

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, November 25, 2025

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 13 – Hon. Ashley Albertoni Sausser

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, November 25, 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) 725-4240 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
----------	---------------------

23CV-01067	Silvia Pimentel vs Sierra-Cascade Nursery, Inc.
------------	---

Motion to Compel Deposition of Sierra-Cascade Nursery, Inc. and for Sanctions

Plaintiff's motion to compel the deposition of Sierra-Cascade Nursery, Inc. is GRANTED.

The court notes that Plaintiff's supporting declarations fail to attach the correct deposition notice for the notice of deposition of Defendant Sierra-Cascade Nursery, Inc. for July 23, 2025.

However, in this instance it is not fatal as the correct notice is attached to the supplemental declaration of Sepideh Ardestani, filed with this court on October 21, 2025.

The court on its own motion takes judicial notice of the supplemental declaration of Sepideh Ardestani in support of Plaintiff's opposition to Defendant's motion to compel Plaintiff's appearance at a deposition and request for sanctions, filed October 21, 2025, and Exhibit 10 attached thereto.

Service of a notice of deposition is effective to require a party to attend and testify. (Code of Civil Procedure section 2025.280 subd. (a).)

Defendant was properly served a deposition notice for July 23, 2025, for a remote deposition. Defendant served an objection to the notice pursuant to Code of Civil Procedure section 2025.410 on July 17, 2025. The deposition did not go forward on July 23, 2025, as noticed.

A valid objection under 2025.410, subdivision (a), relates to an error or irregularity in a deposition notice that does not comply with Article 2 (commencing with Section 2025.210). (CCP section 2025.450 subd. (a).) A notice that a party is unavailable is not one of such grounds provided under Article 2, Chapter 9 of the Civil Discovery Act.

Defendant's proper course of action would have been to either move for an order staying the deposition and quashing the notice or to move for a protective order. (see Code of Civil Procedure sections 2025.410 subd. (c); 2025.420 subds. (a), (b).)

Defendant relies on *Snyder v. Superior Court* (1970) 9 Cal.App.3d 579 for the proposition that they could not have sought a protective order as an alternative to the objection. Defendant's reliance on *Snyder* is misplaced. *Snyder* states that an objection is not an alternative or substitute for the protective order procedure. Specifically, *Snyder* states, "Plaintiff's only recourse to prevent defendant from taking her deposition . . . was to move the court for a protective order . . . This she did not do." (*Snyder v. Superior Court* (1970) 9 Cal.App.3d 579, 586.)

In absence of an objection to the deposition notice on proper grounds, any motion for a protective order, or for some excusable reason, Defendant is ordered to appear for a deposition within the next 30 days.

Plaintiff's request for sanctions is GRANTED.

The court finds it reasonable to reduce the amount of sanctions sought to \$1,000.

Monetary sanctions in the amount of \$1,000 are to be paid to Plaintiff within thirty (30) days of this court's order.

23CV-04603 E.P. vs Nghi Bui, et al.

Petition for Approval of Minor's Compromise

The petition for approval of minor's compromise is GRANTED and the compromise APPROVED, contingent on the establishment of the special needs trust, currently pending in Merced County case number 25PR-00436, set for hearing on March 2, 2026. The Court will sign the lodged orders.

Demurrer to First Amended Complaint

Defendant's demurrer to Plaintiff's first, second, third, and fourth causes of action in the first amended complaint is OVERRULED.

Defendant's demurrer to Plaintiff's first cause of action is OVERRULED.

Plaintiff has alleged facts sufficient to support the contention that the statute of limitations has been tolled as to her first cause of action.

Defendant's demurrer to Plaintiff's second cause of action is OVERRULED.

Plaintiff has alleged facts sufficient to support the contention that the statute of limitations has been tolled as to her second cause of action.

Defendant's demurrer to Plaintiff's third cause of action is OVERRULED.

Plaintiff has alleged facts sufficient to support the contention that the statute of limitations has been tolled as to her third cause of action.

Defendant's demurrer to Plaintiff's fourth cause of action is OVERRULED.

Plaintiff has alleged facts sufficient to support the contention that the statute of limitations has been tolled as to her fourth cause of action.

"In order for the bar of the statute of limitations to be raised by demurrer, the defect must clearly and affirmatively appear on the face of the complaint; it is not enough that the complaint shows merely that the action may be barred." (*Mitchell v. State Dept. of Public Health* (2016) 1 Cal.App.5th 1000, 1007, as modified on denial of reh'g (Aug. 22, 2016).)

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.)

Motion to Compel Arbitration, Dismiss Class Claims, and Stay Proceedings

The motion to compel arbitration is GRANTED.

The motion to stay is GRANTED.

The motion to dismiss class claims is GRANTED.

Defendant has established a prima facie case that an enforceable agreement to arbitrate exists. Plaintiff concedes in her Declaration in Opposition that when she was hired, she signed a number of documents. (Delgado Decl. ¶ 3.) Although Plaintiff declares she does not recall signing an arbitration agreement and that she believes she did not sign the agreement, there is no assertion that the document is inauthentic or forged. (Delgado Decl. ¶ 4.) Consequently, the burden of producing evidence regarding the authenticity of the signature does not shift back to Defendant.

“[I]f a plaintiff presented with a handwritten signature on an arbitration agreement is unable to allege the signature is inauthentic or forged, the plaintiff's failure to recall signing the agreement neither creates a factual dispute as to the signature's authenticity nor affords an independent basis to find that a contract was not formed.” (*Ramirez v. Golden Queen Mining Co., LLC* (2024) 102 Cal.App.5th 821, 835, as modified (June 11, 2024).)

The FAA applies to the agreement. The arbitration agreement clearly states the engagement of the FAA. (Bezwada Decl., Ex. 1, 2.) Defendant further submitted that its business was involved in interstate commerce. (Navarro Decl. ¶ 4.) This is not materially contested by Plaintiff. Rather, Plaintiff submits that her portion was not in the flow of interstate commerce. (Delgado Decl. ¶ 5.) Flow of interstate commerce does not affect the applicability of the FAA in this action. The FAA applies to contracts involving interstate commerce. (see *Southland v. Keating* (1984) 461 U.S. 1, 14-15.)

As the FAA applies to this matter Plaintiff's reliance on Labor Code section 432.6 or Labor Code section 229 fails.

As no argument was made in opposition to the waiver of class actions, the class claims are dismissed.

The remaining objections were not material to the disposition of the motion, and no rulings are issued as to those objections.

An arbitration status hearing is set for Friday, June 5, 2026, at 8:15 a.m. in Courtroom 8.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law & Motion
Hon. Ashely Albertoni Sausser
Courtroom 12

1159 G Street, Los Banos

Tuesday, November 25, 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) 725-4240 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
----------	---------------------

23CV-01317	Mary Linda Ramirez vs. Roger Allen Paynter, Jr., et al.
------------	---

Motion for Default Judgment Prove-Up Hearing

Appearance required.

23CV-01832	Martin Grageda, et al. vs. Turlock Irrigation District, et al.
------------	--

Motion to Compel Further Responses to Form Interrogatories, Set One, and Request for Production of Documents, Set One, Request for Sanctions

The unopposed motion by Defendant to compel Plaintiffs Martin Grageda and Yesenia Jacinto to provide further responses to Form Interrogatories, Set One, is GRANTED.

Plaintiffs shall provide verified, code compliant, responses within ten (10) days of this court's order.

The unopposed motion by Defendant to compel Plaintiffs Martin Grageda and Yesenia Jacinto to provide further responses to Request for Production, Set One, is GRANTED.

Defendant shall provide verified, code compliant, responses within ten (10) days of this court's order.

Defendant's request for monetary sanctions is GRANTED.

Monetary sanctions in the amount of \$750 are to be paid to Defendant within thirty (30) days of this court's order.

25CV-05384 Petition of: Shannan Doubek

Order to Show Cause Re: Name Change

Appearance required.
