

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

2260 N Street, Merced
627 W. 21st Street, Merced
1159 G Street, Los Banos

Tuesday, May 7, 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 calendars:

Courtroom 8 – Hon. John LaPorte

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 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 calendars follow:

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Unlimited Civil Law and Motion
Hon. John LaPorte
Courtroom 8
627 W. 21st Street, Merced

Tuesday, May 7, 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.

Case No.	Title / Description
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19CV-04303	Joseph Saucedo, et al. v. Stonefield Homes, Inc., et al.
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Motion for Leave to Dismiss U/C. Construction from the First and Second Causes of Action on the Grounds U/C Construction does not qualify as a "Builder."

The unopposed Motion for Leave to Dismiss U/C. Construction from the First and Second Causes of Action on the Grounds U/C Construction does not qualify as a "Builder" is GRANTED.

Case Management Conference

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance.

Plaintiff's Motion to Compel Further Responses from Defendant Atwater Elementary School District to Plaintiff's First Set of Requests for Production of Documents No. 1-3, 5-6, 9-19, and 28.

This is an action for numerous instances childhood sexual assault of Plaintiff alleged to have been committed over an extended period of time by an employee of Defendant Atwater Elementary School District. The Complaint for Damages alleges a First Cause of Action for Sexual Assault of a Minor and a Second Cause of Action for Negligence of Defendants pursuant to Government Code § 815.2. While they appear to be a dispute concerning Requests for Production of Documents No. 1-3, 5-6, 9-19, and 28, this motion only addresses Requests for Production No. 1-3.

Request for Production No. 1 [All documents in Perpetrator's Personnel File]: Defendant's Objection on the grounds of third party right to privacy, overbroad, and not likely to lead to the discovery of admissible evidence are SUSTAINED. While there are potential classifications of documents that might be kept in a personnel file that would be directly relevant—i.e. essentially to a fair adjudication of this action—the request is not drafted with sufficient particularity to overcome the right to privacy by establishing direct relevance. For example documents reflecting complaints concerning inappropriate sexual conduct by the perpetrator or disciplinary action for inappropriate sexual conduct by the perpetrator—whether or not contained in a personnel file—would be directly relevant to the negligence of Defendant Atwater Elementary School District while payroll documents would generally not meet the requirements of direct relevance. Absent an agreement by the parties to narrow the scope of Request No.1, the motion to compel further response to Request No. 1 is DENIED WITHOUT PREJUDICE TO THE PROPOUNDING OF MORE SPECIFIC REQUESTS.

Request for Production No. 2 [All documents in Perpetrator's Personnel File]: Defendant's Objection on the grounds of third party right to privacy, overbroad, and not likely to lead to the discovery of admissible evidence are SUSTAINED. While there are potential classifications of documents that might be kept in a personnel file that would be directly relevant—i.e. essentially to a fair adjudication of this action—the request is not drafted with sufficient particularity to overcome the right to privacy by establishing direct relevance. For example documents reflecting complaints concerning inappropriate sexual conduct by the perpetrator or disciplinary action for inappropriate sexual conduct by the perpetrator—whether or not contained in a personnel file—would be directly relevant to the negligence of Defendant Atwater Elementary School District while payroll documents would generally not meet the requirements of direct relevance. Absent an agreement by the parties to narrow the scope of Request No.1, the motion to compel further response to Request No. 2 is DENIED WITHOUT PREJUDICE TO THE PROPOUNDING OF MORE SPECIFIC REQUESTS.

Request for Production No. 3 [All documents related to disciplinary action against perpetrator for alleged inappropriate interaction with one or more students (the name of any student, no including the plaintiff, may be redacted if required to protect privacy.): Defendant's Objection on the grounds that the request is vague and ambiguous as to the terms "disciplinary action" and "interaction" are OVERRULED. These terms are commonly used to describe corrective action taken by an employer arising from events involving behavior by the employee with a third person. The objections that the discovery is overbroad as to scope in time and not relevant or not reasonably calculated to the discovery of admissible evidence is OVERRULED IN PART. Events occurring after Plaintiff ceased to have contact with the perpetrator may not be directly relevant to

liability for any harm suffered by Plaintiff while in contact with the perpetrator such that information protected by the right to privacy would be protected, but fundamental fairness can be preserved by ordering production of all responsive documents, but allowing documents relating to dates after Plaintiff ceased to have contact with the alleged Perpetrator or the school to be redacted to conceal the identity of the specific individuals involved. Given the school's responsibility to students, what occurred is not private, but who was involved with what occurred may be private. Defendant's objection the privacy rights of Warren Campell is OVERRULED because information relating to Warren Campbell is directly relevant to these proceedings. Accordingly, the motion to compel further response Request No. 3 is GRANTED; however responsive documents relating to events occurring after the date Plaintiff ceased to have contact with Warren Campbell or the school may be redacted to conceal the identify of any individuals involved.

Absent an agreement to the contrary in wiring, Defendant shall serve, by May 31, 2024, a verified supplemental response to Request 3, without objections other than with regard to right to privacy with regard to events occurring after Plaintiff ceased to have contact with the perpetrator or the school, in which case documents relating to such privacy objection shall be produced but redacted to conceal the identities of the individuals involved.

23CV-01796

Omar Mendoza, et al. v. EAN Holdings LLC, et al. .

Motion by Plaintiffs to Compel Defendant Saul Alcides Delgadomenjivar to Provide Responses to Special interrogatories, Set One, and Request for Monetary Sanctions of \$685 against Defendant Saul Alcides Delgadomenjivar and or their counsel of record.

Motion by Plaintiffs to Compel Defendant Saul Alcides Delgadomenjivar to Provide Responses to Requests for Production of Documents, Set One, and Request for Monetary Sanctions of \$685 against Defendant Saul Alcides Delgadomenjivar and or their counsel of record.

Motion by Plaintiffs to Compel Defendant Saul Alcides Delgadomenjivar to Provide Responses to Requests for Admissions, Set One, and Request for Monetary Sanctions of \$685 against Defendant Saul Alcides Delgadomenjivar and or their counsel of record.

Motion by Plaintiffs to Compel Defendant Saul Alcides Delgadomenjivar to Provide Responses to Form Interrogatories, Set One, and Request for Monetary Sanctions of \$685 against Defendant Saul Alcides Delgadomenjivar and or their counsel of record.

Motion by Plaintiffs to Compel Defendant RG Venturas Trucking, Inc. to Provide Responses to Special interrogatories, Set One, and Request for Monetary Sanctions of \$685 against Defendant RG Venturas Trucking, Inc and or their counsel of record.

Motion by Plaintiffs to Compel Defendant RG Venturas Trucking, Inc. to Provide Responses to Requests for Production of Documents, Set One, and Request for Monetary Sanctions of \$685 against Defendant RG Venturas Trucking, Inc. and or their counsel of record.

Motion by Plaintiffs to Compel Defendant RG Venturas Trucking, Inc. to Provide Responses to Requests for Admissions, Set One, and Request for Monetary Sanctions of \$685 against Defendant RG Venturas Trucking, Inc. and or their counsel of record.

Motion by Plaintiffs to Compel Defendant RG Venturas Trucking, Inc. to Provide Responses to Form Interrogatories, Set One, and Request for Monetary Sanctions of \$685 against Defendant RG Venturas Trucking, Inc. and or their counsel of record.

The Four Motions to Compel Defendant Saul Alcides Delgadomenjivar to provide Verified Responses to Special Interrogatories, Requests for Production of Documents, Requests for Admission, and Form Interrogatories are GRANTED and the four Motions for Sanctions of \$685 per motion against Saul Alcides Delgadomenjivar and his counsel are GRANTED.

Similarly, Four Motions to Compel Defendant RG Venturas Trucking, Inc to provide Verified Responses to Special Interrogatories, Requests for Production of Documents, Requests for Admission, and Form Interrogatories are GRANTED and the four Motions for Sanctions of \$685 per motion against RG Venturas Trucking, Inc and its counsel are GRANTED.

First, Defendants assert that the Motion is Untimely and that the hearing date should have been set two days later absent an order shortening time. The Court notes that Defendants appear to have had sufficient time to provide a full and complete opposition, so pursuant to Code of Civil Procedure § 475, this Court finds that failure to provide two additional days of notice, while in error, would not have resulted in a different outcome.

Second, Defendants assert that their objections were not waived. While no verified response was provided, timely objections-only response was provided. However, on careful review of the objections, this Court finds that all of the objections provided were frivolous and intended solely purposes of delay because Defense Counsel was unable to locate their client in order to provide a verified response.

Specifically, with respect to the Objections Posed in the Purported Responses to Special Interrogatories, Requests for Production of Documents, Requests for Admissions, and Form Interrogatories, this Court **OVERRULES** (1) the full and complete objection pursuant To CCP § 2030.060(d) finding that a reasonable person could understand and answer the Special Interrogatories without regard to any Introduction of Definitions, (2) the compound, conjunctive and/or disjunctive objection pursuant to CCP § 2030.060(f), and (3) the objection that information sought is beyond the reasonable scope of permissible discovery and is not likely to lead to the discovery of relevant evidence. This Court also **OVERRULES** any unduly burdensome, harassing, or expensive objections and that while there is some overlap between the different types of discovery, there is little prejudice to Defendant to require them to cut and paste information sought by more than one question so that each question has a full and complete response. This Court overrules any vague, ambiguous, overly broad and unintelligible objections on the grounds that a reasonable person could have determined the meaning of the terms and provided a full and complete response. To the extent any objection is made on the grounds of attorney-client privilege or work product doctrine, such objection is overruled to the extent that each responsive fact or document to which such objection is asserted is not described with specificity in an appropriate privilege log.

Both Defendants are ordered to serve, by May 31, 2024, full and complete verified responses to each of the Discovery Requests Discussed above, without objections other than attorney client privilege and work product doctrine, and then only to the extent that all information withheld on the basis of such attorney client privilege and work product doctrine objections is described with particularity in an appropriate privilege log.

This court finds that while the failure to defense counsel to locate a client to provide verified responses was no sanctionable, the intentional decision to pose obviously frivolous objections in order to delay the date by which a verified response would become necessary was sanctionable and that sanctions of \$685 per motion is reasonable, given the circumstances. Defendants and/or their counsel are ordered to pay such sanctions by May 31, 2024.

24CV-01172 Petition of: Adolfo Calas De Zamora

Order to Show Cause re: Name Change

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. This Petition by an adult to change her own last name will be granted upon the filing of Proof of Publication.

24CV-01174 Petition of: Sherrie Monahan

Order to Show Cause re: Name Change

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. Appear to address whether publication should be deemed sufficient notice to the father given the facts contained in the Petitioner's Declaration filed April 19, 2024 and given that publication has occurred.

24CV-01406 City of Merced v. Ramon Mejia

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. The Court notes that no proof of service has been filed showing service on respondent.

CVM017462 Amarjit Kandola v. Sohan Singh Sahota, et al.

Order to Show Cause re: Dismissal-Notice of Settlement

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. Appear to address the status of the settlement.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Jury Trials and Long Cause Court Trials
Hon. John LaPorte
Courtroom 8
627 W. 21st Street, Merced

Tuesday, May 7, 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.

Case No.	Title / Description
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There are no Jury or Long Cause Court Trials Scheduled

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. John LaPorte
Courtroom 8
627 W. 21st Street, Merced

Tuesday, May 7, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, May 7, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Tuesday, May 7, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law and Motion
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Tuesday, May 7, 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.

Case No.	Title / Description
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24CV-00461	Petition of: Edith Polanco Rodriguez
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Order to Show Cause re: Name Change

Service having occurred by Publication and by Posting pursuant to order of this Court, this petition by one parent to change the middle and last name of a minor child is GRANTED.

24CV-01124	Petition of: Joan Vera
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Order to Show Cause re: Name Change

This petition by an adult to change their own first, middle and last name will be granted upon the filing of proof of publication.

24CV-01138

Petition of: Mayra Rodriguez-Olivia

Order to Show Cause re: Name Change

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 arrange for a remote appearance. Appear to address the objections filed by Luis Antonio Guzman Delgadillo on April 19, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Unlawful Detainers
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Tuesday, May 7, 2024
2:00 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 unlawful detainer matters scheduled.
