

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

September 16, 2019  
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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**Case No. Title / Description**

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16CV-00418 Jose Lopez Reyes, et al. vs. JP Investments, LLC, et al.

OSC Dismissal Re: Notice of Settlement

**Appearance required.**

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18CV-04461 Platinum Engineering Solutions, Inc. vs. Raj Kahlon

Trial Setting Conference

**Appearance required.**

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19CV-03253 Petition of: Gene Mendoza

Petition for Name Change

**Appearance required.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Probate Law and Motion Tentative Rulings  
Hon. Donald J. Proietti  
Courtroom 10

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

September 16, 2019  
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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

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**Case No.**      **Title / Description**

15PR-00306    In the Estate of Joseph A. Egli

Motion to Compel Responses to Interrogatories – Petitioner Dorothy Egli

**Respondents' unopposed motion for an order compelling petitioner Dorothy Egli to provide responses to respondents' form interrogatories is GRANTED. It is undisputed that petitioner has not served a response to respondent's form interrogatories. Petitioner Dorothy Egli shall serve verified responses, without objection, to respondents' Form Interrogatories, Set One within five days of notice of entry of order.**

**In accordance with Code of Civil Procedure sections 2023.030 and 2030.290(c), the Court imposes a monetary sanction against petitioner Dorothy Egli in the amount of \$555.00, due and payable to respondents' counsel ten days from notice of entry of order.**

**The moving 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. Donald J. Proietti.**

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Motion to Compel Responses to Request for Production of Documents – Petitioner Dorothy Egli

**Respondents' unopposed motion for an order compelling petitioner Dorothy Egli to respond to respondents' production demand is GRANTED. It is undisputed that petitioner has not served a response to respondents' production demand. Petitioner Dorothy Egli shall serve verified responses, without objection, to respondents' Request for Production of Documents, Set One, within five days of notice of entry of order.**

**In accordance with Code of Civil Procedure sections 2023.030 and 2031.300(c), the Court imposes a monetary sanction against petitioner Dorothy Egli in the amount of \$555.00, due and payable to respondents' counsel ten days from notice of entry of order.**

**The moving 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. Donald J. Proietti.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Law and Motion Tentative Rulings  
Temporary Judge Monika Saini  
Courtroom 9

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

September 16, 2019  
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 CourtCall (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**Case No. Title / Description**

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17CV-03859 Kelstin Group, Inc. vs. Laura Singh

**[Note: the Court continued the hearing on the following motions from September 9, 2019 to September 16 to allow defendant to notify plaintiff of her intent to appear for oral argument.]**

Motion for Order Imposing Terminating Sanction [#1]

**The unopposed motion by plaintiff KelKris Associates, Inc. dba Credit Bureau Associates for an order striking the answer of defendant Laura Jean Singh as a sanction for defendant's failure to comply with the Court's written order filed April 16, 2019 deeming admitted the truth of any matters specified in plaintiff's requests for admission is DENIED. Contrary to counsel's assertion, the Court's order did not require defendant to provide responses to plaintiff's requests for admissions. Further, to the extent plaintiff moves for a terminating sanction based on defendant's failure to pay the monetary sanctions ordered, the motion fails as a matter of law. Failure to pay discovery sanctions does not justify a terminating sanction. Sanctions orders are enforceable as money judgments therefore the remedy to enforce payment of monetary sanctions is to obtain and levy a writ of execution on assets of the debtor. (*Newland v. Superior Court* (1995) 40 Cal.App.4<sup>th</sup> 608, 615.)**

**The moving 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 Temporary Judge Monika Saini.**

Motion for Order Imposing Terminating Sanction [#2]

**The unopposed motion by plaintiff KelKris Associates, Inc. dba Credit Bureau Associates for an order striking the answer of defendant Laura Jean Singh as a sanction for defendant's failure to comply with the court's written order filed April 16, 2019 requiring defendant to provide verified responses to plaintiff's request for production of documents within ten days of notice of entry of order is GRANTED. Plaintiff served defendant with notice of the order. (Solomon Decl., Ex. 1.) It is undisputed defendant has not provided plaintiff with responses to the request for production of documents. (Solomon Decl., ¶ 3.) By failing to file written opposition, defendant has not provided any explanation for her willful failure to comply with the order to provide discovery and therefore the Court concludes it is unlikely a lesser sanction would be effective.**

**The Court notes that to the extent plaintiff moves for a terminating sanction based on defendant's failure to pay the monetary sanctions ordered, the motion fails as a matter of law. Failure to pay discovery sanctions does not justify a terminating sanction. Sanctions orders are enforceable as money judgments therefore the remedy to enforce payment of monetary sanctions is to obtain and levy a writ of execution on assets of the debtor. (*Newland v. Superior Court* (1995) 40 Cal.App.4<sup>th</sup> 608, 615.)**

**In accordance with Code of Civil Procedure section 2023.030, subdivisions (d)(1), defendant's answer is stricken. Plaintiff shall submit a request for default and default judgment and supporting papers forthwith.**

**The moving 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 Temporary Judge Monika Saini.**

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19CV-01736 Frank Salazar, Jr., et al. vs. Anthony Jones

Motion to Set Aside Default Judgment

**Per the parties' stipulation and order filed on June 13, 2019, if no parties appear for the continued motion the action will be dismissed with prejudice.**

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