank Delaware vs. Maria Alcala
------------	---

Review Hearing – Status of Settlement

**Appearance required. At the hearing on December 3, 2025, plaintiff's counsel indicated that the case had settled. To date, no notice of conditional settlement or dismissal has been filed. Appear to address status of settlement.**

---

25CV-00025	TD Bank USA, N.A. vs. Rebecca Lara
------------	------------------------------------

Order to Show Cause Why Sanctions Should Not Be Imposed Against Plaintiff's Counsel for Failure to Appear at Case Management Conference

**Appearance required.**

Case Management Conference

**Appearance required.**

---

25CV-01098

Gonzalo Villasenor vs. Loretta Ortiz Aguilar

Review Hearing – Status of Default

**Appearance required. Proof of service of the summons and complaint was filed on December 1, 2025. To date, no request for default has been filed. Appear to address status of default and default judgment.**

---

25CV-06021

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

Review Hearing – Status of Settlement

**Appearance required. On January 5, 2026, the parties indicated that they had agreed to settle the case. If neither party appears for the hearing, the Court will dismiss the action.**

---

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Short Cause Trials  
Judge Pro Tem Peter MacLaren  
Courtroom 9

627 W. 21<sup>st</sup> Street, Merced

Wednesday, February 25, 2026  
1:30 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) 725-4240 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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

<b>Case No.</b>	<b>Title / Description</b>
25CV-00768	Synchrony Bank vs. Linda Hinshaw
	Court Trial
	<b>Appearance required.</b>

---