

**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, June 5, 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. 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. Stephanie L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, June 5, 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
24CV-06045	Preet Sandhu v. Paramdeep Kurana 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. This is a continued hearing on a temporary restraining order issued on December 20, 2024, and set to expire on the date of this hearing, June 5, 2025. Appear to address the status of the family law case this matter is trailing.
25CV-00989	Louie Ruiz v. County of Merced, et al. Demurrer by Defendant County of Merced to Complaint for (1) Failure to Plead the elements of Dangerous Condition on Public Property, (2) Failure to Plead around Government Code § 831.4 Immunity and because the Government Code § 846 exception does not apply to Public Entities The Demurrer by Defendant County of Merced to Complaint for (1) Failure to Plead the elements of Dangerous Condition on Public Property, (2) Failure to Plead around

Government Code § 831.4 Immunity and because the Government Code § 846 exception does not apply to Public Entities is SUSTAINED WITH LEAVE TO AMEND.

The Act defines a “ ‘[d]angerous condition’ ” as “a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.” (§ 830.) Public property is in a dangerous condition within the meaning of section 835 if it “is physically damaged, deteriorated, or defective in such a way as to foreseeably endanger those using the property itself.” (*Cordova v. City of L.A.* (2015) 61 Cal.4th 1099, 1105 [quoting *Bonanno v. Central Contra Costa Transit Authority* (2003) 30 Cal.4th 139, 148].) “A public entity is liable for injuries caused by a “dangerous condition” on public property if the entity either creates that condition itself or is otherwise negligent because it had actual or constructive notice of the condition but did not repair it. (Gov. Code, §§ 835, 835.2.) [footnote omitted] A public entity will be charged with constructive notice of a dangerous condition only if (1) the dangerous condition existed for a sufficient period of time before the plaintiff's injury, and (2) it was sufficiently obvious that the entity acted negligently in not discovering and repairing it. (*Martinez v. City of Beverly Hills* (2021) 71 Cal.App.5th 508, 513 [citing *Carson v. Facilities Development Co.* (1984) 36 Cal.3d 830, 842-843; *State of California v. Superior Court* (1968) 263 Cal.App.2d 396, 400].)

The complaint alleges: “Plaintiff was traveling across a wooden bridge in Lake Yosemite Park on an electric scooter when two of the wooden planks on the bridge gave way, causing Plaintiff to go head-first over the handle bars of the scooter and onto the cement.” (Complaint Page 4.) There is no allegation establishing how the County had constructive notice that the wooden blanks on the bridge might give way in the event a scooter was driven across the bridge. Accordingly, the demurrer to the complaint on the grounds of failure to state a cause of action is SUSTAINED WITH LEAVE TO AMEND.

Even if a cause of action were stated, Government Code section 831.4 subsection (b) extends immunity to any trail—paved or unpaved—used for purposes described in section 831.4(a) and also to trails providing access to those activities. (*Treweek v. City of Napa* (2000) 85 Cal.App.4th 221, 229-231; *Nealy v. County of Orange* (2020) 54 Cal.App.5th 594, 603] [Moreover, “ ‘[t]o fulfill its purpose, trail immunity must extend to claims arising from the design of a trail, as well as its maintenance.’ [Citations.] ‘[L]ocation, no less than design, is an integral feature of a trail, and both must be immunized for the same reasons.’ [Citation.] This immunity is absolute.].) Plaintiff offers no facts addressing why a wooden bridge in a public park would not be subject to trail immunity. While Government Code § 846 provides that a private landowners willful failure to warn is an exception to landowner recreational immunity, Government Code § 846 does not apply to trail immunity asserted by a Public Entity. (*Loeb v. County of San Diego* (2019) 43 Cal.App.5th 421, 436 [“Indeed, Civil Code `s]ection 846 does not apply to public entities”].) Accordingly, the demurrer for failure to state a cause of action due to the application of trail immunity is SUSTAINED WITH LEAVE TO AMEND.

Any amended complaint must be filed by June 30, 2025.

25CV-01952

Lakeisha Marshall v. Christopher Goozey

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.

25CV-02144

Petition of: Roger Wilson

Order to Show Cause re: Name Change

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 publication of this petition by an adult to change his own middle and last name.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, June 5, 2025
9:00 a.m.

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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 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
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	There are no mandatory settlement conferences scheduled.
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, June 5, 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:

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Case No.	Title / Description
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There are no matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos
Thursday, June 5, 2025
11:00 a.m.

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Case No.	Title / Description
25CV-02557	Rhea Clevenger v. Denise Delgadillo

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 of the papers filed in this action on the respondent.

25CV-02606	Maria Hernandez v. Andrea Diaz
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Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. There is no proof of service on file showing service of the papers filed in this action on the respondent.

25CV-02698 Aden Garcia v. Chera Hartley

Trial Setting Conference: 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. Appear to address whether trial should be set for this matter.

25CV-02386 Andrea Hernandez v. Shelia Morgan

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 May 15, 2025 showing service of the papers filed in this action on the respondent.

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 service of the papers filed in this action on the respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, June 5, 2025
1:15 p.m.

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IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
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	There are no Ex Parte Matters Scheduled
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Thursday, June 5, 2025
1:15 p.m.

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IMPORTANT: Court reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
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There are no ex parte matters scheduled.	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, June 5, 2025

1:15 p.m.

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IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
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There are no Ex Parte matters scheduled.	
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