

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, November 6, 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. Mark v. Bacciarini

Courtroom 9 – Hon. Mason Brawley

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. Mark v. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Wednesday, November 6, 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
20CV-02055	Harold Johnson, Sr. v. Juan Ramirez, et al.

Demurrer by Central California Irrigation District to Second Amended Complaint's First, Second, Fourth, Fifth, and Ninth Causes of Action because each such cause of action fails to allege a statutory basis for such claim and does not allege the filing of a pre-litigation claim

The Demurrer to the Second Amended Complaint's First, Second, Fourth, Fifth, and Ninth Causes of Action because each such cause of action fails to allege a statutory basis for such claim and does not allege the filing of a pre-litigation claim is SUSTAINED WITH LEAVE TO AMEND. Plaintiff shall file a Third Amended Complaint on or before December 18, 2024, unless a different date is agreed to by the parties in writing.

Demurrer by County of Merced to Second Amended Complaint on the grounds that the Second amended complaint fails to state a cause of action because each cause of action is barred by the statute of limitations provided in Government Code § 945.6(a)(1), and that in addition, the First, Second, Sixth, and Ninth Causes of Action fail to state a statutory basis for those claims, and the Fourth Cause of Action fails to state a claim

because the County of Merced is not a person for purposes of Penal Code § 496 and the Fifth Cause of Action fails to state a claim for vicarious liability.

The Request for Judicial Notice by Defendant County of Merced pursuant to Evidence Code § 452(c) and (d) of (1) the December 5, 2022, Order on Midway's Motion for Compelling Ricky Johnson to Withdraw as Counsel for the Trust of Harold Johnson Sr., dismissing the Doe Amendments on the Court's own motion and ordering Ricky Johnson to Withdraw as counsel; (2) The November 24, 2021, Claim by Harold Johnson Sr.; (3) The January 10, 2022, Notice of Action of Claim; and (4) the July 28, 2024, Doe Amendment is GRANTED.

The Demurrer to the Second Amended Complaint on the grounds that the first amended complaint fails to state a cause of action because each cause of action is barred by the statute of limitations provided in Government Code § 945.6(a)(1) is SUSTAINED WITH LEAVE TO AMEND. This Court takes judicial notice of the Claim that was filed November 24, 2021, and rejected January 10, 2022. Two weeks after the statute of limitations expired, a Doe Amendment was filed on July 28, 2022, but was stricken on December 5, 2022.

The Demurrer by Defendant County of Merced to the Second Amended Complaint's First, Second, Sixth, and Ninth Causes of Action for failure to state a statutory basis for those claims is SUSTAINED WITH LEAVE TO AMEND to allege a statutory basis for the First, Second, Fifth, Sixth, and Ninth Causes of Action.

The Demurrer by Defendant County of Merced to the Second Amended Complaint's Fourth Cause of Action for Violation of Penal Code § 496 is SUSTAINED WITHOUT LEAVE TO AMEND as the County is not a person pursuant to Penal Code § 496.

The Demurrer by Defendant County of Merced to the Second Amended Complaint's Fifth Cause of Action is SUSTAINED WITH LEAVE TO AMEND because the claim fails to state a cause of action for vicarious liability.

Demurrer by Midway Community Services District to Second Amended Complaint for failure to state a cause of action, and uncertainty

The Demurrer by Midway Community Services District to Second Amended Complaint for failure to state a cause of action, and uncertainty is SUSTAINED WITH LEAVE TO AMEND. Plaintiff shall file a Third Amended Complaint on or before December 18, 2024, unless a different date is agreed to by the parties in writing.

Case Management Conference

CONTINUED ON THE COURT'S OWN MOTION TO Monday June 2, 2024, at 10:00 in Courtroom 8.

24CV-04350

Alyssa Gautreaux v. Marcos Hidalgo

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 proof of service was filed on October 22, 2024, showing service of the papers filed in this action on respondent and Respondent has made a personal appearance on November 1, 2024, by filing a response stating that Respondent does not agree with the Request for Civil Harassment Restraining Order filed by Petitioner.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conference
Hon. Mark v. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Wednesday, November 6, 2024
9:00 a.m.

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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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22CV-01975	Citibank N.A. v. Albert Gedrimas
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Mandatory Settlement 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, November 6, 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.

IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.

Case No. **Title / Description**

18CV-04852 Midland Funding LLC v. Maribel Vega

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 the status of the Settlement.

22CV-00955 TD Bank USA, N.A. v. Johanna Martella

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. Appear to address the issues raised by the Claim of Exemption and the objections raised thereto.

23CV-01945 California Casualty Indemnity Exchange v. Mark Green

Motion for Summary Judgment

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.

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.

23CV-03498 LVNV Funding LLC v Joy Simons

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.

23CV-04605 Olga Perez v. Lupita's Auto Sales, Inc., et al.

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 the status of the Settlement.

24CV-00016 Autovest LLC v. Alvaro Escalera

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-00677 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Status Review 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 the status of the Settlement entered into in this action.

24CV-04556 [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. Mark v. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Wednesday, November 6, 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. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Wednesday, November 6, 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

Wednesday, November 6, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Long Cause Court Trials
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Wednesday, November 6, 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:

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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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21CV-00360	Discover Bank v. Salvador Rubalcava
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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.
