

**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, September 26, 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, September 26, 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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22CV-01569	A.S. by and through GAL T.S. v. Trenmt Calvert, et al..
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Trial Setting Conference

Continued on the Court's own Motion to April 14, 2024 at 10:00 in Courtroom 8.

22CV-02268	Gabriel Olivares v. Wendy Vander Dussen, et al.
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Trial Setting Conference

Continued on the Court's own Motion to April 14, 2024 at 10:00 in Courtroom 8.

24CV-00574	Petra Hernandez v. Classic Yam, Inc.
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Demurrer by Defendant Classic Yam, Inc. to Plaintiffs' Complaint and the First through Ninth Causes of Action therein

The Demurrer by Defendant Classic Yam, Inc. to Plaintiffs' Complaint and the First through Ninth Causes of Action therein is OVERRULED. The Court has reviewed the Class Action Complaint and finds that while the bulk of the allegations are general, they allege the ultimate facts necessary to establish each cause of action. (See *C.A. v. William S. Hart Union High School District* (2012) 53 Cal.4th 861, 872.) The allegations are

sufficient to place Defendants on notice of the claims being made and the theories of liability on which those claims are based with sufficient detail to enable the preparation of a defense. (*Okun v. Superior Court* (1981) 29 Cal.3d 442, 458.) General Pleadings are more common in Class Actions such as the instant case because the actual Plaintiffs are merely representatives of the claims being asserted on behalf of all class members and the specifics of the class representative claims are more appropriately addressed in a motion for class certification than on demurrer. Accordingly, The Demurrer by Defendant Classic Yam, Inc. to Plaintiffs' Complaint and the First through Ninth Causes of Action therein is **OVERRULED**.

24CV-03974 Petition of Rocio Mariona Martinez

Order to Show Cause re: Name Change

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. This Petition by one parent to change the name of a minor child does not identify the other parent and there is no proof of service on file showing service of the petition on the other parent. Appear to address the status of service of the petition on the other parent.

24CV-03993 Petition of Carol Trujillo

Order to Show Cause re: Name Change

Proof of Publication having been filed, this Petition by an adult to change her own last name will be granted upon confirming through CLETS the petitioner is eligible for a name change. Once eligibility is confirmed, the Court will sign the Decree lodged on August 15, 2024.

24CV-04073 In re: 704 Northwood Drive Merced

Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7

The unopposed Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7 is GRANTED and Ryan Griffith of Ryan Griffith Law PC is hereby appointed Receiver pursuant to Health & Safety Code § 17980.7 with all appropriate duties and responsibilities. Absent timely objection, the Court will sign the order lodged on August 6, 2024 inserting the date of this hearing in the blank left in the proposed order.

24CV-04078 In re: 131 West Main Street, Merced

Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7

The unopposed Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7 is GRANTED and Ryan Griffith of Ryan Griffith Law PC is hereby appointed Receiver pursuant to Health & Safety Code § 17980.7 with all appropriate duties and responsibilities. The Court notes that a proposed order has not been lodged with the Court.

24CV-04084

In re: 1463 West 25th Street, Merced

Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7

The unopposed Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7 is GRANTED and Ryan Griffith of Ryan Griffith Law PC is hereby appointed Receiver pursuant to Health & Safety Code § 17980.7 with all appropriate duties and responsibilities. Absent timely objection, the Court will sign the order lodged on August 7, 2024 inserting the date of this hearing in the blank left in the proposed order.

24CV-04322

In re: 2010 E. Childs Avenue, Merced

Petition for Appointment of a Receiver Pursuant to Health & Safety Code § 17980.7

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 set an evidentiary hearing on the Petition for Appointment of Gerald F. Keena II as Receiver Pursuant to Health & Safety Code § 17980.7.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 26, 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
21CV-04126	Justino Reyes v. Antonia Garcia-Cruz
	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, September 26, 2024
10:00 a.m.

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Case No.	Title / Description
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23CV-02899	Theofanis Tsoulouhas v. Bladmir Sabino
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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. The Court notes that proof of service of the Order of Examination was filed May 14, 2024, showing personal service May 12, 2024.

23CV-04483	Bank of America N.A. v. Javier Naranjo
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Motion for Judgment on the Pleadings Based on Requests for Admissions Deemed Admitted

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, September 26, 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 has been filed showing service of the Petition and related papers filed in this action on respondent.

24CV-03399	Celia Harris v. Karina Gutierrez Florez
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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 proof of service was filed on September 6, 2024 showing service of the papers filed in this action on respondent on September 5, 2024.

24CV-04223

Amber Perriera v. Emily Macek

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 on September 19, 2024 showing service of the papers filed in this action on respondent on September 9, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 26, 2024
1:15 p.m.

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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

Thursday, September 26, 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

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