

UPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, April 2, 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 – 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
Wednesday, April 2, 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
18CV-04739	Insurance Commissioner v. Merced Property & Casualty Company Motion to Approve (1) Liquidator's Payment of Administrative and Professional Fees and Expenses for 11-1-22 to 9-30-24; (2) Approve Executed Release Agreement with Federal Government, (3) Authorize Final Disbursement of Merced Assets, (4) Escheat Unclaimed Funds to State, (5) Retain Closing Reserve, (6) Authorize Disposal of Legacy Records, (7) Remit Residual Estate Assets to Parent Entity, and (8) Close Estate The unopposed Motion to Approve (1) Liquidator's Payment of Administrative and Professional Fees and Expenses for 11-1-22 to 9-30-24; (2) Approve Executed Release Agreement with Federal Government, (3) Authorize Final Disbursement of Merced Assets, (4) Escheat Unclaimed Funds to State, (5) Retain Closing Reserve, (6) Authorize Disposal of Legacy Records, (7) Remit Residual Estate Assets to Parent Entity, and (8) Close Estate is GRANTED. The Court will sign the Proposed Order lodged with the Court on February 21, 2025.
20CV-02055	Harold Johnson Senior, et al. v. Juan Ramirez, et al. Motion to Quash Service of Summons by San Joaquin River Exchange Contractors Authority The unopposed Motion to Quash Service of Summons by San Joaquin River Exchange Contractors Authority is GRANTED. The Court will sign the order lodged with the Court on March 5, 2025.

Motion to Quash Service of Summons by Columbia Canal District

The unopposed Motion to Quash Service of Summons by San Joaquin River Exchange Contractors Authority is GRANTED. The Court will sign the order lodged with the Court on March 5, 2025.

21CV-00237

Derek Morris, et al. v. Foster Farms LLC

Motion for Judgment on the Pleadings by Foster Poultry Farms LLC (erroneously sued as Foster Farms LLC)

The Motion for Judgment on the Pleadings is GRANTED WITH LEAVE TO AMEND. All Requests for Judicial Notice are GRANTED. Any Amended Complaint will be filed by April 18, 2025.

Plaintiff concedes that “Plaintiffs did not formally amend [the complaint] on or after August 1, 2021, to allege that the statutory deadline for the LWDA to complete is investigation of the claims had expired without the issuance of a finding.” (Opposition at Page 2:4-9), and there is no dispute that the Complaint contains an ambiguity in Paragraphs 13, 62, and 64 stating that the Plaintiff will seek leave to amend to allege a claim with respect to § 2802 penalties, amendments that were never in fact made. On the other hand there is no dispute that the parties have been acting with an understanding that a § 2802 claim was pending. (See e.g. Joint Stipulation to Dismiss filed February 10, 2025 at Page 3:11-12 [“WHEREAS this action seeks civil penalties under PAGA for alleged violations of: (1) California Labor Code § 2802...”].)

It appears to the Court that the failure to amend was probably due to mistake, not a deliberate litigation strategy, and therefore, if there is any actual prejudice to Defendants arising from the granting of the proposed amendment at this stage in the proceedings, such prejudice is best dealt with directly pursuant to CCP § 473(a) [“...court may in furtherance of justice, and on any terms as may be proper, allow any party to amend any pleading...”].) Accordingly, the Motion for Judgment on the Pleadings is GRANTED WITH LEAVE TO AMEND. Any Amended Complaint will be filed by April 18, 2025.

Motion to Compel Deposition of Person Most Knowledgeable

In light of the above ruling Granting the Motion for Judgment on the Pleadings with Leave to Amend, the Court determines that the Motion to Compel is not moot.

The Motion to Compel Deposition of Person Most Knowledgeable. The deposition will occur on or before April 30, 2025 unless the parties agree to a different date in writing. The parties are ordered to meet and confer on all issues relating to any alleged prejudice resulting from the amended pleadings and any concerns concerning the PMK Depositions. The reciprocal requests for sanctions are denied without prejudice to renewal in the event the parties are unable to resolve all issues regarding the amended pleading and the PMK Deposition.

21CV-00824

In the Matter of: 116 W 12th Street Merced CA

Motion for Order Directing Payment of Post-Judgment Fees & Costs Following Voluntary Dismissal of Appeal

The Motion for Award of Post-Judgment Fees in the amount of \$38,322.50 is GRANTED. The Court will sign the order lodged with the court on March 5, 2025.

23CV-02006

Steven Wilber v. Delhi Unified School District, et al.

Demurrer by Defendant Delhi Unified School District and Defendant Kevin Ross to Fourth Cause of Action in Plaintiff's Fourth Amended Complaint

The Demurrer by Defendant Delhi Unified School District and Defendant Kevin Ross to Fourth Cause of Action in Plaintiff's Fourth Amended Complaint is SUSTAINED WITHOUT LEAVE TO AMEND.

23CV-02109

Premier Glass & Aluminum, Inc. v. Titans Managing Contractors, Inc.

Order to Show Cause re Striking of Pleadings for Failure to Corporation to Substitute Counsel

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Appear to confirm substitution of counsel for Plaintiff corporation and to show cause the Complaint and Answer to Cross-Complaint should not be stricken.

Status Conference

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Appear to confirm substitution of counsel for Plaintiff corporation and to show cause the Complaint and Answer to Cross-Complaint should not be stricken.

24CV-02738

Benedict Domingo v. Protel Communications, Inc.

Special Motion to Strike Cross-Complaint by Protel Communications Pursuant to CCP § 425.16

The Special Motion to Strike Cross-Complaint by Protel Communications Pursuant to CCP § 425.16 is DENIED. The Special Motion is untimely. The Complaint alleges failure to maintain overtime and to maintain records, and the Cross-Complaint alleges breach of employment contract with regard to the requirement to keep accurate time records, essentially a claim for indemnity to the extent Plaintiff contributed to the damages alleged to have been suffered. Plaintiff has failed to establish that the claim is in connection with a public issue or an issue of public interest or the right to petition.

24CV-04078

In the Matter of 131 West Main Street Merced

Status Conference

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Appear to address the status of the case.

25CV-01209

Tyson Lau v. Airis Man Yeung

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. The Court notes that no proof of respondent has been filed.

25CV-01212

Laurie Claus Yu v. Christopher Easley

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. The Court notes that no proof of service of respondent has been filed.

25CV-01296

Elizabeth Alvarado v. Vincent Folwer

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. The Court notes that no proof of service of respondent has been filed.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conference
Hon. Stephanie L. Jamieson
Courtroom 8
627 W. 21st Street, Merced

Wednesday, April 2, 2025
9:00 a.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
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There are no Mandatory Settlement Conferences Scheduled	
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COUNTY OF MERCED

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

Wednesday, April 2, 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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IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
25CV-00132	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court 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-00660	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court 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-00662	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, April 2, 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
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, April 2, 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.
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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, April 2, 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. 21st Street, Merced

Wednesday, April 2, 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
24CV-01841	JPMorgan Chase Bank, N.A. vs. Guillermo Orozco
Court 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.	
24CV-02080	JPMorgan Chase Bank, N.A. vs. Leticia Guerrero
Court 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.	