

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

2260 N Street, Merced
627 W. 21st Street, Merced
2840 West Sandy Mush Road, Merced
1159 G Street, Los Banos

Thursday, October 10, 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 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

Civil Law and Motion
Hon. Mark V. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Thursday, October 10, 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
----------	---------------------

20CV-01746	Raymond Allen v. Richard Vargas
------------	---------------------------------

Order to Show Cause re: Renewal of Restraining Order

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 proof of service was filed September 5, 2024 showing service of the renewal application on Respondent.

22CV-03338	Rosa Castro Bernal v. Stephanie Alonso
------------	--

Motion by Counsel for Plaintiff to be relieved as counsel

Absent objection, the unopposed Motion by Counsel for Plaintiff to be relieved as counsel will be granted effective upon service of notice of entry of order. Plaintiff Rosa Castro Bernal is ordered to appear at the March 10, 2025 10:00 AM Case Management Conference in Courtroom 8.

23CV-00475

Manuel Hernandez Perez, et al. v. Tan Preet Singh, et al.

Case Management Conference

Continued on the Court's own motion to Tuesday, October 29, 2024 at 8:15 AM in Courtroom 8 to trail the Motion for Order Determining Good Faith Settlement set for hearing at that time and place,

23CV-02256

Eduardo Ramos v. Alvaro Reyes Junior, et al.

Case Management Conference

Continued on the Court's own motion to Monday May 5, 2025 at 10:00 A.M. in Courtroom 8.

23CV-04541

Christina Flores v. CSAA Insurance Group, et al.

Mandatory Settlement Conference

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 a continuance date for the Mandatory Settlement Conference.

Trial Setting Conference

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-02876

Kevin McCullom v. Merced County Deputy Probation Officer Ms. Fernandez

Order to Show Cause:

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 whether the Petition for Writ of Mandate has been served on the respondent by personal service.

24CV-03836

Francisca Castillo Zepeda v. Manuel Vieira, et al.

Demurrer by Defendant Manuel E. Vieira, Inc., Vieira Holdings I, LLC, Vieira Holdings II LLC, and A.V. Thomas Produce, Inc. to Complaint's First, Second Third, Fourth, Fifth, Sixth, Seventh, and Eighth Causes of Action.

This is a demurrer to a Class Action Complaint for Damages for violations of seven enumerated provisions of the Labor Code, brought as the First through Seventh Causes of Action, and a violation of Business and Professions Code § 17200 brought as an Eighth Cause of Action, on the grounds that each such cause of action fails to state facts sufficient to constitute a cause of action. Defendants concede that Defendant Vieira Agricultural Enterprises, LLC actually employed the Plaintiff, but contend that the

complaint fails to state facts sufficient to establish an employment relationship with Defendants Manuel E. Vieira, Inc., Vieira Holdings I, LLC, Vieira Holdings II LLC, and A.V. Thomas Produce, Inc. There is no dispute that there are three alternative definitions of employment: (a) to exercise control over the wages, hours or working conditions of an employer, (b) to suffer or permit to work, and (c) to engage thereby creating a common law employment relationship. (8 CCR § 11090(2)(F); *Martinez v. Combs* (2010) 49 Cal.4th 35, 64.) The complaint only contains bare legal conclusions with no specific facts establishing that each Defendant exercised control, suffered or permitted, or created a common law employment relationship. Plaintiff argues that wages were paid by the Defendant but does not allege how that was accomplished in the complaint. Accordingly, the demurrer to the First through Eighth Causes of Action is SUSTAINED WITH LEAVE TO AMEND.

24CV-03943 Rebecca Blunt v. Jim Cornejo

Order to Show Cause re Restraining Order

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 Respondent has appeared in this action and filed a Response indicating that Respondent does not agree with the request for restraining order.

24CV-04357 Edward Yanez Jimenez v. Kaveet Kumar

Order to Show Cause re Restraining Order

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 no proof of service has been filed showing service of the papers filed in this action on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, October 10, 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
23CV-03924	Grant Schmidt v. Cardella Merced LLC, et al.
	\Mandatory Settlement Conference
	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.
	Trial Setting Conference
	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 Calendar
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, October 10, 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.
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
24CV-03962	[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.
24CV-04554	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Demurrer to Unlawful Detainer Complaint 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

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, October 10, 2024
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) 725-4111 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
----------	---------------------

24CV-00982	Jenelle Muniz v. Craig Hackett
------------	--------------------------------

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The court notes that proof of service was filed March 29, 2024. This is a review hearing to whether there have been any new issues in the past six months.

24CV-04392	Carla Aceituno v. Jennifer Herrera
------------	------------------------------------

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The court notes that proof of service was filed September 13, 2024.

24CV-04482	Thomas Kaljian v, Raul Jimenez
------------	--------------------------------

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote

appearance. The Court notes that proof of service was filed September 20, 2024 showing service of the papers filed in this action on respondent.

24CV-04388

Carla Aceituno v. Alejandro Orellana

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that proof of service was filed September 13, 2024 showing service of the papers filed in this action on respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Mark V. Bacciarini
Courtroom 8
627 W. 21st Street, Merced

Thursday, October 10, 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
----------	---------------------

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, October 10, 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
----------	---------------------

There are no Ex Parte matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, October 10, 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
----------	---------------------

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