

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, October 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 matters:**

**Courtroom 8 – Stephanie L. Jamieson**

**Courtroom 9 – Commissioner David Foster**

**Courtroom 12 – Hon. Jennifer O. Trimble**

**Courtroom 13 – Hon. Ashley Albertoni Sausser**

**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

Civil Law and Motion  
Hon. Stephanie L. Jamieson  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, October 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 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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20CV-03775	Gina Brotherton, et al. v. Chun Lui, et al.
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Motion by Defendant Estate of Lui to Set Aside Entry of Default

**The motion to set aside entry of default is GRANTED. Defendant has moved to set aside the default based on defective service of process. The Estate was not named in the complaint at the time of service on March 7, 2024, therefore the initial service of process was defective and the resulting default is procedurally void. Under Code of Civil Procedure section 473, subdivision (d), the entry of default is set aside as void for lack of jurisdiction.**

Motion by Defendant Estate of Lui to Dismiss Case

**The motion to dismiss Defendant Estate of Lui is DENIED. The defendant in this case passed away prior to the expiration of the normal limitations period, giving plaintiffs one year from that date to file the instant complaint under Probate Code section 551, on the condition that damages were limited to those within the coverage of the insurance policy. As defendant was deceased at the time of the filing of the original complaint on December 17, 2020, he was not amenable to service of process under Code of Civil Procedure section 583.240. The Court must exclude from the calculation for time for service that time during which the defendant was not amenable to the process of the court, and during which the estate had not been probated. (*Polony v. White* (1974) 43 Cal.App.3d 44, 48.)**

Demurrer by Defendant Jose Leonel Guzman-Banuelos to First Amended Complaint's Second, Fifth, Sixth, and Seventh Causes of Action for Failure to State a Cause of Action and for Uncertainty

**The demurrer to the second cause of action of the first amended complaint is SUSTAINED WITH LEAVE TO AMEND on the basis of uncertainty and failure to state a cause of action. Allegations of misconduct directed solely against one defendant do not state a cause of action against another defendant. (*Carter v. Prime Healthcare Paradise Valley LLC* (2011) 198 Cal.App.4th 396, 410.) The complaint fails to allege specific representations that are directly attributable to Defendant Guzman-Banuelos, rendering it uncertain as to what allegations he must respond to.**

**The demurrer to the fifth cause of action of the first amended complaint is SUSTAINED WITH LEAVE TO AMEND on the basis of failure to state a cause of action. When pleading defamation, the words constituting the alleged libel or slander must be specifically identified, if not pled verbatim, in the complaint. (*Des Granges v. Crall* (1915) 27 Cal.App. 303, 315.) Plaintiff fails to do so, nor does the complaint allege how any published statements were defamatory.**

**The demurrer to the sixth cause of action of the first amended complaint is SUSTAINED WITH LEAVE TO AMEND on the basis of failure to state a cause of action. When an action for libel is alleged, a false-light claim based on the same set of facts is superfluous and must be dismissed. (*Selleck v. Globe International, Inc.* (1985) 166 Cal.App.3d 1123, 1136.) Furthermore, as with the fifth cause of action, Plaintiff fails to provide specific details regarding the published documents, with the exception of a driver's license, or to plead how they were defamatory or place the plaintiff in a false light.**

**The demurrer to the seventh cause of action of the first amended complaint is OVERRULED. The Court finds that the complaint states facts sufficient to constitute a cause of action as to defendant, Guzman-Banuelos, for invasion of privacy.**

**Any amended complaint shall be filed no later than October 31, 2025.**

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. Due to multiple failures to appear, and notices of hearing being returned to the court, indicating that no valid address is on file for the parties in violation of local rule, absent an appearance and a showing of good cause why this action should proceed, the action will be DISMISSED WITHOUT PREJUDICE.**

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25CV-03336

Estate of Donna M. Acheson v. Cal. State Teachers' Retirement System

Review of Case Status

**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 the petition for writ of mandate, the preparation of the administrative record, and whether a hearing and briefing schedule can be set.**

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25CV-04370

Petition of: Caleb Sanchez

Order to Show Cause re: Name Change

**Proof of publication having been filed, this petition by an adult to change his own last name is GRANTED.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Calendar  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, October 8, 2025  
10:00 a.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.

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.**

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Case No.	Title / Description
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20CV-01607	Absolute Resolutions Investments, LLC v. Julio Alves
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Motion for Order Amending Judgment Nunc Pro Tunc

**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.**

**Plaintiff's unopposed motion to amend the judgment *nunc pro tunc* to reduce the award of court costs by the amount of \$60.00, which was overstated in the original request for default judgment due to clerical error, is GRANTED. The Court will sign the proposed order and amended judgment lodged with the moving papers.**

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23CV-04309	Onemain Financial Group LLC v. Juan Villalobos
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Claim of Exemption

**Appearance by judgment debtor is 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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, October 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

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Wednesday, October 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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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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There are no ex parte matters scheduled.	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Ashley Albertoni Sausser  
Courtroom 13  
1159 G Street, Los Banos

Wednesday, October 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.



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Long Cause Court Trials  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, October 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:

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Case No.	Title / Description
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25CV-02136	Julia Hassen v. Gary Schisnewski
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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. All parties have appeared in this action.**