SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, January 15, 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. 21st Street, Merced

Thursday, January 15, 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

19CV-04303 Joseph Saucedo, et al. vs Stonefield Home, Inc., et al.

Motion for Determination of Good Faith Settlement

Having reviewed the motion and supporting documents, the unopposed motion for determination of good faith settlement between Cross-Defendant CDC and Cross-Complainants/Defendants UC Construction Co. and Stonefield Home is GRANTED.

The Court will sign the order lodged with the court on January 2, 2026.

23CV-02361 Courtney Alvarez vs PAQ, Inc.

Order to Show Cause Re: Dismissal

Appearance required. Failure by Plaintiff to appear either personally or through counsel may result in dismissal of this action without prejudice for failure to prosecute the case pursuant to Code of Civil Procedure section 581. No proof of service of the summons and complaint on Defendants has been filed with the Court, despite this matter having been filed in July 2023.

Case Management Conference

Appearance required.

25CV-01187 Kissy Ward vs BW of North America, LLC, et al.

Motion for Judgment on the Pleadings

Defendant's motion for judgment on the pleadings is GRANTED WITH LEAVE TO AMEND.

Defendant's request for judicial notice is GRANTED.

Defendant's motion as to Plaintiff's first cause of action is GRANTED WITH LEAVE TO AMEND.

Plaintiff's first cause of action fails to state facts sufficient to constitute a cause of action. Plaintiff alleges that they purchased a certified pre-owned vehicle (Complaint ¶ 5.) and that the vehicle is a "new motor vehicle" (Complaint ¶ 7). It is further alleged that defendant BMW NA is a manufacturer (Complaint ¶ 8) and issued an express warranty upon purchase (Complaint ¶ 9).

By its plain terms, the Song-Beverly Act's express warranty provisions apply only to "new motor vehicle[s]." (Cal. Civ. Code §§ 1793.2 subd. (d)(2); 1793.22.) The Act's definition of "new motor vehicle" includes "a dealer-owned vehicle and a 'demonstrator' or other motor vehicle sold with a manufacturer's new car warranty." (Cal. Civ. Code § 1793.22 subd. (e)(2).) The definition does not include used vehicles.

As Defendant is alleged to be a manufacturer, to qualify as a "new motor vehicle" the vehicle must be sold with a "manufacturer's new car warranty." (Cal. Civ. Code § 1793.22 subd. (e)(2).) Although it is alleged that an express warranty was issued upon the purchase, it is not alleged that the express warranty is a manufacturer's new car warranty. Accordingly, Plaintiff has failed to state facts sufficient to constitute a cause of action. However, Plaintiff has asserted in the opposition that a new warranty was issued on behalf of BMW NA (Opp. 3:16-18; 3:24-25). Leave to amend is granted as it appears that Plaintiff can amend the complaint to cure the defect.

Defendant's motion as to Plaintiff's second cause of action is GRANTED WITH LEAVE TO AMEND.

Plaintiff's second cause of action fails to state facts sufficient to constitute a cause of action. "For new products, liability extends to the manufacturer; for used products, liability extends to the distributor or retail seller and not to the manufacturer, at least where the manufacturer has not issued a new warranty or played a substantial role in the sale of a used good." (*Rodriguez v. FCA US LLC* (2024) 17 Cal.5th 189, 202.)

Plaintiff has alleged the vehicle is a "new motor vehicle" (Complaint ¶ 7) and BMW NA is a manufacturer (Complaint ¶ 8) but has not alleged facts sufficient to show the vehicle was a "new product," that BMW NA issued a new warranty, or that BMW NA is subject to the obligations of a distributor or retailer. Leave to amend is granted as Plaintiff has

alleged that BMW NA can be liable for breach of implied warranty under Song-Beverly (Opp. 5:3-10).

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

All new allegations shall be in boldface font.

25CV-03872 People vs Forty Thousand Nine Hundred Twenty Dollars ($40,920.00), U.S. Currency

Case Management Conference / Motion for Default Judgment

Appearance required.

25CV-03873 People vs Twelve Thousand Nine Hundred Thirty-Five Dollars ($12,935.00) U.S. Currency

Case Management Conference

Appearance required.

25CV-03874 People vs Twenty-Five Thousand Four Hundred Ninety-Seven Dollars ($25,497.00) U.S. Currency

Case Management Conference / Motion for Default Judgment

Appearance required.

25CV-05699 Liliana Ramos Alcaraz vs Anna Chavez

Order to Show Cause Re: Restraining Order

Appearance required. This matter was continued for Petitioner to serve Respondent with notice of the hearing. There has been no proof of service filed since the last hearing date.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil
Commissioner David Foster
Courtroom 9

627 W. 21st Street, Merced

Thursday, January 15, 2026
10:00 a.m.

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Case No.	**Title / Description**

23CV-01021 Serafin Ayala Rocha, et al. vs. Hector Perez

Order to Show Cause Re: Monetary Sanctions for Failure to Appear at Case Management Conferences

Appearance required. Appear to address the failure by plaintiffs to appear at the May 9, 2025, and November 14, 2025, case management conferences.

Order to Show Cause Re: Dismissal

The order to show cause is discharged and the Court sets its own motion for hearing on Thursday, April 2, 2026, at 10:00 a.m. in Courtroom 9. On the Court's own motion, the Court moves to dismiss the case without prejudice for delay in prosecution pursuant to Code of Civil Procedure section 583.420, subdivision (a)(2)(A). Plaintiffs filed the complaint on March 28, 2023, and filed a proof of service of summons by a non-registered process server on April 3, 2023. Defendant has not filed a responsive pleading. Despite repeated direction by the Court to submit a request for entry of default, plaintiffs have not taken any steps to advance the litigation. Recent court notices to plaintiffs by mail have been returned as undeliverable and plaintiffs have not updated their address of record. The Court directs the clerk's office to mail plaintiffs notice of the Court's motion to dismiss to their address of record.

24CV-00700 Wells Fargo Bank, N.A. vs. Jose E Vega

Status Review of Settlement

Appearance required. Appear to address status of settlement.

24CV-05177 Evergreen Bank Group vs. Sylvan Ramirez

Review of Case Status

Appearance required. The Court notes that defendant's default was entered on October 9, 2025, but to date no request for default judgment has been filed. Appear to address case status.

25CV-00728 Cavalry SPV I, LLC vs. Celia Vargas

Status Conference settlement

Appearance required. Appear to address status of settlement.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O Trimble
Courtroom 12

1159 G Street, Los Banos

Thursday, January 15, 2026
11:00 a.m.

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Case No. Title / Description

25CV-06872 Angelica Lopez vs. Ashley Rocha Sanchez

Order to Show Cause Re: Restraining Order

Appearance required.

25CV-02767 Colleen Mejia vs. Eloy Garcia

Order to Show Cause Re: Restraining Order Contested/ Attorney Fees/Sanctions

Appearance required.

25CV-06066 Claudia Cortes vs. David Gonzalez, Junior

Order to Show Cause Re: Restraining Order

Appearance required.

25CV-06097 Melida Saldana vs. David Gonzalez

Order to Show Cause Re: Restraining Order

Appearance required.