

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, December 4, 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 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

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

Wednesday, December 4, 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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CVM 017462	Pandit Samrah Singh v. Bhupinder K. Sahota
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Motion to Compel Satisfaction of Judgment

The Motion to Compel Satisfaction of Judgment is DENIED. There is no dispute that there are a number of transactions between Pandit Samrah Singh and Bhupinder K. Sahota in which money or property or promises or other rights were transferred between parties, though there is considerable dispute as to the reasons for such transfers. What is not clear is whether the retention of the surplus sales proceeds of the California City Property transferred to Mandeep Sahota in August 2019 and the receipt of alleged option payments by Pandit Samrath Singh was transferred solely for the purpose of satisfying the judgment that the original Plaintiff in this action, Amarjit Kandola, assigned to Pandit Samrah Singh on or about January 25, 2024 (The written assignment was executed March 6, 2024 and filed with the Court on March 21, 2024. The fact that the proceeds were paid to Mandeep Sahota and Pandit Samrah Singh rather than to Amarjit Kandola, the then holder of the judgment, suggests that the transfers were not intended to satisfy that particular judgment because they were not paid to the person who had power to issue a satisfaction of judgment at the time such payment was made.

Trial Setting 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. On July 31, 2023, counsel for Pandit Samrah Singh Sahota and Mandeep Kaur Sahota filed a Supplemental Brief re: Triable Issue of Fact asserting that a trial was required under CCP § 996.440 on various issues including whether Pandit Samrah Singh Sahota executed the 2020 Undertaking. On or about January 25, 2024 (The written assignment was executed March 6, 2024 and filed with the Court on March 21, 2024), Pandit Samrah Singh Sahota paid the judgment in exchange for an assignment by the Judgment Creditor Amarjit Kandola. The payment of the Judgment by Pandit Samrah Singh Sahota would appear to render moot the issue of whether the surety document submitted to Amarjit Kandola by Bhupinder K. Sahota to stay execution was enforceable.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Unlimited Civil Law and Motion
Hon. Mark v. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Wednesday, December 4, 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.

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Case No.	Title / Description
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20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
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Motion By Plaintiff Animal Legal Defense Fund for Summary Judgment, or in the alternative, Summary Adjudication that (1) Defendant has violated Article X, section 2 of the California Constitution, (2) Defendant's Affirmative Defense of Reasonable Actions is Meritless, (3) Defendant's Affirmative Defense of Statute of Limitations is Meritless, (4) Defendant's Affirmative Defense of Standing is Meritless, (5) Defendant's Affirmative Defense of Primary Jurisdiction is Meritless, (6) Defendant's Affirmative Defense of Compliance with the Law is Meritless, and (7) Defendant's Affirmative Defense of No Damage to Plaintiff is Meritless

CONTINUED ON THE COURT'S OWN MOTION to Wednesday, December 11, 2024 at 8:15 A.M. in Courtroom 8.

Motion By Defendant Foster Poultry Farms for Summary Judgment with Respect to First Amended Complaint

CONTINUED ON THE COURT'S OWN MOTION to Wednesday, December 11, 2024 at 8:15 A.M. in Courtroom 8.

Motion to Seal Exhibits Filed with Plaintiff's Motion for Summary Judgment, or in the alternative Summary Adjudication

CONTINUED ON THE COURT'S OWN MOTION to Wednesday, December 11, 2024 at 8:15 A.M. in Courtroom 8.

Status of Hearing on Feasibility of Discovery Meet and Confer

CONTINUED ON THE COURT'S OWN MOTION to Wednesday, December 11, 2024 at 8:15 A.M. in Courtroom 8.

Further Proceedings on Deferred Sanctions

CONTINUED ON THE COURT'S OWN MOTION to Wednesday, December 11, 2024 at 8:15 A.M. in Courtroom 8.

21CV-00923 Jose Avila v. N & S Tractor Co.

Trial Setting 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 status of mediation scheduled for November 26, 2024 and whether this matter should be set for trial.

22CV-02486 Mariano Canizal-Tapia v. QSI LLC, et al.

Status Conference

DROPPED FROM CALENDAR pursuant to Joint Status Conference Statement Filed by the Parties on November 27, 2024.

23CV-03112 Ronald Bettencourt v. Frank Bettencourt

Motion for Summary 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. Appear to address whether the Motion for Summary Judgment should be continued so that Defendants/Cross-Complainants may file an opposition on the merits.

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.

24CV-04990 Petition of: Jessica Buenrostro

Order to Show Cause re: Name Change

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. Proof of Publication having been filed, this Petition by an adult to change her own last name is GRANTED.

24CV-05187 In re: R.M.

Petition for Approval of Transfer of Structured Settlement

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 Petition. R.M. is ordered to appear so that the court may voir dire R.M. concerning the proposed transfer.

24CV-05394 Aide Albores v. Jonathan Alejo

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 there is proof of service was filed November 20, 2024, showing service of the papers filed in this action have been served on respondent on November 15, 2024.

24CV-05395 Aide Albores v. Geraldine Navarro

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 there is proof of service was filed November 12, 2024, showing service of the papers filed in this action have been served on respondent on November 8, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, December 4, 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:

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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 is no Mandatory Settlement Conference scheduled
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, December 4, 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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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-03736	Calvary SPV I LLC v. Rolando Gonzalez
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Motion to Vacate Dismissal and enter Judgment Pursuant to the Stipulation of the Parties

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-01669	Balboa Thrift & Loan v. Jose Montero
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Application for Writ of Possession and Hearing

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.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Mark v. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Wednesday, December 4, 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
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Wednesday, December 4, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, December 4, 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, December 4, 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.

Case No.	Title / Description
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23CV-04556	TD Bank N.A. v. Denise Cruz
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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.
