

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Wednesday, May 7, 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, May 7, 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
----------	---------------------

20CV-03387	People v. \$1,108,400.00 U.S. Currency
------------	--

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.

21CV-00824	In the Matter of 116 W 12 th Street, Merced
------------	--

Claim of Exemption

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 claim of exemption attached as Exhibit D to the opposition filed April 15, 2025.

Motion to Compel Answers to Requests for Admissions and for Monetary Sanctions of \$440
(Plaintiff Orlando Gillam III)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Orlando Gillam III, to answer requests for admissions and to pay monetary sanctions of \$440 is DENIED. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. Monetary sanctions are DENIED. Plaintiff has established reasonable cause for the delay in responding to the requests for admission, such that a motion likely would have been rendered moot had defendant engaged in an adequate meet and confer.

Motion to Compel Answers to Special Interrogatories and for Monetary Sanctions of \$440
(Plaintiff Orlando Gillam III)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Orlando Gillam III, to answer special interrogatories and to pay monetary sanctions of \$440 is DENIED. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. Monetary sanctions are DENIED. Plaintiff has established reasonable cause for the delay in responding to the requests for admission, such that a motion likely would have been rendered moot had defendant engaged in an adequate meet and confer.

Motion to Compel Answers to an Answer to Request for Production of Documents and for Monetary Sanctions of \$440 (Plaintiff Orlando Gillam III)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Orlando Gillam III, to answer requests for production of documents and to pay monetary sanctions of \$440 is DENIED. GRANTED IN PART AND DENIED IN PART. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. The Court notes that the form response states that the responding plaintiff is not in possession of any responsive documents, however there is no representation that Plaintiff has conducted a diligent search and made reasonable inquiry. The parties are ordered to meet and confer to determine if, in fact, no responsive documents are in this plaintiff's custody or control and whether responsive documents can be obtained by an alternative source. Monetary sanctions are DENIED WITHOUT PRJEUDEICE to renewal of the request and requests for further sanctions if an additional motion to compel proves necessary.

Motion to Compel Answers to Requests for Admissions and for Monetary Sanctions of \$440
(Plaintiff Jessica Hernandez Castaneda)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Jessica Hernandez Castaneda, to answer requests for admissions and to pay monetary sanctions of \$440 is DENIED. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. Monetary sanctions are DENIED. Plaintiff has established reasonable cause for the delay in responding to the requests for admission, such that a motion likely would have been rendered moot had defendant engaged in an adequate meet and confer.

Motion to Compel Answers to Special Interrogatories and for Monetary Sanctions of \$440
(Plaintiff Jessica Hernandez Castaneda)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Jessica Hernandez Castaneda, to answer form interrogatories and to pay monetary sanctions of \$440 is DENIED. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. Monetary sanctions are DENIED. Plaintiff has established reasonable cause for the delay in responding to the requests for admission, such that a motion likely would have been rendered moot had defendant engaged in an adequate meet and confer.

Motion to Compel Answers to Special Interrogatories and for Monetary Sanctions of \$440
(Plaintiff Jessica Hernandez Castaneda)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Jessica Hernandez Castaneda, to answer special interrogatories and to pay monetary sanctions of \$440 is DENIED. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. Monetary sanctions are DENIED. Plaintiff has established reasonable cause for the delay in responding to the requests for admission, such that a motion likely would have been rendered moot had defendant engaged in an adequate meet and confer.

Motion to Compel Answers to an Answer to Request for Production of Documents and for Monetary Sanctions of \$440 (Plaintiff Jessica Hernandez Castaneda)

The motion by defendant, Andrea Michelle Hall-Cuccia, to compel plaintiff, Jessica Hernandez Castaneda, to answer requests for production of documents and to pay monetary sanctions of \$440 is DENIED. GRANTED IN PART AND DENIED IN PART. The motion to compel a response is DENIED AS MOOT, as plaintiff attached a verified response as Exhibit A to his opposition filed on April 24, 2025. The Court notes that the form response states that the responding plaintiff is not in possession of any responsive documents, however there is no representation that Plaintiff has conducted a diligent search and made reasonable inquiry. The parties are ordered to meet and confer to determine if, in fact, no responsive documents are in this plaintiff's custody or control and whether responsive documents can be obtained by an alternative source. Monetary sanctions are DENIED WITHOUT PREJUDICE to renewal of the request and requests for further sanctions if an additional motion to compel proves necessary.

Case Management Conference

The case management conference currently set for May 19, 2025, at 10:00 a.m. is CONTINUED ON THE COURT'S OWN MOTION TO Monday, December 8, 2025, at 10:00 a.m. in Courtroom 8.

Demurrer

The demurrer to the complaint as a whole, and as to the first and third causes of action, on the grounds of uncertainty is **OVERRULED**. Other than as outlined below, the complaint alleges facts that are sufficiently certain to put the defendant on notice of the allegations and to state a claim.

The demurrer by defendant, Rajwinder Bahia, M.D., to the first amended complaint and the first, second, and third causes of action on statute of limitations grounds is **SUSTAINED WITH LEAVE TO AMEND**. The face of the complaint alleges that medical treatment began in 2021, which would mean the claims are time-barred under Code of Civil Procedure section 340.5. Plaintiff contends was a typographical error. Leave to amend is granted to allege the correct dates, and to provide a reason why any alleged dates that are inconsistent with any prior complaint deviate from prior allegations.

The demurrer on the grounds that the second cause of action is uncertain is **SUSTAINED WITH LEAVE TO AMEND**. Although not specifically addressed in the plaintiff's opposition to the demurrer, this Court notes the inconsistency between the allegations plead in the second cause of action and the identifying information provided elsewhere throughout the complaint.

The demurrer on the grounds that the elder abuse claims in the second cause of action are insufficiently plead is **OVERRULED**. *Carter v. Prime Healthcare Paradise Valley LLC* (2011) 198 Cal.App.4th 396, outlines the requirements for pleading an elder abuse claim in the context of medical treatment. Unlike here, the complaint in *Carter* merely alleged fraudulent or reckless conduct by the treatment provider, without specifically identifying the type of care that was withheld or the manner in which the treatment provider caused the alleged injury. Plaintiff's complaint details the type of care *alleged* to be reckless to support their claim. Whether the alleged conduct is sufficient to establish a claim of elder abuse is a question of fact not properly addressed at the demurrer stage.

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. Proof of service was filed April 25, 2025, showing service on respondent.

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 for respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 7, 2025
9:00 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

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
-----------------	----------------------------

There are no Mandatory Settlement Conferences Scheduled	
---	--

COUNTY OF MERCED

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

Wednesday, May 7, 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:

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-01844	Calvary SPV I LLC v. Candice Wright Order to Show Cause re: Dismissal (CCP § 583.360) 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 show Cause Why this matter should not be dismissed pursuant to CCP § 583.360 for failure to bring to trial in five years.
22CV-04224	RE Merced LLC v. Trang Nguyen Readiness Conference 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 confirm readiness for May 29, 2025 4 day Court Trial.

24CV-01847 Calvary SPVI, LLC v. Pablo Ramierz

Court Trial

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-01895 Calvary SPVI, LLC v. Stephanie Salazar

Court Trial

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-00480 [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-00490 [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, May 7, 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
----------	---------------------

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

Wednesday, May 7, 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
----------	---------------------

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

Wednesday, May 7, 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
----------	---------------------

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, May 7, 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.

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-02744	Synchrony Bank v. Roberto Monterrubio
------------	---------------------------------------

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-05765	Elvia Rosa Pablo Mendoza v. Angel Espindola
------------	---

Order of Examination

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. There is no Proof of Service showing service of the Order of Examination on Defendant.
