

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

2260 N Street, Merced
627 W. 21st Street, Merced
2840 West Sandy Mush Road, Merced
1159 G Street, Los Banos

Thursday, September 12, 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 – Hon. Mason Brawley

Courtroom 11 – Hon. Stephanie Jamieson

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, September 12, 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
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20CV-02675	Travis Cart, et al. v. Piro Enterprises, Inc., et al.
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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. The complaint in intervention and some of the cross-complaints have been dismissed. Appear to address the status of the dismissal of the original complaint and of any cross-complaints that have not as yet been dismissed.

22CV-00117	Miranda Gray, et al. v. Dominick Rugo, et al.
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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 the status of the case.

22CV-00449

Francisco Flores v Atwater Auto World

Order to Show Cause re Striking of Answer of Defendant Baltazar Mendoza dba Atwater Auto World

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 why the answer of Defendant Baltazar Mendoza dba Atwater Auto World should not be stricken for failure to appear at the July 8, 2024, Case Management Conference and the August 8, 2024, OSC re Sanctions Hearing. If there is no appearance by Defendant Baltazar Mendoza dba Atwater Auto World his answer will be stricken and default entered.

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 the status of the case.

22CV-01810 Fabiola Blandon, et al. v. Chase Wilson, et al.

Trial Setting 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 the status of the mediation discussed at the last Case Management Conference and whether trial should be set before or after the mediation.

24CV-03915 People v. \$77,993.48

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 the status of the case.

24CV-03977 Patricia Love v. Raven Vinson

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. The Court notes that no proof of service has been filed showing service of the papers filed in this action on Respondent.

24CV-04007 Esperanza Gonzalez Garcia v. Jorge Lira

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. The Court notes that proof of service was filed August 29, 2024, showing service of the papers filed in this action on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law and Motion
Hon. Stephanie Jamieson
Courtroom 11
2840 West Sandy Mush Road, Merced

Thursday, September 12, 2024
8:30 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-00163	Catherine Hoag, Ph.D. v The Regents of the University of California
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Demurrer by Defendant The Regents of the University of California and Defendant Westerling to Plaintiff's Second Amended Complaint

The Demurrer to the First Cause of Action for Gender Discrimination in Violation of Government Code § 12940(a) is SUSTAINED WITH LEAVE TO AMEND. Leave to amend is granted to allege facts establishing that a timely administrative complaint was filed with respect to the gender discrimination claim or facts establishing a legal justification for the failure to file a timely claim.

The Demurrer to the Fifth Cause of Action for Retaliation and Wrongful Termination in Violation of Labor Code section 6310 is SUSTAINED WITH LEAVE TO AMEND. (*Muller v. Automobile Club of Southern California* (1998) 61 Cal.App.4th 431, 436-437 ["[t]he voicing of a fear about one's safety in the workplace does not necessarily constitute a complaint about unsafe working conditions under Labor Code section 6310.) Leave to amend is granted to plead facts establishing that a Labor Code section 6310 complaint about unsafe working conditions was made on a specific date.

The Demurrer to the Sixth Cause of Action for Retaliation and Wrongful Termination in Violation of Labor Code § 98.6 is SUSTAINED WITH LEAVE TO AMEND. Labor Code § 98.6 protects types of conduct protected by the Labor Code, e.g. Labor Code § 1101 [Political Activities], Labor Code § 1102.5 [whistleblowing], Labor Code § 96(k) Lawful

Conduct during nonworking hours]. Leave to amend is granted to allege that the Plaintiff engaged in a activity that is protected under the Labor Code.

The Demurrer to the Seventh Cause of Action for Violation of Civil Code § 43 for Common Law Termination in Violation of the Rights Declared in Civil Code § 43. Public agencies have immunity from non-statutory tort liability. (Government Code § 815(a); *Hoff v. Vacaville Unified School Dist.* (1998) 19 Cal.4th 925, 932 [all government tort liability must be based on statute].) Leave to amend is granted to plead a specific statutory basis for the claim against THE Regents of the University of California and specific facts to allege a claim against Defendant Westerling. .

The Demurrer to the Eighth Cause of Action for Violation of Labor Code § 970 is SUSTAINED WITH LEAVE TO AMEND. Leave to amend is granted to allege facts establishing that the immunity afforded Defendant Westerling by Government Code § 822.2 does not apply.

Motion to Strike Second Amended Complaint Allegations regarding referring to Gender Discrimination, Punitive Damages, or Double Damages by Defendant The Regents of the University of California and Defendant Westerling

The Motion to Strike Second Amended Complaint Allegations regarding referring to Gender Discrimination, Punitive Damages, or Double Damages by Defendant The Regents of the University of California and Defendant Westerling is GRANTED WITH LEAVE TO AMEND. Leave to amend is granted to allege specific facts establishing a claim for Gender Discrimination, Punitive Damages, or Double Damages against either Defendant.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 12, 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.

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
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, September 12, 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.

Case No.	Title / Description
24CV-03406	Discover Bank v. Dianna Rodriguez
	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-03778	[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, September 12, 2024
11:00 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.
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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
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20CV-02528	Jessica Hernandez v. Azucena Gonzalez
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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 Subsequent Petition and related papers filed in this action on respondent.

24CV-04066	Carlucci Transport v. Raul Jimenez
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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 proof of service was filed on September 9, 2024 showing service of the papers filed in this action on respondent on August 30, 2024.

24CV-04040

Martha Garcia v. Peter Lane

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 August 27, 2024 showing service of the papers filed in this action on respondent on August 23, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 12, 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.
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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. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, September 12, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 12, 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.
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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.
