

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

627 W. 21st Street, Merced

Thursday, May 12, 2022

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 regularly scheduled civil calendars:

Courtroom 8 – Hon. Brian L. McCabe

Courtroom 9 – Hon. Stephanie L. Jamieson

Courtroom 12 – Hon. David W. Moranda

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.

The specific tentative rulings for specific calendars follow:

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
20CV-03476	Parkash Pabla, et al. v. Gursham Pabla, et al. Plaintiff and Cross-Defendants' Special Motion to Strike Cross-Complaint of ECP, LP Pursuant to C.C.P. § 425.16 (Anti-SLAPP) On March 15, 2022, Defendant ECP LLP filed a Cross Complaint alleging a First Cause of Action for Slander of title and a Second Cause of Action for Intentional Interference With Business Relations based on allegations that Cross-Defendants Parkash Pabla and Jaswinder Kaur filed and recorded a Lis Pendens on the real property located at 2521 Burgundy Drive, Livingston. (See Cross-Complaint ¶ 8, ¶ 11.) On April 8, 2022, Plaintiffs and Cross-Defendants Parkash Pabla and Jaswinder Kaur filed the instant Special Motion to Strike Cross-Complaint of ECP LP Pursuant to CCP § 425.16 (Anti-Slapp). Courts employ a two-prong inquiry to determine if a Cross-Complaint is subject to a Cross-Defendant's special motion to strike: In the First Prong, a Cross-Defendant must make a prima facie case that a "cause of action against [it] aris[es] from any act of the person in furtherance of [its] right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue." (CCP § 425.16(b)(1). If that showing is made, the Second Prong shifts the burden to the Cross-Complainant "to establish a probability that Plaintiff will prevail on the claim." (Id.)

This Court finds that Plaintiffs and Cross-Defendants Parkash Pabla and Jaswinder Kaur have met their burden with regard to the First Prong and established that their filing of a Lis Pendens is authorized by CCP § 405.20 where a party to an action asserts a real property claim and was a privileged act pursuant to CCP § 47(b)(4) because it identifies an action previously filed with a court of competent jurisdiction, and therefore causes of action based on the filing of such Lis Pendens qualifies as “cause of action [that] aris[es] from any act of the person in furtherance of the right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue.” While Plaintiffs/Cross-Defendants focus their analysis on the right of free speech on a matter of public importance, this Court finds that the instant Lis Pendens was part and parcel of the exercise of the right of petition. Since both the First and Second Causes of Action are based on the filing of a Lis Pendens, Plaintiffs/Cross-Defendants have satisfied the First Prong of the CCP § 425.16 analysis. Accordingly, the burden shifts to Cross-Complainant “to establish a probability that [Cross-Complainant] will prevail on the claim.” (CCP § 425.16.)

Cross-Complainant did not provide an evidentiary showing that it would prevail, arguing, without authority, that since Cross-Complainant prevailed on the Unlawful Detainer action, they have somehow prevailed on their contention that the Lis Pendens was unwarranted or frivolous. Plaintiffs/Cross-Defendants have provided admissible evidence that the deed of trust was forged, Cross-Complainant provides no evidence to controvert that testimony, and even if it did, such evidence would not necessarily establish a probability that Cross-Complainant would prevail. Accordingly, the Special Motion to Strike is GRANTED.

21CV-02492 City of Merced v. Madeline Martinez, et al.

Review of Case Status

Appearance required. Remote appearances are encouraged. The parties are ordered to contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. The Court notes that the Receiver stated their intent to file for discharge at the last hearing. To date, no motion to discharge has been filed. Appear to update the Court on the status of the property and the status of the motion to discharge.

22CV-00747 C.S. v. Omar Aguilar
22CV-00747-CONF

Order to Show Cause Re: Restraining Order

Appearance required. Remote appearances are encouraged. The parties are ordered to contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. The Court notes that no proof of service has been filed showing that respondent was served with the Notice of Hearing, the Request for Restraining Order, or the Temporary Restraining Order issued in this action. Absent an appearance by Petitioner and a showing of good cause for the failure to serve Respondent, the Order to Show Cause re Restraining Order shall be VACATED, and the matter DISMISSED WITHOUT PREJUDICE.

22CV-00802

Petition of Zaq David Quintela

Order to Show Cause Re: Name Change

This Petition by an adult to change his own name is GRANTED. The Court notes that an Affidavit of Publication was filed on May 2, 2022, reflecting publication for four consecutive weeks. The Court will sign the Decree Changing Name lodged on March 25, 2022.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Special Set Matter
Hon. Mark V. Bacciarini
Courtroom 2
2260 N Street, Merced

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
22CV-00068	The People of the State of California v. \$18,579.00
	Claim Opposing Forfeiture Hearing
The Court notes this matter is trailing a felony matter, Criminal Case #21CR-06339.	

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Special Set Matter
Hon. Mark V. Bacciarini
Courtroom 2
2260 N Street, Merced

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

22CV-00617	Emma Ramey v. Rodolfo Rojas
------------	-----------------------------

Order to Show Cause Re: Restraining Order

Appearance required. Remote video appearance was previously approved on April 21, 2022. The parties are ordered to contact the clerk of the court at (209) 725-4111 to provide their contact information for a remote appearance.

22CV-00618	Amyra Navarrette v. Rodolfo Rojas
------------	-----------------------------------

Order to Show Cause Re: Restraining Order

Appearance required. Remote video appearance was previously approved on April 21, 2022. The parties are ordered to contact the clerk of the court at (209) 725-4111 to provide their contact information for a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED
Limited Civil Calendar
Hon. Stephanie L. Jamieson
Courtroom 9
627 W. 21st Street, Merced
Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

22CV-00328	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
------------	--

Unlawful Detainer Court Trial

Appearance required. Remote appearances are encouraged. Parties wishing to appear remotely must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.

22CV-00429	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
------------	--

Unlawful Detainer Court Trial

Appearance required. Remote appearances are encouraged. Parties wishing to appear remotely must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.

The Court notes a Spanish language interpreter has been scheduled. If the requesting party notifies the court of their intent to appear, and fails to appear, the Court may assess on the party and/or attorney all or part of the financial expense of scheduling an interpreter pursuant to Standing Order #2017-02. If counsel intends to appear on behalf of the party who requires an interpreter, please notify the court immediately if an interpreter is not required.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Order Calendar
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
21CV-04073	Irene Leal-Quiemma v. Jesus Sanchez Arriola Request for Restraining Order Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing. The Court notes that no proof of service has been filed showing that respondent was served with the Notice of Hearing, the Request for Restraining Order, or the Temporary Restraining Order issued in this action. Absent an appearance by Petitioner and a showing of good cause for the failure to serve Respondent, the Order to Show Cause re Restraining Order shall be VACATED, and the matter DISMISSED WITHOUT PREJUDICE.
22CV-00880	Armanda Ruiz v. Jose Sandoval Request for Restraining Order Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing. The Court notes proof of personal service was filed on April 28, 2022, indicating respondent was personally served with notice of hearing on April 28, 2022.

The Court notes a Spanish language interpreter has been scheduled. If the requesting party notifies the court of their intent to appear, and fails to appear, the Court may assess on the party and/or attorney all or part of the financial expense of scheduling an interpreter pursuant to Standing Order #2017-02.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Stephanie L. Jamieson
Courtroom 9
627 W. 21st Street, Merced

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 10
627 W. 21st Street, Merced

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Thursday, May 12, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court strongly encourages remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--