

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Consolidation of Civil Courtrooms
Hon. Brian L. McCabe
Courtroom 8
Courtroom 10
627 W. 21st Street, Merced
Monday, September 20, 2021

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, 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
Civil Law and Motion Tentative Rulings
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, September 20, 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 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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20CV-03077	Allisha Rubalcava v. Florencio Ponce
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Order to Show Cause Re: Dismissal – Notice of Settlement

The Court notes a Notice of Settlement of Entire Case was filed on March 16, 2021, indicating a request for dismissal would be filed no later than June 16, 2021. To date, a request for dismissal of entire action has not been filed. Absent an appearance by Petitioner, the matter will be DISMISSED WITHOUT PRUEJUDICE. 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.

21CV-02806	Teresa Mejia v. Susan Brand
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Order to Show Cause Re: Restraining Order

The Court notes proofs of service were filed on September 3, 2021, indicating respondent was personally served with notice of hearing on August 31, 2021, and that petitioner was served with the Response filed September 1, 2021 on September 2, 2021. 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

Mandatory Settlement Conference
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, September 20, 2021
9:00 a.m.

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Case No.	Title / Description
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There are no Mandatory Settlement Conference matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Case Management Conferences
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, September 20, 2021

10:00 a.m.

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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 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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16CV-03050	Jaime Vega, et al. v. Michael Turner, et al.
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Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, April 25, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial date is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

17CV-03683

Francisca Ortiz v. Ann Nation

Case Management Conference

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18CV-01569

Del Sol Ag Services, Inc. v. Sahota Farms, Inc.

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18CV-03931

James Savage, et al. v. Fernando Castillo, et al.

Case Management Conference

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19CV-01168

Helen Brinich-Barnes v. Ocwen Loan Servicing, LLC, et al.

Case Management Conference

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19CV-02826

California Department of Transportation v. Autobuses Coordinandos
U.S.A, Inc., et al.

Case Management Conference

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19CV-02840

Rose Ofili v. County of Merced, et al.

Case Management Conference

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19CV-04647

Elicia Cisneros, et al. v. Foster Poultry Farms

Case Management Conference

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19CV-04987

Valerie Doughtry as Attorney in Fact for Willie Doughtry, et al. v. Allstate Insurance Company

Case Management Conference

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19CV-04994

Heather Popejoy v. Circle K Stores, Inc.

Case Management Conference

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20CV-01298

Carissa Barriga v. Stellar Management Group, VII, LLC

Case Management Conference

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20CV-02428

Ramon Pedraza v. Karla Guitron

Case Management Conference

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20CV-02435

Adrian Arrillaga, et al. v. Miniger Farms, Inc., et al.

Case Management Conference

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20CV-02438

Michael Rose v. Linda Real

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

20CV-02441

Ethan Conrad v. New Frontier Investment Consulting and Management, LLC, et al.

Case Management Conference

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21CV-00563

Jon Crain v. Gary Pearson

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

21CV-00564

SHS Family LTD. Partnership, et al. v. County of Merced

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

21CV-00594

Luz Barragan v. Luis Salvatierra, et al.

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

21CV-00613

Le'Roi Lopez v. Big Creek Lumber Company, et al.

Case Management Conference

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Case Management Conference

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Case Management Conference

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21CV-00621

Raymond Malardino v. Franciscan Hospitaller Sisters of the Immaculate Conception, et al.

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

21CV-00623

Frank Mendez, et al. v. Joshua James, et al.

Case Management Conference

As a result of the reduction in court services due to the COVID-19 pandemic, there is currently a backlog of criminal trials that take priority over civil matters. Accordingly, this Case Management Conference is continued, on the Court's own motion, to Monday, May 2, 2022 at 10:00 in Courtroom 8. The Court does not anticipate that it will begin setting civil jury trials until sometime after November of 2021 and does not anticipate that any civil jury trials will commence prior to January of 2022. Until new trial dates are being set, the court will vacate any existing civil trial dates as they come to the court's attention, and set the matters for a Case Management Conference on or after April of 2022. Discovery is to remain open with regard to any matters for which a trial dates is vacated without regard to the status of discovery at the time the trial date is vacated. Parties wishing to commence expert discovery prior to the setting of a trial date should bring an ex parte application seeking early disclosure of expert witnesses. While the Court is not currently setting Civil Jury Trials, we have some experienced Pro Tem Judges who are willing to conduct voluntary civil settlement conferences at no charge to the parties if all parties agree to participate. Parties who wish to participate in a voluntary settlement conference should submit a Request to Set Mandatory Settlement Conference or a Stipulation and Order setting the MSC.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, September 20, 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 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 for hearing.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Monday, September 20, 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 encourages remote hearings by telephone or video. Parties who contest the tentative ruling or wish to appear remotely 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 for hearing.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. David A. Moranda
Courtroom 12
1159 G Street, Merced
Monday, September 20, 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 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 for hearing.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Short Cause Court Trials
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Monday, September 20, 2021
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 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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15CV-02910	The People of the State of California v. \$63,800.00
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Default Prove-Up Hearing

The Court notes that default was entered as to Jairo Diaz Munoz on September 8, 2016. 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.

Motion for Entry of Default Against as to Gonzalo Martinez Pineda and Servando Hernandez Figueroa

The Motion for Entry of Default against Gonzalo Martinez Pineda and Servando Hernandez Figueroa is GRANTED.

21CV-01288-APP Virginia Allen v. John Vargas, et al.

Trial de Novo

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
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Monday, September 20, 2021
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 encourages remote hearings by telephone or video. Parties who contest the tentative ruling or wish to appear remotely 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-01637	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer Court Trial

Appearance Required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.

21CV-02200	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer Court Trial

Appearance Required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.
