

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, November 29, 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. 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. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Tuesday, November 29, 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 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 wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
19CV-00374	Erin Guthrie, et al. v. Applegate Inn, Inc., et al. Motion to Dismiss Action The Court notes Plaintiff counsel's claims of improper service of defendant's motion to dismiss, but notes plaintiff acknowledges receiving proper service of the motion on October 13, 2022, which provided at least 45 days' notice as required under California Rules of Court, rule 3.1342. Defendant's motion to dismiss is DENIED. Delays in recent communications regarding mediation/settlement conference preferences do not outweigh the state's policy favoring trial or other disposition of an action on the merits. Code Civ. Proc., § 583.130. Plaintiff's request for sanctions is DENIED as no authority for such a request was cited. Trial Setting Conference Appearance required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Please be prepared to set dates for a mandatory settlement conference, and potential trial dates.

19CV-01185

Dina Maldonado, et al. v. R.O.C. Trucking, et al.

Status Conference

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

20CV-02130

Celia Larios v. Grocery Outlet Inc., et al.

Trial Setting Conference

Appearance required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Please be prepared to set dates for a mandatory settlement conference, and potential trial dates.

20CV-02243

Lesa Gibbs v. Barbara Coward, et al.

Order to Show Cause

Appearance required. Remote appearances are strongly encouraged. To arrange a remote appearance, contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Defense counsel did not file a Case Management Conference Statement, appear at the CMC on 10/24/2022, nor filed any response to the OSC.

20CV--03476

Parkash Pabla, et al. v. Gursham Pabla, et al.

Plaintiff Jaswinder Kaur's Motion for Protective Order

Plaintiff Jaswinder Kaur's Motion for Protective Order is GRANTED. The Court will issue a protective order prohibiting Defendant Dual Arch from seeking discovery related to Plaintiff Jaswinder Kaur's Social Security Number, and other related information, and Plaintiff will be precluded from introducing into evidence at trial any medical records or opinions from medical providers not previously produced to defendant in discovery and/or that defendant was precluded from obtaining due to the absence of plaintiff's social security number.

The prevailing party is directed to prepare a protective order consistent with the Court's ruling and provide a copy to opposing party/counsel for comment as required by California Rules of Court, rule 3.1312. The order is to be submitted by electronic filing to Hon. Brian L. McCabe.

21CV-00891

Gilberto Hernandez v. Pragat Singh, et al.

Trial Setting Conference

Appearance required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Please be prepared to set dates for a mandatory settlement conference, and potential trial dates.

21CV-02267

Melissa Maria Bacagalupi v. General Motors LLC

Status Conference

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.

21CV-02784

Virginia Armenta, et al. v. Scott Gaestel, et al.

Status Conference

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.

21CV-03540

Alejandro Mendez Barroso v. Pamela Henson, et al.

Order to Show Cause Re: Dismissal – Notice of Settlement

Appearance required. Remote appearances are strongly encouraged. To arrange a remote appearance, contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. The Court notes a Notice of Settlement of Entire Case was filed on October 12, 2022, indicating a request for dismissal would be filed no later than November 14, 2022. To date, a request for dismissal of entire action has not been filed. Appear to address status of settlement. Absent an appearance by plaintiff, the matter will be DISMISSED WITHOUT PRUEJUDICE.

22CV-00567

Jeg Livingston Ranches LLC v. PFPRE 1, LLC, et al.

Status Conference

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Jury Trials / Long Cause Court Trials
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Tuesday, November 29, 2022
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. **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 wanting a hearing transcript must make their own arrangements.

Case No.	Title / Description
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There are no Jury Trials or Long Cause Court Trials scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, November 29, 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:

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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

There are no Ex Parte matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, November 29, 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 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 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. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, November 29, 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 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

Civil Law and Motion
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, November 29, 2022
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) 725-4240 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 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 wanting a hearing transcript must make their own arrangements.

Case No. **Title / Description**

22CV-03249 Petition of Miguel Berera

Order to Show Cause Re: Name Change

This petition by an adult to change their own last name will be GRANTED filing of Proof of Publication. Proof of Publication is filed, the Court will sign the Decree Changing Name lodged on October 7, 2022. If Publication has not occurred, the Petitioner is ordered to contact the clerk of the court to set a new hearing date so that publication can occur.

22CV-03269 Petition of Susan Rae Jardon

Order to Show Cause Re: Name Change

This Petition by an adult to change her own last name is GRANTED. The Court notes that Proof of Publication was filed on November 21, 2022, reflecting publication for four consecutive weeks. The Court will sign the Decree Changing Name lodged on October 11, 2022.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Unlawful Detainers
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, November 29, 2022
2:00 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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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) 725-4124 to provide their contact information for the remote hearing.**

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 Unlawful Detainer matters scheduled.
