

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 18, 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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18CV-04189 Mody Ajay Ashwin, LLC vs. Mathew Chemparathy, et al

Petition to Compel Arbitration

**Appearance required.**

Case Management Conference

**Appearance required.**

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18CV-05111 Merced Irrigation District vs. California State Water Resources Control Board

Review of Case Status

**Appearance required.**

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19CV-00861 Juan Aviles, et al. vs. Legacy Homes Realty, et al.

Demurrer to Verified Complaint

**The Defendant, Climb Real Estate, Inc.'s demurrer filed July 24, 2019, was served electronically on the Plaintiffs' counsel [Proof of Electronic Service also filed July 24, 2019]; however, only filing with the Court is mandated/permitted by the local rules (Rule 2). The Merced County Superior Court Local Rules has not address, and therefore, not permitted unilateral service via electronically. California Rules of Court, Rule 2.251 permits electronic service in limited situations, including but not limited to a party agreeing to such service method. No such agreement or limited circumstances permitting electronic services is apparent. Consequently, the Court directs defendant to serve Plaintiff via mail and thereafter file a proof of service. The hearing, on the Court's own motion, is continued to Monday, November 4, 2019 at 8:15am to permit service and in accordance with due process the Plaintiffs an opportunity to respond.**

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19CV-03323 Angelica Leo vs. Adan Barrere

Request for Civil Harassment Restraining Orders

**Appearance required.**

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