

**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, May 14, 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, May 14, 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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18CV-02285	OP Development, Inc. et al. v. Scotty Pereira
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Trial Setting 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 set trial.**

21CV-01886	Harris Farms LP v. James Nickel, et al.
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Case Management 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, confirm readiness for court trial on July 9, 2025, and to set a hearing date for motions in limine as well as any dispositive trial motions that the parties anticipate.**

Demurrer to the Fifth Cause of Action for Fraudulent Inducement of the Second Amended Complaint

Defendant is demurring to the fifth cause of action for fraudulent inducement as alleged in the second amended complaint. This is an echo of a previously sustained demurrer to the fifth cause of action in the first amended complaint for which leave to amend was granted. To allow plaintiff sufficient time to conduct discovery to obtain the necessary facts to plead around the statute of limitations, plead fraudulent inducement with the required specificity, and establish a relationship giving rise to a duty to disclose, a lengthy amendment period was granted.

On the grounds outlined below, the demurrer to the fifth cause of action for fraudulent inducement in the second amended complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**.

***Statute of Limitations***

The plaintiff purchased the subject vehicle on March 10, 2018. The three-year statute of limitations for fraud by omission therefore ran on March 10, 2021. Plaintiff did not file his original complaint until October 24, 2023.

In paragraph 13 of the second amended complaint, the plaintiff alleges that the defects and nonconformities to warranty manifested themselves within the applicable express warranty period. While Plaintiff asserts that the statute of limitations defense does not appear on the face of the complaint, the admission in the complaint that the vehicle manifested defects during the warranty period is an admission that the plaintiff was on notice that the vehicle was not performing as represented and therefore that any defective condition known to the defendant had not been disclosed. No facts tolling or extending the statute of limitations have been plead and the plaintiff has made no showing that such facts exist warranting further amendment. The demurrer is **SUSTAINED WITHOUT LEAVE TO AMEND**.

***Duty to Disclose Defects to Plaintiff***

A vendor who is not in a confidential relationship with a buyer has no duty to make full disclosure concerning the object of sale. (*DeSpirito v. Andrews* (1957) 151 Cal.App.2d 126, 130.) “A failure to disclose a fact can constitute actionable fraud or deceit in four circumstances: (1) when the defendant is the plaintiff's fiduciary; (2) when the defendant has exclusive knowledge of material facts not known or reasonably accessible to the plaintiff; (3) when the defendant actively conceals a material fact from the plaintiff; and (4) when the defendant makes partial representations that are misleading because some other material fact has not been disclosed.” (*Collins v. eMachines* (2011) 202 Cal.App.4th 249, 255-256 (internal citations omitted).) The plaintiff has not alleged any facts establishing a confidential or fiduciary relationship between himself and General Motors LLC. The plaintiff has also alleged no facts otherwise establishing a duty to disclose, nor has plaintiff made a showing that such facts exist warranting further amendment. The demurrer is **SUSTAINED WITHOUT LEAVE TO AMEND**.

***Requirement that Fraud be Alleged With Particularity***

The elements of fraud are (1) a misrepresentation of a material fact, a false representation, or nondisclosure; (2) knowledge of falsity; (3) intent to defraud; (4)

justifiable reliance; and (5) damages. (*Collins v. eMachines* (2011) 202 Cal.App.4th 249, 259.) The facts alleging fraud, including every element of the cause of action must be plead factually and specifically in order to survive demurrer. (*Apollo Capital Fund, LLC v. Roth Capital Partners, LLC* (2007) 158 Cal.App.4th 226.) The second amended complaint does not allege the above elements with specificity, nor does plaintiff make a showing in opposition to the demurrer that such facts exist. The demurrer is **SUSTAINED WITHOUT LEAVE TO AMEND**.

#### ***Economic Loss Rule***

Under the economic loss rule, tort recovery for breach of a duty imposed by contract is barred unless a plaintiff demonstrates that the defendant's injury-causing conduct violated a duty independent of those in the contract, and that the injury caused by defendant's conduct was not reasonably contemplated by the parties at the formation of the contract. (*Rattagan v. Uber Technologies, Inc.* (2024) 17 Cal.5th 1.) The second amended complaint does not allege either of the required elements for tort recovery for breach of contract, nor does the plaintiff make a showing that such facts exist. The demurrer is **SUSTAINED WITHOUT LEAVE TO AMEND**.

Motion by Defendant General Motors, LLC too Strike Punitive Damages Claim

The motion by defendant, General Motors, LLC to strike the claim for punitive damages is **GRANTED**. Plaintiff has failed to allege facts to establish a claim eligible for punitive damages or to sustain a finding of intent or fraud by the defendant.

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24CV-02555 Daniel Roberts v. District Attorneys' Office of Merced County

Demurrer to Fourth Amended Complaint

The demurrer to the fourth amended complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. The fourth amended complaint fails for uncertainty as it is riddled with internal contradictions and facts that negate the asserted causes of action. Plaintiff further fails to state a cause of action as Plaintiff has not asserted facts sufficient to plead around prosecutorial and discretionary immunity, or to comply with the Government Claims Act. Plaintiff has furthermore failed to satisfy this court that the facts necessary to remedy these defects could be plead, therefore further amendment is futile.

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24CV-05063 Jesus Navarro v. Maria Negrete

Motion for Approval of *Belaire-West* Notice

The Court has reviewed the *Belaire-West* notice submitted for approval by Plaintiff. Defendant's objection to the exclusion of defense counsel's contact information is **SUSTAINED**. The purpose of a *Belaire-West* notice first and foremost is privacy protection of affected persons. The notice must be structured to allow them to make an informed decision about whether to opt out of disclosure. The Court disagrees with the presumptuous and unfounded allegations of interference, undue influence, or misdirection by defense counsel should their contact information be provided. The precedent for including such contact information is found in the *Belaire-West* case itself, and this court has no information before it to justify deviating from that process.

The motion for approval of the substantive content of the *Belaire-West* notice is GRANTED, subject to inclusion of contact information for defense counsel.

The request for monetary sanctions is DENIED WITHOUT PREJUDICE to the filing of a noticed motion on the stated grounds. The Court notes the inflammatory accusations included in Plaintiff's motion. The Court further notes the proposed *Belaire-West* notice, attached as Exhibit 1 to Plaintiff's motion, provides for persons to "contact attorneys for either party" yet omits defense counsel's information, substantiating Defendant's assertion that it was already contemplated, pursuant to this Court's prior ruling, to include both counsels.

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24CV-05394                      Aide Albores v. Jonathan Alejo

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. Appear to address the status of any criminal proceeding.**

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24CV-05395                      Aide Albores v. Geraldine Navarro

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. Appear to address the status of any criminal proceeding.**

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25CV-00641                      Danika Lee v. Delmar Arnaud

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. There is no proof of service on file showing service on respondent.**

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25CV-01621                      Petition of: Amandeep Kaur Bansel

Order to Show Cause re: Name Change

**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 proof of publication of this petition by an adult to change her own name.**

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25CV-01652

Petition of: Todd Lewis

Order to Show Cause re: Name Change

**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. Proof of publication was filed April 30, 2025.**

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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, May 14, 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.**

<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, May 14, 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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Case No.	Title / Description
24CV-01151	Calvary SPV I LLC v. Ricardo Salazar
	Court Trial
	<b>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.</b>
24CV-05827	Wells Fargo Bank N.A. v. Rebecca Sarte
	Motion for Order that Requests for Admission be Deemed Admitted
	<b>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.</b>
	Case Management Conference
	<b>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.</b>



25CV-00490 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Status Conference Following entry of Conditional Judgment

**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-01981 [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, May 14, 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.

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.	
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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, May 14, 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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24CV-03941	Merced Gateway Investors LP v. Chenay Reed
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Ex Parte Application for Entry of Judgment for Noncompliance with Stipulation

**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.**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, May 14, 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

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

Wednesday, May 14, 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
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There are no Limited Long Cause Court Trials Scheduled	
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