

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Tuesday, December 30, 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. 21<sup>st</sup> Street, Merced

Tuesday, December 30, 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
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21CV-00243	Wendy Priest vs Hilario Garcia, et al.
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Motion to Dismiss

**Defendant David S. Siegel & Co., Inc.'s motion to dismiss is GRANTED.**

**Code of Civil Procedure section 583.210 subd. (a) states, "The summons and complaint shall be served upon a defendant within three years after the action is commenced against the defendant. For the purpose of this subdivision, an action is commenced at the time the complaint is filed."**

**Code of Civil Procedure section 583.250 subd. (a)(1) states, "If service is not made in an action within the time prescribed in this article: [t]he action shall not be further prosecuted, and no further proceedings shall be held in the action." This can be done on the court's own motion or by noticed motion of an interested party. (Code Civ. Proc. § 583.250 subd. (a)(2).)**

**The complaint was filed on January 19, 2021, and Defendant was served on October 20, 2025. This is greater than the three years allowed. Absent an agreement extending the time for service or tolling of the time for service, dismissal is mandatory. (Code Civ. Proc. § 583.250 subd. (b).)**

**The Court will sign the order lodged with the court on December 2, 2025.**

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23CV-02083

Central Coast Ag Management, Inc. vs Cardella Merced LLC

Motion for Attorney's Fees and Costs Pursuant to Civil Code section 1717

**The motion for attorney's fees is GRANTED.**

**Attorney's fees are awarded in the amount of \$17,029.50.**

**Costs are awarded in the amount of \$2,941.72.**

The amount of attorney's fees awarded is a matter within the court's discretion. (*Clayton Development Co. v. Falvey* (1988) 206 Cal.App.3d 438, 447.) In determining a reasonable amount to award, "the court should consider . . . 'the nature of the litigation, its difficulty, the amount involved, the skill required and the skill employed in handling the litigation, the attention given, the success of the attorney's efforts, his learning, his age, and his experience in the particular type of work demanded [citation]; the intricacies and importance of the litigation, the labor and necessity for skilled legal training and ability in trying the cause, and the time consumed.'" (*Ibid.*) An award of costs must be "reasonably necessary to the conduct of the litigation" (Code Civ. Proc. § 1033.5, subd. (c)(2)) and shall be "reasonable" in amount. (Code Civ. Proc. § 1033.5, subd. (c)(3).)

A trial court may not rubberstamp a request for attorney's fees and must determine the number of hours reasonably expended. (*Donahue v. Donahue* (2010) 182 Cal.App.4th 259, 271.) A court assessing attorney's fees begins with a touchstone or lodestar figure, based on the 'careful compilation of the time spent and reasonable hourly compensation of each attorney . . . involved in the presentation of the case.'" (*Serrano v. Priest* (*Serrano III*) (1977) 20 Cal.3d 25, 48.) Lodestar refers to the "number of hours reasonably expended multiplied by the reasonable hourly rate" of an attorney. (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1096.)

Counsel for cross-defendants seeks to set the lodestar at \$26,323.50, exclusive of an additional \$2,352 for preparation of the motion and hearing. This represents 163.6 hours at hourly rates ranging from \$40 to \$320.

While the rates are reasonable, the hours billed appear to be excessive and there are certain entries that are redacted to such a degree that the court cannot determine if they were reasonably necessary.

Accordingly, following a careful review of the entries submitted, the court finds it reasonable to reduce the hours billed and to subtract from the total those redacted entries that the Court could not determine were reasonably necessary.

With the adjustment to the hours billed and removal of redacted entries, the lodestar is set at \$17,029.50.

Costs in the amount of \$2,941.72 are not opposed.

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24CV-06394

Elizabeth Delores Rodriguez vs Yesenia Esparza, et al.

Order to Show Cause Re: Dismissal - Notice of Settlement

**Appearance required. Appear to address status of conditional settlement for which dismissal was expected to be filed no later than October 31, 2025. The notice of settlement, dated July 11, 2025, indicates that the conditional settlement was subject to the approval of a minor's compromise, however no petition for approval of minor's compromise has been filed with this court.**

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25CV-04255

Aryavna Jackson vs Bianca Lombrana

Review of Case Status

**Appearance required. A peaceful contact order was made by the court on September 23, 2025. If violations have occurred, the parties must present testimony to support the issuance of a civil harassment restraining order.**

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25CV-04522

Bianca Lombrana vs Rashawn Smith

Review of Case Status

**Appearance required. A peaceful contact order was made by the court on September 23, 2025. If violations have occurred, the parties must present testimony to support the issuance of a civil harassment restraining order.**

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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, December 30, 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:

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Case No.	Title / Description
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18CV-04300	Walmart, Inc. vs Summit Development Corporation, et al.
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Order to Show Cause Re: Dismissal - Notice of Settlement

**Appearance required.**

25CV-04026	Wells Fargo Bank, Na vs Michael Estrada
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Case Management Conference

**Appearance required.**