

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Monday, October 28, 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 wanting a hearing transcript 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 civil calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Mark V. Bacciarini  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Monday, October 28, 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.**

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Case No.	Title / Description
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21CV-00718	Edgar Guzman, et al. v. Thomas Climer
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Petition for Approval of Minor's Compromise of Disputed Claim

**Having received the Report of Minor's Counsel, the Petition for Approval of the Minor's Compromise is GRANTED. Plaintiff is ordered to submit an appropriate order for the Court's signature.**

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22CV-01414	Lisa Haggerty, et al. v. Consumer Safety Technology, LLC
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Motion for Preliminary Approval of Class Action Settlement

**The unopposed Motion for Preliminary Approval of Class Action Settlement is GRANTED. The Court will sign the Proposed Order lodged with the Court on September 30, 2024 inserting November 5, 2024 as the deadline to provide class contact information to the Claims Administrator, December 13, 2024 as the deadlines for the Claims Administrator to send the Class Notice, December 13, 2024 as the deadlines to publish the Settlement Website, January 27, 2025 as the deadlines to file motion for final approval, February 3, 2025 as the deadline for postmark on the exclusion form, March 3, 2025 as the deadline to submit Claim Forms, and setting March 3, 2025 at 8:15 A.M. in Courtroom 8 as the hearing date on the Motion for Final Approval of Class Action Settlement.**

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22CV-02976

Soldavi Realty, Inc. v. Sol Rivas

Motion By Defendant Sol Rebecca Rivas to Compel Plaintiff Soldavi Realty to provide Responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Requests for Production of Documents, Set One, and for monetary sanctions of \$1,190.

**The unopposed Motion By Defendant Sol Rebecca Rivas to Compel Plaintiff Soldavi Realty to provide Responses to Form Interrogatories, Set One, Special Interrogatories, Set One, and Requests for Production of Documents, Set One, and for monetary sanctions of \$1,190 is GRANTED. Plaintiff Soldavi Realty, Inc. is ordered to serve, by December 2, 2024, verified, code compliant responses, without objections to Defendant's to Form Interrogatories, Set One, Special Interrogatories, Set One, and Requests for Production of Documents, Set One, copies of all documents responsive to Requests for Production, Set One, and payment of monetary sanctions of \$1,190.**

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23CV-01309

Gerado Castillo v. Vikram Lakrieddy, Doctor of Medicine

Motion By Counsel for Plaintiff Gerado Castillo to be relieved as counsel

**The unopposed Motion By Motion By Counsel for Plaintiff Gerado Castillo to be relieved as counsel is GRANTED effective upon service of notice of entry of the order granting the motion to be relieved as counsel.**

Case Management Conference

**Plaintiff Gerado Castillo is ordered to appear to address his plans for obtaining new counsel.**

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23CV-04106

Kawthar Rasid v. Bryce Robinson, et al.

Motion for Leave to File an Amended Answer

**The Motion for Leave to File an Amended Answer is GRANTED. The Amended Answer will be filed by November 15, 2024.**

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24CV-04775

Socorro Luna v. County of Merced

Petition for Leave to File a Late Claim Against a Government Entity

**Continued on the Court's own motion to November 20, 2024 at 8:15 A.M. in Courtroom 8. Plaintiff is ordered to serve the Petition on the Government Entity and file proof of service prior to the next hearing.**

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24CV-04894

Anabelle Molina v. Adriana Mendoza

Order to Show Case 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 9, 2024 showing that Respondent was served with the papers filed in this action and Respondent has appeared in this action and filed a cross-petition.**

Order to Show Case re: Cross-Petition 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 9, 2024 showing that Cross-Respondent was served with the papers filed in this action.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. Mark V. Bacciarini  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, October 28, 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:

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 Mandatory Settlement Conferences Scheduled	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Case Management Conferences  
Hon. Mark V. Bacciarini  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, October 28, 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:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
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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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<b>Appearance required on all matters. 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.</b>	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Monday, October 28, 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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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	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Mason Brawley  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, October 28, 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	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Merced  
Monday, October 28, 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 for hearing.	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Short Cause Court Trials  
Hon. Mark V. Bacciarini  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, October 28, 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
22CV-03272	Jessica Hernandez Casteneda, et al. v. Andrea Hall-Cuccia
Default Prove Up	
<b>Appearance required on all matters. 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 default given that the parties have apparently stipulated to set aside the default, and that while an answer was attached as Exhibit A to the stipulation, that answer has not yet been filed as of this date.</b>	

## Motions in Limine

**Appearance required on all matters. 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.**

**Plaintiff's Motion in Limine #1****[Excluding Evidence of Attorney's Fees]****GRANTED****Plaintiff's Motion in Limine #2****[Excluding Evidence of Collateral Source Benefits] GRANTED**

**This is an action for disability discrimination and retaliation. Evidence of Any Workers' Compensation Benefits or Unemployment Insurance Benefits are not relevant to the instant action and are barred by the Collateral source rule.**

**Plaintiff's Motion in Limine #3****[Excluding Evidence of Advice of Insurer]****GRANTED****Plaintiff's Motion in Limine #4****[Bifurcation of Punitive Damages]****GRANTED**

**There are no Motions in Limine filed by Defendants.**

## Ex Parte Application to Set Aside Default

**Appearance required on all matters. 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.**

## Default Prove-Up

**Appearance required on all matters. 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  
Hon. Mason Brawley  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, October 28, 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.**

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Case No.	Title / Description
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21CV-01647	Lobel Financial Corp. v. Estrellita Rice
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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.**

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21CV-01822	Ford Motor Credit Company v. Eddie Plaza, Jr.
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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.**

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24CV-01219	Solomon Morris v. Christina Macias
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Order of Examination

**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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24CV-01923

Xicoltenca Gutierrez v. Amador Gutierrez

Order of Examination

**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. The Court notes that there is no proof of service on file showing that the OEX was served on Defendant.**

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24CV-03927

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

Unlawful Detainer 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.**

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24CV-04337

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

Unlawful Detainer 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.**

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24CV-04355

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

Unlawful Detainer 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.**

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24CV-04368

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

Unlawful Detainer 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.**

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24CV-04376

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

Unlawful Detainer 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.**

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24CV-04377

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

Unlawful Detainer 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.**

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24CV-04631

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

Unlawful Detainer 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.**

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