

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Tuesday, April 8, 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 L. 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

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

Tuesday, April 8, 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
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22CV-01465	Valeria Arredendo v. Adjoin
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Order to Show Cause re: Sanctions

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 failure of either party to appear at the March 4, 2025 Trial Setting Conference.

Order to Show Cause re: Dismissal

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 why this matter should not be dismissed without prejudice given the failure of either party to appear at the March 4, 2025 Trial Setting Conference.

Motion by Defendants Kahlon Farming LLC, RHM Farms, Manraj Kahlon for Judgment on the Pleadings on Plaintiffs' First Amended Complaint on the grounds that (1) Plaintiff 7/11 Materials lacks standing to enforce the deeds at issue, (2) the Complaint fails to establish that 7/11 Materials has a legal right to the mineral rights at issue, (3) The harm alleged to be suffered by Plaintiff Reed Leasing Group relates only to actions by Plaintiff 7/11 Materials, and (4) Defendant Reed Leasing Group has failed to satisfy its affirmative obligations prior to enforcement of mineral rights

The Motion by Defendants Kahlon Farming LLC, RHM Farms, Manraj Kahlon for Judgment on the Pleadings on Plaintiffs' First Amended Complaint on the grounds that (1) Plaintiff 7/11 Materials lacks standing to enforce the deeds at issue, (2) the Complaint fails to establish that 7/11 Materials has a legal right to the mineral rights at issue, (3) The harm alleged to be suffered by Plaintiff Reed Leasing Group relates only to actions by Plaintiff 7/11 Materials, and (4) Defendant Reed Leasing Group has failed to satisfy its affirmative obligations prior to enforcement of mineral rights is GRANTED, WITH LEAVE TO AMEND.

A Demurrer brought on the same grounds was heard on February 6, 2025 at which time the Court overruled the demurrer on the grounds that, for purposes of demurrer, the allegations of the First Amended Complaint are assumed to be true, absent judicial notice of contrary facts, and that while evidence was provided suggesting the allegations were untrue, no requests for judicial notice of facts establishing the chain of title accompanied the demurrer. The instant Motion for Judgment on the Pleadings raises the same issue as the demurrer but is accompanied by a request for judicial notice.

The unopposed Request for Judicial Notice filed on March 11, 2025 by Defendants Kahlon Farming LLC, RHM Farms, Manraj Kahlon, filed March 11, 2025, seeking judicial notice of the ALTA Commitment for Title Insurance as of February 5, 2025, is GRANTED.

The Request for Judicial Notice by Plaintiffs Reed Leasing Group LLC and 7/11 Materials, Inc. filed on March 25, 2025 seeking Judicial Notice of (1) a January 12, 2023 Letter, (2) a Grant of mineral Rights dated March 25, 2025, and (3) a recorded grant of mineral rights that was not provided in the Request for Judicial Notice is GRANTED IN PART AND DENIED IN PART. A Second Request for Judicial Notice by Plaintiffs Reed Leasing Group LLC and 7/11 Materials, Inc. filed on March 28, 2025 seeking Judicial Notice of (1) a January 12, 2023 Letter, (2) a Grant of mineral Rights dated March 25, 2025, and (3) a receipt from the County Recorder dated March 26, 2025, and (4) of a deed recorded March 26, 2025 is GRANTED IN PART AND DENIED IN PART. The Request for Judicial Notice of the January 12, 2023 letter is DENIED, the unrecorded Grant of Mineral Rights is DENIED, and the alleged recorded document not attached to the Request is DENIED. The Request for Judicial Notice of the Receipt dated March 25, 2025 and the deed recorded March 26, 2025 is GRANTED.

The Motion for Judgment on the Pleadings on the grounds that (1) Plaintiff 7/11 Materials lacked standing to enforce the deeds at issue at the times the actions alleged in the complaint occurred, and (2) the Complaint fails to establish that 7/11 Materials has a legal right to the mineral rights at issue at the time the actions alleged in the complaint are both GRANTED WITH LEAVE TO AMEND to establish a cause of action in favor of 7/11 Materials that existed prior to the recording of the March 26, 2025 deed.

The Motion for Judgment on the Pleadings on the grounds that (3) The harm alleged to be suffered by Plaintiff Reed Leasing Group relates only to actions by Plaintiff 7/11 Materials, and (4) Defendant Reed Leasing Group has failed to satisfy its affirmative obligations prior to enforcement of mineral rights is GRANTED, WITH LEAVE TO AMEND to state a claim in light of the facts demonstrated by the Request for Judicial Notice that 7/11 Materials had no standing with regard to the mineral rights prior to March 25, 2025. .

23CV-04257

Maria Carreon v. Sandhu Delhi Store, LLC, et al.

Motion for Leave to Intervene

The unopposed Motion by Vanliner Insurance Company for Leave to Intervene is GRANTED. Vanliner Insurance Company is ordered to file its Complaint in Intervention forthwith. The Court will sign the proposed order lodged with the Court on March 11, 2025.

24CV-01383

Aldevaran Yoalli Mendoza Cuevas v. Jo Ann Mitts-Jurrovich, et al.

Motion by Defendant/Cross-Complainant Jo Ann Mitts-Jurrovich to Compel Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas to serve Responses to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One) and to pay monetary sanctions of \$2,100.00

The Unopposed Motion by Defendant/Cross-Complainant Jo Ann Mitts-Jurrovich to Compel Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas to serve Responses to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One) and to pay monetary sanctions of \$2,100.00 is GRANTED. Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas is ordered to serve, by April 30, 2025, (1) complete, verified, responses, without objections, to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One); (2) copies of all documents responsive to Request For Production of Documents (Set One); and (3) payment of monetary sanctions of \$2,100.00.

Motion by Defendant Stephan Jurrovich to Compel Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas to serve Responses to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One) and to pay monetary sanctions of \$1,560.00

The Unopposed Motion by Defendant Stephan Jurrovich to Compel Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas to serve Responses to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One) and to pay monetary sanctions of \$1,560.00 is GRANTED. Plaintiff/Cross-Defendant Aldevaran Yoalli Mendoza Cuevas is ordered to serve, by April 30, 2025, (1) complete, verified, responses, without objections, to Form Interrogatories (Set One) Special Interrogatories (Set One) and Requests for Production of Documents (Set One); (2) copies of all documents responsive to Request For Production of Documents (Set One); and (3) payment of monetary sanctions of \$1,560.00.

Motion to Compel Arbitration, Strike Class Proceedings, and to Stay Litigation

The party seeking to compel arbitration must prove the existence of an agreement to arbitrate by a preponderance of the evidence. (*Lane v. Francis Capital Management LLC* 224 Cal.App.4th 676, 683; *Knutson v. Sirius Radio, Inc.* (9th Cir. 2014) 711 F.3d 559, 565.) A party opposing a petition for arbitration bears the burden of proving any fact necessary to its defense by a preponderance of the evidence. (*Lane v. Francis Capital Management LLC* 224 Cal.App.4th 676, 683; *Bridge Fund Cap. Corp. v. Fastbucks Franchise Corp* (9th Cir. 2010) 622 F.3d 996, 1005.)

Defendant has met its burden of establishing the existence of an agreement to arbitrate by a preponderance of the evidence. This Court finds that there is no admissible evidence establishing procedural unconscionability. Plaintiff's counsel was not present during the time the arbitration agreement was discussed and signed, and Plaintiff's counsel asserts that Plaintiff is not available to provide a declaration at this time. There is no request for continuance or representation that if the matter were continued, Plaintiff would be in possession of facts that would establish procedural unconscionability. This Court finds that Plaintiff has not met his burden of establishing procedural unconscionability by a preponderance of the evidence.

Plaintiff argues that the arbitration agreement is substantively unconscionable because it (1) is one sided, (2) contains an unlawful PAGA waiver, (3) waives the right to injunctive relief, (4) has unambiguous and undefined terms, (5) fails to define the venue and arbitration rules, (6) does not specify who will pay arbitration costs, and (7) imposes no temporal limitations. This Court finds that the arbitration agreement, as applied here, is not one sided, that any PAGA waiver does not affect the current dispute, that any appropriate injunctive relief requested in the pleadings can be adjudicated by the this Court once arbitration is completed and the stay pending arbitration is lifted, and that issues concerning venue, rules, costs and time period can be resolved by the parties or the arbitrator.

All though neither party has briefed the issue to any significant extent, the Court in *Bridge Fund Cap. Corp. v. Fastbucks Franchise Corp* (9th Cir. 2010) 622 F.3d 996, 1004-1005 held that class action and injunctive relief waivers substantively unconscionable. This court exercises its discretion to sever any claims for class action or injunctive relief. With such claims being severed, this Court finds that Plaintiff has failed to meet his burden of proving substantive unconscionability with regard to the non-severed claims.

Plaintiff asserts that Plaintiff's claims are exempt from the FAA because the FAA does not apply to contracts of employment of any class of workers who play a direct and necessary role in the free flow of foods across borders. (Opposition at Page 4:15-20 [citing 9 U.S.C. § 1; *Southwest Airlines Co. v. Saxon* (2022) 596 U.S. 450, 458.]) This contention is supported by the Declaration of Attorney Noel J. Meza who that on or about August 28, 2024, his office submitted a request to corporate Defendant James J. Stevenson pursuant to Labor Code § 1198.5 and 226 for Plaintiff's complete personnel and payroll records and that in response to that request Defendant produced Plaintiff's personnel file, which included onboarding documents, time records, pay records and Plaintiff's signed employment application. (Declaration of Noel J. Meza at ¶ 2-3, Page 1:5-11.) Attached to the declaration are various time records that include some manner of

descriptions of hauling assignments allegedly performed by Plaintiff in the course of his employment. (See Exhibits 2, 3 to Declaration of Noel J. Meza.)

Defendants make evidentiary objections to the Declaration and the statements based on the exhibits including Lack of Personal Knowledge (Evidence Code § 702, Speculation (Evidence Code § 702), Lack of Foundation (Evidence Codes §§ 403, 210, 765(a)), Hearsay (Evidence Code § 1200), and Argumentative (Evidence Code § 765(a)). As noted above, Plaintiff's counsel was not an eyewitness to the duties performed by Plaintiff and Plaintiff's counsel asserts that Plaintiff is not available to provide a declaration at this time. There is no request for continuance or representation that if the matter were continued, Plaintiff would be in possession of facts that would establish a connection with interstate commerce other than those provided in the time records attached to the declaration. Accordingly, this court must rule based on the admissible evidence presented.

This Court finds that the Declaration of Plaintiff's counsel establishes a foundation that the Exhibits to the Declaration are official employment records maintained by Defendant and proffered to Plaintiff's counsel as such. There is no evidence by Defendant to the contrary, i.e. that the exhibits are not the official employment records of Plaintiff or contain untrue information. Accordingly, the foundation and personal knowledge objections are **OVERRULED**.

Official Time records would normally satisfy the Requirements of the Business Records Exception to the Hearsay Rule because they are the basis on which Plaintiff's compensation was determined and therefore are contemporaneous and presumed to be accurate. Accordingly, the hearsay objection is **OVERRULED**.

While Plaintiff's counsel characterizes the notations as descriptions of destinations, Defendant characterizes the descriptions as cost centers attributable to Plaintiff's time. Plaintiff further argues that the referenced timecards do not show that Plaintiff was a transportation worker, but instead that he did not travel at all. (See Reply Brief at Page 2:20-3:1.) While Defendant does not provide evidence to support the precise statement made in the reply brief, the Declaration of Rex Barney in Support of Defendant's Reply states that "Plaintiff's role within Stevinson was to transport harvested crops from the company's fields in Stevinson to the company's dairy in Stevinson. Typically, his entire day would be at one field, or possibly two. The fields and dairy are next to each other, or at most, 1 to 2 miles from each other. Plaintiff would typically drive alongside another harvesting truck to collect harvested crops. He would then take the harvested crops to the company dairy, where the crops would be turned into silage and fed to the livestock at the dairy. No part of the crops is transferred out of the facility or sold outside the company." (Declaration of Rex Barney ¶ 3 Page 2:1-7.)

Plaintiff also contends that there were two distinct periods of employment, and that an arbitration agreement was not executed for the second period. Defendants assert that there was a single term of employment and the Declaration of Rex Barney in Support of Reply so states at ¶ 4 Page 2:8-13. An amended declaration of Rez Barney contains a copy of the change in relationship notice signed by Plaintiff when his employment ended and there is no contention that more than one such document was executed.

Plaintiff objects to the declaration of Rex Barney as that evidence was not included in the initial moving papers. Since the evidence relates to affirmative defenses raised by

Plaintiff in the opposition, this court accepts the declarations as relevant to the issues raised by Plaintiff in his opposition. Again there has been no request by Plaintiff for a continuance to that evidence contradicting the Declaration of Rex Barney can be provided.

This Court concludes that Plaintiff has failed to establish by a preponderance of the evidence that he was a transportation worker or other employee exempt from the FAA. Accordingly, the motion to compel arbitration is GRANTED.

Defendant's Motion also seek to strike the Class Proceedings. This Court DENIES the motion to strike any class action waivers WITHOUT PREJUDICE, pending the outcome of the arbitration of non-severed claims.

The motion for stay pending arbitration is GRANTED.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, April 8, 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
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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, April 8, 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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Case No.	Title / Description
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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, April 8, 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
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There are no Ex Parte matters scheduled.	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, April 8, 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.

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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
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25CV-00817	Petition of: Andres Garcia
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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 provided this Petition by both parents to change the name of their minor child is GRANTED.

25CV-00887	Petition of: Jason Gibson
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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 Proof of Publication of this petition by an adult to change his own middle and last name.

23CV-00983

Albert Laguna v. Jimmy Pham, et al.

Order to Show Cause re: Dismissal-Notice of Settlement

Continued on the Court's own motion to Tuesday, January 13, 2026 at 1:30 PM pursuant to the Notice of Settlement stating that a dismissal would be filed by December 1, 2025.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, April 8, 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:

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.

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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
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25CV-00974	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer 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.

25CV-01199	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer 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.