

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Monday, April 29, 2024

**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. Brian McCabe**

**Courtroom 9 – Judge Pro Tem Monika Saini Donabed**

**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 wanting a hearing transcript 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 civil calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

<b>Case No.</b>	<b>Title / Description</b>
15CV-03743	The People of the State of California v. \$5,447.00 U.S. Currency
	Review of Case Status
	<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. Appear to address status of attempts to locate the Claimant.</b>

19CV-02142 Ernesto Munoz v. City of Merced, et al.

Motion for Summary Judgment

**The Unopposed Motion for Summary Judgment is GRANTED. Defendant has failed a Separate Statement of Undisputed Fact supported by an Order that Requests for Admissions be deemed admitted, that conclusively establish a prima facie case that Defendant is entitled to judgment as a matter of law. While this would normally shift the burden of proof to Plaintiff to provide admissible evidence establishing a triable issue of material, Plaintiff is precluded as a matter of law from disputing Requests for Admissions that have been admitted or deemed admitted. In any case, Plaintiff failed to file a Response to the Separate Statement, failed to file any opposition, and failed to provide**

any evidence attempting to establish a triable issue of material fact. Accordingly, Plaintiff has failed to meet his burden of proof and the Motion for Summary Judgment is **GRANTED**. The readiness Conference set for July 18, 2024 and the Jury Trial set for August 20, 2024 are hereby **VACATED**.

Motion for Defense Costs of \$83,096.31 Pursuant to CCP § 1038.

**The unopposed Motion for Defense Costs of \$83,096.31 Pursuant to CCP § 1038. Is GRANTED. Plaintiff has utterly failed to prosecute any aspect of this action or provide any information from which a good faith belief for filing or maintaining the action can be inferred.**

Motion for Terminating Sanctions

**Defendant's Motion for Terminating Sanctions is DENIED AS MOOT given (1) The fact that Requests For Admission served on Plaintiff have been deemed admitted and therefore conclusive establish that Defendant is entitled to Judgment as a Matter of Law; and (2) The above Order GRANTING Summary Judgment and thereby rendering any issues or evidence that Plaintiff might provide moot. Any Request for Monetary Sanctions is rendered moot by the above order GRANTING Defense Costs pursuant to CCP § 1038.**

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21CV-03897                      The People of the State of California v. \$3,715.00 U.S. Currency

Review of Case Status

**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 status of attempts to locate the Claimant.**

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22CV-00106                      Joanna Hodges v. ProfessioNAILS, et al.

Case Management 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 address status of the case given the defaults entered in this action.**

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22CV-03350                      NRKB LLC v. The Olivewood I Professional Center Owner Assoc., et al.

Case Management 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 address status of the case and whether any new counsel may need to be brought up to speed before trial can be set.**

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23CV-00834

Silvano Perez, et al. v. Carlos Perez, Junior

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. Appear to address status of the settlement in this matter.**

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23CV-00837

Efrain Manzo v. General Motors LLC

Case Management 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 address status of the case.**

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23CV-00846

Nicholas Baur v. City of Merced

Case Management 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 address status of the case and whether the parties are likely to agree to private mediation as opposed to a Court ordered settlement conference.**

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23CV-02765

Pak Chan v. Keo-Chen Liao, et al.

Case Management 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 address status of the case.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

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

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Case Management Conferences  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

<b>Case No.</b>	<b>Title / Description</b>
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**Appearance required on all matters. 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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Monday, April 29, 2024  
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.**

<b>Case No.</b>	<b>Title / Description</b>
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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  
Judge Pro Tem Monika Saini Donabed  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

<b>Case No.</b>	<b>Title / Description</b>
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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, Merced  
Monday, April 29, 2024  
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 for hearing.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Short Cause Court Trials  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

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Case No.	Title / Description
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22CV-02500	Manuel Moreno v. Luis Soto
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Review of Case Status (Case Trailing 20CV-00298)

**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 this matter given the dismissal filed April 16, 2024 in 20CV-00298.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil  
Judge Pro Tem Monika Saini Donabed  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, April 29, 2024  
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.**

<b>Case No.</b>	<b>Title / Description</b>
23CV-04072	Jefferson Capital Systems LLC v Franco Gonzalez 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) 725-4124 to seek permission and arrange for a remote appearance.</b>
24CV-00897	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance.</b>