

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion Tentative Rulings  
Hon. Brian L. McCabe  
Courtroom 8

627 W. 21<sup>st</sup> Street, Merced

March 21, 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**

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17CV-00758 Sylvia Nicole vs. Travelers Insurance

Motion to Void Notice of Default

**Plaintiff Sylvia Nicole's "Application to Void Notice of Default" is DENIED. Plaintiff's motion appears to seek a permanent injunction, declaratory relief, and/or cancellation of a recorded instrument. Such relief is available only after trial or other evidentiary hearing after proper notice is given to all interested parties so that they may defend against plaintiff's claims. In this case, plaintiff's motion is premature since the named defendants in this action have not appeared and have not received proper notice to allow them the opportunity to present a defense to plaintiff's claims. In addition to these fundamental procedural defects, the evidence offered by plaintiff is insufficient to prove her vague and ambiguous claims of fraud and the recording of an illegal document.**

OSC Why Sanctions should Not Be Imposed Against Plaintiff for Failure to Appear at Case Management Conference on February 5, 2018

**Appearance required.**

Case Management Conference

**Appearance required.**

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17CV-01487 Wasnick Bros. Dairy Supply Inc. vs. Sean Hodges, et al.

Motion to Substitute Personal Representative for Deceased Defendant

**For good cause shown, plaintiff Wasnick Bros. Dairy Supply Inc.'s unopposed motion to substitute the Estate of Sohan Singh Sahota as the successor-in-interest to defendant Sohan Singh Sahota, to name Bhupinder Kaur Sahota as personal representative of the Estate for purposes of this litigation, and for leave to file the proposed supplemental first amended complaint is GRANTED. (See Code Civ. Proc., § 377.41.)**

**The Court will sign the proposed order submitted with the moving papers. Plaintiff shall file and serve the supplemental first amended complaint forthwith.**

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17CV-02501 Tracy Pinto vs. Merced Union High School District, et al.

Motion to Compel Further Responses to Form Interrogatories

**The motion by defendant Merced Union High School District for an order compelling plaintiff to provide further responses to special interrogatories is DROPPED from calendar as moot. On March 7, 2018, judgment was entered in favor of defendant Merced Union High School District and against plaintiff following defendant's demurrer to the complaint.**

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17CV-03058 Julio Valadez, et al. vs. Ana Alberto, et al.

OSC Why Sanctions Should Not Be Imposed against Attorneys C. Ramirez and M. Burke for Failure to Appear at Case Management Conference and Failure to File CMC Statements

**Appearance required.**

Case Management Conference

**Appearance required.**

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17CV-03828 Petition of: Maria Llamas

Petition for Name Change

**Appearance required.**

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18CV-00773 Merced Community College District vs. Freddy Matzuy

Petition for Workplace Violence Restraining Orders

**Appearance required.**

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