

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Thursday, July 10, 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. 21<sup>st</sup> Street, Merced

Thursday, July 10, 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
----------	---------------------

20CV-02055	Harold Johnson, Senior, et al. v. Juan Ramirez, et al.
------------	--

Demurrer by Defendant Midway Community Services District to Third Amended Complaint for Failure to Allege Compliance with Government Claims Act, and for Failure to Allege a Statutory Basis for Liability and Uncertainty

**The demurrer by defendant, Midway Community Services District, to the third amended complaint, for failure to allege compliance with the Government Claims Act is SUSTAINED WITHOUT LEAVE TO AMEND. The complaint fails to satisfy the requirements of the Government Claims Act, and the plaintiff has failed to articulate specific facts that would establish either satisfaction of or exclusion from the Government Claims Act. The remaining demurrers are OVERRULED AS MOOT.**

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.**

---

22CV-00553

Pedro Canela v. City of Merced, et al.

Motion for Reconsideration of Court's April 9, 2025 Order Reinstating July 1, 2024 Order that Requests for Admission (Set Two) Be Deemed Admitted

**This matter will be heard by Peter MacLaren, the Judge Pro Tem who issued the order for which reconsideration is sought. See separate Tentative ruling below.**

---

22CV-03707

Cristan Reyes v. Gino/Giuseppe, Inc. .

Motion to be Relieved as Counsel

**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.**

---

23CV-04241

Shelia Murphy v A Plus Care Non Emergency Medical Transportation

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 select trial dates.**

---

24CV-01091

Dennis Brazil v. Newrez. LLC, et al.

Demurrer to Third Amended Complaint by NewRez dba Shellpoint Servicing and U.S. Bank National Association as Trustee for VRMTG Asset Trust to Plaintiff's Third Amended Complaint and the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Causes of Action

**The requests for judicial notice are GRANTED.**

**The demurrer filed by NewRez dba Shellpoint Servicing, and U.S. Bank National Association as trustee for VRMTG Asset Trust, to the third amended complaint and the first, second, third, fourth, fifth, sixth, and seventh causes of action is SUSTAINED WITHOUT LEAVE TO AMEND.**

**Although Civil Code section 2924.12, subdivision (b) makes a mortgage servicer, mortgagee, trustee, beneficiary, or authorized agent liable for actual economic harm for a material breach of sections 2923.55, 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, or 2924.17, after a trustee's deed of sale has been recorded, there is no obligation or duty of care imposed on a loan servicer to process or respond to a pending loan modification application. (*Sheen v. Wells Fargo N.A.* (2022) 12 Cal.5th 905, 949.)**

**Civil Code section 2924.10, subdivision (b) provides that a borrower's first lien loan modification application shall be deemed to be "complete" when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable time frames specified by the mortgage servicer.**

**Paragraphs 22 and 23 establish that the first lien loan application was not complete. Defendants requested additional documents of plaintiff, which were still not received as of February 12, 2024, the last alleged date of communication. The complaint does not allege that defendants received the documents or were made aware that they were sent.**

Because the application was not complete as of the last date of communication, defendants had no duty to the plaintiff and cannot be held liable under the theory propounded by the plaintiff, which is effectively an allegation of negligent processing of documents. During the pendency of the three prior demurrers to the three previous complaints containing such allegations, the plaintiff enjoyed ample opportunity to conduct discovery to determine whether a completed loan modification application was actually received and the precise nature of the material breach of statutory duty that is alleged. Yet the facts necessary to establish such a breach have not been plead.

Plaintiff's third amended complaint yet again fails to allege a viable cause of action because it fails to allege a material breach of the duties imposed by the specific statutes to which the various causes of action relate.

Plaintiff's first cause of action for a violation of section 2923.55 fails because (1) it fails to allege that the party recording the notice of default, Wells Fargo, failed to contact him to explore options; (2) the allegations are conclusory; and (3) it fails to allege a material violation given the admissions in paragraphs 18-23 that a loan modification package was submitted, evaluated, and additional documents requested and/or submitted.

Plaintiff's second cause of action for a violation of section 2923.6 fails to allege that the modification package pending at the time of the foreclosure sale was deemed complete by the defendants.

Plaintiff's third cause of action for a violation of section 2923.7 asserting that his inability to obtain a status of the review constituted a material violation is contradicted by his allegation that the previous communication indicated that an additional document was required.

Plaintiff's fourth cause of action for a violation of section 2924.9 fails to allege a material violation and fails to allege exhaustion of the loan modification process at the time the notice was allegedly sent. Plaintiff was advised that additional documentation was required, and although there is an allegation that the missing documentation was sent by a third party, there is no allegation that such documents were actually received or are reasonably believed to have been received.

Plaintiff's fifth cause of action for a violation of section 2924.10 alleges that defendants failed to acknowledge receipt of the loan modification based on the allegation that the last document requested was sent, but without any allegation that such document was in fact received.

Plaintiff's sixth cause of action for wrongful foreclosure fails absent any allegation establishing illegal, fraudulent, or willful oppression, and does not establish prejudice as a result of the specific violations alleged, given that technical violations that resulted in the loss of a home do not constitute prejudice. (See, e.g., *Haynish v. Bank of America N.A.* (2018) 284 F.Supp.3d 1037, 1049-1050.)

Plaintiff's seventh cause of action for violation of the UCL contains no allegation that a violation of section 17200 occurred prior to the default by Plaintiff. (See, *Jenkins v. JP Morgan Chase Bank N.A.* (2013) 216 Cal.App.4th 497, 522-523.)

As the complaint has been amended and demurred to on the same grounds without cure of the defects, leave to amend is DENIED. (Code Civ. Proc. § 430.41, subd. (e)(1).)

---

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 showing service on the respondent.**

---

25CV-02857

Petition of: Amarjit Doklu

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. Proof of publication and proof of service on the other parent having been filed, appear to address any objections to this petition by one parent to change the middle and last name of a minor child.**

---

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED  
Civil Law and Motion  
Judge Pro Tem Peter MacLaren  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Thursday, July 10, 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
22CV-00553	Pedro Canela v. City of Merced, et al.  Motion for Reconsideration of Court's April 9, 2025 Order Reinstating July 1, 2024 Order that Requests for Admission (Set Two) Be Deemed Admitted  <b>The Motion for Reconsideration of Court's April 9, 2025 Order Reinstating July 1, 2024 Order that Requests for Admission (Set Two) Be Deemed Admitted is DENIED. Viewing the totality of the circumstances, the Court is not persuaded that the instant motion for reconsideration satisfies CCP § 1008 by providing new facts with an explanation as to why such facts could not be previously provided to the court, and the Court declines to reconsider the July 1, 2024 order on its own motion. Accordingly, Request for Admission (Set Two) continue to be deemed admitted.</b>

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, July 10, 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 scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, July 10, 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-00959	Lobel Financial Corp. v. Briana Uriostegui
------------	--

Motion to Strike Defendant's Answer

**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.**

**Plaintiff's unopposed motion for an order striking defendant's answer is DENIED. The Court has reviewed the minutes of the prior case management conferences in this action and has not found any reference to striking defendant's answer for failure to appear. The Court is unaware of any statutory or other legal authority to support the Court striking a defendant's answer as a sanction for failing to appear at a CMC in a limited civil action.**

**The CMC scheduled for July 11, 2025, at 8:30 a.m. in Courtroom 9 is confirmed.**

---



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Restraining Orders  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos  
Thursday, July 10, 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.**

<b>Case No.</b>	<b>Title / Description</b>
25CV-02939	Armando Gonzalez Reyes v. Xavier Garcia

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 June 9, 2025 establishing that the papers filed in this action were served on the respondent and on the respondent's parent or guardian.**

25CV-02320	Kathy Pena v. Melissa Garza
------------	-----------------------------

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-03053              Erica Garza v. Jocelyn Gomez

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

---

25CV-03276              Josehp Salazar v. Jeanette Ortiz

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 June 30, 2025 establishing that the papers filed in this action were served on the respondent.**

---

25CV-02968              Robert Kraft v. Gerardo Rodriguez Pacheco

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 showing 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. 21<sup>st</sup> Street, Merced

Thursday, July 10, 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. 21<sup>st</sup> Street, Merced

Thursday, July 10, 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, July 10, 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.	
--	--