

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, October 1, 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 – Donald Proietti

Courtroom 9 – Commissioner David Foster

Courtroom 12 – Hon. Jennifer O. Trimble

Courtroom 13 – Hon. Ashley Albertoni Sausser

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

Civil Law and Motion
Hon. Donald Proietti
Courtroom 8
627 W. 21st Street, Merced

Wednesday, October 1, 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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24CV-06523	Kevin Perez Aldana, et al. v. American Honda Motor Company, Inc.
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Motion by Plaintiffs Kevin Perez Aldana and Bryan A. Chavez-Hernandez to Strike Objections and Compel Further Response to Request for Production of Documents, Set One.

The Motion by Plaintiffs Kevin Perez Aldana and Bryan A. Chavez-Hernandez to Strike Objections and Compel Further Response to Request for Production of Documents, Set One is DENIED.

The Complaint for Violation of Statutory Obligations filed in this action on December 3, 2024, contains a First Cause of Action for Violation of Civil Code § 1793.2(d) [Replace or Buyback after reasonable number of attempts to repair to conform to express warranty]; a Second Cause of Action for Violation of Civil Code § 1793.2(b) [commence repair within reasonable time]; a Third Cause of Action for Violation of Civil Code § 1793.2(a)(3) [make service literature and parts to repair facilities to effect repairs]; a Fourth Cause of Action for Violation of Civil Code § 1794 [right of action by buyer of goods for damages and equitable relief for violation of statutory obligations]; and a Fifth Cause of Action for Violation of Civil Code § 1791.2(a) [Violation of Implied Warranty of Merchantability].

Request for Production of Documents Number 16 [documents concerning internal investigation of powertrain defects in vehicles of same make and model, including root cause of powertrain defects, permanent repair procedure, failure rate of parts, or cost

analysis of proposed repair procedures]: Defendant's objections on the grounds of vague and ambiguous are OVERRULED. Defendant's objections on the grounds of overbroad and not reasonably calculated to lead to the discovery of admissible evidence are SUSTAINED. The sole issue on which liability for any of the causes of action rests is whether the subject vehicle failed to conform to an express warranty, regardless of the precise cause of the failure to conform. (See e.g. *Oregel v. American Isuzu Motors, Inc.* (2001) 90 CalApp.4th 1094, 1102, n.8 ["statute requires only that Oregel prove the car did not conform to the express warranty, and proof that there was a persistent leak that Ron Baker could not locate or repair suffices"]); *Donlen v. Ford Motor Co.*, (2013) 217 Cal.App.4th 138, 149 ["the plaintiff is not obligated to identify or prove the cause of the car's defect. Rather, he is required only to prove the car did not conform to the express warranty"].)

While Plaintiff argues that "this discovery can further support civil penalty liability by providing evidence that Defendant was aware of a prevalent defect that neither it nor its dealerships could repair" (See e.g. Page 4:10-12 Defendant's Response to Separate Statement Filed 9-18-25), such evidence would not prove or disprove an elements of the First Cause of Action for Violation of Civil Code § 1793.2(d) [Replace or Buyback after reasonable number of attempts to repair to conform to express warranty]; the Second Cause of Action for Violation of Civil Code § 1793.2(b) [commence repair within reasonable time]; the Third Cause of Action for Violation of Civil Code § 1793.2(a)(3) [make service literature and parts to repair facilities to effect repairs]; the Fourth Cause of Action for Violation of Civil Code § 1794 [right of action by buyer of goods for damages and equitable relief for violation of statutory obligations]; or the Fifth Cause of Action for Violation of Civil Code § 1791.2(a) [Violation of Implied Warranty of Merchantability]. Evidence that other models of the same vehicle were not successfully repaired is not likely to lead to the discovery of admissible evidence as to whether the subject vehicle was successfully repaired or whether Defendant failed to bring the vehicle into compliance with the express warranty within a reasonable number of attempts to repair the subject vehicle.

Request for Production of Documents Number 19 [documents relating to powertrain defects]: Defendant's objections on the grounds of vague and ambiguous are OVERRULED. Defendant's objections on the grounds of overbroad and not reasonably calculated to lead to the discovery of admissible evidence are SUSTAINED. The sole issue on which liability for any of the causes of action rests is whether the subject vehicle failed to conform to an express warranty, regardless of the precise cause of the failure to conform. (See e.g. *Oregel v. American Isuzu Motors, Inc.* (2001) 90 CalApp.4th 1094, 1102, n.8 ["statute requires only that Oregel prove the car did not conform to the express warranty, and proof that there was a persistent leak that Ron Baker could not locate or repair suffices"]); *Donlen v. Ford Motor Co.*, (2013) 217 Cal.App.4th 138, 149 ["the plaintiff is not obligated to identify or prove the cause of the car's defect. Rather, he is required only to prove the car did not conform to the express warranty"].) Evidence concerning the repair of other models of the same vehicle or that some vehicles were not successfully repaired is not likely to lead to the discovery of admissible evidence as to whether the subject vehicle was successfully repaired or whether Defendant failed to bring the vehicle into compliance with the express warranty within a reasonable number of attempts to repair the subject vehicle.

Request for Production of Documents Number 20 [documents relating to failure rates of powertrain defect repairs]: Defendant's objections on the grounds of vague and

ambiguous are OVERRULED. Defendant's objections on the grounds of overbroad and not reasonably calculated to lead to the discovery of admissible evidence are SUSTAINED. The sole issue on which liability for any of the causes of action rests is whether the subject vehicle failed to conform to an express warranty, regardless of the precise cause of the failure to conform. (See e.g. *Oregel v. American Isuzu Motors, Inc.* (2001) 90 CalApp.4th 1094, 1102, n.8 [“statute requires only that Oregel prove the car did not conform to the express warranty, and proof that there was a persistent leak that Ron Baker could not locate or repair suffices”]; *Donlen v. Ford Motor Co.*, (2013) 217 Cal.App.4th 138, 149 [“the plaintiff is not obligated to identify or prove the cause of the car’s defect. Rather, he is required only to prove the car did not conform to the express warranty”].) Evidence concerning the repair of other models of the same vehicle or that some vehicles were not successfully repaired is not likely to lead to the discovery of admissible evidence as to whether the subject vehicle was successfully repaired or whether Defendant failed to bring the vehicle into compliance with the express warranty within a reasonable number of attempts to repair the subject vehicle.

Request for Production of Documents Number 21 [documents relating to fixes of powertrain defects]: Defendant's objections on the grounds of vague and ambiguous are OVERRULED. Defendant's objections on the grounds of overbroad and not reasonably calculated to lead to the discovery of admissible evidence are SUSTAINED. The sole issue on which liability for any of the causes of action rests is whether the subject vehicle failed to conform to an express warranty, regardless of the precise cause of the failure to conform. (See e.g. *Oregel v. American Isuzu Motors, Inc.* (2001) 90 Cal.App.4th 1094, 1102, n.8 ["statute requires only that Oregel prove the car did not conform to the express warranty, and proof that there was a persistent leak that Ron Baker could not locate or repair suffices"]; *Donlen v. Ford Motor Co.*, (2013) 217 Cal.App.4th 138, 149 ["the plaintiff is not obligated to identify or prove the cause of the car's defect. Rather, he is required only to prove the car did not conform to the express warranty"].) Evidence concerning the repair of other models of the same vehicle or that some vehicles were not successfully repaired is not likely to lead to the discovery of admissible evidence as to whether the subject vehicle was successfully repaired or whether Defendant failed to bring the vehicle into compliance with the express warranty within a reasonable number of attempts to repair the subject vehicle.

Accordingly, The Motion by Plaintiffs Kevin Perez Aldana and Bryan A. Chavez-Hernandez to Strike Objections and Compel Further Response to Request for Production of Documents, Set One is DENIED.

24CV-06543 Silveira & Son Drywall, Inc. v. Allen Boyer, et al.

Demurrer by Third Party Defendant DIP Lender, LLC to First Cause of Action for Breach of Contract in the Third Party Complaint filed by Allen Boyer on the grounds that the complaint fails to allege a contract between Allen Boyer and DIP Lender LLC.

The unopposed Demurrer by Third Party Defendant DIP Lender, LLC to First Cause of Action for Breach of Contract in the Third Party Complaint filed by Allen Boyer on the grounds that the complaint fails to allege a contract between Allen Boyer and DIP Lender LLC is SUSTAINED WITH LEAVE TO AMEND.

25CV-03492 Sarah Boeding v. Razzari Dodge, Inc., et al.

Petition to Compel Arbitration and Stay Proceedings

The unopposed Petition to Compel Arbitration and Stay Proceedings is GRANTED. Defendant has established a prima facie case that an enforceable arbitration agreement exists, and Plaintiff has filed no opposition disputing the enforceability of such agreement.

25CV-03625 Crossroads Equipment Lease & Finance LLC v. Empire Logistics, et al.

Application for Writ of Possession re: Four specified trailers-Baljinder Singh

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. Absent an appearance by Baljinder Singh and a showing of good cause why the Application for Writ of Possession should not be granted, the Application for Writ of Possession re: Four specified trailers brought with regard to Baljinder Singh will be GRANTED.

Application for Writ of Possession re: Four specified trailers-Empire Logistics, Inc.

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. Absent an appearance by Empire Logistics, Inc. and a showing of good cause why the Application for Writ of Possession should not be granted, the Application for Writ of Possession re: Four specified trailers brought with regard to Empire Logistics, Inc. will be GRANTED.

25CV-04016 Petition of: Eva Romero

Order to Show Cause re: Name Change

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 address the status of proof of publication of this petition by an adult to changer her own last name.

25CV-04643 Leilani Norman v. Jasmine Ganther

Order to Show Cause re: Restraining Order

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 on file showing service of notice petition on the respondent.

25CV-04720

Nivia Hernandez v. Maria Silva

Order to Show Cause re: Restraining Order

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. Proof of Service was filed September 15, 2025 showing service of the papers filed in this action on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Hon. Donald Proietti
Courtroom 8
627 W. 21st Street, Merced

Wednesday, October 1, 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.

Case No.	Title / Description
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There are no Mandatory Settlement Conferences Scheduled

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, October 1, 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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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-01040	Wilshire Commercial Capital LLC v. Juan Perez Order to Show Cause re: Dismissal – Notice of Settlement
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.	
On June 24, 2024, plaintiff filed a Notice of Settlement indicating conditional settlement and that a request for dismissal would be filed no later than June 14, 2025. No request for dismissal has been filed. If no party appears to request more time to complete the settlement, the Court will dismiss the case pursuant to rule 3.1385(c)(2) of the California Rules of Court.	
24CV-06230	LVNV Funding LLC v. Harvey Wade Motion for Order Amending Judgment Nunc Pro Tunc
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.	

Plaintiff's unopposed motion to amend the judgment nunc pro tunc to reduce the award of court costs by the *de minimis* amount of \$0.31, which were overstated in the original

request for default judgment due to clerical error, is GRANTED. The Court will sign the proposed order and judgment lodged with the moving papers.

25CV-00704 Jose Rivera Mendez v. Andrea Tolison

Order of Examination – Andrea Tolison

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. The Court notes there is no proof of service showing service on the judgment debtor of the Order to Produce Statement of Assets and to Appear for Examination.

25CV-04254 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Motion for Reconsideration of Order Denying Motion to Quash Service of Summons

Continued on the Court's own motion to October 8, 2025, at 10:00 a.m. in Courtroom 9 to be heard along with defendant's motion to dismiss.

25CV-04555 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Court Trial: Unlawful Detainer

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. Donald Proietti
Courtroom 8
627 W. 21st Street, Merced

Wednesday, October 1, 2025
1:15 p.m.

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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**

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, October 1, 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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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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, October 1, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Ashley Albertoni Sausser
Courtroom 13
1159 G Street, Los Banos

Wednesday, October 1, 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
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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, October 1, 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-04576	Calvary SPV I, LLC v. G Aguilar-Valladares
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.