

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law and Motion Tentative Rulings
Hon. Thomas P. Breen
Courtroom 8

627 W. 21st Street, Merced

August 14, 2018
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. *Note:* Notifying Court Call of your intent to appear does not satisfy the requirement of notifying the court.

Case No. Title / Description

17CV-03548 West Coast Tires & Auto Center LLC, et al. vs. California Dept. of Transportation

Motion to Withdraw

The unopposed motion by the law firm LloydWinter P.C. to withdraw from representation of plaintiffs West Coast Tires & Auto Center LLC, Ibrahim Alwareeth, and Ayida Mohamed is DENIED without prejudice. The motion does not comply with the requirements of rule 3.1362 of the California Rules of Court and notice is insufficient. Rule 3.1362 requires, *inter alia*, that counsel make the motion on Judicial Council form MC-051. The motion must be accompanied by a declaration on form MC-052 and proposed order on form MC-053. In addition, rule 3.1362(d) requires counsel to serve the moving papers on all parties who have appeared in the action. In this case, there is no proof of service for defendant Caltrans and the proof of service for movant's clients indicates the clients were served by U.S. mail less than the required minimum sixteen court days plus five calendar days prior to the hearing date. (Code Civ. Proc., § 1005, subd. (a)(13), (b); Cal. Rules of Court, rule 3.1300(a).)

18CV-02574 Petition of: Sandra DaSilva

Petition for Name Change

Appearance required.

18CV-02838 Maribel Perez vs. Sharon Thompson

Request for Civil Harassment Restraining Orders

Appearance required.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Law and Motion Tentative Rulings
Hon. David Moranda
Courtroom 12

1159 G Street, Los Banos

August 14, 2018
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. *Note:* Notifying Court Call of your intent to appear does not satisfy the requirement of notifying the court.

Case No. Title / Description

17CV-04016 Sharon Rubin, et al. vs. Kathleen Lanpherar, et al.

Motion for Determination of Good Faith Settlement

The unopposed motion by cross-defendants Patrick Michael Bowie and Kathleen Lanphear for an order determining good faith settlement with plaintiffs Sharon Rubin and Charlie Rubin is GRANTED. Cross-defendants have complied with the requirements of Code of Civil Procedure section 877.6 and *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488. In accordance with section 877.6, subdivision (c), any claims by other joint tortfeasors against Mr. Bowie or Ms. Lanphear for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault, are barred.

The prevailing party is directed to prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, rule 3.1312, and to provide notice thereof to the opposing party/counsel as required by law and the California Rules of Court. The order is to be submitted by electronic filing to Hon. David Moranda.
