

**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, August 28, 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 10 – Hon. Mark V. Bacciarini

Courtroom 12 – Hon. Jennifer O. Trimble

Courtroom 13 – Hon. Ashley Albertoni Sausser

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, August 28, 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-03621 / 24CV-00189	Armando Diaz v. Sol Rivas, et al.
-------------------------	-----------------------------------

Order to Show Cause re: Dismissal-Notice of Settlement

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 global settlement.

23CV-02809	Jason Moore, et al. v. State of California
------------	--

Motion for an Order Deeming True the Matters Contained in Requests for Admission served on Plaintiff John Russell Priore and for Monetary Sanctions of \$1,140.00

The unopposed motion for an order deeming true the matters contained in Requests for Admission served on the plaintiff, John Russell Priore and for monetary sanctions in the amount of \$1,140.00 is GRANTED.

Motion for an Order Deeming True the Matters Contained in Requests for Admission served on Plaintiff Rasheed Long and for Monetary Sanctions of \$1,140.00

The unopposed motion for an order deeming true the matters contained in Requests for Admission served on the plaintiff, Rasheed Long and for monetary sanctions in the amount of \$1,140.00 is GRANTED.

24CV-06552

Warner Pereira v. Judithann Longacre

Motion to Set Aside Default and Vacate Default Judgment

The unopposed motion to set aside the default entered against defendant, Judithann Longacre, on March 3, 2025, is GRANTED. The motion demonstrates mistake or inadvertence as required by Code of Civil Procedure section 473, subdivision (b), and a proposed answer has been lodged with the court. The motion to vacate the default judgment is denied on the grounds of mootness, as no judgment has yet been entered pursuant to the entry of default.

Defendant's answer, lodged August 4, 2025, is ordered filed.

25CV-01231

Luke Wedan v. Avalon Health Care Management, Inc., et al.

Motion to Compel Arbitration

Defendant's motion to compel arbitration is GRANTED. The weight of evidence establishes that the arbitration agreement was executed by Plaintiff himself, using an electronic signature, albeit on the line for agent pursuant to power attorney, rather than the alternative line for principal himself to sign. Since there is no dispute that Plaintiff provided an objective manifestation of his consent to arbitration, the court finds that Defendant has met its burden of establishing that an arbitration agreement exists.

Plaintiff's objections to evidence establishing that an arbitration agreement was signed using an electronic signature by Plaintiff pursuant to a standard procedure used by Defendant are OVERRULED. There has been no showing that Plaintiff has been prejudiced by the late submission of such evidence, and no request by Plaintiff to continue the hearing. This Court finds that Code of Civil Procedure § 1295 is inapplicable as there is no claim for negligence based on the provision of medical services. (See, e.g. *Holland v. Silverscreen Healthcare, Inc.* 2025 WL 2349863, at pp. 6-7; Supreme Court of California No. S285429, opinion issued Aug. 14, 2025.) This Court finds that Defendant has not waived the right to arbitrate pursuant to the arbitration agreement. Plaintiff has also failed to meet his burden of establishing that the arbitration agreement is either procedurally or substantively unconscionable.

Plaintiff's Motion to Compel Responses to (1) Special Interrogatories, (2) Requests for Production of Documents, (3) Requests for Admission, (4) Form Interrogatories.

Plaintiff's motion to compel responses to (1) special interrogatories, (2) requests for production of documents, (3) requests for admission, (4) form interrogatories is DENIED given the above order granting the motion to compel arbitration. This order is without prejudice to the plaintiff's right to raise any and all discovery issues with the arbitrator.

25CV-03154

Petition of: Fredrick Catral

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 having been filed, the petition by an adult to change his own name is **GRANTED.**

25CV-03853 Petition of: Barnabas Gomez

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 name.

25CV-03884 Petition of: Mary Silva

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 her own name.

25CV-04149 Jesus Martinez Huerta v. Lorena Virrey Zendejas

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-04191 Joseph Alvarez v. Justin Guilardi

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

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

Thursday, August 28, 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. 21st Street, Merced

Thursday, August 28, 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	Barclay's Bank Delaware v. Irene Garcia
------------	---

Motion for Leave to Complete Discovery Proceedings

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.

Defendant Irene Garcia's motion for leave to complete discovery proceedings pursuant to Code of Civil Procedure section 2024.050(a) is DROPPED from calendar for insufficient notice. The proof of service filed by defendant on August 25, 2025, indicates that defendant served notice of the motion by e-mail at 3:22 p.m. on Friday, August 22, 2025. Defendant did not obtain leave of court to set this motion on shortened time, therefore notice of motion must be provided as required by Code of Civil Procedure section 1005 and rule 3.1300 of the California Rules of Court.

Even if sufficient notice had been provided, the Court notes that defendant's motion is not accompanied by a meet and confer declaration under Section 2016.040 as required by Section 2024.050(a).

Motion for Order Compelling Discovery

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.

Defendant Irene Garcia's motion for an order compelling discovery pursuant to Code of Civil Procedure section 2031.310 is DROPPED from calendar for insufficient notice. The proof of service filed by defendant on August 25, 2025, indicates that defendant served notice of the motion by e-mail at 3:22 p.m. on Friday, August 22, 2025. Defendant did not obtain leave of court to set this motion on shortened time, therefore notice of motion must be provided as required by Code of Civil Procedure section 1005 and rule 3.1300 of the California Rules of Court.

Even if sufficient notice had been provided, the Court notes there are procedural defects. A motion under Section 2031.310 is a motion to compel further responses to a demand for inspection of documents. Defendant has not provided either a separate statement (see rule 3.1345 of the California Rules of Court) or a concise outline of the discovery request and each response in dispute (see Section 2031.310(b)(3)). In addition, the motion is not accompanied by a meet and confer declaration under Section 2016.040 as required by Section 2031.310(b)(2).

25CV-00126 Wells Fargo Bank, N.A. v. Jesus Pulido

Motion for Order that Requests for Admissions Be Deemed Admitted

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 unopposed motion by plaintiff Wells Fargo Bank, N.A., for an order deeming admitted the truth of any matters and genuineness of any documents specified in plaintiff's Requests for Admission, Set One, served on defendant Jesus Pulido is GRANTED. (Code Civ. Proc., § 2033.280, subd. (b).) It is undisputed that defendant has not served responses to plaintiff's requests for admission. The Court notes that plaintiff did not request monetary sanctions.

The Court will sign the proposed order submitted with the moving papers.

25CV-00507 Bank of America, N.A. v. Michael P. Dorigi

Motion for Order that Requests for Admissions Be Deemed Admitted

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 unopposed motion by plaintiff Bank of America, N.A., for an order deeming admitted the truth of any matters and genuineness of any documents specified in plaintiff's

Requests for Admission, Set One, served on defendant Michael P. Dorigi is GRANTED. (Code Civ. Proc., § 2033.280, subd. (b).) It is undisputed that defendant has not served responses to plaintiff's requests for admission. The Court notes that plaintiff did not request monetary sanctions.

The Court will sign the proposed order submitted with the moving papers.

25CV-03726

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

Unlawful Detainer 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Ashley Albertoni Sausser
Courtroom 13
1159 G Street, Los Banos
Thursday, August 28, 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-04211	Maria Ranjel v. Sherlyn Garay

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 August 20, 2025 showing service of the papers filed in this action on respondent.

25CV-04239	Allayna Harrington v. Janet 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. There is no proof of service on file showing service of the papers filed in this action on the respondent.

25CV-04238

Allayna Harrington v. Leticia 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. 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 L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Thursday, August 28, 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, August 28, 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

Specially Set Matter
Hon. Mark V. Bacciarini
Courtroom 10
627 W. 21st Street, Merced

Thursday, August 28, 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
----------	---------------------

24CV-00811	Marco Aguilar v. Dole Packaged Foods, LLC
------------	---

Motion by Defendant Dole Packaged Foods LLC to (1) Disqualify Capstone Law APC as Counsel for Plaintiff, and (2) Dismiss PAGA Representative Action

The Motion by Defendant Dole Packaged Foods LLC to (1) Disqualify Capstone Law APC as Counsel for Plaintiff, and (2) Dismiss PAGA Representative Action is GRANTED.

This Court Grants All requests for judicial notice brought in connection with this motion and OVERRULES all evidentiary objections.

This Court finds that deposition testimony of highly credible, highly probative, and not directly contradicted or explained by the evidence submitted by Capstone Law APC. Even if the evidence submitted by Capstone Law was viewed as credible, which it is not, the evidence submitted by Capstone Law APC unequivocally establishes that Marco Riveria Aguilar is willing and capable of making false statements under penalty for perjury, the

only question is whether he lied during his deposition or lied in his sworn declaration. Based on the totality of circumstances and absence of corroborating evidence, this Court finds that Marco Riveria Aguilar was telling the truth during his deposition.

Given the unequivocal evidence that Marco Riveria Aguilar has in fact intentionally lied under oath, this Court finds that it is impossible for him to testify credibly on the issue of whether or not certain labor code violations occurred, especially given that his deposition testimony suggests that such violations may not have occurred. Thus, the weight of evidence establishes that the instant PAGA action is fictitious or sham such that this plaintiff has no valid cause of action, and therefore this court exercises its inherent authority to STRIKE the sham PAGE allegations, and orders this action DISMISSED. (*Estrada v. Royalty Carpet Mills, Inc.* (2024) 15 Cal.5th 582, 601-602.)

This Court further finds that the combined actions of Capstone Law APC in the *Aguilera* and the *Aguilar* cases reveals a systematic pattern of abuse that threatens the integrity of the judicial system and therefore the motion to disqualify Capstone Law APC as counsel in any PAGA claim brought against Defendant Dole Packaged Foods is GRANTED. (See *People ex rel. Dep't of Corps. v. Speedee Oil Change Sys., Inc.* (1999) 20 Cal.4th 1135, 1145.)

Accordingly, the Motion by Defendant Dole Packaged Foods LLC to (1) Disqualify Capstone Law APC as Counsel for Plaintiff, and (2) Dismiss PAGA Representative Action is GRANTED.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, August 28, 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. Ashley Albertoni Sausser
Courtroom 13
1159 G Street, Los Banos

Thursday, August 28, 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

Special Set Matters
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Thursday, August 28, 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) 725-4111 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-01458	Nubia Armenta v. AnaSara Lopez
------------	--------------------------------

Order of Examination – AnaSara Lopez

Personal appearance is required. A proof of service was filed on July 29, 2025, showing timely personal service on the judgment debtor of the Order to Produce Statement of Assets and to Appear for Examination.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Ashley Albertoni Sausser
Courtroom 13
1159 G Street, Los Banos
Thursday, August 28, 2025
1:30 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 restraining order matters scheduled	
--	--