

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, September 21, 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 – Judge Pro Tem Peter MacLaren

Courtroom 9 – Hon. Stephanie L. Jamieson

Courtroom 12 – Hon. Brian L. McCabe

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

Unlimited Civil Law and Motion
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, September 21, 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. **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
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21CV-00873	Kenneth Piche v. Foster Poultry Farms, et al.
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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-01692	Eva Mendoza, Luis Rodriquez v. Act Investments LLC; Christine Tran, et al.
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Defendants' Motion for Order Compelling Responses to Written Discovery

While the Notice of Motion characterizes the instant motion as a motion to compel written discovery, the supporting papers seek terminating sanctions for failure of both Plaintiffs to comply with this Court's June 16, 2022 Order that both Plaintiffs serve responses to Form Interrogatories, Special Interrogatories, and Requests for Production of Documents and the failure to comply with the order that both Plaintiffs and their counsel pay monetary sanctions of \$500. The instant motion also seeks additional

monetary sanctions against Plaintiffs and their attorney in the amount of \$1,400. While there appears to be no dispute that Plaintiff Eva Mendoza died in a Motor Vehicle Accident and that Plaintiff Luis Rodriquez is facing criminal charges arising from such argument, Plaintiffs' counsel has filed no opposition to either the original motion to compel or the instant motion to compel responses and seeking terminating sanctions, and neither Plaintiff Luis Rodriquez nor their attorney Binh Thanh Bui have paid the monetary sanctions previously ordered by the court. While the action on behalf of Eva Mendoza can only proceed if a representative is substituted into this action, no such motion is pending and Attorney Binh Thanh Bui has filed a Motion to be Relieved as Counsel set for hearing on October 5, 2022. It does not appear to the Court that the estate of the deceased Plaintiff, the surviving Plaintiff, or Plaintiff's counsel have any intention of complying with any order this Court might issue with regard to discovery or discovery sanctions.

Accordingly, the motion for additional monetary sanctions of \$1,400 against Plaintiff Luis Rodriquez and his Attorney, Binh Thanh Bui, is GRANTED, the motion for terminating sanctions is GRANTED, this action is dismissed, and judgment shall enter in favor of Defendants and against Plaintiffs and their Attorney, Binh Thanh Bui, in the amount of \$1,900.00. Since the action dismissed, the hearings set for October 5, 2022 and October 27, 2022 are VACATED.

21CV-01815 Tammy Davenport, et al. v. Peter Herr, 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-03748 Manuel Perez v. Gino/Giuseppe, Inc.

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.

22CV-01060 Austin Lockhart v. Daniel Gaestel

Further Trial Setting Conference on Order to Show Cause Re: Restraining Order

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.

22CV-02497

Petition of Citlalli Gamino

Order to Show Cause Re: Name Change

This petition by an adult to change his/her own last name will be GRANTED upon filing of Proof of Publication. When Proof of Publication is filed, the Court will sign the Decree Changing Name lodged on August 9, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Hon. Stephanie L. Jamieson
Courtroom 9
627 W. 21st Street, Merced

Wednesday, September 21, 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:

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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 **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.**

Case No. **Title / Description**

18CV-02139 State Farm Mutual Automobile Insurance Company v. Sandra Pantoja
Figueroa, et al.

Order to Show Cause Re: Dismissal / Status 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 the parties indicated a tentative settlement had been reached at the CMC hearing on June 20, 2022. Appear to update the Court on the status of the settlement.

20CV-00642 TD Auto Finance LLC v. Megan Kelly

Motion for Leave of Court to File a First Amended Complaint

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.

20CV-01352

Portfolio Recovery Associates, LLC v. Brenda Anaya

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 April 27, 2021, indicating a request for dismissal would be filed no later than September 5, 2022. The Court notes Plaintiff filed a Notice of Intention to Request Entry of Judgment under Stipulation on July 21, 2022. Appear to address status of settlement.

21CV-02842

Troy Cunha v. Robert Gonzales

Default Prove-Up Hearing

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.

21CV-03592

JPMorgan Chase Bank, N.A. v. Sondria Giardina

Court Trial

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.

22CV-01597

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

Unlawful Detainer Court Trial

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.

22CV-02034

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

Unlawful Detainer Court Trial

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.

22CV-022112

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

Unlawful Detainer Court Trial

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, September 21, 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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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. **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.**

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. Stephanie L. Jamieson
Courtroom 9
627 W. 21st Street, Merced
Wednesday, September 21, 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. **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.**

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. Brian L. McCabe
Courtroom 12
1159 G Street, Los Banos

Wednesday, September 21, 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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Case No. **Title / Description**

There are no Ex Parte matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Long Cause Court Trials
Hon. Stephanie L. Jamieson
Courtroom 9
627 W. 21st Street, Merced

Wednesday, September 21, 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:

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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. **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.**

Case No.	Title / Description
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20CV-01768	Amolak Singh v. Gora Trucking, Inc.
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Review of Case Status

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-01816	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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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-02246

[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.
