

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Consolidation of Civil Courtrooms
Hon. Brian L. McCabe
Courtroom 8
Courtroom 10
627 W. 21st Street, Merced
Tuesday, January 11, 2022

To limit the spread of the COVID-19 virus, all civil matters normally heard in Courtroom 8, Hon. Brian L. McCabe and Courtroom 10, Hon. Donald J. Proietti are being consolidated and heard by a single judge, the Hon. Brian L. McCabe, in Courtroom 10.

Note: Separate Tentative Rulings are Provided for Courtroom 9, Judge Pro Tems Monika Donabed and Peter MacLaren. Those matters will be heard either in-person or via remote hearing in Courtroom 9.

IMPORTANT: To limit the spread of the COVID-19 virus, the court will only conduct remote hearings on these calendars. Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.

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

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

Case No.	Title / Description
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21CV-03837	Petition of Elizabeth Anderson
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Order to Show Cause re Name Change

This Petition by an adult mother seeks to change the mother's own last name and the last name of the mother's minor son. Attached to the petition is a copy of a stipulation and order bearing Family Law Case Number 19FL-02768 signed by Judge Seymour and filed with the August 20, 2021. The stipulation states "The Respondent Henry Contreras agrees to give up all legal and medical rights to Alexander Contreras and award fully custody to Petitioner Elizabeth Anderson. Both Parties agree that Elizabeth Anderson will be legally, medially, and financially responsible for Alexander starting 8-1-21." This court finds that such stipulation and order excuses Petitioner from providing notice to Henry Contreras, also know as Henry Contreras-Garcia, of the instant petition, and this court further finds that Henry Contreras-Garcia no longer has standing to object to such Petition. Accordingly, the Petition will be granted upon the filing of proof of publication and the court will sign the decree lodged with this court on November 30, 2021. . In the event that Publication has not yet occurred, Petitioner is ordered to contact the clerk of the court to arrange a new hearing date so that publication can occur.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Jury Trials
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

Case No.	Title / Description
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There are no Jury Trials scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8/10
627 W. 21st Street, Merced

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

Case No. **Title / Description**

There are no Ex Parte matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Monika Donabed, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing.**

Case No.	Title / Description
21CV-03275	Petition of Christine Farace

Order to Show Cause Re: Name Change

This petition by an adult to change her own first and middle name will be GRANTED upon the filing of Proof of Publication. When Proof of Publication is filed, the Court will sign the Decree Changing Name lodged on October 5, 2021. In the event that Publication has not yet occurred, Petitioner is ordered to contact the clerk of the court to arrange a new hearing date so that publication can occur.

21CV-03275	Petition of Christine Farace
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Order to Show Cause Re: Name Change

While this petition by an adult to change the name of a minor child purports to be filed by both parents, only the on parent, Petitioner Patrick Fuentes, has signed the petition, but a Declaration has been filed by the mother consenting to the name change. Accordingly, the petition will be GRANTED upon the filing of Proof of Publication. When Proof of Publication is filed, the Court will sign the Decree Changing Name lodged on October 25, 2021. In the event that Publication has not yet occurred, Petitioner is ordered to contact the clerk of the court to arrange a new hearing date so that publication can occur.

Motion to Tax Costs

Judgment in this matter was entered on November 17, 2021 on behalf of Defendants and against Plaintiff Michael P. Rose (but not against Plaintiff Monica Rose Berry) pursuant to this court's October 19, 2021 order granting Defendant's Motion for Summary Judgment with regard to Plaintiff Michael P. Rose and denying Defendant's Motion for Summary Judgment as to Plaintiff Berry. Plaintiff Michael P. Rose brought the instant motion to tax costs asserting that the memorandum of costs did not differentiate between costs incurred in connection with Plaintiff Michael P. Rose and costs incurred in connection with Plaintiff Monica Rose Berry, especially \$6,921.79 relating to the production of the medical records of Plaintiff Monica Rose Berry. Defendants' opposition notes that Plaintiff Michael P. Rose was the only person injured in the subject auto accident, and that Plaintiff Monica Rose Berry's claim was for loss of consortium, a derivative claim to that brought by Michael P. Rose, arising from the fact that Monica Rose Berry is the wife of Michael P. Rose and suffered loss as a result of injury to Michael P. Rose. The motion for summary judgment found that Defendants were entitled to judgment as a matter of law with regard to their 13th Affirmative Defense, Accord and Satisfaction, with regard to Michael P. Rose, but a triable issue of material fact existed with regard to the application of such defense to Monica Rose Berry. Defendants assert that all discovery was necessary to address the claims of Plaintiff, but in fact the medical records of Monica Rose Berry were relevant only to her claim for loss of consortium. Accordingly, the motion to tax is GRANTED IN PART as to the \$6,921.79 for medical records of Monica Rose Berry and otherwise DENIED.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Unlawful Detainer
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos

Tuesday, January 11, 2022
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) 725-4240 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. **To limit the spread of the COVID-19 virus, the court will only conduct remote hearings. Parties who contest the tentative ruling or wish to appear remotely at a hearing must contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing.**

Case No.	Title / Description
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There are no Unlawful Detainer matters scheduled.
