

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

2260 N Street, Merced
627 W. 21st Street, Merced
1159 G Street, Los Banos

Friday, August 8, 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. 21st Street, Merced

Friday, August 8, 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
23CV-03845	City of Merced, et al. v. State of California, et al. Motion by City of Merced Plaintiffs in lead case 23CV-03845 to sever the Consolidated Cases 23CV-04368, 24CV-00234, 24CV-01073, 24CV-00355, and 24CV-00983 because Consolidated Cases will not be ready for trial by the current January 27, 2026, trial date. The motion by plaintiffs, City of Merced, in lead case 23CV-03845, to sever its matter from the consolidated cases 23CV-04368, 24CV-00234, 24CV-01073, 24CV-00355, and 24CV-00983, for purposes of expert discovery and trial is opposed only by the defendants, State of California by and through the Department of Fish and Wildlife and the Department of Water Resources. Notices of non-opposition have been filed by Merced Irrigation District and the County of Merced. Notices of Joinder have been filed all remaining parties to the consolidated actions. City of Merced, in lead case 23CV-03845, has a trial date on January 27, 2026, less than six months from the date of the hearing on this motion. The Court also notes that severance of the City of Merced plaintiffs was contemplated from the outset, as consolidation was exclusively for purposes of creating a more efficient discovery process. Whether that purpose was fulfilled has no bearing on whether City of Merced's case should be tried separately and on schedule on January 27, 2026.

The State of California by and through the Department of Fish and Wildlife and the Department of Water Resources argues that the motion to sever is premature because discovery is not complete. However, discovery is at a standstill. This is due, in part, to the fact that the State of California, by and through the Department of Fish and Wildlife and the Department of Water Resources, has declined to pay a retainer to the discovery referee, pending the motion for allocation of discovery referee costs pending on August 15, 2025. Further delays of expert discovery will make it impossible to complete in time to accommodate the currently set trial date.

The only dispositive question for the instant motion is whether the objecting defendants will be unfairly prejudiced if the motion is granted and the City of Merced trial allowed to proceed before the issues of the remaining case are decided. Defendants argue prejudice in that the City of Merced, County of Merced, and Merced Irrigation District may also bear some liability for the flood damage at issue. The Court disagrees that this amounts to prejudice. There is no pending cross-complaint by defendants against any other party. Any affirmative defense would require proof of acts taken by those parties contributing to the flood damage, which necessarily requires further discovery, as conceded by the defendants. And the only way for fact discovery to progress in time for the January 2026 trial is by severing 23CV-03845 and an order to issue severing remaining fact discovery for that case as well.

The argument that the potential for duplicate discovery creates undue prejudice that should prevent the granting of severance is unpersuasive. Given the stalled discovery in the consolidated actions, the Court finds it unlikely that duplicate discovery will occur prior to the set trial date. Should the State of California prevail on its affirmative defenses, there are likely to be legal arguments raised that are dispositive for these defendants in the remaining consolidated cases, and would obviate the need for further discovery.

There is no evidence that the State of California will be deprived of a fair trial if 23CV-03845 is severed from the remaining cases. In the event circumstances arise causing the State of California to be unable to proceed to trial in a timely manner following severance, that issue can be addressed by an appropriate motion.

The lack of progress with the discovery referee, although disappointing and certainly not the goal of this optimistic Court when granting the initial motion to consolidate, is not a reason to deny severance at this stage. Rather, the lack of progress amounts to new information that justifies revisiting the prior decision and taking steps to remedy what concededly appears to have been a misapprehension about just how the parties would approach the discovery process post-consolidation.

The motion by City of Merced, plaintiffs in lead case 23CV-03845, to sever that matter from the remaining consolidated cases, 23CV-04368, 24CV-00234, 24CV-01073, 24CV-00355, and 24CV-00983, is GRANTED. The remaining cases remain consolidated. These will proceed under consolidated case number 23CV-04368. These matters remain consolidated – at this stage – for discovery only, pending further motion either expanding consolidation or severing the actions.

24CV-06562

Gary Reiner v. Clifford Caton

Defendant's Motion Pursuant to Civ. Code § 3295, subd. (d) to Bifurcate Trial on Punitive Damages

The request for judicial notice is GRANTED.

The unopposed motion by defendant, Clifford Caton, pursuant to Civil Code section 3295, subdivision (d) to bifurcate the trial on punitive damages is GRANTED. In the first phase of the trial, the jury will decide issues of liability, compensatory damages, and whether Defendant acted with oppression, fraud, or malice. Evidence of Defendant's financial condition will only be introduced in the second phase of the trial, in which the jury will decide whether to award punitive damages, which will take place only if one or more of oppression, fraud, or malice are found true in the first phase of the trial.

25CV-02644

Petition of: Shijia Pan, et al.

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. Proof of publication having been filed, the petition by both parents to change the first and middle name of their minor child is GRANTED.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Case Management Conference Calendar
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Friday, August 8, 2025
8:30 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
----------	---------------------

Appearance required on all matters. Remote appearances are permitted. 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

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

Friday, August 8, 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:

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
----------	---------------------

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

Friday, August 8, 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:

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
----------	---------------------

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

Friday, August 8, 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:

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
----------	---------------------

There are no ex parte matters scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, August 8, 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:

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
----------	---------------------

There are no ex parte matters scheduled.	
--	--