SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, March 11, 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 calendars:

Courtroom 8 – Hon. Stephanie 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

Special Set Probate Matter
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 11, 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 ext. 2 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**
18PR-00131	Estate of Nestor Navarro.

Trial Setting Conference on Petition for Surcharge and Objections to Account

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 set trial dates for Petition for Surcharge.

On September 21, 2023, Former Administrator Jose Hector Navarro filed an unsigned unverified "Final Accounting of Former Administrator Jose Hector Navarro." On November 9, 2023, Weldon J. Mattos, Jr., Guardian Ad Litem for Andrea and Sofia Navarro, filed "Objections to Final Accounting of Former Administrator Jose Hector Navarro." On December 15, 2023, Former Administrator Jose Hector Navarro filed an unsigned unverified "Updated Final Accounting of Suspended Administrator Jose Hector Navarro." On December 28, 2023, Weldon J. Mattos, Jr., Guardian Ad Litem for Andrea and Sofia Navarro, filed "Objections to Updated Final Accounting of Former Administrator Jose Hector Navarro, undated, unsigned."

On December 15, 2023, Interim Administrator Mark Adams filed a verified "Petition for Surcharge of Removed Administrator" pursuant to Probate Code § 9601 and 11003. Paragraph 8 of the Petition for Surcharge contained objections to the two accountings

filed by the Removed Administrator. On December 21, 2023, Weldon J. Mattos, Jr., Guardian Ad Litem for Andrea and Sofia Navarro filed a "Response to Surcharge Motion and Request for Additional Surcharge. On February 14, 2024, Removed Administrator Jose Hector Navarro filed a Response to Petition for Surcharge of Removed Administrator.

The Petition for Surcharge asserts the following grounds for surcharge (1) Central Valey Labor, Inc., ("CVLI") which the Petition alleges was dissolved and abandoned which the Petition alleges a value of $6.2 million at the date of Death; (2) Bell Avenue, an Orchard owned by the estate that was inventories for $1,154,000, for which purchase offers of $1,344,000 are alleged in the petition, and which was subsequently sold for $1,044,100 resulting in a proposed surcharge of $300,000; (3) Accountings that the petition alleges that charges and credits do not balance, no explanation for the carry value of assets, but does not allege a specific amount of surcharge for the accounts themselves; (4) Co-owned Property in which the Removed Administrator is alleged to assert an ownership interest, but no allegations as to a specific amount of surcharge; (5) Costs of Administration; and unspecified additional items. The Petitions for Extraordinary Compensation approved by the Court to date are: $70,045.00 and $46,594.82 per order issued March 8, 2024; $54,033.00 and $136,410.20 per order issued July 17, 2024; and $46,837.00 and $304,535.08 per order issued January 25, 2025, resulting in total extraordinary fees to date of $658,445.10.

The Guardian Ad Litem's Response to Surcharge Motion and Request for Additional Surcharge asserts the following amount: (1) CVLI, minimum $6.2 Million; (2) Bell Property $319,150; (3) Horses $44,000; (4) WJM Attorney's Fees $48,625; (5) Uncollected and unaccounted for receivables $127,352; (6) Gordon Fees $8,500; (7) Jensen and Associates $6,500; (8) Tamazula Income Tax $30,000; (9) Unpaid Winton Way interest/principal $24,000; (10) Others paid to correct IRS filing error, to be determined; and Fees of Mark Adams and Associates to be determined (fees approved by court to date total $658,445.10). The objections to the final account and updated final account also contain specific deficiencies in the account. The removed administrator did not file any response to the objections to final account, the objections to updated final account, or the response to surcharge motion and request for additional surcharge filed by the guardian ad litem.

A court trial was held with regard to the valuation of CLVI resulting in a valuation of $11.1 million per order issued December 27, 2024. A Motion for Reconsideration to Re-Open Testimony or New Trial regarding the December 27, 2024, order was filed January 10, 2025, and is set for hearing on March 28, 2025. While that motion was pending, a Notice of Appeal regarding the December 27, 2024, order to the Fifth Appellate District was filed on February 13, 2025. On February 4, 2025, the Court of Appeal for the Fifth Appellate District issued an order suspending designation of the record and proposed briefing schedule pending the Court's decision to select or not select the case for mediation.

The Scope of the Remaining Matters to be set for trial would appear to be dictated by the Response to Petition for Surcharge filed by the Removed Administrator. The First Paragraph of the Response to Petition for Surcharge of Removed Administrator filed February 14, 2024 asserts that "Jose Navarro was either given: no advice; inappropriate advice; or negligent advice from a legal standpoint, with respect to his duties as administrator." (Response at Page 1:20-21.)

Appear to address whether the Removed Administrator is asserting advice of counsel as an affirmative defense or is asserting that attorney malpractice was a substantial factor causing damage incurred by the estate for which surcharge is sought and for which an attorney or attorneys, who are not currently joined to this action, are legally responsible.

Appear to address the specific issues of proposed surcharge to which any affirmative advice of counsel defense applies.

The First Paragraph of the Response to Petition for Surcharge of Removed Administrator filed February 14, 2024 also asserts: Mr. Navarro also had a letter from his deceased son indicating his wishes which Mr. Navarro, in advance of adequate advice, believed was his duty to fulfill." The Petition for Letters of Administration verified by Removed Administrator Hector Navarro and filed April 12, 2018 asserts that decedent died intestate and identifies the intestate heirs. In light of the verified petition that was filed, the above quoted language appears to concede a breach of fiduciary duty with regard to distribution of estate assets, subject to a potential negligence of counsel affirmative defense.

In *Estate of Massaglia* (1974) 38 Cal.App.3d 767, 774, the Court held: "Where funds are expended without prior authority the trial court must determine whether the expenditures were necessary and reasonable. '. . . These matters must of necessity be left to the discretion of the judge in settling the account; and, unless it appears that such discretion has been abused, it is not subject to review . . .'." (*Id.* [*quoting* Estate of Moore (1891) 88 Cal. 1, 4].)

Appear to address the items of surcharge to which this contention applies and whether an evidentiary hearing is necessary with regard to those surcharge claims given the allegations in the response.

"In probate court, nothing speaks more eloquently or provides more insight into factual and legal issues than an accounting." (*Christie v. Kimball* (2012) 202 Cal.App.4th 1407, 1409.) While Paragraph 2 of the Response to Petition for Surcharge denies any breach of fiduciary duty, asserts that the Removed Administrator did use ordinary care and diligence, and denies any request for surcharge, the Objections to Final Account and Objections to Updated Final Account, if upheld, would in fact establish a breach of fiduciary duty, lack of ordinary care, and grounds for surcharge.

***Appear to address which objections to the accounts, if any, require an evidentiary hearing and which are subject to the discretion of the trial court.* (*Estate of Massaglia* (1974) 38 Cal.App.3d 767, 774.)**

In Paragraph 7 of the Response to Petition for Surcharge of Removed Administrator, Mr. Navarro asserts that the two Bell Avenue Properties were intertwined to the extent they were co-dependent on the water and pump resources. In light of the surcharge allegation that he declined on offer in excess of appraised value and then sold for less than the appraised value, appear to address what issues require an evidentiary hearing.

In Paragraph 9 of the Response to Petition for Surcharge of Removed Administrator, Mr. Navarro asserts that he has an interest in 8850 Palm Street in Delhi, CA and that Decedent Nestor Ivan Navarro had no interest in such property. Absent a timely filed creditor's claim, any claim of a debt owed by the decedent would appear to be time-

barred and any attempt to collect a time-barred creditor claim would be a per se breach of fiduciary duty.

Appear to address what issues, if any, require an evidentiary hearing. At present, there are no 850 Petitions asserting an ownership interest in 8850 Palm Street Delhi.

In Paragraph 10 of the Response to Petition for Surcharge of Removed Administrator, Mr. Navarro asserts that costs of administration are excessive. The Court has already ruled on the expenses of the interim administrator presented to date. The determination of the reasonableness of fees charged by Mr. Mattos is within the sound discretion of the court.

Appear to address what issues, if any, concerning administration costs require an evidentiary hearing.

18PR-00345 Guardianship of Andrea E. Navarro, et al.

Trial Setting Conference

Appear to address whether this case should continue to trail 18PR-00131.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Unlimited Civil Law and Motion
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 11, 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 ext. 2 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**

21CV-00712 Magali Roa-Lugo, et al. v. Daniel Unruh, et al.

Motions in limine

Based on the stipulation and order issued in this matter to continue the trial to September 23, 2025, and to continue the readiness conference to August 23, 2025, the Court on its own motion CONTINUES the motions in limine hearing to August 23, 2025, to be heard concurrently with the readiness conference.

21CV-01925 Jose Pena v. N&S Tractor Co.

Amended Motion to Approve and Confirm Settlement

The unopposed amended motion to approve and confirm settlement is GRANTED. The Court will sign the proposed order lodged on February 13, 2025. The Court will strike the "further orders" language from the proposed order.

25CV-00188 Gabriela Canela v. Salvador Alejo

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. The Court notes that proof of service has been filed showing service on respondent. Respondent was also present at the hearing on February 11, 2025.

25CV-00189 Daniel Segura Vargas v. Salvador Alejo

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. No proof of publication has been filed. The Court notes that a proof of service was filed on January 24, 2025, and Respondent was present at the hearing on February 11, 2025.

25CV-00190 Osvaldo Galvan Segura v. Salvador Alejo

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. No proof of publication has been filed. The Court notes that a proof of service was filed on January 24, 2025, and Respondent was present at the hearing on February 11, 2025.

25CV-00191 Maria Ordaz Garcia v. Segura v. Salvador Alejo

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. No proof of publication has been filed. The Court notes that a proof of service was filed on January 24, 2025, and Respondent was present at the hearing on February 11, 2025.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Jury Trials and Long Cause Court Trials
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 11, 2025
9:00 a.m.

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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 jury trials or long cause civil court trials scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Stephanie Jamieson
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 11, 2025
1:15 p.m.

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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

Tuesday, March 11, 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:

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2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

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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

Tuesday, March 11, 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:

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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

Civil Law and Motion
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Tuesday, March 11, 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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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-00307	Petition of: Jadeep Kumar

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 status of publication of this Petition by an adult to change is own last name.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Unlawful Detainers
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Tuesday, March 11, 2025
2:00 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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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 Unlawful Detainer matters scheduled