

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Friday, April 25, 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

Friday, April 25, 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
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20CV-01566	Anita Tristan v. Cabrera Duston, Inc., et al.
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Status Conference

**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. In the Settlement Conference Statement filed April 1, 2025, counsel for Plaintiff indicated that default packages would be filed by April 25, 2025. Appear to address the status of the default packages.**

20CV-03775	Gina Brotherton, et al. v. Chun Lui, et al.
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Motion by Defendant Estate of Chun Yu Lui to Dismiss Pursuant to CCP § 583.250 for Failure to Serve Defendant with the Lawsuit filed December 17, 2020 until March 7, 2024, more than three years from the date the complaint was filed.

**The Motion by Defendant Estate of Chun Yu Lui to Dismiss Pursuant to CCP § 583.250 for Failure to Serve Defendant with the Lawsuit filed December 17, 2020 until March 7, 2024, more than three years from the date the complaint was filed is DENIED WITHOUT PREJUDICE. Neither party has met their respective burden of proof with regard to the**

**motion to dismiss. Defendant Estate of Chun Yu Lui established a prima facie case that the matter should be dismissed pursuant to CCP § 583.250 by showing that the action commenced on December 17, 2020 and was not served until March 7, 2024, a period of more than three years, and therefore was subject to mandatory dismissal. However, Plaintiff asserted that Defendant Chun Yu Li died on July 8, 2019, a fact that does not appear to be in dispute, and, therefore, the three years period for service did not begin to toll until Personal Representative of the estate was appointed, if ever. (*Polony v. White* (1974) 43 Cal.App.3d 44, 48; *Wills v. Williams* (1975) 47 Cal.App.3d 941, 943.) If a Personal Representative was appointed on or after March 8, 2021, it would appear that the three year statute was satisfied because Chun Yu Lui was not “amenable to process of the court” within the meaning of CCP § 583.240(a). Alternatively, Defendant argues that Allstate was amenable to process throughout the period, but this would only matter if the complaint sought an amount of damages below the policy limit, such that the estate had no potential liability. (See *Wills v. Williams* (1975) 47 Cal.App.3d 941, 945 [citing *Polony v. White* (1974) 43 Cal.App.3d 44, 48].) Since neither party has met their burden of proof, the motion to dismiss is **DENIED WITHOUT PREJUDICE**, subject to renewal upon the submission of admissible evidence that either (1) a personal representative was appointed prior to March 8, 2021, or (2) that the amount sought is within the Allstate policy limit.**

Motion by Defendant Estate of Chun Yu Lui to Set Aside Entry of Default pursuant to CCP § 473(b)

**The Motion by Defendant Estate of Chun Yu Lui to Set Aside Entry of Default pursuant to CCP § 473(b) is DENIED WITHOUT PREJUDICE. Defendant Estate of Chun Yu Lui failed to provide a proposed responsive pleading to be filed in the event that relief was granted, and failed to demonstrate that any aspect of the failure to file a timely responsive pleading was due to surprise, mistake, inadvertence or excusable neglect, as opposed, for example, to a deliberate strategy by defense counsel.**

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21CV-02077

Illinois Midwest Insurance Agency, et al. v. Al Ramos, et al.

Order to Show Cause re: Dismissal-Notice 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. Appear to address the status of the settlement.**

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23CV-01111

Melissa Cuellar, et al v. Helena Rocha, et al.

Motion by Defendants Sunset Hills Development, LLC, Helena Rocha, and Joe Rocha to compel the Depositions of Plaintiffs Melissa Cuellar and Miguel Angel Garcia Munoz, Compel Defendants to Produce Documents, and for Monetary Sanctions of \$3,053.60

**The unopposed Motion by Defendants Sunset Hills Development, LLC, Helena Rocha, and Joe Rocha to compel the Depositions of Plaintiffs Melissa Cuellar and Miguel Angel Garcia Munoz, Compel Defendants to Produce Documents, and Monetary Sanctions of \$3,053.60 is GRANTED. Plaintiffs Melissa Cuellar and Miguel Angel Garcia Munoz are**

each ordered to appear for deposition at a place designated by Defense counsel on or before June 20, 2025, to produce, without objection, all documents responsive to requests 1-37 contained in the requests served with the deposition notices, and to pay, jointly or severally, monetary sanctions in the amount of \$3,053.60 on or before June 20, 2025.

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23CV-01933

Nathaniel Gutierrez v. Mariela Perez, et al.

Motion by Defendant City of Merced for Summary Judgment as to Plaintiff Nathaniel Curz Martinez, a minor, by and through his Guardian Ad Litem Jennifer Ann Villa on the grounds that there is no triable issue of material of material fact that (1) City of Merced did not own or control the alleged dangerous condition on public property, (2) there was no dangerous condition on public property, the City of Merced did not have actual or constructive notice of the alleged dangerous condition on public property and the alleged dangerous condition was not caused by an employee of City of Merced, and (4) the alleged condition did not cause Plaintiff harm, and (5) Design/plan immunity pursuant to Government Code § 830.6 bars liability against Defendant City of Merced.

**The unopposed Motion by Defendant City of Merced for Summary Judgment as to Plaintiff Nathaniel Curz Martinez, a minor, by and through his Guardian Ad Litem Jennifer Ann Villa on the grounds that there is no triable issue of material of material fact that (1) City of Merced did not own or control the alleged dangerous condition on public property, (2) there was no dangerous condition on public property, the City of Merced did not have actual or constructive notice of the alleged dangerous condition on public property and the alleged dangerous condition was not caused by an employee of City of Merced, and (4) the alleged condition did not cause Plaintiff harm, and (5) Design/plan immunity pursuant to Government Code § 830.6 bars liability against Defendant City of Merced is GRANTED.**

**The Separate Statement of Undisputed Fact by Defendant City of Merced is supported by admissible evidence in the form of Requests for Admissions that were deemed admitted by order of this court that establishes a prima facie case that 1) City of Merced did not own or control the alleged dangerous condition on public property, (2) there was no dangerous condition on public property, the City of Merced did not have actual or constructive notice of the alleged dangerous condition on public property and the alleged dangerous condition was not caused by an employee of City of Merced, and (4) the alleged condition did not cause Plaintiff harm, and (5) Design/plan immunity pursuant to Government Code § 830.6 bars liability against Defendant City of Merced. This shifts the burden to Plaintiff to serve a responsive separate statement supported by admissible evidence creating a triable issue of material fact.**

**Plaintiff has failed to provide any responsive separate statement and has failed to provide any admissible evidence, and even if Plaintiff had attempted to do so, Plaintiff would be barred from contradicting any of the Requests for Admissions that are deemed admitted by order of this court, absent an order granting relief. Since Plaintiff has not established a triable issue of material fact, and appears to be legally barred from doing so, The unopposed Motion by Defendant City of Merced for Summary Judgment as to Plaintiff Nathaniel Curz Martinez, a minor, by and through his Guardian Ad Litem Jennifer Ann Villa on the grounds that there is no triable issue of material of material fact that (1) City of Merced did not own or control the alleged dangerous condition on public**

property, (2) there was no dangerous condition on public property, the City of Merced did not have actual or constructive notice of the alleged dangerous condition on public property and the alleged dangerous condition was not caused by an employee of City of Merced, and (4) the alleged condition did not cause Plaintiff harm, and (5) Design/plan immunity pursuant to Government Code § 830.6 bars liability against Defendant City of Merced is GRANTED. All future hearing dates are vacated.

Motion by Defendant City of Merced Pursuant to CCP § 1038 For Reasonable Defense Costs of \$8,185.00 on the grounds that Plaintiff lacked Reasonable Cause and Good Faith with Regard to the instant Government Claim

**The unopposed Motion by Defendant City of Merced Pursuant to CCP § 1038 For Reasonable Defense Costs of \$8,185.00 on the grounds that Plaintiff lacked Reasonable Cause and Good Faith with Regard to the instant Government Claim is GRANTED. Defendant has established a prima facie case that it is entitled, Merced Pursuant to CCP § 1038 For Reasonable Defense Costs of \$8,185.00, and Plaintiff has failed to provide any evidence of either Reasonable Cause or Good Faith Belief that it was entitled to the Government Claim Plaintiff prosecuted.**

Motion for Terminating Sanctions Pursuant to CCP § 2023.030(d)

**The unopposed Motion for Terminating Sanctions Pursuant to CCP § 2023.030(d) is DENIED AS MOOT given the above order granting the instant motion for summary judgment.**

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24CV-05856                      Juan Amador-Sanchez v. Ramon Junior Garcia

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 December 9, 2024 establishing that Respondent was served with the papers filed in this action.**

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25CV-00935                      In the matter of: Sean Patrick O'Neal

Hearing: In Camera

**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

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

Friday, April 25, 2025  
1:15 p.m.

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

Friday, April 25, 2025  
1:15 p.m.

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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

Friday, April 25, 2025  
1:15 p.m.

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