

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Monday, January 26, 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

Monday, January 26, 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:

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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 CourtCall (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-03465	Sherise Woolridge vs Jain Farm Fresh Foods, Inc.
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Status Conference re: Arbitration.

**CONTINUED to July 29, 2026, at 8:15 a.m. in Courtroom 8, pursuant to the joint status report filed January 6, 2026.**

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21CV-00226	Joseph Harrison vs Nathaniel DeLa Cruz Margate
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Order to Show Cause re: Dismissal

**Appearance required. Appear to show cause why the matter should not be dismissed for failure to serve the defendant or bring this matter to trial within the statutory periods. (Code Civ. Proc. §§ 583.210; 583.310.) The complaint was filed January 25, 2021. To date, no proof of service has been filed. Absent a showing of good cause, this matter will be subject to mandatory dismissal on the Court's own motion. (Code Civ. Proc. § 583.360.)**

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22CV-00736 Amelia Maldonado vs City of Los Banos, et al.

Case Management Conference \*special set\*

**Appearance required. Appear to address status of criminal investigation and why no motion for a stay, or corresponding stipulation, has been filed.**

Review of Case Status regarding settlement discussion.

**Appearance required.**

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24CV-06422 Eduardo Loza vs Hyundai Motor America

Status Conference re: Arbitration

**Appearance required. Appear to address status of arbitration.**

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24CV-06565 Barry Cole vs Xerox Corporation

Further Proceedings

**Having reviewed the compliance report filed by Plaintiff's counsel, Eric Grover, on January 15, 2026, the Court finds all funds have been distributed and the terms of the settlement complied with. The proposed amended judgment lodged on January 15, 2026, will be signed by the Court and no further dates set.**

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25CV-00875 Estate of Tiburco Muniz Navarro vs Victor Rios

Order to Show Cause Re: Dismissal - Notice of Settlement

**CONTINUED pursuant to the declaration filed by Plaintiff's counsel, Damien Morozumi, to April 16, 2026, at 8:15 a.m., for settlement documents to be finalized and signed by the defendant.**

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25CV-02302 Carlos Barajas, Junior vs Kept Companies, Inc.

Status Conference re: Arbitration

**CONTINUED to July 29, 2026, at 8:15 a.m. in Courtroom 8, pursuant to the joint status report filed January 6, 2026.**

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Demurrer to Plaintiff's Complaint

**Defendant's demurrer is OVERRULED IN PART, and SUSTAINED IN PART, WITH LEAVE TO AMEND.**

**Defendant's demurrer to Plaintiff's sixth cause of action is SUSTAINED WITH LEAVE TO AMEND, on the basis of failure to state facts sufficient to constitute a cause of action.**

Here, Plaintiff does not allege enough facts to support a fraudulent inducement concealment cause of action. For example and not exhaustive, the complaint (1) fails to allege the details of the transaction or any interactions Plaintiff had when acquiring the subject vehicle, (2) contains no allegation that the selling dealership acted as an agent on behalf of Defendant for purposes of the sale or lease, (3) fails to sufficiently allege the details of the defect that is subject to the omission or concealment, (4) contains insufficient facts regarding any alleged inducement or reliance on any alleged omissions or concealment, and (5) does not sufficiently allege Defendant intended to deceive Plaintiff by concealing the known defects. See *Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828.

**Defendant's demurrer as to the sixth cause of action being barred by the economic loss rule is SUSTAINED, WITH LEAVE TO AMEND.**

The Court in *Rattagan* stated, "the economic loss doctrine applies when the parties have entered into a contract; the plaintiff sues for tort damages, alleging defendant failed to perform as the contract requires; and negligently caused economic losses flowing from the breach. In such a case, plaintiffs are generally limited to recovery of those economic damages and cannot seek to expand their remedies beyond those available in contract. The doctrine does not apply if defendant's breach caused physical damage or personal injury beyond the economic losses caused by the contractual breach and defendant violated a duty flowing, not from the contract, but from a separate, legally recognized tort obligation. (*Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1, 44.)

In short, as long as Plaintiff's claim for fraudulent inducement by concealment allege fraudulent conduct independent of Defendant's alleged warranty breaches, it has been found, "[f]raudulent inducement claims fall within an exception to the economic loss rule recognized by our Supreme Court . . ." (*Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828, 843.)

Plaintiff's complaint contradicts itself on this point. While the sixth cause of action appears to allege fraudulent conduct independent of the alleged warranty breaches, the complaint alleges at paragraph 11 "These causes of action arise out of the warranty obligations of FCA . . ." (Complaint ¶ 11). The demurrer is sustained with leave to amend as the contradiction may be clarified by Plaintiff.

**Defendant's demurrer to Plaintiff's sixth cause of action based on the statute of limitations is OVERRULED.**

**Plaintiff has sufficiently alleged a tolling of the statute.**

Accordingly, “when the relevant facts are not clear such that the cause of action might be, but is not necessarily, time-barred, the demurrer will be overruled.” (*Citizens for a Responsible Caltrans Decision v. Department of Transportation* (2020) 46 Cal.App.5th 1103, 1117.)

**Plaintiff is to file an amended complaint within ten (10) days of this court’s order.**

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25CV-06531                      Summer Byus vs Al Ramos

Order to Show Cause re: Restraining Order

**Appearance required. Proof of timely personal service was filed with the court on January 14, 2026.**

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25CV-06648                      In the Matter of: Bonnie Smith

Petition for Order Authorizing Disinterment

**Upon receipt of proof of service of the notice of hearing on the source cemetery authority, and absent cogent objection from any affected party, the petition will be GRANTED. The Court finds the requirements of Health and Safety Code sections 7525, et seq. have been satisfied, and will issue an order authorizing disinterment of the remains of Bonnie Smith from San Joaquin Valley National Cemetery in Gustine, California, for transfer to and reinterment in California Central Coast Veterans Cemetery, in Seaside, California. A permit for disposition of human remains will issue for this purpose allowing appropriate transport of the remains for reinterment.**

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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.**

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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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Short Cause Court Trials  
Hon. Stephanie L. Jamieson  
Courtroom 8

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

Monday, January 26, 2026  
1:30 pm

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Case No.	Title / Description
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24CV-02058	Francisco Torres vs Angel Farms AG Services, INC, et al.
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Default Prove Up Hearing

**VACATED.** No declarations have been submitted pursuant to Code of Civil Procedure section 585. Furthermore, the default requested on December 31, 2025, was not entered due to a defect in service. No amended request or proof of service has been submitted since that date. Default as to Jessie Angel Jr. was originally entered on April 10, 2025, but denied as to Angel Farms due to a lack of service. This matter will be set for case management conference on September 14, 2026, at 10 a.m. in Courtroom 8, unless default is entered and a new date for the prove-up hearing is obtained from the civil clerk's office.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil  
Commissioner David Foster  
Courtroom 9

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

Monday, January 26, 2026  
1:30 p.m.

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Case No.	Title / Description
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25CV-01368	Discover Bank vs. Latria Lopez
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Order to Show Cause Re: Sanctions Against Plaintiff's Counsel for Failure to Appear at Case Management Conference

**The Court has reviewed the declaration submitted by plaintiff's counsel on November 25, 2025, and accepts the explanation for failure to appear at the November 14, 2025, case management conference. The order to show cause is discharged and the Court vacates the hearing.**

Case Management Conference

**Appearance required.**

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25CV-04521	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Motion to Vacate Default and Default Judgment

**Appearance required.**

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25CV-04732

Cavalry SPV I, LLC vs. Gurpinder Singh

Motion to Set Aside Default and Vacate Default Judgment

**Appearance required.**

**On September 18, 2025, plaintiff filed a proof of service of summons that indicates defendant was personally served with the summons and complaint by a registered process server on September 18, 2025, at 1:15 p.m. at defendant's residence in Delhi, California. The proof of service complies with statutory standards and therefore creates a rebuttable presumption that service was proper. (*Floveyor Int'l, Ltd. v. Superior Court* (1997) 59 Cal.App.4th 789, 795; Evid. Code, § 647.)**

**Attached to defendant's proposed answer lodged on December 9, 2025, are photocopies of a commercial truck driver's electronic log entries that indicate that defendant was located in Boron, California, and was on duty from 12:30 p.m. to 1:38 p.m. on September 9, 2025. Defendant is ordered to appear to authenticate the driver's logs attached to his proposed answer.**

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25CV-06589

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

Court Trial: Unlawful Detainer

**Appearance required.**

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