

**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, August 29, 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 13 – Hon. Ashley Albertoni Sausser**

**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, August 29, 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.**

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Case No.	Title / Description
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22CV-00106	Joanna Hodges v. ProfessioNAILS, et al.
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Order to Show Cause re: Dismissal

**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. Plaintiff has failed to appear at multiple consecutive court appearances to prosecute this suit, including a case management conference on June 23, 2025, and an order to show cause re: monetary sanctions on July 28, 2025. If Plaintiff fails to appear, the matter will be set for trial. Failure to appear for trial will result in dismissal of this action pursuant to Code of Civil Procedure section 581.**

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24CV-00385	Fire Insurance Exchange v. Tesla Motors, Inc.
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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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24CV-02058

Francisco Torres v. Angel Farms AG Services, Inc., et al.

Order to Show Cause re: Dismissal

**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. Plaintiff has failed to appear at multiple consecutive court appearances to prosecute this suit, including a default prove-up hearing on June 23, 2025, and an order to show cause re: monetary sanctions on July 28, 2025, at which time sanctions of \$100.00 were ordered. If Plaintiff fails to appear, the matter will be set for trial as to defendant, Angel Farms, and a default prove-up as to defendant Jessie Angel, Jr. Failure to appear for trial will result in dismissal of this action pursuant to Code of Civil Procedure section 581.**

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24CV-02315

Estate of Edyna Sischo-Nownejad through its executor Cyrus John Nownejad v. Kenneth Ralidis, et al.

Order to Show Cause re: Dismissal

**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. Plaintiff has failed to appear at multiple consecutive court appearances to prosecute this suit, including a case management conference on June 23, 2025, and an order to show cause re: monetary sanctions on July 28, 2025, at which time sanctions of \$100.00 were ordered. If Plaintiff again fails to appear, the matter will be set for trial. Failure to appear for trial will result in dismissal of this action pursuant to Code of Civil Procedure section 581.**

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24CV-06592

Steven Reynolds v. John Doe 1, et al.

Motion to Withdraw as Counsel for Plaintiff

**The unopposed motion to withdraw is GRANTED effective upon service of notice of entry of the order granting this motion on Plaintiff. Attorney Omar Hamed, Esq. is ordered to provide the civil clerk's office with the last known address and phone number for the plaintiff no later than September 12, 2025, and to notify Plaintiff of any upcoming court hearings at which he will be required to appear either personally or through counsel.**

Case Management 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. Appear to address the status of the case.**

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Demurrer by Defendant Progressive Select Insurance Company to the First and Second Causes of Action of the First Amended (CCP § 430.10(e))

**Defendant's request for judicial notice is GRANTED.**

Exhibit B to the first amended complaint discloses an affirmative defense to both claims, a Civil Code § 1786.40(a) notice. Under the California Reporting Agencies Act, Progressive was only obligated to inform Plaintiff that it was increasing his premium based on a consumer report and provide the contact information for the agency that supplied the report. (See, *Connor v. First Student, Inc.* (2018) 5 Cal.5th 1026, 1033.) The fact that the report relied upon might contain incorrect information does not create a cause of action against the demurring defendant under the facts currently alleged.

While the complaint concedes that the notice of adverse action was issued, a complete defense to the first cause of action, it now alleges that the notice was deficient. This Court further finds that the notice of adverse action was not deficient merely because it listed a post office box instead of an address for corporate headquarters, nor because a phone number was not provided. However, Civil Code § 1786.40(a) only requires that the report "advise the consumer against whom the adverse action has been taken and supply the name and address of the investigative consumer reporting agency making the report." Exhibit B to the first amended complaint fully complies with this statutory requirement. California Insurance Code §§ 1861.02(a) and 1861.05(b) have no bearing on a cause of action for Violation of Consumer Reporting Agencies Act, Cal. Civil Code § 1786, especially given that a private right of action against an insurer for violation of the Insurance Code regulations does not exist. (See, e.g. *Rattan v. United Services, Auto Ass'n* (2000) 84 Cal.App.4th 715, 724.) Even if a right of action were to exist, there is no allegation that Defendant Progressive Select Insurance Company violated such provisions.

The demurrer to the second cause of action is based on the alleged violation of the California Reporting Agencies Act. Since the first cause of action fails to state a claim for violation of the California Reporting Agencies Act, the second cause of action fails to state a claim for violation of the Unfair Competition Law.

Plaintiff's opposition does not disclose the existence of any facts that could be plead to overcome the above deficiencies if leave to amend were granted. Exhibit C to the request for judicial notice contains the remittitur and opinion of the appellate division of the Stanislaus County Superior Court affirming Plaintiff's conviction for violating Vehicle Code § 22349(b) based on a determination that he was driving 80 mph in a 55 mph zone. Thus, while Plaintiff's conviction was not final when the notice of adverse action was issued, res judicata bars Plaintiff from asserting that he did not violate the Vehicle Code. Defendant complied with the Consumer Reporting Agencies Act by providing the notice of adverse action required by the statute, thereby affording Plaintiff an opportunity to correct any inaccuracies in the information that was relied upon when adverse action was taken.

**The demurrer by Defendant Progressive Select Insurance Company is SUSTAINED WITHOUT LEAVE TO AMEND for failure to state a claim as to the first and second causes of action in the first amended complaint.**

Demurrer by Defendant LexisNexis Risk Solutions Inc. to the First and Second Causes of Action of the First Amended Complaint (CCP § 430.10(e))

**Defendant LexisNexis Risk Solutions Inc. asserts that it can only be found to have violated the Investigative Consumer Reporting Agencies Act if it qualifies as an investigative consumer reporting agency under Civil Code § 1786, as further defined by Insurance Code § 791.02.**

**Paragraph 12 of the first amended complaint alleges: “LexisNexis violated the Investigative Consumer Reporting Agencies Act (ICRAA) by misclassifying Plaintiff’s unresolved traffic citation as a conviction and disseminating this inaccurate information to third parties without first taking reasonable steps to verify its legal status.” Paragraph 14 of the first amended complaint alleges that: “The Investigative Consumer Reporting Agencies Act (“ICRAA”) governs the use of investigative consumer reports in connection with insurance underwriting and similar financial decisions. In *Cisneros v. U.D. Registry, Inc.* (1995) 39 Cal.App.4th 548, 564, the court confirmed that entities compiling and selling consumer data for these purposes are squarely within the scope of the statute. LexisNexis, by creating customized Motor Vehicle Reports (MVRs) using modified and incomplete data, qualifies as an ICRA subject to all obligations under the Act.”**

**Here, matters of which this Court can take judicial notice establish that: (1) Plaintiff was cited for speeding; (2) a court trial was held at which Plaintiff was convicted of speeding; (3) a timely notice of appeal was filed; and (4) Plaintiff’s conviction was affirmed by the Appellate Department. Defendant LexisNexis Risk Solutions Inc. demurs on the grounds that the definition of “investigative consumer report” requires that the report be prepared through consultations and that Plaintiff’s allegations to the effect that the Motor Vehicle Report qualified as an “investigative consumer report” pursuant to Civil Code § 1786.2(c) was a legal conclusion unsupported by facts establishing that the information was obtained through consultation.**

**While the definition of “investigative consumer report” provided in Civil Code § 1786.2(c) appears to exclude “specific factual information,” at least in the context of consumer credit, the definition in Insurance Code § 791.02(e) includes “any written, oral, or other communication of information bearing on a natural person’s ... character, general reputation, personal characteristics, or mode of living that is used or expected to be used in connection with an insurance transaction.” While factual in nature, albeit premature given that an appeal was pending, a report of a speeding conviction qualifies as information bearing on personal characteristics used in an insurance transaction.**

**Accordingly, the demurrer by Defendant LexisNexis Risk Solutions Inc. to the first and second causes of action is OVERRULED.**

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25CV-03901                      Petition of: Jasmine Ramirez

Order to Show Cause re: Name Change

**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 publication and the status of service of this petition on the non-petitioning parent.**

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25CV-04207                      Maria Vera v. Moises Vera

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. There is no proof of service on file showing service of notice or temporary orders on the respondent.**

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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, August 29, 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.	
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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

Friday, August 29, 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, August 29, 2025  
1:15 p.m.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Ashley Albertoni Sausser  
Courtroom 13  
1159 G Street, Los Banos

Friday, August 29, 2025  
1:15 p.m.

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