

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Thursday, December 19, 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. 21<sup>st</sup> Street, Merced

Thursday, December 19, 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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23CV-00137	Joseph Griffith v. Robert O'Bryant
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Motion for Forgiveness and Extension of Time

**This matter commenced on January 23, 2023, when Plaintiff Joseph Griffith filed a Complaint alleging causes of action for (1) Breach of Fiduciary Duty, (2) Fraudulent Misrepresentation, (3) Negligent Misrepresentation, (4) Conversion, (5) Fraudulent Concealment, (6) Breach of Oral Agreement, (7) Unjust Enrichment, and (9) Violation of Penal Code § 496 based on allegations that Defendants moved into a modular home in which title allegedly vested in Plaintiff and Plaintiff's mother, that the mother died, that Defendants had purchased a insurance policy covering the modular home in which they resided, that the modular home was destroyed by fire, that Defendants could not collect the proceeds of the insurance policy because they did not hold title to the modular home, that Plaintiff "assisted" in acquiring title, and that Defendants have refused to pay any amount of the insurance proceeds to Plaintiff. While Plaintiff contends that title to property that is destroyed cannot be transferred, the law holds otherwise. If in fact, title was transferred, regardless of the state of repair of the property transferred,, the outcome of the case will revolve around the conditions of transfer, if any.**

**The Summons and Complaint were served in March of 2023 and Defendants filed an answer on April 6, 2023. On January 10, 2024, a stipulation and order permitting Plaintiff to file a First Amended Complaint was filed and an order pursuant to the stipulation was issued granting leave to amend, but no First Amended complaint was ever filed.**

**On January 28, 2024, Plaintiff filed a Motion for Summary Judgment, an opposition was filed on July 12, 2024, and the Court issued an order denying the motion without prejudice based on a number of procedural defects on July 30, 2024. On August 5, 2024, a Second Motion for Summary Judgment was filed, a Second Opposition was filed on October 4, 2024, and a second order denying the motion without prejudice, again due to procedural defects, was issued by the Court October 22, 2024.**

**Since then, Plaintiff has filed (1) a Motion to strike late response to Motion for Summary Judgment, (2) a Motion for Reconsideration, Sanctions and Judicial Reassignment, (3) a Motion for Expedited Ruling on Procedural Issues and to strike late opposition, (4) a Memorandum of Points and Authorities and Declaration purporting to support a third motion for summary judgment, though no notice of motion has in fact been filed, (5) An ex parte application for an order compelling Defendants to respond to discovery and for expedited discovery response time, and (6) the instant motion for forgiveness. Matters (1) through (5) are set for hearing tomorrow, December 20, 2024, with the appeal of a small claims case trailing.**

**The instant Motion for Forgiveness and Request for Extension of Time appears to seek Forgiveness for delays in filing discovery motions. As a general rule, there is no deadline for filing of a motion to compel responses to discovery if there has been no response, but there is a 45 day deadline for bringing a motion to compel a supplemental response. There is no statutory or case law giving this Court jurisdiction or discretion to extend the 45 day time limit for bring a motion to compel supplemental responses. Accordingly, the Motion for Forgiveness is DENIED.**

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23CV-04283                      Everardo Martinez v. Angelica Alatorre-Alvarez

Order to Show Cause re:Dismissal

**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. Appear to address the status of Service on Defendant.**

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24CV-05061                      Alexander Ruelas v. Central Valley Glass & Screen, Inc.

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 November 8, 2024 inserting March 26, 2025 8:15 A.M. Courtroom 8 as the hearing date for the Motion for Final Approval of Class Action Settlement unless the parties indicate that they would prefer a different date.**

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24CV-05856

Juan Amador-Sanchez v. Ramon Junior Garcia

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 proof of service was filed December 9, 2024 showing service of the papers filed in this action on respondent.**

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24CV-05891

Mandeep Kaur v. Harpreet Jolly

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 Respondent has appeared in this action by filing a Response indicating that Repondent does not agree with the orders requested.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, December 19, 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.**

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Case No.	Title / Description
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21CV-04058	Horacio Lopez v. Valero Gas Station
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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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, December 19, 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
24CV-00244	Sunrun, Inc. v. Isidra Martinez
	Motion to Set Aside Default and Default Judgment
	<b>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 objection by Plaintiff, the unopposed Motion to Set Aside Default entered June 3, 2024 and Default Judgment entered September 3, 2024 will be GRANTED.</b>
24CV-00285	Alfredo Saldivar v. Ramior Trigo
	Citation on Bench Warrant
	<b>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.</b>

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, December 19, 2024  
11:00 a.m.

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Case No.	Title / Description
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24CV-03529	Cora Martinez v. Delia Camacho
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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.**

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24CV-05391            Vanessa Lefler v. Daryl Rose

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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, December 19, 2024  
1:15 p.m.

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Case No.	Title / Description
24CV-06045	Preet Sandhu v. Paramdeep Khurana
	Motion to Quash Civil Harassment Restraining Order and/or Removal of Minor Child as Protected Party
	<b>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 showing service of the motion to quash on Petitioner.</b>

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

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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.	
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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 19, 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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Case No.	Title / Description
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There are no Ex Parte matters scheduled.	
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