

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Consolidation of Civil Courtrooms
Hon. Donald J. Proietti
Courtroom 8
Courtroom 10
627 W. 21st Street, Merced
Wednesday, September 15, 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. 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 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
Wednesday, September 15, 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
20CV-03560	Elizabeth Apodaca v. Big Lots Stores, Inc. Defendant's Motion to Compel Plaintiff's Further Responses to Special Interrogatories, Set One; Request for Sanctions of \$2,205.00 against Plaintiff and her attorney pursuant to CCP §§ 2023.010-2023.040, 2023.030(a), and 2030.290(c). Defendant's unopposed motion to compel plaintiff's further responses to Special Interrogatories, Set One, is GRANTED. Plaintiff is ordered to provide further verified responses, without objection, to Special Interrogatories, Set One, numbers 1-3, 5-7, 9-10, 12, 14, 17, and 20-21 by September 30, 2021. Defendant's request for monetary sanctions pursuant to CCP §§ 2023.010-2023.040, 2023.030(a), and 2030.290(c) against Plaintiff and her attorney is GRANTED. Plaintiff and/or their attorney is ordered to pay \$2,205.00 in monetary sanctions by September 30, 2021. The Court will not sign the proposed order lodged with the court on August 13, 2021 because it is incomplete. Defendant is ordered to circulate and submit an order that fully complies with the court's ruling for signature by Hon. Donald Proietti.

Motion to Compel Plaintiff's Further Responses to Requests for Production of Documents (Set One); Request for Monetary Sanctions in the Amount of \$2,205.00 pursuant to CCP §§ 2023.010, 2023.050, and 2031.310

Defendant's unopposed motion to compel plaintiff's further responses to Requests for Production of Documents (Set One) is GRANTED. Plaintiff is ordered to provide further verified responses, without objection, to Special Interrogatories, Set One, numbers 3, 7-8, 10-13, 17-22, and 26 by September 30, 2021. Defendant's request for monetary sanctions pursuant to CCP §§ 2023.010, 2023.050, and 2031.310 against Plaintiff and her attorney is GRANTED. Plaintiff and/or their attorney is ordered to pay \$2,205.00 in monetary sanctions by September 30, 2021. The Court will not sign the proposed order lodged with the court on August 13, 2021 because it is incomplete. Defendant is ordered to circulate and submit an order that fully complies with the court's ruling for signature by Hon. Donald Proietti.

Motion to Compel Plaintiff's Further Responses to Form Interrogatories (Set One); Request for Monetary Sanctions in the amount of \$2,450.00 pursuant to CCP §§ 2023.010-2023.040, 2023.030(a), and 2030.290.

Defendant's unopposed motion to compel plaintiff's further responses to Form Interrogatories (Set One) is GRANTED. Plaintiff is ordered to respond, without objection, to Form Interrogatory numbers 2.1, 2.3, 2.4, 2.5, 2.7, 4.1, 6.2, 6.3, 6.4, 6.5, 6.7, 10.1, 6 10.3, 11.1, 11.2, and 14.1 by September 30, 2021. Defendant's request for monetary sanctions pursuant to CCP §§ 2023.010-2023.040, 2023.030(a), and 2030.290 against Plaintiff and her attorney is GRANTED. Plaintiff and/or their attorney is ordered to pay \$2,450.00 in monetary sanctions pursuant to CCP §§ 2023.010-2023.040, 2023.030(a), and 2030.290 by September 30, 2021. The Court will not sign the proposed order lodged with the court on August 13, 2021 because it is incomplete. Defendant is ordered to circulate and submit an order that fully complies with the court's ruling for signature by Hon. Donald Proietti.

21CV-02737

Laura Reynoso v. Jorge Martinez-Suarez

Order to Show Cause Re: Restraining Order

The Court notes proof of service was filed on August 27, 2021, indicating respondent was personally served with notice of hearing on August 25, 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

Special Set Matters
Commissioner Donald E. Shaver
Courtroom 4
2260 N Street, Merced
Wednesday, September 15, 2021
8:45 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 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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21CV-02716	Marissa Helgeson vs Shane Goodman
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Order to Show Cause Re: Restraining Order

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. The Court notes that Petitioner appeared on September 13, 2021 and indicated defendant has been served with notice of hearing though no proof of service has been filed. The matter was continued to this date to allow Petitioner to file proof of service.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Wednesday, September 15, 2021
10:00 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 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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18CV-01622	Wells Fargo Bank, NA v. Pablo Arevalo
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Case Management Conference

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.

Motion to Dismiss

The Court notes that Default was set aside and Default Judgment was vacated on August 12, 2021 on condition of Defendant filing an Answer. To date, no Answer has been filed. Defendant's Motion to Dismiss for failure to serve Defendant with Summons and Complaint within three years of filing is DENIED without prejudice to Defendant's right to enter a default and obtain a default judgment if an answer is not filed. Proof of service of the Summons and Complaint being personally served on Defendant was filed on May 1, 2020. Although Defendant filed a motion to quash service, that motion was denied on December 20, 2021.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced
Wednesday, September 15, 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
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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
Wednesday, September 15, 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

21CV-02185 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Ex Parte Motion to Stay Execution of Judgment; Set Aside Judgment; Shorten Time for Hearing

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. David W. Moranda
Courtroom 12
1159 G Street, Los Banos
Wednesday, September 15, 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

Limited Civil Long Cause
Peter MacLaren, Judge Pro Tem
Courtroom 9
627 W. 21st Street, Merced
Wednesday, September 15, 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 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
20CV-01338	Department Stores National Bank v. Michael Reese
	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.