

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Thursday, January 22, 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 22, 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
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24CV-01910	Martha Patricia Colorado Armendariz vs 99 Cents Only Stores LLC
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Motion to be Relieved as Counsel.

The unopposed motion by attorney Mark L. Venardi and the law firm Venardi Zurada LLP to be relieved as counsel for plaintiff Martha Patricia Colorado Armendariz is GRANTED, provided counsel submits an updated proposed order on mandatory form MC-053 that includes Plaintiff's last known address and telephone number.

The order will be effective upon the filing of the proof of service of the signed order upon the client.

24CV-03182	Heather Giesy vs Joellen Baker, et al.
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Trial Setting Conference

Appearance required.

24CV-06355

N & S Tractor, Inc. vs The Ras Group, LLC

Order of Examination (Non Appeal)

Appearance required.

24CV-06562

Gary Reinero vs Clifford Caton

Motion to Strike or Tax Plaintiff's Memorandum of Costs

Defendant's motion to tax is GRANTED.

Code of Civil Procedure Section 1033.5 sets forth a list of allowable costs, as well as a number of costs that are not allowed. Defendant correctly asserts that expert witness fees are expressly disallowed under Code of Civil Procedure section 1033.5 subdivision (b)(1). Further, section 1033.5 subdivision (b)(1) does not differentiate between Plaintiff or Defendant expert fees and only makes an exception for court ordered experts. (Code Civ. Proc. § 1033.5 subd. (b)(1).) As these experts were not ordered by the court the costs are disallowed. Accordingly, Defendant's motion to tax line 8, in the amount of \$2,975 is **GRANTED**.

"Finally, section 1033.5 requires that the costs awarded, whether expressly allowed under subdivision (a) or awardable in the court's discretion under subdivision (c), must be 'reasonably necessary to the conduct of the litigation rather than merely convenient or beneficial to its preparation' (§ 1033.5, subd. (c)(2)) and also be 'reasonable in amount.' (*Rozanova v. Uribe* (2021) 68 Cal.App.5th 392, 399, citations omitted.)

Although the costs associated with TrialSupport are arguably allowed under Code of Civil Procedure section 1033.5 subdivision (a)(13), there is no documentation provided to explain the costs. What is provided on page 3, line 13, is a terse description "TrialSupport (Printing/Exhibits \$46,812.53)." There is no documentation to explain why "Printing/Exhibits" amounts to \$46,812.53. Absent this documentation, the court is unable to determine whether the costs are reasonable in amount.

Further, the explanation of why the costs are reasonably necessary, as stated in Plaintiff's opposition (Plaintiff Opp. 5:23-27), does not in this court's determination rise to the level of reasonably necessary. "[I]f the items are properly objected to, they are put in issue and the burden of proof is on the party claiming them as costs. (*Acosta v. SI Corp.* (2005) 129 Cal.App.4th 1370, 1380.) Plaintiff has not met his burden. Accordingly, Defendant's motion to tax line 13, in the amount of \$46,812.53 is **GRANTED**.

Plaintiff is awarded total costs of \$94,507.61.

Motion to Tax [Defendant's] Costs

Plaintiff's motion to tax costs is GRANTED.

Under Code of Civil Procedure section 1032 subdivision (b), "Except as otherwise expressly provided by statute, a prevailing party is entitled as a matter of right to recover

costs in any action or proceeding.” (Code Civ. Proc., § 1032, (subd. (b).) “‘Prevailing party’ includes the party with a net monetary recovery, a defendant in whose favor a dismissal is entered, a defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against those plaintiffs who do not recover any relief against that defendant.” (Code Civ. Proc., § 1032, subd. (a)(4).)

Here, the court finds Plaintiff to be the prevailing party as he obtained a net monetary recovery in his favor. Accordingly, Plaintiff’s motion to tax is GRANTED as Defendant is not entitled to costs.

Motion for Leave to Amend the Second Amended Complaint

Plaintiff’s motion for leave to amend the second amended complaint is DENIED. There is no authority in statute or common law for amendment of a complaint after a jury has rendered a verdict and judgment entered. The exception is when a motion for a new trial is unconditionally granted, unlike here. Although the original judgment was vacated following the motion for a new trial and pending the acceptance of the remittitur, this did not create a pathway for amendment or open the door to modification of the judgment beyond what was contained in the remittitur. Because the remittitur was accepted, the motion for a new trial was denied and amended judgment entered. Entry of judgment pursuant to the remittitur was not premature merely because this motion was pending, as the acceptance of the remittitur resulted in a denial of the motion for a new trial in its entirety, thereby precluding amendment.

Furthermore, although the above alone constitutes grounds to deny the motion to amend, it is notable that Plaintiff delayed so long in seeking amendment. Plaintiff does not contend he was unaware of the cause of action under the Probate Code, or unaware of the facts that could give rise to recovery under those provisions. No new facts or information came to light resulting in the request for amendment. Inexcusable delay in requesting amendment of pleadings – regardless of the timing – constitutes grounds for denial of leave to amend. This Court finds that Plaintiff’s delay in seeking amendment until after a multi-week jury trial is inexcusable.

Motion for Imposition of Statutory Penalties Pursuant to Probate Code § 859

Plaintiff’s motion for “statutory penalties” under Probate Code section 859 is DENIED. Under section 859, a “person shall be liable for twice the value of the property recovered *by an action under this part.*” (Prob. Code § 859, emphasis added.) An “action under this part” refers to an action initiated under Probate Code section 850, which is a petition *in the Probate Court* for a court order authorizing conveyance or transfer of title to property under specified circumstances. (See, Prob. Code §§ 850, 856.) This is expressly distinct from a civil action for money damages. (Prob. Code § 856.5.) Although an action initiated under Probate Code section 850 may encompass civil matters, if factually related, and deemed appropriate by the court, there is no such provision allowing for a section 850 petition to be initiated by way of civil complaint. (Prob. Code § 855.) This petition process does not contemplate the award of damages, as the purpose is conveyance or transfer of property. (See, e.g., *Estate of Kraus* (2010) 184 Cal.App.4th 103.) The damages provisions contained therein are incidental safeguards, in the event property cannot be conveyed. (*Ibid.*)

There is no authority for Probate Code section 859 double damages to be imposed following a judgment for money damages in an unlimited civil action initiated by complaint. The mandatory language of section 859 does not apply to the instant case, the requirements of section 850, et seq. having not been met, and therefore does not compel this Court to impose additional damages or penalties, as this was not an action “under this part.” This Court declines to divorce section 859 from the statutory scheme in which it is contained and apply it wholesale to civil complaints for damages.

25CV-02678

Desten Howlin vs Vanguard Security Services Inc

Motion to be Relieved as Counsel

The unopposed motion by attorney H. Larry Elam, III and the law firm Wade Litigation to be relieved as counsel for defendant Vanguard Security Services is GRANTED provided counsel submits an updated proposed order on mandatory form MC-053 that includes Defendant’s current or last known address and telephone number.

The order will be effective upon the filing of the proof of service of the signed order upon the client.

Case Management Conference

Appearance required.

25CV-04989

Antony Lopez vs Charles Sullivan

Order to Show Cause Re: Restraining Order

Appearance required.

25CV-06022

Enrique Navarro Lechuga vs Alberto Navadiaz

Order to Show Cause Re: Restraining Order

Appearance required.

25CV-06874

People vs \$118,165.00 US Currency

Case Management Conference

Appearance required.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil
Hon. David Foster
Courtroom 9

627 W. 21st Street, Merced

Thursday, January 22, 2026
10:00 a.m.

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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
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23CV-00165	Kelstin Group, Inc. vs. Kaitlyn Garay
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Motion to Vacate or, in the Alternative, to Modify the Stipulation and Judgment

DROPPED from calendar. The Court is unaware of any legal authority that authorizes the Court to vacate or modify the terms of a written settlement agreement between the litigants on a motion filed more than two years after plaintiff filed a notice of settlement. The Court notes that the moving party has not filed a responsive pleading in this action and the motion is defendant's first appearance in the case.

On the Court's own motion and in accordance with California Rules of Court, rule 3.1385(c), the Court sets an order to show cause why the action should not be dismissed based on the notice of conditional settlement filed on August 15, 2023, and schedules the hearing for June 8, 2028, at 10:00 a.m. in Courtroom 9. The clerk's office is directed to provide notice of the OSC re dismissal.

25CV-00253

United Financial Casualty Co. vs. Ana Jimenez, et al.

Order to Show Cause Re: Sanctions

The order to show cause is discharged and the hearing vacated. On January 20, 2026, the Court signed plaintiff's requested default judgment.

Case Management Conference

Dropped from calendar as moot.

25CV-01564

Portfolio Recovery Associates, LLC vs. Kirandeep Chima

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

Appearance required.

Case Management Conference

Appearance required.

25CV-06614

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

Court Trial: Unlawful Detainer

Appearance required.

25CV-06779

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

Court Trial: Unlawful Detainer

Appearance required. Commissioner David Foster has recused himself; a different judicial officer will hear the trial.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O Trimble
Courtroom 12

1159 G Street, Los Banos

Thursday, January 22, 2026
11:00 a.m.

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Case No.	Title / Description
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25CV-02084	Ramon Saavedra vs. Chris McCarty
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Order to Show Cause Re: Restraining Order Review Hearing

Appearance required.

25CV-02085	Ramon Saavedra vs. Dylan McCarty
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Order to Show Cause Re: Restraining Order Review Hearing

Appearance required.

25CV-02091	Ramon Saavedra vs. Danny McCarty, Senior
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Order to Show Cause Re: Restraining Order Review Hearing

Appearance required.

25CV-04213 Lorenzo Limon Astello vs. Ricardo Figueroa Salcido, Junior

Order to Show Cause Re: Restraining Order

Appearance required.

25CV-06954 Gianna Reel vs. Karen Lais

Order to Show Cause Re: Restraining Order

Appearance required.
