

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Thursday, October 30, 2025

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

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, October 30, 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) 725-4240 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
----------	---------------------

17CV-00110	Budina Smith vs Richard Robinson, et al.
------------	--

Order to Show Cause Re: Sanctions

Appearance required as to counsel for Plaintiff, Budina Smith, and Defendant, Richard Robinson.

As to counsel for previously dismissed defendant, University Surgery Center, notice was sent to counsel, Jack Schuler in error. The clerk's office is ordered to remove dismissed defendant, University Surgery Center, from any service list, and to update the file to reflect their dismissal from the case. The order to show cause as to University Surgery Center is vacated as void, as no appearance is required by a dismissed defendant.

Hearing: Other – Remittitur

Appearance required.

22CV-04062

Jordan Pacini vs Dos Palos Co-Operative Gin, Inc.

Order to Show Cause Re: Dismissal - Notice of Settlement

Appearance required. Appear to address status of settlement noticed on July 21, 2025, for which dismissal was to be filed within 45 days.

23CV-01067

Silvia Pimentel vs Sierra-Cascade Nursery, INC.

Motion to Compel Plaintiff Silvia Pimentel's Appearance at a Deposition

Defendant's motion to compel Plaintiff's appearance at a deposition is GRANTED.

Service of a notice of deposition is effective to require a party to attend and testify. (Code Civ. Proc. § 2025.280, subd. (a).)

Plaintiff was properly served a deposition notice for June 27, 2025, for an in-person deposition. Plaintiff's counsel notified Defendant's counsel that Plaintiff would not be appearing in-person and, citing certain concerns, requested a remote deposition. Defendant's counsel refused the request. Defendant's counsel then confirmed with Plaintiff's counsel that Plaintiff would not be appearing for the noticed deposition.

Plaintiff's proper course of action at that time would have been to move for a protective order. The Code of Civil Procedure allows for a party to move for a protective order requesting that the deposition be taken at a place other than that specified in the deposition notice. (Code Civ. Proc. § 2025.420, subd. (a), (b).)

In the absence of a proper objection to the deposition notice, a motion for a protective order, or another excusable reason under the law, Plaintiff is ordered to appear for a deposition in person within thirty (30) days.

Defendant's request for sanctions is DENIED.

Code of Civil Procedure section 2023.040 requires that "[a] request for a sanction shall, in the notice of motion, identify every person, party, and attorney against whom the sanction is sought, and specify the type of sanction sought." (Code Civ. Proc. § 2023.040.) Defendant's notice fails to identify from whom the sanctions are sought or to specify the type of sanctions requested.

24CV-01071

Juan Farias vs Viani Bros. Ranches, LLC

Order to Show Cause Re: Dismissal - Notice of Settlement

Appearance required. Appear to address status of settlement noticed October 1, 2024, for which dismissal was to be filed no later than August 31, 2025.

25CV-04778 Petition of: Darrell Freemon

Order to Show Cause Re: Name Change

Appearance required. Appear to address status of publication of the petition.

25CV-05316 Laquisha McCombs vs Albert Castro

Appearance required. There is no proof of service on Respondent filed with the court.

25CV-05317 Laquisha McCombs vs Daniel Castro

Appearance required. There is no proof of service on Respondent filed with the court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Commissioner David Foster
Courtroom 9

627 W. 21st Street, Merced

Thursday, October 30, 2025
10:00 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
----------	---------------------

24CV-03134	JPMorgan Chase Bank, N.A. vs. Jose Magana
------------	---

Order to Show Cause re: Monetary Sanctions

The OSC is discharged and hearing vacated. The Court issued an OSC re sanctions following the failures by defendant's counsel to appear at the case management conference on August 8, 2025, and to file a case management conference statement. On August 12, 2025, defendant filed a substitution of attorney indicating that on August 8, 2025, defendant's attorney withdrew as counsel of record and defendant would represent himself in propria persona.

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.

24CV-03252

Patricia Bever vs. Erin May, et al.

Status Review of Settlement

Appearance required unless notice of settlement is filed prior to the hearing. 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 case.

24CV-03989

Lillian Juarez, et al. vs. Alyah Satawake

Order of Examination – Alyah Satawake

Personal appearance required.

25CV-01759

Melanie Oates vs Nicole Ballou

Order of Examination – Nicole Grace Ballou

Personal appearance required.

25CV-05029

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

Demurrer to Complaint for Unlawful Detainer

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.

The Court notes that defendant did not file a proof of service for the demurrer and plaintiff's counsel asserts in his opposition that he was never served with a copy. The Court also notes that defendant's demurrer and memorandum of points and authorities appear to have been written for a different case because the arguments generally are inapplicable to this case. Although this suggests bad faith by defendant, the Court nevertheless will rule on the demurrer.

The defendant's first general demurrer to the unlawful detainer complaint on the ground the complaint fails to allege proper notice is OVERRULED. The complaint alleges a cause of action for unlawful detainer based on a 3-day notice to pay rent or quit pursuant to Code of Civil Procedure section 1161(2). Proper notice is alleged and attached as an exhibit to the complaint.

Defendant's second general demurrer on the ground that the notice is defective pursuant to Code of Civil Procedure section 1161 and Civil Code section 1946.1(h) is OVERRULED. First, the complaint does not assert a cause of action pursuant to Civil Code section 1946.1. Second, the complaint alleges a cause of action pursuant to Code of Civil Procedure section 1161(2) but defendant does not identify any defect in the 3-day notice to pay or quit alleged and attached as an exhibit to the complaint.

Defendant's third general demurrer on the ground that the pleading does not state facts sufficient to constitute a cause of action is **OVERRULED** for the reasons previously stated.

Defendant's fourth demurrer on the ground of uncertainty pursuant to Code of Civil Procedure section 430.10(f) is **OVERRULED**. The complaint alleges all the necessary facts to constitute a cause of action for unlawful detainer against defendant and is not so vague and ambiguous that the responding party "cannot reasonably determine what issues must be admitted or denied, or what counts or claims are directed at [them]." (*Khoury v. Mally's of Calif., Inc.* (1993) 14 Cal.App.4th 612, 616.)

Defendant shall file her answer within five days of notice of entry of order. (Cal. Rules of Court, rule 3.1320(g); Code Civ. Proc., § 472b.)

The prevailing party is directed to prepare a written order and provide notice to the opposing party as required by law and the California Rules of Court. The order is to be submitted by electronic filing to Commissioner David Foster.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Ashely Albertoni Sausser
Courtroom 13

1159 G Street, Los Banos

Thursday, October 30, 2025
1:30 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) 725-4240 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
----------	---------------------

25CV-05378	Karen Forte vs. Israel Pedraza Madrigal
------------	---

Order to Show Cause Re: Restraining Order

Appearance required.
