

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Consolidation of Civil Courtrooms
Hon. Donald J. Proietti
Courtroom 8*
Courtroom 10*
627 W. 21st Street, Merced
Friday, September 17, 2021

To limit the spread of the COVID-19 virus, all civil matters normally heard in Courtroom 8, Hon. Brian L. McCabe and Courtroom10, Hon. Donald J. Proietti are being consolidated and heard by a single judge, Hon. Donald J. Proietti, 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 via remote or in-person 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
Civil Law and Motion Tentative Rulings
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Friday, September 17, 2021
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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18CV-05039	Arrooor Singh v. Foster Poultry Farms
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Status Conference Re: Briefing Schedule and Hearing Date for the Coordination Motion

While the Presiding Judge of the Merced Superior Court, Hon Donald Proietti, assigned the instant coordination motion to Judge McCabe for all purposes, Judge McCabe has been assigned other matters, so the Presiding Judge will resolve the coordination motion himself.

The Court's Tentative Ruling on Coordination is that the *Foster, Singh, Cisneros, Haro, Watkins*, and *Villanueva* cases are complex, and that since all of the cases, including the joinder of the individual *Villanueva* Plaintiffs allege their plaintiffs to have been harmed by Defendant Foster Poultry Farms' overall management policies, not the unique actions of rogue supervisors, coordination of the *Foster, Singh, Cisneros, Haro, Watkins*, and *Villanueva* cases is appropriate. While any individual members of putative class actions have a right to opt out of class treatment, an action that the *Villanueva* plaintiffs are essentially taking prior to class certifications that would appear to include some if not all of their claims, the information currently before the court, suggests that consolidation and coordination of any such opt-out plaintiffs would be appropriate as well. While a number of the coordination cases are located in Merced, this court finds that, given the totality of the circumstances, the coordinated matter should be heard in Fresno County because the coordinated action can be brought to trial far sooner in Fresno than if the matter was handled in Merced, which currently has a chronic backlog of criminal trials

that has caused Merced to suspend all civil jury trials. While it would also appear to be appropriate to coordinate the unfiled PAGA claims inasmuch as they will be complex and will benefit from coordination, it would appear that such issue is not ripe until the PAGA complaints are actually filed. The parties should also be prepared to address whether this coordination motion should be continued until all pending PAGA claims have been filed to accommodate coordination of those matters as well. Remote appearance required. To arrange a remote appearance, contact the clerk of the court at (209) 725-4240 to provide contact information for the remote hearing.

19CV-00385

Teddy Silver v. Mercedes Benz USA, LLC

Motion to Compel Verified Responses and Compliance with Requests for Production of Documents and Request for Sanctions in the Amount of \$2,310 Against Defendant MBUSA and Its Counsel

This unopposed motion to compel compliance with Plaintiff's Request for Production (Set No. 1) and the production of said documents is GRANTED. Defendant must provide a response and produce all responsive documents, without objection, in a usable format within 10 days of notice of this order. Plaintiff's request for sanctions is GRANTED IN PART. Defendant and their counsel are ordered to pay \$1,000 within 10 days of notice of this order.

21CV-02496

Luz Quintana v. Jennifer Anacleto

Order to Show Cause Re: Restraining Order

The Court notes that no proof of service has been filed showing that respondent was served with the Notice of Hearing, the Request for Restraining Order, or the Temporary Restraining Order issued in this action. Absent an appearance by Petitioner and a showing of good cause for the failure to serve Respondent, the Order to Show Cause re Restraining Order shall be VACATED, and the matter DISMISSED WITHOUT PREJUDICE. Remote appearance required. To arrange a remote appearance, contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.

The Court notes a Spanish language interpreter has been scheduled. If the requesting party fails to appear, the Court may assess on the party all or part of the financial expense of scheduling an interpreter pursuant to Standing Order #2017-02.

21CV-02728

J.G. Wentworth Originations, LLC v. V.R.

Petition for Approval for Transfer of Payments Rights

The Petition is DENIED. The Court notes Exhibit D, copy of the underlying settlement agreement, has yet to be provided to the Court. Remote appearance required. To arrange a remote appearance, contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Dismissals
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Friday, September 17, 2021
8:30 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 Limited Civil Dismissal matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Friday, September 17, 2021
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
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Friday, September 17, 2021
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 strongly encourages 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 Moranda
Courtroom 12
1159 G Street, Los Banos
Friday, September 17, 2021
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) 725-4124 to provide their contact information for the remote hearing.**

Case No.	Title / Description
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There are no Ex Parte matters scheduled.
