

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

2260 N Street, Merced
627 W. 21st Street, Merced
1159 G Street, Los Banos

Wednesday, January 03, 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. Brian McCabe

Courtroom 9 – Judge Pro Tem Monika Sani Donabed

Hon. David Foster, Commissioner

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. Brian McCabe
Courtroom 8
627 W. 21st Street, Merced

Wednesday, January 03, 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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19CV-04303	Joseph Saucedo, et al. v. Stonefield Homes, Inc., et al.
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Motion for Order Approving Class Notice and Appointing KCC Class Action Services, LCC as Class Administrator .

The Motion for Order Approving Class Notice and Appointing KCC Class Action Services, LCC as Class Administrator is GRANTED. The objections by Defendants UC Construction Co. and Stonefield, Home, Inc., by Cross-Defendants Simpson Strong-Tie, Inc. and joinders thereto are OVERRULED.

This Court finds that Class Notice Meets Cal Rules of Court Rule 3.766(b) by clearly and unambiguously providing class members with the option to exclude themselves. The Notice states: "If you want, the Court will exclude you from this action so long as the request form below is completed and postmarked on or before February 23, 2024" and provides an "Opt-Out Form" which members who wish to opt out may utilize.

This Court finds that the Class Representatives Exhausted the Statutory Prerequisites to Bring Suit as required by law for standing to Assert the Class Claims. This Court finds that Plaintiffs have satisfied analogous case law, *Friends of Mammoth* (1972) 8 Cal.3d 247, 275, in that there has been sufficient prelitigation resolution to give defendants an opportunity to act and render litigation unnecessary.

This Court finds that UC Construction Co is properly named in the Class Notice.

This Court finds the identification of Simpson Staps at issue is adequate for purposes of Class Notice. Defendant's reliance on *Duran v. Obesity Research Inst, LLC* (2016) 1 Cal.App.5th 635 relating the adequacy of a notice of class settlement is inapplicable to the instant notice.

23CV-04429 Kaylee Sawyer v. Gabriela Ponce

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 arrange for a remote appearance. The Court notes that there is no proof of service on file showing service of the Request for Civil Harassment Restraining Order, the Notice of Hearing, or the Tempory Restraining Order on Respondent.

23CV-04435 Marion Marin v. Marina Mendoza

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 arrange for a remote appearance. The Court notes that there is no proof of service on file showing service of the Request for Civil Harassment Restraining Order, the Notice of Hearing, or the Tempory Restraining Order on Respondent.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conference
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, January 03, 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:

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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.

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 Mandatory Settlement Conferences scheduled.	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, January 03, 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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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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17CV-04142	Wahr Financial Group, LLC v. Raymond Ferriera
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Claim of Exemption

Appearance required by judgment creditor. 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 the claim of exemption and objections thereto.

18CV-00042	Discovery Bank v. Rodney Bothelho
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Court Trial

Appearance required. Before commencement of trial, counsel are to address why this action should not be dismissed by the court on its own motion for failure to bring the action to trial within five years and six months as required by Code of Civil Procedure section 583.310 and California Rules of Court, Appendix I, Emergency rule 10(a). 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.

23CV-03700 [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.

23CV-03750 Citibank N.A. v. Kathy Vargas

Order to Show Cause re Dismissal-Notice of Settlement

Continued on the Court's own motion to January 15, 2025 at 10:00 a.m. in Courtroom 9 pursuant to the Stipulation Agreement filed by the parties on December 6, 2023.

23CV-03946 [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. The Court notes that notice of trial was mailed to plaintiff's counsel at an incorrect address and that the notice of trial was returned as undeliverable.

23CV-04009 Cavalry Spv I, LLC v. Jessica Maldonado

Motion for Judgment on the Pleadings

The unopposed motion for judgment on the pleadings by plaintiff Calvary SPV I, LLC is DROPPED from calendar for failure to provide sufficient notice. The proof of service indicates that the moving papers were served by mail on December 11, 2023, less than 16 court days plus 5 calendar days prior to the hearing date. (Code Civ. Proc., § 1005(a), (b); Cal. Rules of Ct, rule 1300(a).)

23CV-04096 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial and Prejudgment Claim of Right of Possession

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 status of settlement.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian McCabe
Courtroom 8
627 W. 21st Street, Merced

Wednesday, January 03, 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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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 Matterse Scheduled	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, January 03, 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.	
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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

Wednesday, January 03, 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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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.	
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Long Cause Court Trials
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, January 03, 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.

Case No.	Title / Description
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23CV-02404	Nayefer Transportation v. Sky Fly Trucking LLC
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Order of Examination

Appearance required if judgment debtor has not paid the judgment to the court as indicated in defendant's Request to Pay Judgment to Court filed on December 18, 2023. 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 there is no proof of service of the Order of Examination on defendant.