

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Monday, December 16, 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. 21st Street, Merced
Monday, December 16, 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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18CV-03502	Phillip Reinero v. Zang Her, et al.
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Order to Show Cause re: Didmiddlesl-Motice of Settlement

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 set trial.

21CV-00718	Edgar Guzman, et al. Thomas Climer
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Order to Show Cause re: Dismissal-Notice of Settlement

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 Settlement

23CV-00855

Agnieszka Suleiman, et al. v. Nissan North America, Inc.

Case Management Conference

CONTINUED ON THE COURT'S OWN MOTION TO June 30, 2025 at 10:00 A.M. in Courtroom 8.

23CV-01206

The Reed Leasing Group, LLC, et al. v. Manraj Kahlon, et al.

Trial Setting Conference

CONTINUED ON THE COURT'S OWN MOTION TO June 30, 2025 at 10:00 A.M. in Courtroom 8.

23CV-04276

Gary Kidgell v. Country of Merced

Motion for Reconsideration of Court's November 7, 2024 Order Sustaining Demurrer to Third Amended Complaint Without Leave to Amend

The Motion for Reconsideration is DENIED. While the motion raises a variety of legal arguments that for which a government entity might theoretically be liable for damages given an appropriate set of facts, Plaintiff offers no explanation of how those various legal theories would result in liability against the County of Merced based on the facts alleged in the Third Amended Complaint, and fails to articulate additional facts, not currently in the Third Amended Complaint, that could be alleged to create such liability if leave to amend were granted. Accordingly, the Motion for Reconsideration is DENIED.

Objection to Court Order after November 7, 2024 Hearing

The Objections to Court Order after November 7, 2024 Hearing are OVERRULED. This Court finds that the order after hearing fairly represents the terms of the Court's November 7, 2024 Decision on the Defendant's Demurrer to the Third Amended Complaint.

Motion to Amend all Prior Complaints and to File Supplemental Complaint

The Motion to Amend Prior Complaints and to File Supplemental Complaint is DENIED. This motion is essentially a second request for reconsideration of the Court's prior Order sustaining a demurrer to the Third Amended Complaint without leave to amend. As noted above, While the motion raises a variety of legal arguments that for which a government entity might theoretically be liable for damages given an appropriate set of facts, Plaintiff offers no explanation of how those various legal theories would result in liability against the County of Merced based on the facts alleged in the Third Amended Complaint, and fails to articulate additional facts, not currently in the Third Amended Complaint, that could be alleged to create such liability if leave to amend were granted. Accordingly, the Motion to Amend Prior Complaints and to File Supplemental Complaint which this Court is treating as a Motion for Reconsideration of the Court's Order Sustaining a Demurrer without leave to amend, is DENIED.

Plaintiff's Motion to Enter New Evidence

Plaintiff's Motion to Enter New Evidence is DENIED. The specific items of new evidence offered do not change the outcome of the Demurrer to the Third Amended Complaint or the various motions to reconsider that ruling. Accordingly the motion is DENIED. This Court also notes that Plaintiff has filed a Notice of Appeal of this Court's ruling with the Court of Appeal of the Fifth Appellate District. That act effectively stays this Court's jurisdiction to change the orders that are the subject of that appeal.

24CV-00306

Foster Poultry Farms v. OneSource Virtual, Inc.

Motion to Stay Litigation

The Motion to Stay is GRANTED. This Court, on its own motion, takes judicial notice of the October 21, 2024 Court Order issued by the Superior Court of the State of Delaware in Delaware Case N24-C-02-019 SKR CCLD, attached as Exhibit 1 to the Declaration of John Van Loben filed with this Court on October 30, 2024, the authenticity of which Foster Poultry Farms does not appear to dispute, which unambiguously indicates that litigation of the contract claims at issue in both the California and Delaware Court Cases shall proceed in Delaware without regard to the fact that there is also an action involving the same or similar claims currently pending in California. This Court finds that the October 21, 2024 Order by the Delaware Court, a Court of competent jurisdiction over the parties before it, collaterally estopps Foster Poultry Farms from disputing the jurisdiction of the Delaware Superior Court over the claims currently being litigated in Delaware or the fact that such disputes are in fact currently being litigated in the Delaware Superior Court. Accordingly, this Court exercises its discretion to GRANT the motion to stay pending resolution of the Delaware Case. If any issues raised in the Case pending in Merced County Superior Court remain unresolved when the Delaware Case is resolved, the parties can address whether the stay should be lifted so those claims may proceed.

This Court hereby VACATES the February 3, 2025 Case Management Conference set in this matter and sets a new Case Management Conference/Status Hearing for Monday, December 15, 2025 at 10:00 A.M. in Courtroom 8.

24CV-05645

In the Matter of Sierra Smith

Hearing In Camera

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.

24CV-05798

Joane Villa v. April Garza

Order to Show Cause re: Restraining Order

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. The Court notes that proof of service has been filed showing that the papers filed in this action have been served on Respondent.

24CV-06011

April Garza v. Joane Villa

Order to Show Cause re: Restraining Order

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. The Court notes that proof of service has been filed showing that the papers filed in this action have been served on Respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Monday, December 16, 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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18CV-00531	Minnie Delana Vaughn, et al. v. Joann Croft, et al.
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Mandatory Settlement Conference

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

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

Monday, December 16, 2024
10:00 a.m.

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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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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.	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, December 16, 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. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Monday, December 16, 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, December 16, 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. 21st Street, Merced

Monday, December 16, 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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19CV-02322	Domingo Hurtardo v. Pacific Express Inn LLC, et al.
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Default Prove Up

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-02549	Yasha Rahimzadeh v. Joseph Griffith
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Trial De Novo

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED
Limited Civil
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Monday, December 16, 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
22CV-01096	Credit Corp. Solutions, Inc., assignee of Compass v. Crystal Olivera 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. Appear to address the claim of exemption and the objections raised thereto.
24CV-03653	Esther Rodriguez v. Andrea Bolanos 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 a proof of service is on file showing service of the Order of Examination on the Judgment Debtor.
24CV-05177	Evergreen Bank Group v. Sylvan Ramirez Application for Writ of Possession 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. Appear to address any opposition to the Application for Writ of Possession.

24CV-05305 [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.
