

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

2260 N Street, Merced
627 W. 21st Street, Merced
2840 West Sandy Mush Road, Merced
1159 G Street, Los Banos

Thursday, May 1, 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. Brian L. McCabe

Courtroom 8 – Hon. Stephanie L. Jamieson

Courtroom 9 – Commissioner David Foster

Courtroom 12 – Hon. Jennifer O. Trimble

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. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, May 1, 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
CVM017462	Amarjit Kandola v. Bhupinder K. Sahota, et al.

Trial Setting 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 whether trial should be set, and, if so, to set trial.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED
Civil Law and Motion
Hon. Stephanie L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, May 1, 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
19CV-03971	S.C. Anderson, Inc. v. Golden State Construction and Framing, Inc., et al

Demurrer by Nuovo Re, LLC and Nuovo Land Development, LLC to First, Third, Fourth, Fifth, Seventh, Eighth, Ninth, & Tenth Causes of Action in the Third Amended Complaint

All requests for judicial notice are GRANTED. The demurrer by Nuovo Re, LLC and Nuovo Land Development, LLC to the first, third, fourth, fifth, seventh, eighth, ninth, tenth causes of action in the third amended complaint on the grounds that such claims are barred by the statute of limitations is SUSTAINED WITHOUT LEAVE TO AMEND.

It is clear from the face of the complaint that Plaintiff had knowledge of the existence of the asserted claims when the original complaint was filed. Despite three opportunities to amend the complaint to plead around the statute of limitations and state facts establishing the applicability of the delayed discovery rule to the potential liability of defendants, plaintiff has failed to do so. As the complaint has been amended three times, and there has been no offer of additional facts to be pleaded establishing a reasonable possibility that the defect can be cured to state a cause of action, leave to amend is barred. (Code Civ. Proc. § 430.41, subd. (e)(1).)

The Demurrer by Nuovo Re, LLC and Nuovo Land Development, LLC to the first, third, fourth, fifth, seventh, eighth, ninth, tenth causes of action in the third amended complaint on the grounds that Plaintiff has failed to allege facts establishing the application of alter ego liability is SUSTAINED WITHOUT LEAVE TO AMEND.

Plaintiff has again failed to allege the facts necessary to establish sufficient unity of interest or common control required for application of the alter ego doctrine. As the complaint has been amended three times, and there has been no offer of additional facts to be pleaded establishing a reasonable possibility that the defect can be cured to state a cause of action, leave to amend is barred. (Code Civ. Proc. § 430.41, subd. (e)(1).)

The demurrer by Nuovo Re, LLC and Nuovo Land Development, LLC to the seventh, eighth, ninth, tenth causes of action in the third amended complaint on the grounds that such claims are barred by the economic loss rule is SUSTAINED WITHOUT LEAVE TO AMEND.

The economic loss rule provides that economic damages may not ordinarily be recovered in tort for breach of contractual obligations, and plaintiff has again failed to allege the types of losses allowable under the economic loss rule. As the complaint has been amended three times, and there has been no offer of additional facts to be pleaded establishing a reasonable possibility that the defect can be cured to state a cause of action, leave to amend is barred. (Code Civ. Proc. § 430.41, subd. (e)(1).)

The remaining grounds for demurrer asserted by defendants Nuovo Re, LLC and Nuovo Land Development, LLC, are OVERRULED AS MOOT in light of the above ruling

Demurrer by Defendant El Capitan Hotel Merced, LLC to the Seventh, Eighth, Ninth, & Tenth Causes of Action in the Third Amended Complaint

All requests for judicial notice are GRANTED. The Demurrer by El Capitan Hotel Merced, LLC to the seventh, eighth, ninth, tenth causes of action in the third amended complaint on the grounds that such claims are barred by the economic loss rule is SUSTAINED WITHOUT LEAVE TO AMEND.

The economic loss rule provides that economic damages may not ordinarily be recovered in tort for breach of contractual obligations, and plaintiff has again failed to allege the types of losses allowable under the economic loss rule. As the complaint has been amended three times, and there has been no offer of additional facts to be pleaded establishing a reasonable possibility that the defect can be cured to state a cause of action, leave to amend is barred. (Code Civ. Proc. § 430.41, subd. (e)(1).)

The demurrer by El Capitan Hotel Merced, LLC to the seventh, eighth, ninth, tenth causes of action in the third amended complaint for failure to plead fraud-based claims with sufficient particularity is SUSTAINED WITHOUT LEAVE TO AMEND.

Plaintiff has once again failed to plead any of the fraud-based claims with the requisite particularity, despite reasonable time to conduct any necessary discovery. As the complaint has been amended three times, and there has been no offer of additional facts to be pleaded establishing a reasonable possibility that the defect can be cured to state a cause of action, leave to amend is barred. (Code Civ. Proc. § 430.41, subd. (e)(1).)

Demurrer by Lonnie Sortor dba Construction Management and Consulting Group (erroneously sued as Construction Management Consulting Group LLC a Colorado Corporation and Construction Management Consulting Group LLC, a California Corporation) to Sixth, Seventh, Eighth, Ninth, and Tenth Cause of Action in the Third Amended Complaint

The demurrer by Lonnie Sortor dba Construction Management and Consulting Group (erroneously sued as Construction Management Consulting Group LLC a Colorado Corporation and Construction Management Consulting Group LLC, a California Corporation) to the sixth, seventh, eighth, ninth, and tenth causes of action in the third amended complaint is SUSTAINED WITH LEAVE TO AMEND.

Defendant asserts that the claims are barred by the statute of limitations. Plaintiff asserts that the statute of limitations was tolled by the delayed discovery rule. “In order to rely on the discovery rule for delayed accrual of a cause of action, a plaintiff whose complaint shows on its face that his claim would be barred without the benefit of the discovery rule must specifically plead facts to show (1) the time and manner of discovery and (2) the inability to have made earlier discovery despite reasonable diligence.” (*Fox v. Ethicon Endo-Surgery, Inc.* (2005) 35 Cal.4th 797, 808, internal citations omitted.) Plaintiff has failed to specifically these facts.

This defendant’s demurrer to the sixth cause of action on the grounds that defendant was not a stranger to the contract is OVERRULED. There is no allegation that Construction Management Consulting Group was a party to the contract between plaintiff and defendant, El Capitan.

This defendant’s demurrers to the seventh, eighth, ninth, and tenth causes of action as barred by the economic loss rule are OVERRULED. The economic loss rule does not bar claims against Construction Management Consulting Group if they were not under contract with the plaintiff. There is no allegation that this defendant was a party to any contract with the plaintiff.

Trial Setting Conference

Appearance required.

Case Management Conference

Appearance required.

23CV-00475 Manuel Hernandez Perez, et al. v. Tan Preet Singh, et al.

Case Management Conference

Continued on the court’s own motion to May 6, 2025, at 8:15 a.m. in Courtroom 8 to be heard concurrently with the petition for approval of minor’s compromise set for that time and date.

23CV-00838

Maria Medina v. Moises Zaragoza

Motion to Set Trial

The unopposed motion to set trial is GRANTED. A trial setting conference is set for June 2, 2025, at 8:15 a.m. in Courtroom 8. The clerk of the court is ordered to send notice to all parties.

23CV-02663

Joycelyn Bartlett, et al. v. AVN Farms, LLC, et al.

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 mediation.

24CV-06422

Eduardo Loza v. Hyundai Motor America

Motion to Compel Binding Arbitration

The motion to compel binding arbitration is GRANTED. Defendant has established the existence of an agreement to arbitrate. Plaintiff has failed to establish that the arbitration agreement is procedurally or substantively unconscionable. The court does not find any preemption and arbitration does not violate the anti-waiver provisions of the Song Beverly Act.

24CV-06562

Gary Reinero v. Clifford Caton

Motion for Calendar Preference Pursuant to Code of Civil Procedure § 36

The unopposed motion for calendar preference pursuant to Code of Civil Procedure § 36 is CONTINUED ON THE COURT'S OWN MOTION to May 21, 2025, at 8:15 a.m. in Courtroom 8, to be heard concurrently with the demurrer by defendant, Clifford Caton. While Code of Civil Procedure § 36, subd. (e) no longer requires a moving party to file an at-issue memorandum, the fact remains that preference can only be granted when the interests of justice are served, and this court finds that the interests of justice require that the matter be at issue before trial preference can be granted. A trial on the merits cannot fairly proceed until all parties have filed an answer to the operative complaint.

25CV-01832

Planada Elementary School District, et al. v. Pete Maciel

Order to Show Cause re: Restraining Order

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 service was filed on April 11, 2025, showing service of process on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, May 1, 2025
9:00 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
----------	---------------------

There are no Mandatory Settlement Conferences Matters Scheduled	
---	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Thursday, May 1, 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-00040	Barclays Bank Delaware vs. Irene Garcia
	Defendant's Motion to Compel Arbitration
	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.
	Court Trial
	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.

24CV-05986

TD Bank USA, N.A. vs. Saan Saechao

Plaintiff's Demurrer to Responsive Pleading

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, May 1, 2025
11:00 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
----------	---------------------

25CV-01785	Delaina Warden v. Miguel Campa
------------	--------------------------------

Order to Show Cause re: Restraining Order

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. All parties have previously appeared in this action.

25CV-01313	Moises Velasquez v. Oscar Garcia Chavez
------------	---

Order to Show Cause re: Restraining Order

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. There is no proof of service on file showing service on respondent.

24CV-03139

Michelle Torres v. Richard Hernandez

Order to Show Cause re: Restraining Order

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 Service was filed October 15, 2024 showing service of the papers filed in this action on respondent and both parties were present in court when this matter was continued to this date.

25CV-01846

Nicole DelaGrange v. Henry Vu

Order to Show Cause re: Restraining Order

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. There is no proof of service on file showing proof of service of the papers filed in this action on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, May 1, 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

Thursday, May 1, 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

Thursday, May 1, 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.	
--	--