

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, April 3, 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 – 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 McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, April 3, 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.**

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Case No.	Title / Description
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24CV-01056	Carla Villasenor v. Mauricio Carretero Kamseh
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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 no Proof of Service is on file showing service of the Notice of Hearing and Request for Civil Harassment Restraining Order on Respondent.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, April 3, 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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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.**

<b>Case No.</b>	<b>Title / Description</b>
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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. 21<sup>st</sup> Street, Merced

Wednesday, April 3, 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:

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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22CV-00852	CKS Prime Investments LLC v. Michael Soto, Senior
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Order to Show Cause re: Dismissal – Notice of Settlement

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance. Appear to address the status of the settlement in this matter. If there is no appearance by the parties, the Court will continue the OSC re dismissal to Friday, January 17, 2025 at 8:30 a.m. in Courtroom 9.**

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22CV-00896	Velocity Investments LLC v. Ruben Rios
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Order to Show Cause re: Dismissal – Notice of Settlement

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance. Appear to address the status of the settlement in this matter. If there is no appearance by the parties, the Court will continue the OSC re dismissal to Friday, January 17, 2025 at 8:30 a.m. in Courtroom 9.**

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23CV-00896

Kimberly Martinez v. Francine Mestaz, et al.

Order of Examination – Francine Mestaz and Paul Ramos

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.**

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23CV-03780

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Order to Show Cause – Failure to Appear for Trial

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance. Appear to address why the action should not be dismissed without prejudice pursuant to Code of Civil Procedure section 581, subsection (b)(3) for failure to appear at trial on February 28, 2024.**

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23CV-04661

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.**

**The Court notes that rule 3.1347(b) of the California Rules of Court permits any opposition to a discovery motion in an unlawful detainer action to be made orally at the time of hearing.**

Motion to Deem Admitted Requests for Admission

**Plaintiff's unopposed motion for an order deeming admitted the truth of any matters specified in plaintiff's Requests for Admission, Set One, served on defendant is GRANTED. It is undisputed that defendant has not served a response to plaintiff's requests for admission.**

**In accordance with Code of Civil Procedure sections 2023.030 and 2033.280(c), the Court imposes a monetary sanction against defendant in the amount of \$555.00, due and payable to plaintiff ten days from notice of entry of order. The Court declines plaintiff's request that monetary sanctions be ordered against defense counsel.**

**The Court will sign the proposed order submitted with the moving papers, as amended to impose monetary sanctions against defendant only.**

Motion to Compel Responses to Inspection Demand

**Plaintiff's unopposed motion for an order compelling defendant to respond to plaintiff's inspection demand is GRANTED. It is undisputed that defendant has not served a response to plaintiff's inspection demand. Defendant must serve verified responses,**

without objection, to plaintiff's Request for Inspection and Production of Documents, Set One, within five days of notice of entry of order.

In accordance with Code of Civil Procedure sections 2023.030 and 2031.300(c), the Court imposes a monetary sanction against defendant in the amount of \$555.00, due and payable to plaintiff's counsel ten days from notice of entry of order. The Court declines plaintiff's request that monetary sanctions be ordered against defense counsel.

The Court will sign the proposed order submitted with the moving papers, as amended to impose monetary sanctions against defendant only.

Motion to Compel Responses to Interrogatories

Plaintiff's unopposed motion for an order compelling defendant to provide responses to plaintiff's form interrogatories and special interrogatories is **GRANTED**. It is undisputed that defendant has not served a response to plaintiff's form and special interrogatories. Defendant must serve verified responses, without objections, to plaintiff's Form Interrogatories—Unlawful Detainer, Form Interrogatories—General, and Special Interrogatories, Set One within five days of notice of entry of order.

In accordance with Code of Civil Procedure sections 2023.030 and 2030.290(c), the Court imposes a monetary sanction against defendant in the amount of \$555.00, due and payable to plaintiff's counsel ten days from notice of entry of order. The Court declines plaintiff's request that monetary sanctions be ordered against defense counsel.

The Court will sign the proposed order submitted with the moving papers, as amended to impose monetary sanctions against defendant only.

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24CV-00158 [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 request Court permission and arrange for a remote appearance.**

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24CV-00401 [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 request Court permission and arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, April 3, 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.**

<b>Case No.</b>	<b>Title / Description</b>
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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  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, April 3, 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.**

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<b>Case No.</b>	<b>Title / Description</b>
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23CV-04434	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Ex Parte Request for Order Shortening Time on Motion to Set Aside Default and Default Judgment

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.**

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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, April 3, 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.**

<b>Case No.</b>	<b>Title / Description</b>
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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. 21<sup>st</sup> Street, Merced

Wednesday, April 3, 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.**

<b>Case No.</b>	<b>Title / Description</b>
23CV-04578	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.</b>
23CV-04742	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Review of Case Status <b>Plaintiff's written request to dismiss the case following the successful completion of the terms of settlement is GRANTED. The case is dismissed with prejudice.</b>

24CV-00354

[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 request Court permission and arrange for a remote appearance.**

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