

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, June 27, 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 L. McCabe

Courtroom 9 – Judge Pro Tem Peter MacLaren

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

Civil Law and Motion
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, June 27, 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.

Case No.	Title / Description
21CV-00824	In the matter of 116 W 12 th Street, Merced CA 95341
	Motion for Discharge of Receiver, Exoneration of Surety, and Order Directing Payment of Fees and Costs
	The Motion for Discharge of Receiver, Exoneration of Surety, and Order Directing Payment of Fees and Costs is GRANTED and the Court will sign the Proposed Order Discharging Receiver lodged with the Court on May 7, 2024. The Court finds the objections and opposition by Armando J. Pilola to be inaccurate and without merit. The receivership was necessary and the total costs exuberated by by Armando J. Pilola's inaction and failure to perform as agreed.
	Motion to Terminate Receivership
	The Motion to Terminate Receivership is DROPPED FROM THE CALENDAR AS MOOT given the above order discharging the Receiver.

21CV-00915

Julian Bulosan v. Kaylee Doe, et al.

Motion for Enforcement of Monetary Sanctions against Plaintiff Julie Ann Soriano Bulosan and her counsel of record by assessment of \$5,000 sanctions in addition to the \$920 that is currently unpaid.

The unopposed Motion for Enforcement of Monetary Sanctions against Plaintiff Julie Ann Soriano Bulosan and her counsel of record by assessment of \$5,000 sanctions in addition to the \$920 that is currently unpaid is GRANTED IN PART. Additional Sanctions in the amount of \$1,080 are awarded, for a total amount payable of \$2,000. The total amount is to be paid by July 31, 2024.

21CV-02613

Maria Gonzalez, et al. v. Luca Lorenzi

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 the status of the deposit of settlement funds.

22CV-01976

Jill Ratzlaff v. Jackie Smith, II, et al.

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 the status of settlement discussions or any agreement to mediate.

23CV-01213

Wilfley Enterprises, Inc. v. Lisa Curiel

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. The Court notes that the Defendant was served by substituted service on September 7, 2023 and still has not filed a responsive pleading roughly ten months later. Appear to address the status of entry of default.

23CV-01317

Mary Linda Ramirez v. Roger Allen Paynter Jr.

Order to Show Cause re Default Judgment

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. Absent an appearance by Defendant and showing of good cause why the proposed amended judgment should not be entered, the Motion to Amend the Judgment shall be granted.

23CV-04212

Josephone Smallwood v. Merced County, et al.

Demurrer by Defendant Merced County, Merced County Sheriff's Department, and Sgt. Jose Rios to First Amended Complaint and the Seventh and Eighth Causes of Action therein

The demurrer to the Fourth, Fifth, and Seventh Causes of action is OVERRULED. The First Amended Complaint alleges satisfaction of administrative remedies and the Workers Compensation Exclusive Remedy Provision does not bar statutory claims for violation of the Government Code § 12940, et seq. or Labor Code § 1102.5 et seq. The Demurrer to the Eighth Cause of Action for Intentional Infliction of Emotional Distress is SUSTAINED WITHOUT LEAVE TO AMEND. The exclusive remedy provision of the Workers' Compensation Act bars emotional injury not resulting from violations of Government Code § 12940, et seq. or Labor Code § 1102.5 et seq. or other statutory provisions.

Motion to Strike Request for Declaratory Relief

The Motion to Strike Request for Declaratory Relief is GRANTED WITHOUT LEAVE TO AMEND. A judgment on the First Amended Complaint's First through Seventh Causes of Action will be a sufficient finding that unlawful conduct has occurred, and declaratory relief is not a necessary prerequisite for injunctive relief in the event Plaintiff prevails and can demonstrate that an injunction is appropriate. The motion to strike does not seek to strike paragraph 4 of the Prayer seeking injunctive relief.

23CV-04575

Jennifer Call-Baldwin v. Wells Fargo Bank, N.A. et al.

Motion to Compel Plaintiff to provide Answers to Form Interrogatories and for Sanctions of \$2,051.70

The unopposed Motion to Compel Plaintiff to provide Answers to Form Interrogatories and for Sanctions of \$2,051.70 is GRANTED IN PART. Sanctions in the amount of \$500 are awarded. A verified code compliant response without objections shall be served by August 30, 2024 and sanctions are to be paid by August 30, 2024.

Motion to Compel Plaintiff to provide Response to Requests for Production of Documents and for Sanctions of \$2,051.70

The unopposed Motion to Compel Plaintiff to provide Response to Requests for Production of Documents and for Sanctions of \$2,051.70 is GRANTED IN PART. Sanctions in the amount of \$500 are awarded. A verified code compliant response without objections shall be served by August 30, 2024, along with copies of all responsive documents and sanctions are to be paid by August 30, 2024.

24CV-01081

Rafael Barrios v. Saul Cisneros

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. The Court notes that all parties appeared at a prior hearing in this matter.

24CV-02445

Sandra Esqiovel v. Kim Johnson

Review of Case Status

Continued on the Court's Own Motion to August 21, 2024 at 8:15 A.M. in Courtroom 8. The Court notes that proof of service of the Petition for Writ of Mandate was filed June 14, 2024 showing service on June 11, 2024 and the time for Respondent to file a responsive pleading has not yet occurred.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, June 27, 2024
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
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Thursday, June 27, 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:

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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.

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Case No.	Title / Description
18CV-03540	Lendmark Financial Services LLC v Michelle Joyner Claim of Exemption 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-01605	TD Bank USA NA v. Juan Lemus Motion for Judgment on the Pleadings 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-01983	[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

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, June 27, 2024
11:00 a.m.

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Case No.	Title / Description
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23CV-03134	Kaitlyn Recinos v. Perla Aguilar
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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) 725-4124 to arrange for a remote appearance. The Court notes that a proof of service was filed on September 15, 2023.

24CV-02698	Aden Garcia v. Chera Hartley
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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) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on Respondent.

24CV-01455 Rene Senna v. Jimmie Renteria

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) 725-4124 to arrange for a remote appearance. The Court notes that proof of service has been filed on May 23, 2024.

24CV-03133 Kaitlyn Recinos v. Manuel Romero

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) 725-4124 to arrange for a remote appearance. Appear to review the status of the case since the last hearing on September 28, 2023.

24CV-02672 Richard Hernandez v. Michelle Torres

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) 725-4124 to arrange for a remote appearance. The Court notes that proof of service was filed on June 10, 2024.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, June 27, 2024
1:15 p.m.

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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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Thursday, June 27, 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:

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Case No.	Title / Description
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24CV-01908	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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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

Thursday, June 27, 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:

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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.
