

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Monday, May 6, 2024

**NOTE: Merced Superior Court will no longer be consolidating Courtroom 8 and Courtroom 10.**

**Tentative Rulings are provided for the following Courtrooms and assigned Judicial Officers with scheduled civil matters:**

**Courtroom 8 – Hon. James La Porte**

**Courtroom 9 – Judge Pro Tem Alexandria Carl**

**Courtroom 12 – Hon. Jennifer O. Trimble**

**Courtroom 10 will continue to post separate Probate Notes that are not included in these tentative rulings.**

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements. Electronic recording is available in certain courtrooms and will only be activated upon request.**

**The specific tentative rulings for specific civil calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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19CV-01590	Aurelio Gomes v. David Biehl, et al.
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Order to Show Cause re: Dismissal-Notice of Settlement

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. Appear to address status of settlement reached at February 5, 2024 Mandatory Settlement Conference.**

20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
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Defendant's Motion to Seal Exhibits filed with Plaintiff's Motion for Summary Judgment

**The respective positions of the parties with respect to the Motion to Seal Exhibits appears to be dependent on the outcome of the pending Motion for Summary Judgment: Defendant contends, both in opposition to the Motion for Summary Judgment and in support of the Motion to Seal, that it is engaged in a lawful proprietary process which will be coopted by competitors if disclosed to the public, while Plaintiff contends, both in its Motion for Summary Judgment and in its opposition to the Motion to Seal, that Defendant is engaged in an unlawful process to which it has no proprietary right and which no**

**competitor could lawfully adopt. Unless one of the cross-motions for summary judgment are granted on May 31, 2024, the dispute concerning the legality of the process employed by Defendant will not be resolved until completion of the trial currently set for July 2, 2024. Accordingly, the provisional seal will remain in effect and this matter will be continued on the Court's own motion to May 31, 2024 to trail the Cross-Motions for Summary Judgment.**

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21CV-01886

Harris Farms LP v. Henry Miller Reclamation District No. 2131

Trial Setting Conference

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. Appear to set trial, mandatory settlement conference and readiness conference.**

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21CV-03035

David Chavez v. Teasdale Foods, Inc.

Case Management Conference

**Continued on the Court's own motion to August 16, 2024 at 8:15 in Courtroom 8 to trail the Motion for Class Certification pursuant to the Stipulation and Order filed March 20, 2024.**

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23CV-04137

Louis Holck, et al. v. Shellpoint Mortgage Servicing

Demurrer by Defendant Shellpoint Mortgage Servicing to Complaint and First, Second, Third, Fourth and Fifth Cause of Action Therein

**The unopposed Demurrer by Defendant Shellpoint Mortgage Servicing to Complaint and First, Second, Third, Fourth and Fifth Cause of Action Therein is SUSTAINED WITH LEAVE TO AMEND. An Amended complaint shall be filed 30 days after notice of entry of order sustaining the instant demurrer.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
9:00 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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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19CV-01784	Rosa Castillo v. Sutter Health, et al.
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Mandatory Settlement Conference

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Case Management Conferences  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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**Appearance required on all matters. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. James LaPorte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Ex Parte Matters Scheduled

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Judge Pro Tem Alexandria Carl  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
24CV-01105	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
	Ex Parte Application to Set Aside Default and Stay Execution of Judgment
	<b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.</b>

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Merced  
Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

**Case No.      Title / Description**

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There are no Ex Parte matters scheduled for hearing.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Short Cause Court Trials  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

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Case No.	Title / Description
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21CV-03285	Shelia Andrews v. Steven M. Nailen, et al.
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Default Prove-Up

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

Case Management Conference

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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23CV-03142-APP	Sylvia's Mobile Welding v. Sam Toplean
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Demurrer

**The Demurrer is OVERRULED. The purported demurrer disputes the allegations of the complaint. While these issues may provide a defense to the action, for purposes of either demurrer or judgment on the pleadings, the allegations of the claim are assumed to be true.**

Trial De Novo

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil  
Judge Pro Tem Alexandria Carl  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 6, 2024  
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) 725-4111 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 Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
23CV-04668	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.</b>
24CV-00642	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Status-Review of Settlement-Unlawful Detainer <b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.</b>
24CV-00727	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.</b>

24CV-00826 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Default Prove Up

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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24CV-00874 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Status-Review of Settlement-Unlawful Detainer

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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24CV-00893 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Status-Review of Settlement-Unlawful Detainer

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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24CV-01237 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

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