

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, June 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. Brian L. McCabe

Courtroom 9 – Commissioner David Foster

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

Wednesday, June 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
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21CV-00824	In re: 116 W12th Street Merced, Armando Javier Pilola, Real Party in Interst
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Motion to Discharge Receiver

Continued pursuant to the ex parte request of respondent/real party in interest Armando J. Pilola to June 27, 2024, at 8:15 A.M. in Courtroom 8. Respondent/Real Party in Interest Armando J. Pilola shall file any opposition to the Motion to Discharge Receiver nine days before the continued hearing date.

Motion to Terminate Receivership

Continued on the court's own motion to June 27, 2024, at 8:15 A.M. in Courtroom 8.

22CV-00553	Pedro Canela v. City of Merced, et al.
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Motion to Withdraw and Amend Admission 5-12

The Plaintiff's Motion to Withdraw and Amend Admissions No(s) 5 through 12 is DENIED. The Plaintiff's declaration is devoid of any requisite facts of mistake, inadvertence, or excusable neglect needed to prevail on such a motion. The declaration contains the assertion he was injured as a result of the subject incident, he did not live at an address

on October 25, 2023, was evicted for nonpayment, and certified seven (7) initials and signatures on discovery responses. Although the Court can and does take judicial notice of the court's file pursuant to Evidence Code section 452(d), the facts and circumstances surrounding the Plaintiff's actions or inactions are within Plaintiff's knowledge alone and not admissibly contained in either the Court's file or present counsel's declaration. The court's discretion is limited to granting a CCP 2033.300(b) motion only when the withdrawal or amendment is due to mistake, inadvertence or excusable neglect. (*New Albertson, Inc. v. Superior Court* (2008) 168 Cal.App.4th 1403, 1418.) The terms mistake, inadvertence, or excusable neglect as used in CCP 2033.300 are given the same meaning as similar terms found in CCP 473(b). (*Id.*, 168 Cal.App.4th at p. 1419.) It is within the court's discretion to grant relief where the untimely response resulted from a mistake or inadvertence which reasonable care could not have avoided, a surprise which reasonable precaution could not have prevented, or a neglect which reasonable prudence could not have anticipated. (*Elms v. Elms* (1946) 72 Cal.App.2d 508.) The law favors trial and disposition on the merits and any doubt in applying CCP 473 must be resolved in the favor of the party seeking relief. However, based on the record before this Court, there is no doubt because there is no admissible evidence from the Plaintiff alleging, let alone showing, mistake, inadvertence, or excusable neglect.

22CV-00605 Albert Ranch LLC v. California Department of Transportation

Case Management Conference

Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Appear to address the status of the case.

24CV-04568 Shawna Walsh v. Jorge Colmenero, Junior

Order to Show Cause re: Restraining Order

Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. The Court notes that there is no proof of service on file showing service of the papers filed in this action on Respondent.

24CV-01110 Rigoberto De La Torre v. Luis Soloro

Order to Show Cause re: Restraining Order

Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. The Court notes that both parties previously appeared on April 9, 2024 for a hearing on this restraining order which was duly continued to this date.

CVM017462

Amarjit Kandola v. Sohan Singh Sahota, et al.

Order to Show Cause re: Restraining Order

CONTINUED ON THE COURT'S OWN MOTION TO June 24, 2024, at 8:15 A.M. to trail the mandatory settlement conference currently set for June 20, 2024, and to be heard concurrently with the trial setting conference currently pending on June 24, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conference
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Wednesday, June 12, 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
23CV-02212	In re inspection of Assessor Parcel 045-190-075 and 045-190-076, Greer Avenue, Hilmar

Mandatory Settlement Conferences

Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, June 12, 2024
10:00 a.m.

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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
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There are no Limited Civil Matters Scheduled

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, June 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
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, June 12, 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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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

Wednesday, June 12, 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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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

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

Wednesday, June 12, 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:

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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 Limited Civil Long Cause Court Trials Scheduled
