

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Tuesday, December 17, 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 calendars:**

**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

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

Tuesday, December 17, 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 ext. 2 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.**

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Case No.	Title / Description
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22CV-00623	Jose Meza Linares, et al. Hubert Hiepe
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Motion to Restore the Case to Active Status

**The unopposed Motion to Restore the Case to Active Status is GRANTED. A default Prove-Up Hearing is set for Monday, February 3, 2025 at 1:30 PM in Courtroom 8.**

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23CV-00475	Manuel Hernandez Perez, et al. v. Tan Preet Singh et al.
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Case Management Conference

**CONTINUED ON THE COURT'S OWN MOTION TO Monday, January 30, 2025 at 10:00 in Courtroom 8.**

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Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve code compliant responses without objection to Request For Production of Documents Set One Nos. 1-19 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030

**The Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve code compliant responses without objection to Request For Production of Documents Set One Nos. 1-19 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030 is GRANTED. Plaintiff is ordered to serve verified code compliant responses without objections to Request For Production of Documents Set One Nos. 1-19 and pay monetary sanctions of \$660 by January 15, 2025.**

Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve Code Compliant responses without objection to Special Interrogatories Set One Nos. 1-23 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030

**The Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve code compliant responses without objection to Special Interrogatories Set One Nos. 1-23 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030 is GRANTED. Plaintiff is ordered to serve verified code compliant responses without objections to Special Interrogatories Set One Nos. 1-23 and pay monetary sanctions of \$660 by January 15, 2025.**

Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve Code Compliant responses without objection to Form Interrogatories Set One numbers 1.1, 2.1-2.13, 4.1, 4.2, 6.1-6.7, 7.1-7.3, 8.1-8.8, 9.1, 9.2, 10.1-10.3, 11.1, 11.2, 12.1-12.7, 14.1, 14.2, 20.1-20.11 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030

**The Motion by Defendant City of Merced to Compel Plaintiff Nathaniel Cruz Gutierrez by and through his Guardian Ad Litem Jennifer Ann Villa to Compel Plaintiff Nathaniel Cruz Gutierrez to serve code compliant responses without objection to Form Interrogatories Set One numbers 1.1, 2.1-2.13, 4.1, 4.2, 6.1-6.7, 7.1-7.3, 8.1-8.8, 9.1, 9.2, 10.1-10.3, 11.1, 11.2, 12.1-12.7, 14.1, 14.2, 20.1-20.11 and for Monetary Sanctions in the Amount of \$660 pursuant to CCP sections 2031.310(h), 2023.010.(a),(c), 2023.030 is GRANTED. Plaintiff is ordered to serve verified code compliant responses without objections to Special Interrogatories Set One Nos. 1-23 and pay monetary sanctions of \$660 by January 15, 2025.**

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24CV-05080

Rafael Artega v. Anwar Akala

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) 725-4111 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.**

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24CV-05188

Petition of Jessica Pulliam

Order to Show Cause re: Name Change

**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 status of service of petition on father.**

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24CV-05845

Veronica Acevedo de Plata v. Adrian Vega

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) 725-4111 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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Unlimited Civil Law and Motion-Special Set Matter  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21st Street, Merced

Tuesday, December 17, 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 ext. 2 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.**

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Case No.	Title / Description
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21CV-03779	The Village of Los Banos v. K. Hovnanian Communities, et al.
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Motion for Reconsideration

**There is currently pending before the Court of Appeal for the Fifth Appellate District a Petition for Writ of Mandate and a request for stay of all proceedings in this actions field by Plaintiff herein. The Court has received no indication that the Court of Appeal has issued the requested stay. Absent evidence that a stay has been ordered, this Court will proceed with the merits of Plaintiff's Motion for Reconsideration unless Plaintiff elects to withdraw the matter.**

**The Motion for Reconsideration was filed November 18, 2024 concerning a Motion for Summary Judgment decided on August 16, 2024, with Plaintiff present, and for which Notice of Entry of Order was filed September 17, 2024. The Motion for Reconsideration is DENIED. First the Motion is not timely as it was filed more than ten days after notice of entry of order. (See CCP § 1008; *Forrest v. State of Calif. Dept. of Corps.* (2007) 150 Cal.App.4<sup>th</sup> 183, 203.) Second, there is no showing of good cause why the alleged new facts or new law were not presented with the opposition previously filed. Accordingly, absent notice that the motion is stayed or withdrawn, the Court's tentative ruling is to DENY the Motion for Reconsideration,**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Jury Trials and Long Cause Court Trials  
Hon. Mark V. Bacciarini  
Courtroom 8  
627 W. 21st Street, Merced

Tuesday, December 17, 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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There are no Jury Trials or Long Cause Court Trials Scheduled	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Tuesday, December 17, 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.



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Tuesday, December 17, 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.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Tuesday, December 17, 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.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Tuesday, December 17, 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.**

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Case No.	Title / Description
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24CV-05344	Petition of Lorraine Girard
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Order to Show Cause re: Name Change

**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 status of proof of publication.**

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24CV-04979	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Demurrer by Defendants to UD Complaint

**Defendants' Demurrer is OVERRULED. The Plaintiff alleges a valid cause of action for Unlawful Detainer establishing an at-fault just-cause grounds for termination of the tenancy. Defendants are ordered to File and Answer by December 20, 2025 or else a default may be entered.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Unlawful Detainers  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Tuesday, December 17, 2024  
2:00 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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24CV-05087	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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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.**