

UPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, April 9, 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. 21<sup>st</sup> Street, Merced  
Wednesday, April 9, 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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22CV-00553	Pedro Canela v. City of Merced, et al.
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Motion to Reinstate Prior Order Deeming Requests for Admissions, Set Two, Admitted

**This matter has been special set for the same time and place before the Judge Pro Tem who made the ruling that the Motion to Reinstate seeks to change. See the Special Set Tentative Ruling below.**

22CV-03431	Kendall And Davis LLC, et al. v. Le-Nguyen Dental Corporation, et al.
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Motion to Amend Fourth Amended Complaint to Substitute Justin Kendall and Haylee Davis As Plaintiffs/Relators Pursuant to CCP § 473.

**The Motion to Amend Fourth Amended Complaint to Substitute Justin Kendall and Haylee Davis As Plaintiff Realtors Pursuant to CCP § 473 is GRANTED. The Proposed Plaintiffs/Relators are alleged to be the sole shareholders of the instant Plaintiff/Relator Kendall and Davis LLC and therefore do not qualify as intervenors who would be barred from making such amendment under analogous federal law. (See *U.S. ex rel, The Precision Company v. Koch Industries, Inc.* (10<sup>th</sup> Cir. 1994) 31 F.3d 1015, 1016 [“We hold that shareholders are not intervenors within the plain language of [31 U.S.C.] § 3730(b)(5), and therefore, the statute does not bar their entry into the litigation”]; *Branick v. Downey Savings & Loan Assoc.* (2006) 39 Cal.4<sup>th</sup> 235, 243 [“...courts have permitted plaintiffs who have been determined to lack standing, or who have lost standing after the**

complaint was filed, to substitute as plaintiffs the true real parties in interest [citations]”].)

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23CV-02790                      Transportation Alliance Bank, Inc. v. Onkar Singh

Order of Examination

**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 has been filed showing service of the Order of Examination on Defendant Judgment Debtor.**

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25CV-01016                      Jimmy Mount v. Paul Leonardo

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 proof of service was filed March 26, 2025 showing service of the papers filed in this action on respondent.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Unlimited Civil Law and Motion-Special Set  
Peter MacLaren, Judge Pro Tem  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Wednesday, April 9, 2025  
8:15 a.m.

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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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22CV-00553	Pedro Canela v. City of Merced, et al.
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Motion to Reinstate Prior Order Deeming Requests for Admissions, Set Two, Admitted

**This matter has been special set for the same time and place as the originally noticed motion so it could be heard by Judge Pro Tem Peter MacLaren, the Judge Pro Tem who presided over the July 1, 2024 Hearing the Motion to Withdraw and Amend Responses to Request for Admissions (Set Two) was heard, who granted that motion, and which the current Motion to Reinstate seeks to have the court reconsider and deny on the grounds that such order was obtained by fraud.**

**This matter commenced on February 17, 2022 when counsel for Plaintiff Pedro Alvarado Canela, Robert L. Booker II and Andy Mendoza of Century Park Law Group LLP, filed a Complaint for damages.**

**On July 8, 2022, Counsel for Plaintiff, Century Park Law Group LLP, filed Plaintiff's Counsel's Notice of Change of Firm Name stating that the law firm formerly known as Century Law Park Group had changed its name to Lyle Law, LLP.**

**Based on the evidence now presented to the Court, it appears that on or about March of 2023, Plaintiff may have been evicted from his home at 503 Seville Way, Merced CA 95341 and became homeless.**

On September 11, 2023, Soheli Bahari, Esq. of Lyle Law LLP filed a Notice and Motion to be Relieved as Counsel stating that “There is a complete breakdown of the attorney-client relationship that cannot be reconciled” with a proof of service showing service by mail on Plaintiff Fedro Alvarado Canela at 503 Seville Way, Merced CA 95341. The Motion to Be Relieved was accompanied by a Declaration in Support of Attorney’s Motion to Be Relieved as Counsel that repeated, under penalty of perjury, that “There is a complete breakdown of the attorney-client relationship that cannot be reconciled” and stated that “If the client has been served by mail at the client’s last known address, attorney has confirmed within the last 30 days that the current address is current by telephone.” The Declaration with a proof of service showing service by mail on Plaintiff Fedro Alvarado Canela at 503 Seville Way, Merced CA 95341. The Motion to be Relieved as Counsel was granted on October 16, 2023 with the adoption of the Court’s tentative ruling stating that “the unopposed motion to be relieved as counsel filed on September 11, 2023, by attorney Soheil Bahari, Esq. of Lyle Law is GRANTED, effective upon the filing of proof of service of the order granting this motion on the client.”

The Order granting the Motion to be Relieved as Counsel was filed October 16, 2023 and accompanied by a proof of service identifying the client’s current address as 503 Seville Way, Merced CA 95341, and stating that the client’s current telephone number was (209) 261-9745, and was accompanied by a proof of service stating that the order was served by mail on Pedro Alvarado Canela at 503 Seville Way, Merced CA, 95341. A separate notice of Order Granting Attorney’s Motion to be Relieved as Counsel was also filed on November 16, 2023 containing a proof of service that the notice of order was served by mail on Pedro Alvarado Canela at 503 Seville Way, Merced CA, 95341.

On October 25, 2023, Defendant City of Merced mailed Request for Admissions, Set Two to Plaintiff at 503 Seville Way, Merced CA, 95341, which the records of this Court reflected as Plaintiff’s current residence. Responses to Requests for Admission would have been due on November 30, 2023.

On December 18, 2023, Defendant City of Merced filed a Motion to Deem the Truth of the Matters set forth in Defendant’s Request for Admissions, Set Two admitted. The Motion was accompanied by a proof of service showing service by mail to Pedro Alvarado Canela at 503 Seville Way, Merced CA, 95341, which the records of this Court reflected as Plaintiff’s current residence. A second motion sought to compel response to Form Interrogatory 17.1 which requested all facts, witnesses and documents in support of any response that was not an unqualified admission. Each motion requested \$470 sanctions and was served by mail on Pedro Alvarado Canela at 503 Seville Way, Merced CA, 95341, which the records of this Court reflected as Plaintiff’s current residence. On January 19, 2024, the Court granted the unopposed motion for order that requests for admissions be deemed admitted and awarded monetary sanctions of \$470. The court denied the motion to compel form interrogatories and request for sanctions as moot, give the order that requests for admission were deemed admitted.

On January 30, 2024, Defendant City of Merced filed a Motion for Summary Judgment based on the Requests for Admission that were deemed admitted. The Motion for Summary Judgment was served by mail on Pedro Alvarado Canela at 503 Seville Way, Merced CA, 95341, which the records of this Court reflected as Plaintiff’s current residence.

On March 19, 2024, Counsel Mathew Russell, Esq. of BDJ, PC substituted in as counsel of record. On March 26, 2024, Counsel for Plaintiff paid the \$470 in monetary sanctions awarded by the Court on January 19, 2024.

A Motion to Vacate the Order to Deem Admissions was filed on March 28, 2024 and was Denied Without Prejudice on April 26, 2024. A second Motion to Withdraw or Amend Requests for Admission Deemed Admitted was filed May 9, 2024 and Denied on June 12, 2024. A third Motion to Withdraw Requests for Admission was filed June 18, 2024, and was granted on July 1, 2024.

On about October 15, 2024, the City of Merced propounded Supplemental Form Interrogatories. On or about November 18, 2024, the City of Merced received Plaintiff's verified response which included a supplemental response to Form Interrogatory 2.5, the prior response had indicated that Plaintiff's residence was 503 Seville Way. The verified response stated that there was nothing to supplement. Since then Plaintiff's counsel has asserted that the supplemental response was in error, and has offered to amend the response.

On March 12, 2025, Defendant filed the instant Motion to Reinstate Prior Order Deeming Requests for Admission Set Two Admitted on the grounds that Plaintiff committed fraud. The opposition asserts that there was no fraud. Each side requests monetary sanctions.

California Rules of Court Rule 2.200 states: "An attorney or self-represented party whose mailing address, telephone number, fax number or email address (if it was provided under rule 2.111(1)) changes while an action is pending must serve on all parties and file a written notice of the change. As a general rule, court have been unsympathetic the litigants who claimed harm as a result of failing to apprise other parties of a change of address. (See e.g. *Kramer v. Traditional Escrow, Inc.* (2020) 56 Cal.App.5th 13, 31-32.)

There is nothing in the record to indicate that Plaintiff ever told his prior attorneys about his change of address, though he has since represented that he was unaware that his attorneys withdrew. The motion to withdraw specifically stated under penalty of perjury that Plaintiff's address had been verified by telephone, a fact that if true, would indicate that Plaintiff had not in fact been evicted, or had misrepresented whether or not he had been evicted. Plaintiff also provided a verified response to a supplemental interrogatory that his address remained the same, though he has informally declared that to be mistake.

This court, on its own motion, exercises its discretion to reconsider its own the July 1, 2024 order granting the Motion to Withdraw and Amend Responses to Request for Admissions (Set Two) and based on the totality of circumstance, Denies the Motion to Withdraw, effectively granting the Motion to Reinstate.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, April 9, 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.**

<b>Case No.</b>	<b>Title / Description</b>
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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. 21<sup>st</sup> Street, Merced

Wednesday, April 9, 2025  
10:00 a.m.

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Case No.	Title / Description
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22CV-04224	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Motion to Be Relieved as Counsel

**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 unopposed motion by attorneys Benjamin M. Johnson and Makayla A. Whitney of Berliner Cohen, LLP to be relieved as counsel for plaintiff is GRANTED. The Court will sign the proposed order submitted with the moving papers. The order will be effective upon the filing of the proof of service of the signed order upon the client.**

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24CV-00311	LVNV Funding LLC vs. Minerva Garcia
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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.**

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24CV-03989

Lillian Juarez, et al. vs. Alyah Sata Wake

Claim of Exemption – Alyah M. Sata Wake

**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.**

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25CV-00838

[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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, April 9, 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.	
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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, April 9, 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.	
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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 9, 2025  
1:15 p.m.

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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, April 9, 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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**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 Limited Long Cause Matters Scheduled	
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