

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, January 13, 2026

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

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

Tuesday, January 13, 2026
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

20CV-01569 Mikeiah Hargrett, et. al vs. William Gustavo Lopez, et. al

Motions in Limine

Appearance required.

Defendant has filed ten motions in limine. No motions have been filed by the Plaintiff.

**The Court will address Defendant's motions in limine 4 through 10 at the hearing.
Defendant's motion in limine 1 to exclude witnesses is GRANTED. Defendant's motions in limine 2 and 3 are rejected pursuant to Local Rules 4.E.1.b. and 4.E.1.c.**

24CV-04014 Rachelle Flores, et al. vs Linda Reyes, et al.

Order to Show Cause Re: Dismissal - Notice of Settlement

Appearance required. Appear to address status of settlement and failure to file notice of settlement or request for dismissal, despite representations at the case management conference on October 13, 2025, that the matter had been settled and a request for dismissal was forthcoming.

Case Management Conference

Appearance required.

Order to Show Cause Re: Sanctions

Pursuant to the declaration filed by attorney Brian Leach on January 9, 2026, the Court finds GOOD CAUSE NOT TO ISSUE SANCTIONS against counsel for failing to appear at the previous hearing on December 12, 2025.

24CV-06520 Gabriel Mascorro vs General Motors, LLC.

Demurrer to Plaintiff's First Amended Complaint

Defendant's demurrer is OVERRULED IN PART, and SUSTAINED IN PART, WITH LEAVE TO AMEND.

The demurrer to the first, second, third, and fourth causes of action is OVERRULED.

Defendant demurs to the first, second, third, and fourth causes of action based on a claim that the causes of action are barred by the statute of repose as set forth in Code of Civil Procedure section 871.21.

Plaintiff's initial complaint was filed on December 3, 2024, which is prior to section 871.21 becoming effective on January 1, 2025. The court finds the statute of limitations set forth in section 871.21 subd. (b) inapplicable in this matter as section 871.21 does not contain explicit language that it is to be applied retroactively, and no authority is presented that establishes the statute is to be applied retroactively.

Defendant's demurrer to Plaintiff's fifth cause of action is SUSTAINED WITH LEAVE TO AMEND, on the basis of failure to state facts sufficient to constitute a cause of action.

Here, Plaintiff does not allege enough facts to support a fraudulent inducement concealment cause of action. For example and not exhaustive, the complaint (1) fails to allege where the vehicle was purchased, (2) fails to allege the details of the transaction or any interactions Plaintiff had when acquiring the subject vehicle, (3) contains no allegation that the selling dealership acted as an agent on behalf of Defendant for purposes of the sale or lease, (4) does not sufficiently allege facts regarding inducement or reliance on any alleged omissions or concealment, and (5) does not sufficiently allege Defendant intended to deceive him by concealing the known defects. See *Dhital v. Nissan North America, Inc.* (2022) 84 Cal.App.5th 828.

Defendant's demurrer to Plaintiff's fifth cause of action based on the statute of limitations is OVERRULED.

Plaintiff has alleged a tolling of the statute.

Accordingly, "when the relevant facts are not clear such that the cause of action might be, but is not necessarily, time-barred, the demurrer will be overruled." (*Citizens for a*

Responsible Caltrans Decision v. Department of Transportation (2020) 46 Cal.App.5th 1103, 1117.)

Plaintiff is to file an amended complaint within ten (10) days of this court's order.

Motion to Strike Punitive Damages from Plaintiff's First Amended Complaint

Defendant's motion to strike paragraph "g" on page 14, line 3, of the first amended complaint is GRANTED WITH LEAVE TO AMEND, for failure to state facts sufficient to support punitive damages.

Plaintiff is to file an amended complaint within ten (10) days of this court's order.

25CV-00532 People vs Thirty-One Thousand Six Hundred One Dollars (\$31,601.00)

Status Conference

Appearance required.

25CV-03322 People vs Seventy-Three Thousand Five Hundred Seventy-Five Dollars (73,575.00) U.S. Currency

Status Conference

Appearance required.

Motion for Default Judgment

Appearance required.

25CV-05789 Bruce Mitchell vs Jessica Brown et al.

Motion to Compel Arbitration of Plaintiff's Claims & Stay Proceedings Pending Ruling on Motion & Completion of Arbitration

The motion to compel arbitration and stay proceedings is GRANTED.

When a motion to compel arbitration is filed and accompanied by prima facie evidence of a written agreement to arbitrate the controversy, the court itself must determine: (1) whether the agreement exists, and (2) if any defense to its enforcement is raised, whether it is enforceable. The moving party bears the burden of proving the existence of an arbitration agreement by a preponderance of the evidence. The party claiming a defense bears the same burden as to the defense. (*Rosenthal v. Great Western Fin. Securities Corp.* (1996) 14 Cal.4th 394, 413-414.)

The moving party “can meet its initial burden by attaching to the [motion] a copy of the arbitration agreement purporting to bear the [opposing party's] signature.” (*Bannister v. Marinidence Opco, LLC* (2021) 64 Cal.App.5th 541.)

By attaching the arbitration agreement as Exhibit A, with Plaintiff's electronic signature, Defendant has established a prima facie case that an enforceable agreement to arbitrate exists.

Unless there is a dispute over authenticity, the mere recitation of the terms is sufficient for a party to move to compel arbitration. (*Sprunk v. Prisma LLC* (2017) 14 Cal.App.5th 785, 793.)

The court also finds that the arbitration agreement is not unconscionable.

This shifts the burden to Plaintiff to raise a defense to its enforcement. Plaintiff has not filed an opposition. By not filing any opposition, Plaintiff is deemed to have consented to the granting of the motion. See Cal. Rules of Ct., rule 8.54 subd. (c).

Accordingly, the motion to compel arbitration and stay proceedings is GRANTED.

This case is stayed pending arbitration.

An arbitration status hearing is set for Friday, August 14, 2026, at 8:15 a.m. in Courtroom 8.

Defendant is ordered to prepare and file an updated proposed order, consistent with this order, to be filed with this court within five (5) days.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law & Motion/ Petition Name Change
Hon. Jennifer O. Trimble
Courtroom 12

1159 G Street, Los Banos

Tuesday, January 13, 2026
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-01241 Crown Asset Management, LLC vs Alicia Casillas

Case Management Conference

Appearance required.

25CV-01966 Mariner Finance, LLC vs Anthony Torres

Motion to Deem the Truth of the Matters Specified in Request for Admissions, Set One Admitted, and Request for Order Awarding Monetary Sanctions Against Def in the Sum of \$750 +Filings Fees

Plaintiff's motion to have Request for Admissions, Set One, deemed admitted is GRANTED.

Defendant has failed to provide timely responses to Request for Admissions, Set One.

The matters specified in Plaintiff's Request for Admissions, Set One, are deemed admitted, unless Defendant serves, before the hearing, a proposed response to the

request for admissions, that is in substantial compliance with Code of Civil Procedure § 2033.220.

The request for sanctions is GRANTED in the amount of \$750.

Unless the court receives notice that Defendant has served, before the hearing, proposed responses to the request for admissions, the court will sign the order lodged with the court on November 18, 2025.

Care Case Management Conference

Appearance required.

25CV-03377 JPMorgan Chase Bank N.A. vs Sylvia Ayala

Case Management Conference

Appearance required.

25CV-05858 Petition of: Luis Fernandez

Order to Show Cause Re: Name Change

Appearance required.
