

**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, December 12, 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, December 12, 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
22CV-00939	Tiffanye Davis v. Jeremiah Gregg, et al.
	Motion to Compel Plaintiff Tiffanye Davis to serve Supplemental Responses to Special Interrogatories 17, 30, and 31.
	The Motion to Compel Plaintiff Tiffanye Davis to serve Supplemental Responses to Special Interrogatories 17, 30, and 31 is DENIED AS MOOT. What appears to be a code compliant supplemental response was served prior to the hearing on this motion. If the supplemental response is unsatisfactory, a new motion to compel will have to be brought if the meet and confer process does not resolve the issue.

22CV-02623

Veronica De Nanez v. CF Merced Behavioral, LLC, et al.

Motion for Approval of PAGA Settlement

The unopposed Motion for Approval of PAGA Settlement is GRANTED. The court will sign the proposed order lodged with the court on November 15, 2024.

23CV-01206

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

Defendants' Demurrer to First Amended Complaint and First through Eighth Causes of Action
Therein

Defendants' Motion for Judgment on the Pleadings is DENIED AS MOOT given the filing of a First Amended Complaint filed with this court on November 27, 2024. If Defendants contends that the First Amended Complaint does not state a cognizable claim, then their remedy is a demurrer to the First Amended Complaint.

24CV-01091

Dennis Brazil v. Newrez, LLC, et al.

Defendants' Demurrer to First Amended Complaint and First through Ninth Causes of Action
Therein

Defendants' Demurrer for Failure to name indispensable parties, specifically the third party purchaser, is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the First Cause of Action for failure to state a claim pursuant to Section 2923.5 for failure to allege that the party recording the notice of default failed to explore options is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Second Cause of Action for failure to state a claim pursuant to Section 2923.6, for failure to allege the changes in circumstances stated in the opposition, and failure to allege submission of a complete loan modification form is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Third Cause of Action for failure to state a claim pursuant to Section 2923.7 for failure to plead around the admissions in prior pleadings that Plaintiff was given a list of the documents necessary to complete the loan modification request, specifically to explain that the mere failure to receive "status" when already provided with the documents necessary constitutes a material breach, is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Fourth Cause of Action for failure to state a claim pursuant to Section 2924.9, on the grounds that failure to receive a notice does not establish a violation of the requirement that notice be sent, that the loan modification process was exhausted, and to specify what options to avoid foreclosure were withheld given that Plaintiff concedes he submitted a loan modification agreement, is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Fifth Cause of Action for failure to state a claim pursuant to Section 2924.10, for failure to allege that a completed loan modification agreement application was submitted within the applicable time period, is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Sixth Cause of Action for Negligence is SUSTAINED WITH LEAVE TO AMEND. (See *Sheen v. Wells Fargo N.A.* (2022) 12 Cal.5th 905.) The Demurrer to the Seventh Cause of Action for Wrongful Foreclosure, given the failure to allege a violation of Section 2923.55, the failure to allege an illegal, fraudulent or willfully oppressive sale, and failure to allege actual prejudice, is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Eighth Cause of Action for violation of the UCL by failing to allege unlawful conduct prior to default (See *Jenkins v. JP Morgan Chase Bank N.A.*, (2013) 216 Cal.App.4th 497, 522-

534) is **SUSTAINED WITH LEAVE TO AMEND**. The Demurrer to the Ninth Cause of Action for Cancellation of Instruments, for failure to allege a grounds on which the documents are void, is **SUSTAINED WITH LEAVE TO AMEND**. Any Amended Complaint shall be filed by January 15, 2025.

24CV-01107 Israel Araiza v. Vander Woude

Demurrer by Defendant Vander Woude Dairy and Defendant Grand View Dairy

The Demurrer to the Eighth and Tenth Causes of Action is SUSTAINED WITHOUT LEAVE TO AMEND. The Demurrer to the Twelfth and Seventeenth is SUSTAINED WITH LEAVE TO AMEND. The Demurrer to the Thirteenth Cause of Action for failure to prevent discrimination is SUSTAINED WITH LEAVE TO AMEND to allege a viable claim for discrimination. The Motion for sanctions is DENIED WITHOUT PREJUDICE if an amended complaint is filed containing the same defects addressed in prior demurrers. Any amended complaint shall be filed by January 15, 2025.

Motion to Strike Puntive Damages

The Motion to Strike Puntive Damages is GRANTED WITH LEAVE TO AMEND to allege fraud or malice with specificity.

24CV-03973 Rosario Espindola, et al. v. Hartley Spycher, et al.

Demurrer by Defendant Stewart Title Guaranty Company

The unopposed Demurrer by Defendant Stewart Title Guaranty Company is SUSTAINED WTHOUT LEAVE TO AMEND.

24CV-05433 Jason Ngo v. Saimanish Dhulipala

Order to Show Cause re: Temporary 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 no proof of service is on file showing that the papers filed in this action were served on Respondent. Proof of Service by mail does not qualify as adequate service.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, December 12, 2024
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. *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-02579	Zenith Insurance Company, et al. v. Ladislao Bautista Pablo, et al.
Mandatory Settlement Conference	
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.	

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, December 12, 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:

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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.

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Case No.	Title / Description
23CV-04189	American Express National Bank v. Luz Montejano Motion for Summary Judgment 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. Absent an appearance or request for continuance the unopposed motion for summary judgment will be granted.unopposed
24CV-05381	[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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, December 12, 2024
11:00 a.m.

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Case No.	Title / Description
24CV-05322	Lorena Mendoza v. Cindy Castro
	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. Both sides have appeared in this action.
	Order to Show Cause re: Cross-Petition for 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. Both sides have appeared in this action.

24CV-05524 Laura Lopez v. Brittany Garcia

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 no proof of service is on file showing that the papers filed in this action were served on respondent.

24CV-05503 Jaclynn Lopez v. Laylahni Garcia

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 no proof of service is on file showing that the papers filed in this action were served on respondent.

24CV-05240 Alexys Bedolla v. Jazmine Sanchez

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. Both side have appeared in this action.

Order to Show Cause re: Cross-Petition for 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. Both side have appeared in this action.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, December 12, 2024
1:15 p.m.

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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
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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, December 12, 2024
1:15 p.m.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, December 12, 2024

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