

**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, July 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, July 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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21CV-00708	Evelyn Estrada v. Gloria Campbell, 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 pleadings and the status of the related probate case. Be prepared to set trial dates due to the age of the case and the court's full jury trial calendar.**

21CV-01886	Harris Farms, LP v. James Nickel, et al.
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Defendant's Demurrer to Plaintiff's Third Amended Complaint

**Following a demurrer to the second amended complaint, this Court granted leave to amend to add new claims made in a non-derivative capacity, both on behalf of Mr. Harris and publicly on behalf of the People of the State of California. No such claims appear in the third amended complaint. Instead, Plaintiff appears to have attempted to expand existing claims through a single sentence added to certain claims asserting that they are brought in Harris' individual capacity, without regard for the fact that no such individual standing exists. The only additional claims relate to work performed by Henry Miller Reclamation District No. 2131 pursuant to an Administrative Services Agreement, as well as a project to lower the water table that benefits every San Luis Canal Company owner.**

While Defendants argue that leave to amend was essentially obtained by fraud, the real question is whether Plaintiff can or cannot state a viable claim. The failure to file the promised non-derivative claims suggests that Plaintiff does not, in fact, possess sufficient facts to establish such claims. The question, then, is whether the new claims state a viable cause of action.

As discussed in the ruling on two prior demurrers, Plaintiff has again failed to comply with the Government Claims Act, or establish an exception thereto, as required when making a claim for money or damages against a public entity. (Gov't Code § 905, 905.4; *State of California v. Superior Court* (2004) 32 Cal.4th 1234, 1237; *Sparks v. Kern County Bd. Of Supervisors* (2009) 173 Cal.App.4th 794, 798.) A claim for disgorgement of profits still qualifies as a claim for "money or damages" pursuant to Government Code section 814. Thus, all claims are barred for failure to comply with the Government Tort Claims Act and the demurrer is SUSTAINED.

As also discussed in the ruling on prior demurrers, Plaintiff's claims against the Board of Directors and General Manager for their exercise of discretion are afforded complete immunity under Government Code section 820.2 (*Caldwell v. Montoya* (1955) 10 Cal.4th 972, 981; *San Mateo Union High School Dist. V. County of San Mateo* (2013) 213 Cal.App.4th 418, 433-434.) The argument that Defendants are being sued for acts not performed in their official capacity is ineffective given that such Defendants have in fact been sued in their official capacity. Thus, all claims against the Directors and General Manager in their official capacities are SUSTAINED.

As to the new claims brought by Plaintiff seeking relief under Government Code section 1090 for actions performed in connection with the Administrative Services Agreement and with regard to the Conservation Program and Fallowing Program, Plaintiff's efforts to have the original Government Services Agreement declared unlawful are barred by the applicable statute of limitations. The action must be commenced within four years of when the plaintiff discovered, or, in the exercise of reasonable care, should have discovered the violation of Government Code section 1090, subdivision (a). (Gov't Code § 1092, subd. (b).) Plaintiff does not dispute that the Administrative Services Agreement was entered into in 2000, more than twenty years before this action commenced. There is no claim that the shareholders were unaware of the agreement or that interested directors voted for the agreement. Furthermore, the Administrative Services Agreement is subject to an exception to Government Code section 1090 provided for in Government Code section 1091, subdivision (b)(7), for a non-profit corporation formed under the Corporations Code. While the San Luis Canal Company was not always tax-exempt, it was in fact a non-profit corporation, and therefore the exception to Government Code section 1090, subdivision (a) applies. Finally, since Government Code section 1090 does not provide a private right of action for litigants who are not a party to a contract, a derivative claim can only be brought if San Luis Canal Company is a party to the contract. (*San Diegans for Open Government v. Public Facilities Financing Authority of the City of San Diego, et al.* (2019) 8 Cal.5th 733, 739-741.) Yet the complaint asserts that Henry Miller Reclamation District No. 2131 is, in fact, the sole party to the contract, depriving Plaintiff of standing to bring the action. If San Luis Canal Company is the contracting party, Government Code section 1090 does not apply. Accordingly, the demurrer to the Administrative Services Agreement portion of the Government Code section 1090 claim is SUSTAINED.

Plaintiff also added allegations concerning the performance of Custom Work and the Pick Anderson project. The Custom Work is expressly authorized by the Administrative Services Agreement and does not violate Government Code section 1090 even if there was no exemption because Government Code section 1990, subdivision (a)(14) authorizes such public services. Furthermore, as discussed above, the statute of limitations bars actions not brought within four years of the date they were discovered or could have been discovered with the exercise of reasonable diligence. (Gov't Code §§ 1092, 1097.3, subd. (c).) The Pick Anderson project is designed to benefit all shareholders and therefore does not violate Government Code section 1090 even if it were to apply. The demurrer as to the Custom Work and Pick Anderson Project portion of the Government Code section 1090 claim is **SUSTAINED**.

This Court was previously persuaded to grant leave to amend based on representations concerning allegations that are absent from this amended complaint, which also fails to address the very grounds on which past demurrers were sustained. Absent a clear presentation of facts that may be pleaded to address or plead around the Government Claims Act and immunity defenses discussed above, the demurrer is **SUSTAINED WITHOUT LEAVE TO AMEND**.

Case Management Conference

**Given the above ruling, further case management conferences would appear to be unnecessary unless further leave to amend is granted.**

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22CV-02775                      Noemi Quistian v. Laurie Kaline, et al.

Review of Case Status

**CONTINUED to September 10, 2025, at 8:15 a.m. pursuant to the joint status report filed by the parties on June 25, 2025.**

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23CV-01373                      Bhupinder Sahota v. Fortis General Construction, Inc., et al.

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 Plaintiff's representation and whether Plaintiff will be proceeding in pro per.**

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24CV-02846                      Martha Martinez v. Hilda Santoya

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 status of settlement and to select trial dates if no settlement could be reached.**

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25CV-02588                      April Jackson Womack v. Ashley Ruyle

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 of the papers filed in this action on respondent.**

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25CV-02589                      April Jackson Womack v. James Hill

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 of the papers filed in this action on respondent.**

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25CV-02617                      Ariana Castro Magdaleno v. Antonio Madrigal

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 of the papers filed in this action on respondent.**

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25CV-02830                      Petition of: Deanna Mirra

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 publication.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, July 9, 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
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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, July 9, 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
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24CV-01895	Calvary SPV I, LLC v. Stephanie Salazar
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Court Trial

**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 permission for a remote appearance.**

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24CV-05203	Bank of America, N.A. v. Henry Mercines
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Motion for Order that Requests for Admission Be Deemed Admitted

**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 unopposed motion by plaintiff Bank of America, N.A. for an order deeming admitted the truth of any matters specified in plaintiff's Requests for Admission, Set One, served on defendant Henry Mercines is GRANTED. (Code Civ. Proc., § 2033.280, subd. (b).) The Court notes that plaintiff did not request monetary sanctions.**

**The Court will sign the proposed order submitted with the moving papers.**

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25CV-00480

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Case Status Review

**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 stipulated judgment entered May 7, 2025.**

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25CV-01655

[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, July 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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**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, July 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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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. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Wednesday, July 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

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

Wednesday, July 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 matters scheduled.	
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